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LEGISLATIVE ACTION

Senate

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House

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Senator Simpson moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

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



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



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

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

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



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

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

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

83           (b) Is of good moral character.

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

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

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



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

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

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

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

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



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

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

135 468.627 Application; examination; renewal; fees.—

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

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

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



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

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

174 481.215 Renewal of license.—

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

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

183 481.313 Renewal of license.—

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



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

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

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

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

197 (a) The employee:

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

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

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

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

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

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





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

220 (b) The equipment:

221 1. Is already installed on the property owned by the  
222 apartment community or managed by the apartment community  
223 management company;

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

227 3. Must be a type of equipment commonly installed in  
228 similar locations; and

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

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

236 (d) The property owned by the apartment community or  
237 managed by the apartment community management company includes  
238 at least 100 apartments.

239 Section 7. Paragraph (m) of subsection (3) of section  
240 489.105, Florida Statutes, is amended to read:

241 489.105 Definitions.—As used in this part:

242 (3) "Contractor" means the person who is qualified for, and  
243 is only responsible for, the project contracted for and means,



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

259 (m) "Plumbing contractor" means a contractor whose services  
260 are unlimited in the plumbing trade and includes contracting  
261 business consisting of the execution of contracts requiring the  
262 experience, financial means, knowledge, and skill to install,  
263 maintain, repair, alter, extend, or, if not prohibited by law,  
264 design plumbing. A plumbing contractor may install, maintain,  
265 repair, alter, extend, or, if not prohibited by law, design the  
266 following without obtaining an additional local regulatory  
267 license, certificate, or registration: sanitary drainage or  
268 storm drainage facilities, water and sewer plants and  
269 substations, venting systems, public or private water supply  
270 systems, septic tanks, drainage and supply wells, swimming pool  
271 piping, irrigation systems, and solar heating water systems and  
272 all appurtenances, apparatus, or equipment used in connection



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273 therewith, including boilers and pressure process piping and  
274 including the installation of water, natural gas, liquefied  
275 petroleum gas and related venting, and storm and sanitary sewer  
276 lines. The scope of work of the plumbing contractor also  
277 includes the design, if not prohibited by law, and installation,  
278 maintenance, repair, alteration, or extension of air-piping,  
279 vacuum line piping, oxygen line piping, nitrous oxide piping,  
280 and all related medical gas systems; fire line standpipes and  
281 fire sprinklers if authorized by law; ink and chemical lines;  
282 fuel oil and gasoline piping and tank and pump installation,  
283 except bulk storage plants; and pneumatic control piping  
284 systems, all in a manner that complies with all plans,  
285 specifications, codes, laws, and regulations applicable. The  
286 scope of work of the plumbing contractor applies to private  
287 property and public property, including any excavation work  
288 incidental thereto, and includes the work of the specialty  
289 plumbing contractor. Such contractor shall subcontract, with a  
290 qualified contractor in the field concerned, all other work  
291 incidental to the work but which is specified as being the work  
292 of a trade other than that of a plumbing contractor. This  
293 definition does not limit the scope of work of any specialty  
294 contractor certified pursuant to s. 489.113(6), and does not  
295 require certification or registration under this part for a  
296 category I liquefied petroleum gas dealer, LP gas installer, or  
297 specialty installer who is licensed under chapter 527 or an ~~of~~  
298 any authorized employee of a public natural gas utility or of a  
299 private natural gas utility regulated by the Public Service  
300 Commission when disconnecting and reconnecting water lines in  
301 the servicing or replacement of an existing water heater. A



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302 plumbing contractor may perform drain cleaning and clearing and  
303 install or repair rainwater catchment systems; however, a  
304 mandatory licensing requirement is not established for the  
305 performance of these specific services.

306 Section 8. Paragraph (b) of subsection (4) of section  
307 489.115, Florida Statutes, is amended to read:

308 489.115 Certification and registration; endorsement;  
309 reciprocity; renewals; continuing education.—

310 (4)

311 (b)1. Each certificateholder or registrant shall provide  
312 proof, in a form established by rule of the board, that the  
313 certificateholder or registrant has completed at least 14  
314 classroom hours of at least 50 minutes each of continuing  
315 education courses during each biennium since the issuance or  
316 renewal of the certificate or registration. The board shall  
317 establish by rule that a portion of the required 14 hours must  
318 deal with the subject of workers' compensation, business  
319 practices, workplace safety, and, for applicable licensure  
320 categories, wind mitigation methodologies, and 1 hour of which  
321 must deal with laws and rules. The board shall by rule establish  
322 criteria for the approval of continuing education courses and  
323 providers, including requirements relating to the content of  
324 courses and standards for approval of providers, and may by rule  
325 establish criteria for accepting alternative nonclassroom  
326 continuing education on an hour-for-hour basis. The board shall  
327 prescribe by rule the continuing education, if any, which is  
328 required during the first biennium of initial licensure. A  
329 person who has been licensed for less than an entire biennium  
330 must not be required to complete the full 14 hours of continuing



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331 education.

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

345         3. The board shall require, by rule adopted pursuant to ss.  
346 120.536(1) and 120.54, a specified number of hours in  
347 specialized or code-related training ~~advanced module courses,~~  
348 ~~approved by the Florida Building Commission,~~ on any portion of  
349 the Florida Building Code, adopted pursuant to part IV of  
350 chapter 553, relating to the contractor's respective discipline.

