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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2015	.	
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	.	
	.	

The Committee on Fiscal Policy (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

468.609 Administration of this part; standards for
certification; additional categories of certification.-

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



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- 12 (a) Is at least 18 years of age.
- 13 (b) Is of good moral character.
- 14 (c) Meets eligibility requirements according to one of the
15 following criteria:
- 16 1. Demonstrates 5 years' combined experience in the field
17 of construction or a related field, building code inspection, or
18 plans review corresponding to the certification category sought;
- 19 2. Demonstrates a combination of postsecondary education in
20 the field of construction or a related field and experience
21 which totals 4 years, with at least 1 year of such total being
22 experience in construction, building code inspection, or plans
23 review;
- 24 3. Demonstrates a combination of technical education in the
25 field of construction or a related field and experience which
26 totals 4 years, with at least 1 year of such total being
27 experience in construction, building code inspection, or plans
28 review;
- 29 4. Currently holds a standard certificate ~~as~~ issued by the
30 board, or a firesafety ~~fire safety~~ inspector license issued
31 pursuant to chapter 633, has a minimum of 3 ~~5~~ years' verifiable
32 full-time experience in inspection or plan review, and
33 satisfactorily completes a building code inspector or plans
34 examiner training program that provides at least 100 hours but
35 not more ~~of not less~~ than 200 hours of cross-training in the
36 certification category sought. The board shall establish by rule
37 criteria for the development and implementation of the training
38 programs. The board shall accept all classroom training offered
39 by an approved provider if the content substantially meets the
40 intent of the classroom component of the training program; ~~or~~



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41 5. Demonstrates a combination of the completion of an
42 approved training program in the field of building code
43 inspection or plan review and a minimum of 2 years' experience
44 in the field of building code inspection, plan review, fire code
45 inspections, and fire plans review of new buildings as a
46 firesafety inspector certified under s. 633.216, or
47 construction. The approved training portion of this requirement
48 shall include proof of satisfactory completion of a training
49 program that provides at least 200 hours but not more ~~of not~~
50 ~~less~~ than 300 hours of cross-training which is approved by the
51 board in the chosen category of building code inspection or plan
52 review in the certification category sought with at least ~~not~~
53 ~~less than~~ 20 hours but not more than 30 hours of instruction in
54 state laws, rules, and ethics relating to professional standards
55 of practice, duties, and responsibilities of a
56 certificateholder. The board shall coordinate with the Building
57 Officials Association of Florida, Inc., to establish by rule the
58 development and implementation of the training program. However,
59 the board shall accept all classroom training offered by an
60 approved provider if the content substantially meets the intent
61 of the classroom component of the training program; or

62 6. Currently holds a standard certificate issued by the
63 board or a firesafety inspector license issued pursuant to
64 chapter 633 and:

65 a. Has at least 5 years' verifiable full-time experience as
66 an inspector or plans examiner in a standard certification
67 category currently held or has a minimum of 5 years' verifiable
68 full-time experience as a firesafety inspector licensed pursuant
69 to chapter 633; and



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70 b. Satisfactorily completes a building code inspector or
71 plans examiner classroom training course or program that
72 provides at least 200 but not more than 300 hours in the
73 certification category sought, except for one-family and two-
74 family dwelling training programs that are required to provide
75 at least 500 but not more than 800 hours of training as
76 prescribed by the board. The board shall establish by rule
77 criteria for the development and implementation of classroom
78 training courses and programs in each certification category.

79 (3) A person may take the examination for certification as
80 a building code administrator pursuant to this part if the
81 person:

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

83 (b) Is of good moral character.

84 (c) Meets eligibility requirements according to one of the
85 following criteria:

86 1. Demonstrates 10 years' combined experience as an
87 architect, engineer, plans examiner, building code inspector,
88 registered or certified contractor, or construction
89 superintendent, with at least 5 years of such experience in
90 supervisory positions; or

91 2. Demonstrates a combination of postsecondary education in
92 the field of construction or related field, no more than 5 years
93 of which may be applied, and experience as an architect,
94 engineer, plans examiner, building code inspector, registered or
95 certified contractor, or construction superintendent which
96 totals 10 years, with at least 5 years of such total being
97 experience in supervisory positions. In addition, the applicant
98 must have completed training consisting of at least 20 hours but



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99 not more than 30 hours of instruction in state laws, rules, and
100 ethics relating to professional standards of practice, duties,
101 and responsibilities of a certificateholder.

102 (7) (a) The board shall ~~may~~ provide for the issuance of
103 provisional certificates valid for 1 year, as specified by board
104 rule, to any newly employed or promoted building code inspector
105 or plans examiner who meets the eligibility requirements
106 described in subsection (2) and any newly employed or promoted
107 building code administrator who meets the eligibility
108 requirements described in subsection (3). The provisional
109 license may be renewed by the board for just cause; however, a
110 provisional license is not valid for a period longer than 3
111 years.

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

115 (c) The board shall ~~may~~ provide for appropriate levels of
116 provisional certificates and may issue these certificates with
117 such special conditions or requirements relating to the place of
118 employment of the person holding the certificate, the
119 supervision of such person on a consulting or advisory basis, or
120 other matters as the board may deem necessary to protect the
121 public safety and health.

122 (d) A newly employed or hired person may perform the duties
123 of a plans examiner or building code inspector for 120 days if a
124 provisional certificate application has been submitted if such
125 person is under the direct supervision of a certified building
126 code administrator who holds a standard certification and who
127 has found such person qualified for a provisional certificate.



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128 Direct supervision and the determination of qualifications may
129 also be provided by a building code administrator who holds a
130 limited or provisional certificate in a county having a
131 population of fewer than 75,000 and in a municipality located
132 within such county.

133 Section 2. Subsection (5) of section 468.627, Florida
134 Statutes, is amended to read:

135 468.627 Application; examination; renewal; fees.—

136 (5) The certificateholder shall provide proof, in a form
137 established by board rule, that the certificateholder has
138 completed at least 14 classroom hours of at least 50 minutes
139 each of continuing education courses during each biennium since
140 the issuance or renewal of the certificate, including code-
141 related training ~~the specialized or advanced coursework approved~~
142 ~~by the Florida Building Commission,~~ as part of the building code
143 training program established pursuant to s. 553.841, appropriate
144 to the licensing category sought. A minimum of 3 of the required
145 14 classroom hours must be on state law, rules, and ethics
146 relating to professional standards of practice, duties, and
147 responsibilities of the certificateholder. The board shall by
148 rule establish criteria for approval of continuing education
149 courses and providers, and may by rule establish criteria for
150 accepting alternative nonclassroom continuing education on an
151 hour-for-hour basis.

152 Section 3. Section 471.0195, Florida Statutes, is amended
153 to read:

154 471.0195 Florida Building Code training for engineers.—All
155 licensees actively participating in the design of engineering
156 works or systems in connection with buildings, structures, or



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157 facilities and systems covered by the Florida Building Code
158 shall take continuing education courses and submit proof to the
159 board, at such times and in such manner as established by the
160 board by rule, that the licensee has completed any specialized
161 or code-related training ~~advanced courses~~ on any portion of the
162 Florida Building Code applicable to the licensee's area of
163 practice. The board shall record reported continuing education
164 courses on a system easily accessed by code enforcement
165 jurisdictions for evaluation when determining license status for
166 purposes of processing design documents. Local jurisdictions
167 shall be responsible for notifying the board when design
168 documents are submitted for building construction permits by
169 persons who are not in compliance with this section. The board
170 shall take appropriate action as provided by its rules when such
171 noncompliance is determined to exist.

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

174 481.215 Renewal of license.—

175 (5) The board shall require, by rule adopted pursuant to
176 ss. 120.536(1) and 120.54, a specified number of hours in
177 specialized or code-related training ~~advanced courses, approved~~
178 ~~by the Florida Building Commission,~~ on any portion of the
179 Florida Building Code, adopted pursuant to part IV of chapter
180 553, relating to the licensee's respective area of practice.

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

183 481.313 Renewal of license.—

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



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186 specialized or code-related training ~~advanced courses, approved~~
187 ~~by the Florida Building Commission,~~ on any portion of the
188 Florida Building Code, adopted pursuant to part IV of chapter
189 553, relating to the licensee's respective area of practice.

