

By the Committees on Community Affairs; and 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 ss. 468.627,
9 471.0195, 481.215, and 481.313, F.S.; requiring a
10 licensee or certificateholder to undergo code-related
11 training as part of his or her continuing education
12 courses; amending s. 489.103, F.S.; providing an
13 exemption for a specified employee who makes minor
14 repairs to existing waters heaters or to existing
15 heating, venting, and air-conditioning systems in
16 certain circumstances; amending s. 489.105, F.S.;
17 revising the term "plumbing contractor"; amending s.
18 489.115, F.S.; requiring a certificateholder or
19 registrant to undergo code-related training as part of
20 his or her continuing education requirements; amending
21 s. 489.1401, F.S.; revising legislative intent with
22 respect to the purpose of the Florida Homeowners'
23 Construction Recovery Fund; providing legislative
24 intent that Division II contractors set apart funds to
25 participate in the fund; amending s. 489.1402, F.S.;
26 revising terms; amending s. 489.141, F.S.; authorizing
27 certain claimants to make a claim against the recovery
28 fund for certain contracts entered into before a
29 specified date; amending s. 489.1425, F.S.; revising a

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30 notification provided by contractors to certain
31 residential property owners to state that payment from
32 the recovery fund is limited; amending s. 489.143,
33 F.S.; revising provisions concerning payments from the
34 recovery fund; specifying claim amounts for certain
35 contracts entered into before or after specified
36 dates; providing aggregate caps for payments; amending
37 s. 489.503, F.S.; exempting certain low-voltage
38 landscape lighting from licensed electrical contractor
39 installation requirements; amending s. 489.517, F.S.;
40 requiring a certificateholder or registrant to undergo
41 code-related training as part of his or her continuing
42 education requirements; amending s. 514.011, F.S.;
43 revising the term "private pool"; amending s.
44 514.0115, F.S.; prohibiting a portable pool from being
45 regulated as a public pool in certain circumstances;
46 amending s. 514.031, F.S.; requiring the Department of
47 Health to conduct inspections of certain public pools
48 with operating permits to ensure continued compliance
49 with specified criteria; authorizing the department to
50 adopt rules; specifying the department's jurisdiction
51 for purposes of inspecting certain public pools;
52 specifying duties of local enforcement agencies
53 regarding modifications and repairs made to certain
54 public pools as a result of the department's
55 inspections; requiring the department to ensure that
56 certain rules enforced by local enforcement agencies
57 comply with the Florida Building Code; conforming a
58 provision to changes made by the act; amending s.

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59 514.05, F.S.; specifying that the department may deny,
60 suspend, or revoke operating permits for certain pools
61 and bathing places if certain plans, variances, or
62 requirements of the Florida Building Code are
63 violated; specifying that the department may assess an
64 administrative fine for violations by certain public
65 pools and bathing places if certain plans, variances,
66 or requirements of the Florida Building Code are
67 violated; amending s. 553.721, F.S.; directing the
68 Florida Building Code Compliance and Mitigation
69 Program to fund, from existing resources, the
70 recommendations made by the Building Code System
71 Uniform Implementation Evaluation Workgroup; providing
72 a limitation; requiring that a specified amount of
73 funds from the surcharge be used to fund certain
74 Florida Fire Prevention Code informal interpretations;
75 requiring the State Fire Marshal to adopt specified
76 rules; amending s. 553.73, F.S.; authorizing local
77 boards created to address specified issues to combine
78 the appeals boards to create a single, local board;
79 authorizing the local board to grant alternatives or
80 modifications through specified procedures; requiring
81 at least one member of a board to be a fire protection
82 contractor, a fire protection design professional, a
83 fire department operations professional, or a fire
84 code enforcement professional in order to meet a
85 specified quorum requirement; authorizing the appeal
86 to a local administrative board of specified decisions
87 made by a local fire official; specifying the

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88 decisions of the local building official and the local
89 fire official which are subject to review; requiring
90 the permitted installation or replacement of a water
91 heater in a conditioned or attic space to include a
92 water-level detection device; prohibiting the Florida
93 Building Code from requiring more than one fire access
94 elevator in certain buildings; prohibiting a 1 hour
95 fire-rated fire service access elevator lobby from
96 being required in certain circumstances; requiring a 1
97 hour fire-related fire service access elevator lobby
98 in certain circumstances; providing that the
99 requirement for a second fire service access elevator
100 is not considered to be part of the Florida Building
101 Code; amending s. 553.79, F.S.; authorizing a building
102 official to issue a permit for the construction of the
103 foundation or any other part of a building or
104 structure before the construction documents for the
105 whole building or structure have been submitted;
106 providing that the holder of such permit shall begin
107 building at the holder's own risk with the building
108 operation and without assurance that a permit for the
109 entire structure will be granted; requiring local
110 enforcing agencies to permit and inspect modifications
111 and repairs made to certain public pools and public
112 bathing places as a result of the Department of
113 Business and Professional Regulation's inspections;
114 amending s. 553.841, F.S.; authorizing the department
115 to maintain, update, develop, or cause to be developed
116 code-related training and education; removing

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117 provisions related to the development of advanced
118 courses with respect to the Florida Building Code
119 Compliance and Mitigation Program and the
120 accreditation of courses related to the Florida
121 Building Code; amending s. 553.842, F.S.; providing
122 that Underwriters Laboratories, LLC, is an approved
123 evaluation entity; amending s. 553.908, F.S.;
124 requiring local enforcement agencies to accept duct
125 and air infiltration tests conducted in accordance
126 with certain guidelines by specified individuals;
127 amending s. 633.104, F.S.; defining a term; clarifying
128 intent; amending s. 633.202, F.S.; requiring all new
129 high-rise and existing high-rise buildings to maintain
130 a minimum radio signal strength for fire department
131 communications; providing a transitory period for
132 compliance; requiring existing buildings and existing
133 apartment buildings that are not in compliance with
134 the requirements for minimum radio strength for fire
135 department communications to initiate an application
136 for an appropriate permit by a specified date;
137 requiring areas of refuge to be required as determined
138 by the Florida Building Code-Accessibility; amending
139 s. 633.216, F.S.; requiring the State Fire Marshal to
140 adopt a certification program for specified firesafety
141 inspectors; requiring newly appointed Fire Code Plans
142 Examiners and existing Fire Code Plans Examiners to
143 meet specified certification requirements; requiring
144 the State Fire Marshall to provide a transitory period
145 for existing Fire Code Plans Examiners to receive

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146 their certification; authorizing the State Fire
147 Marshal to determine alternative educational and
148 experience requirements or certifications; creating
149 the Calder Sloan Swimming Pool Electrical-Safety Task
150 Force within the Florida Building Commission;
151 specifying the purpose of the task force; requiring a
152 report to the Governor and the Legislature by a
153 specified date; providing for membership; requiring
154 the Florida Building Commission to provide staff,
155 information, and other assistance to the task force;
156 providing that members of the task force serve without
157 compensation; authorizing the task force to meet as
158 often as necessary; providing for future repeal of the
159 task force; providing an effective date.

