

By the Committee on Health Policy; and Senator Simpson

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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. 489.105, F.S.;  
9       revising the term "plumbing contractor"; amending s.  
10      489.1401, F.S.; revising legislative intent with  
11      respect to the purpose of the Florida Homeowners'  
12      Construction Recovery Fund; providing legislative  
13      intent that Division II contractors set apart funds to  
14      participate in the fund; amending s. 489.1402, F.S.;  
15      revising terms; amending s. 489.141, F.S.; prohibiting  
16      certain claimants from making a claim against the  
17      recovery fund for certain contracts entered into  
18      before a specified date; amending s. 489.1425, F.S.;  
19      revising a notification provided by contractors to  
20      certain residential property owners to state that  
21      payment from the recovery fund is limited; amending s.  
22      489.143, F.S.; revising provisions concerning payments  
23      from the recovery fund; specifying claim amounts for  
24      certain contracts entered into before or after  
25      specified dates; providing aggregate caps for  
26      payments; amending s. 489.503, F.S.; exempting certain  
27      low-voltage landscape lighting from licensed  
28      electrical contractor installation requirements;  
29      amending s. 514.031, F.S.; requiring the Department of

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30 Health to conduct inspections of certain public pools  
31 with operating permits to ensure continued compliance  
32 with specified criteria; authorizing the department to  
33 adopt rules; specifying the department's jurisdiction  
34 for purposes of inspecting certain public pools;  
35 specifying duties of local enforcement agencies  
36 regarding modifications and repairs made to certain  
37 public pools as a result of the department's  
38 inspections; requiring the department to ensure that  
39 certain rules enforced by local enforcement agencies  
40 comply with the Florida Building Code; amending s.  
41 514.05, F.S.; specifying that the department may deny,  
42 suspend, or revoke operating permits for certain pools  
43 and bathing places if certain plans, variances, or  
44 requirements of the Florida Building Code are  
45 violated; specifying that the department may assess an  
46 administrative fine for violations by certain public  
47 pools and bathing places if certain plans, variances,  
48 or requirements of the Florida Building Code are  
49 violated; amending s. 553.721, F.S.; directing the  
50 Florida Building Code Compliance and Mitigation  
51 Program to fund, from existing resources, the  
52 recommendations made by the Building Code System  
53 Uniform Implementation Evaluation Workgroup; providing  
54 a limitation; requiring that a specified amount of  
55 funds from the surcharge be used to fund certain  
56 Florida Fire Code informal interpretations; amending  
57 s. 553.73, F.S.; authorizing local boards created to  
58 address specified issues to combine the appeals boards

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59 to create a single, local board; authorizing the  
60 appeal to a local administrative board of specified  
61 decisions made by a local fire official; specifying  
62 the decisions of the local building official and the  
63 local fire official which are subject to review;  
64 requiring the permitted installation or replacement of  
65 a water heater in a conditioned or attic space to  
66 include a water leak detection device; prohibiting the  
67 Florida Building Code from requiring more than one  
68 fire access elevator in certain buildings; amending s.  
69 553.79, F.S.; authorizing a building official to issue  
70 a permit for the construction of the foundation or any  
71 other part of a building or structure before the  
72 construction documents for the whole building or  
73 structure have been submitted; providing that the  
74 holder of such permit shall begin building at the  
75 holder's own risk with the building operation and  
76 without assurance that a permit for the entire  
77 structure will be granted; requiring local enforcing  
78 agencies to permit and inspect modifications and  
79 repairs made to certain public pools and public  
80 bathing places as a result of the department's  
81 inspections; amending s. 553.841, F.S.; authorizing  
82 the department to maintain, update, develop or cause  
83 to be developed code-related training and education;  
84 removing provisions related to the development of  
85 advanced courses with respect to the Florida Building  
86 Code Compliance and Mitigation Program and the  
87 accreditation of courses related to the Florida

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88 Building Code; amending s. 553.842, F.S.; providing  
89 that Underwriters Laboratories, LLC, is an approved  
90 evaluation entity; amending s. 553.908, F.S.;  
91 requiring local enforcement agencies to accept duct  
92 and air infiltration tests conducted in accordance  
93 with certain guidelines by specified individuals;  
94 amending s. 633.102, F.S.; revising terms; amending s.  
95 633.104, F.S.; defining a term; clarifying intent;  
96 amending s. 633.202, F.S.; requiring all new high-rise  
97 and existing high-rise buildings to maintain a minimum  
98 radio signal strength for fire department  
99 communications; providing a transitory period for  
100 compliance; requiring areas of refuge to be required  
101 as determined by the Florida Building Code-  
102 Accessibility; prohibiting dead-end corridors within  
103 an apartment from exceeding a specified footage in  
104 specified buildings; amending s. 633.216, F.S.;  
105 requiring fire prevention plan reviewers to be  
106 certified by a specified date; authorizing the State  
107 Fire Marshal to determine alternative educational and  
108 experience requirements or certifications; creating  
109 the Calder Sloan Swimming Pool Electrical-Safety Task  
110 Force within the Florida Building Commission;  
111 specifying the purpose of the task force; providing  
112 for membership; requiring members of the task force to  
113 elect the chair; requiring the Florida Building  
114 Commission to provide staff, information, and other  
115 assistance to the task force; authorizing the  
116 reimbursement of task force members for certain

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117 expenses; requiring a report to the Governor, the  
118 President of the Senate, and the Speaker of the House  
119 of Representatives by a specified date; providing for  
120 future repeal of the task force; providing an  
121 effective date.

122

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

124

125 Section 1. Subsections (2), (3), and (7) of section  
126 468.609, Florida Statutes, are amended to read:

127 468.609 Administration of this part; standards for  
128 certification; additional categories of certification.—

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

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

133 (b) Is of good moral character.