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

192 489.103 Exemptions.—This part does not apply to:

193 (23) An employee of an apartment community or apartment
194 community management company who makes minor repairs to existing
195 water heaters or to existing heating, venting, and air-
196 conditioning systems, if:

197 (a) The employee:

198 1. Does not hold himself or herself or his or her employer
199 out to be licensed or qualified by a licensee;

200 2. Does not perform any acts outside the scope of this
201 exemption which constitute contracting;

202 3. Receives compensation from and is under the supervision
203 and control of an employer who regularly deducts the FICA and
204 withholding tax and who provides workers' compensation in the
205 appropriate classification for the work actually performed, as
206 prescribed by law; and

207 4. Prior to performing any work under this exemption, holds
208 a current certificate for apartment maintenance technicians
209 issued by the National Apartment Association and accredited by
210 the American National Standards Institute. Requirements for
211 obtaining such certificate must include at least:

212 a. One year of apartment or rental housing maintenance
213 experience; and

214 b. Successful completion of at least 90 hours of courses or



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215 online content that covers electrical maintenance and repair;
216 plumbing maintenance and repair; heating, venting, or air-
217 conditioning system maintenance and repair; appliance
218 maintenance and repair; and interior and exterior maintenance
219 and repair.

220 (b) The apartment community or apartment community
221 management company indemnifies and holds harmless for any injury
222 or failure of any equipment or system, subject to this
223 exemption, the licensed contractor who performed the
224 installation or any associated maintenance, modification, or
225 repair and the manufacturer of any equipment.

226 (c) The equipment:

227 1. Is already installed on the property owned by the
228 apartment community or managed by the apartment community
229 management company;

230 2. Is not being modified except to replace components
231 necessary to return the equipment to its original condition, and
232 the partial disassembly associated therewith;

233 3. Must be a type of equipment commonly installed in
234 similar locations; and

235 4. Must be repaired with new parts that are functionally
236 identical to the parts being replaced.

237 (d) An individual repair does not involve replacement parts
238 that cost more than \$1,000. An individual repair may not be so
239 extensive as to be a functional replacement of the water heater
240 or the existing heating, venting, or air-conditioning system
241 being repaired.

242 (e) The property owned by the apartment community or
243 managed by the apartment community management company includes



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244 at least 100 apartments.

245 Section 7. Paragraph (m) of subsection (3) of section
246 489.105, Florida Statutes, is amended to read:

247 489.105 Definitions.—As used in this part:

248 (3) "Contractor" means the person who is qualified for, and
249 is only responsible for, the project contracted for and means,
250 except as exempted in this part, the person who, for
251 compensation, undertakes to, submits a bid to, or does himself
252 or herself or by others construct, repair, alter, remodel, add
253 to, demolish, subtract from, or improve any building or
254 structure, including related improvements to real estate, for
255 others or for resale to others; and whose job scope is
256 substantially similar to the job scope described in one of the
257 paragraphs of this subsection. For the purposes of regulation
258 under this part, the term "demolish" applies only to demolition
259 of steel tanks more than 50 feet in height; towers more than 50
260 feet in height; other structures more than 50 feet in height;
261 and all buildings or residences. Contractors are subdivided into
262 two divisions, Division I, consisting of those contractors
263 defined in paragraphs (a)-(c), and Division II, consisting of
264 those contractors defined in paragraphs (d)-(q):

265 (m) "Plumbing contractor" means a contractor whose services
266 are unlimited in the plumbing trade and includes contracting
267 business consisting of the execution of contracts requiring the
268 experience, financial means, knowledge, and skill to install,
269 maintain, repair, alter, extend, or, if not prohibited by law,
270 design plumbing. A plumbing contractor may install, maintain,
271 repair, alter, extend, or, if not prohibited by law, design the
272 following without obtaining an additional local regulatory



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273 license, certificate, or registration: sanitary drainage or
274 storm drainage facilities, water and sewer plants and
275 substations, venting systems, public or private water supply
276 systems, septic tanks, drainage and supply wells, swimming pool
277 piping, irrigation systems, and solar heating water systems and
278 all appurtenances, apparatus, or equipment used in connection
279 therewith, including boilers and pressure process piping and
280 including the installation of water, natural gas, liquefied
281 petroleum gas and related venting, and storm and sanitary sewer
282 lines. The scope of work of the plumbing contractor also
283 includes the design, if not prohibited by law, and installation,
284 maintenance, repair, alteration, or extension of air-piping,
285 vacuum line piping, oxygen line piping, nitrous oxide piping,
286 and all related medical gas systems; fire line standpipes and
287 fire sprinklers if authorized by law; ink and chemical lines;
288 fuel oil and gasoline piping and tank and pump installation,
289 except bulk storage plants; and pneumatic control piping
290 systems, all in a manner that complies with all plans,
291 specifications, codes, laws, and regulations applicable. The
292 scope of work of the plumbing contractor applies to private
293 property and public property, including any excavation work
294 incidental thereto, and includes the work of the specialty
295 plumbing contractor. Such contractor shall subcontract, with a
296 qualified contractor in the field concerned, all other work
297 incidental to the work but which is specified as being the work
298 of a trade other than that of a plumbing contractor. This
299 definition does not limit the scope of work of any specialty
300 contractor certified pursuant to s. 489.113(6), and does not
301 require certification or registration under this part for a



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302 category I liquefied petroleum gas dealer, LP gas installer, or
303 specialty installer who is licensed under chapter 527 or an ~~of~~
304 any authorized employee of a public natural gas utility or of a
305 private natural gas utility regulated by the Public Service
306 Commission when disconnecting and reconnecting water lines in
307 the servicing or replacement of an existing water heater. A
308 plumbing contractor may perform drain cleaning and clearing and
309 install or repair rainwater catchment systems; however, a
310 mandatory licensing requirement is not established for the
311 performance of these specific services.

312 Section 8. Paragraph (b) of subsection (4) of section
313 489.115, Florida Statutes, is amended to read:

314 489.115 Certification and registration; endorsement;
315 reciprocity; renewals; continuing education.—

316 (4)

317 (b)1. Each certificateholder or registrant shall provide
318 proof, in a form established by rule of the board, that the
319 certificateholder or registrant has completed at least 14
320 classroom hours of at least 50 minutes each of continuing
321 education courses during each biennium since the issuance or
322 renewal of the certificate or registration. The board shall
323 establish by rule that a portion of the required 14 hours must
324 deal with the subject of workers' compensation, business
325 practices, workplace safety, and, for applicable licensure
326 categories, wind mitigation methodologies, and 1 hour of which
327 must deal with laws and rules. The board shall by rule establish
328 criteria for the approval of continuing education courses and
329 providers, including requirements relating to the content of
330 courses and standards for approval of providers, and may by rule



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331 establish criteria for accepting alternative nonclassroom
332 continuing education on an hour-for-hour basis. The board shall
333 prescribe by rule the continuing education, if any, which is
334 required during the first biennium of initial licensure. A
335 person who has been licensed for less than an entire biennium
336 must not be required to complete the full 14 hours of continuing
337 education.

338 2. In addition, the board may approve specialized
339 continuing education courses on compliance with the wind
340 resistance provisions for one and two family dwellings contained
341 in the Florida Building Code and any alternate methodologies for
342 providing such wind resistance which have been approved for use
343 by the Florida Building Commission. Division I
344 certificateholders or registrants who demonstrate proficiency
345 upon completion of such specialized courses may certify plans
346 and specifications for one and two family dwellings to be in
347 compliance with the code or alternate methodologies, as
348 appropriate, except for dwellings located in floodways or
349 coastal hazard areas as defined in ss. 60.3D and E of the
350 National Flood Insurance Program.

351 3. The board shall require, by rule adopted pursuant to ss.
352 120.536(1) and 120.54, a specified number of hours in
353 specialized or code-related training ~~advanced module courses,~~
354 ~~approved by the Florida Building Commission,~~ on any portion of
355 the Florida Building Code, adopted pursuant to part IV of
356 chapter 553, relating to the contractor's respective discipline.

