

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 s. 489.103, F.S.;
9 providing an exemption for certain employees who make
10 minor repairs to existing electric water heaters and
11 to existing electric heating, ventilating, and air-
12 conditioning systems under specified circumstances;
13 providing that the exemption does not limit the
14 authority of a municipality or county to adopt or
15 enforce certain ordinances, rules, or regulations;
16 amending s. 489.105, F.S.; revising the definition of
17 the term "plumbing contractor"; amending s. 489.1401,
18 F.S.; revising legislative intent with respect to the
19 purpose of the Florida Homeowners' Construction
20 Recovery Fund; providing legislative intent that
21 Division II contractors set apart funds to participate
22 in the fund; amending s. 489.1402, F.S.; revising
23 definitions; amending s. 489.141, F.S.; authorizing
24 certain claimants to make a claim against the recovery
25 fund for certain contracts entered into before a
26 specified date; amending s. 489.1425, F.S.; revising a

27 notification provided by contractors to certain
28 residential property owners to state that payment from
29 the recovery fund is limited; amending s. 489.143,
30 F.S.; revising provisions concerning payments from the
31 recovery fund; specifying claim amounts for certain
32 contracts entered into on or after specified dates;
33 providing aggregate caps for payments; amending s.
34 489.503, F.S.; exempting certain low-voltage landscape
35 lighting from licensed electrical contractor
36 installation requirements; amending s. 514.011, F.S.;
37 revising the definition of the term "private pool";
38 amending s. 514.0115, F.S.; prohibiting a portable
39 pool from being regulated as a public pool in certain
40 circumstances; amending s. 514.031, F.S.; prohibiting
41 a portable pool from being used as a public pool
42 unless it is exempt under s. 514.0115, F.S.; amending
43 s. 515.27, F.S.; revising minimum requirements for a
44 residential swimming pool to pass final inspection and
45 receive a certificate of completion to include
46 specified swimming pool alarms; amending s. 553.512,
47 F.S.; revising the membership of the Accessibility
48 Advisory Council; amending s. 553.721, F.S.; directing
49 the Florida Building Code Compliance and Mitigation
50 Program to fund, from existing resources, the
51 recommendations made by the Building Code System
52 Uniform Implementation Evaluation Workgroup; providing

53 a limitation; requiring that a specified amount of
54 funds from the surcharge be used to fund certain
55 Florida Fire Prevention Code informal interpretations;
56 requiring the State Fire Marshal to adopt rules;
57 amending s. 553.73, F.S.; authorizing local boards
58 created to address specified issues to combine the
59 appeals boards to create a single, local board;
60 authorizing the local board to grant alternatives or
61 modifications through specified procedures; providing
62 quorum requirements; authorizing the appeal to a local
63 administrative board of specified decisions made by a
64 local fire official; specifying the decisions of the
65 local building official and the local fire official
66 which are subject to review; providing requirements
67 for fire service access elevators and elevator lobbies
68 in certain buildings; amending s. 553.775, F.S.;
69 revising membership on a panel that hears requests to
70 review decisions of local building officials; amending
71 s. 553.79, F.S.; providing grounds for disciplinary
72 action against a plans reviewer or building code
73 administrator; authorizing a building official to
74 issue a permit for the construction of the foundation
75 or any other part of a building or structure before
76 the construction documents for the entire building or
77 structure have been submitted; providing that the
78 holder of such permit begins building at the holder's

79 | own risk and without assurance that a permit for the
80 | entire structure will be granted; creating s.
81 | 553.7931, F.S.; defining the term "applicable local
82 | governmental entity"; requiring the owner, lessee, or
83 | occupant of a property to register an alarm system
84 | under certain circumstances; requiring contractors and
85 | alarm system monitoring companies to provide notice to
86 | an owner, lessee, or occupant that registration of the
87 | alarm system may be required; exempting a contractor
88 | or alarm system monitoring company from specified
89 | fines and penalties; prohibiting local governmental
90 | entities from requiring notarization of an alarm
91 | system registration form; providing for preemption;
92 | amending s. 553.80, F.S.; prohibiting a local
93 | enforcement agency from charging additional fees
94 | related to the recording of a contractor's license or
95 | workers' compensation insurance; amending s. 553.842,
96 | F.S.; specifying additional approved evaluation
97 | entities; amending s. 553.844, F.S.; excluding work
98 | associated with the prevention of degradation of a
99 | residence from certain building permit requirements;
100 | reviving, readopting, and amending s. 553.844(4),
101 | F.S.; deleting an obsolete provision providing for
102 | expiration of requirements for the adoption of certain
103 | mitigation techniques by the Florida Building
104 | Commission within the Florida Building Code for

105 certain structures; revising such requirements;
106 amending s. 553.883, F.S.; exempting certain devices
107 from certain smoke alarm battery requirements;
108 amending s. 553.908, F.S.; providing for the amendment
109 of portions of the Florida Building Code, Energy
110 Conservation, related to certain buildings and
111 dwelling units after a specified date; delaying the
112 effective date of certain portions of the Florida
113 Building Code, Energy Conservation, related to blower
114 door testing; providing for the amendment of portions
115 of the Florida Building Code, Mechanical, related to
116 air filtration rates for dwelling units after a
117 specified date; amending s. 553.993, F.S.; revising
118 the definition of the term "building energy-efficiency
119 rating system" to require that oversight be performed
120 using evaluation methods established by certain
121 entities; amending s. 633.202, F.S.; requiring all new
122 high-rise and existing high-rise buildings to maintain
123 a minimum radio signal strength for fire department
124 communications; providing a transitory period for
125 compliance; requiring existing apartment buildings
126 that are not in compliance to initiate an application
127 for an appropriate permit by a specified date;
128 requiring areas of refuge to be required as determined
129 by the Florida Building Code, Accessibility; amending
130 s. 633.208, F.S.; authorizing fire officials to

