

By the Committees on Fiscal Policy; and Community Affairs; and
Senator Hutson

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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 s. 489.103, F.S.;
9 providing an exemption for certain employees who make
10 minor repairs to existing electric water heaters and
11 to existing electric heating, venting, and air-
12 conditioning systems under specified circumstances;
13 providing that the exemption does not limit the
14 authority of a municipality or county to adopt or
15 enforce certain ordinances, rules, or regulations;
16 amending s. 489.105, F.S.; revising the definition of
17 the term "plumbing contractor"; amending s. 489.1401,
18 F.S.; revising legislative intent with respect to the
19 purpose of the Florida Homeowners' Construction
20 Recovery Fund; providing legislative intent that
21 Division II contractors set apart funds to participate
22 in the fund; amending s. 489.1402, F.S.; revising
23 definitions; amending s. 489.141, F.S.; authorizing
24 certain claimants to make a claim against the recovery
25 fund for certain contracts entered into before a
26 specified date; amending s. 489.1425, F.S.; revising a
27 notification provided by contractors to certain
28 residential property owners to state that payment from
29 the recovery fund is limited; amending s. 489.143,
30 F.S.; revising provisions concerning payments from the
31 recovery fund; specifying claim amounts for certain

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32 contracts entered into before or after specified
33 dates; providing aggregate caps for payments; amending
34 s. 489.503, F.S.; exempting certain low-voltage
35 landscape lighting from licensed electrical contractor
36 installation requirements; amending s. 514.011, F.S.;
37 revising the definition of the term "private pool";
38 amending s. 514.0115, F.S.; prohibiting a temporary
39 pool from being regulated as a public pool in certain
40 circumstances; amending s. 514.031, F.S.; providing
41 that a temporary pool may not be used as a public pool
42 unless it is exempt under s. 514.0115, F.S.; amending
43 s. 515.27, F.S.; adding swimming pool alarms as a
44 safety feature that satisfies requirements for final
45 inspection and issuance of a certificate of
46 completion; amending s. 553.512, F.S.; revising the
47 membership of the Accessibility Advisory Council;
48 amending s. 553.721, F.S.; directing the Florida
49 Building Code Compliance and Mitigation Program to
50 fund, from existing resources, the recommendations
51 made by the Building Code System Uniform
52 Implementation Evaluation Workgroup; providing a
53 limitation; requiring that a specified amount of funds
54 from the surcharge be used to fund certain Florida
55 Fire Prevention Code informal interpretations;
56 requiring the State Fire Marshal to adopt specified
57 rules; amending s. 553.73, F.S.; authorizing local
58 boards created to address specified issues to combine
59 the appeals boards to create a single, local board;
60 authorizing the local board to grant alternatives or

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61 modifications through specified procedures; requiring
62 at least one member of a board to be a fire protection
63 contractor, a fire protection design professional, a
64 fire department operations professional, or a fire
65 code enforcement professional in order to meet a
66 specified quorum requirement; authorizing the appeal
67 to a local administrative board of specified decisions
68 made by a local fire official; specifying the
69 decisions of the local building official and the local
70 fire official which are subject to review; prohibiting
71 an agency or local government from requiring that
72 existing mechanical equipment located on or above the
73 surface of a roof be installed in compliance with the
74 Florida Building Code under certain circumstances;
75 requiring the Florida Building Code to require two
76 fire service access elevators in certain buildings;
77 providing that a 1-hour fire-rated fire service access
78 elevator lobby is not required in certain
79 circumstances; requiring a 1-hour fire-related fire
80 service access elevator lobby in certain
81 circumstances; amending s. 553.775, F.S.; revising the
82 membership of a panel that hears requests to review
83 decisions of local building officials; amending s.
84 553.79, F.S.; providing that failure of a plans
85 reviewer or building code administrator to provide a
86 reason for denial or revocation of a building permit
87 must result in disciplinary action; authorizing a
88 building official to issue a permit for the
89 construction of the foundation or any other part of a

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90 building or structure before the construction
91 documents for the whole building or structure have
92 been submitted; providing that the holder of such a
93 permit may begin building at the holder's own risk
94 with the building operation and without assurance that
95 a permit for the entire structure will be granted;
96 creating s. 553.7931, F.S.; defining the term
97 "applicable local governmental entity"; requiring the
98 owner, lessee, or occupant, or an authorized
99 representative thereof, of a property to register an
100 alarm system under certain circumstances; requiring a
101 contractor to provide written notice to an owner,
102 lessee, or occupant, or an authorized representative
103 thereof, that an obligation to register the alarm
104 system may exist; requiring alarm system monitoring
105 companies to provide written or verbal notice, in
106 certain circumstances, to an owner, lessee, or
107 occupant, or an authorized representative thereof,
108 that an obligation to register the alarm system may
109 exist; providing that a contractor or alarm system
110 monitoring company is not liable for specified fines
111 and penalties; prohibiting local governmental entities
112 from requiring notarization of an alarm system
113 registration form; providing for preemption; amending
114 s. 553.80, F.S.; prohibiting a local enforcement
115 agency from charging additional fees related to the
116 recording of a contractor's license or workers'
117 compensation insurance; amending s. 553.842, F.S.;
118 providing that Underwriters Laboratories, LLC, and

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119 Intertek Testing Services NA, Inc., are approved
120 evaluation entities; amending s. 553.844, F.S.;
121 excluding work associated with the prevention of
122 degradation of a residence from certain building
123 permit requirements; deleting an obsolete provision
124 providing for expiration of requirements for the
125 adoption of certain mitigation techniques by the
126 Florida Building Commission within the Florida
127 Building Code for certain structures and revising the
128 requirements; amending s. 553.883, F.S.; exempting
129 certain devices from certain smoke alarm battery
130 requirements; amending s. 553.908, F.S.; providing for
131 the amendment of portions of the Florida Building
132 Code, Energy Conservation, related to certain
133 buildings and dwelling units after a specified date;
134 delaying the effective date of certain portions of the
135 Florida Building Code, Energy Conservation, related to
136 blower door testing; providing for the amendment of
137 portions of the Florida Building Code, Mechanical,
138 related to air filtration rates for dwelling units
139 after a specified date; amending s. 553.993, F.S.;
140 revising the definition of the term "building energy-
141 efficiency rating system" to require that oversight is
142 performed using evaluation materials from certain
143 identified entities; amending s. 633.202, F.S.;
144 requiring all new and existing high-rise buildings to
145 maintain a minimum radio signal strength for fire
146 department communications; providing a transitory
147 period for compliance; requiring existing buildings

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148 and existing apartment buildings that are not in
149 compliance to initiate an application for an
150 appropriate permit by a specified date; requiring
151 areas of refuge as determined by the Florida Building
152 Code, Accessibility; amending s. 633.208, F.S.;
153 authorizing fire officials to consider certain systems
154 acceptable for identifying low-cost alternatives;
155 amending s. 633.336, F.S.; authorizing a licensed fire
156 protection contractor to subcontract for advanced
157 technical services under certain circumstances;
158 creating the Calder Sloan Swimming Pool Electrical-
159 Safety Task Force within the Florida Building
160 Commission; specifying the purpose of the task force;
161 requiring a report to the Governor and the Legislature
162 by a specified date; providing for membership;
163 requiring the Florida Building Commission to provide
164 staff, information, and other assistance to the task
165 force; providing that members of the task force serve
166 without compensation; authorizing the task force to
167 meet as often as necessary; providing for expiration
168 of the task force; creating the Construction Industry
169 Workforce Task Force within the University of Florida
170 M.E. Rinker, Sr., School of Construction Management;
171 specifying the goals of the task force; providing for
172 membership; requiring the University of Florida Rinker
173 School of Construction to provide assistance to the
174 task force; providing for meetings; requiring a report
175 to the Governor and Legislature by a specified date;
176 providing an appropriation from specified funds

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177 available to the Department of Business and
178 Professional Regulation; providing for expiration of
179 the task force; requiring the Florida Building
180 Commission to amend the Florida Building Code to
181 define the term "fire separation distance," to specify
182 openings and roof overhang projection requirements, to
183 adopt a specific energy rating index as an option for
184 compliance, to provide for Climate Zone indices, to
185 provide exceptions to the shower lining requirements,
186 and to provide minimum fire separation distances;
187 requiring a restaurant, cafeteria, or similar dining
188 facility to have sprinklers only under specified
189 circumstances; providing an effective date.

190

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

192

193 Section 1. Subsections (2), (3), and (7) of section
194 468.609, Florida Statutes, are amended to read:

195 468.609 Administration of this part; standards for
196 certification; additional categories of certification.—

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

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

201 (b) Is of good moral character.