134 (c) Meets eligibility requirements according to one of the  
135 following criteria:

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

139 2. Demonstrates a combination of postsecondary education in  
140 the field of construction or a related field and experience  
141 which totals 4 years, with at least 1 year of such total being  
142 experience in construction, building code inspection, or plans  
143 review;

144 3. Demonstrates a combination of technical education in the  
145 field of construction or a related field and experience which

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146 totals 4 years, with at least 1 year of such total being  
147 experience in construction, building code inspection, or plans  
148 review;

149 4. Currently holds a standard certificate ~~as~~ issued by the  
150 board, or a firesafety ~~fire safety~~ inspector license issued  
151 pursuant to chapter 633, has a minimum of 3 ~~5~~ years' verifiable  
152 full-time experience in inspection or plan review, and  
153 satisfactorily completes a building code inspector or plans  
154 examiner training program that provides at least 100 hours but  
155 not more ~~of not less~~ than 200 hours of cross-training in the  
156 certification category sought. The board shall establish by rule  
157 criteria for the development and implementation of the training  
158 programs. The board shall accept all classroom training offered  
159 by an approved provider if the content substantially meets the  
160 intent of the classroom component of the training program; ~~or~~

161 5. Demonstrates a combination of the completion of an  
162 approved training program in the field of building code  
163 inspection or plan review and a minimum of 2 years' experience  
164 in the field of building code inspection, plan review, fire code  
165 inspections, and fire plans review of new buildings as a  
166 firesafety inspector certified under s. 633.216, or  
167 construction. The approved training portion of this requirement  
168 shall include proof of satisfactory completion of a training  
169 program that provides at least 200 hours but not more ~~of not~~  
170 ~~less~~ than 300 hours of cross-training which is approved by the  
171 board in the chosen category of building code inspection or plan  
172 review in the certification category sought with at least ~~not~~  
173 ~~less than~~ 20 hours but not more than 30 hours of instruction in  
174 state laws, rules, and ethics relating to professional standards

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175 of practice, duties, and responsibilities of a  
176 certificateholder. The board shall coordinate with the Building  
177 Officials Association of Florida, Inc., to establish by rule the  
178 development and implementation of the training program. However,  
179 the board shall accept all classroom training offered by an  
180 approved provider if the content substantially meets the intent  
181 of the classroom component of the training program; or

182 6. Currently holds a standard certificate issued by the  
183 board or a firesafety inspector license issued pursuant to  
184 chapter 633 and:

185 a. Has at least 5 years of verifiable full-time experience  
186 as an inspector or plans examiner in a standard certification  
187 category currently held or has a minimum of 5 years' verifiable  
188 full-time experience as a firesafety inspector licensed pursuant  
189 to chapter 633; and

190 b. Satisfactorily completes a building code inspector or  
191 plans examiner classroom training course or program that  
192 provides at least 40 but not more than 300 hours in the  
193 certification category sought, except for one-family and two-  
194 family dwelling training programs which are required to provide  
195 at least 500 but not more than 800 hours of training as  
196 prescribed by the board. The board shall establish by rule  
197 criteria for the development and implementation of classroom  
198 training courses and programs in each certification category.

199 (3) A person may take the examination for certification as  
200 a building code administrator pursuant to this part if the  
201 person:

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

203 (b) Is of good moral character.

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204 (c) Meets eligibility requirements according to one of the  
205 following criteria:

206 1. Demonstrates 7 ~~10~~ years' combined experience as an  
207 architect, engineer, plans examiner, building code inspector,  
208 firesafety inspector certified under s. 633.216, registered or  
209 certified contractor, or construction superintendent, with at  
210 least 3 ~~5~~ years of such experience in supervisory positions; or

211 2. Demonstrates a combination of postsecondary education in  
212 the field of construction or related field, no more than 5 years  
213 of which may be applied, and experience as an architect,  
214 engineer, plans examiner, building code inspector, firesafety  
215 inspector certified under s. 633.216, registered or certified  
216 contractor, or construction superintendent which totals 7 ~~10~~  
217 years, with at least 3 ~~5~~ years of such total being experience in  
218 supervisory positions. In addition, the applicant must have  
219 completed training consisting of at least 20 hours but not more  
220 than 30 hours of instruction in state laws, rules, and ethics  
221 relating to professional standards of practice, duties, and  
222 responsibilities of a certificateholder.

223 (7) (a) The board shall ~~may~~ provide for the issuance of  
224 provisional certificates valid for 1 year, as specified by board  
225 rule, to any newly employed or promoted building code inspector  
226 or plans examiner who meets the eligibility requirements  
227 described in subsection (2) and any newly employed or promoted  
228 building code administrator who meets the eligibility  
229 requirements described in subsection (3). The provisional  
230 license may be renewed by the board for just cause; however, a  
231 provisional license is not valid for a period longer than 3  
232 years.

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233 (b) No building code administrator, plans examiner, or  
234 building code inspector may have a provisional certificate  
235 extended beyond the specified period by renewal or otherwise.

236 (c) The board shall ~~may~~ provide for appropriate levels of  
237 provisional certificates and may issue these certificates with  
238 such special conditions or requirements relating to the place of  
239 employment of the person holding the certificate, the  
240 supervision of such person on a consulting or advisory basis, or  
241 other matters as the board may deem necessary to protect the  
242 public safety and health.

243 (d) A newly employed or hired person may perform the duties  
244 of a plans examiner or building code inspector for 120 days if a  
245 provisional certificate application has been submitted if such  
246 person is under the direct supervision of a certified building  
247 code administrator who holds a standard certification and who  
248 has found such person qualified for a provisional certificate.  
249 Direct supervision and the determination of qualifications may  
250 also be provided by a building code administrator who holds a  
251 limited or provisional certificate in a county having a  
252 population of fewer than 75,000 and in a municipality located  
253 within such county.