160
161 Be It Enacted by the Legislature of the State of Florida:

162
163 Section 1. Subsections (2), (3), and (7) of section
164 468.609, Florida Statutes, are amended to read:

165 468.609 Administration of this part; standards for
166 certification; additional categories of certification.-

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

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

171 (b) Is of good moral character.

172 (c) Meets eligibility requirements according to one of the
173 following criteria:

174 1. Demonstrates 5 years' combined experience in the field

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175 of construction or a related field, building code inspection, or
176 plans review corresponding to the certification category sought;

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

182 3. Demonstrates a combination of technical education in the
183 field of construction or a related field and experience which
184 totals 4 years, with at least 1 year of such total being
185 experience in construction, building code inspection, or plans
186 review;

187 4. Currently holds a standard certificate ~~as~~ issued by the
188 board, or a firesafety ~~fire safety~~ inspector license issued
189 pursuant to chapter 633, has a minimum of 3 ~~5~~ years' verifiable
190 full-time experience in inspection or plan review, and
191 satisfactorily completes a building code inspector or plans
192 examiner training program that provides at least 100 hours but
193 not more ~~of not less~~ than 200 hours of cross-training in the
194 certification category sought. The board shall establish by rule
195 criteria for the development and implementation of the training
196 programs. The board shall accept all classroom training offered
197 by an approved provider if the content substantially meets the
198 intent of the classroom component of the training program; ~~or~~

199 5. Demonstrates a combination of the completion of an
200 approved training program in the field of building code
201 inspection or plan review and a minimum of 2 years' experience
202 in the field of building code inspection, plan review, fire code
203 inspections, and fire plans review of new buildings as a

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204 firesafety inspector certified under s. 633.216, or
205 construction. The approved training portion of this requirement
206 shall include proof of satisfactory completion of a training
207 program that provides at least 200 hours but not more ~~of not~~
208 ~~less~~ than 300 hours of cross-training which is approved by the
209 board in the chosen category of building code inspection or plan
210 review in the certification category sought with at least ~~not~~
211 ~~less than~~ 20 hours but not more than 30 hours of instruction in
212 state laws, rules, and ethics relating to professional standards
213 of practice, duties, and responsibilities of a
214 certificateholder. The board shall coordinate with the Building
215 Officials Association of Florida, Inc., to establish by rule the
216 development and implementation of the training program. However,
217 the board shall accept all classroom training offered by an
218 approved provider if the content substantially meets the intent
219 of the classroom component of the training program; or
220 6. Currently holds a standard certificate issued by the
221 board or a firesafety inspector license issued pursuant to
222 chapter 633 and:
223 a. Has at least 5 years' verifiable full-time experience as
224 an inspector or plans examiner in a standard certification
225 category currently held or has a minimum of 5 years' verifiable
226 full-time experience as a firesafety inspector licensed pursuant
227 to chapter 633; and
228 b. Satisfactorily completes a building code inspector or
229 plans examiner classroom training course or program that
230 provides at least 200 but not more than 300 hours in the
231 certification category sought, except for one-family and two-
232 family dwelling training programs that are required to provide

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233 at least 500 but not more than 800 hours of training as
234 prescribed by the board. The board shall establish by rule
235 criteria for the development and implementation of classroom
236 training courses and programs in each certification category.

237 (3) A person may take the examination for certification as
238 a building code administrator pursuant to this part if the
239 person:

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

241 (b) Is of good moral character.

242 (c) Meets eligibility requirements according to one of the
243 following criteria:

244 1. Demonstrates 10 years' combined experience as an
245 architect, engineer, plans examiner, building code inspector,
246 registered or certified contractor, or construction
247 superintendent, with at least 5 years of such experience in
248 supervisory positions; or

249 2. Demonstrates a combination of postsecondary education in
250 the field of construction or related field, no more than 5 years
251 of which may be applied, and experience as an architect,
252 engineer, plans examiner, building code inspector, registered or
253 certified contractor, or construction superintendent which
254 totals 10 years, with at least 5 years of such total being
255 experience in supervisory positions. In addition, the applicant
256 must have completed training consisting of at least 20 hours but
257 not more than 30 hours of instruction in state laws, rules, and
258 ethics relating to professional standards of practice, duties,
259 and responsibilities of a certificateholder.

260 (7) (a) The board shall ~~may~~ provide for the issuance of
261 provisional certificates valid for 1 year, as specified by board

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262 rule, to any newly employed or promoted building code inspector
263 or plans examiner who meets the eligibility requirements
264 described in subsection (2) and any newly employed or promoted
265 building code administrator who meets the eligibility
266 requirements described in subsection (3). The provisional
267 license may be renewed by the board for just cause; however, a
268 provisional license is not valid for a period longer than 3
269 years.

270 (b) A ~~Ne~~ building code administrator, plans examiner, or
271 building code inspector may not have a provisional certificate
272 extended beyond the specified period by renewal or otherwise.