131 consider certain systems acceptable when identifying
132 low-cost alternatives; amending s. 633.336, F.S.;
133 authorizing a licensed fire protection contractor to
134 subcontract for advanced technical services under
135 certain circumstances; creating the Calder Sloan
136 Swimming Pool Electrical-Safety Task Force within the
137 commission; specifying the purpose of the task force;
138 requiring a report to the Governor and Legislature;
139 providing for membership; requiring the commission to
140 provide staff, information, and other assistance to
141 the task force; providing that members of the task
142 force serve without compensation; providing for
143 meetings; providing for expiration of the task force;
144 creating the Construction Industry Workforce Task
145 Force within the University of Florida M. E. Rinker,
146 Sr., School of Construction Management; specifying the
147 goals of the task force; providing for membership;
148 requiring the school to provide assistance to the task
149 force; providing for meetings; requiring a report to
150 the Governor and Legislature; providing an
151 appropriation from specified funds available to the
152 Department of Business and Professional Regulation;
153 providing for expiration of the task force; requiring
154 the commission to amend the Florida Building Code to
155 define the term "fire separation distance," to specify
156 openings and roof overhang projection requirements, to

157 | adopt a specific energy rating index as an option for
 158 | compliance, to provide for Climate Zone indices, to
 159 | provide exceptions to shower lining requirements, and
 160 | to provide minimum fire separation distances;
 161 | requiring a restaurant, cafeteria, or similar dining
 162 | facility to have sprinklers only under specified
 163 | circumstances; providing an effective date.

164 |

165 | Be It Enacted by the Legislature of the State of Florida:

166 |

167 | Section 1. Subsections (2), (3), and (7) of section
 168 | 468.609, Florida Statutes, are amended to read:

169 | 468.609 Administration of this part; standards for
 170 | certification; additional categories of certification.—

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

174 | (a) Is at least 18 years of age.

175 | (b) Is of good moral character.

176 | (c) Meets eligibility requirements according to one of the
 177 | following criteria:

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

181 | 2. Demonstrates a combination of postsecondary education
 182 | in the field of construction or a related field and experience

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

186 3. Demonstrates a combination of technical education in
 187 the field of construction or a related field and experience
 188 which totals 4 years, with at least 1 year of such total being
 189 experience in construction, building code inspection, or plans
 190 review;

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

203 5. Demonstrates a combination of the completion of an
 204 approved training program in the field of building code
 205 inspection or plan review and a minimum of 2 years' experience
 206 in the field of building code inspection, plan review, fire code
 207 inspections and fire plans review of new buildings as a
 208 firesafety inspector certified under s. 633.216, or

209 construction. The approved training portion of this requirement
210 shall include proof of satisfactory completion of a training
211 program that provides at least 200 hours but not more ~~of not~~
212 ~~less~~ than 300 hours of cross-training that ~~which~~ is approved by
213 the board in the chosen category of building code inspection or
214 plan review in the certification category sought with at least
215 ~~not less than~~ 20 hours but not more than 30 hours of instruction
216 in state laws, rules, and ethics relating to professional
217 standards of practice, duties, and responsibilities of a
218 certificateholder. The board shall coordinate with the Building
219 Officials Association of Florida, Inc., to establish by rule the
220 development and implementation of the training program. However,
221 the board shall accept all classroom training offered by an
222 approved provider if the content substantially meets the intent
223 of the classroom component of the training program; or
224 6. Currently holds a standard certificate issued by the
225 board or a firesafety inspector license issued pursuant to
226 chapter 633 and:
227 a. Has at least 5 years' verifiable full-time experience
228 as an inspector or plans examiner in a standard certification
229 category currently held or has a minimum of 5 years' verifiable
230 full-time experience as a firesafety inspector licensed pursuant
231 to chapter 633.
232 b. Has satisfactorily completed a building code inspector
233 or plans examiner classroom training course or program that
234 provides at least 200 but not more than 300 hours in the

235 certification category sought, except for one-family and two-
236 family dwelling training programs, which must provide at least
237 500 but not more than 800 hours of training as prescribed by the
238 board. The board shall establish by rule criteria for the
239 development and implementation of classroom training courses and
240 programs in each certification category.

241 (3) A person may take the examination for certification as
242 a building code administrator pursuant to this part if the
243 person:

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

245 (b) Is of good moral character.

246 (c) Meets eligibility requirements according to one of the
247 following criteria:

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

253 2. Demonstrates a combination of postsecondary education
254 in the field of construction or related field, no more than 5
255 years of which may be applied, and experience as an architect,
256 engineer, plans examiner, building code inspector, registered or
257 certified contractor, or construction superintendent which
258 totals 10 years, with at least 5 years of such total being
259 experience in supervisory positions. In addition, the applicant
260 must have completed training consisting of at least 20 hours,

261 but not more than 30 hours, of instruction in state laws, rules,
262 and ethics relating to the professional standards of practice,
263 duties, and responsibilities of a certificateholder.

