

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	—	(Y/N)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

1 Committee/Subcommittee hearing bill: Regulatory Affairs
 2 Committee

3 Representative Eagle offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

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

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

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

15 (b) Is of good moral character.

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

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

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

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

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

43 5. Demonstrates a combination of the completion of an

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

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

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

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

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

85 (b) Is of good moral character.

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

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

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

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

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

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

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

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

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

135 Section 2. Subsection (23) is added to section 489.103,
136 Florida Statutes, to read:

137 489.103 Exemptions.—This part does not apply to:

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

142 (a) The employee:

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

145 2. Does not perform any acts, other than acts authorized
146 by this exemption, that constitute contracting.

147 3. Receives compensation from and is under the supervision

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148 and control of an employer who deducts the FICA and withholding
149 tax and who provides workers' compensation, as prescribed by
150 law.

151 4. Holds a current certificate for apartment maintenance
152 technicians issued by the National Apartment Association and
153 accredited by the American National Standards Institute.

154 Requirements for obtaining such certificate must include at
155 least:

156 a. One year of apartment or rental housing maintenance
157 experience.

158 b. Successful completion of at least 90 hours of courses
159 or online content that covers electrical maintenance and repair;
160 plumbing maintenance and repair; heating, venting, or air-
161 conditioning system maintenance and repair; appliance
162 maintenance and repair; and interior and exterior maintenance
163 and repair.

164 c. Completion of all examination requirements.

165 (b) The equipment:

166 1. Is already installed on the property owned by the
167 apartment community or managed by the apartment community
168 management company.

169 2. Is not being modified except to replace components
170 necessary to return the equipment to its original condition and
171 the partial disassembly associated with the replacement.

172 3. Is a type of equipment commonly installed in similar
173 locations.

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174 4. Is repaired with new parts that are functionally
175 identical to the parts being replaced.

176 (c) An individual repair does not involve replacement
177 parts that cost more than \$1,000. An individual repair may not
178 be so extensive as to be a functional replacement of the
179 electric water heater or the existing electric heating, venting,
180 or air-conditioning system being repaired. An individual repair
181 may not be part of a larger or major project in which a division
182 of the project is made for the purpose of evading this part or
183 otherwise.

184 (d) The property owned by the apartment community or
185 managed by the apartment community management company includes
186 at least 100 apartments.

187
188 The exemption does not limit the authority of a municipality or
189 county to adopt or enforce an ordinance, rule, or regulation
190 requiring licensure, certification, or registration of persons
191 employed as an apartment maintenance technician, apartment
192 repair worker, or any term or position that includes any part of
193 the scope of work described by the exemption in this subsection.

194 Section 3. Paragraph (m) of subsection (3) of section
195 489.105, Florida Statutes, is amended to read:

196 489.105 Definitions.—As used in this part:

197 (3) "Contractor" means the person who is qualified for,
198 and is only responsible for, the project contracted for and
199 means, except as exempted in this part, the person who, for

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

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

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

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252 specialty installer who is licensed under chapter 527 or an ~~of~~
253 ~~any~~ authorized employee of a public natural gas utility or of a
254 private natural gas utility regulated by the Public Service
255 Commission when disconnecting and reconnecting water lines in
256 the servicing or replacement of an existing water heater. A
257 plumbing contractor may perform drain cleaning and clearing and
258 install or repair rainwater catchment systems; however, a
259 mandatory licensing requirement is not established for the
260 performance of these specific services.

261 Section 4. Subsections (2) and (3) of section 489.1401,
262 Florida Statutes, are amended to read:

263 489.1401 Legislative intent.—

264 (2) It is the intent of the Legislature that the sole
265 purpose of the Florida Homeowners' Construction Recovery Fund is
266 to compensate an ~~any~~ aggrieved claimant who contracted for the
267 construction or improvement of the homeowner's residence located
268 within this state and who has obtained a final judgment in a ~~any~~
269 court of competent jurisdiction, was awarded restitution by the
270 Construction Industry Licensing Board, or received an award in
271 arbitration against a licensee on grounds of financial
272 mismanagement or misconduct, abandoning a construction project,
273 or making a false statement with respect to a project. Such
274 grievance must arise ~~and arising~~ directly out of a ~~any~~
275 transaction conducted when the judgment debtor was licensed and
276 must involve an act performed ~~any of the activities~~ enumerated
277 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence.~~

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

281 Section 5. Paragraphs (d), (i), (k), and (l) of subsection
282 (1) of section 489.1402, Florida Statutes, are amended to read:

283 489.1402 Homeowners' Construction Recovery Fund;
284 definitions.-

285 (1) The following definitions apply to ss. 489.140-
286 489.144:

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

290 (i) "Residence" means a single-family residence, an
291 individual residential condominium or cooperative unit, or a
292 residential building containing not more than two residential
293 units in which the owner contracting for the improvement is
294 residing or will reside 6 months or more each calendar year upon
295 completion of the improvement.

296 (k) "Same transaction" means a contract, or a ~~any~~ series
297 of contracts, between a claimant and a contractor or qualified
298 business, when such contract or contracts involve the same
299 property or contiguous properties and are entered into either at
300 one time or serially.

301 (l) "Valid and current license," for the purpose of s.
302 489.141(2)(d), means a ~~any~~ license issued pursuant to this part
303 to a licensee, including a license in an active, inactive,

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304 delinquent, or suspended status.

305 Section 6. Subsections (1) and (2) of section 489.141,
306 Florida Statutes, are amended to read:

307 489.141 Conditions for recovery; eligibility.—

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

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

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

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

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

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

329 (d) The judgment, award, or restitution order specifies

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330 the actual damages suffered as a consequence of such violation.

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

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

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

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

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

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

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

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

364 (2) A claimant is not qualified to make a claim for
365 recovery from the recovery fund, if:

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

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

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

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

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

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

381 (f)(g) The claimant had entered into a contract ~~has~~

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382 ~~contracted~~ with a licensee to perform a scope of work described
383 in s. 489.105(3)(d)-(q) before July 1, 2016 ~~489.105(3)(d)-(p)~~.

384 Section 7. Subsection (1) of section 489.1425, Florida
385 Statutes, is amended to read:

386 489.1425 Duty of contractor to notify residential property
387 owner of recovery fund.—

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

394
395 FLORIDA HOMEOWNERS' CONSTRUCTION
396 RECOVERY FUND

397
398 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE
399 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY
400 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS
401 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED
402 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A
403 CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD
404 AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

405
406 The statement must ~~shall~~ be immediately followed by the board's
407 address and telephone number as established by board rule.

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408 Section 8. Section 489.143, Florida Statutes, is amended
409 to read:

410 489.143 Payment from the fund.—

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

413 (2) A ~~Any~~ claimant who meets all of the conditions
414 prescribed in s. 489.141 may apply to the board to cause payment
415 to be made to a claimant from the recovery fund in an amount
416 equal to the judgment, award, or restitution order or \$25,000,
417 whichever is less, or an amount equal to the unsatisfied portion
418 of such person's judgment, award, or restitution order, but only
419 to the extent and amount of actual damages suffered by the
420 claimant, and only up to the maximum payment allowed for each
421 respective Division I and Division II claim. Payment from the
422 fund for other costs related to or pursuant to civil proceedings
423 such as postjudgment interest, attorney ~~attorney's~~ fees, court
424 costs, medical damages, and punitive damages is prohibited. The
425 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
426 or a restitution order, or any portion thereof, which is not
427 expressly based on one of the grounds for recovery set forth in
428 s. 489.141.

429 (3) Beginning January 1, 2005, for each Division I
430 contract entered into after July 1, 2004, payment from the
431 recovery fund is ~~shall be~~ subject to a \$50,000 maximum payment
432 for each Division I claim. Beginning January 1, 2017, for each
433 Division II contract entered into on or after July 1, 2016,

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434 payment from the recovery fund is subject to a \$15,000 maximum
435 payment for each Division II claim.

436 ~~(4)-(3)~~ Upon receipt by a claimant under subsection (2) of
437 payment from the recovery fund, the claimant shall assign his or
438 her additional right, title, and interest in the judgment,
439 award, or restitution order, to the extent of such payment, to
440 the board, and thereupon the board shall be subrogated to the
441 right, title, and interest of the claimant; and any amount
442 subsequently recovered on the judgment, award, or restitution
443 order, to the extent of the right, title, and interest of the
444 board therein, shall be for the purpose of reimbursing the
445 recovery fund.

