

1                   A bill to be entitled  
2           An act relating to building codes; amending s.  
3           468.609, F.S.; revising the certification examination  
4           requirements for building code inspectors, plans  
5           examiners, and building code administrators; requiring  
6           the Florida Building Code Administrators and  
7           Inspectors Board to provide for issuance of certain  
8           provisional certificates; amending ss. 468.627,  
9           471.0195, 481.215, and 481.313, F.S.; requiring a  
10          licensee or certificateholder to undergo code-related  
11          training as part of his or her continuing education  
12          courses; amending s. 489.103, F.S.; providing an  
13          exemption for certain employees who make minor repairs  
14          to existing electric water heaters and to existing  
15          electric heating, venting, and air-conditioning  
16          systems under specified circumstances; amending s.  
17          489.105, F.S.; revising the definition of the term  
18          "plumbing contractor"; amending s. 489.115, F.S.;  
19          requiring a certificateholder or registrant to undergo  
20          code-related training as part of his or her continuing  
21          education requirements; amending s. 489.1401, F.S.;  
22          revising legislative intent with respect to the  
23          purpose of the Florida Homeowners' Construction  
24          Recovery Fund; providing legislative intent that  
25          Division II contractors set apart funds to participate  
26          in the fund; amending s. 489.1402, F.S.; revising

27 definitions; amending s. 489.141, F.S.; authorizing  
28 certain claimants to make a claim against the recovery  
29 fund for certain contracts entered into before a  
30 specified date; amending s. 489.1425, F.S.; revising a  
31 notification provided by contractors to certain  
32 residential property owners to state that payment from  
33 the recovery fund is limited; amending s. 489.143,  
34 F.S.; revising provisions concerning payments from the  
35 recovery fund; specifying claim amounts for certain  
36 contracts entered into before or after specified  
37 dates; providing aggregate caps for payments; amending  
38 s. 489.503, F.S.; exempting certain low-voltage  
39 landscape lighting from licensed electrical contractor  
40 installation requirements; amending s. 489.517, F.S.;  
41 requiring a certificateholder or registrant to undergo  
42 code-related training as part of his or her continuing  
43 education requirements; amending s. 514.011, F.S.;  
44 revising the definition of the term "private pool";  
45 amending s. 514.0115, F.S.; prohibiting a portable  
46 pool from being regulated as a public pool in certain  
47 circumstances; amending s. 514.031, F.S.; providing  
48 that a portable pool may not be used as a public pool  
49 unless it is exempt under s. 514.0115, F.S.; amending  
50 s. 553.512, F.S.; revising the membership of the  
51 Accessibility Advisory Council; amending s. 553.721,  
52 F.S.; directing the Florida Building Code Compliance

53 and Mitigation Program to fund, from existing  
54 resources, the recommendations made by the Building  
55 Code System Uniform Implementation Evaluation  
56 Workgroup; providing a limitation; requiring that a  
57 specified amount of funds from the surcharge be used  
58 to fund certain Florida Fire Prevention Code informal  
59 interpretations; requiring the State Fire Marshal to  
60 adopt specified rules; amending s. 553.73, F.S.;

61 authorizing local boards created to address specified  
62 issues to combine the appeals boards to create a  
63 single, local board; authorizing the local board to  
64 grant alternatives or modifications through specified  
65 procedures; requiring at least one member of a board  
66 to be a fire protection contractor, a fire protection  
67 design professional, a fire department operations  
68 professional, or a fire code enforcement professional  
69 in order to meet a specified quorum requirement;

70 authorizing the appeal to a local administrative board  
71 of specified decisions made by a local fire official;  
72 specifying the decisions of the local building  
73 official and the local fire official which are subject  
74 to review; prohibiting an agency or local government  
75 from requiring that existing mechanical equipment  
76 located on or above the surface of a roof be installed  
77 in compliance with the Florida Building Code under  
78 certain circumstances; prohibiting the Florida

79 Building Code from requiring more than one fire access  
80 elevator in certain buildings; prohibiting a 1-hour  
81 fire-rated fire service access elevator lobby from  
82 being required in certain circumstances; requiring a  
83 1-hour fire-related fire service access elevator lobby  
84 in certain circumstances; providing that the  
85 requirement for a second fire service access elevator  
86 is not considered a part of the Florida Building Code;  
87 amending s. 553.775, F.S.; revising membership on a  
88 panel that hears requests to review decisions of local  
89 building officials; amending s. 553.79, F.S.;

90 authorizing a building official to issue a permit for  
91 the construction of the foundation or any other part  
92 of a building or structure before the construction  
93 documents for the whole building or structure have  
94 been submitted; providing that the holder of such  
95 permit shall begin building at the holder's own risk  
96 with the building operation and without assurance that  
97 a permit for the entire structure will be granted;  
98 amending s. 553.80, F.S.; prohibiting a local  
99 enforcement agency from charging additional fees  
100 related to the recording of a contractor's license or  
101 workers' compensation insurance; amending s. 553.841,  
102 F.S.; authorizing the Department of Business and  
103 Professional Regulation to maintain, update, develop,  
104 or cause to be developed code-related training and

105 education; removing provisions related to the  
106 development of advanced courses with respect to the  
107 Florida Building Code Compliance and Mitigation  
108 Program and the accreditation of courses related to  
109 the Florida Building Code; amending s. 553.842, F.S.;  
110 providing that Underwriters Laboratories, LLC, is an  
111 approved evaluation entity; reviving, readopting, and  
112 amending s. 553.844, F.S.; deleting an obsolete  
113 provision providing for expiration of requirements for  
114 the adoption of certain mitigation techniques by the  
115 Florida Building Commission within the Florida  
116 Building Code for certain structures and revising  
117 those requirements; amending s. 553.883, F.S.;  
118 exempting certain devices from certain smoke alarm  
119 battery requirements; amending s. 553.908, F.S.;  
120 restricting certain provisions of the Florida Building  
121 Code or law relating to air sealing and insulation  
122 from becoming effective; prohibiting certain  
123 governmental entities from requiring certain HVAC type  
124 tests in specific buildings; amending s. 633.202,  
125 F.S.; requiring all new high-rise and existing high-  
126 rise buildings to maintain a minimum radio signal  
127 strength for fire department communications; providing  
128 a transitory period for compliance; requiring existing  
129 buildings and existing apartment buildings that are  
130 not in compliance to initiate an application for an

131 appropriate permit by a specified date; requiring  
132 areas of refuge to be required as determined by the  
133 Florida Building Code, Accessibility; amending s.  
134 633.206, F.S.; providing that certain provisions may  
135 be applied to existing assisted living facilities  
136 notwithstanding the edition of the codes applied at  
137 the time of construction; amending s. 633.208, F.S.;  
138 authorizing fire officials to consider certain systems  
139 as acceptable systems when identifying low-cost  
140 alternatives; amending s. 633.336, F.S.; authorizing a  
141 licensed fire protection contractor to subcontract for  
142 advanced technical services under certain  
143 circumstances; creating the Calder Sloan Swimming Pool  
144 Electrical-Safety Task Force within the Florida  
145 Building Commission; specifying the purpose of the  
146 task force; requiring a report to the Governor and the  
147 Legislature by a specified date; providing for  
148 membership; requiring the Florida Building Commission  
149 to provide staff, information, and other assistance to  
150 the task force; providing that members of the task  
151 force serve without compensation; authorizing the task  
152 force to meet as often as necessary; providing for  
153 future repeal of the task force; requiring the Florida  
154 Building Commission to amend the Florida Building Code  
155 to define the term "fire separation distance," to  
156 specify openings and roof overhang projection

157 requirements, to adopt a specific energy rating index  
158 as an option for compliance, and to provide for  
159 Climate Zone indices; providing an effective date.  
160

161 Be It Enacted by the Legislature of the State of Florida:  
162

163 Section 1. Subsections (2), (3), and (7) of section  
164 468.609, Florida Statutes, are amended to read:

165 468.609 Administration of this part; standards for  
166 certification; additional categories of certification.—

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

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

171 (b) Is of good moral character.

