

By the Committees on Fiscal Policy; Community Affairs; and Health Policy; and Senator Simpson

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A bill to be entitled

An act relating to building codes; amending s. 468.609, F.S.; revising the certification examination requirements for building code inspectors, plans examiners, and building code administrators; requiring the Florida Building Code Administrators and Inspectors Board to provide for issuance of certain provisional certificates; amending ss. 468.627, 471.0195, 481.215, and 481.313, F.S.; requiring a licensee or certificateholder to undergo code-related training as part of his or her continuing education courses; amending s. 489.103, F.S.; providing an exemption for a specified employee who makes minor repairs to existing water heaters or to existing heating, venting, and air-conditioning systems in certain circumstances; amending s. 489.105, F.S.; revising the term "plumbing contractor"; amending s. 489.115, F.S.; requiring a certificateholder or registrant to undergo code-related training as part of his or her continuing education requirements; amending s. 489.1401, F.S.; revising legislative intent with respect to the purpose of the Florida Homeowners' Construction Recovery Fund; providing legislative intent that Division II contractors set apart funds for participation in the fund; amending s. 489.1402, F.S.; revising terms; amending s. 489.141, F.S.; authorizing certain claimants to make a claim against the recovery fund for certain contracts entered into before a specified date; amending s. 489.1425, F.S.;

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revising a notification provided by contractors to certain residential property owners to include a statement that payment from the recovery fund is limited; amending s. 489.143, F.S.; revising provisions concerning payments from the recovery fund; specifying claim amounts for certain contracts entered into before or after specified dates; providing aggregate caps for payments; amending s. 489.503, F.S.; exempting certain low-voltage landscape lighting from licensed electrical contractor installation requirements; amending s. 489.517, F.S.; requiring a certificateholder or registrant to undergo code-related training as part of his or her continuing education requirements; amending s. 514.011, F.S.; revising the term "private pool"; amending s. 514.0115, F.S.; prohibiting a portable pool from being regulated as a public pool in certain circumstances; amending s. 514.031, F.S.; requiring the Department of Health to conduct inspections of certain public pools with operating permits to ensure continued compliance with specified criteria; authorizing the department to adopt rules; specifying the department's jurisdiction for purposes of inspecting certain public pools; specifying duties of local enforcement agencies regarding modifications and repairs made to certain public pools as a result of the department's inspections; requiring the department to ensure that certain rules enforced by local enforcement agencies comply with the Florida Building Code; conforming a

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provision to changes made by the act; amending s.
514.05, F.S.; specifying that the department may deny,
suspend, or revoke operating permits for certain pools
and bathing places if certain plans, variances, or
requirements of the Florida Building Code are
violated; specifying that the department may assess an
administrative fine for violations by certain public
pools and bathing places if certain plans, variances,
or requirements of the Florida Building Code are
violated; amending 553.512, F.S.; revising the
membership of the Accessibility Advisory Council;
amending s. 553.721, F.S.; directing the Florida
Building Code Compliance and Mitigation Program to
fund, from existing resources, the recommendations
made by the Building Code System Uniform
Implementation Evaluation Workgroup; providing a
limitation; requiring that a specified amount of funds
from the surcharge be used to fund certain Florida
Fire Prevention Code informal interpretations;
requiring the State Fire Marshal to adopt specified
rules; amending s. 553.73, F.S.; authorizing local
boards created to address specified issues to combine
the appeals boards into a single local board;
authorizing the local board to grant alternatives or
modifications through specified procedures; requiring
at least one member of a board to be a fire protection
contractor, a fire protection design professional, a
fire department operations professional, or a fire
code enforcement professional in order to meet a

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specified quorum requirement; authorizing the appeal to a local administrative board of specified decisions made by a local fire official; specifying the decisions of the local building official and the local fire official which are subject to review; clarifying a provision; requiring the permitted installation or replacement of a water heater in a conditioned or attic space to include a water-level detection device; prohibiting the Florida Building Code from requiring more than one fire service access elevator in certain buildings; specifying when a 1-hour fire-rated fire service access elevator lobby is and is not required; providing that the requirement for a second fire service access elevator is not considered to be part of the Florida Building Code and does not take effect until a specified date; amending s. 553.775, F.S.; requiring the Florida Building Commission to coordinate with a specified organization to designate a review panel; providing panel membership; requiring each member to have experience interpreting or enforcing specified provisions; amending s. 553.79, F.S.; authorizing a building official to issue a permit for specified construction before the construction documents for the entire building or structure have been submitted; providing that the holder of such a permit proceeds at the holder's own risk; requiring local enforcing agencies to permit and inspect modifications and repairs made to certain public pools and public bathing places as a result of

