

CHAPTER 2011-222

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 849

An act relating to building construction and inspection; amending s. 120.541, F.S.; exempting rules that adopt federal standards and certain updates of or amendments to the Florida Building Code or Florida Fire Prevention Code from a requirement that the Legislature ratify any rule that has an adverse impact or regulatory costs which exceed certain criteria; deleting an exemption for emergency rules and rules that adopt federal standards from a requirement that an agency's statement of a rule's estimated regulatory costs include an economic analysis of the rule's adverse impacts and regulatory costs; amending s. 161.053, F.S.; prohibiting the Florida Building Commission from adopting rules that limit any exceptions or exemptions provided for modifications or repairs of existing structures within the limits of an existing foundation under certain circumstances; amending s. 255.252, F.S.; conforming provisions to changes made by the act; amending s. 255.253, F.S.; redefining the term "sustainable building rating" to include a national model green building code; amending ss. 255.257 and 255.2575, F.S.; requiring that state agencies, local governments, and the court system adopt a sustainable building rating system or use a national model green building code for new and renovated buildings; amending s. 468.8316, F.S.; revising the continuing education requirements for licensed home inspectors; amending s. 468.8319, F.S.; deleting an exemption for certain contractors from the prohibition against performing repairs on a home that has a home inspection report; deleting an obsolete provision; amending s. 468.8323, F.S.; clarifying a provision relating to the contents of a home inspection report; amending s. 468.8324, F.S.; providing alternative criteria for obtaining a home inspector's license; removing certain application requirements for a person who performs home inspection services and who qualifies for licensure on or before a specified date; amending s. 468.841, F.S.; adding licensed home inspectors to those who are exempt from complying with provisions related to mold assessment; amending s. 481.329, F.S.; providing that part II of ch. 481, F.S., does not preclude any person who engages in the business of landscape design from submitting such plans to governmental agencies for approval; amending s. 489.103, F.S.; clarifying an exemption from construction contracting regulation relating to Habitat for Humanity; amending s. 489.105, F.S.; adding the term "glass and glazing contractors" to the definition of the term "contractor"; amending ss. 489.107 and 489.141, F.S.; conforming cross-references; amending s. 514.028, F.S.; revising the composition of the advisory review board relating to public swimming pools and bathing facilities; creating s. 514.0315, F.S.; requiring certain public swimming pools and spas to be equipped with certain safety features; amending s. 527.06, F.S.; prohibiting the Department of Agriculture and Consumer Services and other state agencies from requiring compliance with certain national standards for liquefied

petroleum gas tanks unless the department or agencies require compliance with a specified edition of the national standards; providing for repeal under certain circumstances; amending s. 527.21, F.S.; revising the term “propane” for purposes of the Florida Propane Gas Education, Safety, and Research Act, to incorporate changes to certain national standards in a reference thereto; amending s. 553.502, F.S.; revising intent with respect to the Florida Americans with Disabilities Act; amending s. 553.503, F.S.; incorporating the Americans with Disabilities Act Standards for Accessible Design into state law by reference and directing that they be adopted by rule into the Florida Accessibility Code for Building Construction; amending s. 553.504, F.S.; revising exceptions to incorporate the standards; amending s. 553.5041, F.S.; revising provisions relating to parking spaces for persons who have disabilities to incorporate the standards; amending ss. 553.505 and 553.506, F.S.; conforming provisions to changes made by the act; amending s. 553.507, F.S.; providing for the applicability of the act; amending s. 553.509, F.S.; revising provisions relating to vertical accessibility to incorporate the standards; providing that buildings and facilities in this state do not have to comply with the changes provided by this act until the Florida Accessibility Code for Building Construction is updated; amending s. 553.73, F.S.; revising requirements relating to the Florida Building Code; specifying national codes to form the foundation for state building standards and codes; revising provisions for the amendment or modification of the foundation code; revising the criteria for approval by the Florida Building Commission of technical amendments to the code; exempting certain storage sheds from door height and width requirements; amending s. 553.74, F.S.; revising requirements for selecting a member of the Florida Building Commission; amending s. 553.842, F.S.; providing for the approval of certain windstorm products; providing a cause of action against any person who advertises, sells, offers, provides, distributes, or markets certain products without approval; repealing s. 553.9061, F.S., relating to requirements for scheduled increases in the energy performance of buildings subject to the Florida Energy Efficiency Code for Building Construction; amending s. 553.909, F.S.; revising the requirements and effective dates for certain pool-related equipment; amending s. 627.711, F.S.; revising requirements relating to home inspectors conducting hurricane mitigation inspections; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (4) of section 120.541, Florida Statutes, as amended by chapter 2010-279, Laws of Florida, is amended to read:

120.541 Statement of estimated regulatory costs.—

(3) If the adverse impact or regulatory costs of the rule exceed any of the criteria established in paragraph (2)(a), the rule shall be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days prior to the next regular legislative session, and the rule may not take effect until it is ratified by the Legislature.

(4) Subsection (3) Paragraph (2)(a) does not apply to the adoption of:

(a) ~~emergency rules pursuant to s. 120.54(4) or the adoption of Federal standards pursuant to s. 120.54(6).~~

(b) Triennial updates of and amendments to the Florida Building Code which are expressly authorized by s. 553.73.

(c) Triennial updates of and amendments to the Florida Fire Prevention Code which are expressly authorized by s. 633.0215.

Section 2. Paragraph (a) of subsection (11) of section 161.053, Florida Statutes, is amended to read:

161.053 Coastal construction and excavation; regulation on county basis.

(11)(a) The coastal construction control requirements defined in subsection (1) and the requirements of the erosion projections in subsection (5) do not apply to any modification, maintenance, or repair of any existing structure within the limits of the existing foundation which does not require, involve, or include any additions to, or repair or modification of, the existing foundation of that structure. Specifically excluded from this exemption are seawalls or other rigid coastal or shore protection structures and any additions or enclosures added, constructed, or installed below the first dwelling floor or lowest deck of the existing structure. The Florida Building Commission may not adopt any rule having the effect of limiting any exceptions or exemptions contained within this paragraph.

Section 3. Subsections (3) and (4) of section 255.252, Florida Statutes, are amended to read:

255.252 Findings and intent.—

(3) In order ~~for~~ for that such energy-efficiency and sustainable materials considerations to become a function of building design and a model for future application in the private sector, it ~~is~~ shall be the policy of the state that buildings constructed and financed by the state be designed and constructed to comply with a sustainable building rating or a national model green building code ~~the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the department.~~ It is further the policy of the state, ~~if when~~ economically feasible, to retrofit existing state-owned buildings in a manner that minimizes ~~which will minimize~~ the consumption of energy used in the operation and maintenance of such buildings.

(4) In addition to designing and constructing new buildings to be energy-efficient, it ~~is~~ shall be the policy of the state to operate and maintain state facilities in a manner that minimizes ~~which will minimize~~ energy consumption and maximizes ~~maximize~~ building sustainability, ~~and to operate as well~~

~~as ensure that facilities leased by the state are operated so as to minimize energy use. It is further the policy of the state that the renovation of existing state facilities be in accordance with a sustainable building rating or a national model green building code the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the department. State agencies are encouraged to consider shared savings financing of such energy-efficiency and conservation projects, using contracts that which split the resulting savings for a specified period of time between the state agency and the private firm or cogeneration contracts and that which otherwise permit the state to lower its net energy costs. Such energy contracts may be funded from the operating budget.~~

Section 4. Subsection (7) of section 255.253, Florida Statutes, is amended to read:

255.253 Definitions; ss. 255.251-255.258.—

(7) “Sustainable building rating or national model green building code” ~~rating~~² means a rating system established by the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the International Green Construction Code (IGCC), the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the department.

Section 5. Subsection (4) of section 255.257, Florida Statutes, is amended to read:

255.257 Energy management; buildings occupied by state agencies.—

(4) ADOPTION OF STANDARDS.—

(a) All state agencies shall adopt a sustainable building rating system or use a national model green building code ~~the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the department~~ for all new buildings and renovations to existing buildings.

(b) No state agency shall enter into new leasing agreements for office space that does not meet Energy Star building standards, except when ~~determined by the appropriate state agency head~~ determines that no other viable or cost-effective alternative exists.