446 ~~(5)-(4)~~ Payments for claims arising out of the same
447 transaction shall be limited, in the aggregate, to the lesser of
448 the judgment, award, or restitution order or the maximum payment
449 allowed for a Division I or Division II claim, regardless of the
450 number of claimants involved in the transaction.

451 ~~(6)-(5)~~ For contracts entered into before July 1, 2004,
452 payments for claims against any one licensee may ~~shall~~ not
453 exceed, in the aggregate, \$100,000 annually, up to a total
454 aggregate of \$250,000. For any claim approved by the board which
455 is in excess of the annual cap, the amount in excess of \$100,000
456 up to the total aggregate cap of \$250,000 is eligible for
457 payment in the next and succeeding fiscal years, but only after
458 all claims for the then-current calendar year have been paid.
459 Payments may not exceed the aggregate annual or per claimant

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460 limits under law. Beginning January 1, 2005, for each Division I
461 contract entered into after July 1, 2004, payment from the
462 recovery fund is subject only to a total aggregate cap of
463 \$500,000 for each Division I licensee. Beginning January 1,
464 2017, for each Division II contract entered into on or after
465 July 1, 2016, payment from the recovery fund is subject only to
466 a total aggregate cap of \$150,000 for each Division II licensee.

467 (7)~~(6)~~ Claims shall be paid in the order filed, up to the
468 aggregate limits for each transaction and licensee and to the
469 limits of the amount appropriated to pay claims against the fund
470 ~~for the fiscal year in which the claims were filed.~~ Payments may
471 not exceed the total aggregate cap per license or per claimant
472 limits under this section.

473 (8)~~(7)~~ If the annual appropriation is exhausted with
474 claims pending, such claims shall be carried forward to the next
475 fiscal year. Any moneys in excess of pending claims remaining in
476 the recovery fund at the end of the fiscal year shall be paid as
477 provided in s. 468.631.

478 (9)~~(8)~~ Upon the payment of any amount from the recovery
479 fund in settlement of a claim in satisfaction of a judgment,
480 award, or restitution order against a licensee as described in
481 s. 489.141, the license of such licensee shall be automatically
482 suspended, without further administrative action, upon the date
483 of payment from the fund. The license of such licensee may ~~shall~~
484 not be reinstated until he or she has repaid in full, plus
485 interest, the amount paid from the fund. A discharge of

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486 bankruptcy does not relieve a person from the penalties and
487 disabilities provided in this section.

488 ~~(10)-(9)~~ A Any firm, a corporation, a partnership, or an
489 association, or a any person acting in his or her individual
490 capacity, who aids, abets, solicits, or conspires with another
491 any person to knowingly present or cause to be presented a any
492 false or fraudulent claim for the payment of a loss under this
493 act commits is guilty of a third-degree felony, punishable as
494 provided in s. 775.082 or s. 775.084 and by a fine of up to not
495 exceeding \$30,000, unless the value of the fraud exceeds that
496 amount, \$30,000 in which event the fine may not exceed double
497 the value of the fraud.

498 ~~(11)-(10)~~ Each payment All payments and disbursement
499 disbursements from the recovery fund shall be made by the Chief
500 Financial Officer upon a voucher signed by the secretary of the
501 department or the secretary's designee.

502 Section 9. Subsection (24) is added to section 489.503,
503 Florida Statutes, to read:

504 489.503 Exemptions.—This part does not apply to:

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

509 Section 10. Subsection (3) of section 514.011, Florida
510 Statutes, is amended to read:

511 514.011 Definitions.—As used in this chapter:

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512 (3) "Private pool" means a facility used only by an
513 individual, family, or living unit members and their guests
514 which does not serve any type of cooperative housing or joint
515 tenancy of five or more living units. For purposes of the
516 exemptions provided under s. 514.0115, the term includes a
517 portable pool used exclusively for providing swimming lessons or
518 related instruction in support of an established educational
519 program sponsored or provided by a county school district and a
520 portable pool used in conjunction with a sanctioned national or
521 international swimming or diving competition event not to exceed
522 consecutive 30 days of use.

523 Section 11. Subsection (3) of section 514.0115, Florida
524 Statutes, is amended to read:

525 514.0115 Exemptions from supervision or regulation;
526 variances.—

527 (3) A private pool used for instructional purposes in
528 swimming ~~may shall~~ not be regulated as a public pool. A portable
529 pool used for instructional purposes or to further an approved
530 educational program or used for a sanctioned national or
531 international swimming or diving competition event, not
532 exceeding 30 consecutive days of use, may not be regulated as a
533 public pool.

534 Section 12. Subsection (5) of section 514.031, Florida
535 Statutes, is amended to read:

536 514.031 Permit necessary to operate public swimming pool.—

537 (5) An owner or operator of a public swimming pool,

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538 including, but not limited to, a spa, wading, or special purpose
539 pool, to which admittance is obtained by membership for a fee
540 shall post in a prominent location within the facility the most
541 recent pool inspection report issued by the department
542 pertaining to the health and safety conditions of such facility.
543 The report shall be legible and readily accessible to members or
544 potential members. The department shall adopt rules to enforce
545 this subsection. A portable pool may not be used as a public
546 pool unless it is exempt under s. 514.0115.

547 Section 13. Section 515.27, Florida Statutes, is amended
548 to read:

549 515.27 Residential swimming pool safety feature options;
550 penalties.—

551 (1) In order to pass final inspection and receive a
552 certificate of completion, a residential swimming pool must meet
553 at least one of the following requirements relating to pool
554 safety features:

555 (a) The pool must be isolated from access to a home by an
556 enclosure that meets the pool barrier requirements of s. 515.29;

557 (b) The pool must be equipped with an approved safety pool
558 cover;

559 (c) All doors and windows providing direct access from the
560 home to the pool must be equipped with an exit alarm that has a
561 minimum sound pressure rating of 85 dB A at 10 feet; or

562 (d) All doors providing direct access from the home to the
563 pool must be equipped with a self-closing, self-latching device

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564 with a release mechanism placed no lower than 54 inches above
565 the floor.

566 (e) Swimming pool alarms that, when placed in pools, will
567 sound upon detection of accidental or unauthorized entrance into
568 the water. These pool alarms shall meet and be independently
569 certified to the ASTM Standard F 2208 "Standards Specification
570 for Pool Alarms" which includes surface motion, pressure, sonar,
571 laser, and infrared type alarms. For purposes of this article,
572 "swimming pool alarms" shall not include swimming protection
573 alarm devices designed for individual use, such as an alarm
574 attached to a child that sounds when the child exceeds a certain
575 distance or becomes submerged in water.

576 (2) A person who fails to equip a new residential swimming
577 pool with at least one pool safety feature as required in
578 subsection (1) commits a misdemeanor of the second degree,
579 punishable as provided in s. 775.082 or s. 775.083, except that
580 no penalty shall be imposed if the person, within 45 days after
581 arrest or issuance of a summons or a notice to appear, has
582 equipped the pool with at least one safety feature as required
583 in subsection (1) and has attended a drowning prevention
584 education program established by s. 515.31. However, the
585 requirement of attending a drowning prevention education program
586 is waived if such program is not offered within 45 days after
587 issuance of the citation.

588 Section 14. Subsection (2) of section 553.512, Florida
589 Statutes, is amended to read:

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590 553.512 Modifications and waivers; advisory council.—
591 (2) The Accessibility Advisory Council shall consist of
592 the following seven members, who shall be knowledgeable in the
593 area of accessibility for persons with disabilities. The
594 Secretary of Business and Professional Regulation shall appoint
595 the following: a representative from the Advocacy Center for
596 Persons with Disabilities, Inc.; a representative from the
597 Division of Blind Services; a representative from the Division
598 of Vocational Rehabilitation; a representative from a statewide
599 organization representing the physically handicapped; a
600 representative from the hearing impaired; a representative from
601 the Pensacola Pen Wheels Inc. Employ the Handicapped Council
602 ~~President, Florida Council of Handicapped Organizations~~; and a
603 representative of the Paralyzed Veterans of America. The terms
604 for the first three council members appointed subsequent to
605 October 1, 1991, shall be for 4 years, the terms for the next
606 two council members appointed shall be for 3 years, and the
607 terms for the next two members shall be for 2 years. Thereafter,
608 all council member appointments shall be for terms of 4 years.
609 No council member shall serve more than two 4-year terms
610 subsequent to October 1, 1991. Any member of the council may be
611 replaced by the secretary upon three unexcused absences. Upon
612 application made in the form provided, an individual waiver or
613 modification may be granted by the commission so long as such
614 modification or waiver is not in conflict with more stringent
615 standards provided in another chapter.