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

359 489.1401 Legislative intent.-



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360 (2) It is the intent of the Legislature that the sole
361 purpose of the Florida Homeowners' Construction Recovery Fund is
362 to compensate an ~~any~~ aggrieved claimant who contracted for the
363 construction or improvement of the homeowner's residence located
364 within this state and who has obtained a final judgment in a ~~any~~
365 court of competent jurisdiction, was awarded restitution by the
366 Construction Industry Licensing Board, or received an award in
367 arbitration against a licensee on grounds of financial
368 mismanagement or misconduct, abandoning a construction project,
369 or making a false statement with respect to a project. Such
370 grievance must arise ~~and arising~~ directly out of a ~~any~~
371 transaction conducted when the judgment debtor was licensed and
372 must involve an act performed ~~any of the activities~~ enumerated
373 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence~~.

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

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

379 489.1402 Homeowners' Construction Recovery Fund;
380 definitions.—

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

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

385 (i) "Residence" means a single-family residence, an
386 individual residential condominium or cooperative unit, or a
387 residential building containing not more than two residential
388 units in which the owner contracting for the improvement is



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389 residing or will reside 6 months or more each calendar year upon
390 completion of the improvement.

391 (k) "Same transaction" means a contract, or a ~~any~~ series of
392 contracts, between a claimant and a contractor or qualified
393 business, when such contract or contracts involve the same
394 property or contiguous properties and are entered into either at
395 one time or serially.

396 (l) "Valid and current license," for the purpose of s.
397 489.141(2) (d), means a ~~any~~ license issued pursuant to this part
398 to a licensee, including a license in an active, inactive,
399 delinquent, or suspended status.

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

402 489.141 Conditions for recovery; eligibility.-

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

408 (a) The claimant has received a final judgment in a court
409 of competent jurisdiction in this state or has received an award
410 in arbitration or the Construction Industry Licensing Board has
411 issued a final order directing the licensee to pay restitution
412 to the claimant. The board may waive this requirement if:

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

415 2. The claimant has sought to have assets involving the
416 transaction that gave rise to the claim removed from the
417 bankruptcy proceedings so that the matter might be heard in a



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418 court of competent jurisdiction in this state and, after due
419 diligence, the claimant is precluded by action of the bankruptcy
420 court from securing a final judgment against the licensee.

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

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

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

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

428 1. The claimant has caused to be issued a writ of execution
429 upon such judgment, and the officer executing the writ has made
430 a return showing that no personal or real property of the
431 judgment debtor or licensee liable to be levied upon in
432 satisfaction of the judgment can be found or that the amount
433 realized on the sale of the judgment debtor's or licensee's
434 property pursuant to such execution was insufficient to satisfy
435 the judgment;

436 2. If the claimant is unable to comply with subparagraph 1.
437 for a valid reason to be determined by the board, the claimant
438 has made all reasonable searches and inquiries to ascertain
439 whether the judgment debtor or licensee is possessed of real or
440 personal property or other assets subject to being sold or
441 applied in satisfaction of the judgment and by his or her search
442 has discovered no property or assets or has discovered property
443 and assets and has taken all necessary action and proceedings
444 for the application thereof to the judgment but the amount
445 thereby realized was insufficient to satisfy the judgment; and

446 3. The claimant has made a diligent attempt, as defined by



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447 board rule, to collect the restitution awarded by the board.

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

452 (g) Any amounts recovered by the claimant from the judgment
453 debtor or licensee, or from any other source, have been applied
454 to the damages awarded by the court or the amount of restitution
455 ordered by the board.

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

458 (2) A claimant is not qualified to make a claim for
459 recovery from the recovery fund⁷ if:

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

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

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

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

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

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

475 (f)(g) The claimant has entered into a contract ~~contracted~~



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476 with a licensee to perform a scope of work described in s.
477 489.105(3)(d)-(g) before July 1, 2015 ~~s. 489.105(3)(d)-(p)~~.

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

480 489.1425 Duty of contractor to notify residential property
481 owner of recovery fund.—

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

488
489 FLORIDA HOMEOWNERS' CONSTRUCTION
490 RECOVERY FUND

491
492 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE
493 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY
494 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS
495 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED
496 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A
497 CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD
498 AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

499
500 The statement must ~~shall~~ be immediately followed by the board's
501 address and telephone number as established by board rule.

502 Section 13. Section 489.143, Florida Statutes, is amended
503 to read:

504 489.143 Payment from the fund.—



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

507 (2) A ~~Any~~ claimant who meets all of the conditions
508 prescribed in s. 489.141 may apply to the board to cause payment
509 to be made to a claimant from the recovery fund in an amount
510 equal to the judgment, award, or restitution order or \$25,000,
511 whichever is less, or an amount equal to the unsatisfied portion
512 of such person's judgment, award, or restitution order, but only
513 to the extent and amount of actual damages suffered by the
514 claimant, and only up to the maximum payment allowed for each
515 respective Division I and Division II claim. Payment from the
516 fund for other costs related to or pursuant to civil proceedings
517 such as postjudgment interest, attorney ~~attorney's~~ fees, court
518 costs, medical damages, and punitive damages is prohibited. The
519 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
520 or a restitution order, or any portion thereof, which is not
521 expressly based on one of the grounds for recovery set forth in
522 s. 489.141.

523 (3) Beginning January 1, 2005, for each Division I contract
524 entered into after July 1, 2004, payment from the recovery fund
525 shall be subject to a \$50,000 maximum payment for each Division
526 I claim. Beginning January 1, 2016, for each Division II
527 contract entered into on or after July 1, 2015, payment from the
528 recovery fund is subject to a \$15,000 maximum payment for each
529 Division II claim.

530 (4) ~~(3)~~ Upon receipt by a claimant under subsection (2) of
531 payment from the recovery fund, the claimant shall assign his or
532 her additional right, title, and interest in the judgment,
533 award, or restitution order, to the extent of such payment, to



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534 the board, and thereupon the board shall be subrogated to the
535 right, title, and interest of the claimant; and any amount
536 subsequently recovered on the judgment, award, or restitution
537 order, to the extent of the right, title, and interest of the
538 board therein, shall be for the purpose of reimbursing the
539 recovery fund.

540 (5)-(4) Payments for claims arising out of the same
541 transaction shall be limited, in the aggregate, to the lesser of
542 the judgment, award, or restitution order or the maximum payment
543 allowed for a Division I or Division II claim, regardless of the
544 number of claimants involved in the transaction.

545 (6)-(5) For contracts entered into before July 1, 2004,
546 payments for claims against any one licensee may shall not
547 exceed, in the aggregate, \$100,000 annually, up to a total
548 aggregate of \$250,000. For any claim approved by the board which
549 is in excess of the annual cap, the amount in excess of \$100,000
550 up to the total aggregate cap of \$250,000 is eligible for
551 payment in the next and succeeding fiscal years, but only after
552 all claims for the then-current calendar year have been paid.
553 Payments may not exceed the aggregate annual or per claimant
554 limits under law. Beginning January 1, 2005, for each Division I
555 contract entered into after July 1, 2004, payment from the
556 recovery fund is subject only to a total aggregate cap of
557 \$500,000 for each Division I licensee. Beginning January 1,
558 2016, for each Division II contract entered into on or after
559 July 1, 2015, payment from the recovery fund is subject only to
560 a total aggregate cap of \$150,000 for each Division II licensee.

561 (7)-(6) Claims shall be paid in the order filed, up to the
562 aggregate limits for each transaction and licensee and to the



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563 limits of the amount appropriated to pay claims against the fund
564 ~~for the fiscal year in which the claims were filed.~~ Payments may
565 not exceed the total aggregate cap per license or per claimant
566 limits under this section.

567 (8)~~(7)~~ If the annual appropriation is exhausted with claims
568 pending, such claims shall be carried forward to the next fiscal
569 year. Any moneys in excess of pending claims remaining in the
570 recovery fund at the end of the fiscal year shall be paid as
571 provided in s. 468.631.

