

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 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.