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

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

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

182 3. Demonstrates a combination of technical education in

183 the field of construction or a related field and experience  
184 which totals 4 years, with at least 1 year of such total being  
185 experience in construction, building code inspection, or plans  
186 review;

187 4. Currently holds a standard certificate ~~as~~ issued by the  
188 board, or a firesafety ~~fire safety~~ inspector license issued  
189 pursuant to chapter 633, has a minimum of 3 ~~5~~ years' verifiable  
190 full-time experience in inspection or plan review, and has  
191 satisfactorily completed ~~completes~~ a building code inspector or  
192 plans examiner training program that provides at least 100 hours  
193 but not more ~~of not less~~ than 200 hours of cross-training in the  
194 certification category sought. The board shall establish by rule  
195 criteria for the development and implementation of the training  
196 programs. The board shall accept all classroom training offered  
197 by an approved provider if the content substantially meets the  
198 intent of the classroom component of the training program; or

199 5. Demonstrates a combination of the completion of an  
200 approved training program in the field of building code  
201 inspection or plan review and a minimum of 2 years' experience  
202 in the field of building code inspection, plan review, fire code  
203 inspections and fire plans review of new buildings as a  
204 firesafety inspector certified under s. 633.216, or  
205 construction. The approved training portion of this requirement  
206 shall include proof of satisfactory completion of a training  
207 program that provides at least 200 hours but not more ~~of not~~  
208 ~~less~~ than 300 hours of cross-training that ~~which~~ is approved by



209 the board in the chosen category of building code inspection or  
210 plan review in the certification category sought with at least  
211 ~~not less than~~ 20 hours but not more than 30 hours of instruction  
212 in state laws, rules, and ethics relating to professional  
213 standards of practice, duties, and responsibilities of a  
214 certificateholder. The board shall coordinate with the Building  
215 Officials Association of Florida, Inc., to establish by rule the  
216 development and implementation of the training program. However,  
217 the board shall accept all classroom training offered by an  
218 approved provider if the content substantially meets the intent  
219 of the classroom component of the training program; or

220 6. Currently holds a standard certificate issued by the  
221 board or a firesafety inspector license issued pursuant to  
222 chapter 633 and:

223 a. Has at least 5 years' verifiable full-time experience  
224 as an inspector or plans examiner in a standard certification  
225 category currently held or has a minimum of 5 years' verifiable  
226 full-time experience as a firesafety inspector licensed pursuant  
227 to chapter 633.

228 b. Has satisfactorily completed a building code inspector  
229 or plans examiner classroom training course or program that  
230 provides at least 200 but not more than 300 hours in the  
231 certification category sought, except for one-family and two-  
232 family dwelling training programs, which are required to provide  
233 at least 500 but not more than 800 hours of training as  
234 prescribed by the board. The board shall establish by rule

235 criteria for the development and implementation of classroom  
236 training courses and programs in each certification category.

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

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

241 (b) Is of good moral character.

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

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

249 2. Demonstrates a combination of postsecondary education  
250 in the field of construction or related field, no more than 5  
251 years of which may be applied, and experience as an architect,  
252 engineer, plans examiner, building code inspector, registered or  
253 certified contractor, or construction superintendent which  
254 totals 10 years, with at least 5 years of such total being  
255 experience in supervisory positions. In addition, the applicant  
256 must have completed training consisting of at least 20 hours,  
257 but not more than 30 hours, of instruction in state laws, rules,  
258 and ethics relating to the professional standards of practice,  
259 duties, and responsibilities of a certificateholder.

260 (7) (a) The board shall ~~may~~ provide for the issuance of

261 provisional certificates valid for 1 year, as specified by board  
262 rule, to any newly employed or promoted building code inspector  
263 or plans examiner who meets the eligibility requirements  
264 described in subsection (2) and any newly employed or promoted  
265 building code administrator who meets the eligibility  
266 requirements described in subsection (3). The provisional  
267 license may be renewed by the board for just cause; however, a  
268 provisional license is not valid for a period longer than 3  
269 years.

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

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

280 (d) A newly employed or hired person may perform the  
281 duties of a plans examiner or building code inspector for 120  
282 days if a provisional certificate application has been submitted  
283 if such person is under the direct supervision of a certified  
284 building code administrator who holds a standard certification  
285 and who has found such person qualified for a provisional  
286 certificate. Direct supervision and the determination of

287 qualifications may also be provided by a building code  
 288 administrator who holds a limited or provisional certificate in  
 289 a county having a population of fewer than 75,000 and in a  
 290 municipality located within such county.

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

293 468.627 Application; examination; renewal; fees.—

294 (5) The certificateholder shall provide proof, in a form  
 295 established by board rule, that the certificateholder has  
 296 completed at least 14 classroom hours of at least 50 minutes  
 297 each of continuing education courses during each biennium since  
 298 the issuance or renewal of the certificate, including code-  
 299 related training ~~the specialized or advanced coursework approved~~  
 300 ~~by the Florida Building Commission~~, as part of the building code  
 301 training program established pursuant to s. 553.841, appropriate  
 302 to the licensing category sought. A minimum of 3 of the required  
 303 14 classroom hours must be on state law, rules, and ethics  
 304 relating to professional standards of practice, duties, and  
 305 responsibilities of the certificateholder. The board shall by  
 306 rule establish criteria for approval of continuing education  
 307 courses and providers, and may by rule establish criteria for  
 308 accepting alternative nonclassroom continuing education on an  
 309 hour-for-hour basis.

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

312 471.0195 Florida Building Code training for engineers.—All

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

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

332 481.215 Renewal of license.—

333 (5) The board shall require, by rule adopted pursuant to  
334 ss. 120.536(1) and 120.54, a specified number of hours in  
335 specialized or code-related training ~~advanced courses, approved~~  
336 ~~by the Florida Building Commission,~~ on any portion of the  
337 Florida Building Code, adopted pursuant to part IV of chapter  
338 553, relating to the licensee's respective area of practice.

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

341 481.313 Renewal of license.—

342 (5) The board shall require, by rule adopted pursuant to  
 343 ss. 120.536(1) and 120.54, a specified number of hours in  
 344 specialized or code-related training ~~advanced courses, approved~~  
 345 ~~by the Florida Building Commission,~~ on any portion of the  
 346 Florida Building Code, adopted pursuant to part IV of chapter  
 347 553, relating to the licensee's respective area of practice.

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

350 489.103 Exemptions.—This part does not apply to:

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

355 (a) The employee:

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

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

360 3. Receives compensation from and is under the supervision  
 361 and control of an employer who deducts the FICA and withholding  
 362 tax and who provides workers' compensation, as prescribed by  
 363 law.

364 4. Holds a current certificate for apartment maintenance

365 technicians issued by the National Apartment Association and  
366 accredited by the American National Standards Institute.  
367 Requirements for obtaining such certificate must include at  
368 least:

369 a. One year of apartment or rental housing maintenance  
370 experience.

371 b. Successful completion of at least 90 hours of courses  
372 or online content that covers electrical maintenance and repair;  
373 plumbing maintenance and repair; heating, venting, or air-  
374 conditioning system maintenance and repair; appliance  
375 maintenance and repair; and interior and exterior maintenance  
376 and repair.

377 c. Completion of all examination requirements.

378 (b) The equipment:

379 1. Is already installed on the property owned by the  
380 apartment community or managed by the apartment community  
381 management company.

382 2. Is not being modified except to replace components  
383 necessary to return the equipment to its original condition and  
384 the partial disassembly associated with the replacement.

385 3. Is a type of equipment commonly installed in similar  
386 locations.

387 4. Is repaired with new parts that are functionally  
388 identical to the parts being replaced.

389 (c) An individual repair does not involve replacement  
390 parts that cost more than \$500. An individual repair may not be

391 so extensive as to be a functional replacement of the electric  
392 water heater or the existing electric heating, venting, or air-  
393 conditioning system being repaired. For purposes of this  
394 paragraph, an individual repair must not be part of a larger or  
395 major project that is divided into parts to avoid this  
396 restriction.

397 (d) The property owned by the apartment community or  
398 managed by the apartment community management company includes  
399 at least 100 apartments.