254 Section 2. Paragraph (m) of subsection (3) of section  
255 489.105, Florida Statutes, is amended to read:

256 489.105 Definitions.—As used in this part:

257 (3) "Contractor" means the person who is qualified for, and  
258 is only responsible for, the project contracted for and means,  
259 except as exempted in this part, the person who, for  
260 compensation, undertakes to, submits a bid to, or does himself  
261 or herself or by others construct, repair, alter, remodel, add

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262 to, demolish, subtract from, or improve any building or  
263 structure, including related improvements to real estate, for  
264 others or for resale to others; and whose job scope is  
265 substantially similar to the job scope described in one of the  
266 paragraphs of this subsection. For the purposes of regulation  
267 under this part, the term "demolish" applies only to demolition  
268 of steel tanks more than 50 feet in height; towers more than 50  
269 feet in height; other structures more than 50 feet in height;  
270 and all buildings or residences. Contractors are subdivided into  
271 two divisions, Division I, consisting of those contractors  
272 defined in paragraphs (a)-(c), and Division II, consisting of  
273 those contractors defined in paragraphs (d)-(q):

274 (m) "Plumbing contractor" means a contractor whose services  
275 are unlimited in the plumbing trade and includes contracting  
276 business consisting of the execution of contracts requiring the  
277 experience, financial means, knowledge, and skill to install,  
278 maintain, repair, alter, extend, or, if not prohibited by law,  
279 design plumbing. A plumbing contractor may install, maintain,  
280 repair, alter, extend, or, if not prohibited by law, design the  
281 following without obtaining an additional local regulatory  
282 license, certificate, or registration: sanitary drainage or  
283 storm drainage facilities, water and sewer plants and  
284 substations, venting systems, public or private water supply  
285 systems, septic tanks, drainage and supply wells, swimming pool  
286 piping, irrigation systems, and solar heating water systems and  
287 all appurtenances, apparatus, or equipment used in connection  
288 therewith, including boilers and pressure process piping and  
289 including the installation of water, natural gas, liquefied  
290 petroleum gas and related venting, and storm and sanitary sewer

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291 lines. The scope of work of the plumbing contractor also  
292 includes the design, if not prohibited by law, and installation,  
293 maintenance, repair, alteration, or extension of air-piping,  
294 vacuum line piping, oxygen line piping, nitrous oxide piping,  
295 and all related medical gas systems; fire line standpipes and  
296 fire sprinklers if authorized by law; ink and chemical lines;  
297 fuel oil and gasoline piping and tank and pump installation,  
298 except bulk storage plants; and pneumatic control piping  
299 systems, all in a manner that complies with all plans,  
300 specifications, codes, laws, and regulations applicable. The  
301 scope of work of the plumbing contractor applies to private  
302 property and public property, including any excavation work  
303 incidental thereto, and includes the work of the specialty  
304 plumbing contractor. Such contractor shall subcontract, with a  
305 qualified contractor in the field concerned, all other work  
306 incidental to the work but which is specified as being the work  
307 of a trade other than that of a plumbing contractor. This  
308 definition does not limit the scope of work of any specialty  
309 contractor certified pursuant to s. 489.113(6)~~7~~ and does not  
310 require certification or registration under this part for a  
311 category I liquefied petroleum gas dealer, LP gas installer, or  
312 specialty installer who is licensed under chapter 527 or an ~~of~~  
313 ~~any~~ authorized employee of a public natural gas utility or of a  
314 private natural gas utility regulated by the Public Service  
315 Commission when disconnecting and reconnecting water lines in  
316 the servicing or replacement of an existing water heater. A  
317 plumbing contractor may perform drain cleaning and clearing and  
318 install or repair rainwater catchment systems; however, a  
319 mandatory licensing requirement is not established for the

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320 performance of these specific services.

321 Section 3. Subsections (2) and (3) of section 489.1401,  
322 Florida Statutes, are amended to read:

323 489.1401 Legislative intent.—

324 (2) It is the intent of the Legislature that the sole  
325 purpose of the Florida Homeowners' Construction Recovery Fund is  
326 to compensate an ~~any~~ aggrieved claimant who contracted for the  
327 construction or improvement of the homeowner's residence located  
328 within this state and who has obtained a final judgment in a ~~any~~  
329 court of competent jurisdiction, was awarded restitution by the  
330 Construction Industry Licensing Board, or received an award in  
331 arbitration against a licensee on grounds of financial  
332 mismanagement or misconduct, abandoning a construction project,  
333 or making a false statement with respect to a project. Such  
334 grievance must arise ~~and arising~~ directly out of a ~~any~~  
335 transaction conducted when the judgment debtor was licensed and  
336 must involve an act performed ~~any of the activities~~ enumerated  
337 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence~~.

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

341 Section 4. Paragraphs (d), (i), (k), and (l) of subsection  
342 (1) of section 489.1402, Florida Statutes, are amended to read:

343 489.1402 Homeowners' Construction Recovery Fund;  
344 definitions.—

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

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

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349 (i) "Residence" means a single-family residence, an  
350 individual residential condominium or cooperative unit, or a  
351 residential building containing not more than two residential  
352 units in which the owner contracting for the improvement is  
353 residing or will reside 6 months or more each calendar year upon  
354 completion of the improvement.

355 (k) "Same transaction" means a contract, or a any series of  
356 contracts, between a claimant and a contractor or qualified  
357 business, when such contract or contracts involve the same  
358 property or contiguous properties and are entered into either at  
359 one time or serially.