572 (9)~~(8)~~ Upon the payment of any amount from the recovery
573 fund in settlement of a claim in satisfaction of a judgment,
574 award, or restitution order against a licensee as described in
575 s. 489.141, the license of such licensee shall be automatically
576 suspended, without further administrative action, upon the date
577 of payment from the fund. The license of such licensee may ~~shall~~
578 not be reinstated until he or she has repaid in full, plus
579 interest, the amount paid from the fund. A discharge of
580 bankruptcy does not relieve a person from the penalties and
581 disabilities provided in this section.

582 (10)~~(9)~~ A ~~Any~~ firm, a corporation, a partnership, or an
583 association, or a ~~any~~ person acting in his or her individual
584 capacity, who aids, abets, solicits, or conspires with another
585 ~~any~~ person to knowingly present or cause to be presented a ~~any~~
586 false or fraudulent claim for the payment of a loss under this
587 act commits ~~is guilty of~~ a third-degree felony, punishable as
588 provided in s. 775.082 or s. 775.084 and by a fine of up to ~~not~~
589 ~~exceeding~~ \$30,000, unless the value of the fraud exceeds that
590 amount, ~~\$30,000~~ in which event the fine may not exceed double
591 the value of the fraud.



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592 ~~(11)(10)~~ Each payment ~~All payments~~ and disbursement
593 ~~disbursements~~ from the recovery fund shall be made by the Chief
594 Financial Officer upon a voucher signed by the secretary of the
595 department or the secretary's designee.

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

598 489.503 Exemptions.—This part does not apply to:

599 (24) A person who installs low-voltage landscape lighting
600 that contains a factory-installed electrical cord with plug and
601 does not require installation, wiring, or modification to the
602 electrical wiring of the structure.

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

605 489.517 Renewal of certificate or registration; continuing
606 education.—

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

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

615 514.011 Definitions.—As used in this chapter:

616 (3) "Private pool" means a facility used only by an
617 individual, family, or living unit members and their guests
618 which does not serve any type of cooperative housing or joint
619 tenancy of five or more living units. The term includes a
620 portable pool used exclusively for providing swimming lessons or



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621 related instruction in support of an established educational
622 program sponsored or provided by a county school district for
623 the purposes of the exemptions provided under s. 514.0115.

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

626 514.0115 Exemptions from supervision or regulation;
627 variances.-

628 (3) A private pool used for instructional purposes in
629 swimming may ~~shall~~ not be regulated as a public pool. A portable
630 pool used for instructional purposes or in furtherance of an
631 approved educational program may not be regulated as a public
632 pool.

633 Section 18. Subsections (2) through (5) of section 514.031,
634 Florida Statutes, are redesignated as subsections (3) through
635 (6), respectively, a new subsection (2) is added to that
636 section, and present subsection (5) of that section is amended,
637 to read:

638 514.031 Permit necessary to operate public swimming pool.-

639 (2) The department shall ensure through inspections that a
640 public swimming pool with an operating permit continues to be
641 operated and maintained in compliance with rules adopted under
642 this section, the original approved plans and specifications or
643 variances, and the Florida Building Code adopted under chapter
644 553 applicable to public pools or public bathing places. The
645 department may adopt and enforce rules to implement this
646 subsection, including provisions for closing those pools and
647 bathing places not in compliance. For purposes of this
648 subsection, the department's jurisdiction includes the pool, the
649 pool deck, the barrier as defined in s. 515.25, and the bathroom



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650 facilities for pool patrons. The local enforcement agency shall
651 permit and inspect repairs or modifications required as a result
652 of the department's inspections and may take enforcement action
653 to ensure compliance. The department shall ensure that the rules
654 enforced by the local enforcement agency under this subsection
655 are consistent with the Florida Building Code adopted under
656 chapter 553.

657 (6)~~(5)~~ An owner or operator of a public swimming pool,
658 including, but not limited to, a spa, wading, or special purpose
659 pool, to which admittance is obtained by membership for a fee
660 shall post in a prominent location within the facility the most
661 recent pool inspection report issued by the department
662 pertaining to the health and safety conditions of such facility.
663 The report shall be legible and readily accessible to members or
664 potential members. The department shall adopt rules to enforce
665 this subsection. A portable pool may not be used as a public
666 pool, unless it is exempt under s. 514.0115.

667 Section 19. Subsections (1), (2), and (5) of section
668 514.05, Florida Statutes, are amended to read:

669 514.05 Denial, suspension, or revocation of permit;
670 administrative fines.—

671 (1) The department may deny an application for an ~~a~~
672 operating permit, suspend or revoke a permit issued to any
673 person or public body, or impose an administrative fine upon the
674 failure of such person or public body to comply with the
675 provisions of this chapter, the original approved plans and
676 specifications or variances, the Florida Building Code adopted
677 under chapter 553 applicable to public pools or public bathing
678 places, or the rules adopted hereunder.



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679 (2) The department may impose an administrative fine, which
680 shall not exceed \$500 for each violation, for the violation of
681 this chapter, the original approved plans and specifications or
682 variances, the Florida Building Code adopted under chapter 553
683 applicable to public pools or public bathing places, or the
684 rules adopted hereunder and for the violation of ~~any of the~~
685 ~~provisions of~~ chapter 386. Notice of intent to impose such fine
686 shall be given by the department to the alleged violator. Each
687 day that a violation continues may constitute a separate
688 violation.

689 (5) Under conditions specified by rule, the department may
690 close a public pool that is not in compliance with this chapter,
691 the original approved plans and specifications or variances, the
692 Florida Building Code adopted under chapter 553 applicable to
693 public pools or public bathing places, or the rules adopted
694 under this chapter.

695 Section 20. Subsection (2) of section 553.512, Florida
696 Statutes, is amended to read:

697 553.512 Modifications and waivers; advisory council.-

698 (2) The Accessibility Advisory Council shall consist of the
699 following seven members, who shall be knowledgeable in the area
700 of accessibility for persons with disabilities. The Secretary of
701 Business and Professional Regulation shall appoint the
702 following: a representative from the Advocacy Center for Persons
703 with Disabilities, Inc.; a representative from the Division of
704 Blind Services; a representative from the Division of Vocational
705 Rehabilitation; a representative from a statewide organization
706 representing the physically handicapped; a representative from
707 the hearing impaired; a representative from Pensacola Pen Wheels



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708 Inc., Employ the Handicapped Council; ~~a representative from the~~
709 ~~President, Florida Council of Handicapped Organizations;~~ and a
710 representative of the Paralyzed Veterans of America. The terms
711 for the first three council members appointed subsequent to
712 October 1, 1991, shall be for 4 years, the terms for the next
713 two council members appointed shall be for 3 years, and the
714 terms for the next two members shall be for 2 years. Thereafter,
715 all council member appointments shall be for terms of 4 years. A
716 ~~No~~ council member may not ~~shall~~ serve more than two 4-year terms
717 subsequent to October 1, 1991. Any member of the council may be
718 replaced by the secretary upon three unexcused absences. Upon
719 application made in the form provided, an individual waiver or
720 modification may be granted by the commission so long as such
721 modification or waiver is not in conflict with more stringent
722 standards provided in another chapter.