400 Section 7. Paragraph (m) of subsection (3) of section  
401 489.105, Florida Statutes, is amended to read:

402 489.105 Definitions.—As used in this part:

403 (3) "Contractor" means the person who is qualified for,  
404 and is only responsible for, the project contracted for and  
405 means, except as exempted in this part, the person who, for  
406 compensation, undertakes to, submits a bid to, or does himself  
407 or herself or by others construct, repair, alter, remodel, add  
408 to, demolish, subtract from, or improve any building or  
409 structure, including related improvements to real estate, for  
410 others or for resale to others; and whose job scope is  
411 substantially similar to the job scope described in one of the  
412 paragraphs of this subsection. For the purposes of regulation  
413 under this part, the term "demolish" applies only to demolition  
414 of steel tanks more than 50 feet in height; towers more than 50  
415 feet in height; other structures more than 50 feet in height;  
416 and all buildings or residences. Contractors are subdivided into



417 two divisions, Division I, consisting of those contractors  
418 defined in paragraphs (a)-(c), and Division II, consisting of  
419 those contractors defined in paragraphs (d)-(q):

420 (m) "Plumbing contractor" means a contractor whose  
421 services are unlimited in the plumbing trade and includes  
422 contracting business consisting of the execution of contracts  
423 requiring the experience, financial means, knowledge, and skill  
424 to install, maintain, repair, alter, extend, or, if not  
425 prohibited by law, design plumbing. A plumbing contractor may  
426 install, maintain, repair, alter, extend, or, if not prohibited  
427 by law, design the following without obtaining an additional  
428 local regulatory license, certificate, or registration: sanitary  
429 drainage or storm drainage facilities, water and sewer plants  
430 and substations, venting systems, public or private water supply  
431 systems, septic tanks, drainage and supply wells, swimming pool  
432 piping, irrigation systems, and solar heating water systems and  
433 all appurtenances, apparatus, or equipment used in connection  
434 therewith, including boilers and pressure process piping and  
435 including the installation of water, natural gas, liquefied  
436 petroleum gas and related venting, and storm and sanitary sewer  
437 lines. The scope of work of the plumbing contractor also  
438 includes the design, if not prohibited by law, and installation,  
439 maintenance, repair, alteration, or extension of air-piping,  
440 vacuum line piping, oxygen line piping, nitrous oxide piping,  
441 and all related medical gas systems; fire line standpipes and  
442 fire sprinklers if authorized by law; ink and chemical lines;

443 fuel oil and gasoline piping and tank and pump installation,  
444 except bulk storage plants; and pneumatic control piping  
445 systems, all in a manner that complies with all plans,  
446 specifications, codes, laws, and regulations applicable. The  
447 scope of work of the plumbing contractor applies to private  
448 property and public property, including any excavation work  
449 incidental thereto, and includes the work of the specialty  
450 plumbing contractor. Such contractor shall subcontract, with a  
451 qualified contractor in the field concerned, all other work  
452 incidental to the work but which is specified as being the work  
453 of a trade other than that of a plumbing contractor. This  
454 definition does not limit the scope of work of any specialty  
455 contractor certified pursuant to s. 489.113(6), and does not  
456 require certification or registration under this part as a  
457 category I liquefied petroleum gas dealer, LP gas installer, or  
458 specialty installer who is licensed under chapter 527 or an ~~of~~  
459 ~~any~~ authorized employee of a public natural gas utility or of a  
460 private natural gas utility regulated by the Public Service  
461 Commission when disconnecting and reconnecting water lines in  
462 the servicing or replacement of an existing water heater. A  
463 plumbing contractor may perform drain cleaning and clearing and  
464 install or repair rainwater catchment systems; however, a  
465 mandatory licensing requirement is not established for the  
466 performance of these specific services.

467 Section 8. Paragraph (b) of subsection (4) of section  
468 489.115, Florida Statutes, is amended to read:

469           489.115 Certification and registration; endorsement;  
470 reciprocity; renewals; continuing education.—

471           (4)

472           (b)1. Each certificateholder or registrant shall provide  
473 proof, in a form established by rule of the board, that the  
474 certificateholder or registrant has completed at least 14  
475 classroom hours of at least 50 minutes each of continuing  
476 education courses during each biennium since the issuance or  
477 renewal of the certificate or registration. The board shall  
478 establish by rule that a portion of the required 14 hours must  
479 deal with the subject of workers' compensation, business  
480 practices, workplace safety, and, for applicable licensure  
481 categories, wind mitigation methodologies, and 1 hour of which  
482 must deal with laws and rules. The board shall by rule establish  
483 criteria for the approval of continuing education courses and  
484 providers, including requirements relating to the content of  
485 courses and standards for approval of providers, and may by rule  
486 establish criteria for accepting alternative nonclassroom  
487 continuing education on an hour-for-hour basis. The board shall  
488 prescribe by rule the continuing education, if any, which is  
489 required during the first biennium of initial licensure. A  
490 person who has been licensed for less than an entire biennium  
491 must not be required to complete the full 14 hours of continuing  
492 education.

493           2. In addition, the board may approve specialized  
494 continuing education courses on compliance with the wind

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

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

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

514 489.1401 Legislative intent.—

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

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

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

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

535 489.1402 Homeowners' Construction Recovery Fund;  
 536 definitions.—

537 (1) The following definitions apply to ss. 489.140-  
 538 489.144:

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

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

547 completion of the improvement.

548 (k) "Same transaction" means a contract, or a ~~any~~ series  
 549 of contracts, between a claimant and a contractor or qualified  
 550 business, when such contract or contracts involve the same  
 551 property or contiguous properties and are entered into either at  
 552 one time or serially.

553 (l) "Valid and current license," for the purpose of s.  
 554 489.141(2)(d), means a ~~any~~ license issued pursuant to this part  
 555 to a licensee, including a license in an active, inactive,  
 556 delinquent, or suspended status.

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

559 489.141 Conditions for recovery; eligibility.—

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

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

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

572 2. The claimant has sought to have assets involving the

573 transaction that gave rise to the claim removed from the  
574 bankruptcy proceedings so that the matter might be heard in a  
575 court of competent jurisdiction in this state and, after due  
576 diligence, the claimant is precluded by action of the bankruptcy  
577 court from securing a final judgment against the licensee.

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

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

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

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

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

593 2. If the claimant is unable to comply with subparagraph  
594 1. for a valid reason to be determined by the board, the  
595 claimant has made all reasonable searches and inquiries to  
596 ascertain whether the judgment debtor or licensee is possessed  
597 of real or personal property or other assets subject to being  
598 sold or applied in satisfaction of the judgment and by his or

599 her search has discovered no property or assets or has  
600 discovered property and assets and has taken all necessary  
601 action and proceedings for the application thereof to the  
602 judgment but the amount thereby realized was insufficient to  
603 satisfy the judgment; and

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

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

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

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

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

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

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

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



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

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

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

633 (f)(g) The claimant had entered into a contract ~~has~~  
 634 ~~contracted~~ with a licensee to perform a scope of work described  
 635 in s. 489.105(3)(d)-(q) before July 1, 2016 ~~489.105(3)(d)-(p)~~.

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

638 489.1425 Duty of contractor to notify residential property  
 639 owner of recovery fund.—

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

647 FLORIDA HOMEOWNERS' CONSTRUCTION  
 648 RECOVERY FUND

649  
 650 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE

651 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY  
 652 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS  
 653 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED  
 654 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A  
 655 CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD  
 656 AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

657  
 658 The statement must ~~shall~~ be immediately followed by the board's  
 659 address and telephone number as established by board rule.