360 (l) "Valid and current license," for the purpose of s.  
361 489.141(2)(d), means a any license issued pursuant to this part  
362 to a licensee, including a license in an active, inactive,  
363 delinquent, or suspended status.

364 Section 5. Subsections (1) and (2) of section 489.141,  
365 Florida Statutes, are amended to read:

366 489.141 Conditions for recovery; eligibility.—

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

372 (a) The claimant has received a final judgment in a court  
373 of competent jurisdiction in this state or has received an award  
374 in arbitration or the Construction Industry Licensing Board has  
375 issued a final order directing the licensee to pay restitution  
376 to the claimant. The board may waive this requirement if:

377 1. The claimant is unable to secure a final judgment

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378 against the licensee due to the death of the licensee; or

379 2. The claimant has sought to have assets involving the  
380 transaction that gave rise to the claim removed from the  
381 bankruptcy proceedings so that the matter might be heard in a  
382 court of competent jurisdiction in this state and, after due  
383 diligence, the claimant is precluded by action of the bankruptcy  
384 court from securing a final judgment against the licensee.

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

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

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

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

392 1. The claimant has caused to be issued a writ of execution  
393 upon such judgment, and the officer executing the writ has made  
394 a return showing that no personal or real property of the  
395 judgment debtor or licensee liable to be levied upon in  
396 satisfaction of the judgment can be found or that the amount  
397 realized on the sale of the judgment debtor's or licensee's  
398 property pursuant to such execution was insufficient to satisfy  
399 the judgment;

400 2. If the claimant is unable to comply with subparagraph 1.  
401 for a valid reason to be determined by the board, the claimant  
402 has made all reasonable searches and inquiries to ascertain  
403 whether the judgment debtor or licensee is possessed of real or  
404 personal property or other assets subject to being sold or  
405 applied in satisfaction of the judgment and by his or her search  
406 has discovered no property or assets or has discovered property

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407 and assets and has taken all necessary action and proceedings  
408 for the application thereof to the judgment but the amount  
409 thereby realized was insufficient to satisfy the judgment; and

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

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

416 (g) Any amounts recovered by the claimant from the judgment  
417 debtor or licensee, or from any other source, have been applied  
418 to the damages awarded by the court or the amount of restitution  
419 ordered by the board.

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

422 (2) A claimant is not qualified to make a claim for  
423 recovery from the recovery fund<sup>7</sup> if:

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

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

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

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

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

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

439 (f)(g) The claimant has entered into a contract ~~contracted~~  
 440 with a licensee to perform a scope of work described in s.  
 441 489.105(3)(d)-(g) before July 1, 2015 ~~489.105(3)(d)-(p).~~

442 Section 6. Subsection (1) of section 489.1425, Florida  
 443 Statutes, is amended to read:

444 489.1425 Duty of contractor to notify residential property  
 445 owner of recovery fund.—

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

452  
 453 FLORIDA HOMEOWNERS' CONSTRUCTION  
 454 RECOVERY FUND

455  
 456 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE  
 457 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY  
 458 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS  
 459 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED  
 460 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A  
 461 CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD  
 462 AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

463  
 464 The statement must ~~shall~~ be immediately followed by the board's

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465 address and telephone number as established by board rule.

466 Section 7. Section 489.143, Florida Statutes, is amended to  
467 read:

468 489.143 Payment from the fund.—

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

471 (2) A ~~Any~~ claimant who meets all of the conditions  
472 prescribed in s. 489.141 may apply to the board to cause payment  
473 to be made to a claimant from the recovery fund in an amount  
474 equal to the judgment, award, or restitution order or \$25,000,  
475 whichever is less, or an amount equal to the unsatisfied portion  
476 of such person's judgment, award, or restitution order, but only  
477 to the extent and amount of actual damages suffered by the  
478 claimant, and only up to the maximum payment allowed for each  
479 respective Division I and Division II claim. Payment from the  
480 fund for other costs related to or pursuant to civil proceedings  
481 such as postjudgment interest, attorney ~~attorney's~~ fees, court  
482 costs, medical damages, and punitive damages is prohibited. The  
483 recovery fund is not obligated to pay a ~~any~~ judgment, an award,  
484 or a restitution order, or any portion thereof, which is not  
485 expressly based on one of the grounds for recovery set forth in  
486 s. 489.141.

487 (3) Beginning January 1, 2005, for each Division I contract  
488 entered into after July 1, 2004, payment from the recovery fund  
489 shall be subject to a \$50,000 maximum payment for each Division  
490 I claim. Beginning January 1, 2016, for each Division II  
491 contract entered into on or after July 1, 2015, payment from the  
492 recovery fund shall be subject to a \$15,000 maximum payment for  
493 each Division II claim.

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494       ~~(4)~~(3) Upon receipt by a claimant under subsection (2) of  
495 payment from the recovery fund, the claimant shall assign his or  
496 her additional right, title, and interest in the judgment,  
497 award, or restitution order, to the extent of such payment, to  
498 the board, and thereupon the board shall be subrogated to the  
499 right, title, and interest of the claimant; and any amount  
500 subsequently recovered on the judgment, award, or restitution  
501 order, to the extent of the right, title, and interest of the  
502 board therein, shall be for the purpose of reimbursing the  
503 recovery fund.

504       ~~(5)~~(4) Payments for claims arising out of the same  
505 transaction shall be limited, in the aggregate, to the lesser of  
506 the judgment, award, or restitution order or the maximum payment  
507 allowed for a Division I or Division II claim, regardless of the  
508 number of claimants involved in the transaction.