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

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

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

284 (d) A newly employed or hired person may perform the
285 duties of a plans examiner or building code inspector for 120
286 days if a provisional certificate application has been submitted

287 if such person is under the direct supervision of a certified
 288 building code administrator who holds a standard certification
 289 and who has found such person qualified for a provisional
 290 certificate. Direct supervision and the determination of
 291 qualifications may also be provided by a building code
 292 administrator who holds a limited or provisional certificate in
 293 a county having a population of fewer than 75,000 and in a
 294 municipality located within such county.

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

297 489.103 Exemptions.—This part does not apply to:

298 (23) An employee of an apartment community or apartment
 299 community management company who makes minor repairs to existing
 300 electric water heaters or to existing electric heating,
 301 ventilating, and air-conditioning systems if:

302 (a) The employee:

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

305 2. Does not perform any acts, other than acts authorized
 306 by this subsection, that constitute contracting.

307 3. Receives compensation from and is under the supervision
 308 and control of an employer who deducts the FICA and withholding
 309 tax and who provides workers' compensation, as prescribed by
 310 law.

311 4. Holds a current certificate for apartment maintenance
 312 technicians issued by the National Apartment Association and

313 accredited by the American National Standards Institute.
314 Requirements for obtaining such certificate must include at
315 least:

316 a. One year of apartment or rental housing maintenance
317 experience.

318 b. Successful completion of at least 90 hours of courses
319 or online content that covers electrical maintenance and repair;
320 plumbing maintenance and repair; heating, ventilating, or air-
321 conditioning system maintenance and repair; appliance
322 maintenance and repair; and interior and exterior maintenance
323 and repair.

324 c. Completion of all examination requirements.

325 (b) The equipment:

326 1. Is already installed on the property owned by the
327 apartment community or managed by the apartment community
328 management company.

329 2. Is not being modified except to replace components
330 necessary to return the equipment to its original condition and
331 the partial disassembly associated with the replacement.

332 3. Is a type of equipment commonly installed in similar
333 locations.

334 4. Is repaired with new parts that are functionally
335 identical to the parts being replaced.

336 (c) An individual repair does not involve replacement
337 parts that cost more than \$1,000. An individual repair may not
338 be so extensive as to be a functional replacement of the

339 electric water heater or the existing electric heating,
340 ventilating, or air-conditioning system being repaired. For
341 purposes of this paragraph, an individual repair may not be part
342 of a larger or major project that is divided into parts to avoid
343 this restriction.

344 (d) The property owned by the apartment community or
345 managed by the apartment community management company includes
346 at least 100 apartments.

347
348 This subsection does not limit the authority of a municipality
349 or county to adopt or enforce an ordinance, rule, or regulation
350 requiring licensure, certification, or registration of a person
351 employed as an apartment maintenance technician or apartment
352 repair worker or in any position that includes any part of the
353 scope of work described in this subsection.

354 Section 3. Paragraph (m) of subsection (3) of section
355 489.105, Florida Statutes, is amended to read:

356 489.105 Definitions.—As used in this part:

357 (3) "Contractor" means the person who is qualified for,
358 and is only responsible for, the project contracted for and
359 means, except as exempted in this part, the person who, for
360 compensation, undertakes to, submits a bid to, or does himself
361 or herself or by others construct, repair, alter, remodel, add
362 to, demolish, subtract from, or improve any building or
363 structure, including related improvements to real estate, for
364 others or for resale to others; and whose job scope is

365 substantially similar to the job scope described in one of the
366 paragraphs of this subsection. For the purposes of regulation
367 under this part, the term "demolish" applies only to demolition
368 of steel tanks more than 50 feet in height; towers more than 50
369 feet in height; other structures more than 50 feet in height;
370 and all buildings or residences. Contractors are subdivided into
371 two divisions, Division I, consisting of those contractors
372 defined in paragraphs (a)-(c), and Division II, consisting of
373 those contractors defined in paragraphs (d)-(q):

374 (m) "Plumbing contractor" means a contractor whose
375 services are unlimited in the plumbing trade and includes
376 contracting business consisting of the execution of contracts
377 requiring the experience, financial means, knowledge, and skill
378 to install, maintain, repair, alter, extend, or, if not
379 prohibited by law, design plumbing. A plumbing contractor may
380 install, maintain, repair, alter, extend, or, if not prohibited
381 by law, design the following without obtaining an additional
382 local regulatory license, certificate, or registration: sanitary
383 drainage or storm drainage facilities, water and sewer plants
384 and substations, venting systems, public or private water supply
385 systems, septic tanks, drainage and supply wells, swimming pool
386 piping, irrigation systems, and solar heating water systems and
387 all appurtenances, apparatus, or equipment used in connection
388 therewith, including boilers and pressure process piping and
389 including the installation of water, natural gas, liquefied
390 petroleum gas and related venting, and storm and sanitary sewer