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

662 489.143 Payment from the fund.—

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

665 (2) A ~~Any~~ claimant who meets all of the conditions  
 666 prescribed in s. 489.141 may apply to the board to cause payment  
 667 to be made to a claimant from the recovery fund in an amount  
 668 equal to the judgment, award, or restitution order or \$25,000,  
 669 whichever is less, or an amount equal to the unsatisfied portion  
 670 of such person's judgment, award, or restitution order, but only  
 671 to the extent and amount of actual damages suffered by the  
 672 claimant, and only up to the maximum payment allowed for each  
 673 respective Division I and Division II claim. Payment from the  
 674 fund for other costs related to or pursuant to civil proceedings  
 675 such as postjudgment interest, attorney ~~attorney's~~ fees, court  
 676 costs, medical damages, and punitive damages is prohibited. The

677 recovery fund is not obligated to pay a ~~any~~ judgment, an award,  
678 or a restitution order, or any portion thereof, which is not  
679 expressly based on one of the grounds for recovery set forth in  
680 s. 489.141.

681 (3) Beginning January 1, 2005, for each Division I  
682 contract entered into after July 1, 2004, payment from the  
683 recovery fund is ~~shall be~~ subject to a \$50,000 maximum payment  
684 for each Division I claim. Beginning January 1, 2017, for each  
685 Division II contract entered into on or after July 1, 2016,  
686 payment from the recovery fund is subject to a \$15,000 maximum  
687 payment for each Division II claim.

688 (4)~~(3)~~ Upon receipt by a claimant under subsection (2) of  
689 payment from the recovery fund, the claimant shall assign his or  
690 her additional right, title, and interest in the judgment,  
691 award, or restitution order, to the extent of such payment, to  
692 the board, and thereupon the board shall be subrogated to the  
693 right, title, and interest of the claimant; and any amount  
694 subsequently recovered on the judgment, award, or restitution  
695 order, to the extent of the right, title, and interest of the  
696 board therein, shall be for the purpose of reimbursing the  
697 recovery fund.

698 (5)~~(4)~~ Payments for claims arising out of the same  
699 transaction shall be limited, in the aggregate, to the lesser of  
700 the judgment, award, or restitution order or the maximum payment  
701 allowed for a Division I or Division II claim, regardless of the  
702 number of claimants involved in the transaction.

703        (6)~~(5)~~ For contracts entered into before July 1, 2004,  
 704 payments for claims against any one licensee may ~~shall~~ not  
 705 exceed, in the aggregate, \$100,000 annually, up to a total  
 706 aggregate of \$250,000. For any claim approved by the board which  
 707 is in excess of the annual cap, the amount in excess of \$100,000  
 708 up to the total aggregate cap of \$250,000 is eligible for  
 709 payment in the next and succeeding fiscal years, but only after  
 710 all claims for the then-current calendar year have been paid.  
 711 Payments may not exceed the aggregate annual or per claimant  
 712 limits under law. Beginning January 1, 2005, for each Division I  
 713 contract entered into after July 1, 2004, payment from the  
 714 recovery fund is subject only to a total aggregate cap of  
 715 \$500,000 for each Division I licensee. Beginning January 1,  
 716 2017, for each Division II contract entered into on or after  
 717 July 1, 2016, payment from the recovery fund is subject only to  
 718 a total aggregate cap of \$150,000 for each Division II licensee.

719        (7)~~(6)~~ Claims shall be paid in the order filed, up to the  
 720 aggregate limits for each transaction and licensee and to the  
 721 limits of the amount appropriated to pay claims against the fund  
 722 ~~for the fiscal year in which the claims were filed.~~ Payments may  
 723 not exceed the total aggregate cap per license or per claimant  
 724 limits under this section.

725        (8)~~(7)~~ If the annual appropriation is exhausted with  
 726 claims pending, such claims shall be carried forward to the next  
 727 fiscal year. Any moneys in excess of pending claims remaining in  
 728 the recovery fund at the end of the fiscal year shall be paid as

729 provided in s. 468.631.

730 (9)~~(8)~~ Upon the payment of any amount from the recovery  
731 fund in settlement of a claim in satisfaction of a judgment,  
732 award, or restitution order against a licensee as described in  
733 s. 489.141, the license of such licensee shall be automatically  
734 suspended, without further administrative action, upon the date  
735 of payment from the fund. The license of such licensee may ~~shall~~  
736 not be reinstated until he or she has repaid in full, plus  
737 interest, the amount paid from the fund. A discharge of  
738 bankruptcy does not relieve a person from the penalties and  
739 disabilities provided in this section.

740 (10)~~(9)~~ A ~~Any~~ firm, a corporation, a partnership, or an  
741 association, or a ~~any~~ person acting in his or her individual  
742 capacity, who aids, abets, solicits, or conspires with another  
743 ~~any~~ person to knowingly present or cause to be presented a ~~any~~  
744 false or fraudulent claim for the payment of a loss under this  
745 act commits ~~is guilty of~~ a third-degree felony, punishable as  
746 provided in s. 775.082 or s. 775.084 and by a fine of up to ~~not~~  
747 ~~exceeding~~ \$30,000, unless the value of the fraud exceeds that  
748 amount, ~~\$30,000~~ in which event the fine may not exceed double  
749 the value of the fraud.

750 (11)~~(10)~~ Each payment ~~All payments~~ and disbursement  
751 ~~disbursements~~ from the recovery fund shall be made by the Chief  
752 Financial Officer upon a voucher signed by the secretary of the  
753 department or the secretary's designee.

754 Section 14. Subsection (24) is added to section 489.503,

755 Florida Statutes, to read:

756 489.503 Exemptions.—This part does not apply to:

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

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

763 489.517 Renewal of certificate or registration; continuing  
 764 education.—

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

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

773 514.011 Definitions.—As used in this chapter:

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

781 program sponsored or provided by a county school district.

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

784 514.0115 Exemptions from supervision or regulation;  
785 variances.—

786 (3) A private pool used for instructional purposes in  
787 swimming may ~~shall~~ not be regulated as a public pool. A portable  
788 pool used for instructional purposes or to further an approved  
789 educational program may not be regulated as a public pool.

790 Section 18. Subsection (5) of section 514.031, Florida  
791 Statutes, is amended to read:

792 514.031 Permit necessary to operate public swimming pool.—

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

803 Section 19. Subsection (2) of section 553.512, Florida  
804 Statutes, is amended to read:

805 553.512 Modifications and waivers; advisory council.—

806 (2) The Accessibility Advisory Council shall consist of

807 the following seven members, who shall be knowledgeable in the  
808 area of accessibility for persons with disabilities. The  
809 Secretary of Business and Professional Regulation shall appoint  
810 the following: a representative from the Advocacy Center for  
811 Persons with Disabilities, Inc.; a representative from the  
812 Division of Blind Services; a representative from the Division  
813 of Vocational Rehabilitation; a representative from a statewide  
814 organization representing the physically handicapped; a  
815 representative from the hearing impaired; a representative from  
816 the Pensacola Pen Wheels Inc. Employ the Handicapped Council  
817 ~~President, Florida Council of Handicapped Organizations~~; and a  
818 representative of the Paralyzed Veterans of America. The terms  
819 for the first three council members appointed subsequent to  
820 October 1, 1991, shall be for 4 years, the terms for the next  
821 two council members appointed shall be for 3 years, and the  
822 terms for the next two members shall be for 2 years. Thereafter,  
823 all council member appointments shall be for terms of 4 years.  
824 No council member shall serve more than two 4-year terms  
825 subsequent to October 1, 1991. Any member of the council may be  
826 replaced by the secretary upon three unexcused absences. Upon  
827 application made in the form provided, an individual waiver or  
828 modification may be granted by the commission so long as such  
829 modification or waiver is not in conflict with more stringent  
830 standards provided in another chapter.