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

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

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

293 468.627 Application; examination; renewal; fees.—

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

310 Section 3. Section 471.0195, Florida Statutes, is amended
311 to read:

312 471.0195 Florida Building Code training for engineers.—All
313 licensees actively participating in the design of engineering
314 works or systems in connection with buildings, structures, or
315 facilities and systems covered by the Florida Building Code
316 shall take continuing education courses and submit proof to the
317 board, at such times and in such manner as established by the
318 board by rule, that the licensee has completed any specialized
319 or code-related training ~~advanced courses~~ on any portion of the

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320 Florida Building Code applicable to the licensee's area of
321 practice. The board shall record reported continuing education
322 courses on a system easily accessed by code enforcement
323 jurisdictions for evaluation when determining license status for
324 purposes of processing design documents. Local jurisdictions
325 shall be responsible for notifying the board when design
326 documents are submitted for building construction permits by
327 persons who are not in compliance with this section. The board
328 shall take appropriate action as provided by its rules when such
329 noncompliance is determined to exist.

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

332 481.215 Renewal of license.—

333 (5) The board shall require, by rule adopted pursuant to
334 ss. 120.536(1) and 120.54, a specified number of hours in
335 specialized or code-related training ~~advanced courses, approved~~
336 ~~by the Florida Building Commission,~~ on any portion of the
337 Florida Building Code, adopted pursuant to part IV of chapter
338 553, relating to the licensee's respective area of practice.

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

341 481.313 Renewal of license.—

342 (5) The board shall require, by rule adopted pursuant to
343 ss. 120.536(1) and 120.54, a specified number of hours in
344 specialized or code-related training ~~advanced courses, approved~~
345 ~~by the Florida Building Commission,~~ on any portion of the
346 Florida Building Code, adopted pursuant to part IV of chapter
347 553, relating to the licensee's respective area of practice.

348 Section 6. Subsection (23) is added to section 489.103,

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349 Florida Statutes, to read:

350 489.103 Exemptions.—This part does not apply to:

351 (23) An employee of an apartment community or apartment
352 community management company who makes minor repairs to existing
353 water heaters or to existing heating, venting, and air-
354 conditioning systems, if:

355 (a) The employee:

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

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

360 3. Receives compensation from and is under the supervision
361 and control of an employer who regularly deducts the FICA and
362 withholding tax and who provides workers' compensation, as
363 prescribed by law; and

364 4. Holds a current certificate for apartment maintenance
365 technicians issued by the National Apartment Association and
366 accredited by the American National Standards Institute, or is
367 under the direct supervision of a person holding such a
368 certificate. Requirements for obtaining such certificate must
369 include at least:

370 a. One year of apartment or rental housing maintenance
371 experience;

372 b. Successful completion of at least 90 hours of courses or
373 online content that covers electrical maintenance and repair;
374 plumbing maintenance and repair; heating, venting, or air-
375 conditioning system maintenance and repair; appliance
376 maintenance and repair; and interior and exterior maintenance
377 and repair; and

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378 c. Completion of all examination requirements within 24
379 months after declaring candidacy for certification.

380 (b) The equipment:

381 1. Is already installed on the property owned by the
382 apartment community or managed by the apartment community
383 management company;

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

387 3. Must be a type of equipment commonly installed in
388 similar locations; and

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

391 (c) An individual repair does not involve replacement parts
392 that cost more than \$1,000. An individual repair may not be so
393 extensive as to be a functional replacement of the water heater
394 or the existing heating, venting, or air-conditioning system
395 being repaired.

396 (d) The property owned by the apartment community or
397 managed by the apartment community management company includes
398 at least 100 apartments.

399 Section 7. Paragraph (m) of subsection (3) of section
400 489.105, Florida Statutes, is amended to read:

401 489.105 Definitions.—As used in this part:

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

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407 to, demolish, subtract from, or improve any building or
408 structure, including related improvements to real estate, for
409 others or for resale to others; and whose job scope is
410 substantially similar to the job scope described in one of the
411 paragraphs of this subsection. For the purposes of regulation
412 under this part, the term "demolish" applies only to demolition
413 of steel tanks more than 50 feet in height; towers more than 50
414 feet in height; other structures more than 50 feet in height;
415 and all buildings or residences. Contractors are subdivided into
416 two divisions, Division I, consisting of those contractors
417 defined in paragraphs (a)-(c), and Division II, consisting of
418 those contractors defined in paragraphs (d)-(q):

419 (m) "Plumbing contractor" means a contractor whose services
420 are unlimited in the plumbing trade and includes contracting
421 business consisting of the execution of contracts requiring the
422 experience, financial means, knowledge, and skill to install,
423 maintain, repair, alter, extend, or, if not prohibited by law,
424 design plumbing. A plumbing contractor may install, maintain,
425 repair, alter, extend, or, if not prohibited by law, design the
426 following without obtaining an additional local regulatory
427 license, certificate, or registration: sanitary drainage or
428 storm drainage facilities, water and sewer plants and
429 substations, venting systems, public or private water supply
430 systems, septic tanks, drainage and supply wells, swimming pool
431 piping, irrigation systems, and solar heating water systems and
432 all appurtenances, apparatus, or equipment used in connection
433 therewith, including boilers and pressure process piping and
434 including the installation of water, natural gas, liquefied
435 petroleum gas and related venting, and storm and sanitary sewer

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436 lines. The scope of work of the plumbing contractor also
437 includes the design, if not prohibited by law, and installation,
438 maintenance, repair, alteration, or extension of air-piping,
439 vacuum line piping, oxygen line piping, nitrous oxide piping,
440 and all related medical gas systems; fire line standpipes and
441 fire sprinklers if authorized by law; ink and chemical lines;
442 fuel oil and gasoline piping and tank and pump installation,
443 except bulk storage plants; and pneumatic control piping
444 systems, all in a manner that complies with all plans,
445 specifications, codes, laws, and regulations applicable. The
446 scope of work of the plumbing contractor applies to private
447 property and public property, including any excavation work
448 incidental thereto, and includes the work of the specialty
449 plumbing contractor. Such contractor shall subcontract, with a
450 qualified contractor in the field concerned, all other work
451 incidental to the work but which is specified as being the work
452 of a trade other than that of a plumbing contractor. This
453 definition does not limit the scope of work of any specialty
454 contractor certified pursuant to s. 489.113(6)~~7~~ and does not
455 require certification or registration under this part for a
456 category I liquefied petroleum gas dealer, LP gas installer, or
457 specialty installer who is licensed under chapter 527 or an ~~of~~
458 ~~any~~ authorized employee of a public natural gas utility or of a
459 private natural gas utility regulated by the Public Service
460 Commission when disconnecting and reconnecting water lines in
461 the servicing or replacement of an existing water heater. A
462 plumbing contractor may perform drain cleaning and clearing and
463 install or repair rainwater catchment systems; however, a
464 mandatory licensing requirement is not established for the

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465 performance of these specific services.