509       ~~(6)~~(5) For contracts entered into before July 1, 2004,  
510 payments for claims against any one licensee may ~~shall~~ not  
511 exceed, in the aggregate, \$100,000 annually, up to a total  
512 aggregate of \$250,000. For any claim approved by the board which  
513 is in excess of the annual cap, the amount in excess of \$100,000  
514 up to the total aggregate cap of \$250,000 is eligible for  
515 payment in the next and succeeding fiscal years, but only after  
516 all claims for the then-current calendar year have been paid.  
517 Payments may not exceed the aggregate annual or per claimant  
518 limits under law. Beginning January 1, 2005, for each Division I  
519 contract entered into after July 1, 2004, payment from the  
520 recovery fund is subject only to a total aggregate cap of  
521 \$500,000 for each Division I licensee. Beginning January 1,  
522 2016, for each Division II contract entered into on or after

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523 July 1, 2015, payment from the recovery fund is subject only to  
524 a total aggregate cap of \$150,000 for each Division II licensee.

525 (7)(6) Claims shall be paid in the order filed, up to the  
526 aggregate limits for each transaction and licensee and to the  
527 limits of the amount appropriated to pay claims against the fund  
528 ~~for the fiscal year in which the claims were filed.~~ Payments may  
529 not exceed the total aggregate cap per license or per claimant  
530 limits under this section.

531 (8)(7) If the annual appropriation is exhausted with claims  
532 pending, such claims shall be carried forward to the next fiscal  
533 year. Any moneys in excess of pending claims remaining in the  
534 recovery fund at the end of the fiscal year shall be paid as  
535 provided in s. 468.631.

536 (9)(8) Upon the payment of any amount from the recovery  
537 fund in settlement of a claim in satisfaction of a judgment,  
538 award, or restitution order against a licensee as described in  
539 s. 489.141, the license of such licensee shall be automatically  
540 suspended, without further administrative action, upon the date  
541 of payment from the fund. The license of such licensee ~~may~~ shall  
542 not be reinstated until he or she has repaid in full, plus  
543 interest, the amount paid from the fund. A discharge of  
544 bankruptcy does not relieve a person from the penalties and  
545 disabilities provided in this section.

546 (10)(9) A ~~Any~~ firm, a corporation, a partnership, or an  
547 association, or a ~~any~~ person acting in his or her individual  
548 capacity, who aids, abets, solicits, or conspires with another  
549 ~~any~~ person to knowingly present or cause to be presented a ~~any~~  
550 false or fraudulent claim for the payment of a loss under this  
551 act commits ~~is guilty of~~ a third-degree felony, punishable as

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552 provided in s. 775.082 or s. 775.084 and by a fine of up to not  
553 ~~exceeding~~ \$30,000, unless the value of the fraud exceeds that  
554 amount, \$30,000 in which event the fine may not exceed double  
555 the value of the fraud.

556 ~~(11)(10)~~ Each payment ~~All payments~~ and disbursement  
557 ~~disbursements~~ from the recovery fund shall be made by the Chief  
558 Financial Officer upon a voucher signed by the secretary of the  
559 department or the secretary's designee.

560 Section 8. Subsection (24) is added to section 489.503,  
561 Florida Statutes, to read:

562 489.503 Exemptions.—This part does not apply to:

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

567 Section 9. Subsections (2) through (5) of section 514.031,  
568 Florida Statutes, are renumbered as subsections (3) through (6),  
569 respectively, and a new subsection (2) is added to that section  
570 to read:

571 514.031 Permit necessary to operate public swimming pool.—

572 (2) The department shall ensure through inspections that a  
573 public swimming pool with an operating permit continues to be  
574 operated and maintained in compliance with rules adopted under  
575 this section, the original approved plans and specifications or  
576 variances, and the Florida Building Code adopted under chapter  
577 553 applicable to public pools or public bathing places. The  
578 department may adopt and enforce rules to implement this  
579 subsection, including provisions for closing those pools and  
580 bathing places not in compliance. For purposes of this

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581 subsection, the department's jurisdiction includes the pool, the  
582 pool deck, the barrier as defined in s. 515.25, and the bathroom  
583 facilities for pool patrons. The local enforcement agency shall  
584 permit and inspect repairs or modifications required as a result  
585 of the department's inspections and may take enforcement action  
586 to ensure compliance. The department shall ensure that the rules  
587 enforced by the local enforcement agency under this subsection  
588 are not inconsistent with the Florida Building Code adopted  
589 under chapter 553.

590 Section 10. Subsections (1), (2), and (5) of section  
591 514.05, Florida Statutes, are amended to read:

592 514.05 Denial, suspension, or revocation of permit;  
593 administrative fines.—

594 (1) The department may deny an application for an a  
595 operating permit, suspend or revoke a permit issued to any  
596 person or public body, or impose an administrative fine upon the  
597 failure of such person or public body to comply with the  
598 provisions of this chapter, the original approved plans and  
599 specifications or variances, the Florida Building Code adopted  
600 under chapter 553 applicable to public pools or public bathing  
601 places, or the rules adopted hereunder.

602 (2) The department may impose an administrative fine, which  
603 shall not exceed \$500 for each violation, for the violation of  
604 this chapter, the original approved plans and specifications or  
605 variances, the Florida Building Code adopted under chapter 553  
606 applicable to public pools or public bathing places, or the  
607 rules adopted hereunder and for the violation of ~~any of the~~  
608 ~~provisions of~~ chapter 386. Notice of intent to impose such fine  
609 shall be given by the department to the alleged violator. Each

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610 day that a violation continues may constitute a separate  
611 violation.

612 (5) Under conditions specified by rule, the department may  
613 close a public pool that is not in compliance with this chapter,  
614 the original approved plans and specifications or variances, the  
615 Florida Building Code adopted under chapter 553 applicable to  
616 public pools or public bathing places, or the rules adopted  
617 under this chapter.