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616 Section 15. Section 553.721, Florida Statutes, is amended
617 to read:

618 553.721 Surcharge.—In order for the Department of Business
619 and Professional Regulation to administer and carry out the
620 purposes of this part and related activities, there is created a
621 surcharge, to be assessed at the rate of 1.5 percent of the
622 permit fees associated with enforcement of the Florida Building
623 Code as defined by the uniform account criteria and specifically
624 the uniform account code for building permits adopted for local
625 government financial reporting pursuant to s. 218.32. The
626 minimum amount collected on any permit issued shall be \$2. The
627 unit of government responsible for collecting a permit fee
628 pursuant to s. 125.56(4) or s. 166.201 shall collect the
629 surcharge and electronically remit the funds collected to the
630 department on a quarterly calendar basis for the preceding
631 quarter and continuing each third month thereafter. The unit of
632 government shall retain 10 percent of the surcharge collected to
633 fund the participation of building departments in the national
634 and state building code adoption processes and to provide
635 education related to enforcement of the Florida Building Code.
636 All funds remitted to the department pursuant to this section
637 shall be deposited in the Professional Regulation Trust Fund.
638 Funds collected from the surcharge shall be allocated to fund
639 the Florida Building Commission and the Florida Building Code
640 Compliance and Mitigation Program under s. 553.841. Funds
641 allocated to the Florida Building Code Compliance and Mitigation

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642 Program shall be \$925,000 each fiscal year. The Florida Building
643 Code Compliance and Mitigation Program shall fund the
644 recommendations made by the Building Code System Uniform
645 Implementation Evaluation Workgroup, dated April 8, 2013, from
646 existing resources, not to exceed \$30,000 in the 2016-2017
647 fiscal year. Funds collected from the surcharge shall also be
648 used to fund Florida Fire Prevention Code informal
649 interpretations managed by the State Fire Marshal and shall be
650 limited to \$15,000 each fiscal year. The State Fire Marshal
651 shall adopt rules to address the implementation and expenditure
652 of the funds allocated to fund the Florida Fire Prevention Code
653 informal interpretations under this section. The funds collected
654 from the surcharge may not be used to fund research on
655 techniques for mitigation of radon in existing buildings. Funds
656 used by the department as well as funds to be transferred to the
657 Department of Health and the State Fire Marshal shall be as
658 prescribed in the annual General Appropriations Act. The
659 department shall adopt rules governing the collection and
660 remittance of surcharges pursuant to chapter 120.

661 Section 16. Paragraph (a) of subsection (7), subsections
662 (8), (11) and (15) of section 553.73, Florida Statutes, are
663 amended, and subsection (19) is added to that section, to read:

664 553.73 Florida Building Code.—

665 (7) (a) The commission, by rule adopted pursuant to ss.
666 120.536(1) and 120.54, shall update the Florida Building Code
667 every 6 ~~3~~ years. When updating the Florida Building Code, the

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668 commission shall select the most current version of the
669 International Building Code, the International Fuel Gas Code,
670 the International Mechanical Code, the International Plumbing
671 Code, and the International Residential Code, all of which are
672 adopted by the International Code Council, and the National
673 Electrical Code, which is adopted by the National Fire
674 Protection Association, to form the foundation codes of the
675 updated Florida Building Code, if the version has been adopted
676 by the applicable model code entity. The commission shall select
677 the most current version of the International Energy
678 Conservation Code (IECC) as a foundation code; however, the IECC
679 shall be modified by the commission to maintain the efficiencies
680 of the Florida Energy Efficiency Code for Building Construction
681 adopted and amended pursuant to s. 553.901.

682 (8) Notwithstanding the provisions of subsection (3) or
683 subsection (7), the commission may address issues identified in
684 this subsection by amending the code pursuant only to the rule
685 adoption procedures contained in chapter 120. Provisions of the
686 Florida Building Code, including those contained in referenced
687 standards and criteria, relating to wind resistance or the
688 prevention of water intrusion may not be amended pursuant to
689 this subsection to diminish those construction requirements;
690 however, the commission may, subject to conditions in this
691 subsection, amend the provisions to enhance those construction
692 requirements. Following the approval of any amendments to the
693 Florida Building Code by the commission and publication of the

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694 amendments on the commission's website, authorities having
695 jurisdiction to enforce the Florida Building Code may enforce
696 the amendments. The commission may approve amendments that are
697 needed to address:

698 (a) Conflicts within the updated code;

699 (b) Conflicts between the updated code and the Florida
700 Fire Prevention Code adopted pursuant to chapter 633;

701 (c) Unintended results from the integration of previously
702 adopted Florida-specific amendments with the model code;

703 (d) Equivalency of standards;

704 (e) Changes to or inconsistencies with federal or state
705 law; ~~or~~

706 (f) Adoption of an updated edition of the National
707 Electrical Code if the commission finds that delay of
708 implementing the updated edition causes undue hardship to
709 stakeholders or otherwise threatens the public health, safety,
710 and welfare;~~-~~

711 (g) Potential risks to the public health, safety, or
712 welfare;

713 (h) Significant economic impact as determined by the
714 Commission;

715 (i) Existing provisions which require products or services
716 that are not readily or consistently available to meet code
717 requirements;

718 (j) Existing provisions which cannot technically be
719 enforced due to infeasibility;

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720 (k) Existing provisions which have not provided sufficient
721 time needed to ensure adequate training for licensed
722 professionals and their employees prior to enforcement; and

723 (l) Provisions of previous editions of the Florida Building Code
724 not provided for in the current Code and found by the Commission
725 to be necessary.

726 (11) (a) In the event of a conflict between the Florida
727 Building Code and the Florida Fire Prevention Code and the Life
728 Safety Code as applied to a specific project, the conflict shall
729 be resolved by agreement between the local building code
730 enforcement official and the local fire code enforcement
731 official in favor of the requirement of the code which offers
732 the greatest degree of lifesafety or alternatives which would
733 provide an equivalent degree of lifesafety and an equivalent
734 method of construction. Local boards created to address issues
735 arising under the Florida Building Code or the Florida Fire
736 Prevention Code may combine the appeals boards to create a
737 single, local board having jurisdiction over matters arising
738 under either code or both codes. The combined local appeals
739 board may grant alternatives or modifications through procedures
740 outlined in NFPA 1, Section 1.4, but may not waive the
741 requirements of the Florida Fire Prevention Code. To meet the
742 quorum requirement for convening the combined local appeals
743 board, at least one member of the board who is a fire protection
744 contractor, a fire protection design professional, a fire
745 department operations professional, or a fire code enforcement

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746 professional must be present.

747 (b) Any decision made by the local fire official regarding
748 application, interpretation, or enforcement of the Florida Fire
749 Prevention Code, by ~~and~~ the local building official regarding
750 application, interpretation, or enforcement of the Florida
751 Building Code, or the appropriate application of either code or
752 both codes in the case of a conflict between the codes may be
753 appealed to a local administrative board designated by the
754 municipality, county, or special district having firesafety
755 responsibilities. If the decision of the local fire official and
756 the local building official is to apply the provisions of either
757 the Florida Building Code or the Florida Fire Prevention Code
758 and the Life Safety Code, the board may not alter the decision
759 unless the board determines that the application of such code is
760 not reasonable. If the decision of the local fire official and
761 the local building official is to adopt an alternative to the
762 codes, the local administrative board shall give due regard to
763 the decision rendered by the local officials and may modify that
764 decision if the administrative board adopts a better
765 alternative, taking into consideration all relevant
766 circumstances. In any case in which the local administrative
767 board adopts alternatives to the decision rendered by the local
768 fire official and the local building official, such alternatives
769 shall provide an equivalent degree of lifesafety and an
770 equivalent method of construction as the decision rendered by
771 the local officials.

