



1 A bill to be entitled
2 An act relating to building codes; amending s.
3 468.609, F.S.; revising the certification examination
4 requirements for building code inspectors, plans
5 examiners, and building code administrators; requiring
6 the Florida Building Code Administrators and
7 Inspectors Board to provide for issuance of certain
8 provisional certificates; amending ss. 468.627,
9 471.0195, 481.215, and 481.313, F.S.; requiring a
10 licensee or certificateholder to undergo code-related
11 training as part of his or her continuing education
12 courses; amending s. 489.103, F.S.; providing an
13 exemption for certain employees who make minor repairs
14 to existing electric water heaters and to existing
15 electric heating, venting, and air-conditioning
16 systems under specified circumstances; amending s.
17 489.105, F.S.; revising the definition of the term
18 "plumbing contractor"; amending s. 489.115, F.S.;
19 requiring a certificateholder or registrant to undergo
20 code-related training as part of his or her continuing
21 education requirements; amending s. 489.1401, F.S.;
22 revising legislative intent with respect to the
23 purpose of the Florida Homeowners' Construction
24 Recovery Fund; providing legislative intent that
25 Division II contractors set apart funds to participate
26 in the fund; amending s. 489.1402, F.S.; revising



27 definitions; amending s. 489.141, F.S.; authorizing
28 certain claimants to make a claim against the recovery
29 fund for certain contracts entered into before a
30 specified date; amending s. 489.1425, F.S.; revising a
31 notification provided by contractors to certain
32 residential property owners to state that payment from
33 the recovery fund is limited; amending s. 489.143,
34 F.S.; revising provisions concerning payments from the
35 recovery fund; specifying claim amounts for certain
36 contracts entered into before or after specified
37 dates; providing aggregate caps for payments; amending
38 s. 489.503, F.S.; exempting certain low-voltage
39 landscape lighting from licensed electrical contractor
40 installation requirements; amending s. 489.517, F.S.;
41 requiring a certificateholder or registrant to undergo
42 code-related training as part of his or her continuing
43 education requirements; amending s. 514.011, F.S.;
44 revising the definition of the term "private pool";
45 amending s. 514.0115, F.S.; prohibiting a portable
46 pool from being regulated as a public pool in certain
47 circumstances; amending s. 514.031, F.S.; providing
48 that a portable pool may not be used as a public pool
49 unless it is exempt under s. 514.0115, F.S.; amending
50 s. 553.512, F.S.; revising the membership of the
51 Accessibility Advisory Council; amending s. 553.721,
52 F.S.; directing the Florida Building Code Compliance



53 | and Mitigation Program to fund, from existing
54 | resources, the recommendations made by the Building
55 | Code System Uniform Implementation Evaluation
56 | Workgroup; providing a limitation; requiring that a
57 | specified amount of funds from the surcharge be used
58 | to fund certain Florida Fire Prevention Code informal
59 | interpretations; requiring the State Fire Marshal to
60 | adopt specified rules; amending s. 553.73, F.S.;
61 | authorizing local boards created to address specified
62 | issues to combine the appeals boards to create a
63 | single, local board; authorizing the local board to
64 | grant alternatives or modifications through specified
65 | procedures; requiring at least one member of a board
66 | to be a fire protection contractor, a fire protection
67 | design professional, a fire department operations
68 | professional, or a fire code enforcement professional
69 | in order to meet a specified quorum requirement;
70 | authorizing the appeal to a local administrative board
71 | of specified decisions made by a local fire official;
72 | specifying the decisions of the local building
73 | official and the local fire official which are subject
74 | to review; prohibiting an agency or local government
75 | from requiring that existing mechanical equipment
76 | located on or above the surface of a roof be installed
77 | in compliance with the Florida Building Code under
78 | certain circumstances; prohibiting the Florida



79 Building Code from requiring more than one fire access
80 elevator in certain buildings; prohibiting a 1-hour
81 fire-rated fire service access elevator lobby from
82 being required in certain circumstances; requiring a
83 1-hour fire-related fire service access elevator lobby
84 in certain circumstances; providing that the
85 requirement for a second fire service access elevator
86 is not considered a part of the Florida Building Code;
87 amending s. 553.775, F.S.; revising membership on a
88 panel that hears requests to review decisions of local
89 building officials; amending s. 553.79, F.S.;
90 authorizing a building official to issue a permit for
91 the construction of the foundation or any other part
92 of a building or structure before the construction
93 documents for the whole building or structure have
94 been submitted; providing that the holder of such
95 permit shall begin building at the holder's own risk
96 with the building operation and without assurance that
97 a permit for the entire structure will be granted;
98 amending s. 553.841, F.S.; authorizing the Department
99 of Business and Professional Regulation to maintain,
100 update, develop, or cause to be developed code-related
101 training and education; removing provisions related to
102 the development of advanced courses with respect to
103 the Florida Building Code Compliance and Mitigation
104 Program and the accreditation of courses related to



105 | the Florida Building Code; amending s. 553.842, F.S.;

106 | providing that Underwriters Laboratories, LLC, is an

107 | approved evaluation entity; amending s. 553.883, F.S.;

108 | exempting certain devices from certain smoke alarm

109 | battery requirements; amending s. 553.908, F.S.;

110 | restricting certain provisions of the Florida Building

111 | Code or law relating to air sealing and insulation

112 | from becoming effective; prohibiting certain

113 | governmental entities from requiring certain HVAC type

114 | tests in specific buildings; amending s. 633.202,

115 | F.S.; requiring all new high-rise and existing high-

116 | rise buildings to maintain a minimum radio signal

117 | strength for fire department communications; providing

118 | a transitory period for compliance; requiring existing

119 | buildings and existing apartment buildings that are

120 | not in compliance to initiate an application for an

121 | appropriate permit by a specified date; requiring

122 | areas of refuge to be required as determined by the

123 | Florida Building Code-Accessibility; amending s.

124 | 633.206, F.S.; providing that certain provisions may

125 | be applied to existing assisted living facilities

126 | notwithstanding the edition of the codes applied at

127 | the time of construction; amending s. 633.208, F.S.;

128 | authorizing fire officials to consider certain systems

129 | as acceptable systems when identifying low-cost

130 | alternatives; amending s. 633.336, F.S.; authorizing a



131 licensed fire protection contractor to subcontract for
132 advanced technical services under certain
133 circumstances; repealing s. 120.541(4)(b) and (c),
134 F.S., relating to statements of estimated regulatory
135 costs; repealing the exemption for legislative
136 ratification of certain updates and amendments to the
137 Florida Building Code and the Florida Fire Prevention
138 Code; amending s. 120.80, F.S.; revising the exemption
139 from legislative ratification for certain provisions
140 of the Florida Building Code and the Florida Fire
141 Prevention Code; requiring a statement of estimated
142 regulatory costs to evaluate each new section of
143 certain codes under certain circumstances; creating
144 the Calder Sloan Swimming Pool Electrical-Safety Task
145 Force within the Florida Building Commission;
146 specifying the purpose of the task force; requiring a
147 report to the Governor and the Legislature by a
148 specified date; providing for membership; requiring
149 the Florida Building Commission to provide staff,
150 information, and other assistance to the task force;
151 providing that members of the task force serve without
152 compensation; authorizing the task force to meet as
153 often as necessary; providing for future repeal of the
154 task force; providing an effective date.

155
156 Be It Enacted by the Legislature of the State of Florida:



157
158 Section 1. Subsections (2), (3), and (7) of section
159 468.609, Florida Statutes, are amended to read:

160 468.609 Administration of this part; standards for
161 certification; additional categories of certification.—

162 (2) A person may take the examination for certification as
163 a building code inspector or plans examiner pursuant to this
164 part if the person:

165 (a) Is at least 18 years of age.

166 (b) Is of good moral character.