618 Section 11. Section 553.721, Florida Statutes, is amended  
619 to read:

620 553.721 Surcharge.—In order for the Department of Business  
621 and Professional Regulation to administer and carry out the  
622 purposes of this part and related activities, there is created a  
623 surcharge, to be assessed at the rate of 1.5 percent of the  
624 permit fees associated with enforcement of the Florida Building  
625 Code as defined by the uniform account criteria and specifically  
626 the uniform account code for building permits adopted for local  
627 government financial reporting pursuant to s. 218.32. The  
628 minimum amount collected on any permit issued shall be \$2. The  
629 unit of government responsible for collecting a permit fee  
630 pursuant to s. 125.56(4) or s. 166.201 shall collect the  
631 surcharge and electronically remit the funds collected to the  
632 department on a quarterly calendar basis for the preceding  
633 quarter and continuing each third month thereafter. The unit of  
634 government shall retain 10 percent of the surcharge collected to  
635 fund the participation of building departments in the national  
636 and state building code adoption processes and to provide  
637 education related to enforcement of the Florida Building Code.  
638 All funds remitted to the department pursuant to this section

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639 shall be deposited in the Professional Regulation Trust Fund.  
640 Funds collected from the surcharge shall be allocated to fund  
641 the Florida Building Commission and the Florida Building Code  
642 Compliance and Mitigation Program under s. 553.841. Funds  
643 allocated to the Florida Building Code Compliance and Mitigation  
644 Program shall be \$925,000 each fiscal year. The Florida Building  
645 Code Compliance and Mitigation Program shall fund the  
646 recommendations made by the Building Code System Uniform  
647 Implementation Evaluation Workgroup, dated April 8, 2013, from  
648 existing resources, not to exceed \$30,000 in the 2015-2016  
649 fiscal year. Funds collected from the surcharge shall also be  
650 used to fund Florida Fire Code informal interpretations managed  
651 by the State Fire Marshal and shall be limited to \$15,000 each  
652 fiscal year. The funds collected from the surcharge may not be  
653 used to fund research on techniques for mitigation of radon in  
654 existing buildings. Funds used by the department as well as  
655 funds to be transferred to the Department of Health and the  
656 State Fire Marshal shall be as prescribed in the annual General  
657 Appropriations Act. The department shall adopt rules governing  
658 the collection and remittance of surcharges pursuant to chapter  
659 120.

660 Section 12. Subsection (11) of section 553.73, Florida  
661 Statutes is amended, and subsections (19) and (20) are added to  
662 that to read:

663 553.73 Florida Building Code.—

664 (11) (a) In the event of a conflict between the Florida  
665 Building Code and the Florida Fire Prevention Code and the Life  
666 Safety Code as applied to a specific project, the conflict shall  
667 be resolved by agreement between the local building code

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668 enforcement official and the local fire code enforcement  
669 official in favor of the requirement of the code which offers  
670 the greatest degree of lifesafety or alternatives which would  
671 provide an equivalent degree of lifesafety and an equivalent  
672 method of construction. Local boards created to address issues  
673 arising under the Florida Building Code and the Florida Fire  
674 Prevention Code may combine the appeals boards to create a  
675 single, local board having jurisdiction over matters arising  
676 under either or both codes.

677 (b) Any decision made by the local fire official regarding  
678 application, interpretation, or enforcement of the Florida Fire  
679 Prevention Code or ~~and~~ the local building official regarding  
680 application, interpretation, or enforcement of the Florida  
681 Building Code, or the appropriate application of either or both  
682 codes in the case of a conflict between the codes, may be  
683 appealed to a local administrative board designated by the  
684 municipality, county, or special district having firesafety  
685 responsibilities. If the decision of the local fire official and  
686 the local building official is to apply the provisions of either  
687 the Florida Building Code or the Florida Fire Prevention Code  
688 and the Life Safety Code, the board may not alter the decision  
689 unless the board determines that the application of such code is  
690 not reasonable. If the decision of the local fire official and  
691 the local building official is to adopt an alternative to the  
692 codes, the local administrative board shall give due regard to  
693 the decision rendered by the local officials and may modify that  
694 decision if the administrative board adopts a better  
695 alternative, taking into consideration all relevant  
696 circumstances. In any case in which the local administrative

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697 board adopts alternatives to the decision rendered by the local  
698 fire official and the local building official, such alternatives  
699 shall provide an equivalent degree of lifesafety and an  
700 equivalent method of construction as the decision rendered by  
701 the local officials.

702 (c) If the local building official and the local fire  
703 official are unable to agree on a resolution of the conflict  
704 between the Florida Building Code and the Florida Fire  
705 Prevention Code and the Life Safety Code, the local  
706 administrative board shall resolve the conflict in favor of the  
707 code which offers the greatest degree of lifesafety or  
708 alternatives which would provide an equivalent degree of  
709 lifesafety and an equivalent method of construction.

710 (d) All decisions of the local administrative board, or if  
711 none exists, the decisions of the local building official and  
712 the local fire official in regard to the application,  
713 enforcement, or interpretation of the Florida Fire Prevention  
714 Code, or conflicts between the Florida Fire Prevention Code and  
715 the Florida Building Code, are subject to review by a joint  
716 committee composed of members of the Florida Building Commission  
717 and the Fire Code Advisory Council. If the joint committee is  
718 unable to resolve conflicts between the codes as applied to a  
719 specific project, the matter shall be resolved pursuant to the  
720 provisions of paragraph (1) (d). Decisions of the local  
721 administrative board solely in regard to the provisions of the  
722 Florida Building Code are subject to review as set forth in s.  
723 553.775.

724 (e) The local administrative board shall, to the greatest  
725 extent possible, be composed of members with expertise in

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726 building construction and firesafety standards.