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

353         489.1401 Legislative intent.—

354         (2) It is the intent of the Legislature that the sole  
355 purpose of the Florida Homeowners' Construction Recovery Fund is  
356 to compensate an ~~any~~ aggrieved claimant who contracted for the  
357 construction or improvement of the homeowner's residence located  
358 within this state and who has obtained a final judgment in a ~~any~~  
359 court of competent jurisdiction, was awarded restitution by the



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360 Construction Industry Licensing Board, or received an award in  
361 arbitration against a licensee on grounds of financial  
362 mismanagement or misconduct, abandoning a construction project,  
363 or making a false statement with respect to a project. Such  
364 grievance must arise ~~and arising~~ directly out of a any  
365 transaction conducted when the judgment debtor was licensed and  
366 must involve an act performed ~~any of the activities~~ enumerated  
367 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence~~.

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

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

373 489.1402 Homeowners' Construction Recovery Fund;  
374 definitions.—

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

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

379 (i) "Residence" means a single-family residence, an  
380 individual residential condominium or cooperative unit, or a  
381 residential building containing not more than two residential  
382 units in which the owner contracting for the improvement is  
383 residing or will reside 6 months or more each calendar year upon  
384 completion of the improvement.

385 (k) "Same transaction" means a contract, or a any series of  
386 contracts, between a claimant and a contractor or qualified  
387 business, when such contract or contracts involve the same  
388 property or contiguous properties and are entered into either at



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389 one time or serially.

390 (1) "Valid and current license," for the purpose of s.  
391 489.141(2)(d), means a ~~any~~ license issued pursuant to this part  
392 to a licensee, including a license in an active, inactive,  
393 delinquent, or suspended status.

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

396 489.141 Conditions for recovery; eligibility.—

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

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

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

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

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

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



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

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

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

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

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

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

446 (g) Any amounts recovered by the claimant from the judgment





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447 debtor or licensee, or from any other source, have been applied  
448 to the damages awarded by the court or the amount of restitution  
449 ordered by the board.

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

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

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

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

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

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

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

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

469 (f)(g) The claimant has entered into a contract ~~contracted~~  
470 with a licensee to perform a scope of work described in s.  
471 489.105(3)(d)-(g) before July 1, 2015 ~~s. 489.105(3)(d)-(p)~~.

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

474 489.1425 Duty of contractor to notify residential property  
475 owner of recovery fund.-



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

482  
483 FLORIDA HOMEOWNERS' CONSTRUCTION  
484 RECOVERY FUND  
485

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

493  
494 The statement must ~~shall~~ be immediately followed by the board's  
495 address and telephone number as established by board rule.

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

498 489.143 Payment from the fund.—

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

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



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505 whichever is less, or an amount equal to the unsatisfied portion  
506 of such person's judgment, award, or restitution order, but only  
507 to the extent and amount of actual damages suffered by the  
508 claimant, and only up to the maximum payment allowed for each  
509 respective Division I and Division II claim. Payment from the  
510 fund for other costs related to or pursuant to civil proceedings  
511 such as postjudgment interest, attorney ~~attorney's~~ fees, court  
512 costs, medical damages, and punitive damages is prohibited. The  
513 recovery fund is not obligated to pay a ~~any~~ judgment, an award,  
514 or a restitution order, or any portion thereof, which is not  
515 expressly based on one of the grounds for recovery set forth in  
516 s. 489.141.

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

524 (4) ~~(3)~~ Upon receipt by a claimant under subsection (2) of  
525 payment from the recovery fund, the claimant shall assign his or  
526 her additional right, title, and interest in the judgment,  
527 award, or restitution order, to the extent of such payment, to  
528 the board, and thereupon the board shall be subrogated to the  
529 right, title, and interest of the claimant; and any amount  
530 subsequently recovered on the judgment, award, or restitution  
531 order, to the extent of the right, title, and interest of the  
532 board therein, shall be for the purpose of reimbursing the  
533 recovery fund.



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534        (5)~~(4)~~ Payments for claims arising out of the same  
535 transaction shall be limited, in the aggregate, to the lesser of  
536 the judgment, award, or restitution order or the maximum payment  
537 allowed for a Division I or Division II claim, regardless of the  
538 number of claimants involved in the transaction.

539        (6)~~(5)~~ For contracts entered into before July 1, 2004,  
540 payments for claims against any one licensee may shall not  
541 exceed, in the aggregate, \$100,000 annually, up to a total  
542 aggregate of \$250,000. For any claim approved by the board which  
543 is in excess of the annual cap, the amount in excess of \$100,000  
544 up to the total aggregate cap of \$250,000 is eligible for  
545 payment in the next and succeeding fiscal years, but only after  
546 all claims for the then-current calendar year have been paid.  
547 Payments may not exceed the aggregate annual or per claimant  
548 limits under law. Beginning January 1, 2005, for each Division I  
549 contract entered into after July 1, 2004, payment from the  
550 recovery fund is subject only to a total aggregate cap of  
551 \$500,000 for each Division I licensee. Beginning January 1,  
552 2016, for each Division II contract entered into on or after  
553 July 1, 2015, payment from the recovery fund is subject only to  
554 a total aggregate cap of \$150,000 for each Division II licensee.

555        (7)~~(6)~~ Claims shall be paid in the order filed, up to the  
556 aggregate limits for each transaction and licensee and to the  
557 limits of the amount appropriated to pay claims against the fund  
558 ~~for the fiscal year in which the claims were filed.~~ Payments may  
559 not exceed the total aggregate cap per license or per claimant  
560 limits under this section.

561        (8)~~(7)~~ If the annual appropriation is exhausted with claims  
562 pending, such claims shall be carried forward to the next fiscal



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563 year. Any moneys in excess of pending claims remaining in the  
564 recovery fund at the end of the fiscal year shall be paid as  
565 provided in s. 468.631.