167 (c) Meets eligibility requirements according to one of the
168 following criteria:

169 1. Demonstrates 5 years' combined experience in the field
170 of construction or a related field, building code inspection, or
171 plans review corresponding to the certification category sought;

172 2. Demonstrates a combination of postsecondary education
173 in the field of construction or a related field and experience
174 which totals 4 years, with at least 1 year of such total being
175 experience in construction, building code inspection, or plans
176 review;

177 3. Demonstrates a combination of technical education in
178 the field of construction or a related field and experience
179 which totals 4 years, with at least 1 year of such total being
180 experience in construction, building code inspection, or plans
181 review;

182 4. Currently holds a standard certificate ~~as~~ issued by the



183 board, or a firesafety ~~fire safety~~ inspector license issued
184 pursuant to chapter 633, has a minimum of 3 5 years' verifiable
185 full-time experience in inspection or plan review, and
186 satisfactorily completes a building code inspector or plans
187 examiner training program that provides at least 100 hours but
188 not more ~~of not less~~ than 200 hours of cross-training in the
189 certification category sought. The board shall establish by rule
190 criteria for the development and implementation of the training
191 programs. The board shall accept all classroom training offered
192 by an approved provider if the content substantially meets the
193 intent of the classroom component of the training program; or
194 5. Demonstrates a combination of the completion of an
195 approved training program in the field of building code
196 inspection or plan review and a minimum of 2 years' experience
197 in the field of building code inspection, plan review, fire code
198 inspections and fire plans review of new buildings as a
199 firesafety inspector certified under s. 633.216, or
200 construction. The approved training portion of this requirement
201 shall include proof of satisfactory completion of a training
202 program that provides at least 200 hours but not more ~~of not~~
203 ~~less~~ than 300 hours of cross-training that ~~which~~ is approved by
204 the board in the chosen category of building code inspection or
205 plan review in the certification category sought with at least
206 ~~not less than~~ 20 hours but not more than 30 hours of instruction
207 in state laws, rules, and ethics relating to professional
208 standards of practice, duties, and responsibilities of a



209 certificateholder. The board shall coordinate with the Building
210 Officials Association of Florida, Inc., to establish by rule the
211 development and implementation of the training program. However,
212 the board shall accept all classroom training offered by an
213 approved provider if the content substantially meets the intent
214 of the classroom component of the training program; or

215 6. Currently holds a standard certificate issued by the
216 board or a firesafety inspector license issued pursuant to
217 chapter 633 and:

218 a. Has at least 5 years' verifiable full-time experience
219 as an inspector or plans examiner in a standard certification
220 category currently held or has a minimum of 5 years' verifiable
221 full-time experience as a firesafety inspector licensed pursuant
222 to chapter 633; and

223 b. Satisfactorily completes a building code inspector or
224 plans examiner classroom training course or program that
225 provides at least 200 but not more than 300 hours in the
226 certification category sought, except for one-family and two-
227 family dwelling training programs, which are required to provide
228 at least 500 but not more than 800 hours of training as
229 prescribed by the board. The board shall establish by rule
230 criteria for the development and implementation of classroom
231 training courses and programs in each certification category.

232 (3) A person may take the examination for certification as
233 a building code administrator pursuant to this part if the
234 person:



- 235 (a) Is at least 18 years of age.
- 236 (b) Is of good moral character.
- 237 (c) Meets eligibility requirements according to one of the
- 238 following criteria:
- 239 1. Demonstrates 10 years' combined experience as an
- 240 architect, engineer, plans examiner, building code inspector,
- 241 registered or certified contractor, or construction
- 242 superintendent, with at least 5 years of such experience in
- 243 supervisory positions; or
- 244 2. Demonstrates a combination of postsecondary education
- 245 in the field of construction or related field, no more than 5
- 246 years of which may be applied, and experience as an architect,
- 247 engineer, plans examiner, building code inspector, registered or
- 248 certified contractor, or construction superintendent which
- 249 totals 10 years, with at least 5 years of such total being
- 250 experience in supervisory positions. In addition, the applicant
- 251 must have completed training consisting of at least 20 hours,
- 252 but not more than 30 hours, of instruction in state laws, rules,
- 253 and ethics relating to the professional standards of practice,
- 254 duties, and responsibilities of a certificateholder.
- 255 (7) (a) The board shall ~~may~~ provide for the issuance of
- 256 provisional certificates valid for 1 year, as specified by board
- 257 rule, to any newly employed or promoted building code inspector
- 258 or plans examiner who meets the eligibility requirements
- 259 described in subsection (2) and any newly employed or promoted
- 260 building code administrator who meets the eligibility



261 requirements described in subsection (3). The provisional
262 license may be renewed by the board for just cause; however, a
263 provisional license is not valid for a period longer than 3
264 years.

265 (b) A ~~No~~ building code administrator, plans examiner, or
266 building code inspector may not have a provisional certificate
267 extended beyond the specified period by renewal or otherwise.

268 (c) The board shall ~~may~~ provide for appropriate levels of
269 provisional certificates and may issue these certificates with
270 such special conditions or requirements relating to the place of
271 employment of the person holding the certificate, the
272 supervision of such person on a consulting or advisory basis, or
273 other matters as the board may deem necessary to protect the
274 public safety and health.

275 (d) A newly employed or hired person may perform the
276 duties of a plans examiner or building code inspector for 120
277 days if a provisional certificate application has been submitted
278 if such person is under the direct supervision of a certified
279 building code administrator who holds a standard certification
280 and who has found such person qualified for a provisional
281 certificate. Direct supervision and the determination of
282 qualifications may also be provided by a building code
283 administrator who holds a limited or provisional certificate in
284 a county having a population of fewer than 75,000 and in a
285 municipality located within such county.

286 Section 2. Subsection (5) of section 468.627, Florida



287 Statutes, is amended to read:

288 468.627 Application; examination; renewal; fees.—

289 (5) The certificateholder shall provide proof, in a form
 290 established by board rule, that the certificateholder has
 291 completed at least 14 classroom hours of at least 50 minutes
 292 each of continuing education courses during each biennium since
 293 the issuance or renewal of the certificate, including code-
 294 related training ~~the specialized or advanced coursework approved~~
 295 ~~by the Florida Building Commission~~, as part of the building code
 296 training program established pursuant to s. 553.841, appropriate
 297 to the licensing category sought. A minimum of 3 of the required
 298 14 classroom hours must be on state law, rules, and ethics
 299 relating to professional standards of practice, duties, and
 300 responsibilities of the certificateholder. The board shall by
 301 rule establish criteria for approval of continuing education
 302 courses and providers, and may by rule establish criteria for
 303 accepting alternative nonclassroom continuing education on an
 304 hour-for-hour basis.

305 Section 3. Section 471.0195, Florida Statutes, is amended
 306 to read:

307 471.0195 Florida Building Code training for engineers.—All
 308 licensees actively participating in the design of engineering
 309 works or systems in connection with buildings, structures, or
 310 facilities and systems covered by the Florida Building Code
 311 shall take continuing education courses and submit proof to the
 312 board, at such times and in such manner as established by the



313 board by rule, that the licensee has completed any specialized
314 or code-related training ~~advanced courses~~ on any portion of the
315 Florida Building Code applicable to the licensee's area of
316 practice. The board shall record reported continuing education
317 courses on a system easily accessed by code enforcement
318 jurisdictions for evaluation when determining license status for
319 purposes of processing design documents. Local jurisdictions
320 shall be responsible for notifying the board when design
321 documents are submitted for building construction permits by
322 persons who are not in compliance with this section. The board
323 shall take appropriate action as provided by its rules when such
324 noncompliance is determined to exist.

325 Section 4. Subsection (5) of section 481.215, Florida
326 Statutes, is amended to read:

327 481.215 Renewal of license.—

328 (5) The board shall require, by rule adopted pursuant to
329 ss. 120.536(1) and 120.54, a specified number of hours in
330 specialized or code-related training ~~advanced courses, approved~~
331 ~~by the Florida Building Commission,~~ on any portion of the
332 Florida Building Code, adopted pursuant to part IV of chapter
333 553, relating to the licensee's respective area of practice.

334 Section 5. Subsection (5) of section 481.313, Florida
335 Statutes, is amended to read:

336 481.313 Renewal of license.—

337 (5) The board shall require, by rule adopted pursuant to
338 ss. 120.536(1) and 120.54, a specified number of hours in



339 specialized or code-related training ~~advanced courses, approved~~
340 ~~by the Florida Building Commission,~~ on any portion of the
341 Florida Building Code, adopted pursuant to part IV of chapter
342 553, relating to the licensee's respective area of practice.

343 Section 6. Subsection (23) is added to section 489.103,
344 Florida Statutes, to read:

345 489.103 Exemptions.—This part does not apply to:

346 (23) An employee of an apartment community or apartment
347 community management company who makes minor repairs to existing
348 electric water heaters or to existing electric heating, venting,
349 and air-conditioning systems if:

350 (a) The employee:

351 1. Does not hold himself or herself or his or her employer
352 out to be licensed or qualified by a licensee.

353 2. Does not perform any acts, other than acts authorized
354 by this exemption, that constitute contracting.

355 3. Receives compensation from and is under the supervision
356 and control of an employer who deducts the FICA and withholding
357 tax and who provides workers' compensation, as prescribed by
358 law.

359 4. Holds a current certificate for apartment maintenance
360 technicians issued by the National Apartment Association and
361 accredited by the American National Standards Institute.

362 Requirements for obtaining such certificate must include at
363 least:

364 a. One year of apartment or rental housing maintenance



365 experience.

366 b. Successful completion of at least 90 hours of courses
367 or online content that covers electrical maintenance and repair;
368 plumbing maintenance and repair; heating, venting, or air-
369 conditioning system maintenance and repair; appliance
370 maintenance and repair; and interior and exterior maintenance
371 and repair.

372 c. Completion of all examination requirements.

373 (b) The equipment:

374 1. Is already installed on the property owned by the
375 apartment community or managed by the apartment community
376 management company.

377 2. Is not being modified except to replace components
378 necessary to return the equipment to its original condition and
379 the partial disassembly associated with the replacement.

380 3. Is a type of equipment commonly installed in similar
381 locations.