723 Section 21. Section 553.721, Florida Statutes, is amended
724 to read:

725 553.721 Surcharge.—In order for the Department of Business
726 and Professional Regulation to administer and carry out the
727 purposes of this part and related activities, there is created a
728 surcharge, to be assessed at the rate of 1.5 percent of the
729 permit fees associated with enforcement of the Florida Building
730 Code as defined by the uniform account criteria and specifically
731 the uniform account code for building permits adopted for local
732 government financial reporting pursuant to s. 218.32. The
733 minimum amount collected on any permit issued shall be \$2. The
734 unit of government responsible for collecting a permit fee
735 pursuant to s. 125.56(4) or s. 166.201 shall collect the
736 surcharge and electronically remit the funds collected to the



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737 department on a quarterly calendar basis for the preceding
738 quarter and continuing each third month thereafter. The unit of
739 government shall retain 10 percent of the surcharge collected to
740 fund the participation of building departments in the national
741 and state building code adoption processes and to provide
742 education related to enforcement of the Florida Building Code.
743 All funds remitted to the department pursuant to this section
744 shall be deposited in the Professional Regulation Trust Fund.
745 Funds collected from the surcharge shall be allocated to fund
746 the Florida Building Commission and the Florida Building Code
747 Compliance and Mitigation Program under s. 553.841. Funds
748 allocated to the Florida Building Code Compliance and Mitigation
749 Program shall be \$925,000 each fiscal year. The Florida Building
750 Code Compliance and Mitigation Program shall fund the
751 recommendations made by the Building Code System Uniform
752 Implementation Evaluation Workgroup, dated April 8, 2013, from
753 existing resources, not to exceed \$30,000 in the 2015-2016
754 fiscal year. Funds collected from the surcharge shall also be
755 used to fund Florida Fire Prevention Code informal
756 interpretations managed by the State Fire Marshal and shall be
757 limited to \$15,000 each fiscal year. The State Fire Marshal
758 shall adopt rules to address the implementation and expenditure
759 of the funds allocated to fund the Florida Fire Prevention Code
760 informal interpretations under this section. The funds collected
761 from the surcharge may not be used to fund research on
762 techniques for mitigation of radon in existing buildings. Funds
763 used by the department as well as funds to be transferred to the
764 Department of Health and the State Fire Marshal shall be as
765 prescribed in the annual General Appropriations Act. The



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

768 Section 22. Subsections (11) and (15) of section 553.73,
769 Florida Statutes, are amended, and subsections (19) and (20) are
770 added to that section, to read:

771 553.73 Florida Building Code.—

772 (11) (a) In the event of a conflict between the Florida
773 Building Code and the Florida Fire Prevention Code and the Life
774 Safety Code as applied to a specific project, the conflict shall
775 be resolved by agreement between the local building code
776 enforcement official and the local fire code enforcement
777 official in favor of the requirement of the code which offers
778 the greatest degree of lifesafety or alternatives which would
779 provide an equivalent degree of lifesafety and an equivalent
780 method of construction. Local boards created to address issues
781 arising under the Florida Building Code and the Florida Fire
782 Prevention Code may combine the appeals boards to create a
783 single, local board having jurisdiction over matters arising
784 under either or both codes. The combined local board of appeals
785 has the authority to grant alternatives or modifications through
786 procedures outlined in NFPA 1, Section 1.4, but does not have
787 the authority to waive the requirements of the Florida Fire
788 Prevention Code. In order to meet the quorum requirement to
789 convene the combined appeals board, there must be at least one
790 member of the board who is a fire protection contractor, a fire
791 protection design professional, a fire department operations
792 professional, or a fire code enforcement professional.

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



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795 Prevention Code, by and the local building official regarding
796 application, interpretation, or enforcement of the Florida
797 Building Code, or the appropriate application of either or both
798 codes in the case of a conflict between the codes may be
799 appealed to a local administrative board designated by the
800 municipality, county, or special district having firesafety
801 responsibilities. If the decision of the local fire official and
802 the local building official is to apply the provisions of either
803 the Florida Building Code or the Florida Fire Prevention Code
804 and the Life Safety Code, the board may not alter the decision
805 unless the board determines that the application of such code is
806 not reasonable. If the decision of the local fire official and
807 the local building official is to adopt an alternative to the
808 codes, the local administrative board shall give due regard to
809 the decision rendered by the local officials and may modify that
810 decision if the administrative board adopts a better
811 alternative, taking into consideration all relevant
812 circumstances. In any case in which the local administrative
813 board adopts alternatives to the decision rendered by the local
814 fire official and the local building official, such alternatives
815 shall provide an equivalent degree of lifesafety and an
816 equivalent method of construction as the decision rendered by
817 the local officials.

818 (c) If the local building official and the local fire
819 official are unable to agree on a resolution of the conflict
820 between the Florida Building Code and the Florida Fire
821 Prevention Code and the Life Safety Code, the local
822 administrative board shall resolve the conflict in favor of the
823 code which offers the greatest degree of lifesafety or



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824 alternatives which would provide an equivalent degree of
825 lifesafety and an equivalent method of construction.

826 (d) All decisions of the local administrative board, or if
827 none exists, the decisions of the local building official and
828 the local fire official in regard to the application,
829 enforcement, or interpretation of the Florida Fire Prevention
830 Code, or conflicts between the Florida Fire Prevention Code and
831 the Florida Building Code, are subject to review by a joint
832 committee composed of members of the Florida Building Commission
833 and the Fire Code Advisory Council. If the joint committee is
834 unable to resolve conflicts between the codes as applied to a
835 specific project, the matter shall be resolved pursuant to the
836 provisions of paragraph (1) (d). Decisions of the local
837 administrative board solely in regard to the provisions of the
838 Florida Building Code are subject to review as set forth in s.
839 553.775.

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

843 (f) All decisions of the local building official and local
844 fire official and all decisions of the administrative board
845 shall be in writing and shall be binding upon a person but do
846 not limit the authority of the State Fire Marshal or the Florida
847 Building Commission pursuant to paragraph (1) (d) and ss. 633.104
848 and 633.228. Decisions of general application shall be indexed
849 by building and fire code sections and shall be available for
850 inspection during normal business hours.

851 (15) An agency or local government may not require that
852 existing mechanical equipment located on or above the surface of



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853 a roof be installed in compliance with the requirements of the
854 Florida Building Code except during roofing when the equipment
855 is being replaced or moved ~~during reroofing~~ and is not in
856 compliance with the provisions of the Florida Building Code
857 relating to roof-mounted mechanical units.

858 (19) In other than one- and two-family detached dwellings,
859 a local enforcing agency that requires a permit to install or
860 replace a water heater shall require that a hard-wired or
861 battery-operated water-level detection device be secured to the
862 drain pan area at a level lower than the drain connection upon
863 installation or replacement of the water heater. The device must
864 include an audible alarm and, if battery-operated, must have a
865 10-year low-battery notification capability.

866 (20) The Florida Building Code may not require more than
867 one fire service access elevator in a residential occupancy if
868 the highest occupiable floor in the residential occupancy is
869 less than 420 feet above the level of fire service access and
870 all remaining elevators are provided with Phase I and Phase II
871 emergency operations. If a fire service access elevator is
872 required, a 1 hour fire-rated fire service access elevator lobby
873 with direct access from the fire service access elevator may not
874 be required if the fire service access elevator opens into an
875 exit access corridor. The exit access corridor must be at least
876 6 feet wide for its entire length of at least 150 square feet
877 with the exception of door openings. The exit access corridor
878 must have a minimum 1 hour fire rating with three quarter hour
879 rated openings. The fire service access elevator must be
880 pressured and have floor-to-floor smoke control in case of a
881 fire. However, if there is a transient residential occupancy at



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882 floor levels more than 420 feet above the level of fire service
883 access, a 1 hour fire-rated fire service access elevator lobby
884 with direct access from the fire service access elevator is
885 required. The requirement for a second fire service access
886 elevator is not considered to be a part of the Florida Building
887 Code, and therefore, does not take effect until July 1, 2016.

888 Section 23. Paragraph (c) of subsection (3) of section
889 553.775, Florida Statutes, is amended to read:

890 553.775 Interpretations.—

891 (3) The following procedures may be invoked regarding
892 interpretations of the Florida Building Code or the Florida
893 Accessibility Code for Building Construction:

894 (c) The commission shall review decisions of local building
895 officials and local enforcement agencies regarding
896 interpretations of the Florida Building Code or the Florida
897 Accessibility Code for Building Construction after the local
898 board of appeals has considered the decision, if such board
899 exists, and if such appeals process is concluded within 25
900 business days.

901 1. The commission shall coordinate with the Building
902 Officials Association of Florida, Inc., to designate a panel
903 ~~panels~~ composed of seven ~~five~~ members to hear requests to review
904 decisions of local building officials. Five ~~The~~ members must be
905 licensed as building code administrators under part XII of
906 chapter 468, one member must be licensed as an architect under
907 chapter 481, and one member must be licensed as an engineer
908 under chapter 471. Each member ~~and~~ must have experience
909 interpreting or ~~and~~ enforcing provisions of the Florida Building
910 Code and the Florida Accessibility Code for Building



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911 Construction.