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the Department of Business and Professional
Regulation's inspections; amending s. 553.841, F.S.;
authorizing the department to maintain, update,
develop, or cause to be developed code-related
training and education; removing provisions related to
the development of advanced courses with respect to
the Florida Building Code Compliance and Mitigation
Program and the accreditation of courses related to
the Florida Building Code; amending s. 553.842, F.S.;
providing that Underwriters Laboratories, LLC, is an
approved evaluation entity; amending s. 553.908, F.S.;
requiring local enforcement agencies to accept duct
and air infiltration tests conducted in accordance
with certain guidelines by specified individuals;
providing an effective date for mandatory blower door
testing and mechanical ventilation; amending s.
633.202, F.S.; requiring all new high-rise and
existing high-rise buildings to maintain a minimum
radio signal strength for fire department
communications; providing a transition period for
compliance; requiring existing buildings and existing
apartment buildings that are not in compliance with
the requirements for minimum radio strength for fire
department communications to initiate an application
for an appropriate permit by a specified date;
requiring areas of refuge to be required as determined
by the Florida Building Code-Accessibility; amending
s. 633.206, F.S.; authorizing the application of
specified home environment provisions to existing

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assisted living facilities; amending s. 633.208, F.S.;
authorizing a fire official to use the Fire Safety
Evaluation System to identify low-cost alternatives
for compliance; authorizing the use of the Fire Safety
Evaluation System for board and care facilities on
specified buildings; amending s. 633.336, F.S.;
providing legislative findings; authorizing a
specified fire protection contractor to subcontract
with specified companies; requiring certain persons to
be under contract with a licensed fire protection
contractor; creating the Calder Sloan Swimming Pool
Electrical-Safety Task Force within the Florida
Building Commission; specifying the purpose of the
task force; requiring a report to the Governor and the
Legislature by a specified date; providing for
membership; requiring the Florida Building Commission
to provide staff, information, and other assistance to
the task force; providing that members of the task
force serve without compensation; authorizing the task
force to meet as often as necessary; providing for
future repeal of the task force; providing an
effective date.

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

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

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

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

(a) Is at least 18 years of age.

(b) Is of good moral character.

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

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

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

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

4. Currently holds a standard certificate ~~as~~ issued by the board, or a firesafety ~~fire-safety~~ inspector license issued pursuant to chapter 633, has a minimum of 3 ~~5~~ years' verifiable full-time experience in inspection or plan review, and satisfactorily completes a building code inspector or plans examiner training program that provides at least 100 hours but not more ~~of not less~~ than 200 hours of cross-training in the certification category sought. The board shall establish by rule criteria for the development and implementation of the training

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204 programs. The board shall accept all classroom training offered
205 by an approved provider if the content substantially meets the
206 intent of the classroom component of the training program; or

207 5. Demonstrates a combination of the completion of an
208 approved training program in the field of building code
209 inspection or plan review and a minimum of 2 years' experience
210 in the field of building code inspection, plan review, fire code
211 inspections, and fire plans review of new buildings as a
212 firesafety inspector certified under s. 633.216, or
213 construction. The approved training portion of this requirement
214 shall include proof of satisfactory completion of a training
215 program that provides at least 200 hours but not more ~~of not~~
216 ~~less~~ than 300 hours of cross-training which is approved by the
217 board in the chosen category of building code inspection or plan
218 review in the certification category sought with at least ~~not~~
219 ~~less than~~ 20 hours but not more than 30 hours of instruction in
220 state laws, rules, and ethics relating to professional standards
221 of practice, duties, and responsibilities of a
222 certificateholder. The board shall coordinate with the Building
223 Officials Association of Florida, Inc., to establish by rule the
224 development and implementation of the training program. However,
225 the board shall accept all classroom training offered by an
226 approved provider if the content substantially meets the intent
227 of the classroom component of the training program; or

228 6. Currently holds a standard certificate issued by the
229 board or a firesafety inspector license issued pursuant to
230 chapter 633 and:

231 a. Has at least 5 years' verifiable full-time experience as
232 an inspector or plans examiner in a standard certification

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category currently held or has a minimum of 5 years' verifiable
full-time experience as a firesafety inspector licensed pursuant
to chapter 633; and

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

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

(a) Is at least 18 years of age.

(b) Is of good moral character.

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

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

2. Demonstrates a combination of postsecondary education in
the field of construction or related field, no more than 5 years
of which may be applied, and experience as an architect,
engineer, plans examiner, building code inspector, registered or
certified contractor, or construction superintendent which

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totals 10 years, with at least 5 years of such total being experience in supervisory positions. In addition, the applicant must have completed training consisting of at least 20 hours but not more than 30 hours of instruction in state laws, rules, and ethics relating to professional standards of practice, duties, and responsibilities of a certificateholder.

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

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

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

(d) A newly employed or hired person may perform the duties of a plans examiner or building code inspector for 120 days if a provisional certificate application has been submitted if such

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person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found such person qualified for a provisional certificate. Direct supervision and the determination of qualifications may also be provided by a building code administrator who holds a limited or provisional certificate in a county having a population of fewer than 75,000 and in a municipality located within such county.

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

468.627 Application; examination; renewal; fees.—

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

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

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471.0195 Florida Building Code training for engineers.—All licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code shall take continuing education courses and submit proof to the board, at such times and in such manner as established by the board by rule, that the licensee has completed any specialized or code-related training ~~advanced courses~~ on any portion of the Florida Building Code applicable to the licensee's area of practice. The board shall record reported continuing education courses on a system easily accessed by code enforcement jurisdictions for evaluation when determining license status for purposes of processing design documents. Local jurisdictions shall be responsible for notifying the board when design documents are submitted for building construction permits by persons who are not in compliance with this section. The board shall take appropriate action as provided by its rules when such noncompliance is determined to exist.