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

780 (d) All decisions of the local administrative board, ~~or,~~
781 if none exists, ~~the decisions of~~ the local building official and
782 the local fire official in regard to the application,
783 enforcement, or interpretation of the Florida Fire Prevention
784 Code, or conflicts between the Florida Fire Prevention Code and
785 the Florida Building Code, are subject to review by a joint
786 committee composed of members of the Florida Building Commission
787 and the Fire Code Advisory Council. If the joint committee is
788 unable to resolve conflicts between the codes as applied to a
789 specific project, the matter shall be resolved pursuant to ~~the~~
790 ~~provisions of~~ paragraph (1) (d). Decisions of the local
791 administrative board related solely to the Florida Building Code
792 are subject to review as set forth in s. 553.775.

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

796 (f) All decisions of the local building official and local
797 fire official and all decisions of the administrative board

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798 shall be in writing and shall be binding upon a person but do
799 not limit the authority of the State Fire Marshal or the Florida
800 Building Commission pursuant to paragraph (1)(d) and ss. 633.104
801 and 633.228. Decisions of general application shall be indexed
802 by building and fire code sections and shall be available for
803 inspection during normal business hours.

804 (15) An agency or local government may not require that
805 existing mechanical equipment located on or above the surface of
806 a roof be installed in compliance with the requirements of the
807 Florida Building Code except during reroofing when the equipment
808 is being replaced or moved ~~during reroofing~~ and is not in
809 compliance with the provisions of the Florida Building Code
810 relating to roof-mounted mechanical units.

811 (19) The Florida Building Code shall require two fire
812 service access elevators in all buildings with height greater
813 than 120-feet from the elevation of street level access to the
814 level of the highest occupiable floor. All remaining elevators,
815 if any, shall be provided with Phase I and II emergency
816 operations. Where a fire service access elevator is required, a
817 1 hour fire-rated fire service access elevator lobby with direct
818 access from the fire service access elevator is not required
819 when the fire service access elevator opens into an exit access
820 corridor which can be no less than six feet wide for its entire
821 length that is a minimum of 150 square feet with the exception
822 of door openings, and has a minimum 1 hour fire rating with
823 three quarter hour fire and smoke rated openings; and during a

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824 fire event the fire service access elevator is pressurized and
825 floor-to-floor smoke control is provided. However, where
826 transient residential occupancies occur at floor levels more
827 than 420 feet above the level of fire service access, a 1 hour
828 fire-rated service access elevator lobby with direct access from
829 the fire service access elevator is required.

830 Section 17. Paragraph (c) of subsection (3) of section
831 553.775, Florida Statutes, is amended to read:

832 553.775 Interpretations.—

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

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

843 1. The commission shall coordinate with the Building
844 Officials Association of Florida, Inc., to designate a panel
845 ~~panels~~ composed of seven ~~five~~ members to hear requests to review
846 decisions of local building officials. Five ~~The~~ members must be
847 licensed as building code administrators under part XII of
848 chapter 468, one member must be licensed as an architect under
849 chapter 481, and one member must be licensed as an engineer

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850 under chapter 471. Each member ~~and~~ must have experience
851 interpreting or ~~and~~ enforcing provisions of the Florida Building
852 Code and the Florida Accessibility Code for Building
853 Construction.

854 2. Requests to review a decision of a local building
855 official interpreting provisions of the Florida Building Code or
856 the Florida Accessibility Code for Building Construction may be
857 initiated by any substantially affected person, including an
858 owner or builder subject to a decision of a local building
859 official or an association of owners or builders having members
860 who are subject to a decision of a local building official. In
861 order to initiate review, the substantially affected person must
862 file a petition with the commission. The commission shall adopt
863 a form for the petition, which shall be published on the
864 Building Code Information System. The form shall, at a minimum,
865 require the following:

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

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

872 c. The name, address, and telephone number of the
873 petitioner; the name, address, and telephone number of the
874 petitioner's representative, if any; and an explanation of how
875 the petitioner's substantial interests are being affected by the

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876 local interpretation of the Florida Building Code or the Florida
877 Accessibility Code for Building Construction.

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

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

885 f. A statement of the interpretation that the petitioner
886 contends should be given to the provisions of the Florida
887 Building Code or the Florida Accessibility Code for Building
888 Construction and a statement supporting the petitioner's
889 interpretation.

890 g. Space for the local building official to respond in
891 writing. The space shall, at a minimum, require the local
892 building official to respond by providing a statement admitting
893 or denying the statements contained in the petition and a
894 statement of the interpretation of the provisions of the Florida
895 Building Code or the Florida Accessibility Code for Building
896 Construction which the local jurisdiction or the local building
897 official contends is correct, including the basis for the
898 interpretation.

899 3. The petitioner shall submit the petition to the local
900 building official, who shall place the date of receipt on the
901 petition. The local building official shall respond to the

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902 petition in accordance with the form and shall return the
903 petition along with his or her response to the petitioner within
904 5 days after receipt, exclusive of Saturdays, Sundays, and legal
905 holidays. The petitioner may file the petition with the
906 commission at any time after the local building official
907 provides a response. If no response is provided by the local
908 building official, the petitioner may file the petition with the
909 commission 10 days after submission of the petition to the local
910 building official and shall note that the local building
911 official did not respond.

912 4. Upon receipt of a petition that meets the requirements
913 of subparagraph 2., the commission shall immediately provide
914 copies of the petition to the a panel, and the commission shall
915 publish the petition, including any response submitted by the
916 local building official, on the Building Code Information System
917 in a manner that allows interested persons to address the issues
918 by posting comments.

919 5. The panel shall conduct proceedings as necessary to
920 resolve the issues; shall give due regard to the petitions, the
921 response, and to comments posed on the Building Code Information
922 System; and shall issue an interpretation regarding the
923 provisions of the Florida Building Code or the Florida
924 Accessibility Code for Building Construction within 21 days
925 after the filing of the petition. The panel shall render a
926 determination based upon the Florida Building Code or the
927 Florida Accessibility Code for Building Construction or, if the

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928 code is ambiguous, the intent of the code. The panel's
929 interpretation shall be provided to the commission, which shall
930 publish the interpretation on the Building Code Information
931 System and in the Florida Administrative Register. The
932 interpretation shall be considered an interpretation entered by
933 the commission, and shall be binding upon the parties and upon
934 all jurisdictions subject to the Florida Building Code or the
935 Florida Accessibility Code for Building Construction, unless it
936 is superseded by a declaratory statement issued by the Florida
937 Building Commission or by a final order entered after an appeal
938 proceeding conducted in accordance with subparagraph 7.

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

944 7. Any substantially affected person may appeal an
945 interpretation rendered by the ~~a hearing officer~~ panel by filing
946 a petition with the commission. Such appeals shall be initiated
947 in accordance with chapter 120 and the uniform rules of
948 procedure and must be filed within 30 days after publication of
949 the interpretation on the Building Code Information System or in
950 the Florida Administrative Register. Hearings shall be conducted
951 pursuant to chapter 120 and the uniform rules of procedure.
952 Decisions of the commission are subject to judicial review
953 pursuant to s. 120.68. The final order of the commission is

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954 binding upon the parties and upon all jurisdictions subject to
955 the Florida Building Code or the Florida Accessibility Code for
956 Building Construction.

957 8. The burden of proof in any proceeding initiated in
958 accordance with subparagraph 7. is on the party who initiated
959 the appeal.

960 9. In any review proceeding initiated in accordance with
961 this paragraph, including any proceeding initiated in accordance
962 with subparagraph 7., the fact that an owner or builder has
963 proceeded with construction may not be grounds for determining
964 an issue to be moot if the issue is one that is likely to arise
965 in the future.

966
967 This paragraph provides the exclusive remedy for addressing
968 requests to review local interpretations of the Florida Building
969 Code or the Florida Accessibility Code for Building Construction
970 and appeals from review proceedings.

