

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Regulatory Affairs
2 Committee

3 Representative Eagle offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (2), (3), and (7) of section
8 468.609, Florida Statutes, are amended to read:

9 468.609 Administration of this part; standards for
10 certification; additional categories of certification.—

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

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

15 (b) Is of good moral character.

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

Amendment No. 1

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

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

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

31 4. Currently holds a standard certificate ~~as~~ issued by the
32 board, or a firesafety ~~fire safety~~ inspector license issued
33 pursuant to chapter 633, has a minimum of 3 ~~5~~ years' verifiable
34 full-time experience in inspection or plan review, and
35 satisfactorily completes a building code inspector or plans
36 examiner training program that provides at least 100 hours but
37 not more ~~of not less~~ than 200 hours of cross-training in the
38 certification category sought. The board shall establish by rule
39 criteria for the development and implementation of the training
40 programs. The board shall accept all classroom training offered
41 by an approved provider if the content substantially meets the
42 intent of the classroom component of the training program; ~~or~~

43 5. Demonstrates a combination of the completion of an

Amendment No. 1

44 approved training program in the field of building code
45 inspection or plan review and a minimum of 2 years' experience
46 in the field of building code inspection, plan review, fire code
47 inspections, and fire plans review of new buildings as a
48 firesafety inspector certified under s. 633.216, or
49 construction. The approved training portion of this requirement
50 shall include proof of satisfactory completion of a training
51 program that provides at least 200 hours but not more ~~of not~~
52 ~~less~~ than 300 hours of cross-training which is approved by the
53 board in the chosen category of building code inspection or plan
54 review in the certification category sought with at least ~~not~~
55 ~~less than~~ 20 hours but not more than 30 hours of instruction in
56 state laws, rules, and ethics relating to professional standards
57 of practice, duties, and responsibilities of a
58 certificateholder. The board shall coordinate with the Building
59 Officials Association of Florida, Inc., to establish by rule the
60 development and implementation of the training program. However,
61 the board shall accept all classroom training offered by an
62 approved provider if the content substantially meets the intent
63 of the classroom component of the training program; or
64 6. Currently holds a standard certificate issued by the
65 board or a firesafety inspector license issued pursuant to
66 chapter 633 and:
67 a. Has at least 5 years' verifiable full-time experience
68 as an inspector or plans examiner in a standard certification
69 category currently held or has a minimum of 5 years' verifiable

Amendment No. 1

70 full-time experience as a firesafety inspector licensed pursuant
71 to chapter 633; and

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

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

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

85 (b) Is of good moral character.

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

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

93 2. Demonstrates a combination of postsecondary education
94 in the field of construction or related field, no more than 5
95 years of which may be applied, and experience as an architect,

Amendment No. 1

96 engineer, plans examiner, building code inspector, registered or
97 certified contractor, or construction superintendent which
98 totals 10 years, with at least 5 years of such total being
99 experience in supervisory positions. In addition, the applicant
100 must have completed training consisting of at least 20 hours but
101 not more than 30 hours of instruction in state laws, rules, and
102 ethics relating to professional standards of practice, duties,
103 and responsibilities of a certificateholder.

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

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

117 (c) The board shall ~~may~~ provide for appropriate levels of
118 provisional certificates and may issue these certificates with
119 such special conditions or requirements relating to the place of
120 employment of the person holding the certificate, the
121 supervision of such person on a consulting or advisory basis, or

Amendment No. 1

122 other matters as the board may deem necessary to protect the
123 public safety and health.

124 (d) A newly employed or hired person may perform the
125 duties of a plans examiner or building code inspector for 120
126 days if a provisional certificate application has been submitted
127 if such person is under the direct supervision of a certified
128 building code administrator who holds a standard certification
129 and who has found such person qualified for a provisional
130 certificate. Direct supervision and the determination of
131 qualifications may also be provided by a building code
132 administrator who holds a limited or provisional certificate in
133 a county having a population of fewer than 75,000 and in a
134 municipality located within such county.

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

137 468.627 Application; examination; renewal; fees.—

138 (5) The certificateholder shall provide proof, in a form
139 established by board rule, that the certificateholder has
140 completed at least 14 classroom hours of at least 50 minutes
141 each of continuing education courses during each biennium since
142 the issuance or renewal of the certificate, including code-
143 related training ~~the specialized or advanced coursework approved~~
144 ~~by the Florida Building Commission,~~ as part of the building code
145 training program established pursuant to s. 553.841, appropriate
146 to the licensing category sought. A minimum of 3 of the required
147 14 classroom hours must be on state law, rules, and ethics

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Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

148 relating to professional standards of practice, duties, and
149 responsibilities of the certificateholder. The board shall by
150 rule establish criteria for approval of continuing education
151 courses and providers, and may by rule establish criteria for
152 accepting alternative nonclassroom continuing education on an
153 hour-for-hour basis.

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

156 471.0195 Florida Building Code training for engineers.—All
157 licensees actively participating in the design of engineering
158 works or systems in connection with buildings, structures, or
159 facilities and systems covered by the Florida Building Code
160 shall take continuing education courses and submit proof to the
161 board, at such times and in such manner as established by the
162 board by rule, that the licensee has completed any specialized
163 or code-related training ~~advanced courses~~ on any portion of the
164 Florida Building Code applicable to the licensee's area of
165 practice. The board shall record reported continuing education
166 courses on a system easily accessed by code enforcement
167 jurisdictions for evaluation when determining license status for
168 purposes of processing design documents. Local jurisdictions
169 shall be responsible for notifying the board when design
170 documents are submitted for building construction permits by
171 persons who are not in compliance with this section. The board
172 shall take appropriate action as provided by its rules when such
173 noncompliance is determined to exist.

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

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

176 481.215 Renewal of license.—

177 (5) The board shall require, by rule adopted pursuant to
178 ss. 120.536(1) and 120.54, a specified number of hours in
179 specialized or code-related training ~~advanced courses, approved~~
180 ~~by the Florida Building Commission,~~ on any portion of the
181 Florida Building Code, adopted pursuant to part IV of chapter
182 553, relating to the licensee's respective area of practice.

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

185 481.313 Renewal of license.—

186 (5) The board shall require, by rule adopted pursuant to
187 ss. 120.536(1) and 120.54, a specified number of hours in
188 specialized or code-related training ~~advanced courses, approved~~
189 ~~by the Florida Building Commission,~~ on any portion of the
190 Florida Building Code, adopted pursuant to part IV of chapter
191 553, relating to the licensee's respective area of practice.