466 Section 8. Paragraph (b) of subsection (4) of section
467 489.115, Florida Statutes, is amended to read:

468 489.115 Certification and registration; endorsement;
469 reciprocity; renewals; continuing education.—

470 (4)

471 (b)1. Each certificateholder or registrant shall provide
472 proof, in a form established by rule of the board, that the
473 certificateholder or registrant has completed at least 14
474 classroom hours of at least 50 minutes each of continuing
475 education courses during each biennium since the issuance or
476 renewal of the certificate or registration. The board shall
477 establish by rule that a portion of the required 14 hours must
478 deal with the subject of workers' compensation, business
479 practices, workplace safety, and, for applicable licensure
480 categories, wind mitigation methodologies, and 1 hour of which
481 must deal with laws and rules. The board shall by rule establish
482 criteria for the approval of continuing education courses and
483 providers, including requirements relating to the content of
484 courses and standards for approval of providers, and may by rule
485 establish criteria for accepting alternative nonclassroom
486 continuing education on an hour-for-hour basis. The board shall
487 prescribe by rule the continuing education, if any, which is
488 required during the first biennium of initial licensure. A
489 person who has been licensed for less than an entire biennium
490 must not be required to complete the full 14 hours of continuing
491 education.

492 2. In addition, the board may approve specialized
493 continuing education courses on compliance with the wind

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494 resistance provisions for one and two family dwellings contained
495 in the Florida Building Code and any alternate methodologies for
496 providing such wind resistance which have been approved for use
497 by the Florida Building Commission. Division I
498 certificateholders or registrants who demonstrate proficiency
499 upon completion of such specialized courses may certify plans
500 and specifications for one and two family dwellings to be in
501 compliance with the code or alternate methodologies, as
502 appropriate, except for dwellings located in floodways or
503 coastal hazard areas as defined in ss. 60.3D and E of the
504 National Flood Insurance Program.

505 3. The board shall require, by rule adopted pursuant to ss.
506 120.536(1) and 120.54, a specified number of hours in
507 specialized or code-related training ~~advanced module courses,~~
508 ~~approved by the Florida Building Commission,~~ on any portion of
509 the Florida Building Code, adopted pursuant to part IV of
510 chapter 553, relating to the contractor's respective discipline.

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

513 489.1401 Legislative intent.—

514 (2) It is the intent of the Legislature that the sole
515 purpose of the Florida Homeowners' Construction Recovery Fund is
516 to compensate an ~~any~~ aggrieved claimant who contracted for the
517 construction or improvement of the homeowner's residence located
518 within this state and who has obtained a final judgment in a ~~any~~
519 court of competent jurisdiction, was awarded restitution by the
520 Construction Industry Licensing Board, or received an award in
521 arbitration against a licensee on grounds of financial
522 mismanagement or misconduct, abandoning a construction project,

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523 or making a false statement with respect to a project. Such
524 grievance must arise ~~and arising~~ directly out of a any
525 transaction conducted when the judgment debtor was licensed and
526 must involve an act performed ~~any of the activities~~ enumerated
527 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence~~.

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

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

533 489.1402 Homeowners' Construction Recovery Fund;
534 definitions.—

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

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

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

545 (k) "Same transaction" means a contract, or a ~~any~~ series of
546 contracts, between a claimant and a contractor or qualified
547 business, when such contract or contracts involve the same
548 property or contiguous properties and are entered into either at
549 one time or serially.

550 (l) "Valid and current license," for the purpose of s.
551 489.141(2)(d), means a ~~any~~ license issued pursuant to this part

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552 to a licensee, including a license in an active, inactive,
553 delinquent, or suspended status.

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

556 489.141 Conditions for recovery; eligibility.—

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

562 (a) The claimant has received a final judgment in a court
563 of competent jurisdiction in this state or has received an award
564 in arbitration or the Construction Industry Licensing Board has
565 issued a final order directing the licensee to pay restitution
566 to the claimant. The board may waive this requirement if:

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

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

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

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

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

580 (e) The contract was executed and the violation occurred on

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581 or after July 1, 1993, and provided that:

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

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

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

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

606 (g) Any amounts recovered by the claimant from the judgment
607 debtor or licensee, or from any other source, have been applied
608 to the damages awarded by the court or the amount of restitution
609 ordered by the board.

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

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

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

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

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

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

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

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

629 (f)(g) The claimant has entered into a contract ~~contracted~~
630 with a licensee to perform a scope of work described in s.
631 489.105(3)(d)-(g) before July 1, 2015 ~~s. 489.105(3)(d)-(p).~~

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

634 489.1425 Duty of contractor to notify residential property
635 owner of recovery fund.—

636 (1) Each ~~Any~~ agreement or contract for repair, restoration,
637 improvement, or construction to residential real property must
638 contain a written statement explaining the consumer's rights

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639 under the recovery fund, except where the value of all labor and
 640 materials does not exceed \$2,500. The written statement must be
 641 substantially in the following form:

642
 643 FLORIDA HOMEOWNERS' CONSTRUCTION
 644 RECOVERY FUND

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

653
 654 The statement must ~~shall~~ be immediately followed by the board's
 655 address and telephone number as established by board rule.

656 Section 13. Section 489.143, Florida Statutes, is amended
 657 to read:

658 489.143 Payment from the fund.—

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

661 (2) A ~~Any~~ claimant who meets all of the conditions
 662 prescribed in s. 489.141 may apply to the board to cause payment
 663 to be made to a claimant from the recovery fund in an amount
 664 equal to the judgment, award, or restitution order or \$25,000,
 665 whichever is less, or an amount equal to the unsatisfied portion
 666 of such person's judgment, award, or restitution order, but only
 667 to the extent and amount of actual damages suffered by the

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668 claimant, and only up to the maximum payment allowed for each
669 respective Division I and Division II claim. Payment from the
670 fund for other costs related to or pursuant to civil proceedings
671 such as postjudgment interest, attorney ~~attorney's~~ fees, court
672 costs, medical damages, and punitive damages is prohibited. The
673 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
674 or a restitution order, or any portion thereof, which is not
675 expressly based on one of the grounds for recovery set forth in
676 s. 489.141.