391 lines. The scope of work of the plumbing contractor also
392 includes the design, if not prohibited by law, and installation,
393 maintenance, repair, alteration, or extension of air-piping,
394 vacuum line piping, oxygen line piping, nitrous oxide piping,
395 and all related medical gas systems; fire line standpipes and
396 fire sprinklers if authorized by law; ink and chemical lines;
397 fuel oil and gasoline piping and tank and pump installation,
398 except bulk storage plants; and pneumatic control piping
399 systems, all in a manner that complies with all plans,
400 specifications, codes, laws, and regulations applicable. The
401 scope of work of the plumbing contractor applies to private
402 property and public property, including any excavation work
403 incidental thereto, and includes the work of the specialty
404 plumbing contractor. Such contractor shall subcontract, with a
405 qualified contractor in the field concerned, all other work
406 incidental to the work but which is specified as being the work
407 of a trade other than that of a plumbing contractor. This
408 definition does not limit the scope of work of any specialty
409 contractor certified pursuant to s. 489.113(6)~~7~~ and does not
410 require certification or registration under this part as a
411 category I liquefied petroleum gas dealer, LP gas installer, or
412 specialty installer who is licensed under chapter 527 or an ~~of~~
413 ~~any~~ authorized employee of a public natural gas utility or of a
414 private natural gas utility regulated by the Public Service
415 Commission when disconnecting and reconnecting water lines in
416 the servicing or replacement of an existing water heater. A

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

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

423 489.1401 Legislative intent.—

424 (2) It is the intent of the Legislature that the sole
425 purpose of the Florida Homeowners' Construction Recovery Fund is
426 to compensate an ~~any~~ aggrieved claimant who contracted for the
427 construction or improvement of the homeowner's residence located
428 within this state and who has obtained a final judgment in a ~~any~~
429 court of competent jurisdiction, was awarded restitution by the
430 Construction Industry Licensing Board, or received an award in
431 arbitration against a licensee on grounds of financial
432 mismanagement or misconduct, abandoning a construction project,
433 or making a false statement with respect to a project. Such
434 grievance must arise ~~and arising~~ directly out of a ~~any~~
435 transaction conducted when the judgment debtor was licensed and
436 must involve an act performed ~~any of the activities~~ enumerated
437 in ~~under~~ s. 489.129(1)(g), (j), or (k) ~~on the homeowner's~~
438 ~~residence~~.

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

442 Section 5. Paragraphs (d), (i), (k), and (l) of subsection

443 (1) of section 489.1402, Florida Statutes, are amended to read:

444 489.1402 Homeowners' Construction Recovery Fund;

445 definitions.—

446 (1) The following definitions apply to ss. 489.140-

447 489.144:

448 (d) "Contractor" means a Division I or Division II
 449 contractor performing his or her respective services described
 450 in s. 489.105(3) ~~489.105(3)(a)-(c)~~.

451 (i) "Residence" means a single-family residence, an
 452 individual residential condominium or cooperative unit, or a
 453 residential building containing not more than two residential
 454 units in which the owner contracting for the improvement is
 455 residing or will reside 6 months or more each calendar year upon
 456 completion of the improvement.

457 (k) "Same transaction" means a contract, or a ~~any~~ series
 458 of contracts, between a claimant and a contractor or qualified
 459 business, when such contract or contracts involve the same
 460 property or contiguous properties and are entered into ~~either~~ at
 461 one time or serially.

462 (l) "Valid and current license," for the purpose of s.
 463 489.141(2)(d), means a ~~any~~ license issued pursuant to this part
 464 to a licensee, including a license in an active, inactive,
 465 delinquent, or suspended status.

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

468 489.141 Conditions for recovery; eligibility.—

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

474 (a) The claimant has received a final judgment in a court
475 of competent jurisdiction in this state or has received an award
476 in arbitration or the Construction Industry Licensing Board has
477 issued a final order directing the licensee to pay restitution
478 to the claimant. The board may waive this requirement if:

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

481 2. The claimant has sought to have assets involving the
482 transaction that gave rise to the claim removed from the
483 bankruptcy proceedings so that the matter might be heard in a
484 court of competent jurisdiction in this state and, after due
485 diligence, the claimant is precluded by action of the bankruptcy
486 court from securing a final judgment against the licensee.

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

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

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

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

494 1. The claimant has caused to be issued a writ of

495 execution upon such judgment, and the officer executing the writ
496 has made a return showing that no personal or real property of
497 the judgment debtor or licensee liable to be levied upon in
498 satisfaction of the judgment can be found or that the amount
499 realized on the sale of the judgment debtor's or licensee's
500 property pursuant to such execution was insufficient to satisfy
501 the judgment;

502 2. If the claimant is unable to comply with subparagraph
503 1. for a valid reason to be determined by the board, the
504 claimant has made all reasonable searches and inquiries to
505 ascertain whether the judgment debtor or licensee is possessed
506 of real or personal property or other assets subject to being
507 sold or applied in satisfaction of the judgment and by his or
508 her search has discovered no property or assets or has
509 discovered property and assets and has taken all necessary
510 action and proceedings for the application thereof to the
511 judgment but the amount thereby realized was insufficient to
512 satisfy the judgment; and

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

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

519 (g) Any amounts recovered by the claimant from the
520 judgment debtor or licensee, or from any other source, have been

521 applied to the damages awarded by the court or the amount of
 522 restitution ordered by the board.