192 Section 6. Paragraph (m) of subsection (3) of section
193 489.105, Florida Statutes, is amended to read:

194 489.105 Definitions.—As used in this part:

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

Amendment No. 1

200 to, demolish, subtract from, or improve any building or
201 structure, including related improvements to real estate, for
202 others or for resale to others; and whose job scope is
203 substantially similar to the job scope described in one of the
204 paragraphs of this subsection. For the purposes of regulation
205 under this part, the term "demolish" applies only to demolition
206 of steel tanks more than 50 feet in height; towers more than 50
207 feet in height; other structures more than 50 feet in height;
208 and all buildings or residences. Contractors are subdivided into
209 two divisions, Division I, consisting of those contractors
210 defined in paragraphs (a)-(c), and Division II, consisting of
211 those contractors defined in paragraphs (d)-(q):

212 (m) "Plumbing contractor" means a contractor whose
213 services are unlimited in the plumbing trade and includes
214 contracting business consisting of the execution of contracts
215 requiring the experience, financial means, knowledge, and skill
216 to install, maintain, repair, alter, extend, or, if not
217 prohibited by law, design plumbing. A plumbing contractor may
218 install, maintain, repair, alter, extend, or, if not prohibited
219 by law, design the following without obtaining an additional
220 local regulatory license, certificate, or registration: sanitary
221 drainage or storm drainage facilities, water and sewer plants
222 and substations, venting systems, public or private water supply
223 systems, septic tanks, drainage and supply wells, swimming pool
224 piping, irrigation systems, and solar heating water systems and
225 all appurtenances, apparatus, or equipment used in connection

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

226 therewith, including boilers and pressure process piping and
227 including the installation of water, natural gas, liquefied
228 petroleum gas and related venting, and storm and sanitary sewer
229 lines. The scope of work of the plumbing contractor also
230 includes the design, if not prohibited by law, and installation,
231 maintenance, repair, alteration, or extension of air-piping,
232 vacuum line piping, oxygen line piping, nitrous oxide piping,
233 and all related medical gas systems; fire line standpipes and
234 fire sprinklers if authorized by law; ink and chemical lines;
235 fuel oil and gasoline piping and tank and pump installation,
236 except bulk storage plants; and pneumatic control piping
237 systems, all in a manner that complies with all plans,
238 specifications, codes, laws, and regulations applicable. The
239 scope of work of the plumbing contractor applies to private
240 property and public property, including any excavation work
241 incidental thereto, and includes the work of the specialty
242 plumbing contractor. Such contractor shall subcontract, with a
243 qualified contractor in the field concerned, all other work
244 incidental to the work but which is specified as being the work
245 of a trade other than that of a plumbing contractor. This
246 definition does not limit the scope of work of any specialty
247 contractor certified pursuant to s. 489.113(6), and does not
248 require certification or registration under this part for a
249 category I liquefied petroleum gas dealer, LP gas installer, or
250 specialty installer who is licensed under chapter 527 or an ~~of~~
251 any authorized employee of a public natural gas utility or of a

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

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

259 Section 7. Paragraph (b) of subsection (4) of section
260 489.115, Florida Statutes, is amended to read:

261 489.115 Certification and registration; endorsement;
262 reciprocity; renewals; continuing education.—

263 (4)

264 (b)1. Each certificateholder or registrant shall provide
265 proof, in a form established by rule of the board, that the
266 certificateholder or registrant has completed at least 14
267 classroom hours of at least 50 minutes each of continuing
268 education courses during each biennium since the issuance or
269 renewal of the certificate or registration. The board shall
270 establish by rule that a portion of the required 14 hours must
271 deal with the subject of workers' compensation, business
272 practices, workplace safety, and, for applicable licensure
273 categories, wind mitigation methodologies, and 1 hour of which
274 must deal with laws and rules. The board shall by rule establish
275 criteria for the approval of continuing education courses and
276 providers, including requirements relating to the content of
277 courses and standards for approval of providers, and may by rule

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

278 establish criteria for accepting alternative nonclassroom
279 continuing education on an hour-for-hour basis. The board shall
280 prescribe by rule the continuing education, if any, which is
281 required during the first biennium of initial licensure. A
282 person who has been licensed for less than an entire biennium
283 must not be required to complete the full 14 hours of continuing
284 education.

285 2. In addition, the board may approve specialized
286 continuing education courses on compliance with the wind
287 resistance provisions for one and two family dwellings contained
288 in the Florida Building Code and any alternate methodologies for
289 providing such wind resistance which have been approved for use
290 by the Florida Building Commission. Division I
291 certificateholders or registrants who demonstrate proficiency
292 upon completion of such specialized courses may certify plans
293 and specifications for one and two family dwellings to be in
294 compliance with the code or alternate methodologies, as
295 appropriate, except for dwellings located in floodways or
296 coastal hazard areas as defined in ss. 60.3D and E of the
297 National Flood Insurance Program.

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

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

304 Section 8. Subsections (2) and (3) of section 489.1401,
305 Florida Statutes, are amended to read:

306 489.1401 Legislative intent.—

307 (2) It is the intent of the Legislature that the sole
308 purpose of the Florida Homeowners' Construction Recovery Fund is
309 to compensate an ~~any~~ aggrieved claimant who contracted for the
310 construction or improvement of the homeowner's residence located
311 within this state and who has obtained a final judgment in a a ~~any~~
312 court of competent jurisdiction, was awarded restitution by the
313 Construction Industry Licensing Board, or received an award in
314 arbitration against a licensee on grounds of financial
315 mismanagement or misconduct, abandoning a construction project,
316 or making a false statement with respect to a project. Such
317 grievance must arise ~~and arising~~ directly out of a ~~any~~
318 transaction conducted when the judgment debtor was licensed and
319 must involve an act ~~performed any of the activities~~ enumerated
320 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence~~.

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

324 Section 9. Paragraphs (d), (i), (k), and (l) of subsection
325 (1) of section 489.1402, Florida Statutes, are amended to read:

326 489.1402 Homeowners' Construction Recovery Fund;
327 definitions.—

328 (1) The following definitions apply to ss. 489.140-
329 489.144:

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

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

333 (i) "Residence" means a single-family residence, an
334 individual residential condominium or cooperative unit, or a
335 residential building containing not more than two residential
336 units in which the owner contracting for the improvement is
337 residing or will reside 6 months or more each calendar year upon
338 completion of the improvement.