202 (c) Meets eligibility requirements according to one of the
203 following criteria:

204 1. Demonstrates 5 years' combined experience in the field
205 of construction or a related field, building code inspection, or

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206 plans review corresponding to the certification category sought;

207 2. Demonstrates a combination of postsecondary education in
208 the field of construction or a related field and experience
209 which totals 4 years, with at least 1 year of such total being
210 experience in construction, building code inspection, or plans
211 review;

212 3. Demonstrates a combination of technical education in the
213 field of construction or a related field and experience which
214 totals 4 years, with at least 1 year of such total being
215 experience in construction, building code inspection, or plans
216 review;

217 4. Currently holds a standard certificate ~~as~~ issued by the
218 board, or a firesafety ~~fire-safety~~ inspector license issued
219 pursuant to chapter 633, has a minimum of 3 ~~5~~ years' verifiable
220 full-time experience in inspection or plan review, and has
221 satisfactorily completed ~~completes~~ a building code inspector or
222 plans examiner training program that provides at least 100 hours
223 but not more ~~of not less~~ than 200 hours of cross-training in the
224 certification category sought. The board shall establish by rule
225 criteria for the development and implementation of the training
226 programs. The board shall accept all classroom training offered
227 by an approved provider if the content substantially meets the
228 intent of the classroom component of the training program; ~~or~~

229 5. Demonstrates a combination of the completion of an
230 approved training program in the field of building code
231 inspection or plan review and a minimum of 2 years' experience
232 in the field of building code inspection, plan review, fire code
233 inspections and fire plans review of new buildings as a
234 firesafety inspector certified under s. 633.216, or

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235 construction. The approved training portion of this requirement
236 shall include proof of satisfactory completion of a training
237 program that provides at least 200 hours but not more ~~of not~~
238 ~~less~~ than 300 hours of cross-training that ~~which~~ is approved by
239 the board in the chosen category of building code inspection or
240 plan review in the certification category sought with at least
241 ~~not less than~~ 20 hours but not more than 30 hours of instruction
242 in state laws, rules, and ethics relating to professional
243 standards of practice, duties, and responsibilities of a
244 certificateholder. The board shall coordinate with the Building
245 Officials Association of Florida, Inc., to establish by rule the
246 development and implementation of the training program. However,
247 the board shall accept all classroom training offered by an
248 approved provider if the content substantially meets the intent
249 of the classroom component of the training program; or

250 6. Currently holds a standard certificate issued by the
251 board or a firesafety inspector license issued pursuant to
252 chapter 633 and:

253 a. Has at least 5 years' verifiable full-time experience as
254 an inspector or plans examiner in a standard certification
255 category currently held or has a minimum of 5 years' verifiable
256 full-time experience as a firesafety inspector licensed pursuant
257 to chapter 633.

258 b. Has satisfactorily completed a building code inspector
259 or plans examiner classroom training course or program that
260 provides at least 200 but not more than 300 hours in the
261 certification category sought, except for one-family and two-
262 family dwelling training programs, which are required to provide
263 at least 500 but not more than 800 hours of training as

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264 prescribed by the board. The board shall establish by rule
265 criteria for the development and implementation of classroom
266 training courses and programs in each certification category.

267 (3) A person may take the examination for certification as
268 a building code administrator pursuant to this part if the
269 person:

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

271 (b) Is of good moral character.

272 (c) Meets eligibility requirements according to one of the
273 following criteria:

274 1. Demonstrates 10 years' combined experience as an
275 architect, engineer, plans examiner, building code inspector,
276 registered or certified contractor, or construction
277 superintendent, with at least 5 years of such experience in
278 supervisory positions; or

279 2. Demonstrates a combination of postsecondary education in
280 the field of construction or related field, no more than 5 years
281 of which may be applied, and experience as an architect,
282 engineer, plans examiner, building code inspector, registered or
283 certified contractor, or construction superintendent which
284 totals 10 years, with at least 5 years of such total being
285 experience in supervisory positions. In addition, the applicant
286 must have completed training consisting of at least 20 hours,
287 but not more than 30 hours, of instruction in state laws, rules,
288 and ethics relating to the professional standards of practice,
289 duties, and responsibilities of a certificateholder.

290 (7) (a) The board shall ~~may~~ provide for the issuance of
291 provisional certificates valid for 1 year, as specified by board
292 rule, to any newly employed or promoted building code inspector

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293 or plans examiner who meets the eligibility requirements
294 described in subsection (2) and any newly employed or promoted
295 building code administrator who meets the eligibility
296 requirements described in subsection (3). The provisional
297 license may be renewed by the board for just cause; however, a
298 provisional license is not valid for a period longer than 3
299 years.

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

303 (c) The board shall ~~may~~ provide for appropriate levels of
304 provisional certificates and may issue these certificates with
305 such special conditions or requirements relating to the place of
306 employment of the person holding the certificate, the
307 supervision of such person on a consulting or advisory basis, or
308 other matters as the board may deem necessary to protect the
309 public safety and health.

310 (d) A newly employed or hired person may perform the duties
311 of a plans examiner or building code inspector for 120 days if a
312 provisional certificate application has been submitted if such
313 person is under the direct supervision of a certified building
314 code administrator who holds a standard certification and who
315 has found such person qualified for a provisional certificate.
316 Direct supervision and the determination of qualifications may
317 also be provided by a building code administrator who holds a
318 limited or provisional certificate in a county having a
319 population of fewer than 75,000 and in a municipality located
320 within such county.

321 Section 2. Subsection (23) is added to section 489.103,

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322 Florida Statutes, to read:

323 489.103 Exemptions.—This part does not apply to:

324 (23) An employee of an apartment community or apartment
325 community management company who makes minor repairs to existing
326 electric water heaters or to existing electric heating, venting,
327 and air-conditioning systems if:

328 (a) The employee:

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

331 2. Does not perform any acts, other than acts authorized by
332 this exemption, which constitute contracting.

333 3. Receives compensation from and is under the supervision
334 and control of an employer who deducts the FICA and withholding
335 tax and who provides workers' compensation, as prescribed by
336 law.

337 4. Holds a current certificate for apartment maintenance
338 technicians issued by the National Apartment Association and
339 accredited by the American National Standards Institute.

340 Requirements for obtaining such certificate must include at
341 least:

342 a. One year of apartment or rental housing maintenance
343 experience.

344 b. Successful completion of at least 90 hours of courses or
345 online content that covers electrical maintenance and repair;
346 plumbing maintenance and repair; heating, venting, or air-
347 conditioning system maintenance and repair; appliance
348 maintenance and repair; and interior and exterior maintenance
349 and repair.

350 c. Completion of all examination requirements.

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351 (b) The equipment:

352 1. Is already installed on the property owned by the
353 apartment community or managed by the apartment community
354 management company.

355 2. Is not being modified except to replace components
356 necessary to return the equipment to its original condition and
357 the partial disassembly associated with the replacement.

358 3. Is a type of equipment commonly installed in similar
359 locations.

360 4. Is repaired with new parts that are functionally
361 identical to the parts being replaced.

362 (c) An individual repair does not involve replacement parts
363 that cost more than \$1,000. An individual repair may not be so
364 extensive as to be a functional replacement of the electric
365 water heater or the existing electric heating, venting, or air-
366 conditioning system being repaired. For purposes of this
367 paragraph, an individual repair must not be part of a larger or
368 major project that is divided into parts to avoid this
369 restriction.

370 (d) The property owned by the apartment community or
371 managed by the apartment community management company includes
372 at least 100 apartments.

373
374 This exemption does not limit the authority of a municipality or
375 county to adopt or enforce an ordinance, a rule, or a regulation
376 requiring licensure, certification, or registration of persons
377 employed as an apartment maintenance technician, apartment
378 repair worker, or any term or position that includes any part of
379 the scope of work described by the exemption in this subsection.

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380 Section 3. Paragraph (m) of subsection (3) of section
381 489.105, Florida Statutes, is amended to read:

382 489.105 Definitions.—As used in this part:

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

400 (m) "Plumbing contractor" means a contractor whose services
401 are unlimited in the plumbing trade and includes contracting
402 business consisting of the execution of contracts requiring the
403 experience, financial means, knowledge, and skill to install,
404 maintain, repair, alter, extend, or, if not prohibited by law,
405 design plumbing. A plumbing contractor may install, maintain,
406 repair, alter, extend, or, if not prohibited by law, design the
407 following without obtaining an additional local regulatory
408 license, certificate, or registration: sanitary drainage or

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409 storm drainage facilities, water and sewer plants and
410 substations, venting systems, public or private water supply
411 systems, septic tanks, drainage and supply wells, swimming pool
412 piping, irrigation systems, and solar heating water systems and
413 all appurtenances, apparatus, or equipment used in connection
414 therewith, including boilers and pressure process piping and
415 including the installation of water, natural gas, liquefied
416 petroleum gas and related venting, and storm and sanitary sewer
417 lines. The scope of work of the plumbing contractor also
418 includes the design, if not prohibited by law, and installation,
419 maintenance, repair, alteration, or extension of air-piping,
420 vacuum line piping, oxygen line piping, nitrous oxide piping,
421 and all related medical gas systems; fire line standpipes and
422 fire sprinklers if authorized by law; ink and chemical lines;
423 fuel oil and gasoline piping and tank and pump installation,
424 except bulk storage plants; and pneumatic control piping
425 systems, all in a manner that complies with all plans,
426 specifications, codes, laws, and regulations applicable. The
427 scope of work of the plumbing contractor applies to private
428 property and public property, including any excavation work
429 incidental thereto, and includes the work of the specialty
430 plumbing contractor. Such contractor shall subcontract, with a
431 qualified contractor in the field concerned, all other work
432 incidental to the work but which is specified as being the work
433 of a trade other than that of a plumbing contractor. This
434 definition does not limit the scope of work of any specialty
435 contractor certified pursuant to s. 489.113(6), and does not
436 require certification or registration under this part as a
437 category I liquefied petroleum gas dealer, LP gas installer, or

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438 specialty installer who is licensed under chapter 527 or an ~~of~~
439 ~~any~~ authorized employee of a public natural gas utility or of a
440 private natural gas utility regulated by the Public Service
441 Commission when disconnecting and reconnecting water lines in
442 the servicing or replacement of an existing water heater. A
443 plumbing contractor may perform drain cleaning and clearing and
444 install or repair rainwater catchment systems; however, a
445 mandatory licensing requirement is not established for the
446 performance of these specific services.