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

481.215 Renewal of license.—

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

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

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481.313 Renewal of license.—

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

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

489.103 Exemptions.—This part does not apply to:

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

(a) The employee:

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

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

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

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

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378 a. One year of apartment or rental housing maintenance
379 experience; and

380 b. Successful completion of at least 90 hours of courses or
381 online content that covers electrical maintenance and repair;
382 plumbing maintenance and repair; heating, venting, or air-
383 conditioning system maintenance and repair; appliance
384 maintenance and repair; and interior and exterior maintenance
385 and repair.

386 (b) The equipment:

387 1. Is already installed on the property owned by the
388 apartment community or managed by the apartment community
389 management company;

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

393 3. Must be a type of equipment commonly installed in
394 similar locations; and

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

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

402 (d) The property owned by the apartment community or
403 managed by the apartment community management company includes
404 at least 100 apartments.

405 Section 7. Paragraph (m) of subsection (3) of section
406 489.105, Florida Statutes, is amended to read:

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407 489.105 Definitions.—As used in this part:

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

425 (m) "Plumbing contractor" means a contractor whose services
426 are unlimited in the plumbing trade and includes contracting
427 business consisting of the execution of contracts requiring the
428 experience, financial means, knowledge, and skill to install,
429 maintain, repair, alter, extend, or, if not prohibited by law,
430 design plumbing. A plumbing contractor may install, maintain,
431 repair, alter, extend, or, if not prohibited by law, design the
432 following without obtaining an additional local regulatory
433 license, certificate, or registration: sanitary drainage or
434 storm drainage facilities, water and sewer plants and
435 substations, venting systems, public or private water supply

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436 systems, septic tanks, drainage and supply wells, swimming pool
437 piping, irrigation systems, and solar heating water systems and
438 all appurtenances, apparatus, or equipment used in connection
439 therewith, including boilers and pressure process piping and
440 including the installation of water, natural gas, liquefied
441 petroleum gas and related venting, and storm and sanitary sewer
442 lines. The scope of work of the plumbing contractor also
443 includes the design, if not prohibited by law, and installation,
444 maintenance, repair, alteration, or extension of air-piping,
445 vacuum line piping, oxygen line piping, nitrous oxide piping,
446 and all related medical gas systems; fire line standpipes and
447 fire sprinklers if authorized by law; ink and chemical lines;
448 fuel oil and gasoline piping and tank and pump installation,
449 except bulk storage plants; and pneumatic control piping
450 systems, all in a manner that complies with all plans,
451 specifications, codes, laws, and regulations applicable. The
452 scope of work of the plumbing contractor applies to private
453 property and public property, including any excavation work
454 incidental thereto, and includes the work of the specialty
455 plumbing contractor. Such contractor shall subcontract, with a
456 qualified contractor in the field concerned, all other work
457 incidental to the work but which is specified as being the work
458 of a trade other than that of a plumbing contractor. This
459 definition does not limit the scope of work of any specialty
460 contractor certified pursuant to s. 489.113(6), and does not
461 require certification or registration under this part for a
462 category I liquefied petroleum gas dealer, LP gas installer, or
463 specialty installer who is licensed under chapter 527 or an ~~of~~
464 ~~any~~ authorized employee of a public natural gas utility or of a

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private natural gas utility regulated by the Public Service Commission when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater. A plumbing contractor may perform drain cleaning and clearing and install or repair rainwater catchment systems; however, a mandatory licensing requirement is not established for the performance of these specific services.

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

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

(4)

(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, business practices, workplace safety, and, for applicable licensure categories, wind mitigation methodologies, and 1 hour of which must deal with laws and rules. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. The board shall prescribe by rule the continuing education, if any, which is

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494 required during the first biennium of initial licensure. A
495 person who has been licensed for less than an entire biennium
496 must not be required to complete the full 14 hours of continuing
497 education.

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

511 3. The board shall require, by rule adopted pursuant to ss.
512 120.536(1) and 120.54, a specified number of hours in
513 specialized or code-related training ~~advanced module courses,~~
514 ~~approved by the Florida Building Commission,~~ on any portion of
515 the Florida Building Code, adopted pursuant to part IV of
516 chapter 553, relating to the contractor's respective discipline.

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

519 489.1401 Legislative intent.—

520 (2) It is the intent of the Legislature that the sole
521 purpose of the Florida Homeowners' Construction Recovery Fund is
522 to compensate an ~~any~~ aggrieved claimant who contracted for the

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523 construction or improvement of the homeowner's residence located
524 within this state and who has obtained a final judgment in a ~~any~~
525 court of competent jurisdiction, was awarded restitution by the
526 Construction Industry Licensing Board, or received an award in
527 arbitration against a licensee on grounds of financial
528 mismanagement or misconduct, abandoning a construction project,
529 or making a false statement with respect to a project. Such
530 grievance must arise ~~and arising~~ directly out of a ~~any~~
531 transaction conducted when the judgment debtor was licensed and
532 must involve an act performed ~~any of the activities~~ enumerated
533 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence~~.