339 (k) "Same transaction" means a contract, or a any series
340 of contracts, between a claimant and a contractor or qualified
341 business, when such contract or contracts involve the same
342 property or contiguous properties and are entered into either at
343 one time or serially.

344 (l) "Valid and current license," for the purpose of s.
345 489.141(2) (d), means a any license issued pursuant to this part
346 to a licensee, including a license in an active, inactive,
347 delinquent, or suspended status.

348 Section 10. Subsections (1) and (2) of section 489.141,
349 Florida Statutes, are amended to read:

350 489.141 Conditions for recovery; eligibility.—

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

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

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

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

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

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

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

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

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

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

Amendment No. 1

382 property pursuant to such execution was insufficient to satisfy
383 the judgment;

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

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

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

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

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

407 (2) A claimant is not qualified to make a claim for

Amendment No. 1

408 recovery from the recovery fund, if:

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

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

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

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

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

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

424 ~~(f)(g)~~ The claimant has entered into a contract ~~contracted~~
425 with a licensee to perform a scope of work described in s.
426 489.105(3)(d)-(q) before July 1, 2015 ~~s. 489.105(3)(d)-(p).~~

427 Section 11. Subsection (1) of section 489.1425, Florida
428 Statutes, is amended to read:

429 489.1425 Duty of contractor to notify residential property
430 owner of recovery fund.—

431 (1) Each ~~Any~~ agreement or contract for repair,
432 restoration, improvement, or construction to residential real
433 property must contain a written statement explaining the

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Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

434 consumer's rights under the recovery fund, except where the
435 value of all labor and materials does not exceed \$2,500. The
436 written statement must be substantially in the following form:

437

438 FLORIDA HOMEOWNERS' CONSTRUCTION

439 RECOVERY FUND

440

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

448

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

451 Section 12. Section 489.143, Florida Statutes, is amended
452 to read:

453 489.143 Payment from the fund.—

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

456 (2) A ~~Any~~ claimant who meets all of the conditions
457 prescribed in s. 489.141 may apply to the board to cause payment
458 to be made to a claimant from the recovery fund in an amount
459 equal to the judgment, award, or restitution order or \$25,000,

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

460 whichever is less, or an amount equal to the unsatisfied portion
461 of such person's judgment, award, or restitution order, but only
462 to the extent and amount of actual damages suffered by the
463 claimant, and only up to the maximum payment allowed for each
464 respective Division I and Division II claim. Payment from the
465 fund for other costs related to or pursuant to civil proceedings
466 such as postjudgment interest, attorney ~~attorney's~~ fees, court
467 costs, medical damages, and punitive damages is prohibited. The
468 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
469 or a restitution order, or any portion thereof, which is not
470 expressly based on one of the grounds for recovery set forth in
471 s. 489.141.

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

479 (4) ~~(3)~~ Upon receipt by a claimant under subsection (2) of
480 payment from the recovery fund, the claimant shall assign his or
481 her additional right, title, and interest in the judgment,
482 award, or restitution order, to the extent of such payment, to
483 the board, and thereupon the board shall be subrogated to the
484 right, title, and interest of the claimant; and any amount
485 subsequently recovered on the judgment, award, or restitution

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

486 order, to the extent of the right, title, and interest of the
487 board therein, shall be for the purpose of reimbursing the
488 recovery fund.

489 (5)~~(4)~~ Payments for claims arising out of the same
490 transaction shall be limited, in the aggregate, to the lesser of
491 the judgment, award, or restitution order or the maximum payment
492 allowed for a Division I or Division II claim, regardless of the
493 number of claimants involved in the transaction.

494 (6)~~(5)~~ For contracts entered into before July 1, 2004,
495 payments for claims against any one licensee may ~~shall~~ not
496 exceed, in the aggregate, \$100,000 annually, up to a total
497 aggregate of \$250,000. For any claim approved by the board which
498 is in excess of the annual cap, the amount in excess of \$100,000
499 up to the total aggregate cap of \$250,000 is eligible for
500 payment in the next and succeeding fiscal years, but only after
501 all claims for the then-current calendar year have been paid.
502 Payments may not exceed the aggregate annual or per claimant
503 limits under law. Beginning January 1, 2005, for each Division I
504 contract entered into after July 1, 2004, payment from the
505 recovery fund is subject only to a total aggregate cap of
506 \$500,000 for each Division I licensee. Beginning January 1,
507 2016, for each Division II contract entered into on or after
508 July 1, 2015, payment from the recovery fund is subject only to
509 a total aggregate cap of \$150,000 for each Division II licensee.

510 (7)~~(6)~~ Claims shall be paid in the order filed, up to the
511 aggregate limits for each transaction and licensee and to the

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Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

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

516 (8)~~(7)~~ If the annual appropriation is exhausted with
517 claims pending, such claims shall be carried forward to the next
518 fiscal year. Any moneys in excess of pending claims remaining in
519 the recovery fund at the end of the fiscal year shall be paid as
520 provided in s. 468.631.

521 (9)~~(8)~~ Upon the payment of any amount from the recovery
522 fund in settlement of a claim in satisfaction of a judgment,
523 award, or restitution order against a licensee as described in
524 s. 489.141, the license of such licensee shall be automatically
525 suspended, without further administrative action, upon the date
526 of payment from the fund. The license of such licensee may ~~shall~~
527 not be reinstated until he or she has repaid in full, plus
528 interest, the amount paid from the fund. A discharge of
529 bankruptcy does not relieve a person from the penalties and
530 disabilities provided in this section.

531 (10)~~(9)~~ A ~~Any~~ firm, a corporation, a partnership, or an
532 association, or a ~~any~~ person acting in his or her individual
533 capacity, who aids, abets, solicits, or conspires with another
534 ~~any~~ person to knowingly present or cause to be presented a ~~any~~
535 false or fraudulent claim for the payment of a loss under this
536 act commits ~~is guilty of~~ a third-degree felony, punishable as
537 provided in s. 775.082 or s. 775.084 and by a fine of up to ~~not~~

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

538 ~~exceeding~~ \$30,000, unless the value of the fraud exceeds that
539 amount, \$30,000 in which event the fine may not exceed double
540 the value of the fraud.

541 ~~(11)-(10)~~ Each payment ~~All payments~~ and disbursement
542 ~~disbursements~~ from the recovery fund shall be made by the Chief
543 Financial Officer upon a voucher signed by the secretary of the
544 department or the secretary's designee.