447 Section 4. Subsections (2) and (3) of section 489.1401,
448 Florida Statutes, are amended to read:

449 489.1401 Legislative intent.—

450 (2) It is the intent of the Legislature that the sole
451 purpose of the Florida Homeowners' Construction Recovery Fund is
452 to compensate an ~~any~~ aggrieved claimant who contracted for the
453 construction or improvement of the homeowner's residence located
454 within this state and who has obtained a final judgment in a ~~any~~
455 court of competent jurisdiction, was awarded restitution by the
456 Construction Industry Licensing Board, or received an award in
457 arbitration against a licensee on grounds of financial
458 mismanagement or misconduct, abandoning a construction project,
459 or making a false statement with respect to a project. Such
460 grievance must arise ~~and arising~~ directly out of a ~~any~~
461 transaction conducted when the judgment debtor was licensed and
462 must involve an act performed ~~any of the activities~~ enumerated
463 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence~~.

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

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467 Section 5. Paragraphs (d), (i), (k), and (l) of subsection
468 (1) of section 489.1402, Florida Statutes, are amended to read:

469 489.1402 Homeowners' Construction Recovery Fund;
470 definitions.—

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

472 (d) "Contractor" means a Division I or Division II
473 contractor performing his or her respective services described
474 in s. 489.105(3)(a)-(q) ~~489.105(3)(a)-(e)~~.

475 (i) "Residence" means a single-family residence, an
476 individual residential condominium or cooperative unit, or a
477 residential building containing not more than two residential
478 units in which the owner contracting for the improvement is
479 residing or will reside 6 months or more each calendar year upon
480 completion of the improvement.

481 (k) "Same transaction" means a contract, or a any series of
482 contracts, between a claimant and a contractor or qualified
483 business, when such contract or contracts involve the same
484 property or contiguous properties and are entered into either at
485 one time or serially.

486 (l) "Valid and current license," for the purpose of s.
487 489.141(2)(d), means a any license issued pursuant to this part
488 to a licensee, including a license in an active, inactive,
489 delinquent, or suspended status.

490 Section 6. Subsections (1) and (2) of section 489.141,
491 Florida Statutes, are amended to read:

492 489.141 Conditions for recovery; eligibility.—

493 (1) A Any claimant is eligible to seek recovery from the
494 recovery fund after making ~~having made~~ a claim and exhausting
495 the limits of any available bond, cash bond, surety, guarantee,

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496 warranty, letter of credit, or policy of insurance if, ~~provided~~
497 ~~that~~ each of the following conditions is satisfied:

498 (a) The claimant has received a final judgment in a court
499 of competent jurisdiction in this state or has received an award
500 in arbitration or the Construction Industry Licensing Board has
501 issued a final order directing the licensee to pay restitution
502 to the claimant. The board may waive this requirement if:

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

505 2. The claimant has sought to have assets involving the
506 transaction that gave rise to the claim removed from the
507 bankruptcy proceedings so that the matter might be heard in a
508 court of competent jurisdiction in this state and, after due
509 diligence, the claimant is precluded by action of the bankruptcy
510 court from securing a final judgment against the licensee.

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

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

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

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

518 1. The claimant has caused to be issued a writ of execution
519 upon such judgment, and the officer executing the writ has made
520 a return showing that no personal or real property of the
521 judgment debtor or licensee liable to be levied upon in
522 satisfaction of the judgment can be found or that the amount
523 realized on the sale of the judgment debtor's or licensee's
524 property pursuant to such execution was insufficient to satisfy

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525 the judgment;

526 2. If the claimant is unable to comply with subparagraph 1.
527 for a valid reason to be determined by the board, the claimant
528 has made all reasonable searches and inquiries to ascertain
529 whether the judgment debtor or licensee is possessed of real or
530 personal property or other assets subject to being sold or
531 applied in satisfaction of the judgment and by his or her search
532 has discovered no property or assets or has discovered property
533 and assets and has taken all necessary action and proceedings
534 for the application thereof to the judgment but the amount
535 thereby realized was insufficient to satisfy the judgment; and

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

538 (f) A claim for recovery is made within 1 year after the
539 conclusion of any civil, criminal, or administrative action or
540 award in arbitration based on the act. This paragraph applies to
541 any claim filed with the board after October 1, 1998.

542 (g) Any amounts recovered by the claimant from the judgment
543 debtor or licensee, or from any other source, have been applied
544 to the damages awarded by the court or the amount of restitution
545 ordered by the board.

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

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

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

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

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

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

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

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

565 (f) ~~(g)~~ The claimant entered into a contract ~~has contracted~~
 566 with a licensee to perform a scope of work described in s.
 567 489.105(3)(d)-(q) before July 1, 2016 ~~489.105(3)(d)-(p)~~.

568 Section 7. Subsection (1) of section 489.1425, Florida
 569 Statutes, is amended to read:

570 489.1425 Duty of contractor to notify residential property
 571 owner of recovery fund.—

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

578
 579 FLORIDA HOMEOWNERS' CONSTRUCTION

580 RECOVERY FUND

581
 582 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE

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583 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY
584 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS
585 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED
586 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A
587 CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD
588 AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

589

590 The statement must ~~shall~~ be immediately followed by the board's
591 address and telephone number as established by board rule.

592 Section 8. Section 489.143, Florida Statutes, is amended to
593 read:

594 489.143 Payment from the fund.—

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

597 (2) A ~~Any~~ claimant who meets all of the conditions
598 prescribed in s. 489.141 may apply to the board to cause payment
599 to be made to a claimant from the recovery fund in an amount
600 equal to the judgment, award, or restitution order or \$25,000,
601 whichever is less, or an amount equal to the unsatisfied portion
602 of such person's judgment, award, or restitution order, but only
603 to the extent and amount of actual damages suffered by the
604 claimant, and only up to the maximum payment allowed for each
605 respective Division I and Division II claim. Payment from the
606 fund for other costs related to or pursuant to civil proceedings
607 such as postjudgment interest, attorney ~~attorney's~~ fees, court
608 costs, medical damages, and punitive damages is prohibited. The
609 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
610 or a restitution order, or any portion thereof, which is not
611 expressly based on one of the grounds for recovery set forth in

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612 s. 489.141.

613 (3) Beginning January 1, 2005, for each Division I contract
614 entered into after July 1, 2004, payment from the recovery fund
615 is shall be subject to a \$50,000 maximum payment for each
616 Division I claim. Beginning January 1, 2017, for each Division
617 II contract entered into on or after July 1, 2016, payment from
618 the recovery fund is subject to a \$15,000 maximum payment for
619 each Division II claim.

620 (4)~~(3)~~ Upon receipt by a claimant under subsection (2) of
621 payment from the recovery fund, the claimant shall assign his or
622 her additional right, title, and interest in the judgment,
623 award, or restitution order, to the extent of such payment, to
624 the board, and thereupon the board shall be subrogated to the
625 right, title, and interest of the claimant; and any amount
626 subsequently recovered on the judgment, award, or restitution
627 order, to the extent of the right, title, and interest of the
628 board therein, shall be for the purpose of reimbursing the
629 recovery fund.

630 (5)~~(4)~~ Payments for claims arising out of the same
631 transaction shall be limited, in the aggregate, to the lesser of
632 the judgment, award, or restitution order or the maximum payment
633 allowed for a Division I or Division II claim, regardless of the
634 number of claimants involved in the transaction.

635 (6)~~(5)~~ For contracts entered into before July 1, 2004,
636 payments for claims against any one licensee may shall not
637 exceed, in the aggregate, \$100,000 annually, up to a total
638 aggregate of \$250,000. For any claim approved by the board which
639 is in excess of the annual cap, the amount in excess of \$100,000
640 up to the total aggregate cap of \$250,000 is eligible for

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641 payment in the next and succeeding fiscal years, but only after
642 all claims for the then-current calendar year have been paid.
643 Payments may not exceed the aggregate annual or per claimant
644 limits under law. Beginning January 1, 2005, for each Division I
645 contract entered into after July 1, 2004, payment from the
646 recovery fund is subject only to a total aggregate cap of
647 \$500,000 for each Division I licensee. Beginning January 1,
648 2017, for each Division II contract entered into on or after
649 July 1, 2016, payment from the recovery fund is subject only to
650 a total aggregate cap of \$150,000 for each Division II licensee.

651 (7)-(6) Claims shall be paid in the order filed, up to the
652 aggregate limits for each transaction and licensee and to the
653 limits of the amount appropriated to pay claims against the fund
654 ~~for the fiscal year in which the claims were filed.~~ Payments may
655 not exceed the total aggregate cap per license or per claimant
656 limits under this section.

657 (8)-(7) If the annual appropriation is exhausted with claims
658 pending, such claims shall be carried forward to the next fiscal
659 year. Any moneys in excess of pending claims remaining in the
660 recovery fund at the end of the fiscal year shall be paid as
661 provided in s. 468.631.

662 (9)-(8) Upon the payment of any amount from the recovery
663 fund in settlement of a claim in satisfaction of a judgment,
664 award, or restitution order against a licensee as described in
665 s. 489.141, the license of such licensee shall be automatically
666 suspended, without further administrative action, upon the date
667 of payment from the fund. The license of such licensee may ~~shall~~
668 not be reinstated until he or she has repaid in full, plus
669 interest, the amount paid from the fund. A discharge of

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670 bankruptcy does not relieve a person from the penalties and
671 disabilities provided in this section.

672 ~~(10)(9)~~ A Any firm, a corporation, a partnership, or an
673 association, or a any person acting in his or her individual
674 capacity, who aids, abets, solicits, or conspires with another
675 any person to knowingly present or cause to be presented a any
676 false or fraudulent claim for the payment of a loss under this
677 act commits ~~is guilty of~~ a third-degree felony, punishable as
678 provided in s. 775.082 or s. 775.084 and by a fine of up to not
679 ~~exceeding~~ \$30,000, unless the value of the fraud exceeds that
680 amount, ~~\$30,000~~ in which event the fine may not exceed double
681 the value of the fraud.