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

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

539 489.1402 Homeowners' Construction Recovery Fund;
540 definitions.—

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

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

545 (i) "Residence" means a single-family residence, an
546 individual residential condominium or cooperative unit, or a
547 residential building containing not more than two residential
548 units in which the owner contracting for the improvement is
549 residing or will reside 6 months or more each calendar year upon
550 completion of the improvement.

551 (k) "Same transaction" means a contract, or a ~~any~~ series of

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contracts, between a claimant and a contractor or qualified business, when such contract or contracts involve the same property or contiguous properties and are entered into either at one time or serially.

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

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

489.141 Conditions for recovery; eligibility.—

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

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

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

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

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

(c) The violation was committed by a licensee.

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

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

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

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

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

(f) A claim for recovery is made within 1 year after the conclusion of any civil, criminal, or administrative action or

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award in arbitration based on the act. This paragraph applies to any claim filed with the board after October 1, 1998.

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

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

(2) A claimant is not qualified to make a claim for recovery from the recovery fund~~7~~ if:

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

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

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

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

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

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

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

Section 12. Subsection (1) of section 489.1425, Florida

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Statutes, is amended to read:

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

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

FLORIDA HOMEOWNERS' CONSTRUCTION
RECOVERY FUND

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

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

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

489.143 Payment from the fund.—

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

(2) A ~~Any~~ claimant who meets all of the conditions

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prescribed in s. 489.141 may apply to the board to cause payment to be made to a claimant from the recovery fund in an amount equal to the judgment, award, or restitution order or \$25,000, whichever is less, or an amount equal to the unsatisfied portion of such person's judgment, award, or restitution order, but only to the extent and amount of actual damages suffered by the claimant, and only up to the maximum payment allowed for each respective Division I and Division II claim. Payment from the fund for other costs related to or pursuant to civil proceedings such as postjudgment interest, attorney ~~attorney's~~ fees, court costs, medical damages, and punitive damages is prohibited. The recovery fund is not obligated to pay a ~~any~~ judgment, an award, or a restitution order, or any portion thereof, which is not expressly based on one of the grounds for recovery set forth in s. 489.141.

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

(4)~~(3)~~ Upon receipt by a claimant under subsection (2) of payment from the recovery fund, the claimant shall assign his or her additional right, title, and interest in the judgment, award, or restitution order, to the extent of such payment, to the board, and thereupon the board shall be subrogated to the right, title, and interest of the claimant; and any amount subsequently recovered on the judgment, award, or restitution

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697 order, to the extent of the right, title, and interest of the
698 board therein, shall be for the purpose of reimbursing the
699 recovery fund.

700 (5)~~(4)~~ Payments for claims arising out of the same
701 transaction shall be limited, in the aggregate, to the lesser of
702 the judgment, award, or restitution order or the maximum payment
703 allowed for a Division I or Division II claim, regardless of the
704 number of claimants involved in the transaction.

705 (6)~~(5)~~ For contracts entered into before July 1, 2004,
706 payments for claims against any one licensee may ~~shall~~ not
707 exceed, in the aggregate, \$100,000 annually, up to a total
708 aggregate of \$250,000. For any claim approved by the board which
709 is in excess of the annual cap, the amount in excess of \$100,000
710 up to the total aggregate cap of \$250,000 is eligible for
711 payment in the next and succeeding fiscal years, but only after
712 all claims for the then-current calendar year have been paid.
713 Payments may not exceed the aggregate annual or per claimant
714 limits under law. Beginning January 1, 2005, for each Division I
715 contract entered into after July 1, 2004, payment from the
716 recovery fund is subject only to a total aggregate cap of
717 \$500,000 for each Division I licensee. Beginning January 1,
718 2016, for each Division II contract entered into on or after
719 July 1, 2015, payment from the recovery fund is subject only to
720 a total aggregate cap of \$150,000 for each Division II licensee.

721 (7)~~(6)~~ Claims shall be paid in the order filed, up to the
722 aggregate limits for each transaction and licensee and to the
723 limits of the amount appropriated to pay claims against the fund
724 ~~for the fiscal year in which the claims were filed. Payments may~~
725 not exceed the total aggregate cap per license or per claimant

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limits under this section.

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

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

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

~~(11)(10)~~ Each payment ~~All payments~~ and disbursement ~~disbursements~~ from the recovery fund shall be made by the Chief Financial Officer upon a voucher signed by the secretary of the

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department or the secretary's designee.

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

489.503 Exemptions.—This part does not apply to:

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

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

489.517 Renewal of certificate or registration; continuing education.—

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

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

514.011 Definitions.—As used in this chapter:

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

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

786 514.0115 Exemptions from supervision or regulation;
787 variances.—

788 (3) A private pool used for instructional purposes in
789 swimming ~~may shall~~ not be regulated as a public pool. A portable
790 pool used for instructional purposes or in furtherance of an
791 approved educational program may not be regulated as a public
792 pool.