971 Section 18. Subsection(1) and (6) of section 553.79,
972 Florida Statutes, are amended to read:

973 553.79 Permits; applications; issuance; inspections.—

974 (1) After the effective date of the Florida Building Code
975 adopted as herein provided, it shall be unlawful for any person,
976 firm, corporation, or governmental entity to construct, erect,
977 alter, modify, repair, or demolish any building within this
978 state without first obtaining a permit therefor from the
979 appropriate enforcing agency or from such persons as may, by

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980 appropriate resolution or regulation of the authorized state or
981 local enforcing agency, be delegated authority to issue such
982 permits, upon the payment of such reasonable fees adopted by the
983 enforcing agency. The enforcing agency is empowered to revoke
984 any such permit upon a determination by the agency that the
985 construction, erection, alteration, modification, repair, or
986 demolition of the building for which the permit was issued is in
987 violation of, or not in conformity with, the provisions of the
988 Florida Building Code. Whenever a permit required under this
989 section is denied or revoked because the plan, or the
990 construction, erection, alteration, modification, repair, or
991 demolition of a building, is found by the local enforcing agency
992 to be not in compliance with the Florida Building Code, the
993 local enforcing agency shall identify the specific plan or
994 project features that do not comply with the applicable codes,
995 identify the specific code chapters and sections upon which the
996 finding is based, and provide this information to the permit
997 applicant. Failure to provide a reason, based on compliance with
998 the Florida Building Code or local ordinance, for denial,
999 revocation, or modification request to the applicant shall
1000 subject the plans reviewer or building code administrator
1001 responsible with creating the denial, revocation, or
1002 modification request to disciplinary action against his or her
1003 license pursuant to s 468.621(1)(j). Installation, replacement,
1004 removal, or metering of any load management control device is

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1005 exempt from and shall not be subject to the permit process and
1006 fees otherwise required by this section.

1007 (6) A permit may not be issued for any building
1008 construction, erection, alteration, modification, repair, or
1009 addition unless the applicant for such permit complies with the
1010 requirements for plan review established by the Florida Building
1011 Commission within the Florida Building Code. However, the code
1012 shall set standards and criteria to authorize preliminary
1013 construction before completion of all building plans review,
1014 including, but not limited to, special permits for the
1015 foundation only, and such standards shall take effect concurrent
1016 with the first effective date of the Florida Building Code.
1017 After submittal of the appropriate construction documents, the
1018 building official may issue a permit for the construction of
1019 foundations or any other part of a building or structure before
1020 the construction documents for the whole building or structure
1021 have been submitted. The holder of such permit for the
1022 foundation or other parts of a building or structure shall
1023 proceed at the holder's own risk and without assurance that a
1024 permit for the entire structure will be granted. Corrections may
1025 be required to meet the requirements of the technical codes.

1026 Section 19. Paragraph (d) is added to subsection (7) of
1027 section 553.80, Florida Statutes, to read:

1028 553.80 Enforcement.—

1029 (7) The governing bodies of local governments may provide
1030 a schedule of reasonable fees, as authorized by s. 125.56(2) or

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1031 s. 166.222 and this section, for enforcing this part. These
1032 fees, and any fines or investment earnings related to the fees,
1033 shall be used solely for carrying out the local government's
1034 responsibilities in enforcing the Florida Building Code. When
1035 providing a schedule of reasonable fees, the total estimated
1036 annual revenue derived from fees, and the fines and investment
1037 earnings related to the fees, may not exceed the total estimated
1038 annual costs of allowable activities. Any unexpended balances
1039 shall be carried forward to future years for allowable
1040 activities or shall be refunded at the discretion of the local
1041 government. The basis for a fee structure for allowable
1042 activities shall relate to the level of service provided by the
1043 local government and shall include consideration for refunding
1044 fees due to reduced services based on services provided as
1045 prescribed by s. 553.791, but not provided by the local
1046 government. Fees charged shall be consistently applied.

1047 (d) The local enforcement agency may not require the
1048 payment of any additional fees, charges, or expenses associated
1049 with:

- 1050 1. Providing proof of licensure pursuant to Chapter 489;
1051 2. Recording or filing a license issued pursuant to this
1052 chapter; or
1053 3. Providing, recording, or filing evidence of workers'
1054 compensation insurance coverage as required by chapter 440.

1055 Section 20. Paragraph (a) of subsection (8) of section
1056 553.842, Florida Statutes, is amended to read:

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1057 553.842 Product evaluation and approval.—

1058 (8) The commission may adopt rules to approve the
1059 following types of entities that produce information on which
1060 product approvals are based. All of the following entities,
1061 including engineers and architects, must comply with a
1062 nationally recognized standard demonstrating independence or no
1063 conflict of interest:

1064 (a) Evaluation entities approved pursuant to this
1065 paragraph. The commission shall specifically approve the
1066 National Evaluation Service, the International Association of
1067 Plumbing and Mechanical Officials Evaluation Service, the
1068 International Code Council Evaluation Services, Underwriters
1069 Laboratories, LLC, Intertek Testing Services NA, Inc., and the
1070 Miami-Dade County Building Code Compliance Office Product
1071 Control Division. Architects and engineers licensed in this
1072 state are also approved to conduct product evaluations as
1073 provided in subsection (5).

1074 Section 21. Subsection (4) of section 553.844, Florida
1075 Statutes, is revived, readopted, and amended, and subsection (3)
1076 of said section, is amended to read:

1077 553.844 Windstorm loss mitigation; requirements for roofs
1078 and opening protection.—

1079 (3) The Legislature finds that the integration of these
1080 specifically identified mitigation measures is critical to
1081 addressing the serious problem facing the state from damage
1082 caused by windstorms and that delay in the adoption and

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1083 implementation constitutes a threat to the health, safety, and
1084 welfare of the state. Accordingly, the Florida Building
1085 Commission shall develop and adopt these measures by October 1,
1086 2007, by rule separate from the Florida Building Code, which
1087 take immediate effect and shall incorporate such requirements
1088 into the next edition of the Florida Building Code. Such rules
1089 shall require or otherwise clarify that for site-built, single-
1090 family residential structures:

1091 (c) Any activity requiring a building permit, not
1092 including work associated with the prevention of degradation of
1093 the residence, that is applied for on or after July 1, 2008, and
1094 for which the estimated cost is \$50,000 or more, must include
1095 provision of opening protections as required within the Florida
1096 Building Code for new construction for a building that is
1097 located in the wind-borne debris region as defined in s. 1609.2
1098 of the International Building Code (2006) and that has an
1099 insured value of \$750,000 or more, or, if the building is
1100 uninsured or for which documentation of insured value is not
1101 presented, has a just valuation for the structure for purposes
1102 of ad valorem taxation of \$750,000 or more.

1103 (4) Notwithstanding the provisions of this section,
1104 exposed mechanical equipment or appliances fastened to a roof or
1105 installed on the ground in compliance with the code using rated
1106 stands, platforms, curbs, slabs, walls, or other means are
1107 deemed to comply with the wind resistance requirements of the
1108 2007 Florida Building Code, as amended. Further support or

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1109 enclosure of such mechanical equipment or appliances is not
1110 required by a state or local official having authority to
1111 enforce the Florida Building Code. ~~This subsection expires on~~
1112 ~~the effective date of the 2013 Florida Building Code.~~

1113 Section 22. Section 553.883, Florida Statutes, is amended
1114 to read:

1115 553.883 Smoke alarms in one-family and two-family
1116 dwellings and townhomes.—One-family and two-family dwellings and
1117 townhomes undergoing a repair, or a level 1 alteration as
1118 defined in the Florida Building Code, may use smoke alarms
1119 powered by 10-year nonremovable, nonreplaceable batteries in
1120 lieu of retrofitting such dwelling with smoke alarms powered by
1121 the dwelling's electrical system. ~~Effective January 1, 2015, A~~
1122 ~~battery-powered smoke alarm that is newly installed or replaces~~
1123 ~~an existing battery-powered smoke alarm as a result of a level 1~~
1124 ~~alteration, must be powered by a nonremovable, nonreplaceable~~
1125 ~~battery that powers the alarm for at least 10 years. This does~~
1126 ~~not prohibit a homeowner from replacing an existing smoke alarm~~
1127 ~~or installing a new smoke alarm with a smoke alarm that is not~~
1128 ~~powered by a 10-year nonremovable, noreplaceable battery or by~~
1129 ~~the dwelling's electrical system. The battery requirements of~~
1130 ~~this section do not apply to a fire alarm, smoke detector, smoke~~
1131 ~~alarm, or ancillary component that is electronically connected~~
1132 ~~as a part of a centrally monitored or supervised alarm system;~~
1133 ~~or that uses a low-power, radio frequency wireless communication~~
1134 ~~signal; or that contains multiple sensors, such as a smoke alarm~~

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1135 combined with a carbon monoxide alarm or other multi-sensor
1136 devices, and is approved and listed by a Nationally Recognized
1137 Testing Laboratory.