682 ~~(11)(10)~~ Each payment ~~All payments~~ and disbursement
683 ~~disbursements~~ from the recovery fund shall be made by the Chief
684 Financial Officer upon a voucher signed by the secretary of the
685 department or the secretary's designee.

686 Section 9. Subsection (24) is added to section 489.503,
687 Florida Statutes, to read:

688 489.503 Exemptions.—This part does not apply to:

689 (24) A person who installs low-voltage landscape lighting
690 that contains a factory-installed electrical cord with plug that
691 does not require installation, wiring, or other modification to
692 the electrical wiring of a structure.

693 Section 10. Subsection (3) of section 514.011, Florida
694 Statutes, is amended to read:

695 514.011 Definitions.—As used in this chapter:

696 (3) "Private pool" means a facility used only by an
697 individual, family, or living unit members and their guests
698 which does not serve any type of cooperative housing or joint

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699 tenancy of five or more living units. For purposes of the
700 exemptions provided under s. 514.0115, the term includes a
701 temporary pool used exclusively for providing swimming lessons
702 or related instruction in support of an established educational
703 program sponsored or provided by a county school district and a
704 temporary pool used in conjunction with a sanctioned national or
705 international swimming or diving competition event not to exceed
706 30 consecutive days of use.

707 Section 11. Subsection (3) of section 514.0115, Florida
708 Statutes, is amended to read:

709 514.0115 Exemptions from supervision or regulation;
710 variances.—

711 (3) A private pool used for instructional purposes in
712 swimming may ~~shall~~ not be regulated as a public pool. A
713 temporary pool used for instructional purposes or to further an
714 approved educational program or used for a sanctioned national
715 or international swimming or diving competition event, for a
716 period of 30 consecutive days or less, may not be regulated as a
717 public pool.

718 Section 12. Subsection (5) of section 514.031, Florida
719 Statutes, is amended to read:

720 514.031 Permit necessary to operate public swimming pool.—

721 (5) An owner or operator of a public swimming pool,
722 including, but not limited to, a spa, wading, or special purpose
723 pool, to which admittance is obtained by membership for a fee
724 shall post in a prominent location within the facility the most
725 recent pool inspection report issued by the department
726 pertaining to the health and safety conditions of such facility.
727 The report shall be legible and readily accessible to members or

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728 potential members. The department shall adopt rules to enforce
729 this subsection. A temporary ~~portable~~ pool may not be used as a
730 public pool unless it is exempt under s. 514.0115.

731 Section 13. Section 515.27, Florida Statutes, is amended to
732 read:

733 515.27 Residential swimming pool safety feature options;
734 penalties.—

735 (1) In order to pass final inspection and receive a
736 certificate of completion, a residential swimming pool must meet
737 at least one of the following requirements relating to pool
738 safety features:

739 (a) The pool must be isolated from access to a home by an
740 enclosure that meets the pool barrier requirements of s. 515.29;

741 (b) The pool must be equipped with an approved safety pool
742 cover;

743 (c) All doors and windows providing direct access from the
744 home to the pool must be equipped with an exit alarm that has a
745 minimum sound pressure rating of 85 dB A at 10 feet; ~~or~~

746 (d) All doors providing direct access from the home to the
747 pool must be equipped with a self-closing, self-latching device
748 with a release mechanism placed no lower than 54 inches above
749 the floor; or

750 (e) The pool must be equipped with a swimming pool alarm
751 that, when placed in the pool, will sound upon detection of
752 accidental or unauthorized entrance into the water. These pool
753 alarms must meet and be independently certified to the ASTM
754 Standard F 2208 "Standards Specification for Pool Alarms," which
755 includes surface motion, pressure, sonar, laser, and infrared
756 type alarms. For purposes of this paragraph, the term "swimming

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757 pool alarm” does not include a swimming protection alarm device
758 designed for individual use, such as an alarm attached to a
759 child that sounds when the child’s movement exceeds a certain
760 distance or the child becomes submerged in water.

761 (2) A person who fails to equip a new residential swimming
762 pool with at least one pool safety feature as required in
763 subsection (1) commits a misdemeanor of the second degree,
764 punishable as provided in s. 775.082 or s. 775.083, except that
765 no penalty shall be imposed if the person, within 45 days after
766 arrest or issuance of a summons or a notice to appear, has
767 equipped the pool with at least one safety feature as required
768 in subsection (1) and has attended a drowning prevention
769 education program established by s. 515.31. However, the
770 requirement of attending a drowning prevention education program
771 is waived if such program is not offered within 45 days after
772 issuance of the citation.

773 Section 14. Subsection (2) of section 553.512, Florida
774 Statutes, is amended to read:

775 553.512 Modifications and waivers; advisory council.—

776 (2) The Accessibility Advisory Council shall consist of the
777 following seven members, who shall be knowledgeable in the area
778 of accessibility for persons with disabilities. The Secretary of
779 Business and Professional Regulation shall appoint the
780 following: a representative from the Advocacy Center for Persons
781 with Disabilities, Inc.; a representative from the Division of
782 Blind Services; a representative from the Division of Vocational
783 Rehabilitation; a representative from a statewide organization
784 representing the physically handicapped; a representative from
785 the hearing impaired; a representative from the Pensacola Pen

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786 Wheels Inc. Employ the Handicapped Council President, Florida
787 Council of Handicapped Organizations; and a representative of
788 the Paralyzed Veterans of America. The terms for the first three
789 council members appointed subsequent to October 1, 1991, shall
790 be for 4 years, the terms for the next two council members
791 appointed shall be for 3 years, and the terms for the next two
792 members shall be for 2 years. Thereafter, all council member
793 appointments shall be for terms of 4 years. No council member
794 shall serve more than two 4-year terms subsequent to October 1,
795 1991. Any member of the council may be replaced by the secretary
796 upon three unexcused absences. Upon application made in the form
797 provided, an individual waiver or modification may be granted by
798 the commission so long as such modification or waiver is not in
799 conflict with more stringent standards provided in another
800 chapter.

801 Section 15. Section 553.721, Florida Statutes, is amended
802 to read:

803 553.721 Surcharge.—In order for the Department of Business
804 and Professional Regulation to administer and carry out the
805 purposes of this part and related activities, there is created a
806 surcharge, to be assessed at the rate of 1.5 percent of the
807 permit fees associated with enforcement of the Florida Building
808 Code as defined by the uniform account criteria and specifically
809 the uniform account code for building permits adopted for local
810 government financial reporting pursuant to s. 218.32. The
811 minimum amount collected on any permit issued shall be \$2. The
812 unit of government responsible for collecting a permit fee
813 pursuant to s. 125.56(4) or s. 166.201 shall collect the
814 surcharge and electronically remit the funds collected to the

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815 department on a quarterly calendar basis for the preceding
816 quarter and continuing each third month thereafter. The unit of
817 government shall retain 10 percent of the surcharge collected to
818 fund the participation of building departments in the national
819 and state building code adoption processes and to provide
820 education related to enforcement of the Florida Building Code.
821 All funds remitted to the department pursuant to this section
822 shall be deposited in the Professional Regulation Trust Fund.
823 Funds collected from the surcharge shall be allocated to fund
824 the Florida Building Commission and the Florida Building Code
825 Compliance and Mitigation Program under s. 553.841. Funds
826 allocated to the Florida Building Code Compliance and Mitigation
827 Program shall be \$925,000 each fiscal year. The Florida Building
828 Code Compliance and Mitigation Program shall fund the
829 recommendations made by the Building Code System Uniform
830 Implementation Evaluation Workgroup, dated April 8, 2013, from
831 existing resources, not to exceed \$30,000 in the 2016-2017
832 fiscal year. Funds collected from the surcharge shall also be
833 used to fund Florida Fire Prevention Code informal
834 interpretations managed by the State Fire Marshal and shall be
835 limited to \$15,000 each fiscal year. The State Fire Marshal
836 shall adopt rules to address the implementation and expenditure
837 of the funds allocated to fund the Florida Fire Prevention Code
838 informal interpretations under this section. The funds collected
839 from the surcharge may not be used to fund research on
840 techniques for mitigation of radon in existing buildings. Funds
841 used by the department as well as funds to be transferred to the
842 Department of Health and the State Fire Marshal shall be as
843 prescribed in the annual General Appropriations Act. The

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844 department shall adopt rules governing the collection and
845 remittance of surcharges pursuant to chapter 120.

846 Section 16. Subsections (11) and (15) of section 553.73,
847 Florida Statutes, are amended, and subsection (19) is added to
848 that section, to read:

849 553.73 Florida Building Code.—

850 (11) (a) In the event of a conflict between the Florida
851 Building Code and the Florida Fire Prevention Code and the Life
852 Safety Code as applied to a specific project, the conflict shall
853 be resolved by agreement between the local building code
854 enforcement official and the local fire code enforcement
855 official in favor of the requirement of the code which offers
856 the greatest degree of lifesafety or alternatives which would
857 provide an equivalent degree of lifesafety and an equivalent
858 method of construction. Local boards created to address issues
859 arising under the Florida Building Code or the Florida Fire
860 Prevention Code may combine their appeals boards to create a
861 single, local board having jurisdiction over matters arising
862 under either code or both codes. The combined local appeals
863 board may grant alternatives or modifications through procedures
864 outlined in NFPA 1, Section 1.4, but may not waive the
865 requirements of the Florida Fire Prevention Code. To meet the
866 quorum requirement for convening the combined local appeals
867 board, at least one member of the board who is a fire protection
868 contractor, a fire protection design professional, a fire
869 department operations professional, or a fire code enforcement
870 professional must be present.