793 Section 18. Subsections (2) through (5) of section 514.031,
794 Florida Statutes, are redesignated as subsections (3) through
795 (6), respectively, a new subsection (2) is added to that
796 section, and present subsection (5) of that section is amended,
797 to read:

798 514.031 Permit necessary to operate public swimming pool.—

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

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to ensure compliance. The department shall ensure that the rules enforced by the local enforcement agency under this subsection are consistent with the Florida Building Code adopted under chapter 553.

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

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

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

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

(2) The department may impose an administrative fine, which shall not exceed \$500 for each violation, for the violation of this chapter, the original approved plans and specifications or

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842 variances, the Florida Building Code adopted under chapter 553
843 applicable to public pools or public bathing places, or the
844 rules adopted hereunder and for the violation of any of the
845 ~~provisions of~~ chapter 386. Notice of intent to impose such fine
846 shall be given by the department to the alleged violator. Each
847 day that a violation continues may constitute a separate
848 violation.

849 (5) Under conditions specified by rule, the department may
850 close a public pool that is not in compliance with this chapter,
851 the original approved plans and specifications or variances, the
852 Florida Building Code adopted under chapter 553 applicable to
853 public pools or public bathing places, or the rules adopted
854 under this chapter.

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

857 553.512 Modifications and waivers; advisory council.—

858 (2) The Accessibility Advisory Council shall consist of the
859 following seven members, who shall be knowledgeable in the area
860 of accessibility for persons with disabilities. The Secretary of
861 Business and Professional Regulation shall appoint the
862 following: a representative from the Advocacy Center for Persons
863 with Disabilities, Inc.; a representative from the Division of
864 Blind Services; a representative from the Division of Vocational
865 Rehabilitation; a representative from a statewide organization
866 representing the physically handicapped; a representative from
867 the hearing impaired; a representative from Pensacola Pen Wheels
868 Inc., Employ the Handicapped Council; a representative from the
869 ~~President, Florida Council of Handicapped Organizations;~~ and a
870 representative of the Paralyzed Veterans of America. The terms

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for the first three council members appointed subsequent to October 1, 1991, shall be for 4 years, the terms for the next two council members appointed shall be for 3 years, and the terms for the next two members shall be for 2 years. Thereafter, all council member appointments shall be for terms of 4 years. A ~~No~~ council member may not ~~shall~~ serve more than two 4-year terms subsequent to October 1, 1991. Any member of the council may be replaced by the secretary upon three unexcused absences. Upon application made in the form provided, an individual waiver or modification may be granted by the commission so long as such modification or waiver is not in conflict with more stringent standards provided in another chapter.

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

553.721 Surcharge.—In order for the Department of Business and Professional Regulation to administer and carry out the purposes of this part and related activities, there is created a surcharge, to be assessed at the rate of 1.5 percent of the permit fees associated with enforcement of the Florida Building Code as defined by the uniform account criteria and specifically the uniform account code for building permits adopted for local government financial reporting pursuant to s. 218.32. The minimum amount collected on any permit issued shall be \$2. The unit of government responsible for collecting a permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect the surcharge and electronically remit the funds collected to the department on a quarterly calendar basis for the preceding quarter and continuing each third month thereafter. The unit of government shall retain 10 percent of the surcharge collected to

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fund the participation of building departments in the national and state building code adoption processes and to provide education related to enforcement of the Florida Building Code. All funds remitted to the department pursuant to this section shall be deposited in the Professional Regulation Trust Fund. Funds collected from the surcharge shall be allocated to fund the Florida Building Commission and the Florida Building Code Compliance and Mitigation Program under s. 553.841. Funds allocated to the Florida Building Code Compliance and Mitigation Program shall be \$925,000 each fiscal year. The Florida Building Code Compliance and Mitigation Program shall fund the recommendations made by the Building Code System Uniform Implementation Evaluation Workgroup, dated April 8, 2013, from existing resources, not to exceed \$30,000 in the 2015-2016 fiscal year. Funds collected from the surcharge shall also be used to fund Florida Fire Prevention Code informal interpretations managed by the State Fire Marshal and shall be limited to \$15,000 each fiscal year. The State Fire Marshal shall adopt rules to address the implementation and expenditure of the funds allocated to fund the Florida Fire Prevention Code informal interpretations under this section. The funds collected from the surcharge may not be used to fund research on techniques for mitigation of radon in existing buildings. Funds used by the department as well as funds to be transferred to the Department of Health and the State Fire Marshal shall be as prescribed in the annual General Appropriations Act. The department shall adopt rules governing the collection and remittance of surcharges pursuant to chapter 120.