727 (f) All decisions of the local building official and local  
728 fire official and all decisions of the administrative board  
729 shall be in writing and shall be binding upon a person but do  
730 not limit the authority of the State Fire Marshal or the Florida  
731 Building Commission pursuant to paragraph (1)(d) and ss. 633.104  
732 and 633.228. Decisions of general application shall be indexed  
733 by building and fire code sections and shall be available for  
734 inspection during normal business hours.

735 (19) In other than one- and two-family detached single-  
736 family dwellings, a local enforcing agency that requires a  
737 permit to install or replace a hot water heater shall require  
738 that a hard-wired or battery-operated water-level detection  
739 device be secured to the drain pan area at a level lower than  
740 the drain connection upon installation or replacement of the hot  
741 water heater. The device must include an audible alarm and, if  
742 battery-operated, must have a 10-year low-battery notification  
743 capability.

744 (20) The Florida Building Code may not require more than  
745 one fire access elevator in buildings that are Occupancy Group  
746 R-2.

747 Section 13. Subsections (6) and (11) of section 553.79,  
748 Florida Statutes, are amended to read:

749 553.79 Permits; applications; issuance; inspections.—

750 (6) A permit may not be issued for any building  
751 construction, erection, alteration, modification, repair, or  
752 addition unless the applicant for such permit complies with the  
753 requirements for plan review established by the Florida Building  
754 Commission within the Florida Building Code. However, the code

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755 shall set standards and criteria to authorize preliminary  
756 construction before completion of all building plans review,  
757 including, but not limited to, special permits for the  
758 foundation only, and such standards shall take effect concurrent  
759 with the first effective date of the Florida Building Code.  
760 After submittal of the appropriate construction documents, the  
761 building official is authorized to issue a permit for the  
762 construction of foundations or any other part of a building or  
763 structure before the construction documents for the whole  
764 building or structure have been submitted. No other agency  
765 review or approval may be required before the issuance of a  
766 phased permit due to the fact that the project will need all the  
767 necessary outside agencies' reviews and approvals before the  
768 issuance of a master building permit. The holder of such permit  
769 for the foundation or other parts of a building or structure  
770 shall proceed at the holder's own risk with the building  
771 operation and without assurance that a permit for the entire  
772 structure will be granted. Corrections may be required to meet  
773 the requirements of the technical codes.

774 (11) (a) The local enforcing agency may not issue a building  
775 permit to construct, develop, or modify a public swimming pool  
776 without proof of application, whether complete or incomplete,  
777 for an operating permit pursuant to s. 514.031. A certificate of  
778 completion or occupancy may not be issued until such operating  
779 permit is issued. The local enforcing agency shall conduct its  
780 review of the building permit application upon filing and in  
781 accordance with this chapter. The local enforcing agency may  
782 confer with the Department of Health, if necessary, but may not  
783 delay the building permit application review while awaiting

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784 comment from the Department of Health.

785 (b) If the department determines under s. 514.031(2) that a  
786 public pool or a public bathing place is not being operated or  
787 maintained in compliance with department's rules, the original  
788 approved plans and specifications or variances, and the Florida  
789 Building Code, the local enforcing agency shall permit and  
790 inspect the repairs or modifications required as a result of the  
791 department's inspections and may take enforcement action to  
792 ensure compliance.

793 Section 14. Subsections (4) and (7) of section 553.841,  
794 Florida Statutes, are amended, to read:

795 553.841 Building code compliance and mitigation program.—

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

801 ~~(7) The Florida Building Commission shall provide by rule~~  
802 ~~for the accreditation of courses related to the Florida Building~~  
803 ~~Code by accreditors approved by the commission. The commission~~  
804 ~~shall establish qualifications of accreditors and criteria for~~  
805 ~~the accreditation of courses by rule. The commission may revoke~~  
806 ~~the accreditation of a course by an accreditor if the~~  
807 ~~accreditation is demonstrated to violate this part or the rules~~  
808 ~~of the commission.~~

809 Section 15. Paragraph (a) of subsection (8) of section  
810 553.842, Florida Statutes, is amended to read:

811 553.842 Product evaluation and approval.—

812 (8) The commission may adopt rules to approve the following

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813 types of entities that produce information on which product  
814 approvals are based. All of the following entities, including  
815 engineers and architects, must comply with a nationally  
816 recognized standard demonstrating independence or no conflict of  
817 interest:

818 (a) Evaluation entities approved pursuant to this  
819 paragraph. The commission shall specifically approve the  
820 National Evaluation Service, the International Association of  
821 Plumbing and Mechanical Officials Evaluation Service, the  
822 International Code Council Evaluation Services, Underwriters  
823 Laboratories, LLC, and the Miami-Dade County Building Code  
824 Compliance Office Product Control Division. Architects and  
825 engineers licensed in this state are also approved to conduct  
826 product evaluations as provided in subsection (5).

827 Section 16. Section 553.908, Florida Statutes, is amended  
828 to read:

829 553.908 Inspection.—Before construction or renovation is  
830 completed, the local enforcement agency shall inspect buildings  
831 for compliance with the standards of this part. The local  
832 enforcement agency shall accept duct and air infiltration tests  
833 conducted in accordance with the Florida Building Code-Energy  
834 Conservation by individuals certified in accordance with s.  
835 553.993(5) or (7) or individuals licensed under s.  
836 489.105(3)(f), (g), or (i). The local enforcement agency may  
837 accept inspections in whole or in part by individuals certified  
838 in accordance with s. 553.993(5) or (7) or by individuals  
839 certified as energy inspectors by the International Code  
840 Council, provided that the inspection complies with the Florida  
841 Building Code-Energy Conservation.