(c) All state agencies shall develop energy conservation measures and guidelines for new and existing office space where state agencies occupy more than 5,000 square feet. These conservation measures shall focus on programs

that may reduce energy consumption and, when established, provide a net reduction in occupancy costs.

Section 6. Subsection (2) of section 255.2575, Florida Statutes, is amended to read:

255.2575 Energy-efficient and sustainable buildings.—

(2) All county, municipal, school district, water management district, state university, community college, and Florida state court buildings shall be constructed to comply with a sustainable building rating system or a national model green building code ~~meet the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative’s Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the Department of Management Services.~~ This section applies ~~shall apply~~ to all county, municipal, school district, water management district, state university, community college, and Florida state court buildings the architectural plans of which are commenced after July 1, 2008.

Section 7. Subsection (1) of section 468.8316, Florida Statutes, is amended to read:

468.8316 Continuing education.—

(1) The department may not renew a license until the licensee submits proof satisfactory to the department that during the 2 years before ~~prior to~~ his or her application for renewal the licensee has completed at least 14 hours of continuing education. Of the 14 hours, at least 2 hours must be in hurricane mitigation training that includes hurricane mitigation techniques and compliance with the uniform mitigation verification inspection form developed under s. 627.711(2). ~~The department shall adopt rules establishing criteria for approving continuing education providers and courses~~ course content shall be approved by the department by rule.

Section 8. Paragraph (f) of subsection (1) and subsection (3) of section 468.8319, Florida Statutes, are amended to read:

468.8319 Prohibitions; penalties.—

(1) A person may not:

(f) Perform or offer to perform any repairs to a home on which the inspector or the inspector’s company has prepared a home inspection report. This paragraph does not apply to:

- 1. a home warranty company that is affiliated with or retains a home inspector to perform repairs pursuant to a claim made under a home warranty contract.

~~2.—A certified contractor who is classified in s. 489.105(3) as a Division I contractor. However, the department may adopt rules requiring that, if such contractor performs the home inspection and offers to perform the repairs, the contract for repairs provided to the homeowner discloses that he or she has the right to request competitive bids.~~

~~(3)—This section does not apply to unlicensed activity as described in paragraph (1)(a), paragraph(1)(b), or s. 455.228 that occurs before July 1, 2011.~~

Section 9. Paragraph (b) of subsection (1) of section 468.8323, Florida Statutes, is amended to read:

468.8323 Home inspection report.—Upon completion of each home inspection for compensation, the home inspector shall provide a written report prepared for the client.

(1) The home inspector shall report:

(b) If not self-evident, a reason why the system or component reported under paragraph (a) is significantly deficient or near the end of its service life.

Section 10. Subsections (3) and (4) of section 468.8324, Florida Statutes, are renumbered as subsections (2) and (3), respectively, and present subsections (1) and (2) of that section are amended to read:

468.8324 Grandfather clause.—

(1) A person who performs home inspection services may qualify for licensure as a home inspector under this part if the person submits an application to the department postmarked on or before July 1, 2012, which shows that the applicant:

(a) Possesses certification as a one and two family dwelling inspector issued by the International Code Council or the Southern Building Code Congress International;

(b) Has been certified as a one and two family dwelling inspector by the Florida Building Code Administrators and Inspectors Board under part XII of this chapter; or

(c) Possesses a Division I contractor license under part I of chapter 489.

~~(1)—A person who performs home inspection services as defined in this part may qualify for licensure by the department as a home inspector if the person submits an application to the department postmarked on or before March 1, 2011, which shows that the applicant:~~

~~(a)—Is certified as a home inspector by a state or national association that requires, for such certification, successful completion of a proctored~~

~~examination on home inspection services and completes at least 14 hours of verifiable education on such services; or~~

~~(b) Has at least 3 years of experience as a home inspector at the time of application and has completed 14 hours of verifiable education on home inspection services. To establish the 3 years of experience, an applicant must submit at least 120 home inspection reports prepared by the applicant.~~

~~(2) The department may investigate the validity of a home inspection report submitted under paragraph (1)(b) and, if the applicant submits a false report, may take disciplinary action against the applicant under s. 468.832(1)(c) or (g).~~

Section 11. Paragraph (d) of subsection (1) of section 468.841, Florida Statutes, is amended to read:

468.841 Exemptions.—

(1) The following persons are not required to comply with any provisions of this part relating to mold assessment:

(d) Persons or business organizations acting within the scope of the respective licenses required under part XV of chapter 468, chapter 471, part I of chapter 481, chapter 482, chapter 489, or part XV of this chapter, are acting on behalf of an insurer under part VI of chapter 626, or are persons in the manufactured housing industry who are licensed under chapter 320, except when any such persons or business organizations hold themselves out for hire to the public as a “certified mold assessor,” “registered mold assessor,” “licensed mold assessor,” “mold assessor,” “professional mold assessor,” or any combination thereof stating or implying licensure under this part.

Section 12. Subsection (5) of section 481.329, Florida Statutes, is amended to read:

481.329 Exceptions; exemptions from licensure.—

(5) Nothing in this part prohibits any person from engaging in the practice of landscape design, as defined in s. 481.303(7), nor submitting such plans to governmental agencies for approval. Persons providing landscape design services shall not use the title, term, or designation “landscape architect,” “landscape architectural,” “landscape architecture,” “L.A.,” “landscape engineering,” or any description tending to convey the impression that she or he is a landscape architect unless she or he is registered as provided in this part.

Section 13. Subsection (18) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(18) Any one-family, two-family, or three-family residence constructed or rehabilitated by Habitat for Humanity International, Inc., or its local affiliates. Habitat for Humanity International, Inc., or its local affiliates, must:

- (a) Obtain all necessary building permits.
- (b) Obtain all required building code inspections.
- (c) Provide for supervision of all work by an individual with construction experience.

Section 14. Subsection (3) of section 489.105, Florida Statutes, is amended to read

489.105 Definitions.—As used in this part:

(3) “Contractor” means the person who is qualified for, and is ~~shall~~ only be responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the subsequent paragraphs of this subsection. For the purposes of regulation under this part, “demolish” applies only to demolition of steel tanks over 50 feet in height; towers over 50 feet in height; other structures over 50 feet in height, other than buildings or residences over three stories tall; and buildings or residences over three stories tall. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(r) ~~(d)-(q)~~:

(a) “General contractor” means a contractor whose services are unlimited as to the type of work which he or she may do, who may contract for any activity requiring licensure under this part, and who may perform any work requiring licensure under this part, except as otherwise expressly provided in s. 489.113.

(b) “Building contractor” means a contractor whose services are limited to construction of commercial buildings and single-dwelling or multiple-dwelling residential buildings, which ~~commercial or residential buildings~~ do not exceed three stories in height, and accessory use structures in connection therewith or a contractor whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building.

(c) “Residential contractor” means a contractor whose services are limited to construction, remodeling, repair, or improvement of one-family, two-family, or three-family residences not exceeding two habitable stories

above no more than one uninhabitable story and accessory use structures in connection therewith.

(d) "Sheet metal contractor" means a contractor whose services are unlimited in the sheet metal trade and who has the experience, knowledge, and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, insulation, alteration, repair, servicing, or design, ~~if when~~ not prohibited by law, of ferrous or nonferrous metal work of U.S. No. 10 gauge or its equivalent or lighter gauge and of other materials, including, but not limited to, fiberglass, used in lieu thereof and of air-handling systems, including the setting of air-handling equipment and reinforcement of same, the balancing of air-handling systems, and any duct cleaning and equipment sanitizing that ~~which~~ requires at least a partial disassembling of the system.

(e) "Roofing contractor" means a contractor whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, ~~if when~~ not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing, waterproofing, and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof. The scope of work of a roofing contractor also includes required roof-deck attachments and any repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement.

(f) "Class A air-conditioning contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, ~~if when~~ not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system ~~if only to the extent~~ such duct work is performed by the contractor as is necessary to ~~make complete~~ an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that ~~which~~ requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, ~~if when~~ not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor ~~shall also~~ includes ~~include~~ any excavation work incidental thereto, but ~~does~~ shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring.