Section 22. Subsections (11) and (15) of section 553.73,

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Florida Statutes, are amended, and subsections (19) and (20) are added to that section, to read:

553.73 Florida Building Code.—

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

(b) Any decision made by the local fire official regarding application, interpretation, or enforcement of the Florida Fire Prevention Code, by ~~and~~ the local building official regarding application, interpretation, or enforcement of the Florida Building Code, or the appropriate application of either or both

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codes in the case of a conflict between the codes may be
appealed to a local administrative board designated by the
municipality, county, or special district having firesafety
responsibilities. If the decision of the local fire official and
the local building official is to apply the provisions of either
the Florida Building Code or the Florida Fire Prevention Code
and the Life Safety Code, the board may not alter the decision
unless the board determines that the application of such code is
not reasonable. If the decision of the local fire official and
the local building official is to adopt an alternative to the
codes, the local administrative board shall give due regard to
the decision rendered by the local officials and may modify that
decision if the administrative board adopts a better
alternative, taking into consideration all relevant
circumstances. In any case in which the local administrative
board adopts alternatives to the decision rendered by the local
fire official and the local building official, such alternatives
shall provide an equivalent degree of lifesafety and an
equivalent method of construction as the decision rendered by
the local officials.

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

(d) All decisions of the local administrative board, or if

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987 none exists, the decisions of the local building official and
988 the local fire official in regard to the application,
989 enforcement, or interpretation of the Florida Fire Prevention
990 Code, or conflicts between the Florida Fire Prevention Code and
991 the Florida Building Code, are subject to review by a joint
992 committee composed of members of the Florida Building Commission
993 and the Fire Code Advisory Council. If the joint committee is
994 unable to resolve conflicts between the codes as applied to a
995 specific project, the matter shall be resolved pursuant to the
996 provisions of paragraph (1)(d). Decisions of the local
997 administrative board solely in regard to the provisions of the
998 Florida Building Code are subject to review as set forth in s.
999 553.775.

1000 (e) The local administrative board shall, to the greatest
1001 extent possible, be composed of members with expertise in
1002 building construction and firesafety standards.

1003 (f) All decisions of the local building official and local
1004 fire official and all decisions of the administrative board
1005 shall be in writing and shall be binding upon a person but do
1006 not limit the authority of the State Fire Marshal or the Florida
1007 Building Commission pursuant to paragraph (1)(d) and ss. 633.104
1008 and 633.228. Decisions of general application shall be indexed
1009 by building and fire code sections and shall be available for
1010 inspection during normal business hours.

1011 (15) An agency or local government may not require that
1012 existing mechanical equipment located on or above the surface of
1013 a roof be installed in compliance with the requirements of the
1014 Florida Building Code except during roofing when the equipment
1015 is being replaced or moved ~~during reroofing~~ and is not in

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1016 compliance with the provisions of the Florida Building Code
1017 relating to roof-mounted mechanical units.

1018 (19) In other than one- and two-family detached dwellings,
1019 a local enforcing agency that requires a permit to install or
1020 replace a water heater shall require that a hard-wired or
1021 battery-operated water-level detection device be secured to the
1022 drain pan area at a level lower than the drain connection upon
1023 installation or replacement of the water heater. The device must
1024 include an audible alarm and, if battery-operated, must have a
1025 10-year low-battery notification capability.

1026 (20) The Florida Building Code may not require more than
1027 one fire service access elevator in residential occupancies
1028 where the highest occupiable floor is less than 420 feet above
1029 the level of fire service access and all remaining elevators are
1030 provided with Phase I and II emergency operations. Where a fire
1031 service access elevator is required, a 1-hour fire-rated fire
1032 service access elevator lobby with direct access from the fire
1033 service access elevator is not required when the fire service
1034 access elevator opens into an exit-access corridor, which can be
1035 no less than 6 feet wide for its entire length that is a minimum
1036 of 150 square feet with the exception of door openings, and has
1037 a minimum 1-hour fire rating with three-quarter-hour fire- and
1038 smoke-rated openings; and, during a fire event, the fire service
1039 access elevator is pressurized and floor-to-floor smoke control
1040 is provided. However, where transient residential occupancies
1041 occur at floor levels more than 420 feet above the level of fire
1042 service access, a 1-hour fire-rated fire service access elevator
1043 lobby with direct access from the fire service access elevator
1044 is required. The requirement for a second fire service access

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elevator is not considered to be a part of the Florida Building Code and, therefore, does not take effect until July 1, 2016.

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

553.775 Interpretations.—

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

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

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

2. Requests to review a decision of a local building official interpreting provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction may be

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initiated by any substantially affected person, including an owner or builder subject to a decision of a local building official or an association of owners or builders having members who are subject to a decision of a local building official. In order to initiate review, the substantially affected person must file a petition with the commission. The commission shall adopt a form for the petition, which shall be published on the Building Code Information System. The form shall, at a minimum, require the following:

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

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

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

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

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

f. A statement of the interpretation that the petitioner

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1103 contends should be given to the provisions of the Florida
1104 Building Code or the Florida Accessibility Code for Building
1105 Construction and a statement supporting the petitioner's
1106 interpretation.

1107 g. Space for the local building official to respond in
1108 writing. The space shall, at a minimum, require the local
1109 building official to respond by providing a statement admitting
1110 or denying the statements contained in the petition and a
1111 statement of the interpretation of the provisions of the Florida
1112 Building Code or the Florida Accessibility Code for Building
1113 Construction which the local jurisdiction or the local building
1114 official contends is correct, including the basis for the
1115 interpretation.