1138 Section 23. Section 553.908, Florida Statutes, is amended
1139 to read:

1140 553.908 Inspection.—Before construction or renovation is
1141 completed, the local enforcement agency shall inspect buildings
1142 for compliance with the standards of this part. Notwithstanding
1143 any other provision of the code or law, effective July 1, 2016,
1144 section R402.4.1 of the Florida Building Code, 5th Edition
1145 (2014) Energy Conservation, which became effective on June 30,
1146 2015, shall cease to be effective. Instead, section 402.4.2 of
1147 the 2010 Florida Building Code, Energy Conservation, relating to
1148 air sealing and insulation, in effect before June 30, 2015,
1149 shall govern and become applicable and effective on June 30,
1150 2016, and thereafter. Additionally, a state or local enforcement
1151 agency or code official may not require any type of mandatory
1152 blower door test or air infiltration test to determine specific
1153 air infiltration levels or air leakage rates in a residential
1154 building or dwelling unit and may not require the installation
1155 of any mechanical ventilation devices designed to filter outside
1156 air through an HVAC system as a condition of a permit or to
1157 determine compliance with the code. However, if section R402.4.1
1158 of the Florida Building Code, 5th Edition (2014) Energy
1159 Conservation, is voluntarily used, the local enforcement agency
1160 shall inspect the construction or renovation for compliance with

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1161 that section.

1162 Section 24. Subsections (17) and (18) are added to section
1163 633.202, Florida Statutes, to read:

1164 633.202 Florida Fire Prevention Code.—

1165 (17) The authority having jurisdiction shall determine the
1166 minimum radio signal strength for fire department communications
1167 in all new high-rise and existing high-rise buildings. Existing
1168 buildings are not required to comply with minimum radio strength
1169 for fire department communications and two-way radio system
1170 enhancement communications as required by the Florida Fire
1171 Prevention Code until January 1, 2022. However, by December 31,
1172 2019, an existing building that is not in compliance with the
1173 requirements for minimum radio strength for fire department
1174 communications must apply for an appropriate permit for the
1175 required installation with the local government agency having
1176 jurisdiction and must demonstrate that the building will become
1177 compliant by January 1, 2022. Existing apartment buildings are
1178 not required to comply until January 1, 2025. However, existing
1179 apartment buildings are required to apply for the appropriate
1180 permit for the required communications installation by December
1181 31, 2022.

1182 (18) Areas of refuge shall be provided if required by the
1183 Florida Building Code, Accessibility. Required portions of an
1184 area of refuge shall be accessible from the space they serve by
1185 an accessible means of egress.

1186 Section 25. Subsection (5) of section 633.208, Florida

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1187 Statutes, is amended to read:

1188 633.208 Minimum firesafety standards.—

1189 (5) With regard to existing buildings, the Legislature
1190 recognizes that it is not always practical to apply any or all
1191 of the provisions of the Florida Fire Prevention Code and that
1192 physical limitations may require disproportionate effort or
1193 expense with little increase in fire or life safety. Before
1194 ~~Prior to~~ applying the minimum firesafety code to an existing
1195 building, the local fire official shall determine whether ~~that~~ a
1196 threat to lifesafety or property exists. If a threat to
1197 lifesafety or property exists, the fire official shall apply the
1198 applicable firesafety code for existing buildings to the extent
1199 practical to ensure ~~assure~~ a reasonable degree of lifesafety and
1200 safety of property or the fire official shall fashion a
1201 reasonable alternative that ~~which~~ affords an equivalent degree
1202 of lifesafety and safety of property. The local fire official
1203 may consider the fire safety evaluation systems found in NFPA
1204 101A, Guide on Alternative Solutions to Life Safety, adopted by
1205 the State Fire Marshal, as acceptable systems for the
1206 identification of low-cost, reasonable alternatives. It is
1207 acceptable to use the Fire Safety Evaluation System for Board
1208 and Care Facilities using prompt evacuation capabilities
1209 parameter values on existing residential high-rise buildings.
1210 The decision of the local fire official may be appealed to the
1211 local administrative board described in s. 553.73.

1212 Section 26. Section 633.336, Florida Statutes, is amended

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1213 to read:

1214 633.336 Contracting without certificate prohibited;
1215 violations; penalty.—

1216 (1) It is unlawful for any organization or individual to
1217 engage in the business of layout, fabrication, installation,
1218 inspection, alteration, repair, or service of a fire protection
1219 system, other than a preengineered system, act in the capacity
1220 of a fire protection contractor, or advertise itself as being a
1221 fire protection contractor without having been duly certified
1222 and holding a valid and existing certificate, except as
1223 hereinafter provided. The holder of a certificate used to
1224 qualify an organization must be a full-time employee of the
1225 qualified organization or business. A certificateholder who is
1226 employed by more than one fire protection contractor during the
1227 same time is deemed not to be a full-time employee of either
1228 contractor. The State Fire Marshal shall revoke, for a period
1229 determined by the State Fire Marshal, the certificate of a
1230 certificateholder who allows the use of the certificate to
1231 qualify a company of which the certificateholder is not a full-
1232 time employee. A contractor who maintains more than one place of
1233 business must employ a certificateholder at each location. This
1234 subsection does not prohibit an employee acting on behalf of
1235 governmental entities from inspecting and enforcing firesafety
1236 codes, provided such employee is certified under s. 633.216.

1237 (2) A fire protection contractor certified under this
1238 chapter may not:

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1239 (a) Enter into a written or oral agreement to authorize,
1240 or otherwise knowingly allow, a contractor who is not certified
1241 under this chapter to engage in the business of, or act in the
1242 capacity of, a fire protection contractor.

1243 (b) Apply for or obtain a construction permit for fire
1244 protection work unless the fire protection contractor or the
1245 business organization qualified by the fire protection
1246 contractor has contracted to conduct the work specified in the
1247 application for the permit.

1248 (3) The Legislature recognizes that special expertise is
1249 required for fire pump control panels and maintenance of
1250 electric and diesel pump drivers and that it is not economically
1251 feasible for all contractors to employ these experts full-time
1252 whose work may be limited. It is therefore deemed acceptable for
1253 a fire protection contractor licensed under chapter 633 to
1254 subcontract with companies providing advanced technical services
1255 for the installation, servicing, and maintenance of fire pump
1256 control panels and pump drivers. To ensure the integrity of the
1257 system and to protect the interests of the property owner, those
1258 providing technical support services for fire pump control
1259 panels and pump drivers must be under contract with a licensed
1260 fire protection contractor.

1261 (4)-(3) A person who violates any provision of this act or
1262 commits any of the acts constituting cause for disciplinary
1263 action as herein set forth commits a misdemeanor of the second
1264 degree, punishable as provided in s. 775.082 or s. 775.083.

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1265 (5) ~~(4)~~ In addition to the penalties provided in subsection
1266 (4) ~~(3)~~, a fire protection contractor certified under this
1267 chapter who violates any provision of this section or who
1268 commits any act constituting cause for disciplinary action is
1269 subject to suspension or revocation of the certificate and
1270 administrative fines pursuant to s. 633.338.

1271 Section 27. The Calder Sloan Swimming Pool Electrical-
1272 Safety Task Force.—There is established within the Florida
1273 Building Commission the Calder Sloan Swimming Pool Electrical-
1274 Safety Task Force.

1275 (1) The purpose of the task force is to study standards on
1276 grounding, bonding, lighting, wiring, and all electrical aspects
1277 for safety in and around public and private swimming pools,
1278 especially with regard to minimizing risks of electrocutions
1279 linked to swimming pools. The task force shall submit a report
1280 of its findings, including recommended revisions to state law,
1281 if any, to the Governor, the President of the Senate, and the
1282 Speaker of the House of Representatives by November 1, 2016.

1283 (2) The task force shall consist of the swimming pool and
1284 electrical technical advisory committees of the Florida Building
1285 Commission.