912 2. Requests to review a decision of a local building
913 official interpreting provisions of the Florida Building Code or
914 the Florida Accessibility Code for Building Construction may be
915 initiated by any substantially affected person, including an
916 owner or builder subject to a decision of a local building
917 official or an association of owners or builders having members
918 who are subject to a decision of a local building official. In
919 order to initiate review, the substantially affected person must
920 file a petition with the commission. The commission shall adopt
921 a form for the petition, which shall be published on the
922 Building Code Information System. The form shall, at a minimum,
923 require the following:

924 a. The name and address of the county or municipality in
925 which provisions of the Florida Building Code or the Florida
926 Accessibility Code for Building Construction are being
927 interpreted.

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

930 c. The name, address, and telephone number of the
931 petitioner; the name, address, and telephone number of the
932 petitioner's representative, if any; and an explanation of how
933 the petitioner's substantial interests are being affected by the
934 local interpretation of the Florida Building Code or the Florida
935 Accessibility Code for Building Construction.

936 d. A statement of the provisions of the Florida Building
937 Code or the Florida Accessibility Code for Building Construction
938 which are being interpreted by the local building official.

939 e. A statement of the interpretation given to provisions of



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940 the Florida Building Code or the Florida Accessibility Code for
941 Building Construction by the local building official and the
942 manner in which the interpretation was rendered.

943 f. A statement of the interpretation that the petitioner
944 contends should be given to the provisions of the Florida
945 Building Code or the Florida Accessibility Code for Building
946 Construction and a statement supporting the petitioner's
947 interpretation.

948 g. Space for the local building official to respond in
949 writing. The space shall, at a minimum, require the local
950 building official to respond by providing a statement admitting
951 or denying the statements contained in the petition and a
952 statement of the interpretation of the provisions of the Florida
953 Building Code or the Florida Accessibility Code for Building
954 Construction which the local jurisdiction or the local building
955 official contends is correct, including the basis for the
956 interpretation.

957 3. The petitioner shall submit the petition to the local
958 building official, who shall place the date of receipt on the
959 petition. The local building official shall respond to the
960 petition in accordance with the form and shall return the
961 petition along with his or her response to the petitioner within
962 5 days after receipt, exclusive of Saturdays, Sundays, and legal
963 holidays. The petitioner may file the petition with the
964 commission at any time after the local building official
965 provides a response. If no response is provided by the local
966 building official, the petitioner may file the petition with the
967 commission 10 days after submission of the petition to the local
968 building official and shall note that the local building



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969 official did not respond.

970 4. Upon receipt of a petition that meets the requirements
971 of subparagraph 2., the commission shall immediately provide
972 copies of the petition to the a panel, and the commission shall
973 publish the petition, including any response submitted by the
974 local building official, on the Building Code Information System
975 in a manner that allows interested persons to address the issues
976 by posting comments.

977 5. The panel shall conduct proceedings as necessary to
978 resolve the issues; shall give due regard to the petitions, the
979 response, and to comments posed on the Building Code Information
980 System; and shall issue an interpretation regarding the
981 provisions of the Florida Building Code or the Florida
982 Accessibility Code for Building Construction within 21 days
983 after the filing of the petition. The panel shall render a
984 determination based upon the Florida Building Code or the
985 Florida Accessibility Code for Building Construction or, if the
986 code is ambiguous, the intent of the code. The panel's
987 interpretation shall be provided to the commission, which shall
988 publish the interpretation on the Building Code Information
989 System and in the Florida Administrative Register. The
990 interpretation shall be considered an interpretation entered by
991 the commission, and shall be binding upon the parties and upon
992 all jurisdictions subject to the Florida Building Code or the
993 Florida Accessibility Code for Building Construction, unless it
994 is superseded by a declaratory statement issued by the Florida
995 Building Commission or by a final order entered after an appeal
996 proceeding conducted in accordance with subparagraph 7.

997 6. It is the intent of the Legislature that review



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998 proceedings be completed within 21 days after the date that a
999 petition seeking review is filed with the commission, and the
1000 time periods set forth in this paragraph may be waived only upon
1001 consent of all parties.

1002 7. Any substantially affected person may appeal an
1003 interpretation rendered by the ~~a hearing officer~~ panel by filing
1004 a petition with the commission. Such appeals shall be initiated
1005 in accordance with chapter 120 and the uniform rules of
1006 procedure and must be filed within 30 days after publication of
1007 the interpretation on the Building Code Information System or in
1008 the Florida Administrative Register. Hearings shall be conducted
1009 pursuant to chapter 120 and the uniform rules of procedure.
1010 Decisions of the commission are subject to judicial review
1011 pursuant to s. 120.68. The final order of the commission is
1012 binding upon the parties and upon all jurisdictions subject to
1013 the Florida Building Code or the Florida Accessibility Code for
1014 Building Construction.

1015 8. The burden of proof in any proceeding initiated in
1016 accordance with subparagraph 7. is on the party who initiated
1017 the appeal.

1018 9. In any review proceeding initiated in accordance with
1019 this paragraph, including any proceeding initiated in accordance
1020 with subparagraph 7., the fact that an owner or builder has
1021 proceeded with construction may not be grounds for determining
1022 an issue to be moot if the issue is one that is likely to arise
1023 in the future.

1024
1025 This paragraph provides the exclusive remedy for addressing
1026 requests to review local interpretations of the Florida Building



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1027 Code or the Florida Accessibility Code for Building Construction
1028 and appeals from review proceedings.

1029 Section 24. Subsections (6) and (11) of section 553.79,
1030 Florida Statutes, are amended to read:

1031 553.79 Permits; applications; issuance; inspections.-

1032 (6) A permit may not be issued for any building
1033 construction, erection, alteration, modification, repair, or
1034 addition unless the applicant for such permit complies with the
1035 requirements for plan review established by the Florida Building
1036 Commission within the Florida Building Code. However, the code
1037 shall set standards and criteria to authorize preliminary
1038 construction before completion of all building plans review,
1039 including, but not limited to, special permits for the
1040 foundation only, and such standards shall take effect concurrent
1041 with the first effective date of the Florida Building Code.
1042 After submittal of the appropriate construction documents, the
1043 building official may issue a permit for the construction of
1044 foundations or any other part of a building or structure before
1045 the construction documents for the entire building or structure
1046 have been submitted. The holder of such a permit proceeds at the
1047 holder's own risk with the building operation and without
1048 assurance that a permit for the entire structure will be
1049 granted, and may be required to make corrections to meet
1050 technical code requirements.

1051 (11) (a) The local enforcing agency may not issue a building
1052 permit to construct, develop, or modify a public swimming pool
1053 without proof of application, whether complete or incomplete,
1054 for an operating permit pursuant to s. 514.031. A certificate of
1055 completion or occupancy may not be issued until such operating



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1056 permit is issued. The local enforcing agency shall conduct its
1057 review of the building permit application upon filing and in
1058 accordance with this chapter. The local enforcing agency may
1059 confer with the Department of Health, if necessary, but may not
1060 delay the building permit application review while awaiting
1061 comment from the Department of Health.

1062 (b) If the department determines under s. 514.031(2) that a
1063 public pool or a public bathing place is not being operated or
1064 maintained in compliance with the department's rules, the
1065 original approved plans and specifications or variances, and the
1066 Florida Building Code, the local enforcing agency shall permit
1067 and inspect the repairs or modifications required as a result of
1068 the department's inspections and may take enforcement action to
1069 ensure compliance.

1070 Section 25. Subsections (4) and (7) of section 553.841,
1071 Florida Statutes, are amended, to read:

1072 553.841 Building code compliance and mitigation program.—

1073 (4) In administering the Florida Building Code Compliance
1074 and Mitigation Program, the department may ~~shall~~ maintain,
1075 update, develop, or cause to be developed code-related training
1076 and education ~~advanced modules designed~~ for use by each
1077 profession.