(g) “Class B air-conditioning contractor” means a contractor whose services are limited to 25 tons of cooling and 500,000 Btu of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if when not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to ~~make~~ complete an air-distribution system being installed under this classification, and any duct cleaning and equipment sanitizing that ~~which~~ requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if when not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor ~~shall also include~~ includes ~~include~~ any excavation work incidental thereto, but does ~~shall~~ not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring.

(h) “Class C air-conditioning contractor” means a contractor whose business is limited to the servicing of air-conditioning, heating, or refrigeration systems, including any duct cleaning and equipment sanitizing that ~~which~~ requires at least a partial disassembling of the system, and whose certification or registration, issued pursuant to this part, was valid on October 1, 1988. Only a ~~No~~ person who was ~~not previously~~ registered or certified as a Class C air-conditioning contractor as of October 1, 1988, shall be so registered or certified after October 1, 1988. However, the board shall continue to license and regulate those Class C air-conditioning contractors who held Class C licenses before ~~prior to~~ October 1, 1988.

(i) “Mechanical contractor” means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if when not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if only to the extent such duct work is performed by the contractor as is necessary to ~~make~~ complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that ~~which~~ requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control

pipng, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, liquefied petroleum gas lines within buildings, and natural gas fuel lines within buildings; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include ~~include~~ any excavation work incidental thereto, but does shall not include any work such as potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(j) “Commercial pool/spa contractor” means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing that which requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does shall not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is shall not be required for the cleaning of the pool or spa in a any way that does not affect the structural integrity of the pool or spa or its associated equipment.

(k) “Residential pool/spa contractor” means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of a any residential swimming pool, or hot tub or spa, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing that which requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification,

or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does shall not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is shall not be required for the cleaning of the pool or spa in a ~~any~~ way that does not affect the structural integrity of the pool or spa or its associated equipment.

(l) “Swimming pool/spa servicing contractor” means a contractor whose scope of work involves, but is not limited to, the repair and servicing of a ~~any~~ swimming pool, or hot tub or spa, whether public or private, or otherwise, regardless of use. The scope of work includes the repair or replacement of existing equipment, any cleaning or equipment sanitizing that ~~which~~ requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior refinishing, the reinstallation or addition of pool heaters, the repair or replacement of all perimeter piping and filter piping, the repair of equipment rooms or housing for pool/spa equipment, and the substantial or complete draining of a swimming pool, or hot tub or spa, for the purpose of ~~any~~ repair or renovation. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does shall not require licensure unless the usage involves construction, modification, substantial or complete disassembly, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is shall not be required for the cleaning of the pool or spa in a ~~any~~ way that does not affect the structural integrity of the pool or spa or its associated equipment.

(m) “Plumbing contractor” means a contractor whose contracting business consists of the execution of contracts requiring the experience, financial means, knowledge, and skill to install, maintain, repair, alter, extend, or, if ~~when~~ not prohibited by law, design plumbing. A plumbing contractor may install, maintain, repair, alter, extend, or, if ~~when~~ not prohibited by law, design the following without obtaining an ~~any~~ additional local regulatory license, certificate, or registration: sanitary drainage or storm drainage facilities; venting systems; public or private water supply systems; septic tanks; drainage and supply wells; swimming pool piping; irrigation systems; or solar heating water systems and all appurtenances, apparatus, or equipment used in connection therewith, including boilers and pressure process piping and including the installation of water, natural gas, liquefied petroleum gas and related venting, and storm and sanitary sewer lines; and water and sewer plants and substations. The scope of work of the plumbing contractor also includes the design, if ~~when~~ not prohibited by law, and

installation, maintenance, repair, alteration, or extension of air-piping, vacuum line piping, oxygen line piping, nitrous oxide piping, and all related medical gas systems; fire line standpipes and fire sprinklers ~~if to the extent~~ authorized by law; ink and chemical lines; fuel oil and gasoline piping and tank and pump installation, except bulk storage plants; and pneumatic control piping systems, all in such a manner ~~that complies as to comply~~ with all plans, specifications, codes, laws, and regulations applicable. The scope of work of the plumbing contractor ~~applies shall apply~~ to private property and public property, including ~~shall include~~ any excavation work incidental thereto, and includes ~~shall include~~ the work of the specialty plumbing contractor. Such contractor shall subcontract, with a qualified contractor in the field concerned, all other work incidental to the work but which is specified ~~herein~~ as being the work of a trade other than that of a plumbing contractor. ~~Nothing in This definition does not shall be construed to limit the scope of work of any specialty contractor certified pursuant to s. 489.113(6), and does not. Nothing in this definition shall be construed to require certification or registration under this part of any authorized employee of a public natural gas utility or of a private natural gas utility regulated by the Public Service Commission when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater.~~

(n) "Underground utility and excavation contractor" means a contractor whose services are limited to the construction, installation, and repair, on public or private property, whether accomplished through open excavations or through other means, including, but not limited to, directional drilling, auger boring, jacking and boring, trenchless technologies, wet and dry taps, grouting, and slip lining, of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multioccupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. However, an underground utility and excavation contractor may install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than 2 inches in diameter ~~if, provided that~~ each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and ~~that~~ the installation of any such conduit does not include installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor ~~may~~ shall not install any piping that is an integral part of a fire protection system as defined in s. 633.021 beginning at the point where the piping is used exclusively for such system.

(o) "Solar contractor" means a contractor whose services consist of the installation, alteration, repair, maintenance, relocation, or replacement of

solar panels for potable solar water heating systems, swimming pool solar heating systems, and photovoltaic systems and any appurtenances, apparatus, or equipment used in connection therewith, whether public, private, or otherwise, regardless of use. A contractor, certified or registered pursuant to ~~the provisions of this chapter~~, is not required to become a certified or registered solar contractor or to contract with a solar contractor in order to provide any services enumerated in this paragraph that are within the scope of the services such contractors may render under this part.

(p) “Pollutant storage systems contractor” means a contractor whose services are limited to, and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, if when not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of, pollutant storage tanks. Any person installing a pollutant storage tank shall perform such installation in accordance with the standards adopted pursuant to s. 376.303.

(q) “Glass and glazing contractor” means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, attach, maintain, repair, fabricate, alter, extend, or design, in residential and commercial applications without any height restrictions, all types of windows, glass, and mirrors, whether fixed or movable; swinging or sliding glass doors attached to existing walls, floors, columns, or other structural members of the building; glass holding or supporting mullions or horizontal bars; structurally anchored impact-resistant opening protection attached to existing building walls, floors, columns, or other structural members of the building; prefabricated glass, metal, or plastic curtain walls; storefront frames or panels; shower and tub enclosures; metal fascias; and caulking incidental to such work and assembly.

~~(r)(q)~~ “Specialty contractor” means a contractor whose scope of work and responsibility is limited to a particular phase of construction established in a category adopted by board rule and whose scope is limited to a subset of the activities described in one of the paragraphs of this subsection.

Section 15. Paragraphs (b) and (c) of subsection (4) of section 489.107, Florida Statutes, are amended to read:

489.107 Construction Industry Licensing Board.—

(4) The board shall be divided into two divisions, Division I and Division II.

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the board; one of the members appointed pursuant to paragraph (2)(j); and one of the members appointed pursuant to paragraph (2)(k).

Division II has jurisdiction over the regulation of contractors defined in s. ~~489.105(3)(d)-(q)~~ ~~489.105(3)(d)-(p)~~.

(c) Jurisdiction for the regulation of specialty contractors defined in s. ~~489.105(3)(r)~~ ~~489.105(3)(q)~~ shall lie with the division having jurisdiction over the scope of work of the specialty contractor as defined by board rule.

Section 16. Paragraph (g) of subsection (2) of section 489.141, Florida Statutes, is amended to read:

489.141 Conditions for recovery; eligibility.—

(2) A claimant is not qualified to make a claim for recovery from the recovery fund, if:

(g) The claimant has contracted with a licensee to perform a scope of work described in s. ~~489.105(3)(d)-(r)~~ ~~489.105(3)(d)-(q)~~.