871 (b) Any decision made by the local fire official regarding
872 application, interpretation, or enforcement of the Florida Fire

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873 Prevention Code, by ~~and~~ the local building official regarding
874 application, interpretation, or enforcement of the Florida
875 Building Code, or the appropriate application of either code or
876 both codes in the case of a conflict between the codes may be
877 appealed to a local administrative board designated by the
878 municipality, county, or special district having firesafety
879 responsibilities. If the decision of the local fire official and
880 the local building official is to apply the provisions of either
881 the Florida Building Code or the Florida Fire Prevention Code
882 and the Life Safety Code, the board may not alter the decision
883 unless the board determines that the application of such code is
884 not reasonable. If the decision of the local fire official and
885 the local building official is to adopt an alternative to the
886 codes, the local administrative board shall give due regard to
887 the decision rendered by the local officials and may modify that
888 decision if the administrative board adopts a better
889 alternative, taking into consideration all relevant
890 circumstances. In any case in which the local administrative
891 board adopts alternatives to the decision rendered by the local
892 fire official and the local building official, such alternatives
893 shall provide an equivalent degree of lifesafety and an
894 equivalent method of construction as the decision rendered by
895 the local officials.

896 (c) If the local building official and the local fire
897 official are unable to agree on a resolution of the conflict
898 between the Florida Building Code and the Florida Fire
899 Prevention Code and the Life Safety Code, the local
900 administrative board shall resolve the conflict in favor of the
901 code which offers the greatest degree of lifesafety or

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902 alternatives which would provide an equivalent degree of
903 lifesafety and an equivalent method of construction.

904 (d) All decisions of the local administrative board, or, if
905 none exists, ~~the decisions of~~ the local building official and
906 the local fire official in regard to the application,
907 enforcement, or interpretation of the Florida Fire Prevention
908 Code, or conflicts between the Florida Fire Prevention Code and
909 the Florida Building Code, are subject to review by a joint
910 committee composed of members of the Florida Building Commission
911 and the Fire Code Advisory Council. If the joint committee is
912 unable to resolve conflicts between the codes as applied to a
913 specific project, the matter shall be resolved pursuant to ~~the~~
914 provisions of paragraph (1) (d). Decisions of the local
915 administrative board related solely to the Florida Building Code
916 are subject to review as set forth in s. 553.775.

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

920 (f) All decisions of the local building official and local
921 fire official and all decisions of the administrative board
922 shall be in writing and shall be binding upon a person but do
923 not limit the authority of the State Fire Marshal or the Florida
924 Building Commission pursuant to paragraph (1) (d) and ss. 633.104
925 and 633.228. Decisions of general application shall be indexed
926 by building and fire code sections and shall be available for
927 inspection during normal business hours.

928 (15) An agency or local government may not require that
929 existing mechanical equipment located on or above the surface of
930 a roof be installed in compliance with the requirements of the

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931 Florida Building Code except during reroofing when the equipment
932 is being replaced or moved ~~during reroofing~~ and is not in
933 compliance with the provisions of the Florida Building Code
934 relating to roof-mounted mechanical units.

935 (19) The Florida Building Code must require two fire
936 service access elevators in all buildings with a height greater
937 than 120 feet from the elevation of street-level access to the
938 level of the highest occupiable floor. Any remaining elevators
939 must be equipped for Phase I and Phase II emergency operations.
940 If a fire service access elevator is required in a building, a
941 1-hour fire-rated fire service access elevator lobby with direct
942 access from the fire service access elevator is not required if
943 the fire service access elevator opens into an exit access
944 corridor, which cannot be less than 6 feet wide for its entire
945 length, must have at least 150 square feet with the exception of
946 door openings, and must have a minimum 1-hour fire rating with
947 three-quarter-hour fire- and smoke-rated openings. During a fire
948 event the fire service access elevator must be pressurized and
949 floor-to-floor smoke control must be provided. However, if
950 transient residential occupancies occur at floor levels more
951 than 420 feet above the level of fire service access, a 1-hour
952 fire-rated service access elevator lobby with direct access from
953 the fire service access elevator is required.

954 Section 17. Paragraph (c) of subsection (3) of section
955 553.775, Florida Statutes, is amended to read:

956 553.775 Interpretations.—

957 (3) The following procedures may be invoked regarding
958 interpretations of the Florida Building Code or the Florida
959 Accessibility Code for Building Construction:

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960 (c) The commission shall review decisions of local building
961 officials and local enforcement agencies regarding
962 interpretations of the Florida Building Code or the Florida
963 Accessibility Code for Building Construction after the local
964 board of appeals has considered the decision, if such board
965 exists, and if such appeals process is concluded within 25
966 business days.

967 1. The commission shall coordinate with the Building
968 Officials Association of Florida, Inc., to designate a panel
969 ~~panels~~ composed of seven ~~five~~ members to hear requests to review
970 decisions of local building officials. Five ~~The~~ members must be
971 licensed as building code administrators under part XII of
972 chapter 468, one member must be licensed as an architect under
973 chapter 481, and one member must be licensed as an engineer
974 under chapter 471. Each member ~~and~~ must have experience
975 interpreting or ~~and~~ enforcing provisions of the Florida Building
976 Code and the Florida Accessibility Code for Building
977 Construction.

978 2. Requests to review a decision of a local building
979 official interpreting provisions of the Florida Building Code or
980 the Florida Accessibility Code for Building Construction may be
981 initiated by any substantially affected person, including an
982 owner or builder subject to a decision of a local building
983 official or an association of owners or builders having members
984 who are subject to a decision of a local building official. In
985 order to initiate review, the substantially affected person must
986 file a petition with the commission. The commission shall adopt
987 a form for the petition, which shall be published on the
988 Building Code Information System. The form shall, at a minimum,

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989 require the following:

990 a. The name and address of the county or municipality in
991 which provisions of the Florida Building Code or the Florida
992 Accessibility Code for Building Construction are being
993 interpreted.

994 b. The name and address of the local building official who
995 has made the interpretation being appealed.

996 c. The name, address, and telephone number of the
997 petitioner; the name, address, and telephone number of the
998 petitioner's representative, if any; and an explanation of how
999 the petitioner's substantial interests are being affected by the
1000 local interpretation of the Florida Building Code or the Florida
1001 Accessibility Code for Building Construction.

1002 d. A statement of the provisions of the Florida Building
1003 Code or the Florida Accessibility Code for Building Construction
1004 which are being interpreted by the local building official.

1005 e. A statement of the interpretation given to provisions of
1006 the Florida Building Code or the Florida Accessibility Code for
1007 Building Construction by the local building official and the
1008 manner in which the interpretation was rendered.

1009 f. A statement of the interpretation that the petitioner
1010 contends should be given to the provisions of the Florida
1011 Building Code or the Florida Accessibility Code for Building
1012 Construction and a statement supporting the petitioner's
1013 interpretation.

1014 g. Space for the local building official to respond in
1015 writing. The space shall, at a minimum, require the local
1016 building official to respond by providing a statement admitting
1017 or denying the statements contained in the petition and a

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1018 statement of the interpretation of the provisions of the Florida
1019 Building Code or the Florida Accessibility Code for Building
1020 Construction which the local jurisdiction or the local building
1021 official contends is correct, including the basis for the
1022 interpretation.

1023 3. The petitioner shall submit the petition to the local
1024 building official, who shall place the date of receipt on the
1025 petition. The local building official shall respond to the
1026 petition in accordance with the form and shall return the
1027 petition along with his or her response to the petitioner within
1028 5 days after receipt, exclusive of Saturdays, Sundays, and legal
1029 holidays. The petitioner may file the petition with the
1030 commission at any time after the local building official
1031 provides a response. If no response is provided by the local
1032 building official, the petitioner may file the petition with the
1033 commission 10 days after submission of the petition to the local
1034 building official and shall note that the local building
1035 official did not respond.

1036 4. Upon receipt of a petition that meets the requirements
1037 of subparagraph 2., the commission shall immediately provide
1038 copies of the petition to the ~~a~~ panel, and the commission shall
1039 publish the petition, including any response submitted by the
1040 local building official, on the Building Code Information System
1041 in a manner that allows interested persons to address the issues
1042 by posting comments.

1043 5. The panel shall conduct proceedings as necessary to
1044 resolve the issues; shall give due regard to the petitions, the
1045 response, and to comments posed on the Building Code Information
1046 System; and shall issue an interpretation regarding the

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1047 provisions of the Florida Building Code or the Florida
1048 Accessibility Code for Building Construction within 21 days
1049 after the filing of the petition. The panel shall render a
1050 determination based upon the Florida Building Code or the
1051 Florida Accessibility Code for Building Construction or, if the
1052 code is ambiguous, the intent of the code. The panel's
1053 interpretation shall be provided to the commission, which shall
1054 publish the interpretation on the Building Code Information
1055 System and in the Florida Administrative Register. The
1056 interpretation shall be considered an interpretation entered by
1057 the commission, and shall be binding upon the parties and upon
1058 all jurisdictions subject to the Florida Building Code or the
1059 Florida Accessibility Code for Building Construction, unless it
1060 is superseded by a declaratory statement issued by the Florida
1061 Building Commission or by a final order entered after an appeal
1062 proceeding conducted in accordance with subparagraph 7.

1063 6. It is the intent of the Legislature that review
1064 proceedings be completed within 21 days after the date that a
1065 petition seeking review is filed with the commission, and the
1066 time periods set forth in this paragraph may be waived only upon
1067 consent of all parties.

1068 7. Any substantially affected person may appeal an
1069 interpretation rendered by the ~~a hearing officer~~ panel by filing
1070 a petition with the commission. Such appeals shall be initiated
1071 in accordance with chapter 120 and the uniform rules of
1072 procedure and must be filed within 30 days after publication of
1073 the interpretation on the Building Code Information System or in
1074 the Florida Administrative Register. Hearings shall be conducted
1075 pursuant to chapter 120 and the uniform rules of procedure.