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842 Section 17. Present subsections (2) through (35) of section  
843 633.102, Florida Statutes, are redesignated as subsections (3)  
844 through (36), a new subsection (2) is added to that section and  
845 present subsection (34) is amended, to read:

846 633.102 Definitions.—As used in this chapter, the term:

847 (2) "Change of occupancy" means a change in the purpose of  
848 level of activity within a building which involves a change in  
849 application of the requirements of the Florida Fire Prevention  
850 Code.

851 ~~(34) "Use" means application, employment; that enjoyment of~~  
852 ~~property which consists of its employment, occupation, exercise,~~  
853 ~~or practice.~~

854 Section 18. Subsection (6) of section 633.104, Florida  
855 Statutes, is amended to read:

856 633.104 State Fire Marshal; authority; duties; rules.—

857 (6) Only the State Fire Marshal may issue, and, when  
858 requested in writing by any substantially affected person or a  
859 local enforcing agency, the State Fire Marshal shall issue  
860 declaratory statements pursuant to s. 120.565 relating to the  
861 Florida Fire Prevention Code. For the purposes of this section,  
862 the term "substantially affected person" means a person who,  
863 will be, or may be affected by the application of the Florida  
864 Fire Prevention Code to a property or building that the person  
865 owns, controls, or is, or is considering purchasing, selling,  
866 designing, constructing, or altering. A petition for declaratory  
867 statement is not intended to be an appeal of a decision of a  
868 local fire official or an appeal of a local board reviewing a  
869 decision of a local fire official.

870 Section 19. Subsections (17), (18), and (19) are added to

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871 section 633.202, Florida Statutes, to read:

872 633.202 Florida Fire Prevention Code.—

873 (17) In all new high-rise and existing high-rise buildings,  
874 minimum radio signal strength for fire department communications  
875 shall be maintained at a level determined by the authority  
876 having jurisdiction. Existing buildings may not be required to  
877 comply with minimum radio strength for fire department  
878 communications and two-way radio system enhancement  
879 communications as required by the Florida Fire Prevention Code  
880 until January 1, 2022. Existing apartment buildings may not be  
881 required to comply until January 1, 2025.

882 (18) Areas of refuge shall be provided when required by the  
883 Florida Building Code-Accessibility. Required portions of an  
884 area of refuge shall be accessible from the space they serve by  
885 an accessible means of egress.

886 (19) Dead-end corridors within an apartment may not exceed  
887 50-feet in buildings protected throughout by an approved  
888 automatic supervised sprinkler system.

889 Section 20. Subsection (10) is added to section 633.216,  
890 Florida Statutes, to read:

891 633.216 Inspection of buildings and equipment; orders;  
892 firesafety inspection training requirements; certification;  
893 disciplinary action.—The State Fire Marshal and her or his  
894 agents or persons authorized to enforce laws and rules of the  
895 State Fire Marshal shall, at any reasonable hour, when the State  
896 Fire Marshal has reasonable cause to believe that a violation of  
897 this chapter or s. 509.215, or a rule adopted thereunder, or a  
898 minimum firesafety code adopted by the State Fire Marshal or a  
899 local authority, may exist, inspect any and all buildings and

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900 structures which are subject to the requirements of this chapter  
901 or s. 509.215 and rules adopted thereunder. The authority to  
902 inspect shall extend to all equipment, vehicles, and chemicals  
903 which are located on or within the premises of any such building  
904 or structure.

905 (10) In addition to any other requirements that may be  
906 imposed by this state, fire prevention plan reviewers shall,  
907 after 12 months from the effective date of this statute, be  
908 certified, at a minimum, as a Fire Inspector I by the State Fire  
909 Marshal. The State Fire Marshal may, by rule, determine  
910 alternative educational and experience requirements, or  
911 certifications, as equivalent.

912 Section 21. Calder Sloan Swimming Pool Electrical-Safety  
913 Task Force.—There is established within the Florida Building  
914 Commission a Calder Sloan Swimming Pool Electrical-Safety Task  
915 Force, which is a task force as defined in s. 20.03, Florida  
916 Statutes.

917 (1) The primary purpose of the task force is to study and  
918 report to the Governor, the President of the Senate, and the  
919 Speaker of the House of Representatives on recommended revisions  
920 to the Florida Statutes concerning standards pertaining to  
921 grounding, bonding, lighting, wiring, and all electrical aspects  
922 for safety in and around public and private swimming pools. The  
923 task force report is due by October 1, 2015.

924 (2) The task force shall consist of 10 members, including  
925 the chair of the Florida Building Commission or her or his  
926 designee, the State Surgeon General or her or his designee, and  
927 8 members who are appointed by the chair of the Florida Building  
928 Commission. Each appointed member must be or represent one of

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929 the following:

930 (a) An electrical contractor certified to do business in  
931 this state and actively engaged in the profession, who has  
932 experience with swimming pools.

933 (b) A general contractor certified to do business in this  
934 state and actively engaged in the profession, who has experience  
935 with swimming pools.

936 (c) A swimming pool contractor licensed to do business in  
937 this state and actively engaged in the profession.

938 (d) An electric utility provider doing business in this  
939 state.

940 (e) A county building code inspector.

941 (f) A licensed real estate broker.

942 (g) An owner of a public swimming pool as defined in s.  
943 514.011, Florida Statutes.

944 (h) An owner of a private swimming pool as defined in s.  
945 514.011, Florida Statutes.

946 (3) The members of the task force shall elect the chair.

947 (4) The Florida Building Commission shall provide such  
948 staff, information, and other assistance as is reasonably  
949 necessary to assist the task force in carrying out its  
950 responsibilities.

951 (5) Members of the task force shall serve without  
952 compensation, but may receive reimbursement as provided in s.  
953 112.061, Florida Statutes, for travel and other necessary  
954 expenses incurred in the performance of their official duties.

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

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

959        Section 22. This act shall take effect July 1, 2015.