677 (3) Beginning January 1, 2005, for each Division I contract
678 entered into after July 1, 2004, payment from the recovery fund
679 shall be subject to a \$50,000 maximum payment for each Division
680 I claim. Beginning January 1, 2016, for each Division II
681 contract entered into on or after July 1, 2015, payment from the
682 recovery fund is subject to a \$15,000 maximum payment for each
683 Division II claim.

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

694 (5)~~(4)~~ Payments for claims arising out of the same
695 transaction shall be limited, in the aggregate, to the lesser of
696 the judgment, award, or restitution order or the maximum payment

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697 allowed for a Division I or Division II claim, regardless of the
698 number of claimants involved in the transaction.

699 (6)-(5) For contracts entered into before July 1, 2004,
700 payments for claims against any one licensee may ~~shall~~ not
701 exceed, in the aggregate, \$100,000 annually, up to a total
702 aggregate of \$250,000. For any claim approved by the board which
703 is in excess of the annual cap, the amount in excess of \$100,000
704 up to the total aggregate cap of \$250,000 is eligible for
705 payment in the next and succeeding fiscal years, but only after
706 all claims for the then-current calendar year have been paid.
707 Payments may not exceed the aggregate annual or per claimant
708 limits under law. Beginning January 1, 2005, for each Division I
709 contract entered into after July 1, 2004, payment from the
710 recovery fund is subject only to a total aggregate cap of
711 \$500,000 for each Division I licensee. Beginning January 1,
712 2016, for each Division II contract entered into on or after
713 July 1, 2015, payment from the recovery fund is subject only to
714 a total aggregate cap of \$150,000 for each Division II licensee.

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

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

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726 (9)~~(8)~~ Upon the payment of any amount from the recovery
727 fund in settlement of a claim in satisfaction of a judgment,
728 award, or restitution order against a licensee as described in
729 s. 489.141, the license of such licensee shall be automatically
730 suspended, without further administrative action, upon the date
731 of payment from the fund. The license of such licensee may ~~shall~~
732 not be reinstated until he or she has repaid in full, plus
733 interest, the amount paid from the fund. A discharge of
734 bankruptcy does not relieve a person from the penalties and
735 disabilities provided in this section.

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

746 (11)~~(10)~~ Each payment ~~All payments~~ and disbursement
747 ~~disbursements~~ from the recovery fund shall be made by the Chief
748 Financial Officer upon a voucher signed by the secretary of the
749 department or the secretary's designee.

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

752 489.503 Exemptions.—This part does not apply to:

753 (24) A person who installs low-voltage landscape lighting
754 that contains a factory-installed electrical cord and plug and

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755 does not require installation, wiring, or modification to the
756 electrical wiring of the structure.

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

759 489.517 Renewal of certificate or registration; continuing
760 education.—

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

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

769 514.011 Definitions.—As used in this chapter:

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

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

780 514.0115 Exemptions from supervision or regulation;
781 variances.—

782 (3) A private pool used for instructional purposes in
783 swimming may ~~shall~~ not be regulated as a public pool. A portable

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784 pool used for instructional purposes or in furtherance of an
785 approved educational program may not be regulated as a public
786 pool.

787 Section 18. Subsections (2) through (5) of section 514.031,
788 Florida Statutes, are redesignated as subsections (3) through
789 (6), respectively, a new subsection (2) is added to that
790 section, and present subsection (5) of that section is amended,
791 to read:

792 514.031 Permit necessary to operate public swimming pool.—

793 (2) The department shall ensure through inspections that a
794 public swimming pool with an operating permit continues to be
795 operated and maintained in compliance with rules adopted under
796 this section, the original approved plans and specifications or
797 variances, and the Florida Building Code adopted under chapter
798 553 applicable to public pools or public bathing places. The
799 department may adopt and enforce rules to implement this
800 subsection, including provisions for closing those pools and
801 bathing places not in compliance. For purposes of this
802 subsection, the department's jurisdiction includes the pool, the
803 pool deck, the barrier as defined in s. 515.25, and the bathroom
804 facilities for pool patrons. The local enforcement agency shall
805 permit and inspect repairs or modifications required as a result
806 of the department's inspections and may take enforcement action
807 to ensure compliance. The department shall ensure that the rules
808 enforced by the local enforcement agency under this subsection
809 are consistent with the Florida Building Code adopted under
810 chapter 553.

811 (6)~~(5)~~ An owner or operator of a public swimming pool,
812 including, but not limited to, a spa, wading, or special purpose

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813 pool, to which admittance is obtained by membership for a fee
814 shall post in a prominent location within the facility the most
815 recent pool inspection report issued by the department
816 pertaining to the health and safety conditions of such facility.
817 The report shall be legible and readily accessible to members or
818 potential members. The department shall adopt rules to enforce
819 this subsection. A portable pool may not be used as a public
820 pool, unless it is exempt under s. 514.0115.

821 Section 19. Subsections (1), (2), and (5) of section
822 514.05, Florida Statutes, are amended to read:

823 514.05 Denial, suspension, or revocation of permit;
824 administrative fines.—

825 (1) The department may deny an application for an a
826 operating permit, suspend or revoke a permit issued to any
827 person or public body, or impose an administrative fine upon the
828 failure of such person or public body to comply with the
829 provisions of this chapter, the original approved plans and
830 specifications or variances, the Florida Building Code adopted
831 under chapter 553 applicable to public pools or public bathing
832 places, or the rules adopted hereunder.

833 (2) The department may impose an administrative fine, which
834 shall not exceed \$500 for each violation, for the violation of
835 this chapter, the original approved plans and specifications or
836 variances, the Florida Building Code adopted under chapter 553
837 applicable to public pools or public bathing places, or the
838 rules adopted hereunder and for the violation of ~~any of the~~
839 ~~provisions of~~ chapter 386. Notice of intent to impose such fine
840 shall be given by the department to the alleged violator. Each
841 day that a violation continues may constitute a separate

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842 violation.