382 4. Is repaired with new parts that are functionally
383 identical to the parts being replaced.

384 (c) An individual repair does not involve replacement
385 parts that cost more than \$1,000. An individual repair may not
386 be so extensive as to be a functional replacement of the
387 electric water heater or the existing electric heating, venting,
388 or air-conditioning system being repaired.

389 (d) The property owned by the apartment community or
390 managed by the apartment community management company includes



391 at least 100 apartments.

392 Section 7. Paragraph (m) of subsection (3) of section
393 489.105, Florida Statutes, is amended to read:

394 489.105 Definitions.—As used in this part:

395 (3) "Contractor" means the person who is qualified for,
396 and is only responsible for, the project contracted for and
397 means, except as exempted in this part, the person who, for
398 compensation, undertakes to, submits a bid to, or does himself
399 or herself or by others construct, repair, alter, remodel, add
400 to, demolish, subtract from, or improve any building or
401 structure, including related improvements to real estate, for
402 others or for resale to others; and whose job scope is
403 substantially similar to the job scope described in one of the
404 paragraphs of this subsection. For the purposes of regulation
405 under this part, the term "demolish" applies only to demolition
406 of steel tanks more than 50 feet in height; towers more than 50
407 feet in height; other structures more than 50 feet in height;
408 and all buildings or residences. Contractors are subdivided into
409 two divisions, Division I, consisting of those contractors
410 defined in paragraphs (a)-(c), and Division II, consisting of
411 those contractors defined in paragraphs (d)-(q):

412 (m) "Plumbing contractor" means a contractor whose
413 services are unlimited in the plumbing trade and includes
414 contracting business consisting of the execution of contracts
415 requiring the experience, financial means, knowledge, and skill
416 to install, maintain, repair, alter, extend, or, if not



417 prohibited by law, design plumbing. A plumbing contractor may
418 install, maintain, repair, alter, extend, or, if not prohibited
419 by law, design the following without obtaining an additional
420 local regulatory license, certificate, or registration: sanitary
421 drainage or storm drainage facilities, water and sewer plants
422 and substations, venting systems, public or private water supply
423 systems, septic tanks, drainage and supply wells, swimming pool
424 piping, irrigation systems, and solar heating water systems and
425 all appurtenances, apparatus, or equipment used in connection
426 therewith, including boilers and pressure process piping and
427 including the installation of water, natural gas, liquefied
428 petroleum gas and related venting, and storm and sanitary sewer
429 lines. The scope of work of the plumbing contractor also
430 includes the design, if not prohibited by law, and installation,
431 maintenance, repair, alteration, or extension of air-piping,
432 vacuum line piping, oxygen line piping, nitrous oxide piping,
433 and all related medical gas systems; fire line standpipes and
434 fire sprinklers if authorized by law; ink and chemical lines;
435 fuel oil and gasoline piping and tank and pump installation,
436 except bulk storage plants; and pneumatic control piping
437 systems, all in a manner that complies with all plans,
438 specifications, codes, laws, and regulations applicable. The
439 scope of work of the plumbing contractor applies to private
440 property and public property, including any excavation work
441 incidental thereto, and includes the work of the specialty
442 plumbing contractor. Such contractor shall subcontract, with a



443 qualified contractor in the field concerned, all other work
444 incidental to the work but which is specified as being the work
445 of a trade other than that of a plumbing contractor. This
446 definition does not limit the scope of work of any specialty
447 contractor certified pursuant to s. 489.113(6), and does not
448 require certification or registration under this part for a
449 category I liquefied petroleum gas dealer, LP gas installer, or
450 specialty installer who is licensed under chapter 527 or an ~~of~~
451 ~~any~~ authorized employee of a public natural gas utility or of a
452 private natural gas utility regulated by the Public Service
453 Commission when disconnecting and reconnecting water lines in
454 the servicing or replacement of an existing water heater. A
455 plumbing contractor may perform drain cleaning and clearing and
456 install or repair rainwater catchment systems; however, a
457 mandatory licensing requirement is not established for the
458 performance of these specific services.

459 Section 8. Paragraph (b) of subsection (4) of section
460 489.115, Florida Statutes, is amended to read:

461 489.115 Certification and registration; endorsement;
462 reciprocity; renewals; continuing education.—

463 (4)

464 (b)1. Each certificateholder or registrant shall provide
465 proof, in a form established by rule of the board, that the
466 certificateholder or registrant has completed at least 14
467 classroom hours of at least 50 minutes each of continuing
468 education courses during each biennium since the issuance or



469 renewal of the certificate or registration. The board shall
470 establish by rule that a portion of the required 14 hours must
471 deal with the subject of workers' compensation, business
472 practices, workplace safety, and, for applicable licensure
473 categories, wind mitigation methodologies, and 1 hour of which
474 must deal with laws and rules. The board shall by rule establish
475 criteria for the approval of continuing education courses and
476 providers, including requirements relating to the content of
477 courses and standards for approval of providers, and may by rule
478 establish criteria for accepting alternative nonclassroom
479 continuing education on an hour-for-hour basis. The board shall
480 prescribe by rule the continuing education, if any, which is
481 required during the first biennium of initial licensure. A
482 person who has been licensed for less than an entire biennium
483 must not be required to complete the full 14 hours of continuing
484 education.

485 2. In addition, the board may approve specialized
486 continuing education courses on compliance with the wind
487 resistance provisions for one and two family dwellings contained
488 in the Florida Building Code and any alternate methodologies for
489 providing such wind resistance which have been approved for use
490 by the Florida Building Commission. Division I
491 certificateholders or registrants who demonstrate proficiency
492 upon completion of such specialized courses may certify plans
493 and specifications for one and two family dwellings to be in
494 compliance with the code or alternate methodologies, as



495 appropriate, except for dwellings located in floodways or
496 coastal hazard areas as defined in ss. 60.3D and E of the
497 National Flood Insurance Program.

498 3. The board shall require, by rule adopted pursuant to
499 ss. 120.536(1) and 120.54, a specified number of hours in
500 specialized or code-related training ~~advanced module courses,~~
501 ~~approved by the Florida Building Commission,~~ on any portion of
502 the Florida Building Code, adopted pursuant to part IV of
503 chapter 553, relating to the contractor's respective discipline.

504 Section 9. Subsections (2) and (3) of section 489.1401,
505 Florida Statutes, are amended to read:

506 489.1401 Legislative intent.—

507 (2) It is the intent of the Legislature that the sole
508 purpose of the Florida Homeowners' Construction Recovery Fund is
509 to compensate an ~~any~~ aggrieved claimant who contracted for the
510 construction or improvement of the homeowner's residence located
511 within this state and who has obtained a final judgment in a ~~any~~
512 court of competent jurisdiction, was awarded restitution by the
513 Construction Industry Licensing Board, or received an award in
514 arbitration against a licensee on grounds of financial
515 mismanagement or misconduct, abandoning a construction project,
516 or making a false statement with respect to a project. Such
517 grievance must arise ~~and arising~~ directly out of a ~~any~~
518 transaction conducted when the judgment debtor was licensed and
519 must involve an act ~~performed any of the activities~~ enumerated
520 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence.~~



521 (3) It is the intent of the Legislature that Division I
522 and Division II contractors set apart funds for the specific
523 objective of participating in the fund.

524 Section 10. Paragraphs (d), (i), (k), and (l) of
525 subsection (1) of section 489.1402, Florida Statutes, are
526 amended to read:

527 489.1402 Homeowners' Construction Recovery Fund;
528 definitions.—

529 (1) The following definitions apply to ss. 489.140-
530 489.144:

531 (d) "Contractor" means a Division I or Division II
532 contractor performing his or her respective services described
533 in s. 489.105(3)(a)-(g) ~~489.105(3)(a)-(e)~~.

534 (i) "Residence" means a single-family residence, an
535 individual residential condominium or cooperative unit, or a
536 residential building containing not more than two residential
537 units in which the owner contracting for the improvement is
538 residing or will reside 6 months or more each calendar year upon
539 completion of the improvement.

540 (k) "Same transaction" means a contract, or a ~~any~~ series
541 of contracts, between a claimant and a contractor or qualified
542 business, when such contract or contracts involve the same
543 property or contiguous properties and are entered into either at
544 one time or serially.

545 (l) "Valid and current license," for the purpose of s.
546 489.141(2)(d), means a ~~any~~ license issued pursuant to this part



547 to a licensee, including a license in an active, inactive,
548 delinquent, or suspended status.

549 Section 11. Subsections (1) and (2) of section 489.141,
550 Florida Statutes, are amended to read:

551 489.141 Conditions for recovery; eligibility.—

552 (1) A ~~Any~~ claimant is eligible to seek recovery from the
553 recovery fund after making ~~having made~~ a claim and exhausting
554 the limits of any available bond, cash bond, surety, guarantee,
555 warranty, letter of credit, or policy of insurance if, ~~provided~~
556 ~~that~~ each of the following conditions is satisfied:

557 (a) The claimant has received a final judgment in a court
558 of competent jurisdiction in this state or has received an award
559 in arbitration or the Construction Industry Licensing Board has
560 issued a final order directing the licensee to pay restitution
561 to the claimant. The board may waive this requirement if:

562 1. The claimant is unable to secure a final judgment
563 against the licensee due to the death of the licensee; or

564 2. The claimant has sought to have assets involving the
565 transaction that gave rise to the claim removed from the
566 bankruptcy proceedings so that the matter might be heard in a
567 court of competent jurisdiction in this state and, after due
568 diligence, the claimant is precluded by action of the bankruptcy
569 court from securing a final judgment against the licensee.