Section 17. Subsection (1) of section 514.028, Florida Statutes, is amended to read:

514.028 Advisory review board.—

(1) The Governor shall appoint an advisory review board which shall meet as necessary or at least quarterly, to recommend agency action on variance request, rule and policy development, and other technical review problems. The board shall be comprised of the following:

(a) A representative from the office of licensure and certification of the department.

(b) A representative from the county health departments.

(c) Three representatives from the swimming pool construction industry.

(d) ~~A representative~~ ~~Two~~ representatives from the public lodging industry.

(e) A representative from a county or local building department.

Section 18. Section 514.0315, Florida Statutes, is created to read:

514.0315 Required safety features for public swimming pools and spas.

(1) A public swimming pool or spa must be equipped with an anti-entrapment system or device that complies with American Society of Mechanical Engineers/American National Standards Institute standard A112.19.8, or any successor standard.

(2) A public swimming pool or spa built before January 1, 1993, with a single main drain other than an unblockable drain must be equipped with at least one of the following features that complies with any American Society of

Mechanical Engineers, American National Standards Institute, American Standard for Testing and Materials, or other applicable consumer product safety standard for such system or device and protects against evisceration and body-and-limb suction entrapment:

(a) A safety vacuum release system that ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected and that has been tested by an independent third party and found to conform to American Society of Mechanical Engineers/American National Standards Institute standard A112.19.17, American Standard for Testing and Materials standard 26 F2387, or any successor standard.

(b) A suction-limiting vent system with a tamper-resistant atmospheric opening.

(c) A gravity drainage system that uses a collector tank.

(d) An automatic pump shut-off system.

(e) A device or system that disables the drain.

(3) The determination and selection of a feature under subsection (2) for a public swimming pool or spa constructed before January 1, 1993, is at the sole discretion of the owner or operator of the public swimming pool or spa. A licensed contractor described in s. 489.105(3)(j), (k), or (l) must install the feature.

Section 19. Subsection (3) of section 527.06, Florida Statutes, is amended to read:

527.06 Rules.—

(3)(a) Rules in substantial conformity with the published standards of the National Fire Protection Association (NFPA) are ~~shall be~~ deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

(b) Notwithstanding any other law, the department or other state agency may not require compliance with the minimum separation distances of NFPA 58 for separation between a liquefied petroleum gas tank and a building, adjoining property line, other liquefied petroleum gas tank, or any source of ignition, except in compliance with the minimum separation distances of the 2011 edition of NFPA 58.

(c) If the department, the Florida Building Commission as part of the Florida Building Code, and the Office of the State Fire Marshal as part of the Florida Fire Prevention Code each adopt the minimum separation distances of the 2011 edition of NFPA 58 as rules, whether adopted by setting out the minimum separation distances in the text of the rules or through

incorporation by reference, this subsection is repealed upon the last effective date of such rules.

Section 20. Subsection (11) of section 527.21, Florida Statutes, is amended to read:

527.21 Definitions relating to Florida Propane Gas Education, Safety, and Research Act.—As used in ss. 527.20-527.23, the term:

(11) “Propane” includes propane, butane, mixtures, and liquefied petroleum gas as defined by ~~the~~ National Fire Protection Association (NFPA) Standard 58, ~~For The Storage and Handling of Liquefied Petroleum Gas Code Gases.~~

Section 21. Section 553.502, Florida Statutes, is amended to read:

553.502 Intent.—The purpose and intent of ~~this part ss. 553.501-553.513~~ is to incorporate into the law of this state the accessibility requirements of the Americans with Disabilities Act of 1990, as amended Pub. L. No. 101-336, 42 U.S.C. ss. 12101 et seq., and to obtain and maintain United States Department of Justice certification of the Florida Accessibility Code for Building Construction as equivalent to federal standards for accessibility of buildings, structures, and facilities. All state laws, rules, standards, and codes governing facilities covered by the Americans with Disabilities Act Standards for Accessible Design guidelines shall be maintained to assure certification of the state’s construction standards and codes. This part ~~Nothing in ss. 553.501-553.513~~ is not intended to expand or diminish the defenses available to a place of public accommodation or a commercial facility under the Americans with Disabilities Act and the standards ~~Americans with Disabilities Act Accessibility Guidelines~~, including, but not limited to, the readily achievable standard, and the standards applicable to alterations to private buildings or facilities as defined by the standards ~~places of public accommodation.~~

Section 22. Section 553.503, Florida Statutes, is amended to read:

553.503 Adoption of federal standards ~~guidelines.~~—Subject to modifica- ~~tions under this part~~ the exceptions in s. 553.504, the federal Americans with Disabilities Act Standards for Accessible Design ~~Accessibility Guidelines~~, and related regulations provided as adopted by reference in 28 C.F.R., parts 35 and part 36, and 49 C.F.R. part 37 subparts A and D, and Title II of Pub. L. No. 101-336, are hereby adopted and incorporated by reference as the law of this state and shall be incorporated into. ~~The guidelines shall establish the minimum standards for the accessibility of buildings and facilities built or altered within this state. the 1997 Florida Accessibility Code for Building Construction and must be adopted by the Florida Building Commission in accordance with chapter 120.~~

Section 23. Section 553.504, Florida Statutes, is amended to read:

553.504 Exceptions to applicability of the federal standards guidelines. Notwithstanding the adoption of the Americans with Disabilities Act Standards for Accessible Design pursuant to Accessibility Guidelines in s. 553.503, all buildings, structures, and facilities in this state must shall meet the following additional requirements if such requirements ~~when they~~ provide increased accessibility:

(1) All new or altered public buildings and facilities, private buildings and facilities, places of public accommodation, and commercial facilities, as those terms are defined by the standards, subject to this part, ss. 553.501-553.513 which may be frequented in, lived in, or worked in by the public must shall comply with this part ss. 553.501-553.513.

(2) All new single-family houses, duplexes, triplexes, condominiums, and townhouses shall provide at least one bathroom, located with maximum possible privacy, where bathrooms are provided on habitable grade levels, with a door that has a 29-inch clear opening. However, if only a toilet room is provided at grade level, such toilet room must shall have a clear opening of at least not less than 29 inches.

~~(3) All required doors and walk-through openings in buildings excluding single-family homes, duplexes, and triplexes not covered by the Americans with Disabilities Act of 1990 or the Fair Housing Act shall have at least 29 inches of clear width except under ss. 553.501-553.513.~~

~~(4) In addition to the requirements in reference 4.8.4 of the guidelines, all landings on ramps shall be not less than 60 inches clear, and the bottom of each ramp shall have not less than 72 inches of straight and level clearance.~~

~~(5) All curb ramps shall be designed and constructed in accordance with the following requirements:~~

~~(a) Notwithstanding the requirements of reference 4.8.5.2 of the guidelines, handrails on ramps which are not continuous shall extend not less than 18 inches beyond the sloped segment at both the top and bottom, and shall be parallel to the floor or ground surface.~~

~~(b) Notwithstanding the requirements of references 4.3.3 and 4.8.3 of the guidelines, curb ramps that are part of a required means of egress shall be not less than 44 inches wide.~~

~~(c) Notwithstanding the requirements of reference 4.7.5 of the guidelines, curb ramps located where pedestrians must use them and all curb ramps which are not protected by handrails or guardrails shall have flared sides with a slope not exceeding a ratio of 1 to 12.~~

~~(3)(6)~~ Notwithstanding the requirements in s. ~~404.2.9~~ reference 4.13.11 of the standards guidelines, exterior hinged doors must shall be so designed so that such doors can be pushed or pulled open with a force not exceeding 8.5 foot pounds.