843 (5) Under conditions specified by rule, the department may
844 close a public pool that is not in compliance with this chapter,
845 the original approved plans and specifications or variances, the
846 Florida Building Code adopted under chapter 553 applicable to
847 public pools or public bathing places, or the rules adopted
848 under this chapter.

849 Section 20. Section 553.721, Florida Statutes, is amended
850 to read:

851 553.721 Surcharge.—In order for the Department of Business
852 and Professional Regulation to administer and carry out the
853 purposes of this part and related activities, there is created a
854 surcharge, to be assessed at the rate of 1.5 percent of the
855 permit fees associated with enforcement of the Florida Building
856 Code as defined by the uniform account criteria and specifically
857 the uniform account code for building permits adopted for local
858 government financial reporting pursuant to s. 218.32. The
859 minimum amount collected on any permit issued shall be \$2. The
860 unit of government responsible for collecting a permit fee
861 pursuant to s. 125.56(4) or s. 166.201 shall collect the
862 surcharge and electronically remit the funds collected to the
863 department on a quarterly calendar basis for the preceding
864 quarter and continuing each third month thereafter. The unit of
865 government shall retain 10 percent of the surcharge collected to
866 fund the participation of building departments in the national
867 and state building code adoption processes and to provide
868 education related to enforcement of the Florida Building Code.
869 All funds remitted to the department pursuant to this section
870 shall be deposited in the Professional Regulation Trust Fund.

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871 Funds collected from the surcharge shall be allocated to fund
872 the Florida Building Commission and the Florida Building Code
873 Compliance and Mitigation Program under s. 553.841. Funds
874 allocated to the Florida Building Code Compliance and Mitigation
875 Program shall be \$925,000 each fiscal year. The Florida Building
876 Code Compliance and Mitigation Program shall fund the
877 recommendations made by the Building Code System Uniform
878 Implementation Evaluation Workgroup, dated April 8, 2013, from
879 existing resources, not to exceed \$30,000 in the 2015-2016
880 fiscal year. Funds collected from the surcharge shall also be
881 used to fund Florida Fire Prevention Code informal
882 interpretations managed by the State Fire Marshal and shall be
883 limited to \$15,000 each fiscal year. The State Fire Marshal
884 shall adopt rules to address the implementation and expenditure
885 of the funds allocated to fund the Florida Fire Prevention Code
886 informal interpretations under this section. The funds collected
887 from the surcharge may not be used to fund research on
888 techniques for mitigation of radon in existing buildings. Funds
889 used by the department as well as funds to be transferred to the
890 Department of Health and the State Fire Marshal shall be as
891 prescribed in the annual General Appropriations Act. The
892 department shall adopt rules governing the collection and
893 remittance of surcharges pursuant to chapter 120.

894 Section 21. Subsection (11) of section 553.73, Florida
895 Statutes, is amended, and subsections (19) and (20) are added to
896 that section, to read:

897 553.73 Florida Building Code.—

898 (11) (a) In the event of a conflict between the Florida
899 Building Code and the Florida Fire Prevention Code and the Life

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900 Safety Code as applied to a specific project, the conflict shall
901 be resolved by agreement between the local building code
902 enforcement official and the local fire code enforcement
903 official in favor of the requirement of the code which offers
904 the greatest degree of lifesafety or alternatives which would
905 provide an equivalent degree of lifesafety and an equivalent
906 method of construction. Local boards created to address issues
907 arising under the Florida Building Code and the Florida Fire
908 Prevention Code may combine the appeals boards to create a
909 single, local board having jurisdiction over matters arising
910 under either or both codes. The combined local board of appeals
911 has the authority to grant alternatives or modifications through
912 procedures outlined in NFPA 1, Section 1.4, but does not have
913 the authority to waive the requirements of the Florida Fire
914 Prevention Code. In order to meet the quorum requirement to
915 convene the combined appeals board there must be at least one
916 member of the board who is a fire protection contractor, a fire
917 protection design professional, a fire department operations
918 professional, or a fire code enforcement professional.

919 (b) Any decision made by the local fire official regarding
920 application, interpretation, or enforcement of the Florida Fire
921 Prevention Code, and the local building official regarding
922 application, interpretation, or enforcement of the Florida
923 Building Code, or the appropriate application of either or both
924 codes in the case of a conflict between the codes, may be
925 appealed to a local administrative board designated by the
926 municipality, county, or special district having firesafety
927 responsibilities. If the decision of the local fire official and
928 the local building official is to apply the provisions of either

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929 the Florida Building Code or the Florida Fire Prevention Code
930 and the Life Safety Code, the board may not alter the decision
931 unless the board determines that the application of such code is
932 not reasonable. If the decision of the local fire official and
933 the local building official is to adopt an alternative to the
934 codes, the local administrative board shall give due regard to
935 the decision rendered by the local officials and may modify that
936 decision if the administrative board adopts a better
937 alternative, taking into consideration all relevant
938 circumstances. In any case in which the local administrative
939 board adopts alternatives to the decision rendered by the local
940 fire official and the local building official, such alternatives
941 shall provide an equivalent degree of lifesafety and an
942 equivalent method of construction as the decision rendered by
943 the local officials.

944 (c) If the local building official and the local fire
945 official are unable to agree on a resolution of the conflict
946 between the Florida Building Code and the Florida Fire
947 Prevention Code and the Life Safety Code, the local
948 administrative board shall resolve the conflict in favor of the
949 code which offers the greatest degree of lifesafety or
950 alternatives which would provide an equivalent degree of
951 lifesafety and an equivalent method of construction.

952 (d) All decisions of the local administrative board, or if
953 none exists, the decisions of the local building official and
954 the local fire official in regard to the application,
955 enforcement, or interpretation of the Florida Fire Prevention
956 Code, or conflicts between the Florida Fire Prevention Code and
957 the Florida Building Code, are subject to review by a joint

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958 committee composed of members of the Florida Building Commission
959 and the Fire Code Advisory Council. If the joint committee is
960 unable to resolve conflicts between the codes as applied to a
961 specific project, the matter shall be resolved pursuant to the
962 provisions of paragraph (1) (d). Decisions of the local
963 administrative board solely in regard to the provisions of the
964 Florida Building Code are subject to review as set forth in s.
965 553.775.