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

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

586 ~~(11)~~ ~~(10)~~ Each payment ~~All payments~~ and disbursement  
587 ~~disbursements~~ from the recovery fund shall be made by the Chief  
588 Financial Officer upon a voucher signed by the secretary of the  
589 department or the secretary's designee.

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



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592 489.503 Exemptions.—This part does not apply to:  
593 (24) A person who installs low-voltage landscape lighting  
594 that contains a factory-installed electrical cord with plug and  
595 does not require installation, wiring, or modification to the  
596 electrical wiring of the structure.

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

599 489.517 Renewal of certificate or registration; continuing  
600 education.—

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

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

609 514.011 Definitions.—As used in this chapter:

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

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

620 514.0115 Exemptions from supervision or regulation;



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621 variances.-

622 (3) A private pool used for instructional purposes in  
623 swimming may ~~shall~~ not be regulated as a public pool. A portable  
624 pool used for instructional purposes or in furtherance of an  
625 approved educational program may not be regulated as a public  
626 pool.

627 Section 18. Subsections (2) through (5) of section 514.031,  
628 Florida Statutes, are redesignated as subsections (3) through  
629 (6), respectively, a new subsection (2) is added to that  
630 section, and present subsection (5) of that section is amended,  
631 to read:

632 514.031 Permit necessary to operate public swimming pool.-

633 (2) The department shall ensure through inspections that a  
634 public swimming pool with an operating permit continues to be  
635 operated and maintained in compliance with rules adopted under  
636 this section, the original approved plans and specifications or  
637 variances, and the Florida Building Code adopted under chapter  
638 553 applicable to public pools or public bathing places. The  
639 department may adopt and enforce rules to implement this  
640 subsection, including provisions for closing those pools and  
641 bathing places not in compliance. For purposes of this  
642 subsection, the department's jurisdiction includes the pool, the  
643 pool deck, the barrier as defined in s. 515.25, and the bathroom  
644 facilities for pool patrons. The local enforcement agency shall  
645 permit and inspect repairs or modifications required as a result  
646 of the department's inspections and may take enforcement action  
647 to ensure compliance. The department shall ensure that the rules  
648 enforced by the local enforcement agency under this subsection  
649 are consistent with the Florida Building Code adopted under



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650 chapter 553.

651 ~~(6)~~~~(5)~~ An owner or operator of a public swimming pool,  
652 including, but not limited to, a spa, wading, or special purpose  
653 pool, to which admittance is obtained by membership for a fee  
654 shall post in a prominent location within the facility the most  
655 recent pool inspection report issued by the department  
656 pertaining to the health and safety conditions of such facility.  
657 The report shall be legible and readily accessible to members or  
658 potential members. The department shall adopt rules to enforce  
659 this subsection. A portable pool may not be used as a public  
660 pool, unless it is exempt under s. 514.0115.

661 Section 19. Subsections (1), (2), and (5) of section  
662 514.05, Florida Statutes, are amended to read:

663 514.05 Denial, suspension, or revocation of permit;  
664 administrative fines.—

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

673 (2) The department may impose an administrative fine, which  
674 shall not exceed \$500 for each violation, for the violation of  
675 this chapter, the original approved plans and specifications or  
676 variances, the Florida Building Code adopted under chapter 553  
677 applicable to public pools or public bathing places, or the  
678 rules adopted hereunder and for the violation of ~~any of the~~





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679 ~~provisions~~ of chapter 386. Notice of intent to impose such fine  
680 shall be given by the department to the alleged violator. Each  
681 day that a violation continues may constitute a separate  
682 violation.

683 (5) Under conditions specified by rule, the department may  
684 close a public pool that is not in compliance with this chapter,  
685 the original approved plans and specifications or variances, the  
686 Florida Building Code adopted under chapter 553 applicable to  
687 public pools or public bathing places, or the rules adopted  
688 under this chapter.

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

691 553.512 Modifications and waivers; advisory council.-

692 (2) The Accessibility Advisory Council shall consist of the  
693 following seven members, who shall be knowledgeable in the area  
694 of accessibility for persons with disabilities. The Secretary of  
695 Business and Professional Regulation shall appoint the  
696 following: a representative from the Advocacy Center for Persons  
697 with Disabilities, Inc.; a representative from the Division of  
698 Blind Services; a representative from the Division of Vocational  
699 Rehabilitation; a representative from a statewide organization  
700 representing the physically handicapped; a representative from  
701 the hearing impaired; a representative from Pensacola Pen Wheels  
702 Inc., Employ the Handicapped Council; ~~a representative from the~~  
703 ~~President, Florida Council of Handicapped Organizations;~~ and a  
704 representative of the Paralyzed Veterans of America. The terms  
705 for the first three council members appointed subsequent to  
706 October 1, 1991, shall be for 4 years, the terms for the next  
707 two council members appointed shall be for 3 years, and the



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

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

719 553.721 Surcharge.—In order for the Department of Business  
720 and Professional Regulation to administer and carry out the  
721 purposes of this part and related activities, there is created a  
722 surcharge, to be assessed at the rate of 1.5 percent of the  
723 permit fees associated with enforcement of the Florida Building  
724 Code as defined by the uniform account criteria and specifically  
725 the uniform account code for building permits adopted for local  
726 government financial reporting pursuant to s. 218.32. The  
727 minimum amount collected on any permit issued shall be \$2. The  
728 unit of government responsible for collecting a permit fee  
729 pursuant to s. 125.56(4) or s. 166.201 shall collect the  
730 surcharge and electronically remit the funds collected to the  
731 department on a quarterly calendar basis for the preceding  
732 quarter and continuing each third month thereafter. The unit of  
733 government shall retain 10 percent of the surcharge collected to  
734 fund the participation of building departments in the national  
735 and state building code adoption processes and to provide  
736 education related to enforcement of the Florida Building Code.