570 (b) The judgment, award, or restitution is based upon a
571 violation of s. 489.129(1)(g), (j), or (k) or s. 713.35.

572 (c) The violation was committed by a licensee.



573 (d) The judgment, award, or restitution order specifies
574 the actual damages suffered as a consequence of such violation.

575 (e) The contract was executed and the violation occurred
576 on or after July 1, 1993, and provided that:

577 1. The claimant has caused to be issued a writ of
578 execution upon such judgment, and the officer executing the writ
579 has made a return showing that no personal or real property of
580 the judgment debtor or licensee liable to be levied upon in
581 satisfaction of the judgment can be found or that the amount
582 realized on the sale of the judgment debtor's or licensee's
583 property pursuant to such execution was insufficient to satisfy
584 the judgment;

585 2. If the claimant is unable to comply with subparagraph
586 1. for a valid reason to be determined by the board, the
587 claimant has made all reasonable searches and inquiries to
588 ascertain whether the judgment debtor or licensee is possessed
589 of real or personal property or other assets subject to being
590 sold or applied in satisfaction of the judgment and by his or
591 her search has discovered no property or assets or has
592 discovered property and assets and has taken all necessary
593 action and proceedings for the application thereof to the
594 judgment but the amount thereby realized was insufficient to
595 satisfy the judgment; and

596 3. The claimant has made a diligent attempt, as defined by
597 board rule, to collect the restitution awarded by the board.

598 (f) A claim for recovery is made within 1 year after the



599 conclusion of any civil, criminal, or administrative action or
600 award in arbitration based on the act. This paragraph applies to
601 any claim filed with the board after October 1, 1998.

602 (g) Any amounts recovered by the claimant from the
603 judgment debtor or licensee, or from any other source, have been
604 applied to the damages awarded by the court or the amount of
605 restitution ordered by the board.

606 (h) The claimant is not a person who is precluded by this
607 act from making a claim for recovery.

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

610 (a) The claimant is the spouse of the judgment debtor or
611 licensee or a personal representative of such spouse;

612 (b) The claimant is a licensee who acted as the contractor
613 in the transaction that ~~which~~ is the subject of the claim;

614 (c) The claim is based upon a construction contract in
615 which the licensee was acting with respect to the property owned
616 or controlled by the licensee;

617 (d) The claim is based upon a construction contract in
618 which the contractor did not hold a valid and current license at
619 the time of the construction contract;

620 (e) The claimant was associated in a business relationship
621 with the licensee other than the contract at issue; or

622 ~~(f) The claimant has suffered damages as the result of~~
623 ~~making improper payments to a contractor as defined in part I of~~
624 ~~chapter 713; or~~



625 (f)~~(g)~~ The claimant has entered into a contract ~~contracted~~
 626 with a licensee to perform a scope of work described in s.
 627 489.105(3)(d)-(g) before July 1, 2015 ~~489.105(3)(d)-(p)~~.

628 Section 12. Subsection (1) of section 489.1425, Florida
 629 Statutes, is amended to read:

630 489.1425 Duty of contractor to notify residential property
 631 owner of recovery fund.—

632 (1) Each ~~Any~~ agreement or contract for repair,
 633 restoration, improvement, or construction to residential real
 634 property must contain a written statement explaining the
 635 consumer's rights under the recovery fund, except where the
 636 value of all labor and materials does not exceed \$2,500. The
 637 written statement must be substantially in the following form:

638
 639 FLORIDA HOMEOWNERS' CONSTRUCTION
 640 RECOVERY FUND

641
 642 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE
 643 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY
 644 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS
 645 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED
 646 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A
 647 CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD
 648 AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

649
 650 The statement must ~~shall~~ be immediately followed by the board's



651 address and telephone number as established by board rule.

652 Section 13. Section 489.143, Florida Statutes, is amended
653 to read:

654 489.143 Payment from the fund.—

655 (1) The fund shall be disbursed as provided in s. 489.141
656 on a final order of the board.

657 (2) A ~~Any~~ claimant who meets all of the conditions
658 prescribed in s. 489.141 may apply to the board to cause payment
659 to be made to a claimant from the recovery fund in an amount
660 equal to the judgment, award, or restitution order or \$25,000,
661 whichever is less, or an amount equal to the unsatisfied portion
662 of such person's judgment, award, or restitution order, but only
663 to the extent and amount of actual damages suffered by the
664 claimant, and only up to the maximum payment allowed for each
665 respective Division I and Division II claim. Payment from the
666 fund for other costs related to or pursuant to civil proceedings
667 such as postjudgment interest, attorney ~~attorney's~~ fees, court
668 costs, medical damages, and punitive damages is prohibited. The
669 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
670 or a restitution order, or any portion thereof, which is not
671 expressly based on one of the grounds for recovery set forth in
672 s. 489.141.

673 (3) Beginning January 1, 2005, for each Division I
674 contract entered into after July 1, 2004, payment from the
675 recovery fund is ~~shall be~~ subject to a \$50,000 maximum payment
676 for each Division I claim. Beginning January 1, 2016, for each



677 Division II contract entered into on or after July 1, 2015,
678 payment from the recovery fund is subject to a \$15,000 maximum
679 payment for each Division II claim.

680 (4)~~(3)~~ Upon receipt by a claimant under subsection (2) of
681 payment from the recovery fund, the claimant shall assign his or
682 her additional right, title, and interest in the judgment,
683 award, or restitution order, to the extent of such payment, to
684 the board, and thereupon the board shall be subrogated to the
685 right, title, and interest of the claimant; and any amount
686 subsequently recovered on the judgment, award, or restitution
687 order, to the extent of the right, title, and interest of the
688 board therein, shall be for the purpose of reimbursing the
689 recovery fund.

690 (5)~~(4)~~ Payments for claims arising out of the same
691 transaction shall be limited, in the aggregate, to the lesser of
692 the judgment, award, or restitution order or the maximum payment
693 allowed for a Division I or Division II claim, regardless of the
694 number of claimants involved in the transaction.

695 (6)~~(5)~~ For contracts entered into before July 1, 2004,
696 payments for claims against any one licensee may ~~shall~~ not
697 exceed, in the aggregate, \$100,000 annually, up to a total
698 aggregate of \$250,000. For any claim approved by the board which
699 is in excess of the annual cap, the amount in excess of \$100,000
700 up to the total aggregate cap of \$250,000 is eligible for
701 payment in the next and succeeding fiscal years, but only after
702 all claims for the then-current calendar year have been paid.



703 Payments may not exceed the aggregate annual or per claimant
704 limits under law. Beginning January 1, 2005, for each Division I
705 contract entered into after July 1, 2004, payment from the
706 recovery fund is subject only to a total aggregate cap of
707 \$500,000 for each Division I licensee. Beginning January 1,
708 2016, for each Division II contract entered into on or after
709 July 1, 2015, payment from the recovery fund is subject only to
710 a total aggregate cap of \$150,000 for each Division II licensee.

711 (7)-(6) Claims shall be paid in the order filed, up to the
712 aggregate limits for each transaction and licensee and to the
713 limits of the amount appropriated to pay claims against the fund
714 for the fiscal year in which the claims were filed. Payments may
715 not exceed the total aggregate cap per license or per claimant
716 limits under this section.

717 (8)-(7) If the annual appropriation is exhausted with
718 claims pending, such claims shall be carried forward to the next
719 fiscal year. Any moneys in excess of pending claims remaining in
720 the recovery fund at the end of the fiscal year shall be paid as
721 provided in s. 468.631.

722 (9)-(8) Upon the payment of any amount from the recovery
723 fund in settlement of a claim in satisfaction of a judgment,
724 award, or restitution order against a licensee as described in
725 s. 489.141, the license of such licensee shall be automatically
726 suspended, without further administrative action, upon the date
727 of payment from the fund. The license of such licensee may ~~shall~~
728 not be reinstated until he or she has repaid in full, plus



729 interest, the amount paid from the fund. A discharge of
730 bankruptcy does not relieve a person from the penalties and
731 disabilities provided in this section.

732 ~~(10)(9)~~ A ~~Any~~ firm, a corporation, a partnership, or an
733 association, or a ~~any~~ person acting in his or her individual
734 capacity, who aids, abets, solicits, or conspires with another
735 ~~any~~ person to knowingly present or cause to be presented a ~~any~~
736 false or fraudulent claim for the payment of a loss under this
737 act commits ~~is guilty of~~ a third-degree felony, punishable as
738 provided in s. 775.082 or s. 775.084 and by a fine of up to not
739 ~~exceeding~~ \$30,000, unless the value of the fraud exceeds that
740 amount, ~~\$30,000~~ in which event the fine may not exceed double
741 the value of the fraud.