545 Section 13. Subsection (24) is added to section 489.503,
546 Florida Statutes, to read:

547 489.503 Exemptions.—This part does not apply to:

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

552 Section 14. Subsection (6) of section 489.517, Florida
553 Statutes, is amended to read:

554 489.517 Renewal of certificate or registration; continuing
555 education.—

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

562 Section 15. Subsection (3) of section 514.011, Florida
563 Statutes, is amended to read:

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

564 514.011 Definitions.—As used in this chapter:

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

573 Section 16. Subsection (3) of section 514.0115, Florida
574 Statutes, is amended to read:

575 514.0115 Exemptions from supervision or regulation;
576 variances.—

577 (3) A private pool used for instructional purposes in
578 swimming may ~~shall~~ not be regulated as a public pool. A portable
579 pool used for instructional purposes or in furtherance of an
580 approved educational program may not be regulated as a public
581 pool.

582 Section 17. Subsection (5) of 514.031, Florida Statutes,
583 is amended, to read:

584 (5) An owner or operator of a public swimming pool,
585 including, but not limited to, a spa, wading, or special purpose
586 pool, to which admittance is obtained by membership for a fee
587 shall post in a prominent location within the facility the most
588 recent pool inspection report issued by the department
589 pertaining to the health and safety conditions of such facility.

Amendment No. 1

590 The report shall be legible and readily accessible to members or
591 potential members. The department shall adopt rules to enforce
592 this subsection. A portable pool may not be used as a public
593 pool, unless it is exempt under s. 514.0115.

594 Section 18. Subsection (2) of section 553.512, Florida
595 Statutes, is amended to read:

596 553.512 Modifications and waivers; advisory council.—

597 (2) The Accessibility Advisory Council shall consist of
598 the following seven members, who shall be knowledgeable in the
599 area of accessibility for persons with disabilities. The
600 Secretary of Business and Professional Regulation shall appoint
601 the following: a representative from the Advocacy Center for
602 Persons with Disabilities, Inc.; a representative from the
603 Division of Blind Services; a representative from the Division
604 of Vocational Rehabilitation; a representative from a statewide
605 organization representing the physically handicapped; a
606 representative from the hearing impaired; a representative from
607 the Pensacola Pen Wheels Inc. Employ the Handicapped Council
608 ~~President, Florida Council of Handicapped Organizations~~; and a
609 representative of the Paralyzed Veterans of America. The terms
610 for the first three council members appointed subsequent to
611 October 1, 1991, shall be for 4 years, the terms for the next
612 two council members appointed shall be for 3 years, and the
613 terms for the next two members shall be for 2 years. Thereafter,
614 all council member appointments shall be for terms of 4 years.
615 No council member shall serve more than two 4-year terms

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

616 subsequent to October 1, 1991. Any member of the council may be
617 replaced by the secretary upon three unexcused absences. Upon
618 application made in the form provided, an individual waiver or
619 modification may be granted by the commission so long as such
620 modification or waiver is not in conflict with more stringent
621 standards provided in another chapter.

622 Section 19. Section 553.721, Florida Statutes, is amended
623 to read:

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

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

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

667 Section 20. Subsections (11) and (15) of section 553.73,

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

668 Florida Statutes, are amended, and subsection (19) is added to
669 that section, to read:

670 553.73 Florida Building Code.—

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

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

Amendment No. 1

694 Prevention Code, and the local building official regarding
695 application, interpretation, or enforcement of the Florida
696 Building Code, or the appropriate application of either or both
697 codes in the case of a conflict between the codes, may be
698 appealed to a local administrative board designated by the
699 municipality, county, or special district having firesafety
700 responsibilities. If the decision of the local fire official and
701 the local building official is to apply the provisions of either
702 the Florida Building Code or the Florida Fire Prevention Code
703 and the Life Safety Code, the board may not alter the decision
704 unless the board determines that the application of such code is
705 not reasonable. If the decision of the local fire official and
706 the local building official is to adopt an alternative to the
707 codes, the local administrative board shall give due regard to
708 the decision rendered by the local officials and may modify that
709 decision if the administrative board adopts a better
710 alternative, taking into consideration all relevant
711 circumstances. In any case in which the local administrative
712 board adopts alternatives to the decision rendered by the local
713 fire official and the local building official, such alternatives
714 shall provide an equivalent degree of lifesafety and an
715 equivalent method of construction as the decision rendered by
716 the local officials.

717 (c) If the local building official and the local fire
718 official are unable to agree on a resolution of the conflict
719 between the Florida Building Code and the Florida Fire

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

720 Prevention Code and the Life Safety Code, the local
721 administrative board shall resolve the conflict in favor of the
722 code which offers the greatest degree of lifesafety or
723 alternatives which would provide an equivalent degree of
724 lifesafety and an equivalent method of construction.

725 (d) All decisions of the local administrative board, or if
726 none exists, the decisions of the local building official and
727 the local fire official in regard to the application,
728 enforcement, or interpretation of the Florida Fire Prevention
729 Code, or conflicts between the Florida Fire Prevention Code and
730 the Florida Building Code, are subject to review by a joint
731 committee composed of members of the Florida Building Commission
732 and the Fire Code Advisory Council. If the joint committee is
733 unable to resolve conflicts between the codes as applied to a
734 specific project, the matter shall be resolved pursuant to the
735 provisions of paragraph (1)(d). Decisions of the local
736 administrative board solely in regard to the provisions of the
737 Florida Building Code are subject to review as set forth in s.
738 553.775.

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

742 (f) All decisions of the local building official and local
743 fire official and all decisions of the administrative board
744 shall be in writing and shall be binding upon a person but do
745 not limit the authority of the State Fire Marshal or the Florida

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

746 Building Commission pursuant to paragraph (1)(d) and ss. 633.104
747 and 633.228. Decisions of general application shall be indexed
748 by building and fire code sections and shall be available for
749 inspection during normal business hours.

750 (15) An agency or local government may not require that
751 existing mechanical equipment located on or above the surface of
752 a roof be installed in compliance with the requirements of the
753 Florida Building Code except during reroofing when the equipment
754 is being replaced or moved ~~during reroofing~~ and is not in
755 compliance with the provisions of the Florida Building Code
756 relating to roof-mounted mechanical units.

