

1 A bill to be entitled
2 An act relating to building codes; amending s.
3 514.031, F.S.; requiring the Department of Health to
4 conduct inspections of certain public pools with
5 operating permits to ensure continued compliance with
6 specified criteria; authorizing the department to
7 adopt rules; specifying the department's jurisdiction
8 for purposes of inspecting certain public pools;
9 specifying duties of local enforcement agencies
10 regarding modifications and repairs made to certain
11 public pools as a result of the department's
12 inspections; requiring the department to ensure
13 certain rules enforced by local enforcement agencies
14 comply with the Florida Building Code; amending s.
15 514.05, F.S.; specifying that the department may close
16 certain public pools or deny, suspend, or revoke
17 operating permits for such pools if the Florida
18 Building Code is violated; specifying that the
19 department may assess an administrative fine for
20 operating permits for certain public pools if the
21 Florida Building Code is violated; amending s. 553.73,
22 F.S.; requiring the permitted installation or
23 replacement of a hot water heater to include a water-
24 level detection device; amending s. 553.79, F.S.;
25 requiring local enforcing agencies to permit and
26 inspect modifications and repairs made to certain

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27 public pools and public bathing places as a result of
28 the department's inspections; amending s. 553.841,
29 F.S.; removing provisions related to the development
30 of advanced courses with respect to the Florida
31 Building Code Compliance and Mitigation Program and
32 the accreditation of courses related to the Florida
33 Building Code; amending s. 553.842, F.S.; providing
34 that Underwriters Laboratories, LLC, is an approved
35 evaluation entity; providing an effective date.

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

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39 Section 1. Subsections (2) through (5) of section 514.031,
40 Florida Statutes, are renumbered as subsections (3) through (6),
41 respectively, and a new subsection (2) is added to that section
42 to read:

43 514.031 Permit necessary to operate public swimming pool.—

44 (2) The department shall ensure through inspections that a
45 public swimming pool with an operating permit continues to be
46 operated and maintained in compliance with rules adopted under
47 this section, the original approved plans and specifications or
48 variances, and the Florida Building Code adopted under chapter
49 553 applicable to public pools or public bathing places. The
50 department may adopt and enforce rules to implement this
51 subsection, including provisions for closing those pools and
52 bathing places not in compliance. For purposes of this

53 subsection, the department's jurisdiction includes the pool, the
54 pool deck, the barrier as defined in s. 515.25, and the bathroom
55 facilities for pool patrons. The local enforcement agency shall
56 permit and inspect repairs or modifications required as a result
57 of the department's inspections and may take enforcement action
58 to ensure compliance. The department shall ensure that the rules
59 enforced by the local enforcement agency under this subsection
60 are not inconsistent with the Florida Building Code adopted
61 under chapter 553.

62 Section 2. Subsections (1), (2), and (5) of section
63 514.05, Florida Statutes, are amended to read:

64 514.05 Denial, suspension, or revocation of permit;
65 administrative fines.—

66 (1) The department may deny an application for an a
67 operating permit, suspend or revoke a permit issued to any
68 person or public body, or impose an administrative fine upon the
69 failure of such person or public body to comply with the
70 provisions of this chapter, the Florida Building Code adopted
71 under chapter 553 applicable to public pools or public bathing
72 places, or the rules adopted hereunder.

73 (2) The department may impose an administrative fine,
74 which shall not exceed \$500 for each violation, for the
75 violation of this chapter, the Florida Building Code adopted
76 under chapter 553 applicable to public pools or public bathing
77 places, or the rules adopted hereunder and for the violation of
78 ~~any of the provisions of chapter 386.~~ Notice of intent to impose

79 such fine shall be given by the department to the alleged
 80 violator. Each day that a violation continues may constitute a
 81 separate violation.

82 (5) Under conditions specified by rule, the department may
 83 close a public pool that is not in compliance with this chapter,
 84 the Florida Building Code adopted under chapter 553 applicable
 85 to public pools or public bathing places, or the rules adopted
 86 under this chapter.

87 Section 3. Subsection (19) is added to section 553.73,
 88 Florida Statutes, to read:

89 553.73 Florida Building Code.—

90 (19) A local enforcing agency that requires a permit to
 91 install or replace a hot water heater shall require that a hard-
 92 wired or battery-operated water-level detection device be
 93 secured to the drain pan area at a level lower than the drain
 94 connection upon installation or replacement of the hot water
 95 heater. The device must include an audible alarm and, if
 96 battery-operated, must have a 10-year low-battery notification
 97 capability.

98 Section 4. Subsection (11) of section 553.79, Florida
 99 Statutes, is amended to read:

100 553.79 Permits; applications; issuance; inspections.—

101 (11) (a) The local enforcing agency may not issue a
 102 building permit to construct, develop, or modify a public
 103 swimming pool without proof of application, whether complete or
 104 incomplete, for an operating permit pursuant to s. 514.031. A

105 certificate of completion or occupancy may not be issued until
 106 such operating permit is issued. The local enforcing agency
 107 shall conduct its review of the building permit application upon
 108 filing and in accordance with this chapter. The local enforcing
 109 agency may confer with the Department of Health, if necessary,
 110 but may not delay the building permit application review while
 111 awaiting comment from the Department of Health.

112 (b) If the department determines under s. 514.031(2) that
 113 a public pool or a public bathing place is not being operated or
 114 maintained in compliance with department's rules, the original
 115 approved plans and specifications or variances, and the Florida
 116 Building Code, the local enforcing agency shall permit and
 117 inspect the repairs or modifications required as a result of the
 118 department's inspections and may take enforcement action to
 119 ensure compliance.

120 Section 5. Subsections (4) and (7) of section 553.841,
 121 Florida Statutes, are amended, to read:

122 553.841 Building code compliance and mitigation program.—

123 ~~(4) In administering the Florida Building Code Compliance~~
 124 ~~and Mitigation Program, the department shall maintain, update,~~
 125 ~~develop, or cause to be developed advanced modules designed for~~
 126 ~~use by each profession.~~

127 ~~(7) The Florida Building Commission shall provide by rule~~
 128 ~~for the accreditation of courses related to the Florida Building~~
 129 ~~Code by accreditors approved by the commission. The commission~~
 130 ~~shall establish qualifications of accreditors and criteria for~~

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131 ~~the accreditation of courses by rule. The commission may revoke~~
132 ~~the accreditation of a course by an accreditor if the~~
133 ~~accreditation is demonstrated to violate this part or the rules~~
134 ~~of the commission.~~

135 Section 6. Paragraph (a) of subsection (8) of section
136 553.842, Florida Statutes, is amended to read:

137 553.842 Product evaluation and approval.—

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

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

153 Section 7. This act shall take effect July 1, 2015.