(7) ~~Notwithstanding the requirements in reference 4.33.1 of the guidelines, all public food service establishments, all establishments licensed under the Beverage Law for consumption on the premises, and all facilities governed by reference 4.1 of the guidelines shall provide seating or spaces for seating in accordance with the following requirements:~~

(a) ~~For the first 100 fixed seats, accessible and usable spaces must be provided consistent with the following table:~~

Capacity of Seating In Assembly Areas	Number of Required Wheelchair Locations
1 to 25	1
26 to 50	2
51 to 100	4

(b) ~~For all remaining fixed seats, there shall be not less than one such accessible and usable space for each 100 fixed seats or fraction thereof.~~

(8) ~~Notwithstanding the requirements in references 4.32.1-4.32.4 of the guidelines, all fixed seating in public food service establishments, in establishments licensed under the Beverage Law for consumption on the premises, and in all other facilities governed by reference 4.1 of the guidelines shall be designed and constructed in accordance with the following requirements:~~

(a) ~~All aisles adjacent to fixed seating shall provide clear space for wheelchairs.~~

(b) ~~Where there are open positions along both sides of such aisles, the aisles shall be not less than 52 inches wide.~~

(4)(9) ~~In motels and hotels a number of rooms equaling at least 5 percent of the guest rooms minus the number of accessible rooms required by the standards must guidelines shall provide the following special accessibility features:~~

(a) ~~Grab rails in bathrooms and toilet rooms that comply with s. 604.5 4.16.4 of the standards guidelines.~~

(b) ~~All beds in designed accessible guest rooms must shall be an open-frame type that allows the to permit passage of lift devices.~~

(c) ~~Water closets that comply with section 604.4 of the standards. All standard water closet seats shall be at a height of 15 inches, measured vertically from the finished floor to the top of the seat, with a variation of plus or minus 1/2 inch. A portable or attached raised toilet seat shall be provided in all designated handicapped accessible rooms.~~

All buildings, structures, or facilities licensed as a hotel, motel, or condominium pursuant to chapter 509 are shall be subject to the provisions of this subsection. This subsection does not relieve ~~Nothing in this subsection~~

shall be construed as relieving the owner of the responsibility of providing accessible rooms in conformance with ss. 224 and 806 of the standards 9.1-9.5 of the guidelines.

~~(10) Notwithstanding the requirements in reference 4.29.2 of the guidelines, all detectable warning surfaces required by the guidelines shall be governed by the requirements of American National Standards Institute A117.1-1986.~~

~~(11) Notwithstanding the requirements in references 4.31.2 and 4.31.3 of the guidelines, the installation and placement of all public telephones shall be governed by the rules of the Florida Public Service Commission.~~

~~(5)(12) Notwithstanding ss. 213 and 604 of the standards the requirements in references 4.1.3(11) and 4.16-4.23 of the guidelines, required bathing rooms restrooms and toilet rooms in new construction shall be designed and constructed in accordance with the following requirements:~~

~~(a) The wheelchair standard accessible toilet compartment must rest-room stall shall contain an accessible lavatory within it, which must be at least the size of such lavatory to be not less than 19 inches wide by 17 inches deep, nominal size, and wall-mounted. The lavatory shall be mounted so as not to overlap the clear floor space areas required by s. 604 of the standards 4.17 figure 30(a) of the guidelines for the wheelchair standard accessible toilet compartment stall and to comply with s. 606 of the standards 4.19 of the guidelines. Such lavatories shall be counted as part of the required fixture count for the building.~~

~~(b) The accessible water closet within the wheelchair accessible toilet compartment must shall be located in the corner, diagonal to the door.~~

~~(c) The accessible stall door shall be self-closing.~~

~~(13) All customer checkout aisles not required by the guidelines to be handicapped accessible shall have at least 32 inches of clear passage.~~

~~(14) Turnstiles shall not be used in occupancies which serve fewer than 100 persons, but turnstiles may be used in occupancies which serve at least 100 persons if there is an unlocked alternate passageway on an accessible route affording not less than 32 inches of clearance, equipped with latching devices in accordance with the guidelines.~~

~~(6)(15) Barriers at common or emergency(15) entrances and exits of business establishments conducting business with the general public that are existing, under construction, or under contract for construction which would prevent a person from using such entrances or exits must shall be removed.~~

Section 24. Section 553.5041, Florida Statutes, is amended to read:

553.5041 Parking spaces for persons who have disabilities.—

(1) This section is not intended to expand or diminish the defenses available to a place of public accommodation under the Americans with Disabilities Act and the federal Americans with Disabilities Act Standards for Accessible Design Accessibility Guidelines, including, but not limited to, the readily achievable standard, and the standards applicable to alterations to places of public accommodation and commercial facilities. Subject to the exceptions described in subsections (2), (4), (5), and (6), ~~if when~~ the parking and loading zone requirements of the federal standards and related regulations ~~Americans with Disabilities Act Accessibility Guidelines (ADAAG)~~, as adopted by reference in ~~28 C.F.R. part 36, subparts A and D, and Title II of Pub. L. No. 101-336~~, provide increased accessibility, those requirements are adopted and incorporated by reference as the law of this state.

(2) State agencies and political subdivisions having jurisdiction over street parking or publicly owned or operated parking facilities are not required to provide a greater right-of-way width than would otherwise be planned under regulations, guidelines, or practices normally applied to new development.

(3) ~~Designated accessible~~ ~~If parking spaces are provided for self-parking by employees or visitors, or both,~~ accessible spaces shall be provided in each such parking area. Such spaces shall be designed and marked for the exclusive use of those individuals who have a severe physical disability and have permanent or temporary mobility problems that substantially impair their ability to ambulate and who have been issued either a disabled parking permit under s. 316.1958 or s. 320.0848 or a license plate under s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845.

(4) The number of accessible parking spaces must comply with the parking requirements in ~~ADAAG~~ s. 208 of the standards 4-1 and the following:

(a) There must be one accessible parking space in the immediate vicinity of a publicly owned or leased building that houses a governmental entity or a political subdivision, including, but not limited to, state office buildings and courthouses, ~~if no~~ parking for the public is not provided on the premises of the building.

(b) There must be one accessible parking space for each 150 metered on-street parking spaces provided by state agencies and political subdivisions.

(c) The number of parking spaces for persons who have disabilities must be increased on the basis of demonstrated and documented need.

(5) Accessible perpendicular and diagonal accessible parking spaces and loading zones must be designed and located to conform to ~~in conformance with the guidelines set forth in ADAAG~~ ss. 502 and 503 of the standards. 4.1.2 and 4.6 and Appendix s. A4.6.3 “Universal Parking Design.”

(a) All spaces must be located on an accessible route that is at least no less than 44 inches wide so that users are will not be compelled to walk or wheel behind parked vehicles except behind his or her own vehicle.

~~(b) Each space must be located on the shortest safely accessible route from the parking space to an accessible entrance. If there are multiple entrances or multiple retail stores, the parking spaces must be dispersed to provide parking at the nearest accessible entrance. If a theme park or an entertainment complex as defined in s. 509.013(9) provides parking in several lots or areas from which access to the theme park or entertainment complex is provided, a single lot or area may be designated for parking by persons who have disabilities, if the lot or area is located on the shortest safely accessible route to an accessible entrance to the theme park or entertainment complex or to transportation to such an accessible entrance.~~

(c)1. Each parking space must be at least no less than 12 feet wide. Parking access aisles must be at least no less than 5 feet wide and must be part of an accessible route to the building or facility entrance. ~~In accordance with ADAAG s. 4.6.3, access aisles must be placed adjacent to accessible parking spaces; however, two accessible parking spaces may share a common access aisle. The access aisle must be striped diagonally to designate it as a no-parking zone.~~

2. The parking access aisles are reserved for the temporary exclusive use of persons who have disabled parking permits and who require extra space to deploy a mobility device, lift, or ramp in order to exit from or enter a vehicle. Parking is not allowed in an access aisle. Violators are subject to the same penalties ~~that are~~ imposed for illegally parking in parking spaces that are designated for persons who have disabilities. A vehicle may not be parked in an access aisle, even if the vehicle owner or passenger is disabled or owns a disabled parking permit.

3. Notwithstanding any other provision of this subsection to the contrary notwithstanding, a theme park or an entertainment complex as defined in s. 509.013(9) in which are provided continuous attendant services are provided for directing individuals to marked accessible parking spaces or designated lots for parking by persons who have disabilities, may, in lieu of the required parking space design, provide parking spaces that comply with ADAAG ss. 208 and 502 of the standards 4.1 and 4.6.

(d) On-street parallel parking spaces ~~must be located either at the beginning or end of a block or adjacent to alley entrances. Such spaces must be designed to conform to in conformance with the guidelines set forth in ADAAG ss. 208 and 502 of the standards, except that 4.6.2 through 4.6.5, exception:~~ access aisles are not required. Curbs adjacent to such spaces must be of a height that does will not interfere with the opening and closing of motor vehicle doors. This subsection does not relieve the owner of the responsibility to comply with the parking requirements of ADAAG ss. 208 and 502 of the standards 4.1 and 4.6.