757 (20) The Florida Building Code may not require more than
758 one fire service access elevator in residential occupancies
759 where the highest occupiable floor is less than 420 feet above
760 the level of fire service access and all remaining elevators are
761 provided with Phase I and II emergency operations. Where fire
762 service access elevators are required, a one hour fire-rated
763 fire service access elevator lobby with direct access from the
764 fire service access elevators shall not be required when the
765 fire service access elevators open into an exit access corridor
766 which can be no less than six feet wide for its entire length
767 that is a minimum of 150 square feet with the exception of door
768 openings, and has a minimum one-hour fire rating with three
769 quarter hour fire and smoke rated openings; and during a fire
770 event the fire service access elevators are pressurized and
771 floor-to-floor smoke control is provided. However, where

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

772 transient residential occupancies occur at floor levels above
773 420 feet above the level of fire service access, a one hour
774 fire-rated fire service access elevator lobby with direct access
775 from the fire service access elevators shall be required. The
776 requirement for a second fire service access elevator shall not
777 considered to be a part of the Florida Building Code, and
778 therefore, shall not take effect, until July 1, 2016.

779 Section 21. Paragraph (c) of subsection (3) of section
780 553.775, Florida Statutes, is amended to read:

781 553.775 Interpretations.—

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

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

792 1. The commission shall coordinate with the Building
793 Officials Association of Florida, Inc., to designate a panel
794 ~~panels~~ composed of seven ~~five~~ members to hear requests to review
795 decisions of local building officials. Five ~~The~~ members must be
796 licensed as building code administrators under part XII of
797 chapter 468, one member must be licensed as an architect under

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Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

798 chapter 481, and one member must be licensed as an engineer
799 under chapter 471. Each member ~~and~~ must have experience
800 interpreting ~~or~~ ~~and~~ enforcing provisions of the Florida Building
801 Code and the Florida Accessibility Code for Building
802 Construction.

803 2. Requests to review a decision of a local building
804 official interpreting provisions of the Florida Building Code or
805 the Florida Accessibility Code for Building Construction may be
806 initiated by any substantially affected person, including an
807 owner or builder subject to a decision of a local building
808 official or an association of owners or builders having members
809 who are subject to a decision of a local building official. In
810 order to initiate review, the substantially affected person must
811 file a petition with the commission. The commission shall adopt
812 a form for the petition, which shall be published on the
813 Building Code Information System. The form shall, at a minimum,
814 require the following:

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

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

821 c. The name, address, and telephone number of the
822 petitioner; the name, address, and telephone number of the
823 petitioner's representative, if any; and an explanation of how

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

824 the petitioner's substantial interests are being affected by the
825 local interpretation of the Florida Building Code or the Florida
826 Accessibility Code for Building Construction.

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

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

834 f. A statement of the interpretation that the petitioner
835 contends should be given to the provisions of the Florida
836 Building Code or the Florida Accessibility Code for Building
837 Construction and a statement supporting the petitioner's
838 interpretation.

839 g. Space for the local building official to respond in
840 writing. The space shall, at a minimum, require the local
841 building official to respond by providing a statement admitting
842 or denying the statements contained in the petition and a
843 statement of the interpretation of the provisions of the Florida
844 Building Code or the Florida Accessibility Code for Building
845 Construction which the local jurisdiction or the local building
846 official contends is correct, including the basis for the
847 interpretation.

848 3. The petitioner shall submit the petition to the local
849 building official, who shall place the date of receipt on the

Amendment No. 1

850 petition. The local building official shall respond to the
851 petition in accordance with the form and shall return the
852 petition along with his or her response to the petitioner within
853 5 days after receipt, exclusive of Saturdays, Sundays, and legal
854 holidays. The petitioner may file the petition with the
855 commission at any time after the local building official
856 provides a response. If no response is provided by the local
857 building official, the petitioner may file the petition with the
858 commission 10 days after submission of the petition to the local
859 building official and shall note that the local building
860 official did not respond.

861 4. Upon receipt of a petition that meets the requirements
862 of subparagraph 2., the commission shall immediately provide
863 copies of the petition to the a panel, and the commission shall
864 publish the petition, including any response submitted by the
865 local building official, on the Building Code Information System
866 in a manner that allows interested persons to address the issues
867 by posting comments.

868 5. The panel shall conduct proceedings as necessary to
869 resolve the issues; shall give due regard to the petitions, the
870 response, and to comments posed on the Building Code Information
871 System; and shall issue an interpretation regarding the
872 provisions of the Florida Building Code or the Florida
873 Accessibility Code for Building Construction within 21 days
874 after the filing of the petition. The panel shall render a
875 determination based upon the Florida Building Code or the

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

876 Florida Accessibility Code for Building Construction or, if the
877 code is ambiguous, the intent of the code. The panel's
878 interpretation shall be provided to the commission, which shall
879 publish the interpretation on the Building Code Information
880 System and in the Florida Administrative Register. The
881 interpretation shall be considered an interpretation entered by
882 the commission, and shall be binding upon the parties and upon
883 all jurisdictions subject to the Florida Building Code or the
884 Florida Accessibility Code for Building Construction, unless it
885 is superseded by a declaratory statement issued by the Florida
886 Building Commission or by a final order entered after an appeal
887 proceeding conducted in accordance with subparagraph 7.

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

893 7. Any substantially affected person may appeal an
894 interpretation rendered by the ~~a hearing officer~~ panel by filing
895 a petition with the commission. Such appeals shall be initiated
896 in accordance with chapter 120 and the uniform rules of
897 procedure and must be filed within 30 days after publication of
898 the interpretation on the Building Code Information System or in
899 the Florida Administrative Register. Hearings shall be conducted
900 pursuant to chapter 120 and the uniform rules of procedure.
901 Decisions of the commission are subject to judicial review

Amendment No. 1

902 pursuant to s. 120.68. The final order of the commission is
903 binding upon the parties and upon all jurisdictions subject to
904 the Florida Building Code or the Florida Accessibility Code for
905 Building Construction.

906 8. The burden of proof in any proceeding initiated in
907 accordance with subparagraph 7. is on the party who initiated
908 the appeal.

909 9. In any review proceeding initiated in accordance with
910 this paragraph, including any proceeding initiated in accordance
911 with subparagraph 7., the fact that an owner or builder has
912 proceeded with construction may not be grounds for determining
913 an issue to be moot if the issue is one that is likely to arise
914 in the future.

915

916 This paragraph provides the exclusive remedy for addressing
917 requests to review local interpretations of the Florida Building
918 Code or the Florida Accessibility Code for Building Construction
919 and appeals from review proceedings.