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

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

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

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

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

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

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

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

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

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

547 489.1425 Duty of contractor to notify residential property
 548 owner of recovery fund.—

549 (1) Each ~~Any~~ agreement or contract for repair,
 550 restoration, improvement, or construction to residential real
 551 property must contain a written statement explaining the
 552 consumer's rights under the recovery fund, except where the
 553 value of all labor and materials does not exceed \$2,500. The
 554 written statement must be substantially in the following form:
 555

556 FLORIDA HOMEOWNERS' CONSTRUCTION
 557 RECOVERY FUND
 558

559 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE
 560 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY
 561 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS
 562 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED
 563 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A
 564 CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD
 565 AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:
 566

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

569 Section 8. Section 489.143, Florida Statutes, is amended
 570 to read:

571 489.143 Payment from the fund.—

572 (1) The fund shall be disbursed as provided in s. 489.141

573 on a final order of the board.

574 (2) A ~~Any~~ claimant who meets all of the conditions
575 prescribed in s. 489.141 may apply to the board to cause payment
576 to be made to a claimant from the recovery fund in an amount
577 equal to the judgment, award, or restitution order or \$25,000,
578 whichever is less, or an amount equal to the unsatisfied portion
579 of such person's judgment, award, or restitution order, but only
580 to the extent and amount of actual damages suffered by the
581 claimant, and only up to the maximum payment allowed for each
582 respective Division I and Division II claim. Payment from the
583 fund for other costs related to or pursuant to civil proceedings
584 such as postjudgment interest, attorney ~~attorney's~~ fees, court
585 costs, medical damages, and punitive damages is prohibited. The
586 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
587 or a restitution order, or any portion thereof, which is not
588 expressly based on one of the grounds for recovery set forth in
589 s. 489.141.

590 (3) Beginning January 1, 2005, for each Division I
591 contract entered into after July 1, 2004, payment from the
592 recovery fund is ~~shall be~~ subject to a \$50,000 maximum payment
593 for each Division I claim. Beginning January 1, 2017, for each
594 Division II contract entered into on or after July 1, 2016,
595 payment from the recovery fund is subject to a \$15,000 maximum
596 payment for each Division II claim.

597 (4) ~~(3)~~ Upon receipt by a claimant under subsection (2) of
598 payment from the recovery fund, the claimant shall assign his or

599 her additional right, title, and interest in the judgment,
600 award, or restitution order, to the extent of such payment, to
601 the board, and thereupon the board shall be subrogated to the
602 right, title, and interest of the claimant; and any amount
603 subsequently recovered on the judgment, award, or restitution
604 order, to the extent of the right, title, and interest of the
605 board therein, shall be for the purpose of reimbursing the
606 recovery fund.

607 (5)~~(4)~~ Payments for claims arising out of the same
608 transaction shall be limited, in the aggregate, to the lesser of
609 the judgment, award, or restitution order or the maximum payment
610 allowed for a Division I or Division II claim, regardless of the
611 number of claimants involved in the transaction.

612 (6)~~(5)~~ For contracts entered into before July 1, 2004,
613 payments for claims against any one licensee may ~~shall~~ not
614 exceed, in the aggregate, \$100,000 annually, up to a total
615 aggregate of \$250,000. For any claim approved by the board which
616 is in excess of the annual cap, the amount in excess of \$100,000
617 up to the total aggregate cap of \$250,000 is eligible for
618 payment in the next and succeeding fiscal years, but only after
619 all claims for the then-current calendar year have been paid.
620 Payments may not exceed the aggregate annual or per claimant
621 limits under law. Beginning January 1, 2005, for each Division I
622 contract entered into after July 1, 2004, payment from the
623 recovery fund is subject only to a total aggregate cap of
624 \$500,000 for each Division I licensee. Beginning January 1,

625 2017, for each Division II contract entered into on or after
 626 July 1, 2016, payment from the recovery fund is subject only to
 627 a total aggregate cap of \$150,000 for each Division II licensee.

628 (7)(6) Claims shall be paid in the order filed, up to the
 629 aggregate limits for each transaction and licensee and to the
 630 limits of the amount appropriated to pay claims against the fund
 631 ~~for the fiscal year in which the claims were filed.~~ Payments may
 632 not exceed the total aggregate cap per license or per claimant
 633 limits under this section.

634 (8)(7) If the annual appropriation is exhausted with
 635 claims pending, such claims shall be carried forward to the next
 636 fiscal year. Any moneys in excess of pending claims remaining in
 637 the recovery fund at the end of the fiscal year shall be paid as
 638 provided in s. 468.631.

639 (9)(8) Upon the payment of any amount from the recovery
 640 fund in settlement of a claim in satisfaction of a judgment,
 641 award, or restitution order against a licensee as described in
 642 s. 489.141, the license of such licensee shall be automatically
 643 suspended, without further administrative action, upon the date
 644 of payment from the fund. The license of such licensee may ~~shall~~
 645 not be reinstated until he or she has repaid in full, plus
 646 interest, the amount paid from the fund. A discharge of
 647 bankruptcy does not relieve a person from the penalties and
 648 disabilities provided in this section.