1116 3. The petitioner shall submit the petition to the local
1117 building official, who shall place the date of receipt on the
1118 petition. The local building official shall respond to the
1119 petition in accordance with the form and shall return the
1120 petition along with his or her response to the petitioner within
1121 5 days after receipt, exclusive of Saturdays, Sundays, and legal
1122 holidays. The petitioner may file the petition with the
1123 commission at any time after the local building official
1124 provides a response. If no response is provided by the local
1125 building official, the petitioner may file the petition with the
1126 commission 10 days after submission of the petition to the local
1127 building official and shall note that the local building
1128 official did not respond.

1129 4. Upon receipt of a petition that meets the requirements
1130 of subparagraph 2., the commission shall immediately provide
1131 copies of the petition to the ~~a~~ panel, and the commission shall

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publish the petition, including any response submitted by the local building official, on the Building Code Information System in a manner that allows interested persons to address the issues by posting comments.

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

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

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1161 7. Any substantially affected person may appeal an
1162 interpretation rendered by the ~~a hearing officer~~ panel by filing
1163 a petition with the commission. Such appeals shall be initiated
1164 in accordance with chapter 120 and the uniform rules of
1165 procedure and must be filed within 30 days after publication of
1166 the interpretation on the Building Code Information System or in
1167 the Florida Administrative Register. Hearings shall be conducted
1168 pursuant to chapter 120 and the uniform rules of procedure.
1169 Decisions of the commission are subject to judicial review
1170 pursuant to s. 120.68. The final order of the commission is
1171 binding upon the parties and upon all jurisdictions subject to
1172 the Florida Building Code or the Florida Accessibility Code for
1173 Building Construction.

1174 8. The burden of proof in any proceeding initiated in
1175 accordance with subparagraph 7. is on the party who initiated
1176 the appeal.

1177 9. In any review proceeding initiated in accordance with
1178 this paragraph, including any proceeding initiated in accordance
1179 with subparagraph 7., the fact that an owner or builder has
1180 proceeded with construction may not be grounds for determining
1181 an issue to be moot if the issue is one that is likely to arise
1182 in the future.

1183
1184 This paragraph provides the exclusive remedy for addressing
1185 requests to review local interpretations of the Florida Building
1186 Code or the Florida Accessibility Code for Building Construction
1187 and appeals from review proceedings.

1188 Section 24. Subsections (6) and (11) of section 553.79,
1189 Florida Statutes, are amended to read:

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1190 553.79 Permits; applications; issuance; inspections.—

1191 (6) A permit may not be issued for any building
1192 construction, erection, alteration, modification, repair, or
1193 addition unless the applicant for such permit complies with the
1194 requirements for plan review established by the Florida Building
1195 Commission within the Florida Building Code. However, the code
1196 shall set standards and criteria to authorize preliminary
1197 construction before completion of all building plans review,
1198 including, but not limited to, special permits for the
1199 foundation only, and such standards shall take effect concurrent
1200 with the first effective date of the Florida Building Code.
1201 After submittal of the appropriate construction documents, the
1202 building official may issue a permit for the construction of
1203 foundations or any other part of a building or structure before
1204 the construction documents for the entire building or structure
1205 have been submitted. The holder of such a permit proceeds at the
1206 holder's own risk with the building operation and without
1207 assurance that a permit for the entire structure will be
1208 granted, and may be required to make corrections to meet
1209 technical code requirements.

1210 (11)(a) The local enforcing agency may not issue a building
1211 permit to construct, develop, or modify a public swimming pool
1212 without proof of application, whether complete or incomplete,
1213 for an operating permit pursuant to s. 514.031. A certificate of
1214 completion or occupancy may not be issued until such operating
1215 permit is issued. The local enforcing agency shall conduct its
1216 review of the building permit application upon filing and in
1217 accordance with this chapter. The local enforcing agency may
1218 confer with the Department of Health, if necessary, but may not

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1219 delay the building permit application review while awaiting
1220 comment from the Department of Health.

1221 (b) If the department determines under s. 514.031(2) that a
1222 public pool or a public bathing place is not being operated or
1223 maintained in compliance with the department's rules, the
1224 original approved plans and specifications or variances, and the
1225 Florida Building Code, the local enforcing agency shall permit
1226 and inspect the repairs or modifications required as a result of
1227 the department's inspections and may take enforcement action to
1228 ensure compliance.

1229 Section 25. Subsections (4) and (7) of section 553.841,
1230 Florida Statutes, are amended, to read:

1231 553.841 Building code compliance and mitigation program.—

1232 (4) In administering the Florida Building Code Compliance
1233 and Mitigation Program, the department may ~~shall~~ maintain,
1234 update, develop, or cause to be developed code-related training
1235 and education ~~advanced modules designed~~ for use by each
1236 profession.