742 ~~(11)(10)~~ Each payment ~~All payments~~ and disbursement
743 ~~disbursements~~ from the recovery fund shall be made by the Chief
744 Financial Officer upon a voucher signed by the secretary of the
745 department or the secretary's designee.

746 Section 14. Subsection (24) is added to section 489.503,
747 Florida Statutes, to read:

748 489.503 Exemptions.—This part does not apply to:

749 (24) A person who installs low-voltage landscape lighting
750 that contains a factory-installed electrical cord with plug and
751 does not require installation, wiring, or other modification to
752 the electrical wiring of a structure.

753 Section 15. Subsection (6) of section 489.517, Florida
754 Statutes, is amended to read:



755 489.517 Renewal of certificate or registration; continuing
756 education.—

757 (6) The board shall require, by rule adopted pursuant to
758 ss. 120.536(1) and 120.54, a specialized number of hours in
759 specialized or code-related training ~~advanced module courses,~~
760 ~~approved by the Florida Building Commission,~~ on any portion of
761 the Florida Building Code, adopted pursuant to part IV of
762 chapter 553, relating to the contractor's respective discipline.

763 Section 16. Subsection (3) of section 514.011, Florida
764 Statutes, is amended to read:

765 514.011 Definitions.—As used in this chapter:

766 (3) "Private pool" means a facility used only by an
767 individual, family, or living unit members and their guests
768 which does not serve any type of cooperative housing or joint
769 tenancy of five or more living units. The term includes a
770 portable pool used exclusively for providing swimming lessons or
771 related instruction in support of an established educational
772 program sponsored or provided by a county school district for
773 the purposes of the exemptions provided under s. 514.0115.

774 Section 17. Subsection (3) of section 514.0115, Florida
775 Statutes, is amended to read:

776 514.0115 Exemptions from supervision or regulation;
777 variances.—

778 (3) A private pool used for instructional purposes in
779 swimming may ~~shall~~ not be regulated as a public pool. A portable
780 pool used for instructional purposes or to further an approved



781 educational program may not be regulated as a public pool.

782 Section 18. Subsection (5) of section 514.031, Florida
783 Statutes, is amended to read:

784 514.031 Permit necessary to operate public swimming pool.—

785 (5) An owner or operator of a public swimming pool,
786 including, but not limited to, a spa, wading, or special purpose
787 pool, to which admittance is obtained by membership for a fee
788 shall post in a prominent location within the facility the most
789 recent pool inspection report issued by the department
790 pertaining to the health and safety conditions of such facility.
791 The report shall be legible and readily accessible to members or
792 potential members. The department shall adopt rules to enforce
793 this subsection. A portable pool may not be used as a public
794 pool unless it is exempt under s. 514.0115.

795 Section 19. Subsection (2) of section 553.512, Florida
796 Statutes, is amended to read:

797 553.512 Modifications and waivers; advisory council.—

798 (2) The Accessibility Advisory Council shall consist of
799 the following seven members, who shall be knowledgeable in the
800 area of accessibility for persons with disabilities. The
801 Secretary of Business and Professional Regulation shall appoint
802 the following: a representative from the Advocacy Center for
803 Persons with Disabilities, Inc.; a representative from the
804 Division of Blind Services; a representative from the Division
805 of Vocational Rehabilitation; a representative from a statewide
806 organization representing the physically handicapped; a



807 representative from the hearing impaired; a representative from
808 the Pensacola Pen Wheels Inc. Employ the Handicapped Council
809 ~~President, Florida Council of Handicapped Organizations~~; and a
810 representative of the Paralyzed Veterans of America. The terms
811 for the first three council members appointed subsequent to
812 October 1, 1991, shall be for 4 years, the terms for the next
813 two council members appointed shall be for 3 years, and the
814 terms for the next two members shall be for 2 years. Thereafter,
815 all council member appointments shall be for terms of 4 years.
816 No council member shall serve more than two 4-year terms
817 subsequent to October 1, 1991. Any member of the council may be
818 replaced by the secretary upon three unexcused absences. Upon
819 application made in the form provided, an individual waiver or
820 modification may be granted by the commission so long as such
821 modification or waiver is not in conflict with more stringent
822 standards provided in another chapter.

823 Section 20. Section 553.721, Florida Statutes, is amended
824 to read:

825 553.721 Surcharge.—In order for the Department of Business
826 and Professional Regulation to administer and carry out the
827 purposes of this part and related activities, there is created a
828 surcharge, to be assessed at the rate of 1.5 percent of the
829 permit fees associated with enforcement of the Florida Building
830 Code as defined by the uniform account criteria and specifically
831 the uniform account code for building permits adopted for local
832 government financial reporting pursuant to s. 218.32. The



833 minimum amount collected on any permit issued shall be \$2. The
834 unit of government responsible for collecting a permit fee
835 pursuant to s. 125.56(4) or s. 166.201 shall collect the
836 surcharge and electronically remit the funds collected to the
837 department on a quarterly calendar basis for the preceding
838 quarter and continuing each third month thereafter. The unit of
839 government shall retain 10 percent of the surcharge collected to
840 fund the participation of building departments in the national
841 and state building code adoption processes and to provide
842 education related to enforcement of the Florida Building Code.
843 All funds remitted to the department pursuant to this section
844 shall be deposited in the Professional Regulation Trust Fund.
845 Funds collected from the surcharge shall be allocated to fund
846 the Florida Building Commission and the Florida Building Code
847 Compliance and Mitigation Program under s. 553.841. Funds
848 allocated to the Florida Building Code Compliance and Mitigation
849 Program shall be \$925,000 each fiscal year. The Florida Building
850 Code Compliance and Mitigation Program shall fund the
851 recommendations made by the Building Code System Uniform
852 Implementation Evaluation Workgroup, dated April 8, 2013, from
853 existing resources, not to exceed \$30,000 in the 2015-2016
854 fiscal year. Funds collected from the surcharge shall also be
855 used to fund Florida Fire Prevention Code informal
856 interpretations managed by the State Fire Marshal and shall be
857 limited to \$15,000 each fiscal year. The State Fire Marshal
858 shall adopt rules to address the implementation and expenditure



859 of the funds allocated to fund the Florida Fire Prevention Code
860 informal interpretations under this section. The funds collected
861 from the surcharge may not be used to fund research on
862 techniques for mitigation of radon in existing buildings. Funds
863 used by the department as well as funds to be transferred to the
864 Department of Health and the State Fire Marshal shall be as
865 prescribed in the annual General Appropriations Act. The
866 department shall adopt rules governing the collection and
867 remittance of surcharges pursuant to chapter 120.

868 Section 21. Subsections (11) and (15) of section 553.73,
869 Florida Statutes, are amended, and subsection (19) is added to
870 that section, to read:

871 553.73 Florida Building Code.—

872 (11) (a) In the event of a conflict between the Florida
873 Building Code and the Florida Fire Prevention Code and the Life
874 Safety Code as applied to a specific project, the conflict shall
875 be resolved by agreement between the local building code
876 enforcement official and the local fire code enforcement
877 official in favor of the requirement of the code which offers
878 the greatest degree of lifesafety or alternatives which would
879 provide an equivalent degree of lifesafety and an equivalent
880 method of construction. Local boards created to address issues
881 arising under the Florida Building Code and the Florida Fire
882 Prevention Code may combine the appeals boards to create a
883 single, local board having jurisdiction over matters arising
884 under either code or both codes. The combined local appeals



885 board may grant alternatives or modifications through procedures
886 outlined in NFPA 1, Section 1.4, but may not waive the
887 requirements of the Florida Fire Prevention Code. To meet the
888 quorum requirement for convening the combined local appeals
889 board, at least one member of the board who is a fire protection
890 contractor, a fire protection design professional, a fire
891 department operations professional, or a fire code enforcement
892 professional must be present.

893 (b) Any decision made by the local fire official regarding
894 application, interpretation, or enforcement of the Florida Fire
895 Prevention Code, by ~~and~~ the local building official regarding
896 application, interpretation, or enforcement of the Florida
897 Building Code, or the appropriate application of either code or
898 both codes in the case of a conflict between the codes may be
899 appealed to a local administrative board designated by the
900 municipality, county, or special district having firesafety
901 responsibilities. If the decision of the local fire official and
902 the local building official is to apply the provisions of either
903 the Florida Building Code or the Florida Fire Prevention Code
904 and the Life Safety Code, the board may not alter the decision
905 unless the board determines that the application of such code is
906 not reasonable. If the decision of the local fire official and
907 the local building official is to adopt an alternative to the
908 codes, the local administrative board shall give due regard to
909 the decision rendered by the local officials and may modify that
910 decision if the administrative board adopts a better



911 alternative, taking into consideration all relevant
912 circumstances. In any case in which the local administrative
913 board adopts alternatives to the decision rendered by the local
914 fire official and the local building official, such alternatives
915 shall provide an equivalent degree of lifesafety and an
916 equivalent method of construction as the decision rendered by
917 the local officials.