831 Section 20. Section 553.721, Florida Statutes, is amended  
832 to read:



833           553.721 Surcharge.—In order for the Department of Business  
834 and Professional Regulation to administer and carry out the  
835 purposes of this part and related activities, there is created a  
836 surcharge, to be assessed at the rate of 1.5 percent of the  
837 permit fees associated with enforcement of the Florida Building  
838 Code as defined by the uniform account criteria and specifically  
839 the uniform account code for building permits adopted for local  
840 government financial reporting pursuant to s. 218.32. The  
841 minimum amount collected on any permit issued shall be \$2. The  
842 unit of government responsible for collecting a permit fee  
843 pursuant to s. 125.56(4) or s. 166.201 shall collect the  
844 surcharge and electronically remit the funds collected to the  
845 department on a quarterly calendar basis for the preceding  
846 quarter and continuing each third month thereafter. The unit of  
847 government shall retain 10 percent of the surcharge collected to  
848 fund the participation of building departments in the national  
849 and state building code adoption processes and to provide  
850 education related to enforcement of the Florida Building Code.  
851 All funds remitted to the department pursuant to this section  
852 shall be deposited in the Professional Regulation Trust Fund.  
853 Funds collected from the surcharge shall be allocated to fund  
854 the Florida Building Commission and the Florida Building Code  
855 Compliance and Mitigation Program under s. 553.841. Funds  
856 allocated to the Florida Building Code Compliance and Mitigation  
857 Program shall be \$925,000 each fiscal year. The Florida Building  
858 Code Compliance and Mitigation Program shall fund the

859 recommendations made by the Building Code System Uniform  
860 Implementation Evaluation Workgroup, dated April 8, 2013, from  
861 existing resources, not to exceed \$30,000 in the 2016-2017  
862 fiscal year. Funds collected from the surcharge shall also be  
863 used to fund Florida Fire Prevention Code informal  
864 interpretations managed by the State Fire Marshal and shall be  
865 limited to \$15,000 each fiscal year. The State Fire Marshal  
866 shall adopt rules to address the implementation and expenditure  
867 of the funds allocated to fund the Florida Fire Prevention Code  
868 informal interpretations under this section. The funds collected  
869 from the surcharge may not be used to fund research on  
870 techniques for mitigation of radon in existing buildings. Funds  
871 used by the department as well as funds to be transferred to the  
872 Department of Health and the State Fire Marshal shall be as  
873 prescribed in the annual General Appropriations Act. The  
874 department shall adopt rules governing the collection and  
875 remittance of surcharges pursuant to chapter 120.

876 Section 21. Subsections (11) and (15) of section 553.73,  
877 Florida Statutes, are amended, and subsection (19) is added to  
878 that section, to read:

879 553.73 Florida Building Code.—

880 (11) (a) In the event of a conflict between the Florida  
881 Building Code and the Florida Fire Prevention Code and the Life  
882 Safety Code as applied to a specific project, the conflict shall  
883 be resolved by agreement between the local building code  
884 enforcement official and the local fire code enforcement

885 official in favor of the requirement of the code which offers  
886 the greatest degree of lifesafety or alternatives which would  
887 provide an equivalent degree of lifesafety and an equivalent  
888 method of construction. Local boards created to address issues  
889 arising under the Florida Building Code or the Florida Fire  
890 Prevention Code may combine the appeals boards to create a  
891 single, local board having jurisdiction over matters arising  
892 under either code or both codes. The combined local appeals  
893 board may grant alternatives or modifications through procedures  
894 outlined in NFPA 1, Section 1.4, but may not waive the  
895 requirements of the Florida Fire Prevention Code. To meet the  
896 quorum requirement for convening the combined local appeals  
897 board, at least one member of the board who is a fire protection  
898 contractor, a fire protection design professional, a fire  
899 department operations professional, or a fire code enforcement  
900 professional must be present.

901 (b) Any decision made by the local fire official regarding  
902 application, interpretation, or enforcement of the Florida Fire  
903 Prevention Code, by ~~and~~ the local building official regarding  
904 application, interpretation, or enforcement of the Florida  
905 Building Code, or the appropriate application of either code or  
906 both codes in the case of a conflict between the codes may be  
907 appealed to a local administrative board designated by the  
908 municipality, county, or special district having firesafety  
909 responsibilities. If the decision of the local fire official and  
910 the local building official is to apply the provisions of either

911 the Florida Building Code or the Florida Fire Prevention Code  
 912 and the Life Safety Code, the board may not alter the decision  
 913 unless the board determines that the application of such code is  
 914 not reasonable. If the decision of the local fire official and  
 915 the local building official is to adopt an alternative to the  
 916 codes, the local administrative board shall give due regard to  
 917 the decision rendered by the local officials and may modify that  
 918 decision if the administrative board adopts a better  
 919 alternative, taking into consideration all relevant  
 920 circumstances. In any case in which the local administrative  
 921 board adopts alternatives to the decision rendered by the local  
 922 fire official and the local building official, such alternatives  
 923 shall provide an equivalent degree of lifesafety and an  
 924 equivalent method of construction as the decision rendered by  
 925 the local officials.

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

934 (d) All decisions of the local administrative board ~~or,~~ or,  
 935 if none exists, ~~the decisions of~~ the local building official and  
 936 the local fire official in regard to the application,

937 enforcement, or interpretation of the Florida Fire Prevention  
938 Code, or conflicts between the Florida Fire Prevention Code and  
939 the Florida Building Code, are subject to review by a joint  
940 committee composed of members of the Florida Building Commission  
941 and the Fire Code Advisory Council. If the joint committee is  
942 unable to resolve conflicts between the codes as applied to a  
943 specific project, the matter shall be resolved pursuant to ~~the~~  
944 provisions of paragraph (1) (d). Decisions of the local  
945 administrative board related solely to the Florida Building Code  
946 are subject to review as set forth in s. 553.775.

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

950 (f) All decisions of the local building official and local  
951 fire official and all decisions of the administrative board  
952 shall be in writing and shall be binding upon a person but do  
953 not limit the authority of the State Fire Marshal or the Florida  
954 Building Commission pursuant to paragraph (1) (d) and ss. 633.104  
955 and 633.228. Decisions of general application shall be indexed  
956 by building and fire code sections and shall be available for  
957 inspection during normal business hours.

958 (15) An agency or local government may not require that  
959 existing mechanical equipment located on or above the surface of  
960 a roof be installed in compliance with the requirements of the  
961 Florida Building Code except during reroofing when the equipment  
962 is being replaced or moved ~~during reroofing~~ and is not in

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

965 (19) The Florida Building Code may not require more than  
966 one fire service access elevator in a residential occupancy  
967 where the highest occupiable floor is less than 420 feet above  
968 the level of fire service access and all remaining elevators are  
969 provided with Phase I and II emergency operations. Where fire  
970 service access elevators are required, the code may not require  
971 a 1-hour fire-rated fire service access elevator lobby with  
972 direct access from the fire service access elevators if the fire  
973 service access elevators open into an exit access corridor that  
974 is at least 150 square feet with the exception of door openings;  
975 is no less than 6 feet wide for its entire length; and has a  
976 minimum 1-hour fire rating with three-quarter hour fire and  
977 smoke rated openings and if, and during a fire event, the fire  
978 service access elevators are pressurized and floor-to-floor  
979 smoke control is provided. However, where transient residential  
980 occupancies occur at floor levels above 420 feet above the level  
981 of fire service access, a 1-hour fire-rated fire service access  
982 elevator lobby with direct access from the fire service access  
983 elevators is required. The requirement for a second fire service  
984 access elevator is not considered a part of the Florida Building  
985 Code and therefore does not take effect until July 1, 2017.

986 Section 22. Paragraph (c) of subsection (3) of section  
987 553.775, Florida Statutes, is amended to read:

988 553.775 Interpretations.—

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

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

999 1. The commission shall coordinate with the Building  
1000 Officials Association of Florida, Inc., to designate a panel  
1001 ~~panels~~ composed of seven ~~five~~ members to hear requests to review  
1002 decisions of local building officials. Five ~~The~~ members must be  
1003 licensed as building code administrators under part XII of  
1004 chapter 468, one member must be licensed as an architect under  
1005 chapter 481, and one member must be licensed as an engineer  
1006 under chapter 471. Each member ~~and~~ must have experience  
1007 interpreting or ~~and~~ enforcing provisions of the Florida Building  
1008 Code and the Florida Accessibility Code for Building  
1009 Construction.