920 Section 22. Subsection (6) of section 553.79, Florida
921 Statutes, is amended to read:

922 553.79 Permits; applications; issuance; inspections.—

923 (6) A permit may not be issued for any building
924 construction, erection, alteration, modification, repair, or
925 addition unless the applicant for such permit complies with the
926 requirements for plan review established by the Florida Building
927 Commission within the Florida Building Code. However, the code

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

928 shall set standards and criteria to authorize preliminary
929 construction before completion of all building plans review,
930 including, but not limited to, special permits for the
931 foundation only, and such standards shall take effect concurrent
932 with the first effective date of the Florida Building Code.
933 After submittal of the appropriate construction documents, the
934 building official is authorized to issue a permit for the
935 construction of foundations or any other part of a building or
936 structure before the construction documents for the whole
937 building or structure have been submitted. The holder of such
938 permit for the foundation or other parts of a building or
939 structure shall proceed at the holder's own risk with the
940 building operation and without assurance that a permit for the
941 entire structure will be granted. Corrections may be required to
942 meet the requirements of the technical codes.

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

945 553.841 Building code compliance and mitigation program.—

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

951 ~~(7) The Florida Building Commission shall provide by rule~~
952 ~~for the accreditation of courses related to the Florida Building~~
953 ~~Code by accreditors approved by the commission. The commission~~

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

954 ~~shall establish qualifications of accreditors and criteria for~~
955 ~~the accreditation of courses by rule. The commission may revoke~~
956 ~~the accreditation of a course by an accreditor if the~~
957 ~~accreditation is demonstrated to violate this part or the rules~~
958 ~~of the commission.~~

959 Section 24. Paragraph (a) of subsection (8) of section
960 553.842, Florida Statutes, is amended to read:

961 553.842 Product evaluation and approval.—

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

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

977 Section 25. Section 553.883, Florida Statutes, is amended
978 to read:

979 553.883 Smoke alarms in one-family and two-family

Amendment No. 1

980 dwellings and townhomes.—One-family and two-family dwellings and
981 townhomes undergoing a repair, or a level 1 alteration as
982 defined in the Florida Building Code, may use smoke alarms
983 powered by 10-year nonremovable, nonreplaceable batteries in
984 lieu of retrofitting such dwelling with smoke alarms powered by
985 the dwelling's electrical system. Effective January 1, 2015, a
986 battery-powered smoke alarm that is newly installed or replaces
987 an existing battery-powered smoke alarm must be powered by a
988 nonremovable, nonreplaceable battery that powers the alarm for
989 at least 10 years. The battery requirements of this section do
990 not apply to a fire alarm, smoke detector, smoke alarm, or
991 ancillary component that is electronically connected as a part
992 of a centrally monitored or supervised alarm system; that uses a
993 low-power, radio frequency wireless communication signal; or
994 that contains multiple sensors, such as a smoke alarm combined
995 with a carbon monoxide alarm or other devices as the State Fire
996 Marshal designates through its regulatory process.

997 Section 26. Section 553.908, Florida Statutes, is amended
998 to read:

999 553.908 Inspection.—Before construction or renovation is
1000 completed, the local enforcement agency shall inspect buildings
1001 for compliance with the standards of this part. Notwithstanding
1002 any other provision of the code or law, specific section
1003 R402.4.1 of the new 5th Edition (2014) of the Florida Building
1004 Code, Energy Conservation, which is scheduled to become
1005 effective on June 30, 2015, shall not be adopted or become

Amendment No. 1

1006 effective in Florida. Instead, section 402-4.2 of the 2010
1007 Florida Building Code, Energy Conservation, relating to air
1008 sealing and insulation, in effect prior to June 30, 2015, shall
1009 govern and remain applicable and in effect in Florida after June
1010 30, 2015. Additionally, no state or local enforcement agency or
1011 code official, shall require any type of mandatory blower door
1012 test or air infiltration test to determine specific air
1013 infiltration levels or air leakage rates in a residential
1014 building or dwelling unit and no state or local enforcement
1015 agency or code official shall require the installation of any
1016 mechanical ventilation devices designed to filter outside air
1017 through an HVAC system as a condition of a permit or to
1018 determine compliance with the code.

1019 Section 27. Subsections (17) and (18) are added to section
1020 633.202, Florida Statutes, to read:

1021 633.202 Florida Fire Prevention Code.—

1022 (17) In all new high-rise and existing high-rise
1023 buildings, minimum radio signal strength for fire department
1024 communications shall be maintained at a level determined by the
1025 authority having jurisdiction. Existing buildings may not be
1026 required to comply with minimum radio strength for fire
1027 department communications and two-way radio system enhancement
1028 communications as required by the Florida Fire Prevention Code
1029 until January 1, 2022. However, by December 31, 2019, an
1030 existing building that is not in compliance with the
1031 requirements for minimum radio strength for fire department

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

1032 communications must initiate an application for an appropriate
1033 permit for the required installation with the local government
1034 agency having jurisdiction and must demonstrate that the
1035 building will become compliant by January 1, 2022. Existing
1036 apartment buildings may not be required to comply until January
1037 1, 2025. However, existing apartment buildings are required to
1038 initiate the appropriate permit for the required communications
1039 installation by December 31, 2022.

1040 (18) Areas of refuge shall be provided when required by
1041 the Florida Building Code-Accessibility. Required portions of an
1042 area of refuge shall be accessible from the space they serve by
1043 an accessible means of egress.

1044 Section 28. Subsection (5) is added to section 633.206,
1045 Florida Statutes, to read:

1046 633.206 Uniform firesafety standards—The Legislature
1047 hereby determines that to protect the public health, safety, and
1048 welfare it is necessary to provide for firesafety standards
1049 governing the construction and utilization of certain buildings
1050 and structures. The Legislature further determines that certain
1051 buildings or structures, due to their specialized use or to the
1052 special characteristics of the person utilizing or occupying
1053 these buildings or structures, should be subject to firesafety
1054 standards reflecting these special needs as may be appropriate.

1055 (5) The home environment provisions enumerated in the most
1056 current edition of the codes adopted by the division may be
1057 applied to existing assisted living facilities notwithstanding

071431 - h0915-strike.docx

Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

1058 the edition of the codes applied at the time of construction.