1237 ~~(7) The Florida Building Commission shall provide by rule~~
1238 ~~for the accreditation of courses related to the Florida Building~~
1239 ~~Code by accreditors approved by the commission. The commission~~
1240 ~~shall establish qualifications of accreditors and criteria for~~
1241 ~~the accreditation of courses by rule. The commission may revoke~~
1242 ~~the accreditation of a course by an accreditor if the~~
1243 ~~accreditation is demonstrated to violate this part or the rules~~
1244 ~~of the commission.~~

1245 Section 26. Paragraph (a) of subsection (8) of section
1246 553.842, Florida Statutes, is amended to read:

1247 553.842 Product evaluation and approval.—

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

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

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

553.908 Inspection.—Before construction or renovation is completed, the local enforcement agency shall inspect buildings for compliance with the standards of this part. The local enforcement agency shall accept duct and air infiltration tests conducted in accordance with the Florida Building Code-Energy Conservation by individuals certified in accordance with s. 553.993(5) or (7) or individuals licensed under s. 489.105(3)(f), (g), or (i). The local enforcement agency may accept inspections in whole or in part by individuals certified in accordance with s. 553.993(5) or (7). Notwithstanding any provision of the Florida Building Code or other provision of law, mandatory blower door testing and mechanical ventilation

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for residential buildings or dwelling units takes effect on
April 1, 2016.

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

633.202 Florida Fire Prevention Code.—

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

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

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

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1306 633.206 Uniform firesafety standards—The Legislature hereby
1307 determines that to protect the public health, safety, and
1308 welfare it is necessary to provide for firesafety standards
1309 governing the construction and utilization of certain buildings
1310 and structures. The Legislature further determines that certain
1311 buildings or structures, due to their specialized use or to the
1312 special characteristics of the person utilizing or occupying
1313 these buildings or structures, should be subject to firesafety
1314 standards reflecting these special needs as may be appropriate.

1315 (5) The home environment provisions enumerated in the most
1316 current edition of the codes adopted by the division may be
1317 applied to existing assisted living facilities notwithstanding
1318 the edition of the codes applied at the time of construction.

1319 Section 30. Subsection (5) of section 633.208, Florida
1320 Statutes, is amended to read:

1321 633.208 Minimum firesafety standards.—

1322 (5) With regard to existing buildings, the Legislature
1323 recognizes that it is not always practical to apply any or all
1324 of the provisions of the Florida Fire Prevention Code and that
1325 physical limitations may require disproportionate effort or
1326 expense with little increase in fire or life safety. Prior to
1327 applying the minimum firesafety code to an existing building,
1328 the local fire official shall determine that a threat to
1329 lifesafety or property exists. If a threat to lifesafety or
1330 property exists, the fire official shall apply the applicable
1331 firesafety code for existing buildings to the extent practical
1332 to assure a reasonable degree of lifesafety and safety of
1333 property or the fire official shall fashion a reasonable
1334 alternative which affords an equivalent degree of lifesafety and

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safety of property. The fire official may use the Fire Safety Evaluation System found in NFPA 101A, Alternative Solutions to Life Safety, current edition adopted by the State Fire Marshal, to identify low-cost alternatives to bring the building or structure into compliance with the minimum standards. It is acceptable to use the Fire Safety Evaluation System for Board and Care Facilities prompt evacuation capabilities parameter values on existing residential high-rise buildings. The decision of the local fire official may be appealed to the local administrative board described in s. 553.73.

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

633.336 Contracting without certificate prohibited; violations; penalty.—

(3) The Legislature recognizes that special expertise is required for fire pump control panels and the maintenance of electric and diesel pump drivers which may make it economically unfeasible for all contractors to employ a fire protection contractor full-time, when that person's services may be needed only on a limited basis. Therefore, a fire protection contractor properly licensed under chapter 633 may subcontract with companies providing advanced technical services for installing, servicing, and maintaining fire pump control panels and fire pump drivers. To ensure the integrity of the system and protect the interests of the property owner, those providing technical support services for fire pump control panels and drivers must be under contract with a licensed fire protection contractor.

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1364 Section 32. The Calder Sloan Swimming Pool Electrical-
1365 Safety Task Force.—There is established within the Florida
1366 Building Commission the Calder Sloan Swimming Pool Electrical-
1367 Safety Task Force.

1368 (1) The purpose of the task force is to study the adoption
1369 of standards on grounding, bonding, lighting, wiring, and all
1370 electrical aspects for safety in and around public and private
1371 swimming pools. The task force shall focus its study upon
1372 minimizing the risk of electrocutions at swimming pools. The
1373 task force shall submit a report on its findings, including
1374 recommended revisions to the Florida Statutes, if any, to the
1375 Governor, the President of the Senate, and the Speaker of the
1376 House of Representatives by November 1, 2015.

1377 (2) The task force shall consist of the Swimming Pool and
1378 Electrical Technical Advisory Committees of the Florida Building
1379 Commission.

1380 (3) The task force shall be chaired by the Swimming Pool
1381 Contractor appointed to the Florida Building Commission pursuant
1382 to s. 553.74, Florida Statutes.

1383 (4) The Florida Building Commission shall provide such
1384 staff, information, and other assistance as is reasonably
1385 necessary to assist the task force in carrying out its
1386 responsibilities.

1387 (5) Members of the task force shall serve without
1388 compensation.

1389 (6) The task force shall meet as often as necessary to
1390 fulfill its responsibilities and meetings may be conducted by
1391 conference call, teleconferencing, or similar technology.

1392 (7) This section expires December 31, 2015.

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