~~(e)~~—Parallel parking spaces must be even with surface slopes, may match the grade of the adjacent travel lane, and must not exceed a cross slope of 1 to 50, where feasible.

~~(f)~~—Curb ramps must be located outside of the disabled parking spaces and access aisles.

~~(e)(g)~~1. The removal of architectural barriers from a parking facility in accordance with 28 C.F.R. s. 36.304 or with s. 553.508 must comply with this section unless compliance would cause the barrier removal not to be readily achievable. If compliance would cause the barrier removal not to be readily achievable, a facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing such persons ~~who have disabilities~~ to the alternative parking if readily achievable. The facility may not reduce the required number or dimensions of those spaces or, nor may it unreasonably increase the length of the accessible route from a parking space to the facility. The removal of an architectural barrier must not create a significant risk to the health or safety of a person who has a disability or to ~~that of~~ others.

2. A facility that is making alterations under s. 553.507(2)(b) must comply with this section to the maximum extent feasible. If compliance with parking location requirements is not feasible, the facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing such persons ~~who have a disability~~ to alternative parking. The facility may not reduce the required number or dimensions of those spaces, or nor may it unnecessarily increase the length of the accessible route from a parking space to the facility. The alteration must not create a significant risk to the health or safety of a person who has a disability or to ~~that of~~ others.

(6) Each such parking space must be striped in a manner that is consistent with the standards of the controlling jurisdiction for other spaces and prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities. The space ~~and~~ must be posted with a permanent above-grade sign of a color and design approved by the Department of Transportation, which is placed on or at least 60 inches above the finished floor or ground surface measured to the bottom of the sign a distance of 84 inches above the ground to the bottom of the sign and which bears the international symbol of accessibility meeting the requirements of ADAAG s. 703.7.2.1 of the standards 4-30.7 and the caption "PARKING BY DISABLED PERMIT ONLY." Such a sign erected after October 1, 1996, must indicate the penalty for illegal use of the space. Notwithstanding any other provision of this section to the contrary notwithstanding, in a theme park or an entertainment complex as defined in s. 509.013(9) in which accessible parking is located in designated lots or areas, the signage indicating the lot as reserved for accessible parking may be located at the entrances to the lot in lieu of a sign at each parking place. This subsection

does not relieve the owner of the responsibility of complying with the signage requirements of ADAAG s. 502.6 of the standards 4.30.

Section 25. Section 553.505, Florida Statutes, is amended to read:

553.505 Exceptions to applicability of the Americans with Disabilities Act.—Notwithstanding the Americans with Disabilities Act of 1990, private clubs are governed by this part ss. 553.501-553.513. ~~Parking spaces, parking lots, and other parking facilities are governed by s. 553.5041 when that section provides increased accessibility.~~

Section 26. Section 553.506, Florida Statutes, is amended to read:

553.506 Powers of the commission.—In addition to any other authority vested in the Florida Building Commission by law, the commission, in implementing this part ss. 553.501-553.513, may, by rule, adopt revised and updated versions of the Americans with Disabilities Act Standards for Accessible Design Accessibility Guidelines in accordance with chapter 120.

Section 27. Section 553.507, Florida Statutes, is amended to read:

553.507 Applicability Exemptions.—This part applies to Sections 553.501-553.513 do not apply to any of the following:

(1) All areas of newly designed and newly constructed buildings and facilities as determined by the federal standards established and adopted pursuant to s. 553.503. Buildings, structures, or facilities that were either under construction or under contract for construction on October 1, 1997.

(2) Portions of altered buildings and facilities as determined by the federal standards established and adopted pursuant to s. 553.503. Buildings, structures, or facilities that were in existence on October 1, 1997, unless:

(a) ~~The building, structure, or facility is being converted from residential to nonresidential or mixed use, as defined by local law;~~

(b) ~~The proposed alteration or renovation of the building, structure, or facility will affect usability or accessibility to a degree that invokes the requirements of s. 303(a) of the Americans with Disabilities Act of 1990; or~~

(c) ~~The original construction or any former alteration or renovation of the building, structure, or facility was carried out in violation of applicable permitting law.~~

(3) A building or facility that is being converted from residential to nonresidential or mixed use as defined by the Florida Building Code. Such building or facility must, at a minimum, comply with s. 553.508 and the requirements for alterations as determined by the federal standards established and adopted pursuant to s. 553.503.

(4) Buildings and facilities where the original construction or any former alteration or renovation was carried out in violation of applicable permitting law.

Section 28. Section 553.509, Florida Statutes, is amended to read:

553.509 Vertical accessibility.—

(1) This part and the Americans with Disabilities Act Standards for Accessible Design do not ~~Nothing in ss. 553.501-553.513 or the guidelines shall be construed to~~ relieve the owner of any building, structure, or facility governed by this part ~~those sections~~ from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the standards ~~guidelines~~ require an elevator to be installed in such building, structure, or facility, except for:

(a) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks, and automobile lubrication and maintenance pits and platforms.;

(b) Unoccupiable spaces, such as rooms, enclosed spaces, and storage spaces that are not designed for human occupancy, for public accommodations, or for work areas.;

(c) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to, equipment control rooms and projection booths.

(d) Theaters, concert halls, and stadiums, or other large assembly areas that have stadium-style seating or tiered seating if ss. 221 and 802 of the standards are met.

(e) All play and recreation areas if the requirements of chapter 10 of the standards are met.

(f) All employee areas as exempted in s. 203.9 of the standards.

(g) Facilities, sites, and spaces exempted by s. 203 of the standards.

~~(2)(a) Any person, firm, or corporation that owns, manages, or operates a residential multifamily dwelling, including a condominium, that is at least 75 feet high and contains a public elevator, as described in s. 399.035(2) and (3) and rules adopted by the Florida Building Commission, shall have at least one public elevator that is capable of operating on an alternate power source for emergency purposes. Alternate power shall be available for the purpose of allowing all residents access for a specified number of hours each day over a 5-day period following a natural disaster, manmade disaster, emergency, or other civil disturbance that disrupts the normal supply of electricity. The alternate power source that controls elevator operations must also be capable of powering any connected fire alarm system in the building.~~

~~(b) At a minimum, the elevator must be appropriately prewired and prepared to accept an alternate power source and must have a connection on the line side of the main disconnect, pursuant to National Electric Code Handbook, Article 700. In addition to the required power source for the elevator and connected fire alarm system in the building, the alternate power supply must be sufficient to provide emergency lighting to the interior lobbies, hallways, and other portions of the building used by the public. Residential multifamily dwellings must have an available generator and fuel source on the property or have proof of a current contract posted in the elevator machine room or other place conspicuous to the elevator inspector affirming a current guaranteed service contract for such equipment and fuel source to operate the elevator on an on-call basis within 24 hours after a request. By December 31, 2006, any person, firm or corporation that owns, manages, or operates a residential multifamily dwelling as defined in paragraph (a) must provide to the local building inspection agency verification of engineering plans for residential multifamily dwellings that provide for the capability to generate power by alternate means. Compliance with installation requirements and operational capability requirements must be verified by local building inspectors and reported to the county emergency management agency by December 31, 2007.~~

~~(c) Each newly constructed residential multifamily dwelling, including a condominium, that is at least 75 feet high and contains a public elevator, as described in s. 399.035(2) and (3) and rules adopted by the Florida Building Commission, must have at least one public elevator that is capable of operating on an alternate power source for the purpose of allowing all residents access for a specified number of hours each day over a 5-day period following a natural disaster, manmade disaster, emergency, or other civil disturbance that disrupts the normal supply of electricity. The alternate power source that controls elevator operations must be capable of powering any connected fire alarm system in the building. In addition to the required power source for the elevator and connected fire alarm system, the alternate power supply must be sufficient to provide emergency lighting to the interior lobbies, hallways, and other portions of the building used by the public. Engineering plans and verification of operational capability must be provided by the local building inspector to the county emergency management agency before occupancy of the newly constructed building.~~

~~(d) Each person, firm, or corporation that is required to maintain an alternate power source under this subsection shall maintain a written emergency operations plan that details the sequence of operations before, during, and after a natural or manmade disaster or other emergency situation. The plan must include, at a minimum, a lifesafety plan for evacuation, maintenance of the electrical and lighting supply, and provisions for the health, safety, and welfare of the residents. In addition, the owner, manager, or operator of the residential multifamily dwelling must keep written records of any contracts for alternative power generation equipment. Also, quarterly inspection records of lifesafety equipment and alternate power generation equipment must be posted in the elevator machine room or~~

other place conspicuous to the elevator inspector, which confirm that such equipment is properly maintained and in good working condition, and copies of contracts for alternate power generation equipment shall be maintained on site for verification. The written emergency operations plan and inspection records shall also be open for periodic inspection by local and state government agencies as deemed necessary. The owner or operator must keep a generator key in a lockbox posted at or near any installed generator unit.