1286 (3) The task force shall be chaired by the swimming pool
1287 contractor appointed to the Florida Building Commission pursuant
1288 to s. 553.74, Florida Statutes.

1289 (4) The Florida Building Commission shall provide such
1290 staff, information, and other assistance as is reasonably

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1291 necessary to assist the task force in carrying out its
1292 responsibilities.

1293 (5) Members of the task force shall serve without
1294 compensation.

1295 (6) The task force shall meet as often as necessary to
1296 fulfill its responsibilities. Meetings may be conducted by
1297 conference call, teleconferencing, or similar technology.

1298 (7) This section expires December 31, 2016.

1299 Section 28. Construction Industry Workforce Task Force.-

1300 (1) The Construction Industry Workforce Task Force is
1301 created within the University of Florida M.E. Rinker, Sr.,
1302 School of Construction Management. The goals of the task force
1303 are to:

1304 (a) Address the critical shortage of individuals trained
1305 in building construction and inspection.

1306 (b) Develop a consensus path for training the next
1307 generation of construction workers in the state.

1308 (c) Determine the causes for the current shortage of a
1309 trained construction industry work force and address the impact
1310 of the shortages on the recovery of the real estate market.

1311 (d) Review current methods and resources available for
1312 construction training.

1313 (e) Review the state of construction training available in
1314 K-12 schools.

1315 (f) Address training issues relating to building code
1316 inspectors to increase the number of qualified inspectors.

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1317 (2) The task force shall consist of 23 members. Except as
1318 otherwise specified, each member shall be chosen by the
1319 association that he or she represents, as follows:

1320 (a) A member of the House of Representatives appointed by
1321 the Speaker of the House of Representatives.

1322 (b) A member of the Senate appointed by the President of
1323 the Senate.

1324 (c) A member representing the Florida Associated General
1325 Contractors Council.

1326 (d) A member representing the Associated Builders and
1327 Contractors of Florida.

1328 (e) A member representing the Florida Home Builders
1329 Association.

1330 (f) A member representing the Florida Fire Sprinkler
1331 Association.

1332 (g) A member representing the Florida Roofing, Sheet Metal
1333 and Air Conditioning Contractors Association.

1334 (h) A member representing the Florida Refrigeration and
1335 Air Conditioning Contractors Association.

1336 (i) A member representing the Florida Plumbing-Heating-
1337 Cooling Contractors Association.

1338 (j) A member representing the Florida Swimming Pool
1339 Association.

1340 (k) A member representing the National Utility Contractors
1341 Association of Florida.

1342 (l) A member representing the Florida Concrete and

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1343 Products Association.

1344 (m) A member representing the Alarm Association of
1345 Florida.

1346 (n) A member representing the Independent Electrical
1347 Contractors.

1348 (o) A member representing the Florida Building and
1349 Construction Trades Council within the Florida AFL-CIO.

1350 (p) A member representing the Building Officials
1351 Association of Florida.

1352 (q) A member representing the Asphalt Contractors
1353 Association of Florida.

1354 (r) A member representing the American Fire Sprinkler
1355 Association-Florida Chapter.

1356 (s) The chair of the Florida Building Commission.

1357 (t) A member representing the Florida Carpenters Regional
1358 Council.

1359 (u) A member representing the National Electrical
1360 Contractors Association-Florida Chapter.

1361 (v) A member representing the Florida Electrical Workers
1362 Association.

1363 (3) The task force shall elect a chair from among its
1364 members.

1365 (4) The University of Florida M.E. Rinker, Sr., School of
1366 Construction Management shall provide such assistance as is
1367 reasonably necessary to assist the task force in carrying out
1368 its responsibilities.

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1369 (5) The task force shall meet as often as necessary to
1370 fulfill its responsibilities but not fewer than three times. The
1371 first meeting must be held no later than September 1, 2016.
1372 Meetings may be conducted by conference call, teleconferencing,
1373 or similar technology.

1374 (6) The task force shall submit a final report to the
1375 Governor, the President of the Senate, and the Speaker of the
1376 House of Representatives by February 1, 2017.

1377 (7) The Department of Business and Professional Regulation
1378 shall provide \$50,000 from funds available for the Florida
1379 Building Code Compliance and Mitigation Program under s.
1380 553.841(5), Florida Statutes, to the University of Florida M.E.
1381 Rinker, Sr., School of Construction Management for purposes of
1382 implementing this section.

1383 (8) This section expires July 1, 2017.

1384 Section 29. The Florida Building Commission shall define
1385 the term "fire separation distance" in Chapter 2, Definitions,
1386 of the Florida Building Code, 5th Edition (2014) Residential, as
1387 follows:

1388
1389 "FIRE SEPARATION DISTANCE. The distance measured from the
1390 building face to one of the following:

- 1391 1. To the closest interior lot line;
1392 2. To the centerline of a street, an alley, or a public way;
1393 3. To an imaginary line between two buildings on the lot; or
1394 4. To an imaginary line between two buildings when the exterior

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1395 wall of one building is located on a zero lot line.

1396

1397 The distance shall be measured at a right angle from the face of
1398 the wall."

1399 Section 30. The Florida Building Commission shall amend
1400 the Florida Building Code, 5th Edition (2014) Residential, to
1401 allow openings and roof overhang projections on the exterior
1402 wall of a building located on a zero lot line, when the building
1403 exterior wall is separated from an adjacent building exterior
1404 wall by a distance of 6 feet or more and the roof overhang
1405 projection is separated from an adjacent building projection by
1406 a distance of 4 feet or more, with 1-hour fire-resistive
1407 construction on the underside of the overhang required, unless
1408 the separation between projections is 6 feet or more.

1409 Section 31. The Florida Building Commission shall adopt
1410 into the Florida Building Code, 5th Edition (2014) Energy
1411 Conservation, the following:

1412

1413 "Section 406 relating to the Alternative Performance Path,
1414 Energy Rating Index of the 2015 International Energy
1415 Conservation Code (IECC) may be used unmodified except as
1416 follows for Table R406.4 as an option for demonstrating
1417 compliance with the Florida Building Code, Energy Conservation.
1418 TABLE R406.4 MAXIMUM ENERGY RATING INDEX shall reflect the
1419 following energy rating index: for Climate Zone 1, an index of
1420 58; for Climate Zone 2, an index of 58."

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1421 Section 32. The Florida Building Commission shall adopt
1422 into the Florida Building Code, 5th Edition (2014) Residential,
1423 the following, which shall be effective on July 1, 2016:

1424 Notwithstanding any other provision of code or law, the
1425 section setting forth shower lining requirements will include
1426 the following exceptions:

1427 Exceptions:

1428 1. Floor surfaces under showerheads provided for rinsing
1429 laid directly on the ground.

1430 2. Shower compartments where the finished shower drain is
1431 depressed a minimum of 2 inches (51 mm) below the surrounding
1432 finished floor on the first floor level and the shower recess is
1433 poured integrally with the adjoining floor.

1434 Section 33. The Florida Building Commission shall amend
1435 the Florida Building Code, 5th Edition (2014) Residential, to
1436 provide that the minimum fire separation distance for non-fire
1437 resistant rated exterior walls shall be 3 feet or greater and
1438 non-fire resistant rated projections shall have a minimum fire
1439 separation distance of 3 feet or greater. Projections within 2
1440 feet and less than 3 feet shall include a one-hour fire-
1441 resistance rated on the underside. Projections less than 2 feet
1442 are not permitted. Penetrations of the exterior wall within less
1443 than 3 feet shall comply with Dwelling Unit Rated Penetration.
1444 Penetrations 3 feet or greater are not required to have a fire-
1445 resistance rating. Openings in walls shall be unlimited with a
1446 fire separation distance of 3 feet or greater.

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1447 Section 34. Notwithstanding any law, rule, or regulation
1448 to the contrary, a restaurant, cafeteria, or similar dining
1449 facility, including an associated commercial kitchen, shall be
1450 required to have sprinklers only if it has a fire area occupancy
1451 load of 200 patrons or more.