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737 All funds remitted to the department pursuant to this section  
738 shall be deposited in the Professional Regulation Trust Fund.  
739 Funds collected from the surcharge shall be allocated to fund  
740 the Florida Building Commission and the Florida Building Code  
741 Compliance and Mitigation Program under s. 553.841. Funds  
742 allocated to the Florida Building Code Compliance and Mitigation  
743 Program shall be \$925,000 each fiscal year. The Florida Building  
744 Code Compliance and Mitigation Program shall fund the  
745 recommendations made by the Building Code System Uniform  
746 Implementation Evaluation Workgroup, dated April 8, 2013, from  
747 existing resources, not to exceed \$30,000 in the 2015-2016  
748 fiscal year. Funds collected from the surcharge shall also be  
749 used to fund Florida Fire Prevention Code informal  
750 interpretations managed by the State Fire Marshal and shall be  
751 limited to \$15,000 each fiscal year. The State Fire Marshal  
752 shall adopt rules to address the implementation and expenditure  
753 of the funds allocated to fund the Florida Fire Prevention Code  
754 informal interpretations under this section. The funds collected  
755 from the surcharge may not be used to fund research on  
756 techniques for mitigation of radon in existing buildings. Funds  
757 used by the department as well as funds to be transferred to the  
758 Department of Health and the State Fire Marshal shall be as  
759 prescribed in the annual General Appropriations Act. The  
760 department shall adopt rules governing the collection and  
761 remittance of surcharges pursuant to chapter 120.

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

765 553.73 Florida Building Code.—



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

787 (b) Any decision made by the local fire official regarding  
788 application, interpretation, or enforcement of the Florida Fire  
789 Prevention Code, by ~~and~~ the local building official regarding  
790 application, interpretation, or enforcement of the Florida  
791 Building Code, or the appropriate application of either or both  
792 codes in the case of a conflict between the codes may be  
793 appealed to a local administrative board designated by the  
794 municipality, county, or special district having firesafety



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

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

820 (d) All decisions of the local administrative board, or if  
821 none exists, the decisions of the local building official and  
822 the local fire official in regard to the application,  
823 enforcement, or interpretation of the Florida Fire Prevention



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824 Code, or conflicts between the Florida Fire Prevention Code and  
825 the Florida Building Code, are subject to review by a joint  
826 committee composed of members of the Florida Building Commission  
827 and the Fire Code Advisory Council. If the joint committee is  
828 unable to resolve conflicts between the codes as applied to a  
829 specific project, the matter shall be resolved pursuant to the  
830 provisions of paragraph (1) (d). Decisions of the local  
831 administrative board solely in regard to the provisions of the  
832 Florida Building Code are subject to review as set forth in s.  
833 553.775.

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

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

845 (15) An agency or local government may not require that  
846 existing mechanical equipment located on or above the surface of  
847 a roof be installed in compliance with the requirements of the  
848 Florida Building Code except during roofing when the equipment  
849 is being replaced or moved ~~during reroofing~~ and is not in  
850 compliance with the provisions of the Florida Building Code  
851 relating to roof-mounted mechanical units.

852 (19) In other than one- and two-family detached dwellings,



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853 a local enforcing agency that requires a permit to install or  
854 replace a water heater shall require that a hard-wired or  
855 battery-operated water-level detection device be secured to the  
856 drain pan area at a level lower than the drain connection upon  
857 installation or replacement of the water heater. The device must  
858 include an audible alarm and, if battery-operated, must have a  
859 10-year low-battery notification capability.

860 (20) The Florida Building Code may not require more than  
861 one fire service access elevator in residential occupancies  
862 where the highest occupiable floor is less than 420 feet above  
863 the level of fire service access and all remaining elevators are  
864 provided with Phase I and II emergency operations. Where a fire  
865 service access elevator is required, a 1-hour fire-rated fire  
866 service access elevator lobby with direct access from the fire  
867 service access elevator is not required when the fire service  
868 access elevator opens into an exit-access corridor, which can be  
869 no less than 6 feet wide for its entire length that is a minimum  
870 of 150 square feet with the exception of door openings, and has  
871 a minimum 1-hour fire rating with three-quarter-hour fire- and  
872 smoke-rated openings; and, during a fire event, the fire service  
873 access elevator is pressurized and floor-to-floor smoke control  
874 is provided. However, where transient residential occupancies  
875 occur at floor levels more than 420 feet above the level of fire  
876 service access, a 1-hour fire-rated fire service access elevator  
877 lobby with direct access from the fire service access elevator  
878 is required. The requirement for a second fire service access  
879 elevator is not considered to be a part of the Florida Building  
880 Code and, therefore, does not take effect until July 1, 2016.

881 Section 23. Paragraph (c) of subsection (3) of section



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882 553.775, Florida Statutes, is amended to read:

883 553.775 Interpretations.—

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

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

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

905 2. Requests to review a decision of a local building  
906 official interpreting provisions of the Florida Building Code or  
907 the Florida Accessibility Code for Building Construction may be  
908 initiated by any substantially affected person, including an  
909 owner or builder subject to a decision of a local building  
910 official or an association of owners or builders having members





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911 who are subject to a decision of a local building official. In  
912 order to initiate review, the substantially affected person must  
913 file a petition with the commission. The commission shall adopt  
914 a form for the petition, which shall be published on the  
915 Building Code Information System. The form shall, at a minimum,  
916 require the following:

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

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

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

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

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

936       f. A statement of the interpretation that the petitioner  
937 contends should be given to the provisions of the Florida  
938 Building Code or the Florida Accessibility Code for Building  
939 Construction and a statement supporting the petitioner's



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940 interpretation.