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1076 Decisions of the commission are subject to judicial review
1077 pursuant to s. 120.68. The final order of the commission is
1078 binding upon the parties and upon all jurisdictions subject to
1079 the Florida Building Code or the Florida Accessibility Code for
1080 Building Construction.

1081 8. The burden of proof in any proceeding initiated in
1082 accordance with subparagraph 7. is on the party who initiated
1083 the appeal.

1084 9. In any review proceeding initiated in accordance with
1085 this paragraph, including any proceeding initiated in accordance
1086 with subparagraph 7., the fact that an owner or builder has
1087 proceeded with construction may not be grounds for determining
1088 an issue to be moot if the issue is one that is likely to arise
1089 in the future.

1090
1091 This paragraph provides the exclusive remedy for addressing
1092 requests to review local interpretations of the Florida Building
1093 Code or the Florida Accessibility Code for Building Construction
1094 and appeals from review proceedings.

1095 Section 18. Subsections (1) and (6) of section 553.79,
1096 Florida Statutes, are amended to read:

1097 553.79 Permits; applications; issuance; inspections.—

1098 (1) After the effective date of the Florida Building Code
1099 adopted as herein provided, it shall be unlawful for any person,
1100 firm, corporation, or governmental entity to construct, erect,
1101 alter, modify, repair, or demolish any building within this
1102 state without first obtaining a permit therefor from the
1103 appropriate enforcing agency or from such persons as may, by
1104 appropriate resolution or regulation of the authorized state or

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1105 local enforcing agency, be delegated authority to issue such
1106 permits, upon the payment of such reasonable fees adopted by the
1107 enforcing agency. The enforcing agency is empowered to revoke
1108 any such permit upon a determination by the agency that the
1109 construction, erection, alteration, modification, repair, or
1110 demolition of the building for which the permit was issued is in
1111 violation of, or not in conformity with, the provisions of the
1112 Florida Building Code. Whenever a permit required under this
1113 section is denied or revoked because the plan, or the
1114 construction, erection, alteration, modification, repair, or
1115 demolition of a building, is found by the local enforcing agency
1116 to be not in compliance with the Florida Building Code, the
1117 local enforcing agency shall identify the specific plan or
1118 project features that do not comply with the applicable codes,
1119 identify the specific code chapters and sections upon which the
1120 finding is based, and provide this information to the permit
1121 applicant. Failure to provide a reason, based on compliance with
1122 the Florida Building Code or local ordinance, for a denial,
1123 revocation, or modification request to the applicant shall
1124 subject the plans reviewer or building code administrator
1125 responsible with creating the denial, revocation, or
1126 modification request to disciplinary action against his or her
1127 license pursuant to s. 468.621(1)(j). Installation, replacement,
1128 removal, or metering of any load management control device is
1129 exempt from and shall not be subject to the permit process and
1130 fees otherwise required by this section.

1131 (6) A permit may not be issued for any building
1132 construction, erection, alteration, modification, repair, or
1133 addition unless the applicant for such permit complies with the

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1134 requirements for plan review established by the Florida Building
1135 Commission within the Florida Building Code. However, the code
1136 shall set standards and criteria to authorize preliminary
1137 construction before completion of all building plans review,
1138 including, but not limited to, special permits for the
1139 foundation only, and such standards shall take effect concurrent
1140 with the first effective date of the Florida Building Code.
1141 After submittal of the appropriate construction documents, the
1142 building official may issue a permit for the construction of
1143 foundations or any other part of a building or structure before
1144 the construction documents for the whole building or structure
1145 have been submitted. If such a permit is issued, the
1146 permitholder may proceed at its own risk and without assurance
1147 that a permit for the entire structure will be granted.
1148 Corrections may be required to meet the requirements of the
1149 technical codes.

1150 Section 19. Section 553.7931, Florida Statutes, is created
1151 to read:

1152 553.7931 Alarm system registrations.-

1153 (1) As used in this section, the term "applicable local
1154 governmental entity" means the local enforcement agency or local
1155 law enforcement agency responsible for the administration of
1156 alarm system registration in a jurisdiction.

1157 (a) The owner, lessee, or occupant, or an authorized
1158 representative thereof, of a property must register their alarm
1159 system with the applicable local governmental entity if such
1160 entity requires registration of an alarm system.

1161 (b)1. A contractor, as defined in s. 553.793, or an alarm
1162 system monitoring company that installs a monitored alarm system

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1163 shall provide written notice, on paper or electronically, to an
1164 owner, a lessee, or an occupant, or an authorized representative
1165 thereof, before activation or reactivation of an alarm system,
1166 that an obligation to register the alarm system with an
1167 applicable local governmental entity may exist.

1168 2. An alarm system monitoring company that activates an
1169 alarm system installed by an owner, a lessee, or an occupant, or
1170 an authorized representative thereof, shall provide verbal
1171 notice to the owner, lessee, or occupant, or authorized
1172 representative thereof, before activation or reactivation of an
1173 alarm system, that an obligation to register the alarm system
1174 with an applicable local governmental entity may exist.

1175 (2) A contractor or an alarm system monitoring company
1176 shall not be liable for civil penalties and fines assessed or
1177 imposed by the applicable local governmental entity for failure
1178 to register an alarm system, dispatch to an unregistered user,
1179 or for excessive false alarms not attributed to alarm system
1180 monitoring company error or improper installation by the
1181 contractor or alarm system monitoring company.

1182 (3) A municipality, county, district, or other local
1183 governmental entity may not require that an alarm system
1184 registration form be notarized before an alarm system may be
1185 registered.

1186 (4) A municipality, county, district, or other local
1187 governmental entity may not adopt or maintain in effect any
1188 ordinance or rule regarding alarm system registration that is
1189 inconsistent with this section.

1190 Section 20. Paragraph (d) is added to subsection (7) of
1191 section 553.80, Florida Statutes, to read:

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1192 553.80 Enforcement.—

1193 (7) The governing bodies of local governments may provide a
1194 schedule of reasonable fees, as authorized by s. 125.56(2) or s.
1195 166.222 and this section, for enforcing this part. These fees,
1196 and any fines or investment earnings related to the fees, shall
1197 be used solely for carrying out the local government's
1198 responsibilities in enforcing the Florida Building Code. When
1199 providing a schedule of reasonable fees, the total estimated
1200 annual revenue derived from fees, and the fines and investment
1201 earnings related to the fees, may not exceed the total estimated
1202 annual costs of allowable activities. Any unexpended balances
1203 shall be carried forward to future years for allowable
1204 activities or shall be refunded at the discretion of the local
1205 government. The basis for a fee structure for allowable
1206 activities shall relate to the level of service provided by the
1207 local government and shall include consideration for refunding
1208 fees due to reduced services based on services provided as
1209 prescribed by s. 553.791, but not provided by the local
1210 government. Fees charged shall be consistently applied.

1211 (d) The local enforcement agency may not require the
1212 payment of any additional fees, charges, or expenses associated
1213 with:

1214 1. Providing proof of licensure pursuant to chapter 489;

1215 2. Recording or filing a license issued pursuant to this
1216 chapter; or

1217 3. Providing, recording, or filing evidence of workers'
1218 compensation insurance coverage as required by chapter 440.

1219 Section 21. Paragraph (a) of subsection (8) of section
1220 553.842, Florida Statutes, is amended to read:

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1221 553.842 Product evaluation and approval.—

1222 (8) The commission may adopt rules to approve the following
1223 types of entities that produce information on which product
1224 approvals are based. All of the following entities, including
1225 engineers and architects, must comply with a nationally
1226 recognized standard demonstrating independence or no conflict of
1227 interest:

1228 (a) Evaluation entities approved pursuant to this
1229 paragraph. The commission shall specifically approve the
1230 National Evaluation Service, the International Association of
1231 Plumbing and Mechanical Officials Evaluation Service, the
1232 International Code Council Evaluation Services, Underwriters
1233 Laboratories, LLC, Intertek Testing Services NA, Inc., and the
1234 Miami-Dade County Building Code Compliance Office Product
1235 Control Division. Architects and engineers licensed in this
1236 state are also approved to conduct product evaluations as
1237 provided in subsection (5).

1238 Section 22. Paragraph (c) of subsection (3) of section
1239 553.844, Florida Statutes, is amended and subsection (4) of that
1240 section is revived, readopted, and amended to read:

1241 553.844 Windstorm loss mitigation; requirements for roofs
1242 and opening protection.—

1243 (3) The Legislature finds that the integration of these
1244 specifically identified mitigation measures is critical to
1245 addressing the serious problem facing the state from damage
1246 caused by windstorms and that delay in the adoption and
1247 implementation constitutes a threat to the health, safety, and
1248 welfare of the state. Accordingly, the Florida Building
1249 Commission shall develop and adopt these measures by October 1,

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1250 2007, by rule separate from the Florida Building Code, which
1251 take immediate effect and shall incorporate such requirements
1252 into the next edition of the Florida Building Code. Such rules
1253 shall require or otherwise clarify that for site-built, single-
1254 family residential structures:

1255 (c) Any activity requiring a building permit, not including
1256 work associated with the prevention of degradation of the
1257 residence, that is applied for on or after July 1, 2008, and for
1258 which the estimated cost is \$50,000 or more, must include
1259 provision of opening protections as required within the Florida
1260 Building Code for new construction for a building that is
1261 located in the wind-borne debris region as defined in s. 1609.2
1262 of the International Building Code (2006) and that has an
1263 insured value of \$750,000 or more, or, if the building is
1264 uninsured or for which documentation of insured value is not
1265 presented, has a just valuation for the structure for purposes
1266 of ad valorem taxation of \$750,000 or more.