1078 ~~(7) The Florida Building Commission shall provide by rule~~
1079 ~~for the accreditation of courses related to the Florida Building~~
1080 ~~Code by accreditors approved by the commission. The commission~~
1081 ~~shall establish qualifications of accreditors and criteria for~~
1082 ~~the accreditation of courses by rule. The commission may revoke~~
1083 ~~the accreditation of a course by an accreditor if the~~
1084 ~~accreditation is demonstrated to violate this part or the rules~~



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1085 ~~of the commission.~~

1086 Section 26. Paragraph (a) of subsection (8) of section
1087 553.842, Florida Statutes, is amended to read:

1088 553.842 Product evaluation and approval.—

1089 (8) The commission may adopt rules to approve the following
1090 types of entities that produce information on which product
1091 approvals are based. All of the following entities, including
1092 engineers and architects, must comply with a nationally
1093 recognized standard demonstrating independence or no conflict of
1094 interest:

1095 (a) Evaluation entities approved pursuant to this
1096 paragraph. The commission shall specifically approve the
1097 National Evaluation Service, the International Association of
1098 Plumbing and Mechanical Officials Evaluation Service, the
1099 International Code Council Evaluation Services, Underwriters
1100 Laboratories, LLC, and the Miami-Dade County Building Code
1101 Compliance Office Product Control Division. Architects and
1102 engineers licensed in this state are also approved to conduct
1103 product evaluations as provided in subsection (5).

1104 Section 27. Section 553.908, Florida Statutes, is amended
1105 to read:

1106 553.908 Inspection.—Before construction or renovation is
1107 completed, the local enforcement agency shall inspect buildings
1108 for compliance with the standards of this part. The local
1109 enforcement agency shall accept duct and air infiltration tests
1110 conducted in accordance with the Florida Building Code-Energy
1111 Conservation by individuals certified in accordance with s.
1112 553.993(5) or (7) or individuals licensed under s.
1113 489.105(3)(f), (g), or (i). The local enforcement agency may



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1114 accept inspections in whole or in part by individuals certified
1115 in accordance with s. 553.993(5) or (7). Notwithstanding any
1116 provision of the Florida Building Code or other provision of
1117 law, mandatory blower door testing and mechanical ventilation
1118 testing for residential buildings or dwelling units takes effect
1119 on April 1, 2016.

1120 Section 28. Subsections (17) and (18) are added to section
1121 633.202, Florida Statutes, to read:

1122 633.202 Florida Fire Prevention Code.—

1123 (17) In all new high-rise and existing high-rise buildings,
1124 minimum radio signal strength for fire department communications
1125 shall be maintained at a level determined by the authority
1126 having jurisdiction. Existing buildings may not be required to
1127 comply with minimum radio strength for fire department
1128 communications and two-way radio system enhancement
1129 communications as required by the Florida Fire Prevention Code
1130 until January 1, 2022. However, by December 31, 2019, an
1131 existing building that is not in compliance with the
1132 requirements for minimum radio strength for fire department
1133 communications must initiate an application for an appropriate
1134 permit for the required installation with the local government
1135 agency having jurisdiction and must demonstrate that the
1136 building will become compliant by January 1, 2022. Existing
1137 apartment buildings may not be required to comply until January
1138 1, 2025. However, existing apartment buildings are required to
1139 initiate the appropriate permit for the required communications
1140 installation by December 31, 2022.

1141 (18) Areas of refuge shall be provided when required by the
1142 Florida Building Code-Accessibility. Required portions of an



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1143 area of refuge shall be accessible from the space they serve by
1144 an accessible means of egress.

1145 Section 29. Subsection (5) is added to section 633.206,
1146 Florida Statutes, to read:

1147 633.206 Uniform firesafety standards—The Legislature hereby
1148 determines that to protect the public health, safety, and
1149 welfare it is necessary to provide for firesafety standards
1150 governing the construction and utilization of certain buildings
1151 and structures. The Legislature further determines that certain
1152 buildings or structures, due to their specialized use or to the
1153 special characteristics of the person utilizing or occupying
1154 these buildings or structures, should be subject to firesafety
1155 standards reflecting these special needs as may be appropriate.

1156 (5) The home environment provisions enumerated in the most
1157 current edition of the codes adopted by the division may be
1158 applied to existing assisted living facilities notwithstanding
1159 the edition of the codes applied at the time of construction.

1160 Section 30. Subsection (5) of section 633.208, Florida
1161 Statutes, is amended to read:

1162 633.208 Minimum firesafety standards.—

1163 (5) With regard to existing buildings, the Legislature
1164 recognizes that it is not always practical to apply any or all
1165 of the provisions of the Florida Fire Prevention Code and that
1166 physical limitations may require disproportionate effort or
1167 expense with little increase in fire or life safety. Prior to
1168 applying the minimum firesafety code to an existing building,
1169 the local fire official shall determine that a threat to
1170 lifesafety or property exists. If a threat to lifesafety or
1171 property exists, the fire official shall apply the applicable



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1172 firesafety code for existing buildings to the extent practical
1173 to assure a reasonable degree of lifesafety and safety of
1174 property or the fire official shall fashion a reasonable
1175 alternative which affords an equivalent degree of lifesafety and
1176 safety of property. The fire official may use the Fire Safety
1177 Evaluation System found in NFPA 101A, Alternative Solutions to
1178 Life Safety, current edition adopted by the State Fire Marshal,
1179 to identify low-cost alternatives to bring the building or
1180 structure into compliance with the minimum standards. It is
1181 acceptable to use the Fire Safety Evaluation System for Board
1182 and Care Facilities prompt evacuation capabilities parameter
1183 values on existing residential high-rise buildings. The decision
1184 of the local fire official may be appealed to the local
1185 administrative board described in s. 553.73.

1186 Section 31. Present subsections (3) and (4) of section
1187 633.336, Florida Statutes, are redesignated as subsections (4)
1188 and (5), respectively, and a new subsection (3) is added to that
1189 section, read:

1190 633.336 Contracting without certificate prohibited;
1191 violations; penalty.—

1192 (3) The Legislature recognizes that special expertise is
1193 required for fire pump control panels and the maintenance of
1194 electric and diesel pump drivers which may make it economically
1195 unfeasible for all contractors to employ a fire protection
1196 contractor full-time, when that person's services may be needed
1197 only on a limited basis. Therefore, a fire protection contractor
1198 properly licensed under chapter 633 may subcontract with
1199 companies providing advanced technical services for installing,
1200 servicing, and maintaining fire pump control panels and fire



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1201 pump drivers. To ensure the integrity of the system and protect
1202 the interests of the property owner, those providing technical
1203 support services for fire pump control panels and drivers must
1204 be under contract with a licensed fire protection contractor.

1205 Section 32. The Calder Sloan Swimming Pool Electrical-
1206 Safety Task Force.—There is established within the Florida
1207 Building Commission the Calder Sloan Swimming Pool Electrical-
1208 Safety Task Force.

1209 (1) The purpose of the task force is to study the adoption
1210 of standards on grounding, bonding, lighting, wiring, and all
1211 electrical aspects for safety in and around public and private
1212 swimming pools. The task force shall focus its study upon
1213 minimizing the risk of electrocutions at swimming pools. The
1214 task force shall submit a report on its findings, including
1215 recommended revisions to the Florida Statutes, if any, to the
1216 Governor, the President of the Senate, and the Speaker of the
1217 House of Representatives by November 1, 2015.

1218 (2) The task force shall consist of the Swimming Pool and
1219 Electrical Technical Advisory Committees of the Florida Building
1220 Commission.

1221 (3) The task force shall be chaired by the Swimming Pool
1222 Contractor appointed to the Florida Building Commission pursuant
1223 to s. 553.74, Florida Statutes.

1224 (4) The Florida Building Commission shall provide such
1225 staff, information, and other assistance as is reasonably
1226 necessary to assist the task force in carrying out its
1227 responsibilities.

1228 (5) Members of the task force shall serve without
1229 compensation.



1230 (6) The task force shall meet as often as necessary to
1231 fulfill its responsibilities and meetings may be conducted by
1232 conference call, teleconferencing, or similar technology.

1233 (7) This section expires December 31, 2015.