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

969 (f) All decisions of the local building official and local
970 fire official and all decisions of the administrative board
971 shall be in writing and shall be binding upon a person but do
972 not limit the authority of the State Fire Marshal or the Florida
973 Building Commission pursuant to paragraph (1) (d) and ss. 633.104
974 and 633.228. Decisions of general application shall be indexed
975 by building and fire code sections and shall be available for
976 inspection during normal business hours.

977 (19) In other than one- and two-family detached dwellings,
978 a local enforcing agency that requires a permit to install or
979 replace a hot water heater shall require that a hard-wired or
980 battery-operated water-level detection device be secured to the
981 drain pan area at a level lower than the drain connection upon
982 installation or replacement of the hot water heater. The device
983 must include an audible alarm and, if battery-operated, must
984 have a 10-year low-battery notification capability.

985 (20) The Florida Building Code may not require more than
986 one fire service access elevator in a residential occupancy if

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987 the highest occupiable floor in the residential occupancy is
988 less than 420 feet above the level of fire service access. If a
989 fire service access elevator is required, a 1 hour fire-rated
990 fire service access elevator lobby with direct access from the
991 fire service access elevator may not be required if the fire
992 service access elevator opens into an exit access corridor. The
993 exit access corridor must be at least 6 feet wide for its entire
994 length with the exception of door openings and must have a
995 minimum 1 hour fire rating with three quarter hour rated
996 openings. If there is a transient residential occupancy at floor
997 levels more than 420 feet above the level of fire service
998 access, a one hour fire-rated fire service access elevator lobby
999 with direct access from the fire service access elevator is
1000 required. The requirement for a second fire service access
1001 elevator is not considered to be a part of the Florida Building
1002 Code, and therefore, does not take effect until July 1, 2016.

1003 Section 22. Subsections (6) and (11) of section 553.79,
1004 Florida Statutes, are amended to read:

1005 553.79 Permits; applications; issuance; inspections.—

1006 (6) A permit may not be issued for any building
1007 construction, erection, alteration, modification, repair, or
1008 addition unless the applicant for such permit complies with the
1009 requirements for plan review established by the Florida Building
1010 Commission within the Florida Building Code. However, the code
1011 shall set standards and criteria to authorize preliminary
1012 construction before completion of all building plans review,
1013 including, but not limited to, special permits for the
1014 foundation only, and such standards shall take effect concurrent
1015 with the first effective date of the Florida Building Code.

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1016 After submittal of the appropriate construction documents, the
1017 building official is authorized to issue a permit for the
1018 construction of foundations or any other part of a building or
1019 structure before the construction documents for the whole
1020 building or structure have been submitted. No other agency
1021 review or approval may be required before the issuance of a
1022 phased permit due to the fact that the project will need all the
1023 necessary outside agencies' reviews and approvals before the
1024 issuance of a master building permit. The holder of such permit
1025 for the foundation or other parts of a building or structure
1026 shall proceed at the holder's own risk with the building
1027 operation and without assurance that a permit for the entire
1028 structure will be granted. Corrections may be required to meet
1029 the requirements of the technical codes.

1030 (11) (a) The local enforcing agency may not issue a building
1031 permit to construct, develop, or modify a public swimming pool
1032 without proof of application, whether complete or incomplete,
1033 for an operating permit pursuant to s. 514.031. A certificate of
1034 completion or occupancy may not be issued until such operating
1035 permit is issued. The local enforcing agency shall conduct its
1036 review of the building permit application upon filing and in
1037 accordance with this chapter. The local enforcing agency may
1038 confer with the Department of Health, if necessary, but may not
1039 delay the building permit application review while awaiting
1040 comment from the Department of Health.

1041 (b) If the department determines under s. 514.031(2) that a
1042 public pool or a public bathing place is not being operated or
1043 maintained in compliance with department's rules, the original
1044 approved plans and specifications or variances, and the Florida

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1045 Building Code, the local enforcing agency shall permit and
1046 inspect the repairs or modifications required as a result of the
1047 department's inspections and may take enforcement action to
1048 ensure compliance.

1049 Section 23. Subsections (4) and (7) of section 553.841,
1050 Florida Statutes, are amended, to read:

1051 553.841 Building code compliance and mitigation program.—

1052 (4) In administering the Florida Building Code Compliance
1053 and Mitigation Program, the department may ~~shall~~ maintain,
1054 update, develop, or cause to be developed code-related training
1055 and education ~~advanced modules designed~~ for use by each
1056 profession.

1057 ~~(7) The Florida Building Commission shall provide by rule~~
1058 ~~for the accreditation of courses related to the Florida Building~~
1059 ~~Code by accreditors approved by the commission. The commission~~
1060 ~~shall establish qualifications of accreditors and criteria for~~
1061 ~~the accreditation of courses by rule. The commission may revoke~~
1062 ~~the accreditation of a course by an accreditor if the~~
1063 ~~accreditation is demonstrated to violate this part or the rules~~
1064 ~~of the commission.~~

1065 Section 24. Paragraph (a) of subsection (8) of section
1066 553.842, Florida Statutes, is amended to read:

1067 553.842 Product evaluation and approval.—

1068 (8) The commission may adopt rules to approve the following
1069 types of entities that produce information on which product
1070 approvals are based. All of the following entities, including
1071 engineers and architects, must comply with a nationally
1072 recognized standard demonstrating independence or no conflict of
1073 interest:

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1074 (a) Evaluation entities approved pursuant to this
1075 paragraph. The commission shall specifically approve the
1076 National Evaluation Service, the International Association of
1077 Plumbing and Mechanical Officials Evaluation Service, the
1078 International Code Council Evaluation Services, Underwriters
1079 Laboratories, LLC, and the Miami-Dade County Building Code
1080 Compliance Office Product Control Division. Architects and
1081 engineers licensed in this state are also approved to conduct
1082 product evaluations as provided in subsection (5).