1267 (4) Notwithstanding the provisions of this section, exposed
1268 mechanical equipment or appliances fastened to a roof or
1269 installed on the ground in compliance with the code using rated
1270 stands, platforms, curbs, slabs, walls, or other means are
1271 deemed to comply with the wind resistance requirements of the
1272 2007 Florida Building Code, as amended. Further support or
1273 enclosure of such mechanical equipment or appliances is not
1274 required by a state or local official having authority to
1275 enforce the Florida Building Code. ~~This subsection expires on~~
1276 ~~the effective date of the 2013 Florida Building Code.~~

1277 Section 23. Section 553.883, Florida Statutes, is amended
1278 to read:

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1279 553.883 Smoke alarms in one-family and two-family dwellings
1280 and townhomes.—One-family and two-family dwellings and townhomes
1281 undergoing a repair, or a level 1 alteration as defined in the
1282 Florida Building Code, may use smoke alarms powered by 10-year
1283 nonremovable, nonreplaceable batteries in lieu of retrofitting
1284 such dwelling with smoke alarms powered by the dwelling's
1285 electrical system. ~~Effective January 1, 2015,~~ A battery-powered
1286 smoke alarm that is newly installed or replaces an existing
1287 battery-powered smoke alarm as a result of a level 1 alteration,
1288 must be powered by a nonremovable, nonreplaceable battery that
1289 powers the alarm for at least 10 years. The battery requirements
1290 of this section do not apply to a fire alarm, smoke detector,
1291 smoke alarm, or ancillary component that is electronically
1292 connected as a part of a centrally monitored or supervised alarm
1293 system; that uses a low-power radio frequency wireless
1294 communication signal; or that contains multiple sensors, such as
1295 a smoke alarm combined with a carbon monoxide alarm or other
1296 multi-sensor devices, and is approved and listed by a nationally
1297 recognized testing laboratory.

1298 Section 24. Section 553.908, Florida Statutes, is amended
1299 to read:

1300 553.908 Inspection.—Before construction or renovation is
1301 completed, the local enforcement agency shall inspect buildings
1302 for compliance with the standards of this part. Notwithstanding
1303 any other provision of the code or law, effective July 1, 2016,
1304 section R402.4.1.2 of the Florida Building Code, 5th Edition
1305 (2014) Energy Conservation, which became effective on June 30,
1306 2015, shall increase the building's or dwelling unit's maximum
1307 tested air leakage measure from "not exceeding 5 air changes per

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1308 hour" to "not exceeding 7 air changes per hour" in Climate Zones
1309 1 and 2. The mandatory blower door testing for residential
1310 buildings or dwelling units as contained in section R402.1.2 of
1311 the Florida Building Code, 5th Edition (2014) Energy
1312 Conservation, may not take effect until July 1, 2016, and does
1313 not apply to construction permitted before July 1, 2017.
1314 Additionally, section M401.2 of the Florida Building Code, 5th
1315 Edition (2014) Mechanical, which became effective on June 30,
1316 2015, shall decrease the air filtration rate in a dwelling unit
1317 from "less than 5" to "less than 3" air changes per hour when
1318 tested with a blower door at a pressure of 0.2-inch water column
1319 (50 Pascals) in accordance with Section R402.4.1.2 of the
1320 Florida Building Code, 5th Edition (2014) Energy Conservation.

1321 Section 25. Subsection (3) of section 553.993, Florida
1322 Statutes, is amended to read:

1323 553.993 Definitions.—For purposes of this part:

1324 (3) "Building energy-efficiency rating system" means a
1325 whole building energy evaluation system that provides a reliable
1326 and scientifically based analysis of a building's energy
1327 consumption or energy features and allows a comparison to
1328 similar building types in similar climate zones where
1329 applicable. Specifically, the rating system shall use standard
1330 calculations, formulas, and scoring methods; be applicable
1331 nationally; compare a building to a clearly defined and
1332 researched baseline or benchmark; require qualified
1333 professionals to conduct the rating or assessment; and provide a
1334 labeling and recognition program with specific criteria or
1335 levels. Residential program benchmarks for new construction must
1336 be consistent with national building standards. Residential

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1337 building program benchmarks for existing construction must be
1338 consistent with national home energy rating standards. The
1339 building energy-efficiency rating system shall require at least
1340 one level of oversight performed by an organized and balanced
1341 group of professionals with subject matter expertise in energy
1342 efficiency, energy rating, and evaluation methods established by
1343 the Residential Energy Services Network, the Commercial Energy
1344 Services Network, the Building Performance Institute, the
1345 American Society of Heating, Refrigerating and Air-Conditioning
1346 Engineers, or the Florida Solar Energy Center.

1347 Section 26. Subsections (17) and (18) are added to section
1348 633.202, Florida Statutes, to read:

1349 633.202 Florida Fire Prevention Code.—

1350 (17) The authority having jurisdiction shall determine the
1351 minimum radio signal strength for fire department communications
1352 in all new high-rise and existing high-rise buildings. Existing
1353 buildings are not required to comply with minimum radio strength
1354 for fire department communications and two-way radio system
1355 enhancement communications as required by the Florida Fire
1356 Prevention Code until January 1, 2022. However, by December 31,
1357 2019, an existing building that is not in compliance with the
1358 requirements for minimum radio strength for fire department
1359 communications must apply for an appropriate permit for the
1360 required installation with the local government agency having
1361 jurisdiction and must demonstrate that the building will become
1362 compliant by January 1, 2022. Existing apartment buildings are
1363 not required to comply until January 1, 2025. However, existing
1364 apartment buildings are required to apply for the appropriate
1365 permit for the required communications installation by December

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1366 31, 2022.

1367 (18) Areas of refuge must be provided if required by the
1368 Florida Building Code, Accessibility. Required portions of an
1369 area of refuge shall be accessible from the space they serve by
1370 an accessible means of egress.

1371 Section 27. Subsection (5) of section 633.208, Florida
1372 Statutes, is amended to read:

1373 633.208 Minimum firesafety standards.—

1374 (5) With regard to existing buildings, the Legislature
1375 recognizes that it is not always practical to apply any or all
1376 of the provisions of the Florida Fire Prevention Code and that
1377 physical limitations may require disproportionate effort or
1378 expense with little increase in fire or life safety. Before
1379 ~~Prior to~~ applying the minimum firesafety code to an existing
1380 building, the local fire official shall determine whether ~~that~~ a
1381 threat to lifesafety or property exists. If a threat to
1382 lifesafety or property exists, the fire official shall apply the
1383 applicable firesafety code for existing buildings to the extent
1384 practical to ensure ~~assure~~ a reasonable degree of lifesafety and
1385 safety of property or the fire official shall fashion a
1386 reasonable alternative that ~~which~~ affords an equivalent degree
1387 of lifesafety and safety of property. The local fire official
1388 may consider the fire safety evaluation systems found in NFPA
1389 101A, Guide on Alternative Solutions to Life Safety, adopted by
1390 the State Fire Marshal, as acceptable systems for the
1391 identification of low-cost, reasonable alternatives. It is
1392 acceptable to use the Fire Safety Evaluation System for Board
1393 and Care Facilities using prompt evacuation capabilities
1394 parameter values on existing residential high-rise buildings.

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1395 The decision of the local fire official may be appealed to the
1396 local administrative board described in s. 553.73.

1397 Section 28. Section 633.336, Florida Statutes, is amended
1398 to read:

1399 633.336 Contracting without certificate prohibited;
1400 violations; penalty.—

1401 (1) It is unlawful for any organization or individual to
1402 engage in the business of layout, fabrication, installation,
1403 inspection, alteration, repair, or service of a fire protection
1404 system, other than a preengineered system, act in the capacity
1405 of a fire protection contractor, or advertise itself as being a
1406 fire protection contractor without having been duly certified
1407 and holding a valid and existing certificate, except as
1408 hereinafter provided. The holder of a certificate used to
1409 qualify an organization must be a full-time employee of the
1410 qualified organization or business. A certificateholder who is
1411 employed by more than one fire protection contractor during the
1412 same time is deemed not to be a full-time employee of either
1413 contractor. The State Fire Marshal shall revoke, for a period
1414 determined by the State Fire Marshal, the certificate of a
1415 certificateholder who allows the use of the certificate to
1416 qualify a company of which the certificateholder is not a full-
1417 time employee. A contractor who maintains more than one place of
1418 business must employ a certificateholder at each location. This
1419 subsection does not prohibit an employee acting on behalf of
1420 governmental entities from inspecting and enforcing firesafety
1421 codes, provided such employee is certified under s. 633.216.

1422 (2) A fire protection contractor certified under this
1423 chapter may not:

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1424 (a) Enter into a written or oral agreement to authorize, or
1425 otherwise knowingly allow, a contractor who is not certified
1426 under this chapter to engage in the business of, or act in the
1427 capacity of, a fire protection contractor.

1428 (b) Apply for or obtain a construction permit for fire
1429 protection work unless the fire protection contractor or the
1430 business organization qualified by the fire protection
1431 contractor has contracted to conduct the work specified in the
1432 application for the permit.

1433 (3) The Legislature recognizes that special expertise is
1434 required for fire pump control panels and maintenance of
1435 electric and diesel pump drivers and that it is not economically
1436 feasible for all contractors to employ these experts full-time
1437 whose work may be limited. It is therefore deemed acceptable for
1438 a fire protection contractor licensed under this chapter to
1439 subcontract with companies providing advanced technical services
1440 for the installation, servicing, and maintenance of fire pump
1441 control panels and pump drivers. To ensure the integrity of the
1442 system and to protect the interests of the property owner, those
1443 providing technical support services for fire pump control
1444 panels and pump drivers must be under contract with a licensed
1445 fire protection contractor.