941 g. Space for the local building official to respond in  
942 writing. The space shall, at a minimum, require the local  
943 building official to respond by providing a statement admitting  
944 or denying the statements contained in the petition and a  
945 statement of the interpretation of the provisions of the Florida  
946 Building Code or the Florida Accessibility Code for Building  
947 Construction which the local jurisdiction or the local building  
948 official contends is correct, including the basis for the  
949 interpretation.

950 3. The petitioner shall submit the petition to the local  
951 building official, who shall place the date of receipt on the  
952 petition. The local building official shall respond to the  
953 petition in accordance with the form and shall return the  
954 petition along with his or her response to the petitioner within  
955 5 days after receipt, exclusive of Saturdays, Sundays, and legal  
956 holidays. The petitioner may file the petition with the  
957 commission at any time after the local building official  
958 provides a response. If no response is provided by the local  
959 building official, the petitioner may file the petition with the  
960 commission 10 days after submission of the petition to the local  
961 building official and shall note that the local building  
962 official did not respond.

963 4. Upon receipt of a petition that meets the requirements  
964 of subparagraph 2., the commission shall immediately provide  
965 copies of the petition to the a panel, and the commission shall  
966 publish the petition, including any response submitted by the  
967 local building official, on the Building Code Information System  
968 in a manner that allows interested persons to address the issues



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969 by posting comments.

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

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

995           7. Any substantially affected person may appeal an  
996 interpretation rendered by the ~~a hearing officer~~ panel by filing  
997 a petition with the commission. Such appeals shall be initiated



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998 in accordance with chapter 120 and the uniform rules of  
999 procedure and must be filed within 30 days after publication of  
1000 the interpretation on the Building Code Information System or in  
1001 the Florida Administrative Register. Hearings shall be conducted  
1002 pursuant to chapter 120 and the uniform rules of procedure.  
1003 Decisions of the commission are subject to judicial review  
1004 pursuant to s. 120.68. The final order of the commission is  
1005 binding upon the parties and upon all jurisdictions subject to  
1006 the Florida Building Code or the Florida Accessibility Code for  
1007 Building Construction.

1008 8. The burden of proof in any proceeding initiated in  
1009 accordance with subparagraph 7. is on the party who initiated  
1010 the appeal.

1011 9. In any review proceeding initiated in accordance with  
1012 this paragraph, including any proceeding initiated in accordance  
1013 with subparagraph 7., the fact that an owner or builder has  
1014 proceeded with construction may not be grounds for determining  
1015 an issue to be moot if the issue is one that is likely to arise  
1016 in the future.

1017  
1018 This paragraph provides the exclusive remedy for addressing  
1019 requests to review local interpretations of the Florida Building  
1020 Code or the Florida Accessibility Code for Building Construction  
1021 and appeals from review proceedings.

1022 Section 24. Subsections (6) and (11) of section 553.79,  
1023 Florida Statutes, are amended to read:

1024 553.79 Permits; applications; issuance; inspections.—

1025 (6) A permit may not be issued for any building  
1026 construction, erection, alteration, modification, repair, or



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1027 addition unless the applicant for such permit complies with the  
1028 requirements for plan review established by the Florida Building  
1029 Commission within the Florida Building Code. However, the code  
1030 shall set standards and criteria to authorize preliminary  
1031 construction before completion of all building plans review,  
1032 including, but not limited to, special permits for the  
1033 foundation only, and such standards shall take effect concurrent  
1034 with the first effective date of the Florida Building Code.  
1035 After submittal of the appropriate construction documents, the  
1036 building official may issue a permit for the construction of  
1037 foundations or any other part of a building or structure before  
1038 the construction documents for the entire building or structure  
1039 have been submitted. The holder of such a permit proceeds at the  
1040 holder's own risk with the building operation and without  
1041 assurance that a permit for the entire structure will be  
1042 granted, and may be required to make corrections to meet  
1043 technical code requirements.

1044 (11) (a) The local enforcing agency may not issue a building  
1045 permit to construct, develop, or modify a public swimming pool  
1046 without proof of application, whether complete or incomplete,  
1047 for an operating permit pursuant to s. 514.031. A certificate of  
1048 completion or occupancy may not be issued until such operating  
1049 permit is issued. The local enforcing agency shall conduct its  
1050 review of the building permit application upon filing and in  
1051 accordance with this chapter. The local enforcing agency may  
1052 confer with the Department of Health, if necessary, but may not  
1053 delay the building permit application review while awaiting  
1054 comment from the Department of Health.

1055 (b) If the department determines under s. 514.031(2) that a



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1056 public pool or a public bathing place is not being operated or  
1057 maintained in compliance with the department's rules, the  
1058 original approved plans and specifications or variances, and the  
1059 Florida Building Code, the local enforcing agency shall permit  
1060 and inspect the repairs or modifications required as a result of  
1061 the department's inspections and may take enforcement action to  
1062 ensure compliance.

1063 Section 25. Subsections (4) and (7) of section 553.841,  
1064 Florida Statutes, are amended, to read:

1065 553.841 Building code compliance and mitigation program.—

1066 (4) In administering the Florida Building Code Compliance  
1067 and Mitigation Program, the department may ~~shall~~ maintain,  
1068 update, develop, or cause to be developed code-related training  
1069 and education advanced modules designed for use by each  
1070 profession.