1234 Section 33. This act shall take effect July 1, 2015.

1235

1236 ===== T I T L E A M E N D M E N T =====

1237 And the title is amended as follows:

1238 Delete everything before the enacting clause
1239 and insert:

1240 A bill to be entitled
1241 An act relating to building codes; amending s.
1242 468.609, F.S.; revising the certification examination
1243 requirements for building code inspectors, plans
1244 examiners, and building code administrators; requiring
1245 the Florida Building Code Administrators and
1246 Inspectors Board to provide for issuance of certain
1247 provisional certificates; amending ss. 468.627,
1248 471.0195, 481.215, and 481.313, F.S.; requiring a
1249 licensee or certificateholder to undergo code-related
1250 training as part of his or her continuing education
1251 courses; amending s. 489.103, F.S.; providing an
1252 exemption for a specified employee who makes minor
1253 repairs to existing waters heaters or to existing
1254 heating, venting, and air-conditioning systems in
1255 certain circumstances; amending s. 489.105, F.S.;
1256 revising the term "plumbing contractor"; amending s.
1257 489.115, F.S.; requiring a certificateholder or
1258 registrant to undergo code-related training as part of



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1259 his or her continuing education requirements; amending
1260 s. 489.1401, F.S.; revising legislative intent with
1261 respect to the purpose of the Florida Homeowners'
1262 Construction Recovery Fund; providing legislative
1263 intent that Division II contractors set apart funds to
1264 participate in the fund; amending s. 489.1402, F.S.;
1265 revising terms; amending s. 489.141, F.S.; authorizing
1266 certain claimants to make a claim against the recovery
1267 fund for certain contracts entered into before a
1268 specified date; amending s. 489.1425, F.S.; revising a
1269 notification provided by contractors to certain
1270 residential property owners to state that payment from
1271 the recovery fund is limited; amending s. 489.143,
1272 F.S.; revising provisions concerning payments from the
1273 recovery fund; specifying claim amounts for certain
1274 contracts entered into before or after specified
1275 dates; providing aggregate caps for payments; amending
1276 s. 489.503, F.S.; exempting certain low-voltage
1277 landscape lighting from licensed electrical contractor
1278 installation requirements; amending s. 489.517, F.S.;
1279 requiring a certificateholder or registrant to undergo
1280 code-related training as part of his or her continuing
1281 education requirements; amending s. 514.011, F.S.;
1282 revising the term "private pool"; amending s.
1283 514.0115, F.S.; prohibiting a portable pool from being
1284 regulated as a public pool in certain circumstances;
1285 amending s. 514.031, F.S.; requiring the Department of
1286 Health to conduct inspections of certain public pools
1287 with operating permits to ensure continued compliance



1288 with specified criteria; authorizing the department to
1289 adopt rules; specifying the department's jurisdiction
1290 for purposes of inspecting certain public pools;
1291 specifying duties of local enforcement agencies
1292 regarding modifications and repairs made to certain
1293 public pools as a result of the department's
1294 inspections; requiring the department to ensure that
1295 certain rules enforced by local enforcement agencies
1296 comply with the Florida Building Code; conforming a
1297 provision to changes made by the act; amending s.
1298 514.05, F.S.; specifying that the department may deny,
1299 suspend, or revoke operating permits for certain pools
1300 and bathing places if certain plans, variances, or
1301 requirements of the Florida Building Code are
1302 violated; specifying that the department may assess an
1303 administrative fine for violations by certain public
1304 pools and bathing places if certain plans, variances,
1305 or requirements of the Florida Building Code are
1306 violated; amending 553.512, F.S.; revising the
1307 membership of the Accessibility Advisory Council;
1308 amending s. 553.721, F.S.; directing the Florida
1309 Building Code Compliance and Mitigation Program to
1310 fund, from existing resources, the recommendations
1311 made by the Building Code System Uniform
1312 Implementation Evaluation Workgroup; providing a
1313 limitation; requiring that a specified amount of funds
1314 from the surcharge be used to fund certain Florida
1315 Fire Prevention Code informal interpretations;
1316 requiring the State Fire Marshal to adopt specified



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1317 rules; amending s. 553.73, F.S.; authorizing local
1318 boards created to address specified issues to combine
1319 the appeals boards into a single, local board;
1320 authorizing the local board to grant alternatives or
1321 modifications through specified procedures; requiring
1322 at least one member of a board to be a fire protection
1323 contractor, a fire protection design professional, a
1324 fire department operations professional, or a fire
1325 code enforcement professional in order to meet a
1326 specified quorum requirement; authorizing the appeal
1327 to a local administrative board of specified decisions
1328 made by a local fire official; specifying the
1329 decisions of the local building official and the local
1330 fire official which are subject to review; clarifying
1331 a provision; requiring the permitted installation or
1332 replacement of a water heater in a conditioned or
1333 attic space to include a water-level detection device;
1334 prohibiting the Florida Building Code from requiring
1335 more than one fire service access elevator in certain
1336 buildings; specifying that a 1 hour fire-rated fire
1337 service access elevator lobby may not be required in
1338 certain circumstances; requiring a 1 hour fire-related
1339 fire service access elevator lobby in certain
1340 circumstances; providing that the requirement for a
1341 second fire service access elevator is not considered
1342 to be part of the Florida Building Code; amending s.
1343 553.775, F.S.; requiring the Florida Building
1344 Commission to coordinate with a specified organization
1345 to designate a review panel; providing panel



1346 membership; requiring each member to have experience
1347 interpreting or enforcing specified provisions;
1348 amending s. 553.79, F.S.; authorizing a building
1349 official to issue a permit for specified construction
1350 before the construction documents for the entire
1351 building or structure have been submitted; providing
1352 that the holder of such permit proceeds at the
1353 holder's own risk; requiring local enforcing agencies
1354 to permit and inspect modifications and repairs made
1355 to certain public pools and public bathing places as a
1356 result of the Department of Business and Professional
1357 Regulation's inspections; amending s. 553.841, F.S.;
1358 authorizing the department to maintain, update,
1359 develop, or cause to be developed code-related
1360 training and education; removing provisions related to
1361 the development of advanced courses with respect to
1362 the Florida Building Code Compliance and Mitigation
1363 Program and the accreditation of courses related to
1364 the Florida Building Code; amending s. 553.842, F.S.;
1365 providing that Underwriters Laboratories, LLC, is an
1366 approved evaluation entity; amending s. 553.908, F.S.;
1367 requiring local enforcement agencies to accept duct
1368 and air infiltration tests conducted in accordance
1369 with certain guidelines by specified individuals;
1370 providing an effective date for mandatory blower door
1371 testing and mechanical ventilation testing; amending
1372 s. 633.202, F.S.; requiring all new high-rise and
1373 existing high-rise buildings to maintain a minimum
1374 radio signal strength for fire department



1375 communications; providing a transitory period for
1376 compliance; requiring existing buildings and existing
1377 apartment buildings that are not in compliance with
1378 the requirements for minimum radio strength for fire
1379 department communications to initiate an application
1380 for an appropriate permit by a specified date;
1381 requiring areas of refuge to be required as determined
1382 by the Florida Building Code-Accessibility; amending
1383 s. 633.206, F.S.; authorizing the application of
1384 specified home environment provisions to existing
1385 assisted living facilities; amending s. 633.208, F.S.;

1386 authorizing a fire official to use the Fire Safety
1387 Evaluation System to identify low-cost alternatives
1388 for compliance; authorizing the use of the Fire Safety
1389 Evaluation System for Board and Care Facilities on
1390 specified buildings; amending s. 633.336, F.S.;

1391 providing legislative findings; authorizing a
1392 specified fire protection contractor to subcontract
1393 with specified companies; requiring certain persons to
1394 be under contract with a licensed fire protection
1395 contractor; creating the Calder Sloan Swimming Pool
1396 Electrical-Safety Task Force within the Florida
1397 Building Commission; specifying the purpose of the
1398 task force; requiring a report to the Governor and the
1399 Legislature by a specified date; providing for
1400 membership; requiring the Florida Building Commission
1401 to provide staff, information, and other assistance to
1402 the task force; providing that members of the task
1403 force serve without compensation; authorizing the task



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1404 force to meet as often as necessary; providing for
1405 future repeal of the task force; providing an
1406 effective date.