1010 2. Requests to review a decision of a local building  
1011 official interpreting provisions of the Florida Building Code or  
1012 the Florida Accessibility Code for Building Construction may be  
1013 initiated by any substantially affected person, including an  
1014 owner or builder subject to a decision of a local building

1015 official or an association of owners or builders having members  
 1016 who are subject to a decision of a local building official. In  
 1017 order to initiate review, the substantially affected person must  
 1018 file a petition with the commission. The commission shall adopt  
 1019 a form for the petition, which shall be published on the  
 1020 Building Code Information System. The form shall, at a minimum,  
 1021 require the following:

1022       a. The name and address of the county or municipality in  
 1023 which provisions of the Florida Building Code or the Florida  
 1024 Accessibility Code for Building Construction are being  
 1025 interpreted.

1026       b. The name and address of the local building official who  
 1027 has made the interpretation being appealed.

1028       c. The name, address, and telephone number of the  
 1029 petitioner; the name, address, and telephone number of the  
 1030 petitioner's representative, if any; and an explanation of how  
 1031 the petitioner's substantial interests are being affected by the  
 1032 local interpretation of the Florida Building Code or the Florida  
 1033 Accessibility Code for Building Construction.

1034       d. A statement of the provisions of the Florida Building  
 1035 Code or the Florida Accessibility Code for Building Construction  
 1036 which are being interpreted by the local building official.

1037       e. A statement of the interpretation given to provisions  
 1038 of the Florida Building Code or the Florida Accessibility Code  
 1039 for Building Construction by the local building official and the  
 1040 manner in which the interpretation was rendered.



1041 f. A statement of the interpretation that the petitioner  
1042 contends should be given to the provisions of the Florida  
1043 Building Code or the Florida Accessibility Code for Building  
1044 Construction and a statement supporting the petitioner's  
1045 interpretation.

1046 g. Space for the local building official to respond in  
1047 writing. The space shall, at a minimum, require the local  
1048 building official to respond by providing a statement admitting  
1049 or denying the statements contained in the petition and a  
1050 statement of the interpretation of the provisions of the Florida  
1051 Building Code or the Florida Accessibility Code for Building  
1052 Construction which the local jurisdiction or the local building  
1053 official contends is correct, including the basis for the  
1054 interpretation.

1055 3. The petitioner shall submit the petition to the local  
1056 building official, who shall place the date of receipt on the  
1057 petition. The local building official shall respond to the  
1058 petition in accordance with the form and shall return the  
1059 petition along with his or her response to the petitioner within  
1060 5 days after receipt, exclusive of Saturdays, Sundays, and legal  
1061 holidays. The petitioner may file the petition with the  
1062 commission at any time after the local building official  
1063 provides a response. If no response is provided by the local  
1064 building official, the petitioner may file the petition with the  
1065 commission 10 days after submission of the petition to the local  
1066 building official and shall note that the local building

1067 official did not respond.

1068 4. Upon receipt of a petition that meets the requirements  
 1069 of subparagraph 2., the commission shall immediately provide  
 1070 copies of the petition to the ~~a~~ panel, and the commission shall  
 1071 publish the petition, including any response submitted by the  
 1072 local building official, on the Building Code Information System  
 1073 in a manner that allows interested persons to address the issues  
 1074 by posting comments.

1075 5. The panel shall conduct proceedings as necessary to  
 1076 resolve the issues; shall give due regard to the petitions, the  
 1077 response, and to comments posed on the Building Code Information  
 1078 System; and shall issue an interpretation regarding the  
 1079 provisions of the Florida Building Code or the Florida  
 1080 Accessibility Code for Building Construction within 21 days  
 1081 after the filing of the petition. The panel shall render a  
 1082 determination based upon the Florida Building Code or the  
 1083 Florida Accessibility Code for Building Construction or, if the  
 1084 code is ambiguous, the intent of the code. The panel's  
 1085 interpretation shall be provided to the commission, which shall  
 1086 publish the interpretation on the Building Code Information  
 1087 System and in the Florida Administrative Register. The  
 1088 interpretation shall be considered an interpretation entered by  
 1089 the commission, and shall be binding upon the parties and upon  
 1090 all jurisdictions subject to the Florida Building Code or the  
 1091 Florida Accessibility Code for Building Construction, unless it  
 1092 is superseded by a declaratory statement issued by the Florida

1093 Building Commission or by a final order entered after an appeal  
1094 proceeding conducted in accordance with subparagraph 7.

1095 6. It is the intent of the Legislature that review  
1096 proceedings be completed within 21 days after the date that a  
1097 petition seeking review is filed with the commission, and the  
1098 time periods set forth in this paragraph may be waived only upon  
1099 consent of all parties.

1100 7. Any substantially affected person may appeal an  
1101 interpretation rendered by the ~~a hearing officer~~ panel by filing  
1102 a petition with the commission. Such appeals shall be initiated  
1103 in accordance with chapter 120 and the uniform rules of  
1104 procedure and must be filed within 30 days after publication of  
1105 the interpretation on the Building Code Information System or in  
1106 the Florida Administrative Register. Hearings shall be conducted  
1107 pursuant to chapter 120 and the uniform rules of procedure.  
1108 Decisions of the commission are subject to judicial review  
1109 pursuant to s. 120.68. The final order of the commission is  
1110 binding upon the parties and upon all jurisdictions subject to  
1111 the Florida Building Code or the Florida Accessibility Code for  
1112 Building Construction.

1113 8. The burden of proof in any proceeding initiated in  
1114 accordance with subparagraph 7. is on the party who initiated  
1115 the appeal.

1116 9. In any review proceeding initiated in accordance with  
1117 this paragraph, including any proceeding initiated in accordance  
1118 with subparagraph 7., the fact that an owner or builder has

1119 | proceeded with construction may not be grounds for determining  
 1120 | an issue to be moot if the issue is one that is likely to arise  
 1121 | in the future.

1122 |  
 1123 | This paragraph provides the exclusive remedy for addressing  
 1124 | requests to review local interpretations of the Florida Building  
 1125 | Code or the Florida Accessibility Code for Building Construction  
 1126 | and appeals from review proceedings.

1127 | Section 23. Subsection (6) of section 553.79, Florida  
 1128 | Statutes, is amended to read:

1129 | 553.79 Permits; applications; issuance; inspections.—

1130 | (6) A permit may not be issued for any building  
 1131 | construction, erection, alteration, modification, repair, or  
 1132 | addition unless the applicant for such permit complies with the  
 1133 | requirements for plan review established by the Florida Building  
 1134 | Commission within the Florida Building Code. However, the code  
 1135 | shall set standards and criteria to authorize preliminary  
 1136 | construction before completion of all building plans review,  
 1137 | including, but not limited to, special permits for the  
 1138 | foundation only, and such standards shall take effect concurrent  
 1139 | with the first effective date of the Florida Building Code.

1140 | After submittal of the appropriate construction documents, the  
 1141 | building official may issue a permit for the construction of  
 1142 | foundations or any other part of a building or structure before  
 1143 | the construction documents for the whole building or structure  
 1144 | have been submitted. The holder of such permit for the

1145 foundation or other parts of a building or structure shall  
1146 proceed at the holder's own risk and without assurance that a  
1147 permit for the entire structure will be granted. Corrections may  
1148 be required to meet the requirements of the technical codes.

1149 Section 24. Paragraph (d) is added to subsection (7) of  
1150 section 553.80, Florida Statutes, to read:

1151 553.80 Enforcement.—

1152 (7) The governing bodies of local governments may provide  
1153 a schedule of reasonable fees, as authorized by s. 125.56(2) or  
1154 s. 166.222 and this section, for enforcing this part. These  
1155 fees, and any fines or investment earnings related to the fees,  
1156 shall be used solely for carrying out the local government's  
1157 responsibilities in enforcing the Florida Building Code. When  
1158 providing a schedule of reasonable fees, the total estimated  
1159 annual revenue derived from fees, and the fines and investment  
1160 earnings related to the fees, may not exceed the total estimated  
1161 annual costs of allowable activities. Any unexpended balances  
1162 shall be carried forward to future years for allowable  
1163 activities or shall be refunded at the discretion of the local  
1164 government. The basis for a fee structure for allowable  
1165 activities shall relate to the level of service provided by the  
1166 local government and shall include consideration for refunding  
1167 fees due to reduced services based on services provided as  
1168 prescribed by s. 553.791, but not provided by the local  
1169 government. Fees charged shall be consistently applied.