918 (c) If the local building official and the local fire
919 official are unable to agree on a resolution of the conflict
920 between the Florida Building Code and the Florida Fire
921 Prevention Code and the Life Safety Code, the local
922 administrative board shall resolve the conflict in favor of the
923 code which offers the greatest degree of lifesafety or
924 alternatives which would provide an equivalent degree of
925 lifesafety and an equivalent method of construction.

926 (d) All decisions of the local administrative board, ~~or,~~ or,
927 if none exists, ~~the decisions of~~ the local building official and
928 the local fire official in regard to the application,
929 enforcement, or interpretation of the Florida Fire Prevention
930 Code, or conflicts between the Florida Fire Prevention Code and
931 the Florida Building Code, are subject to review by a joint
932 committee composed of members of the Florida Building Commission
933 and the Fire Code Advisory Council. If the joint committee is
934 unable to resolve conflicts between the codes as applied to a
935 specific project, the matter shall be resolved pursuant to ~~the~~
936 provisions of paragraph (1) (d). Decisions of the local



937 administrative board related solely to the Florida Building Code
938 are subject to review as set forth in s. 553.775.

939 (e) The local administrative board shall, to the greatest
940 extent possible, be composed of members with expertise in
941 building construction and firesafety standards.

942 (f) All decisions of the local building official and local
943 fire official and all decisions of the administrative board
944 shall be in writing and shall be binding upon a person but do
945 not limit the authority of the State Fire Marshal or the Florida
946 Building Commission pursuant to paragraph (1)(d) and ss. 633.104
947 and 633.228. Decisions of general application shall be indexed
948 by building and fire code sections and shall be available for
949 inspection during normal business hours.

950 (15) An agency or local government may not require that
951 existing mechanical equipment located on or above the surface of
952 a roof be installed in compliance with the requirements of the
953 Florida Building Code except during reroofing when the equipment
954 is being replaced or moved ~~during reroofing~~ and is not in
955 compliance with the provisions of the Florida Building Code
956 relating to roof-mounted mechanical units.

957 (19) The Florida Building Code may not require more than
958 one fire service access elevator in a residential occupancy
959 where the highest occupiable floor is less than 420 feet above
960 the level of fire service access and all remaining elevators are
961 provided with Phase I and II emergency operations. Where fire
962 service access elevators are required, the code may not require



963 a 1-hour fire-rated fire service access elevator lobby with
964 direct access from the fire service access elevators if the fire
965 service access elevators open into an exit access corridor that
966 is at least 150 square feet with the exception of door openings,
967 is no less than 6 feet wide for its entire length, and has a
968 minimum 1-hour fire rating with three-quarter hour fire and
969 smoke rated openings and if, and during a fire event, the fire
970 service access elevators are pressurized and floor-to-floor
971 smoke control is provided. However, where transient residential
972 occupancies occur at floor levels above 420 feet above the level
973 of fire service access, a 1-hour fire-rated fire service access
974 elevator lobby with direct access from the fire service access
975 elevators is required. The requirement for a second fire service
976 access elevator is not considered a part of the Florida Building
977 Code and therefore does take effect until July 1, 2016.

978 Section 22. Paragraph (c) of subsection (3) of section
979 553.775, Florida Statutes, is amended to read:

980 553.775 Interpretations.—

981 (3) The following procedures may be invoked regarding
982 interpretations of the Florida Building Code or the Florida
983 Accessibility Code for Building Construction:

984 (c) The commission shall review decisions of local
985 building officials and local enforcement agencies regarding
986 interpretations of the Florida Building Code or the Florida
987 Accessibility Code for Building Construction after the local
988 board of appeals has considered the decision, if such board



989 exists, and if such appeals process is concluded within 25
990 business days.

991 1. The commission shall coordinate with the Building
992 Officials Association of Florida, Inc., to designate a panel
993 ~~panels~~ composed of seven ~~five~~ members to hear requests to review
994 decisions of local building officials. Five ~~The~~ members must be
995 licensed as building code administrators under part XII of
996 chapter 468, one member must be licensed as an architect under
997 chapter 481, and one member must be licensed as an engineer
998 under chapter 471. Each member ~~and~~ must have experience
999 interpreting or ~~and~~ enforcing provisions of the Florida Building
1000 Code and the Florida Accessibility Code for Building
1001 Construction.

1002 2. Requests to review a decision of a local building
1003 official interpreting provisions of the Florida Building Code or
1004 the Florida Accessibility Code for Building Construction may be
1005 initiated by any substantially affected person, including an
1006 owner or builder subject to a decision of a local building
1007 official or an association of owners or builders having members
1008 who are subject to a decision of a local building official. In
1009 order to initiate review, the substantially affected person must
1010 file a petition with the commission. The commission shall adopt
1011 a form for the petition, which shall be published on the
1012 Building Code Information System. The form shall, at a minimum,
1013 require the following:

1014 a. The name and address of the county or municipality in



1015 | which provisions of the Florida Building Code or the Florida
1016 | Accessibility Code for Building Construction are being
1017 | interpreted.

1018 | b. The name and address of the local building official who
1019 | has made the interpretation being appealed.

1020 | c. The name, address, and telephone number of the
1021 | petitioner; the name, address, and telephone number of the
1022 | petitioner's representative, if any; and an explanation of how
1023 | the petitioner's substantial interests are being affected by the
1024 | local interpretation of the Florida Building Code or the Florida
1025 | Accessibility Code for Building Construction.

1026 | d. A statement of the provisions of the Florida Building
1027 | Code or the Florida Accessibility Code for Building Construction
1028 | which are being interpreted by the local building official.

1029 | e. A statement of the interpretation given to provisions
1030 | of the Florida Building Code or the Florida Accessibility Code
1031 | for Building Construction by the local building official and the
1032 | manner in which the interpretation was rendered.

1033 | f. A statement of the interpretation that the petitioner
1034 | contends should be given to the provisions of the Florida
1035 | Building Code or the Florida Accessibility Code for Building
1036 | Construction and a statement supporting the petitioner's
1037 | interpretation.

1038 | g. Space for the local building official to respond in
1039 | writing. The space shall, at a minimum, require the local
1040 | building official to respond by providing a statement admitting



1041 or denying the statements contained in the petition and a
1042 statement of the interpretation of the provisions of the Florida
1043 Building Code or the Florida Accessibility Code for Building
1044 Construction which the local jurisdiction or the local building
1045 official contends is correct, including the basis for the
1046 interpretation.

1047 3. The petitioner shall submit the petition to the local
1048 building official, who shall place the date of receipt on the
1049 petition. The local building official shall respond to the
1050 petition in accordance with the form and shall return the
1051 petition along with his or her response to the petitioner within
1052 5 days after receipt, exclusive of Saturdays, Sundays, and legal
1053 holidays. The petitioner may file the petition with the
1054 commission at any time after the local building official
1055 provides a response. If no response is provided by the local
1056 building official, the petitioner may file the petition with the
1057 commission 10 days after submission of the petition to the local
1058 building official and shall note that the local building
1059 official did not respond.

1060 4. Upon receipt of a petition that meets the requirements
1061 of subparagraph 2., the commission shall immediately provide
1062 copies of the petition to the ~~a~~ panel, and the commission shall
1063 publish the petition, including any response submitted by the
1064 local building official, on the Building Code Information System
1065 in a manner that allows interested persons to address the issues
1066 by posting comments.



1067 5. The panel shall conduct proceedings as necessary to
1068 resolve the issues; shall give due regard to the petitions, the
1069 response, and to comments posed on the Building Code Information
1070 System; and shall issue an interpretation regarding the
1071 provisions of the Florida Building Code or the Florida
1072 Accessibility Code for Building Construction within 21 days
1073 after the filing of the petition. The panel shall render a
1074 determination based upon the Florida Building Code or the
1075 Florida Accessibility Code for Building Construction or, if the
1076 code is ambiguous, the intent of the code. The panel's
1077 interpretation shall be provided to the commission, which shall
1078 publish the interpretation on the Building Code Information
1079 System and in the Florida Administrative Register. The
1080 interpretation shall be considered an interpretation entered by
1081 the commission, and shall be binding upon the parties and upon
1082 all jurisdictions subject to the Florida Building Code or the
1083 Florida Accessibility Code for Building Construction, unless it
1084 is superseded by a declaratory statement issued by the Florida
1085 Building Commission or by a final order entered after an appeal
1086 proceeding conducted in accordance with subparagraph 7.

1087 6. It is the intent of the Legislature that review
1088 proceedings be completed within 21 days after the date that a
1089 petition seeking review is filed with the commission, and the
1090 time periods set forth in this paragraph may be waived only upon
1091 consent of all parties.