649 (10)(9) A ~~Any~~ firm, a corporation, a partnership, or an
 650 association, or a ~~any~~ person acting in his or her individual

651 capacity, who aids, abets, solicits, or conspires with another
652 ~~any~~ person to knowingly present or cause to be presented a ~~any~~
653 false or fraudulent claim for the payment of a loss under this
654 act commits ~~is guilty of~~ a third-degree felony, punishable as
655 provided in s. 775.082 or s. 775.084 and by a fine of up to ~~not~~
656 ~~exceeding~~ \$30,000, unless the value of the fraud exceeds that
657 amount, ~~\$30,000~~ in which event the fine may not exceed double
658 the value of the fraud.

659 ~~(11)-(10)~~ Each payment ~~All payments~~ and disbursement
660 ~~disbursements~~ from the recovery fund shall be made by the Chief
661 Financial Officer upon a voucher signed by the secretary of the
662 department or the secretary's designee.

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

665 489.503 Exemptions.—This part does not apply to:

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

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

672 514.011 Definitions.—As used in this chapter:

673 (3) "Private pool" means a facility used only by an
674 individual, family, or living unit members and their guests
675 which does not serve any type of cooperative housing or joint
676 tenancy of five or more living units. For purposes of the

677 exemptions provided under s. 514.0115, the term includes a
678 portable pool used exclusively for providing swimming lessons or
679 related instruction in support of an established educational
680 program sponsored or provided by a county school district and a
681 portable pool used in conjunction with a sanctioned national or
682 international swimming or diving competition event that does not
683 exceed 30 consecutive days of use.

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

686 514.0115 Exemptions from supervision or regulation;
687 variances.—

688 (3) A private pool used for instructional purposes in
689 swimming may ~~shall~~ not be regulated as a public pool. A portable
690 pool that is used for instructional purposes or to further an
691 approved educational program or used for a sanctioned national
692 or international swimming or diving competition event and that
693 does not exceed 30 consecutive days of use may not be regulated
694 as a public pool.

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

697 514.031 Permit necessary to operate public swimming pool.—

698 (5) An owner or operator of a public swimming pool,
699 including, but not limited to, a spa, wading, or special purpose
700 pool, to which admittance is obtained by membership for a fee
701 shall post in a prominent location within the facility the most
702 recent pool inspection report issued by the department

703 | pertaining to the health and safety conditions of such facility.
704 | The report shall be legible and readily accessible to members or
705 | potential members. The department shall adopt rules to enforce
706 | this subsection. A portable pool may not be used as a public
707 | pool unless it is exempt under s. 514.0115.

708 | Section 13. Subsection (1) of section 515.27, Florida
709 | Statutes, is amended to read:

710 | 515.27 Residential swimming pool safety feature options;
711 | penalties.—

712 | (1) In order to pass final inspection and receive a
713 | certificate of completion, a residential swimming pool must meet
714 | at least one of the following requirements relating to pool
715 | safety features:

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

718 | (b) The pool must be equipped with an approved safety pool
719 | cover;

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

723 | (d) All doors providing direct access from the home to the
724 | pool must be equipped with a self-closing, self-latching device
725 | with a release mechanism placed no lower than 54 inches above
726 | the floor; or

727 | (e) A swimming pool alarm that, when placed in a pool,
728 | sounds an alarm upon detection of an accidental or unauthorized

729 entrance into the water. Such pool alarm must meet and be
730 independently certified to ASTM Standard F2208, titled "Standard
731 Safety Specification for Residential Pool Alarms," which
732 includes surface motion, pressure, sonar, laser, and infrared
733 alarms. For purposes of this paragraph, the term "swimming pool
734 alarm" does not include any swimming protection alarm device
735 designed for individual use, such as an alarm attached to a
736 child that sounds when the child exceeds a certain distance or
737 becomes submerged in water.

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

740 553.512 Modifications and waivers; advisory council.—

741 (2) The Accessibility Advisory Council shall consist of
742 the following seven members, who shall be knowledgeable in the
743 area of accessibility for persons with disabilities. The
744 Secretary of Business and Professional Regulation shall appoint
745 the following: a representative from the Advocacy Center for
746 Persons with Disabilities, Inc.; a representative from the
747 Division of Blind Services; a representative from the Division
748 of Vocational Rehabilitation; a representative from a statewide
749 organization representing the physically handicapped; a
750 representative from the hearing impaired; a representative from
751 the Pensacola Pen Wheels Inc. Employ the Handicapped Council
752 President, Florida Council of Handicapped Organizations; and a
753 representative of the Paralyzed Veterans of America. The terms
754 for the first three council members appointed subsequent to

755 | October 1, 1991, shall be for 4 years, the terms for the next
756 | two council members appointed shall be for 3 years, and the
757 | terms for the next two members shall be for 2 years. Thereafter,
758 | all council member appointments shall be for terms of 4 years.
759 | No council member shall serve more than two 4-year terms
760 | subsequent to October 1, 1991. Any member of the council may be
761 | replaced by the secretary upon three unexcused absences. Upon
762 | application made in the form provided, an individual waiver or
763 | modification may be granted by the commission so long as such
764 | modification or waiver is not in conflict with more stringent
765 | standards provided in another chapter.