1170 (d) The local enforcement agency may not require the

1171 payment of any additional fees, charges, or expenses associated  
 1172 with:

1173 1. Providing proof of licensure pursuant to this chapter;

1174 2. Recording or filing a license issued pursuant to this  
 1175 chapter; or

1176 3. Providing, recording, or filing evidence of workers'  
 1177 compensation insurance coverage as required by chapter 440.

1178 Section 25. Subsections (4) and (7) of section 553.841,  
 1179 Florida Statutes, are amended to read:

1180 553.841 Building code compliance and mitigation program.—

1181 (4) In administering the Florida Building Code Compliance  
 1182 and Mitigation Program, the department may ~~shall~~ maintain,  
 1183 update, develop, or cause to be developed code-related training  
 1184 and education ~~advanced modules designed~~ for use by each  
 1185 profession.

1186 ~~(7) The Florida Building Commission shall provide by rule~~  
 1187 ~~for the accreditation of courses related to the Florida Building~~  
 1188 ~~Code by accreditors approved by the commission. The commission~~  
 1189 ~~shall establish qualifications of accreditors and criteria for~~  
 1190 ~~the accreditation of courses by rule. The commission may revoke~~  
 1191 ~~the accreditation of a course by an accreditor if the~~  
 1192 ~~accreditation is demonstrated to violate this part or the rules~~  
 1193 ~~of the commission.~~

1194 Section 26. Paragraph (a) of subsection (8) of section  
 1195 553.842, Florida Statutes, is amended to read:

1196 553.842 Product evaluation and approval.—

1197 (8) The commission may adopt rules to approve the  
 1198 following types of entities that produce information on which  
 1199 product approvals are based. All of the following entities,  
 1200 including engineers and architects, must comply with a  
 1201 nationally recognized standard demonstrating independence or no  
 1202 conflict of interest:

1203 (a) Evaluation entities approved pursuant to this  
 1204 paragraph. The commission shall specifically approve the  
 1205 National Evaluation Service, the International Association of  
 1206 Plumbing and Mechanical Officials Evaluation Service, the  
 1207 International Code Council Evaluation Services, Underwriters  
 1208 Laboratories, LLC, and the Miami-Dade County Building Code  
 1209 Compliance Office Product Control Division. Architects and  
 1210 engineers licensed in this state are also approved to conduct  
 1211 product evaluations as provided in subsection (5).

1212 Section 27. Subsection (4) of section 553.844, Florida  
 1213 Statutes, is revived, readopted, and amended to read:

1214 553.844 Windstorm loss mitigation; requirements for roofs  
 1215 and opening protection.—

1216 (4) Notwithstanding the provisions of this section,  
 1217 exposed mechanical equipment or appliances fastened to a roof or  
 1218 installed on the ground in compliance with the code using rated  
 1219 stands, platforms, curbs, slabs, walls, or other means are  
 1220 deemed to comply with the wind resistance requirements of the  
 1221 2007 Florida Building Code, as amended. Further support or  
 1222 enclosure of such mechanical equipment or appliances is not

1223 required by a state or local official having authority to  
1224 enforce the Florida Building Code. ~~This subsection expires on~~  
1225 ~~the effective date of the 2013 Florida Building Code.~~

1226 Section 28. Section 553.883, Florida Statutes, is amended  
1227 to read:

1228 553.883 Smoke alarms in one-family and two-family  
1229 dwellings and townhomes.—One-family and two-family dwellings and  
1230 townhomes undergoing a repair, or a level 1 alteration as  
1231 defined in the Florida Building Code, may use smoke alarms  
1232 powered by 10-year nonremovable, nonreplaceable batteries in  
1233 lieu of retrofitting such dwelling with smoke alarms powered by  
1234 the dwelling's electrical system. Effective January 1, 2015, a  
1235 battery-powered smoke alarm that is newly installed or replaces  
1236 an existing battery-powered smoke alarm must be powered by a  
1237 nonremovable, nonreplaceable battery that powers the alarm for  
1238 at least 10 years. The battery requirements of this section do  
1239 not apply to a fire alarm, smoke detector, smoke alarm, or  
1240 ancillary component that is electronically connected as a part  
1241 of a centrally monitored or supervised alarm system; or that  
1242 uses a low-power, radio frequency wireless communication signal;  
1243 or that contains multiple sensors, such as a smoke alarm  
1244 combined with a carbon monoxide alarm or other devices as the  
1245 State Fire Marshal designates by rule.

1246 Section 29. Section 553.908, Florida Statutes, is amended  
1247 to read:

1248 553.908 Inspection.—Before construction or renovation is



1249 completed, the local enforcement agency shall inspect buildings  
 1250 for compliance with the standards of this part. Notwithstanding  
 1251 any other provision of the code or law, effective July 1, 2016,  
 1252 section R402.4.1 of the Florida Building Code, 5th Edition  
 1253 (2014) Energy Conservation, which became effective on June 30,  
 1254 2015, shall cease to be effective. Instead, section 402.4.2 of  
 1255 the 2010 Florida Building Code, Energy Conservation, relating to  
 1256 air sealing and insulation, in effect before June 30, 2015,  
 1257 shall govern and become applicable and effective on June 30,  
 1258 2016, and thereafter. Additionally, a state or local enforcement  
 1259 agency or code official may not require any type of mandatory  
 1260 blower door test or air infiltration test to determine specific  
 1261 air infiltration levels or air leakage rates in a residential  
 1262 building or dwelling unit and may not require the installation  
 1263 of any mechanical ventilation devices designed to filter outside  
 1264 air through an HVAC system as a condition of a permit or to  
 1265 determine compliance with the code. However, if section R402.4.1  
 1266 of the Florida Building Code, 5th Edition (2014) Energy  
 1267 Conservation, is voluntarily used, the local enforcement agency  
 1268 shall inspect the construction or renovation for compliance with  
 1269 that section.

1270 Section 30. Subsections (17) and (18) are added to section  
 1271 633.202, Florida Statutes, to read:

1272 633.202 Florida Fire Prevention Code.—

1273 (17) The authority having jurisdiction shall determine the  
 1274 minimum radio signal strength for fire department communications

1275 in all new high-rise and existing high-rise buildings. Existing  
1276 buildings are not required to comply with minimum radio strength  
1277 for fire department communications and two-way radio system  
1278 enhancement communications as required by the Florida Fire  
1279 Prevention Code until January 1, 2022. However, by December 31,  
1280 2019, an existing building that is not in compliance with the  
1281 requirements for minimum radio strength for fire department  
1282 communications must apply for an appropriate permit for the  
1283 required installation with the local government agency having  
1284 jurisdiction and must demonstrate that the building will become  
1285 compliant by January 1, 2022. Existing apartment buildings are  
1286 not required to comply until January 1, 2025. However, existing  
1287 apartment buildings are required to apply for the appropriate  
1288 permit for the required communications installation by December  
1289 31, 2022.

1290 (18) Areas of refuge shall be provided if required by the  
1291 Florida Building Code, Accessibility. Required portions of an  
1292 area of refuge shall be accessible from the space they serve by  
1293 an accessible means of egress.

1294 Section 31. Subsection (5) is added to section 633.206,  
1295 Florida Statutes, to read:

1296 633.206 Uniform firesafety standards—The Legislature  
1297 hereby determines that to protect the public health, safety, and  
1298 welfare it is necessary to provide for firesafety standards  
1299 governing the construction and utilization of certain buildings  
1300 and structures. The Legislature further determines that certain

1301 buildings or structures, due to their specialized use or to the  
 1302 special characteristics of the person utilizing or occupying  
 1303 these buildings or structures, should be subject to firesafety  
 1304 standards reflecting these special needs as may be appropriate.

1305 (5) The home environment provisions in the most current  
 1306 edition of the codes adopted by the division may be applied to  
 1307 existing assisted living facilities, at the option of each  
 1308 facility, notwithstanding the edition of the codes applied at  
 1309 the time of construction.