~~(e) Multistory affordable residential dwellings for persons age 62 and older that are financed or insured by the United States Department of Housing and Urban Development must make every effort to obtain grant funding from the Federal Government or the Florida Housing Finance Corporation to comply with this subsection. If an owner of such a residential dwelling cannot comply with the requirements of this subsection, the owner must develop a plan with the local emergency management agency to ensure that residents are evacuated to a place of safety in the event of a power outage resulting from a natural or manmade disaster or other emergency situation that disrupts the normal supply of electricity for an extended period of time. A place of safety may include, but is not limited to, relocation to an alternative site within the building or evacuation to a local shelter.~~

~~(f) As a part of the annual elevator inspection required under s. 399.061, certified elevator inspectors shall confirm that all installed generators required by this chapter are in working order, have current inspection records posted in the elevator machine room or other place conspicuous to the elevator inspector, and that the required generator key is present in the lockbox posted at or near the installed generator. If a building does not have an installed generator, the inspector shall confirm that the appropriate prewiring and switching capabilities are present and that a statement is posted in the elevator machine room or other place conspicuous to the elevator inspector affirming a current guaranteed contract exists for contingent services for alternate power is current for the operating period.~~

~~(2) However, buildings, structures, and facilities must, as a minimum, comply with the requirements in the Americans with Disabilities Act Standards for Accessible Design Accessibility Guidelines.~~

Section 29. Consistent with the federal implementation of the 2010 Americans with Disabilities Act Standards for Accessible Design, buildings and facilities in this state may be designed in conformity with the 2010 standards if the design also complies with Florida-specific requirements provided in part II of chapter 553, Florida Statutes, until the Florida Accessibility Code for Building Construction is updated to implement the changes to part II of chapter 553, Florida Statutes, as provided by this Act.

Section 30. Effective January 1, 2012, subsections (3), (7), (8), and (9) and paragraph (h) of subsection (10) of section 553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.—

(3) ~~The commission shall use the International Codes published by the International Code Council, the National Electric Code (NFPA 70), or other nationally adopted model codes and standards needed to develop the base code in Florida select from available national or international model building codes, or other available building codes and standards currently recognized by the laws of this state, to form the foundation for the Florida Building Code. The commission may modify the selected model codes and standards as needed to accommodate the specific needs of this state. Standards or criteria referenced by the selected model codes shall be similarly incorporated by reference. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be specifically set forth in the Florida Building Code. The Florida Building Commission may approve technical amendments to the code, subject to the requirements of subsections (8) and (9), after the amendments have been subject to the following conditions:~~

(a) ~~The proposed amendment has been published on the commission's website for a minimum of 45 days and all the associated documentation has been made available to any interested party before any consideration by a~~ any Technical Advisory Committee;

(b) ~~In order for a Technical Advisory Committee to make a favorable recommendation to the commission, the proposal must receive a three-fourths vote of the members present at the Technical Advisory Committee meeting and at least half of the regular members must be present in order to conduct a meeting;~~

(c) ~~After Technical Advisory Committee consideration and a recommendation for approval of any proposed amendment, the proposal must be published on the commission's website for at least not less than 45 days before any consideration by the commission; and~~

(d) ~~A~~ Any proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120.

The commission shall incorporate within sections of the Florida Building Code provisions which address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

(7)(a) The commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 3 years. When updating the Florida Building Code, the commission shall select the most current version of the International Building Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are adopted by the

International Code Council, and the National Electrical Code, which is adopted by the National Fire Protection Association, to form the foundation codes of the updated Florida Building Code, if the version has been adopted by the applicable model code entity. The commission shall select the most current version of the International Energy Conservation Code (IECC) as a foundation code; however, the IECC shall be modified by the commission to maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901.

(b) Codes regarding noise contour lines shall be reviewed annually, and the most current federal guidelines shall be adopted.

(c) The commission may modify any portion of the foundation codes only as needed to accommodate the specific needs of this state, ~~maintaining Florida-specific amendments previously adopted by the commission and not addressed by the updated foundation code.~~ Standards or criteria referenced by the codes shall be incorporated by reference. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be set forth in the Florida Building Code. The commission may approve technical amendments to the updated Florida Building Code after the amendments have been subject to the conditions set forth in paragraphs (3)(a)-(d). Amendments to the foundation codes which are adopted in accordance with this subsection shall be clearly marked in printed versions of the Florida Building Code so that the fact that the provisions are Florida-specific amendments to the foundation codes is readily apparent.

(d) The commission shall further consider the commission's own interpretations, declaratory statements, appellate decisions, and approved state-wide and local technical amendments and shall incorporate such interpretations, statements, decisions, and amendments into the updated Florida Building Code only to the extent that they are needed to modify the foundation codes to accommodate the specific needs of the state. A change made by an institute or standards organization to any standard or criterion that is adopted by reference in the Florida Building Code does not become effective statewide until it has been adopted by the commission. Furthermore, the edition of the Florida Building Code which is in effect on the date of application for any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit.

(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect no sooner than 6 months after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

(f) Provisions of the foundation codes, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be modified to diminish those construction requirements; however, the commission may, subject to

conditions in this subsection, modify the provisions to enhance those construction requirements.

(g) Amendments or modifications to the foundation code pursuant to this subsection shall remain effective only until the effective date of a new edition of the Florida Building Code every third year. Amendments or modifications related to state agency regulations which are adopted and integrated into an edition of the Florida Building Code shall be carried forward into the next edition of the code, subject to modification as provided in this part. Amendments or modifications related to the wind-resistance design of buildings and structures within the high-velocity hurricane zone of Miami-Dade and Broward Counties which are adopted to an edition of the Florida Building Code do not expire and shall be carried forward into the next edition of the code, subject to review or modification as provided in this part. If amendments that expire pursuant to this paragraph are resubmitted through the Florida Building Commission code adoption process, the amendments must specifically address whether:

1. The provisions contained in the proposed amendment are addressed in the applicable international code.

2. The amendment demonstrates by evidence or data that the geographical jurisdiction of Florida exhibits a need to strengthen the foundation code beyond the needs or regional variations addressed by the foundation code, and why the proposed amendment applies to this state.

3. The proposed amendment was submitted or attempted to be included in the foundation codes to avoid resubmission to the Florida Building Code amendment process.

If the proposed amendment has been addressed in the international code in a substantially equivalent manner, the Florida Building Commission may not include the proposed amendment in the foundation code.

(8) Notwithstanding the provisions of subsection (3) or subsection (7), the commission may address issues identified in this subsection by amending the code pursuant only to the rule adoption procedures contained in chapter 120. Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, amend the provisions to enhance those construction requirements. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments. The commission may approve amendments that are needed to address:

(a) Conflicts within the updated code;

(b) Conflicts between the updated code and the Florida Fire Prevention Code adopted pursuant to chapter 633;

~~(c) The omission of previously adopted Florida-specific amendments to the updated code if such omission is not supported by a specific recommendation of a technical advisory committee or particular action by the commission;~~

~~(c)(d)~~ Unintended results from the integration of previously adopted Florida-specific amendments with the model code;

~~(d)(e)~~ Equivalency of standards;

~~(e)(f)~~ Changes to or inconsistencies with federal or state law; or

~~(f)(g)~~ Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

(9)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:

1. Is needed in order to accommodate the specific needs of this state.
2. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
3. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
4. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
5. Does not degrade the effectiveness of the Florida Building Code.