1059 Section 29. Subsection (5) of section 633.208, Florida
1060 Statutes, is amended to read:

1061 633.208 Minimum firesafety standards.—

1062 (5) With regard to existing buildings, the Legislature
1063 recognizes that it is not always practical to apply any or all
1064 of the provisions of the Florida Fire Prevention Code and that
1065 physical limitations may require disproportionate effort or
1066 expense with little increase in fire or life safety. Prior to
1067 applying the minimum firesafety code to an existing building,
1068 the local fire official shall determine that a threat to
1069 lifesafety or property exists. If a threat to lifesafety or
1070 property exists, the fire official shall apply the applicable
1071 firesafety code for existing buildings to the extent practical
1072 to assure a reasonable degree of lifesafety and safety of
1073 property or the fire official shall fashion a reasonable
1074 alternative which affords an equivalent degree of lifesafety and
1075 safety of property. The fire official may consider the Fire
1076 Safety Evaluation System found in NFPA 101A, Alternative
1077 Solutions to Life Safety, current edition adopted by the State
1078 Fire Marshal, as an acceptable tool to identify low cost
1079 alternatives. It is acceptable to use the Fire Safety Evaluation
1080 System for Board and Care Facilities using "prompt" evacuation
1081 capabilities parameter values on existing residential high-rise
1082 buildings. The decision of the local fire official may be
1083 appealed to the local administrative board described in s.

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Amendment No. 1

1084 553.73.

1085 Section 30. Section 633.336, Florida Statutes, is amended
1086 to read:

1087 633.336 Contracting without certificate prohibited;
1088 violations; penalty.—

1089 (1) It is unlawful for any organization or individual to
1090 engage in the business of layout, fabrication, installation,
1091 inspection, alteration, repair, or service of a fire protection
1092 system, other than a preengineered system, act in the capacity
1093 of a fire protection contractor, or advertise itself as being a
1094 fire protection contractor without having been duly certified
1095 and holding a valid and existing certificate, except as
1096 hereinafter provided. The holder of a certificate used to
1097 qualify an organization must be a full-time employee of the
1098 qualified organization or business. A certificateholder who is
1099 employed by more than one fire protection contractor during the
1100 same time is deemed not to be a full-time employee of either
1101 contractor. The State Fire Marshal shall revoke, for a period
1102 determined by the State Fire Marshal, the certificate of a
1103 certificateholder who allows the use of the certificate to
1104 qualify a company of which the certificateholder is not a full-
1105 time employee. A contractor who maintains more than one place of
1106 business must employ a certificateholder at each location. This
1107 subsection does not prohibit an employee acting on behalf of
1108 governmental entities from inspecting and enforcing firesafety
1109 codes, provided such employee is certified under s. 633.216.

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Amendment No. 1

1110 (2) A fire protection contractor certified under this
1111 chapter may not:

1112 (a) Enter into a written or oral agreement to authorize,
1113 or otherwise knowingly allow, a contractor who is not certified
1114 under this chapter to engage in the business of, or act in the
1115 capacity of, a fire protection contractor.

1116 (b) Apply for or obtain a construction permit for fire
1117 protection work unless the fire protection contractor or the
1118 business organization qualified by the fire protection
1119 contractor has contracted to conduct the work specified in the
1120 application for the permit.

1121 (3) The Legislature recognizes that special expertise is
1122 required for fire pump control panels and maintenance of
1123 electric and diesel pump drivers and that it is not economically
1124 feasible for all contractors to employ these experts full-time
1125 whose work may be limited. It is therefore deemed acceptable for
1126 a fire protection contractor properly licensed under Chapter 633
1127 to subcontract to companies providing advanced technical
1128 services for installing, servicing and maintaining fire pump
1129 control panels and fire pump drivers. To ensure that integrity
1130 of the system and protecting the interests of the property
1131 owner, those providing technical support services for fire pump
1132 control panels and drivers must be under contract with a
1133 properly licensed fire protection contractor.

1134 (4)~~(3)~~ A person who violates any provision of this act or
1135 commits any of the acts constituting cause for disciplinary

Amendment No. 1

1136 action as herein set forth commits a misdemeanor of the second
1137 degree, punishable as provided in s. 775.082 or s. 775.083.

1138 ~~(5)-(4)~~ In addition to the penalties provided in subsection
1139 (3), a fire protection contractor certified under this chapter
1140 who violates any provision of this section or who commits any
1141 act constituting cause for disciplinary action is subject to
1142 suspension or revocation of the certificate and administrative
1143 fines pursuant to s. 633.338.

1144 Section 31. The Calder Sloan Swimming Pool Electrical-
1145 Safety Task Force.-There is established within the Florida
1146 Building Commission the Calder Sloan Swimming Pool Electrical-
1147 Safety Task Force.

1148 (1) The purpose of the task force is to study standards on
1149 grounding, bonding, lighting, wiring, and all electrical aspects
1150 for safety in and around public and private swimming pools,
1151 especially with regard to minimizing risks of electrocutions
1152 linked to swimming pools. The task force shall submit a report
1153 on its findings, including recommended revisions to the Florida
1154 Statutes, if any, to the Governor, the President of the Senate,
1155 and the Speaker of the House of Representatives by November 1,
1156 2015.

1157 (2) The task force shall consist of the Swimming Pool and
1158 Electrical Technical Advisory Committees of the Florida Building
1159 Commission.

1160 (3) The task force shall be chaired by the Swimming Pool
1161 Contractor appointed to the Florida Building Commission pursuant

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Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

1162 to s. 553.74, Florida Statutes.

1163 (4) The Florida Building Commission shall provide such
1164 staff, information, and other assistance as is reasonably
1165 necessary to assist the task force in carrying out its
1166 responsibilities.

1167 (5) Members of the task force shall serve without
1168 compensation.

1169 (6) The task force shall meet as often as necessary to
1170 fulfill its responsibilities and meetings may be conducted by
1171 conference call, teleconferencing, or similar technology.

1172 (7) This section expires December 31, 2015.

1173 Section 32. This act shall take effect July 1, 2015.

1174

1175 -----

1176

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

1177

Remove everything before the enacting clause and insert:

1178

A bill to be entitled

1179

An act relating to building codes; amending s.