1310 Section 32. Subsection (5) of section 633.208, Florida  
 1311 Statutes, is amended to read:

1312 633.208 Minimum firesafety standards.—

1313 (5) With regard to existing buildings, the Legislature  
 1314 recognizes that it is not always practical to apply any or all  
 1315 of the provisions of the Florida Fire Prevention Code and that  
 1316 physical limitations may require disproportionate effort or  
 1317 expense with little increase in fire or life safety. Before  
 1318 ~~Prior to~~ applying the minimum firesafety code to an existing  
 1319 building, the local fire official shall determine whether ~~that~~ a  
 1320 threat to lifesafety or property exists. If a threat to  
 1321 lifesafety or property exists, the fire official shall apply the  
 1322 applicable firesafety code for existing buildings to the extent  
 1323 practical to ensure ~~assure~~ a reasonable degree of lifesafety and  
 1324 safety of property or the fire official shall fashion a  
 1325 reasonable alternative that ~~which~~ affords an equivalent degree  
 1326 of lifesafety and safety of property. The local fire official

1327 may consider the fire safety evaluation systems found in NFPA  
 1328 101A, Guide on Alternative Solutions to Life Safety, adopted by  
 1329 the State Fire Marshal, as acceptable systems for the  
 1330 identification of low-cost, reasonable alternatives. It is  
 1331 acceptable to use the Fire Safety Evaluation System for Board  
 1332 and Care Facilities using prompt evacuation capabilities  
 1333 parameter values on existing residential high-rise buildings.

1334 The decision of the local fire official may be appealed to the  
 1335 local administrative board described in s. 553.73.

1336 Section 33. Section 633.336, Florida Statutes, is amended  
 1337 to read:

1338 633.336 Contracting without certificate prohibited;  
 1339 violations; penalty.—

1340 (1) It is unlawful for any organization or individual to  
 1341 engage in the business of layout, fabrication, installation,  
 1342 inspection, alteration, repair, or service of a fire protection  
 1343 system, other than a preengineered system, act in the capacity  
 1344 of a fire protection contractor, or advertise itself as being a  
 1345 fire protection contractor without having been duly certified  
 1346 and holding a valid and existing certificate, except as  
 1347 hereinafter provided. The holder of a certificate used to  
 1348 qualify an organization must be a full-time employee of the  
 1349 qualified organization or business. A certificateholder who is  
 1350 employed by more than one fire protection contractor during the  
 1351 same time is deemed not to be a full-time employee of either  
 1352 contractor. The State Fire Marshal shall revoke, for a period

1353 determined by the State Fire Marshal, the certificate of a  
1354 certificateholder who allows the use of the certificate to  
1355 qualify a company of which the certificateholder is not a full-  
1356 time employee. A contractor who maintains more than one place of  
1357 business must employ a certificateholder at each location. This  
1358 subsection does not prohibit an employee acting on behalf of  
1359 governmental entities from inspecting and enforcing firesafety  
1360 codes, provided such employee is certified under s. 633.216.

1361 (2) A fire protection contractor certified under this  
1362 chapter may not:

1363 (a) Enter into a written or oral agreement to authorize,  
1364 or otherwise knowingly allow, a contractor who is not certified  
1365 under this chapter to engage in the business of, or act in the  
1366 capacity of, a fire protection contractor.

1367 (b) Apply for or obtain a construction permit for fire  
1368 protection work unless the fire protection contractor or the  
1369 business organization qualified by the fire protection  
1370 contractor has contracted to conduct the work specified in the  
1371 application for the permit.

1372 (3) The Legislature recognizes that special expertise is  
1373 required for fire pump control panels and maintenance of  
1374 electric and diesel pump drivers and that it is not economically  
1375 feasible for all contractors to employ these experts full-time  
1376 whose work may be limited. It is therefore deemed acceptable for  
1377 a fire protection contractor licensed under chapter 633 to  
1378 subcontract with companies providing advanced technical services

1379 for the installation, servicing, and maintenance of fire pump  
1380 control panels and pump drivers. To ensure the integrity of the  
1381 system and to protect the interests of the property owner, those  
1382 providing technical support services for fire pump control  
1383 panels and pump drivers must be under contract with a licensed  
1384 fire protection contractor.

1385 (4)-(3) A person who violates any provision of this act or  
1386 commits any of the acts constituting cause for disciplinary  
1387 action as herein set forth commits a misdemeanor of the second  
1388 degree, punishable as provided in s. 775.082 or s. 775.083.

1389 (5)-(4) In addition to the penalties provided in subsection  
1390 (4) -(3), a fire protection contractor certified under this  
1391 chapter who violates any provision of this section or who  
1392 commits any act constituting cause for disciplinary action is  
1393 subject to suspension or revocation of the certificate and  
1394 administrative fines pursuant to s. 633.338.

1395 Section 34. The Calder Sloan Swimming Pool Electrical-  
1396 Safety Task Force.—There is established within the Florida  
1397 Building Commission the Calder Sloan Swimming Pool Electrical-  
1398 Safety Task Force.

1399 (1) The purpose of the task force is to study standards on  
1400 grounding, bonding, lighting, wiring, and all electrical aspects  
1401 for safety in and around public and private swimming pools,  
1402 especially with regard to minimizing risks of electrocutions  
1403 linked to swimming pools. The task force shall submit a report  
1404 of its findings, including recommended revisions to state law,

1405 if any, to the Governor, the President of the Senate, and the  
 1406 Speaker of the House of Representatives by November 1, 2016.

1407 (2) The task force shall consist of the swimming pool and  
 1408 electrical technical advisory committees of the Florida Building  
 1409 Commission.

1410 (3) The task force shall be chaired by the swimming pool  
 1411 contractor appointed to the Florida Building Commission pursuant  
 1412 to s. 553.74, Florida Statutes.

1413 (4) The Florida Building Commission shall provide such  
 1414 staff, information, and other assistance as is reasonably  
 1415 necessary to assist the task force in carrying out its  
 1416 responsibilities.

1417 (5) Members of the task force shall serve without  
 1418 compensation.

1419 (6) The task force shall meet as often as necessary to  
 1420 fulfill its responsibilities. Meetings may be conducted by  
 1421 conference call, teleconferencing, or similar technology.

1422 (7) This section expires December 31, 2016.

1423 Section 35. The Florida Building Commission shall define  
 1424 the term "fire separation distance" in Chapter 2, Definitions,  
 1425 of the Florida Building Code, 5th Edition (2014) Residential, as  
 1426 follows:

1427  
 1428 "FIRE SEPARATION DISTANCE. The distance measured from the  
 1429 building face to one of the following:

1430 1. To the closest interior lot line;

- 1431 2. To the centerline of a street, an alley, or a public way;
- 1432 3. To an imaginary line between two buildings on the lot; or
- 1433 4. To an imaginary line between two buildings when the exterior
- 1434 wall of one building is located on a zero lot line.

1435

1436 The distance shall be measured at a right angle from the face of

1437 the wall."

1438 Section 36. The Florida Building Commission shall amend

1439 the Florida Building Code, 5th Edition (2014) Residential, to

1440 allow openings and roof overhang projections on the exterior

1441 wall of a building located on a zero lot line, when the building

1442 exterior wall is separated from an adjacent building exterior

1443 wall by a distance of 6 feet or more and the roof overhang

1444 projection is separated from an adjacent building projection by

1445 a distance of 4 feet or more, with 1-hour fire-resistive

1446 construction on the underside of the overhang required, unless

1447 the separation between projections is 6 feet or more.

1448 Section 37. The Florida Building Commission shall adopt

1449 into the Florida Building Code, 5th Edition (2014) Energy

1450 Conservation, the following:

1451

1452 "Section 406 relating to the Alternative Performance Path,

1453 Energy Rating Index of the 2015 International Energy

1454 Conservation Code (IECC) may be used as an option for

1455 demonstrating compliance with the Florida Building Code, Energy

1456 Conservation. TABLE R406.4 MAXIMUM ENERGY RATING INDEX shall



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1457 reflect the following energy rating index: for Climate Zone 1,  
1458 an index of 65; for Climate Zone 2, an index of 65."

1459 Section 38. This act shall take effect July 1, 2016.