Furthermore, The Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions, final orders, declaratory statements, and interpretations of hearing officer panels under s. 553.775(3)(c), but ~~shall do so~~ only to the extent that the incorporation of interpretations is needed to modify the foundation codes to accommodate the specific needs of this state. Amendments approved under this paragraph shall be adopted by rule pursuant to ~~ss. 120.536(1) and 120.54~~, after the amendments have been subjected to the provisions of subsection (3).

(b) A proposed amendment must ~~shall~~ include a fiscal impact statement that ~~which~~ documents the costs and benefits of the proposed amendment.

Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, and the impact as well as to industry, relative to the cost of compliance. The amendment must demonstrate by evidence or data that the state's geographical jurisdiction exhibits a need to strengthen the foundation code beyond the needs or regional variations addressed by the foundation code and why the proposed amendment applies to this state.

(c) The commission may not approve any proposed amendment that does not accurately and completely address all requirements for amendment which are set forth in this section. The commission shall require all proposed amendments and information submitted with proposed amendments to be reviewed by commission staff prior to consideration by any technical advisory committee. These reviews shall be for sufficiency only and are not intended to be qualitative in nature. Staff members shall reject any proposed amendment that fails to include a fiscal impact statement. Proposed amendments rejected by members of the staff may not be considered by the commission or any technical advisory committee.

(d) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, amend the provisions to enhance those construction requirements.

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code.

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building

requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

Section 31. Paragraph (v) of subsection (1) of section 553.74, Florida Statutes, is amended to read:

553.74 Florida Building Commission.—

(1) The Florida Building Commission is created and shall be located within the Department of Community Affairs for administrative purposes. Members shall be appointed by the Governor subject to confirmation by the Senate. The commission shall be composed of 25 members, consisting of the following:

(v) One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code (IGCC), or a professional who is accredited under Leadership in Energy and Environmental Design (LEED) LEED-accredited professional.

Any person serving on the commission under paragraph (c) or paragraph (h) on October 1, 2003, and who has served less than two full terms is eligible for reappointment to the commission regardless of whether he or she meets the new qualification.

Section 32. Subsection (5) of section 553.842, Florida Statutes, is amended to read:

553.842 Product evaluation and approval.—

(5) Statewide approval of products, methods, or systems of construction may be achieved by one of the following methods. One of these methods must be used by the commission to approve the following categories of products: panel walls, exterior doors, roofing, skylights, windows, shutters, and structural components as established by the commission by rule. A product may not be advertised, sold, offered, provided, distributed, or marketed as hurricane, windstorm, or impact protection from wind-borne debris from a hurricane or windstorm unless it is approved pursuant to s. 553.842 or s. 553.8425. Any person who advertises, sells, offers, provides, distributes, or markets a product as hurricane, windstorm, or impact protection from wind-borne debris without such approval is subject to the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501 brought by the enforcing authority as defined in s. 501.203.

(a) Products for which the code establishes standardized testing or comparative or rational analysis methods shall be approved by submittal and validation of one of the following reports or listings indicating that the

product or method or system of construction was ~~evaluated to be~~ in compliance with the Florida Building Code and that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code:

1. A certification mark or listing of an approved certification agency, which may be used only for products for which the code designates standardized testing;
2. A test report from an approved testing laboratory;
3. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity; or
4. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in this state.

A product evaluation report or a certification mark or listing of an approved certification agency which demonstrates that the product or method or system of construction complies with the Florida Building Code for the purpose intended is ~~shall be~~ equivalent to a test report and test procedure as referenced in the Florida Building Code. An application for state approval of a product under subparagraph 1. must be approved by the department after the commission staff or a designee verifies that the application and related documentation are complete. This verification must be completed within 10 business days after receipt of the application. Upon approval by the department, the product shall be immediately added to the list of state-approved products maintained under subsection (13). Approvals by the department shall be reviewed and ratified by the commission's program oversight committee except for a showing of good cause that a review by the full commission is necessary. The commission shall adopt rules providing means to cure deficiencies identified within submittals for products approved under this paragraph.

(b) Products, methods, or systems of construction for which there are no specific standardized testing or comparative or rational analysis methods established in the code may be approved by submittal and validation of one of the following:

1. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity indicating that the product or method or system of construction was ~~evaluated to be~~ in compliance with the intent of the Florida Building Code and that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code; or

2. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in this state, who certifies that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code.

Section 33. Section 553.9061, Florida Statutes, is repealed.

Section 34. Subsections (3), (4), and (5) of section 553.909, Florida Statutes, are amended to read:

553.909 Setting requirements for appliances; exceptions.—

(3) Commercial or residential swimming pool pumps or water heaters manufactured and sold on or after December 31, 2011, for installation in this state must July 1, 2011, shall comply with the requirements of the Florida Energy Efficiency Code for Building Construction ~~this subsection.~~

~~(a) Natural gas pool heaters shall not be equipped with constantly burning pilots.~~

~~(b) Heat pump pool heaters shall have a coefficient of performance at low temperature of not less than 4.0.~~

~~(c) The thermal efficiency of gas-fired pool heaters and oil-fired pool heaters shall not be less than 78 percent.~~

~~(d) All pool heaters shall have a readily accessible on-off switch that is mounted outside the heater and that allows shutting off the heater without adjusting the thermostat setting.~~

(4)(a) Residential swimming pool filtration pumps and pump motors manufactured and sold on or after December 31, 2011, for installation in this state July 1, 2011, must comply with the requirements of the Florida Energy Efficiency Code for Building Construction ~~in this subsection.~~

~~(b) Residential filtration pool pump motors shall not be split-phase, shaded-pole, or capacitor start-induction run types.~~

~~(c) Residential filtration pool pumps and pool pump motors with a total horsepower of 1 HP or more shall have the capability of operating at two or more speeds with a low speed having a rotation rate that is no more than one-half of the motor's maximum rotation rate.~~

~~(d) Residential filtration pool pump motor controls shall have the capability of operating the pool pump at a minimum of two speeds. The default circulation speed shall be the residential filtration speed, with a higher speed override capability being for a temporary period not to exceed one normal cycle or 24 hours, whichever is less; except that circulation speed~~

~~for solar pool heating systems shall be permitted to run at higher speeds during periods of usable solar heat gain.~~

~~(5) Portable electric spas manufactured and sold on or after December 31, 2011, for installation in this state must comply with the requirements of the Florida Energy Efficiency Code for Building Construction spa standby power shall not be greater than $5(V^2/3)$ watts where V = the total volume, in gallons, when spas are measured in accordance with the spa industry test protocol.~~

Section 35. Paragraph (a) of subsection (2) of section 627.711, Florida Statutes, is amended to read:

627.711 Notice of premium discounts for hurricane loss mitigation; uniform mitigation verification inspection form.—

(2)(a) The Financial Services Commission shall develop by rule a uniform mitigation verification inspection form that shall be used by all insurers when submitted by policyholders for the purpose of factoring discounts for wind insurance. In developing the form, the commission shall seek input from insurance, construction, and building code representatives. Further, the commission shall provide guidance as to the length of time the inspection results are valid. An insurer shall accept as valid a uniform mitigation verification form signed by the following authorized mitigation inspectors:

1. A home inspector licensed under s. 468.8314 who has completed at least 3 hours of hurricane mitigation training approved by the Construction Industry Licensing Board which includes hurricane mitigation techniques and compliance with the uniform mitigation verification form and completion of a proficiency exam. ~~Thereafter, home inspectors licensed under s. 468.8314 must complete at least 2 hours of continuing education, as part of the existing licensure renewal requirements each year, related to mitigation inspection and the uniform mitigation form;~~

2. A building code inspector certified under s. 468.607;

3. A general, building, or residential contractor licensed under s. 489.111;

4. A professional engineer licensed under s. 471.015;

5. A professional architect licensed under s. 481.213; or

6. Any other individual or entity recognized by the insurer as possessing the necessary qualifications to properly complete a uniform mitigation verification form.

Section 36. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2011.

Approved by the Governor June 24, 2011.

Filed in Office Secretary of State June 24, 2011.