1446 (4)~~(3)~~ A person who violates any provision of this act or
1447 commits any of the acts constituting cause for disciplinary
1448 action as herein set forth commits a misdemeanor of the second
1449 degree, punishable as provided in s. 775.082 or s. 775.083.

1450 (5)~~(4)~~ In addition to the penalties provided in subsection
1451 (4) ~~(3)~~, a fire protection contractor certified under this
1452 chapter who violates any provision of this section or who

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1453 commits any act constituting cause for disciplinary action is
1454 subject to suspension or revocation of the certificate and
1455 administrative fines pursuant to s. 633.338.

1456 Section 29. The Calder Sloan Swimming Pool Electrical-
1457 Safety Task Force.—There is established within the Florida
1458 Building Commission the Calder Sloan Swimming Pool Electrical-
1459 Safety Task Force.

1460 (1) The purpose of the task force is to study standards on
1461 grounding, bonding, lighting, wiring, and all electrical aspects
1462 for safety in and around public and private swimming pools,
1463 especially with regard to minimizing risks of electrocutions
1464 linked to swimming pools. The task force shall submit a report
1465 of its findings, including recommended revisions to state law,
1466 if any, to the Governor, the President of the Senate, and the
1467 Speaker of the House of Representatives by November 1, 2016.

1468 (2) The task force shall consist of the swimming pool and
1469 electrical technical advisory committees of the Florida Building
1470 Commission.

1471 (3) The task force shall be chaired by the swimming pool
1472 contractor appointed to the Florida Building Commission pursuant
1473 to s. 553.74, Florida Statutes.

1474 (4) The Florida Building Commission shall provide such
1475 staff, information, and other assistance as is reasonably
1476 necessary to assist the task force in carrying out its
1477 responsibilities.

1478 (5) Members of the task force shall serve without
1479 compensation.

1480 (6) The task force shall meet as often as necessary to
1481 fulfill its responsibilities. Meetings may be conducted by

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1482 conference call, teleconferencing, or similar technology.

1483 (7) This section expires December 31, 2016.

1484 Section 30. Construction Industry Workforce Task Force.—

1485 (1) The Construction Industry Workforce Task Force is
1486 created within the University of Florida M.E. Rinker, Sr.,
1487 School of Construction Management. The goals of the task force
1488 are to:

1489 (a) Address the critical shortage of individuals trained in
1490 building construction and inspection.

1491 (b) Develop a consensus path for training the next
1492 generation of construction workers in the state.

1493 (c) Determine the causes for the current shortage of a
1494 trained construction industry work force and address the impact
1495 of the shortages on the recovery of the real estate market.

1496 (d) Review current methods and resources available for
1497 construction training.

1498 (e) Review the state of construction training available in
1499 K-12 schools.

1500 (f) Address training issues relating to building code
1501 inspectors to increase the number of qualified inspectors.

1502 (2) The task force shall consist of 23 members. Except as
1503 otherwise specified, each member shall be chosen by the
1504 association that he or she represents, as follows:

1505 (a) A member of the House of Representatives appointed by
1506 the Speaker of the House of Representatives.

1507 (b) A member of the Senate appointed by the President of
1508 the Senate.

1509 (c) A member representing the Florida Associated General
1510 Contractors Council.

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- 1511 (d) A member representing the Associated Builders and
1512 Contractors of Florida.
- 1513 (e) A member representing the Florida Home Builders
1514 Association.
- 1515 (f) A member representing the Florida Fire Sprinkler
1516 Association.
- 1517 (g) A member representing the Florida Roofing, Sheet Metal
1518 and Air Conditioning Contractors Association.
- 1519 (h) A member representing the Florida Refrigeration and Air
1520 Conditioning Contractors Association.
- 1521 (i) A member representing the Florida Plumbing-Heating-
1522 Cooling Contractors Association.
- 1523 (j) A member representing the Florida Swimming Pool
1524 Association.
- 1525 (k) A member representing the National Utility Contractors
1526 Association of Florida.
- 1527 (l) A member representing the Florida Concrete and Products
1528 Association.
- 1529 (m) A member representing the Alarm Association of Florida.
- 1530 (n) A member representing the Independent Electrical
1531 Contractors.
- 1532 (o) A member representing the Florida Building and
1533 Construction Trades Council within the Florida AFL-CIO.
- 1534 (p) A member representing the Building Officials
1535 Association of Florida.
- 1536 (q) A member representing the Asphalt Contractors
1537 Association of Florida.
- 1538 (r) A member representing the American Fire Sprinkler
1539 Association-Florida Chapter.

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- 1540 (s) The chair of the Florida Building Commission.
- 1541 (t) A member representing the Florida Carpenters Regional
1542 Council.
- 1543 (u) A member representing the National Electrical
1544 Contractors Association-Florida Chapter.
- 1545 (v) A member representing the Florida Electrical Workers
1546 Association.
- 1547 (3) The task force shall elect a chair from among its
1548 members.
- 1549 (4) The University of Florida M.E. Rinker, Sr., School of
1550 Construction Management shall provide such assistance as is
1551 reasonably necessary to assist the task force in carrying out
1552 its responsibilities.
- 1553 (5) The task force shall meet as often as necessary to
1554 fulfill its responsibilities but not fewer than three times. The
1555 first meeting must be held no later than September 1, 2016.
1556 Meetings may be conducted by conference call, teleconferencing,
1557 or similar technology.
- 1558 (6) The task force shall submit a final report to the
1559 Governor, the President of the Senate, and the Speaker of the
1560 House of Representatives by February 1, 2017.
- 1561 (7) The Department of Business and Professional Regulation
1562 shall provide \$50,000 from funds available for the Florida
1563 Building Code Compliance and Mitigation Program under s.
1564 553.841(5), Florida Statutes, to the University of Florida M.E.
1565 Rinker, Sr., School of Construction Management for purposes of
1566 implementing this section.
- 1567 (8) This section expires July 1, 2017.
- 1568 Section 31. The Florida Building Commission shall define

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1569 the term "fire separation distance" in Chapter 2, Definitions,
1570 of the Florida Building Code, 5th Edition (2014) Residential, as
1571 follows:

1572
1573 "FIRE SEPARATION DISTANCE. The distance measured from the
1574 building face to one of the following:
1575 1. To the closest interior lot line;
1576 2. To the centerline of a street, an alley, or a public way;
1577 3. To an imaginary line between two buildings on the lot; or
1578 4. To an imaginary line between two buildings when the exterior
1579 wall of one building is located on a zero lot line.

1580
1581 The distance must be measured at a right angle from the face of
1582 the wall."

1583 Section 32. The Florida Building Commission shall amend the
1584 Florida Building Code, 5th Edition (2014) Residential, to allow
1585 openings and roof overhang projections on the exterior wall of a
1586 building located on a zero lot line, when the building exterior
1587 wall is separated from an adjacent building exterior wall by a
1588 distance of 6 feet or more and the roof overhang projection is
1589 separated from an adjacent building projection by a distance of
1590 4 feet or more, with 1-hour fire-resistive construction on the
1591 underside of the overhang required, unless the separation
1592 between projections is 6 feet or more.

1593 Section 33. The Florida Building Commission shall adopt
1594 into the Florida Building Code, 5th Edition (2014) Energy
1595 Conservation, the following:

1596
1597 "Section 406 relating to the Alternative Performance Path,

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1598 Energy Rating Index of the 2015 International Energy
1599 Conservation Code (IECC) may be used unmodified except as
1600 follows for Table R406.4 as an option for demonstrating
1601 compliance with the Florida Building Code, Energy Conservation.
1602 TABLE R406.4 MAXIMUM ENERGY RATING INDEX shall reflect the
1603 following energy rating index: for Climate Zone 1, an index of
1604 58; for Climate Zone 2, an index of 58."

1605 Section 34. The Florida Building Commission shall adopt
1606 into the Florida Building Code, 5th Edition (2014) Residential,
1607 the following, which shall be effective on July 1, 2016:

1608
1609 "Notwithstanding any other provision of code or law, the section
1610 setting forth shower lining requirements will include the
1611 following exceptions:

1612 Exceptions:

1613 1. Floor surfaces under showerheads provided for rinsing laid
1614 directly on the ground.

1615 2. Shower compartments where the finished shower drain is
1616 depressed a minimum of 2 inches (51 mm) below the surrounding
1617 finished floor on the first floor level and the shower recess is
1618 poured integrally with the adjoining floor."

1619 Section 35. The Florida Building Commission shall amend the
1620 Florida Building Code, 5th Edition (2014) Residential, to
1621 provide that the minimum fire separation distance for non-fire
1622 resistant rated exterior walls shall be 3 feet or greater and
1623 non-fire resistant rated projections shall have a minimum fire
1624 separation distance of 3 feet or greater. Projections within 2
1625 feet and less than 3 feet shall include a one-hour fire-
1626 resistance rated on the underside. Projections less than 2 feet

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1627 are not permitted. Penetrations of the exterior wall within less
1628 than 3 feet must comply with Dwelling Unit Rated Penetration.
1629 Penetrations 3 feet or greater are not required to have a fire-
1630 resistance rating. Openings in walls are unlimited with a fire
1631 separation distance of 3 feet or greater.

1632 Section 36. Notwithstanding any law, rule, or regulation to
1633 the contrary, a restaurant, cafeteria, or similar dining
1634 facility, including an associated commercial kitchen, is
1635 required to have sprinklers only if it has a fire area occupancy
1636 load of 200 patrons or more.

1637 Section 37. This act shall take effect July 1, 2016.