1180

468.609, F.S.; revising the certification examination

1181

requirements for building code inspectors, plans

1182

examiners, and building code administrators; requiring

1183

the Florida Building Code Administrators and

1184

Inspectors Board to provide for issuance of certain

1185

provisional certificates; amending ss. 468.627,

1186

471.0195, 481.215, and 481.313, F.S.; requiring a

1187

licensee or certificateholder to undergo code-related

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 915 (2015)

Amendment No. 1

1188 training as part of his or her continuing education
1189 courses; amending s. 489.105, F.S.; revising the term
1190 "plumbing contractor"; amending s. 489.115, F.S.;
1191 requiring a certificateholder or registrant to undergo
1192 code-related training as part of his or her continuing
1193 education requirements; amending s. 489.1401, F.S.;
1194 revising legislative intent with respect to the
1195 purpose of the Florida Homeowners' Construction
1196 Recovery Fund; providing legislative intent that
1197 Division II contractors set apart funds to participate
1198 in the fund; amending s. 489.1402, F.S.; revising
1199 terms; amending s. 489.141, F.S.; authorizing certain
1200 claimants to make a claim against the recovery fund
1201 for certain contracts entered into before a specified
1202 date; amending s. 489.1425, F.S.; revising a
1203 notification provided by contractors to certain
1204 residential property owners to state that payment from
1205 the recovery fund is limited; amending s. 489.143,
1206 F.S.; revising provisions concerning payments from the
1207 recovery fund; specifying claim amounts for certain
1208 contracts entered into before or after specified
1209 dates; providing aggregate caps for payments; amending
1210 s. 489.503, F.S.; exempting certain low-voltage
1211 landscape lighting from licensed electrical contractor
1212 installation requirements; amending s. 489.517, F.S.;
1213 requiring a certificateholder or registrant to undergo

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 915 (2015)

Amendment No. 1

1214 code-related training as part of his or her continuing
1215 education requirements; amending s. 514.011, F.S.;
1216 revising the term "private pool"; amending s.
1217 514.0115, F.S.; prohibiting a portable pool from being
1218 regulated as a public pool in certain circumstances;
1219 amending s. 514.031, F.S.; providing that a portable
1220 pool may not be used as a public pool, unless it is
1221 exempt under s. 514.0115; amending s. 553.512, F.S.;
1222 replacing a representative on the Accessibility
1223 Advisory Council; amending s. 553.721, F.S.; amending
1224 s. 553.721, F.S.; directing the Florida Building Code
1225 Compliance and Mitigation Program to fund, from
1226 existing resources, the recommendations made by the
1227 Building Code System Uniform Implementation Evaluation
1228 Workgroup; providing a limitation; requiring that a
1229 specified amount of funds from the surcharge be used
1230 to fund certain Florida Fire Prevention Code informal
1231 interpretations; requiring the State Fire Marshal to
1232 adopt specified rules; amending s. 553.73, F.S.;
1233 authorizing local boards created to address specified
1234 issues to combine the appeals boards to create a
1235 single, local board; authorizing the local board to
1236 grant alternatives or modifications through specified
1237 procedures; requiring at least one member of a board
1238 to be a fire protection contractor, a fire protection
1239 design professional, a fire department operations

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Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

1240 professional, or a fire code enforcement professional
1241 in order to meet a specified quorum requirement;
1242 authorizing the appeal to a local administrative board
1243 of specified decisions made by a local fire official;
1244 specifying the decisions of the local building
1245 official and the local fire official which are subject
1246 to review; providing that an agency or local
1247 government may not require that existing mechanical
1248 equipment located on or above the surface of a roof be
1249 installed in compliance with the Florida Building Code
1250 under certain circumstances; prohibiting the Florida
1251 Building Code from requiring more than one fire access
1252 elevator in certain buildings; prohibiting a 1-hour
1253 fire-rated fire service access elevator lobby from
1254 being required in certain circumstances; requiring a
1255 1-hour fire-related fire service access elevator lobby
1256 in certain circumstances; providing that the
1257 requirement for a second fire service access elevator
1258 is not considered to be part of the Florida Building
1259 Code; amending s. 553.775, F.S.; revising a panel that
1260 hears requests to review decisions of local building
1261 officials; amending s. 553.79, F.S.; authorizing a
1262 building official to issue a permit for the
1263 construction of the foundation or any other part of a
1264 building or structure before the construction
1265 documents for the whole building or structure have

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Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

1266 been submitted; providing that the holder of such
1267 permit shall begin building at the holder's own risk
1268 with the building operation and without assurance that
1269 a permit for the entire structure will be granted;
1270 amending s. 553.841, F.S.; authorizing the department
1271 to maintain, update, develop, or cause to be developed
1272 code-related training and education; removing
1273 provisions related to the development of advanced
1274 courses with respect to the Florida Building Code
1275 Compliance and Mitigation Program and the
1276 accreditation of courses related to the Florida
1277 Building Code; amending s. 553.842, F.S.; providing
1278 that Underwriters Laboratories, LLC, is an approved
1279 evaluation entity; amending s. 553.883, F.S.;
1280 exempting certain devices from certain smoke alarm
1281 battery requirements; amending s. 553.908, F.S.;
1282 amends blower door requirement; amending s. 633.202,
1283 F.S.; requiring all new high-rise and existing high-
1284 rise buildings to maintain a minimum radio signal
1285 strength for fire department communications; providing
1286 a transitory period for compliance; requiring existing
1287 buildings and existing apartment buildings that are
1288 not in compliance with the requirements for minimum
1289 radio strength for fire department communications to
1290 initiate an application for an appropriate permit by a
1291 specified date; requiring areas of refuge to be

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Published On: 4/14/2015 12:24:01 AM

Amendment No. 1

1292 required as determined by the Florida Building Code-
1293 Accessibility; amending s. 633.206, F.S.; providing
1294 that certain provisions may be applied to existing
1295 assisted living facilities notwithstanding the edition
1296 of the codes applied at the time of construction;
1297 amending s. 633.208, F.S.; authorizing fire officials
1298 to consider certain systems as an acceptable tool when
1299 identifying low cost alternatives; amending s.
1300 633.336, F.S.; providing a licensed fire protection
1301 contractor to subcontract for advanced technical
1302 services under certain circumstances; creating the
1303 Calder Sloan Swimming Pool Electrical-Safety Task
1304 Force within the Florida Building Commission;
1305 specifying the purpose of the task force; requiring a
1306 report to the Governor and the Legislature by a
1307 specified date; providing for membership; requiring
1308 the Florida Building Commission to provide staff,
1309 information, and other assistance to the task force;
1310 providing that members of the task force serve without
1311 compensation; authorizing the task force to meet as
1312 often as necessary; providing for future repeal of the
1313 task force; providing an effective date.