766 | Section 15. Section 553.721, Florida Statutes, is amended
767 | to read:

768 | 553.721 Surcharge.—In order for the Department of Business
769 | and Professional Regulation to administer and carry out the
770 | purposes of this part and related activities, there is created a
771 | surcharge, to be assessed at the rate of 1.5 percent of the
772 | permit fees associated with enforcement of the Florida Building
773 | Code as defined by the uniform account criteria and specifically
774 | the uniform account code for building permits adopted for local
775 | government financial reporting pursuant to s. 218.32. The
776 | minimum amount collected on any permit issued shall be \$2. The
777 | unit of government responsible for collecting a permit fee
778 | pursuant to s. 125.56(4) or s. 166.201 shall collect the
779 | surcharge and electronically remit the funds collected to the
780 | department on a quarterly calendar basis for the preceding

781 quarter and continuing each third month thereafter. The unit of
782 government shall retain 10 percent of the surcharge collected to
783 fund the participation of building departments in the national
784 and state building code adoption processes and to provide
785 education related to enforcement of the Florida Building Code.
786 All funds remitted to the department pursuant to this section
787 shall be deposited in the Professional Regulation Trust Fund.
788 Funds collected from the surcharge shall be allocated to fund
789 the Florida Building Commission and the Florida Building Code
790 Compliance and Mitigation Program under s. 553.841. Funds
791 allocated to the Florida Building Code Compliance and Mitigation
792 Program shall be \$925,000 each fiscal year. The Florida Building
793 Code Compliance and Mitigation Program shall fund the
794 recommendations made by the Building Code System Uniform
795 Implementation Evaluation Workgroup, dated April 8, 2013, from
796 existing resources, not to exceed \$30,000 in the 2016-2017
797 fiscal year. Funds collected from the surcharge shall also be
798 used to fund Florida Fire Prevention Code informal
799 interpretations managed by the State Fire Marshal and shall be
800 limited to \$15,000 each fiscal year. The State Fire Marshal
801 shall adopt rules to address the implementation and expenditure
802 of the funds allocated to fund the Florida Fire Prevention Code
803 informal interpretations under this section. The funds collected
804 from the surcharge may not be used to fund research on
805 techniques for mitigation of radon in existing buildings. Funds
806 used by the department as well as funds to be transferred to the

807 Department of Health and the State Fire Marshal shall be as
808 prescribed in the annual General Appropriations Act. The
809 department shall adopt rules governing the collection and
810 remittance of surcharges pursuant to chapter 120.

811 Section 16. Subsections (11) and (15) of section 553.73,
812 Florida Statutes, are amended, and subsection (19) is added to
813 that section, to read:

814 553.73 Florida Building Code.—

815 (11) (a) In the event of a conflict between the Florida
816 Building Code and the Florida Fire Prevention Code and the Life
817 Safety Code as applied to a specific project, the conflict shall
818 be resolved by agreement between the local building code
819 enforcement official and the local fire code enforcement
820 official in favor of the requirement of the code which offers
821 the greatest degree of lifesafety or alternatives which would
822 provide an equivalent degree of lifesafety and an equivalent
823 method of construction. Local boards created to address issues
824 arising under the Florida Building Code or the Florida Fire
825 Prevention Code may combine the appeals boards to create a
826 single, local board having jurisdiction over matters arising
827 under either code or both codes. The combined local appeals
828 board may grant alternatives or modifications through procedures
829 outlined in NFPA 1, Section 1.4, but may not waive the
830 requirements of the Florida Fire Prevention Code. To meet the
831 quorum requirement for convening the combined local appeals
832 board, at least one member of the board who is a fire protection

833 contractor, a fire protection design professional, a fire
834 department operations professional, or a fire code enforcement
835 professional must be present.

836 (b) Any decision made by the local fire official regarding
837 application, interpretation, or enforcement of the Florida Fire
838 Prevention Code or by ~~and~~ the local building official regarding
839 application, interpretation, or enforcement of the Florida
840 Building Code, or the appropriate application of either code or
841 both codes in the case of a conflict between the codes, may be
842 appealed to a local administrative board designated by the
843 municipality, county, or special district having firesafety
844 responsibilities. If the decision of the local fire official and
845 the local building official is to apply the provisions of either
846 the Florida Building Code or the Florida Fire Prevention Code
847 and the Life Safety Code, the board may not alter the decision
848 unless the board determines that the application of such code is
849 not reasonable. If the decision of the local fire official and
850 the local building official is to adopt an alternative to the
851 codes, the local administrative board shall give due regard to
852 the decision rendered by the local officials and may modify that
853 decision if the administrative board adopts a better
854 alternative, taking into consideration all relevant
855 circumstances. In any case in which the local administrative
856 board adopts alternatives to the decision rendered by the local
857 fire official and the local building official, such alternatives
858 shall provide an equivalent degree of lifesafety and an

859 equivalent method of construction as the decision rendered by
860 the local officials.

861 (c) If the local building official and the local fire
862 official are unable to agree on a resolution of the conflict
863 between the Florida Building Code and the Florida Fire
864 Prevention Code and the Life Safety Code, the local
865 administrative board shall resolve the conflict in favor of the
866 code which offers the greatest degree of lifesafety or
867 alternatives which would provide an equivalent degree of
868 lifesafety and an equivalent method of construction.