1071 ~~(7) The Florida Building Commission shall provide by rule~~  
1072 ~~for the accreditation of courses related to the Florida Building~~  
1073 ~~Code by accreditors approved by the commission. The commission~~  
1074 ~~shall establish qualifications of accreditors and criteria for~~  
1075 ~~the accreditation of courses by rule. The commission may revoke~~  
1076 ~~the accreditation of a course by an accreditor if the~~  
1077 ~~accreditation is demonstrated to violate this part or the rules~~  
1078 ~~of the commission.~~

1079 Section 26. Paragraph (a) of subsection (8) of section  
1080 553.842, Florida Statutes, is amended to read:

1081 553.842 Product evaluation and approval.—

1082 (8) The commission may adopt rules to approve the following  
1083 types of entities that produce information on which product  
1084 approvals are based. All of the following entities, including



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1085 engineers and architects, must comply with a nationally  
1086 recognized standard demonstrating independence or no conflict of  
1087 interest:

1088 (a) Evaluation entities approved pursuant to this  
1089 paragraph. The commission shall specifically approve the  
1090 National Evaluation Service, the International Association of  
1091 Plumbing and Mechanical Officials Evaluation Service, the  
1092 International Code Council Evaluation Services, Underwriters  
1093 Laboratories, LLC, and the Miami-Dade County Building Code  
1094 Compliance Office Product Control Division. Architects and  
1095 engineers licensed in this state are also approved to conduct  
1096 product evaluations as provided in subsection (5).

1097 Section 27. Section 553.908, Florida Statutes, is amended  
1098 to read:

1099 553.908 Inspection.—Before construction or renovation is  
1100 completed, the local enforcement agency shall inspect buildings  
1101 for compliance with the standards of this part. The local  
1102 enforcement agency shall accept duct and air infiltration tests  
1103 conducted in accordance with the Florida Building Code-Energy  
1104 Conservation by individuals certified in accordance with s.  
1105 553.993(5) or (7) or individuals licensed under s.  
1106 489.105(3)(f), (g), or (i). The local enforcement agency may  
1107 accept inspections in whole or in part by individuals certified  
1108 in accordance with s. 553.993(5) or (7). Notwithstanding any  
1109 provision of the Florida Building Code or other provision of  
1110 law, mandatory blower door testing and mechanical ventilation  
1111 for residential buildings or dwelling units takes effect on  
1112 April 1, 2016.

1113 Section 28. Subsections (17) and (18) are added to section



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1114 633.202, Florida Statutes, to read:  
1115 633.202 Florida Fire Prevention Code.—  
1116 (17) In all new high-rise and existing high-rise buildings,  
1117 minimum radio signal strength for fire department communications  
1118 shall be maintained at a level determined by the authority  
1119 having jurisdiction. Existing buildings may not be required to  
1120 comply with minimum radio strength for fire department  
1121 communications and two-way radio system enhancement  
1122 communications as required by the Florida Fire Prevention Code  
1123 until January 1, 2022. However, by December 31, 2019, an  
1124 existing building that is not in compliance with the  
1125 requirements for minimum radio strength for fire department  
1126 communications must initiate an application for an appropriate  
1127 permit for the required installation with the local government  
1128 agency having jurisdiction and must demonstrate that the  
1129 building will become compliant by January 1, 2022. Existing  
1130 apartment buildings may not be required to comply until January  
1131 1, 2025. However, existing apartment buildings are required to  
1132 initiate the appropriate permit for the required communications  
1133 installation by December 31, 2022.  
1134 (18) Areas of refuge shall be provided when required by the  
1135 Florida Building Code-Accessibility. Required portions of an  
1136 area of refuge shall be accessible from the space they serve by  
1137 an accessible means of egress.  
1138 Section 29. Subsection (5) is added to section 633.206,  
1139 Florida Statutes, to read:  
1140 633.206 Uniform firesafety standards—The Legislature hereby  
1141 determines that to protect the public health, safety, and  
1142 welfare it is necessary to provide for firesafety standards





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1143 governing the construction and utilization of certain buildings  
1144 and structures. The Legislature further determines that certain  
1145 buildings or structures, due to their specialized use or to the  
1146 special characteristics of the person utilizing or occupying  
1147 these buildings or structures, should be subject to firesafety  
1148 standards reflecting these special needs as may be appropriate.

1149 (5) The home environment provisions enumerated in the most  
1150 current edition of the codes adopted by the division may be  
1151 applied to existing assisted living facilities notwithstanding  
1152 the edition of the codes applied at the time of construction.

1153 Section 30. Subsection (5) of section 633.208, Florida  
1154 Statutes, is amended to read:

1155 633.208 Minimum firesafety standards.-

1156 (5) With regard to existing buildings, the Legislature  
1157 recognizes that it is not always practical to apply any or all  
1158 of the provisions of the Florida Fire Prevention Code and that  
1159 physical limitations may require disproportionate effort or  
1160 expense with little increase in fire or life safety. Prior to  
1161 applying the minimum firesafety code to an existing building,  
1162 the local fire official shall determine that a threat to  
1163 lifesafety or property exists. If a threat to lifesafety or  
1164 property exists, the fire official shall apply the applicable  
1165 firesafety code for existing buildings to the extent practical  
1166 to assure a reasonable degree of lifesafety and safety of  
1167 property or the fire official shall fashion a reasonable  
1168 alternative which affords an equivalent degree of lifesafety and  
1169 safety of property. The fire official may use the Fire Safety  
1170 Evaluation System found in NFPA 101A, Alternative Solutions to  
1171 Life Safety, current edition adopted by the State Fire Marshal,



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1172 to identify low-cost alternatives to bring the building or  
1173 structure into compliance with the minimum standards. It is  
1174 acceptable to use the Fire Safety Evaluation System for Board  
1175 and Care Facilities prompt evacuation capabilities parameter  
1176 values on existing residential high-rise buildings. The decision  
1177 of the local fire official may be appealed to the local  
1178 administrative board described in s. 553.73.