1092 7. Any substantially affected person may appeal an



1093 interpretation rendered by the ~~a hearing officer~~ panel by filing
1094 a petition with the commission. Such appeals shall be initiated
1095 in accordance with chapter 120 and the uniform rules of
1096 procedure and must be filed within 30 days after publication of
1097 the interpretation on the Building Code Information System or in
1098 the Florida Administrative Register. Hearings shall be conducted
1099 pursuant to chapter 120 and the uniform rules of procedure.
1100 Decisions of the commission are subject to judicial review
1101 pursuant to s. 120.68. The final order of the commission is
1102 binding upon the parties and upon all jurisdictions subject to
1103 the Florida Building Code or the Florida Accessibility Code for
1104 Building Construction.

1105 8. The burden of proof in any proceeding initiated in
1106 accordance with subparagraph 7. is on the party who initiated
1107 the appeal.

1108 9. In any review proceeding initiated in accordance with
1109 this paragraph, including any proceeding initiated in accordance
1110 with subparagraph 7., the fact that an owner or builder has
1111 proceeded with construction may not be grounds for determining
1112 an issue to be moot if the issue is one that is likely to arise
1113 in the future.

1114
1115 This paragraph provides the exclusive remedy for addressing
1116 requests to review local interpretations of the Florida Building
1117 Code or the Florida Accessibility Code for Building Construction
1118 and appeals from review proceedings.



1119 Section 23. Subsection (6) of section 553.79, Florida
1120 Statutes, is amended to read:

1121 553.79 Permits; applications; issuance; inspections.—

1122 (6) A permit may not be issued for any building
1123 construction, erection, alteration, modification, repair, or
1124 addition unless the applicant for such permit complies with the
1125 requirements for plan review established by the Florida Building
1126 Commission within the Florida Building Code. However, the code
1127 shall set standards and criteria to authorize preliminary
1128 construction before completion of all building plans review,
1129 including, but not limited to, special permits for the
1130 foundation only, and such standards shall take effect concurrent
1131 with the first effective date of the Florida Building Code.
1132 After submittal of the appropriate construction documents, the
1133 building official may issue a permit for the construction of
1134 foundations or any other part of a building or structure before
1135 the construction documents for the whole building or structure
1136 have been submitted. The holder of such permit for the
1137 foundation or other parts of a building or structure shall
1138 proceed at the holder's own risk with the building operation and
1139 without assurance that a permit for the entire structure will be
1140 granted. Corrections may be required to meet the requirements of
1141 the technical codes.

1142 Section 24. Subsections (4) and (7) of section 553.841,
1143 Florida Statutes, are amended to read:

1144 553.841 Building code compliance and mitigation program.—



1145 (4) In administering the Florida Building Code Compliance
1146 and Mitigation Program, the department may ~~shall~~ maintain,
1147 update, develop, or cause to be developed code-related training
1148 and education ~~advanced modules designed~~ for use by each
1149 profession.

1150 ~~(7) The Florida Building Commission shall provide by rule~~
1151 ~~for the accreditation of courses related to the Florida Building~~
1152 ~~Code by accreditors approved by the commission. The commission~~
1153 ~~shall establish qualifications of accreditors and criteria for~~
1154 ~~the accreditation of courses by rule. The commission may revoke~~
1155 ~~the accreditation of a course by an accreditor if the~~
1156 ~~accreditation is demonstrated to violate this part or the rules~~
1157 ~~of the commission.~~

1158 Section 25. Paragraph (a) of subsection (8) of section
1159 553.842, Florida Statutes, is amended to read:

1160 553.842 Product evaluation and approval.—

1161 (8) The commission may adopt rules to approve the
1162 following types of entities that produce information on which
1163 product approvals are based. All of the following entities,
1164 including engineers and architects, must comply with a
1165 nationally recognized standard demonstrating independence or no
1166 conflict of interest:

1167 (a) Evaluation entities approved pursuant to this
1168 paragraph. The commission shall specifically approve the
1169 National Evaluation Service, the International Association of
1170 Plumbing and Mechanical Officials Evaluation Service, the



CS/CS/CS/HB 915, Engrossed 1

2015

1171 International Code Council Evaluation Services, Underwriters
1172 Laboratories, LLC, and the Miami-Dade County Building Code
1173 Compliance Office Product Control Division. Architects and
1174 engineers licensed in this state are also approved to conduct
1175 product evaluations as provided in subsection (5).

1176 Section 26. Section 553.883, Florida Statutes, is amended
1177 to read:

1178 553.883 Smoke alarms in one-family and two-family
1179 dwellings and townhomes.—One-family and two-family dwellings and
1180 townhomes undergoing a repair, or a level 1 alteration as
1181 defined in the Florida Building Code, may use smoke alarms
1182 powered by 10-year nonremovable, nonreplaceable batteries in
1183 lieu of retrofitting such dwelling with smoke alarms powered by
1184 the dwelling's electrical system. Effective January 1, 2015, a
1185 battery-powered smoke alarm that is newly installed or replaces
1186 an existing battery-powered smoke alarm must be powered by a
1187 nonremovable, nonreplaceable battery that powers the alarm for
1188 at least 10 years. The battery requirements of this section do
1189 not apply to a fire alarm, smoke detector, smoke alarm, or
1190 ancillary component that is electronically connected as a part
1191 of a centrally monitored or supervised alarm system; or that
1192 uses a low-power, radio frequency wireless communication signal;
1193 or that contains multiple sensors, such as a smoke alarm
1194 combined with a carbon monoxide alarm or other devices as the
1195 State Fire Marshal designates by rule.

1196 Section 27. Section 553.908, Florida Statutes, is amended



CS/CS/CS/HB 915, Engrossed 1

2015

1197 to read:

1198 553.908 Inspection.—Before construction or renovation is
1199 completed, the local enforcement agency shall inspect buildings
1200 for compliance with the standards of this part. Notwithstanding
1201 any other provision of the code or law, section R402.4.1 of the
1202 5th Edition (2014) of the Florida Building Code, Energy
1203 Conservation, which is scheduled to become effective on June 30,
1204 2015, may not be adopted or become effective in the state.
1205 Instead, section 402.4.2 of the 2010 Florida Building Code,
1206 Energy Conservation, relating to air sealing and insulation, in
1207 effect before June 30, 2015, governs and remains applicable and
1208 in effect on or after June 30, 2015. Additionally, a state or
1209 local enforcement agency or code official may not require any
1210 type of mandatory blower door test or air infiltration test to
1211 determine specific air infiltration levels or air leakage rates
1212 in a residential building or dwelling unit and may not require
1213 the installation of any mechanical ventilation devices designed
1214 to filter outside air through an HVAC system as a condition of a
1215 permit or to determine compliance with the code. However, if
1216 section R402.4.1 of the 5th Edition (2014) of the Florida
1217 Building Code—Energy Conservation is voluntarily used, the local
1218 enforcement agency shall inspect the construction or renovation
1219 for compliance with that section.

1220 Section 28. Subsections (17) and (18) are added to section
1221 633.202, Florida Statutes, to read:

1222 633.202 Florida Fire Prevention Code.—



1223 (17) The authority having jurisdiction shall determine the
1224 minimum radio signal strength for fire department communications
1225 in all new high-rise and existing high-rise buildings. Existing
1226 buildings are not required to comply with minimum radio strength
1227 for fire department communications and two-way radio system
1228 enhancement communications as required by the Florida Fire
1229 Prevention Code until January 1, 2022. However, by December 31,
1230 2019, an existing building that is not in compliance with the
1231 requirements for minimum radio strength for fire department
1232 communications must apply for an appropriate permit for the
1233 required installation with the local government agency having
1234 jurisdiction and must demonstrate that the building will become
1235 compliant by January 1, 2022. Existing apartment buildings are
1236 not required to comply until January 1, 2025. However, existing
1237 apartment buildings are required to apply for the appropriate
1238 permit for the required communications installation by December
1239 31, 2022.

1240 (18) Areas of refuge shall be provided if required by the
1241 Florida Building Code, Accessibility. Required portions of an
1242 area of refuge shall be accessible from the space they serve by
1243 an accessible means of egress.

1244 Section 29. Subsection (5) is added to section 633.206,
1245 Florida Statutes, to read:

1246 633.206 Uniform firesafety standards—The Legislature
1247 hereby determines that to protect the public health, safety, and
1248 welfare it is necessary to provide for firesafety standards



1249 governing the construction and utilization of certain buildings
1250 and structures. The Legislature further determines that certain
1251 buildings or structures, due to their specialized use or to the
1252 special characteristics of the person utilizing or occupying
1253 these buildings or structures, should be subject to firesafety
1254 standards reflecting these special needs as may be appropriate.

1255 (5) The home environment provisions in the most current
1256 edition of the codes adopted by the division may be applied to
1257 existing assisted living facilities, at the option of each
1258 facility, notwithstanding the edition of the codes applied at
1259 the time of construction.