1083 Section 25. Section 553.908, Florida Statutes, is amended
1084 to read:

1085 553.908 Inspection.—Before construction or renovation is
1086 completed, the local enforcement agency shall inspect buildings
1087 for compliance with the standards of this part. The local
1088 enforcement agency shall accept duct and air infiltration tests
1089 conducted in accordance with the Florida Building Code-Energy
1090 Conservation by individuals certified in accordance with s.
1091 553.993(5) or (7) or individuals licensed under s.
1092 489.105(3)(f), (g), or (i). The local enforcement agency may
1093 accept inspections in whole or in part by individuals certified
1094 in accordance with s. 553.993(5) or (7).

1095 Section 26. Subsection (6) of section 633.104, Florida
1096 Statutes, is amended to read:

1097 633.104 State Fire Marshal; authority; duties; rules.—

1098 (6) Only the State Fire Marshal may issue, and, when
1099 requested in writing by any substantially affected person or a
1100 local enforcing agency, the State Fire Marshal shall issue
1101 declaratory statements pursuant to s. 120.565 relating to the
1102 Florida Fire Prevention Code. For the purposes of this section,

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1103 the term "substantially affected person" means a person who,
1104 will be, or may be affected by the application of the Florida
1105 Fire Prevention Code to a property or building that the person
1106 owns, controls, or is, or is considering purchasing, selling,
1107 designing, constructing, or altering.

1108 Section 27. Subsections (17) and (18) are added to section
1109 633.202, Florida Statutes, to read:

1110 633.202 Florida Fire Prevention Code.—

1111 (17) In all new high-rise and existing high-rise buildings,
1112 minimum radio signal strength for fire department communications
1113 shall be maintained at a level determined by the authority
1114 having jurisdiction. Existing buildings may not be required to
1115 comply with minimum radio strength for fire department
1116 communications and two-way radio system enhancement
1117 communications as required by the Florida Fire Prevention Code
1118 until January 1, 2022. However, by December 31, 2019, an
1119 existing building that is not in compliance with the
1120 requirements for minimum radio strength for fire department
1121 communications must initiate an application for an appropriate
1122 permit for the required installation with the local government
1123 agency having jurisdiction and must demonstrate that the
1124 building will become compliant by January 1, 2022. Existing
1125 apartment buildings may not be required to comply until January
1126 1, 2025. However, existing apartment buildings are required to
1127 initiate the appropriate permit for the required communications
1128 installation by December 31, 2022.

1129 (18) Areas of refuge shall be provided when required by the
1130 Florida Building Code-Accessibility. Required portions of an
1131 area of refuge shall be accessible from the space they serve by

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1132 an accessible means of egress.

1133 Section 28. Subsection (10) is added to section 633.216,
1134 Florida Statutes, to read:

1135 633.216 Inspection of buildings and equipment; orders;
1136 firesafety inspection training requirements; certification;
1137 disciplinary action.—The State Fire Marshal and her or his
1138 agents or persons authorized to enforce laws and rules of the
1139 State Fire Marshal shall, at any reasonable hour, when the State
1140 Fire Marshal has reasonable cause to believe that a violation of
1141 this chapter or s. 509.215, or a rule adopted thereunder, or a
1142 minimum firesafety code adopted by the State Fire Marshal or a
1143 local authority, may exist, inspect any and all buildings and
1144 structures which are subject to the requirements of this chapter
1145 or s. 509.215 and rules adopted thereunder. The authority to
1146 inspect shall extend to all equipment, vehicles, and chemicals
1147 which are located on or within the premises of any such building
1148 or structure.

1149 (10) In addition to any other requirements that may be
1150 imposed by the Florida Statutes, the State Fire Marshal shall
1151 adopt, by rule, a certification program for firesafety
1152 inspectors who perform fire plan review activities to determine
1153 compliance with the Florida Fire Prevention Code. The
1154 certification program shall incorporate the knowledge and skills
1155 contained in NFPA 1031 Plan Examiner Level II at a minimum and
1156 shall be Pro Board Accredited. All newly appointed Fire Code
1157 Plans Examiners shall, after 24 months from the effective date
1158 of this statute, be certified, at a minimum, as NFPA 1031 Plans
1159 Examiner Level II by the State Fire Marshal at the time of their
1160 appointment to conduct Fire Code plans reviews. The State Fire

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1161 Marshal shall incorporate provisions by rule for existing Fire
1162 Code Plans Examiners to continue to practice in their current
1163 employment while actively obtaining the additional certification
1164 and shall adopt, by rule, a limited time frame for existing Fire
1165 Code Plans Examiners to achieve the required certification. The
1166 State Fire Marshal may, by rule, determine alternative
1167 educational and experience requirements or certifications as
1168 equivalent as long as such equivalence achieve Pro Board
1169 Accreditation.

1170 Section 29. The Calder Sloan Swimming Pool Electrical-
1171 Safety Task Force.—There is established within the Florida
1172 Building Commission the Calder Sloan Swimming Pool Electrical-
1173 Safety Task Force.

1174 (1) The primary purpose of the task force is to study and
1175 report to the Governor, the President of the Senate, and the
1176 Speaker of the House of Representatives on recommended revisions
1177 to the Florida Statutes concerning standards on grounding,
1178 bonding, lighting, wiring, and all electrical aspects for safety
1179 in and around public and private swimming pools. The task force
1180 report is due by October 1, 2015.

1181 (2) The task force shall consist of the Swimming Pool and
1182 Electrical Technical Advisory Committees of the Florida Building
1183 Commission.

1184 (3) The task force shall be chaired by the Swimming Pool
1185 Contractor appointed to the Florida Building Commission pursuant
1186 to s. 553.74, Florida Statutes.

1187 (4) The Florida Building Commission shall provide such
1188 staff, information, and other assistance as is reasonably
1189 necessary to assist the task force in carrying out its

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1190 responsibilities.

1191 (5) Members of the task force shall serve without
1192 compensation.

1193 (6) The task force shall meet as often as necessary to
1194 fulfill its responsibilities and meetings may be conducted by
1195 conference call, teleconferencing, or similar technology.

1196 (7) This section expires December 31, 2015.

1197 Section 30. This act shall take effect July 1, 2015.