1179 Section 31. Present subsections (3) and (4) of section  
1180 633.336, Florida Statutes, are redesignated as subsections (4)  
1181 and (5), respectively, and a new subsection (3) is added to that  
1182 section, read:

1183 633.336 Contracting without certificate prohibited;  
1184 violations; penalty.—

1185 (3) The Legislature recognizes that special expertise is  
1186 required for fire pump control panels and the maintenance of  
1187 electric and diesel pump drivers which may make it economically  
1188 unfeasible for all contractors to employ a fire protection  
1189 contractor full-time, when that person's services may be needed  
1190 only on a limited basis. Therefore, a fire protection contractor  
1191 properly licensed under chapter 633 may subcontract with  
1192 companies providing advanced technical services for installing,  
1193 servicing, and maintaining fire pump control panels and fire  
1194 pump drivers. To ensure the integrity of the system and protect  
1195 the interests of the property owner, those providing technical  
1196 support services for fire pump control panels and drivers must  
1197 be under contract with a licensed fire protection contractor.

1198 Section 32. The Calder Sloan Swimming Pool Electrical-  
1199 Safety Task Force.—There is established within the Florida  
1200 Building Commission the Calder Sloan Swimming Pool Electrical-



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1201 Safety Task Force.

1202 (1) The purpose of the task force is to study the adoption  
1203 of standards on grounding, bonding, lighting, wiring, and all  
1204 electrical aspects for safety in and around public and private  
1205 swimming pools. The task force shall focus its study upon  
1206 minimizing the risk of electrocutions at swimming pools. The  
1207 task force shall submit a report on its findings, including  
1208 recommended revisions to the Florida Statutes, if any, to the  
1209 Governor, the President of the Senate, and the Speaker of the  
1210 House of Representatives by November 1, 2015.

1211 (2) The task force shall consist of the Swimming Pool and  
1212 Electrical Technical Advisory Committees of the Florida Building  
1213 Commission.

1214 (3) The task force shall be chaired by the Swimming Pool  
1215 Contractor appointed to the Florida Building Commission pursuant  
1216 to s. 553.74, Florida Statutes.

1217 (4) The Florida Building Commission shall provide such  
1218 staff, information, and other assistance as is reasonably  
1219 necessary to assist the task force in carrying out its  
1220 responsibilities.

1221 (5) Members of the task force shall serve without  
1222 compensation.

1223 (6) The task force shall meet as often as necessary to  
1224 fulfill its responsibilities and meetings may be conducted by  
1225 conference call, teleconferencing, or similar technology.

1226 (7) This section expires December 31, 2015.

1227 Section 33. This act shall take effect July 1, 2015.

1228

1229 ===== T I T L E A M E N D M E N T =====



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1230 And the title is amended as follows:

1231 Delete everything before the enacting clause  
1232 and insert:

1233 A bill to be entitled

1234 An act relating to building codes; amending s.  
1235 468.609, F.S.; revising the certification examination  
1236 requirements for building code inspectors, plans  
1237 examiners, and building code administrators; requiring  
1238 the Florida Building Code Administrators and  
1239 Inspectors Board to provide for issuance of certain  
1240 provisional certificates; amending ss. 468.627,  
1241 471.0195, 481.215, and 481.313, F.S.; requiring a  
1242 licensee or certificateholder to undergo code-related  
1243 training as part of his or her continuing education  
1244 courses; amending s. 489.103, F.S.; providing an  
1245 exemption for a specified employee who makes minor  
1246 repairs to existing water heaters or to existing  
1247 heating, venting, and air-conditioning systems in  
1248 certain circumstances; amending s. 489.105, F.S.;  
1249 revising the term "plumbing contractor"; amending s.  
1250 489.115, F.S.; requiring a certificateholder or  
1251 registrant to undergo code-related training as part of  
1252 his or her continuing education requirements; amending  
1253 s. 489.1401, F.S.; revising legislative intent with  
1254 respect to the purpose of the Florida Homeowners'  
1255 Construction Recovery Fund; providing legislative  
1256 intent that Division II contractors set apart funds  
1257 for participation in the fund; amending s. 489.1402,  
1258 F.S.; revising terms; amending s. 489.141, F.S.;



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1259 authorizing certain claimants to make a claim against  
1260 the recovery fund for certain contracts entered into  
1261 before a specified date; amending s. 489.1425, F.S.;  
1262 revising a notification provided by contractors to  
1263 certain residential property owners to include a  
1264 statement that payment from the recovery fund is  
1265 limited; amending s. 489.143, F.S.; revising  
1266 provisions concerning payments from the recovery fund;  
1267 specifying claim amounts for certain contracts entered  
1268 into before or after specified dates; providing  
1269 aggregate caps for payments; amending s. 489.503,  
1270 F.S.; exempting certain low-voltage landscape lighting  
1271 from licensed electrical contractor installation  
1272 requirements; amending s. 489.517, F.S.; requiring a  
1273 certificateholder or registrant to undergo code-  
1274 related training as part of his or her continuing  
1275 education requirements; amending s. 514.011, F.S.;  
1276 revising the term "private pool"; amending s.  
1277 514.0115, F.S.; prohibiting a portable pool from being  
1278 regulated as a public pool in certain circumstances;  
1279 amending s. 514.031, F.S.; requiring the Department of  
1280 Health to conduct inspections of certain public pools  
1281 with operating permits to ensure continued compliance  
1282 with specified criteria; authorizing the department to  
1283 adopt rules; specifying the department's jurisdiction  
1284 for purposes of inspecting certain public pools;  
1285 specifying duties of local enforcement agencies  
1286 regarding modifications and repairs made to certain  
1287 public pools as a result of the department's