1452 Section 35. This act shall take effect July 1, 2016.
1453

1454 -----
1455 **T I T L E A M E N D M E N T**

1456 Remove everything before the enacting clause and insert:

1457 A bill to be entitled

1458 An act relating to building codes; amending s.
1459 468.609, F.S.; revising the certification examination
1460 requirements for building code inspectors, plans
1461 examiners, and building code administrators; requiring
1462 the Florida Building Code Administrators and
1463 Inspectors Board to provide for issuance of certain
1464 provisional certificates; amending s. 489.103, F.S.;
1465 providing an exemption for certain employees who make
1466 minor repairs to existing electric water heaters and
1467 to existing electric heating, venting, and air-
1468 conditioning systems under specified circumstances;
1469 providing that the exemption does not limit the
1470 authority of a municipality or county to adopt or
1471 enforce certain ordinances, rules, or regulations;
1472 amending s. 489.105, F.S.; revising the definition of

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1473 the term "plumbing contractor"; amending s. 489.1401,
1474 F.S.; revising legislative intent with respect to the
1475 purpose of the Florida Homeowners' Construction
1476 Recovery Fund; providing legislative intent that
1477 Division II contractors set apart funds to participate
1478 in the fund; amending s. 489.1402, F.S.; revising
1479 definitions; amending s. 489.141, F.S.; authorizing
1480 certain claimants to make a claim against the recovery
1481 fund for certain contracts entered into before a
1482 specified date; amending s. 489.1425, F.S.; revising a
1483 notification provided by contractors to certain
1484 residential property owners to state that payment from
1485 the recovery fund is limited; amending s. 489.143,
1486 F.S.; revising provisions concerning payments from the
1487 recovery fund; specifying claim amounts for certain
1488 contracts entered into before or after specified
1489 dates; providing aggregate caps for payments; amending
1490 s. 489.503, F.S.; exempting certain low-voltage
1491 landscape lighting from licensed electrical contractor
1492 installation requirements; amending s. 514.011, F.S.;
1493 revising the definition of the term "private pool";
1494 amending s. 514.0115, F.S.; prohibiting a portable
1495 pool from being regulated as a public pool in certain
1496 circumstances; amending s. 514.031, F.S.; providing
1497 that a portable pool may not be used as a public pool
1498 unless it is exempt under s. 514.0115, F.S.; amending

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 535 (2016)

Amendment No. 1

1499 s. 515.27, F.S.; revising minimum requirements for a
1500 residential swimming pool to pass final inspection and
1501 receive a certificate of completion to include
1502 specified swimming pool alarms; amending s. 553.512,
1503 F.S.; revising the membership of the Accessibility
1504 Advisory Council; amending s. 553.721, F.S.; directing
1505 the Florida Building Code Compliance and Mitigation
1506 Program to fund, from existing resources, the
1507 recommendations made by the Building Code System
1508 Uniform Implementation Evaluation Workgroup; providing
1509 a limitation; requiring that a specified amount of
1510 funds from the surcharge be used to fund certain
1511 Florida Fire Prevention Code informal interpretations;
1512 requiring the State Fire Marshal to adopt specified
1513 rules; amending s. 553.73, F.S.; requiring the
1514 commission to update the Florida Building Code every 6
1515 years; providing the commission may address additional
1516 issues in the code; authorizing local boards created
1517 to address specified issues to combine the appeals
1518 boards to create a single, local board; authorizing
1519 the local board to grant alternatives or modifications
1520 through specified procedures; requiring at least one
1521 member of a board to be a fire protection contractor,
1522 a fire protection design professional, a fire
1523 department operations professional, or a fire code
1524 enforcement professional in order to meet a specified

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 535 (2016)

Amendment No. 1

1525 quorum requirement; authorizing the appeal to a local
1526 administrative board of specified decisions made by a
1527 local fire official; specifying the decisions of the
1528 local building official and the local fire official
1529 which are subject to review; prohibiting an agency or
1530 local government from requiring that existing
1531 mechanical equipment located on or above the surface
1532 of a roof be installed in compliance with the Florida
1533 Building Code under certain circumstances; requiring
1534 the Florida Building Code to require two fire service
1535 access elevators in certain buildings; providing that
1536 a 1-hour fire-rated fire service access elevator lobby
1537 is not required in certain circumstances; requiring a
1538 1-hour fire-related fire service access elevator lobby
1539 in certain circumstances; amending s. 553.775, F.S.;
1540 revising membership on a panel that hears requests to
1541 review decisions of local building officials; amending
1542 s. 553.79, F.S.; providing that an applicant that
1543 resubmits a building permit does not have to pay
1544 application fees to a local enforcement agency under
1545 certain circumstances; providing that failure of a
1546 plans reviewer or building code administrator to
1547 provide a reason for denial or revocation of a
1548 building permit shall result in disciplinary action;
1549 authorizing a building official to issue a permit for
1550 the construction of the foundation or any other part

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 535 (2016)

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1551 of a building or structure before the construction
1552 documents for the whole building or structure have
1553 been submitted; providing that the holder of such
1554 permit shall begin building at the holder's own risk
1555 with the building operation and without assurance that
1556 a permit for the entire structure will be granted;
1557 amending s. 553.80, F.S.; prohibiting a local
1558 enforcement agency from charging additional fees
1559 related to the recording of a contractor's license or
1560 workers' compensation insurance; amending s. 553.842,
1561 F.S.; providing that Underwriters Laboratories, LLC,
1562 and Intertek Testing Services NA, Inc., are approved
1563 evaluation entities; reviving, readopting, and
1564 amending s. 553.844, F.S.; excluding work associated
1565 with the prevention of degradation of a residence from
1566 certain building permit requirements; deleting an
1567 obsolete provision providing for expiration of
1568 requirements for the adoption of certain mitigation
1569 techniques by the Florida Building Commission within
1570 the Florida Building Code for certain structures and
1571 revising those requirements; amending s. 553.883,
1572 F.S.; providing that a homeowner is not prohibited
1573 from using certain smoke alarms under certain
1574 circumstances; exempting certain devices from certain
1575 smoke alarm battery requirements; amending s. 553.908,
1576 F.S.; restricting certain provisions of the Florida

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1577 Building Code or law relating to air sealing and
1578 insulation from becoming effective; prohibiting
1579 certain governmental entities from requiring certain
1580 HVAC type tests in specific buildings; amending s.
1581 633.202, F.S.; requiring all new high-rise and
1582 existing high-rise buildings to maintain a minimum
1583 radio signal strength for fire department
1584 communications; providing a transitory period for
1585 compliance; requiring existing buildings and existing
1586 apartment buildings that are not in compliance to
1587 initiate an application for an appropriate permit by a
1588 specified date; requiring areas of refuge to be
1589 required as determined by the Florida Building Code,
1590 Accessibility; amending s. 633.208, F.S.; authorizing
1591 fire officials to consider certain systems as
1592 acceptable systems when identifying low-cost
1593 alternatives; amending s. 633.336, F.S.; authorizing a
1594 licensed fire protection contractor to subcontract for
1595 advanced technical services under certain
1596 circumstances; creating the Calder Sloan Swimming Pool
1597 Electrical-Safety Task Force within the Florida
1598 Building Commission; specifying the purpose of the
1599 task force; requiring a report to the Governor and the
1600 Legislature by a specified date; providing for
1601 membership; requiring the Florida Building Commission
1602 to provide staff, information, and other assistance to

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1603 the task force; providing that members of the task
1604 force serve without compensation; authorizing the task
1605 force to meet as often as necessary; providing for
1606 expiration of the task force; creating the
1607 Construction Industry Workforce Task Force within the
1608 University of Florida M.E. Rinker, Sr., School of
1609 Construction Management; specifying the goals of the
1610 task force; providing for membership; requiring the
1611 University of Florida Rinker School of Construction to
1612 provide assistance to the task force; providing for
1613 meetings; requiring a report to the Governor and
1614 Legislature by a specified date; providing an
1615 appropriation from specified funds available to the
1616 Department of Business and Professional Regulation;
1617 providing for expiration of the task force; requiring
1618 the Florida Building Commission to amend the Florida
1619 Building Code to define the term "fire separation
1620 distance," to specify openings and roof overhang
1621 projection requirements, to adopt a specific energy
1622 rating index as an option for compliance, to provide
1623 for Climate Zone indices, to provide exceptions to the
1624 shower lining requirements, and to provide minimum
1625 fire separation distances; requiring a restaurant,
1626 cafeteria, or similar dining facility to have
1627 sprinklers only under specified circumstances;
1628 providing an effective date.