1260 Section 30. Subsection (5) of section 633.208, Florida
1261 Statutes, is amended to read:

1262 633.208 Minimum firesafety standards.—

1263 (5) With regard to existing buildings, the Legislature
1264 recognizes that it is not always practical to apply any or all
1265 of the provisions of the Florida Fire Prevention Code and that
1266 physical limitations may require disproportionate effort or
1267 expense with little increase in fire or life safety. Before
1268 ~~Prior to~~ applying the minimum firesafety code to an existing
1269 building, the local fire official shall determine whether ~~that~~ a
1270 threat to lifesafety or property exists. If a threat to
1271 lifesafety or property exists, the fire official shall apply the
1272 applicable firesafety code for existing buildings to the extent
1273 practical to ensure ~~assure~~ a reasonable degree of lifesafety and
1274 safety of property or the fire official shall fashion a



1275 reasonable alternative that ~~which~~ affords an equivalent degree
1276 of lifesafety and safety of property. The local fire official
1277 may consider the fire safety evaluation systems found in NFPA
1278 101A, Guide on Alternative Solutions to Life Safety, adopted by
1279 the State Fire Marshal, as acceptable systems for the
1280 identification of low-cost, reasonable alternatives. It is
1281 acceptable to use the Fire Safety Evaluation System for Board
1282 and Care Facilities using prompt evacuation capabilities
1283 parameter values on existing residential high-rise buildings.
1284 The decision of the local fire official may be appealed to the
1285 local administrative board described in s. 553.73.

1286 Section 31. Section 633.336, Florida Statutes, is amended
1287 to read:

1288 633.336 Contracting without certificate prohibited;
1289 violations; penalty.—

1290 (1) It is unlawful for any organization or individual to
1291 engage in the business of layout, fabrication, installation,
1292 inspection, alteration, repair, or service of a fire protection
1293 system, other than a preengineered system, act in the capacity
1294 of a fire protection contractor, or advertise itself as being a
1295 fire protection contractor without having been duly certified
1296 and holding a valid and existing certificate, except as
1297 hereinafter provided. The holder of a certificate used to
1298 qualify an organization must be a full-time employee of the
1299 qualified organization or business. A certificateholder who is
1300 employed by more than one fire protection contractor during the



1301 same time is deemed not to be a full-time employee of either
1302 contractor. The State Fire Marshal shall revoke, for a period
1303 determined by the State Fire Marshal, the certificate of a
1304 certificateholder who allows the use of the certificate to
1305 qualify a company of which the certificateholder is not a full-
1306 time employee. A contractor who maintains more than one place of
1307 business must employ a certificateholder at each location. This
1308 subsection does not prohibit an employee acting on behalf of
1309 governmental entities from inspecting and enforcing firesafety
1310 codes, provided such employee is certified under s. 633.216.

1311 (2) A fire protection contractor certified under this
1312 chapter may not:

1313 (a) Enter into a written or oral agreement to authorize,
1314 or otherwise knowingly allow, a contractor who is not certified
1315 under this chapter to engage in the business of, or act in the
1316 capacity of, a fire protection contractor.

1317 (b) Apply for or obtain a construction permit for fire
1318 protection work unless the fire protection contractor or the
1319 business organization qualified by the fire protection
1320 contractor has contracted to conduct the work specified in the
1321 application for the permit.

1322 (3) The Legislature recognizes that special expertise is
1323 required for fire pump control panels and maintenance of
1324 electric and diesel pump drivers and that it is not economically
1325 feasible for all contractors to employ these experts full-time
1326 whose work may be limited. It is therefore deemed acceptable for



1327 a fire protection contractor licensed under chapter 633 to
1328 subcontract with companies providing advanced technical services
1329 for the installation, servicing, and maintenance of fire pump
1330 control panels and pump drivers. To ensure the integrity of the
1331 system and to protect the interests of the property owner, those
1332 providing technical support services for fire pump control
1333 panels and pump drivers must be under contract with a licensed
1334 fire protection contractor.

1335 (4)~~(3)~~ A person who violates any provision of this act or
1336 commits any of the acts constituting cause for disciplinary
1337 action as herein set forth commits a misdemeanor of the second
1338 degree, punishable as provided in s. 775.082 or s. 775.083.

1339 (5)~~(4)~~ In addition to the penalties provided in subsection
1340 (4) ~~(3)~~, a fire protection contractor certified under this
1341 chapter who violates any provision of this section or who
1342 commits any act constituting cause for disciplinary action is
1343 subject to suspension or revocation of the certificate and
1344 administrative fines pursuant to s. 633.338.

1345 Section 32. Paragraphs (b) and (c) of subsection (4) of
1346 section 120.541, Florida Statutes, are repealed.

1347 Section 33. Subsections (16) and (17) of section 120.80,
1348 Florida Statutes, are amended to read:

1349 120.80 Exceptions and special requirements; agencies.—

1350 (16) FLORIDA BUILDING COMMISSION.—

1351 (a) Notwithstanding the provisions of s. 120.542, the
1352 Florida Building Commission may not accept a petition for waiver



1353 or variance and may not grant any waiver or variance from the
1354 requirements of the Florida Building Code.

1355 (b) The Florida Building Commission shall adopt within the
1356 Florida Building Code criteria and procedures for alternative
1357 means of compliance with the code or local amendments thereto,
1358 for enforcement by local governments, local enforcement
1359 districts, or other entities authorized by law to enforce the
1360 Florida Building Code. Appeals from the denial of the use of
1361 alternative means shall be heard by the local board, if one
1362 exists, and may be appealed to the Florida Building Commission.

1363 (c) Notwithstanding ss. 120.565, 120.569, and 120.57, the
1364 Florida Building Commission and hearing officer panels appointed
1365 by the commission in accordance with s. 553.775(3)(c)1. may
1366 conduct proceedings to review decisions of local building code
1367 officials in accordance with s. 553.775(3)(c).

1368 (d) Effective July 1, 2015, section 120.541(3) does not
1369 apply to the adoption of any section of the Florida Building
1370 Code, adopted pursuant to s. 553.73, if the section would not be
1371 subject to ratification as a discrete rule or if the substance
1372 of the section was incorporated in a prior adopted and effective
1373 rule amendments and the triennial update to the Florida Building
1374 Code expressly authorized by s. 553.73.

1375 (e) In adopting the Florida Building Code, a statement of
1376 estimated regulatory costs prepared under s. 120.541 must
1377 evaluate each section of the underlying code developed to form
1378 the foundation of the Florida Building Code pursuant to s.



1379 553.73(3) if the section was not incorporated in the previous
1380 version of the Florida Building Code and the section is expected
1381 to increase construction costs in excess of \$1 million in the
1382 aggregate within 5 years after the implementation of the
1383 section.

1384 (17) STATE FIRE MARSHAL.—

1385 (a) Effective July 1, 2015, section 120.541(3) does not
1386 apply to the adoption of any section of the Florida Fire
1387 Prevention Code adopted pursuant to s. 633.202 if the section
1388 would not be subject to ratification as a discrete rule or if
1389 the substance of the section was incorporated in a prior adopted
1390 and effective rule amendments and the triennial update to the
1391 Florida Fire Prevention Code expressly authorized by s. 633.202.

1392 (b) In adopting the Florida Fire Prevention Code, a
1393 statement of estimated regulatory costs prepared under s.
1394 120.541 must evaluate each section of the National Fire
1395 Protection Association's Standard 1, Fire Prevention Code and
1396 each section of the Life Safety Code, NFPA 101, adopted by
1397 reference in the Florida Fire Prevention Code, if the section
1398 was not incorporated in the previous version of the Florida Fire
1399 Prevention Code and the section is expected to increase
1400 construction costs in excess of \$1 million in the aggregate
1401 within 5 years after the implementation of the section.

1402 Section 34. The Calder Sloan Swimming Pool Electrical-
1403 Safety Task Force.—There is established within the Florida
1404 Building Commission the Calder Sloan Swimming Pool Electrical-



1405 Safety Task Force.

1406 (1) The purpose of the task force is to study standards on
1407 grounding, bonding, lighting, wiring, and all electrical aspects
1408 for safety in and around public and private swimming pools,
1409 especially with regard to minimizing risks of electrocutions
1410 linked to swimming pools. The task force shall submit a report
1411 of its findings, including recommended revisions to state law,
1412 if any, to the Governor, the President of the Senate, and the
1413 Speaker of the House of Representatives by November 1, 2015.

1414 (2) The task force shall consist of the swimming pool and
1415 electrical technical advisory committees of the Florida Building
1416 Commission.

1417 (3) The task force shall be chaired by the swimming pool
1418 contractor appointed to the Florida Building Commission pursuant
1419 to s. 553.74, Florida Statutes.

1420 (4) The Florida Building Commission shall provide such
1421 staff, information, and other assistance as is reasonably
1422 necessary to assist the task force in carrying out its
1423 responsibilities.

1424 (5) Members of the task force shall serve without
1425 compensation.

1426 (6) The task force shall meet as often as necessary to
1427 fulfill its responsibilities. Meetings may be conducted by
1428 conference call, teleconferencing, or similar technology.

1429 (7) This section expires December 31, 2015.

1430 Section 35. This act shall take effect July 1, 2015.