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1288 inspections; requiring the department to ensure that  
1289 certain rules enforced by local enforcement agencies  
1290 comply with the Florida Building Code; conforming a  
1291 provision to changes made by the act; amending s.  
1292 514.05, F.S.; specifying that the department may deny,  
1293 suspend, or revoke operating permits for certain pools  
1294 and bathing places if certain plans, variances, or  
1295 requirements of the Florida Building Code are  
1296 violated; specifying that the department may assess an  
1297 administrative fine for violations by certain public  
1298 pools and bathing places if certain plans, variances,  
1299 or requirements of the Florida Building Code are  
1300 violated; amending 553.512, F.S.; revising the  
1301 membership of the Accessibility Advisory Council;  
1302 amending s. 553.721, F.S.; directing the Florida  
1303 Building Code Compliance and Mitigation Program to  
1304 fund, from existing resources, the recommendations  
1305 made by the Building Code System Uniform  
1306 Implementation Evaluation Workgroup; providing a  
1307 limitation; requiring that a specified amount of funds  
1308 from the surcharge be used to fund certain Florida  
1309 Fire Prevention Code informal interpretations;  
1310 requiring the State Fire Marshal to adopt specified  
1311 rules; amending s. 553.73, F.S.; authorizing local  
1312 boards created to address specified issues to combine  
1313 the appeals boards into a single local board;  
1314 authorizing the local board to grant alternatives or  
1315 modifications through specified procedures; requiring  
1316 at least one member of a board to be a fire protection



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1317 contractor, a fire protection design professional, a  
1318 fire department operations professional, or a fire  
1319 code enforcement professional in order to meet a  
1320 specified quorum requirement; authorizing the appeal  
1321 to a local administrative board of specified decisions  
1322 made by a local fire official; specifying the  
1323 decisions of the local building official and the local  
1324 fire official which are subject to review; clarifying  
1325 a provision; requiring the permitted installation or  
1326 replacement of a water heater in a conditioned or  
1327 attic space to include a water-level detection device;  
1328 prohibiting the Florida Building Code from requiring  
1329 more than one fire service access elevator in certain  
1330 buildings; specifying when a 1-hour fire-rated fire  
1331 service access elevator lobby is and is not required;  
1332 providing that the requirement for a second fire  
1333 service access elevator is not considered to be part  
1334 of the Florida Building Code and does not take effect  
1335 until a specified date; amending s. 553.775, F.S. ;  
1336 requiring the Florida Building Commission to  
1337 coordinate with a specified organization to designate  
1338 a review panel; providing panel membership; requiring  
1339 each member to have experience interpreting or  
1340 enforcing specified provisions; amending s. 553.79,  
1341 F.S.; authorizing a building official to issue a  
1342 permit for specified construction before the  
1343 construction documents for the entire building or  
1344 structure have been submitted; providing that the  
1345 holder of such a permit proceeds at the holder's own



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1346 risk; requiring local enforcing agencies to permit and  
1347 inspect modifications and repairs made to certain  
1348 public pools and public bathing places as a result of  
1349 the Department of Business and Professional  
1350 Regulation's inspections; amending s. 553.841, F.S.;;  
1351 authorizing the department to maintain, update,  
1352 develop, or cause to be developed code-related  
1353 training and education; removing provisions related to  
1354 the development of advanced courses with respect to  
1355 the Florida Building Code Compliance and Mitigation  
1356 Program and the accreditation of courses related to  
1357 the Florida Building Code; amending s. 553.842, F.S.;;  
1358 providing that Underwriters Laboratories, LLC, is an  
1359 approved evaluation entity; amending s. 553.908, F.S.;;  
1360 requiring local enforcement agencies to accept duct  
1361 and air infiltration tests conducted in accordance  
1362 with certain guidelines by specified individuals;  
1363 providing an effective date for mandatory blower door  
1364 testing and mechanical ventilation; amending s.  
1365 633.202, F.S.;; requiring all new high-rise and  
1366 existing high-rise buildings to maintain a minimum  
1367 radio signal strength for fire department  
1368 communications; providing a transition period for  
1369 compliance; requiring existing buildings and existing  
1370 apartment buildings that are not in compliance with  
1371 the requirements for minimum radio strength for fire  
1372 department communications to initiate an application  
1373 for an appropriate permit by a specified date;  
1374 requiring areas of refuge to be required as determined





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1375 by the Florida Building Code-Accessibility; amending  
1376 s. 633.206, F.S.; authorizing the application of  
1377 specified home environment provisions to existing  
1378 assisted living facilities; amending s. 633.208, F.S.;  
1379 authorizing a fire official to use the Fire Safety  
1380 Evaluation System to identify low-cost alternatives  
1381 for compliance; authorizing the use of the Fire Safety  
1382 Evaluation System for board and care facilities on  
1383 specified buildings; amending s. 633.336, F.S.;  
1384 providing legislative findings; authorizing a  
1385 specified fire protection contractor to subcontract  
1386 with specified companies; requiring certain persons to  
1387 be under contract with a licensed fire protection  
1388 contractor; creating the Calder Sloan Swimming Pool  
1389 Electrical-Safety Task Force within the Florida  
1390 Building Commission; specifying the purpose of the  
1391 task force; requiring a report to the Governor and the  
1392 Legislature by a specified date; providing for  
1393 membership; requiring the Florida Building Commission  
1394 to provide staff, information, and other assistance to  
1395 the task force; providing that members of the task  
1396 force serve without compensation; authorizing the task  
1397 force to meet as often as necessary; providing for  
1398 future repeal of the task force; providing an  
1399 effective date.