869 (d) All decisions of the local administrative board, ~~or,~~
870 if none exists, ~~the decisions of~~ the local building official and
871 the local fire official in regard to the application,
872 enforcement, or interpretation of the Florida Fire Prevention
873 Code, or conflicts between the Florida Fire Prevention Code and
874 the Florida Building Code, are subject to review by a joint
875 committee composed of members of the Florida Building Commission
876 and the Fire Code Advisory Council. If the joint committee is
877 unable to resolve conflicts between the codes as applied to a
878 specific project, the matter shall be resolved pursuant to ~~the~~
879 provisions of paragraph (1) (d). Decisions of the local
880 administrative board related solely to the Florida Building Code
881 are subject to review as set forth in s. 553.775.

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

885 (f) All decisions of the local building official and local
886 fire official and all decisions of the administrative board
887 shall be in writing and shall be binding upon a person but do
888 not limit the authority of the State Fire Marshal or the Florida
889 Building Commission pursuant to paragraph (1)(d) and ss. 633.104
890 and 633.228. Decisions of general application shall be indexed
891 by building and fire code sections and shall be available for
892 inspection during normal business hours.

893 (15) An agency or local government may not require that
894 existing mechanical equipment located on or above the surface of
895 a roof be installed in compliance with the requirements of the
896 Florida Building Code except during reroofing when the equipment
897 is being replaced or moved ~~during reroofing~~ and is not in
898 compliance with the provisions of the Florida Building Code
899 relating to roof-mounted mechanical units.

900 (19) The Florida Building Code shall require two fire
901 service access elevators in all buildings with a height greater
902 than 120 feet measured from the elevation of street-level access
903 to the level of the highest occupiable floor. All remaining
904 elevators, if any, shall be provided with Phase I and II
905 emergency operations. Where a fire service access elevator is
906 required, a 1-hour fire-rated fire service access elevator lobby
907 with direct access from the fire service access elevator is not
908 required if the fire service access elevator opens into an exit
909 access corridor that is no less than 6 feet wide for its entire
910 length and is at least 150 square feet with the exception of

911 door openings, and has a minimum 1-hour fire rating with three-
912 quarter hour fire and smoke rated openings; and during a fire
913 event the fire service access elevator is pressurized and floor-
914 to-floor smoke control is provided. However, where transient
915 residential occupancies occur at floor levels more than 420 feet
916 above the level of fire service access, a 1-hour fire-rated
917 service access elevator lobby with direct access from the fire
918 service access elevator is required.

919 Section 17. Paragraph (c) of subsection (3) of section
920 553.775, Florida Statutes, is amended to read:

921 553.775 Interpretations.—

922 (3) The following procedures may be invoked regarding
923 interpretations of the Florida Building Code or the Florida
924 Accessibility Code for Building Construction:

925 (c) The commission shall review decisions of local
926 building officials and local enforcement agencies regarding
927 interpretations of the Florida Building Code or the Florida
928 Accessibility Code for Building Construction after the local
929 board of appeals has considered the decision, if such board
930 exists, and if such appeals process is concluded within 25
931 business days.

932 1. The commission shall coordinate with the Building
933 Officials Association of Florida, Inc., to designate a panel
934 ~~panels~~ composed of seven ~~five~~ members to hear requests to review
935 decisions of local building officials. Five ~~The~~ members must be
936 licensed as building code administrators under part XII of

937 chapter 468, one member must be licensed as an architect under
938 chapter 481, and one member must be licensed as an engineer
939 under chapter 471. Each member ~~and~~ must have experience
940 interpreting or ~~and~~ enforcing provisions of the Florida Building
941 Code and the Florida Accessibility Code for Building
942 Construction.

943 2. Requests to review a decision of a local building
944 official interpreting provisions of the Florida Building Code or
945 the Florida Accessibility Code for Building Construction may be
946 initiated by any substantially affected person, including an
947 owner or builder subject to a decision of a local building
948 official or an association of owners or builders having members
949 who are subject to a decision of a local building official. In
950 order to initiate review, the substantially affected person must
951 file a petition with the commission. The commission shall adopt
952 a form for the petition, which shall be published on the
953 Building Code Information System. The form shall, at a minimum,
954 require the following:

955 a. The name and address of the county or municipality in
956 which provisions of the Florida Building Code or the Florida
957 Accessibility Code for Building Construction are being
958 interpreted.

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

961 c. The name, address, and telephone number of the
962 petitioner; the name, address, and telephone number of the

963 petitioner's representative, if any; and an explanation of how
 964 the petitioner's substantial interests are being affected by the
 965 local interpretation of the Florida Building Code or the Florida
 966 Accessibility Code for Building Construction.

967 d. A statement of the provisions of the Florida Building
 968 Code or the Florida Accessibility Code for Building Construction
 969 which are being interpreted by the local building official.

970 e. A statement of the interpretation given to provisions
 971 of the Florida Building Code or the Florida Accessibility Code
 972 for Building Construction by the local building official and the
 973 manner in which the interpretation was rendered.

974 f. A statement of the interpretation that the petitioner
 975 contends should be given to the provisions of the Florida
 976 Building Code or the Florida Accessibility Code for Building
 977 Construction and a statement supporting the petitioner's
 978 interpretation.

979 g. Space for the local building official to respond in
 980 writing. The space shall, at a minimum, require the local
 981 building official to respond by providing a statement admitting
 982 or denying the statements contained in the petition and a
 983 statement of the interpretation of the provisions of the Florida
 984 Building Code or the Florida Accessibility Code for Building
 985 Construction which the local jurisdiction or the local building
 986 official contends is correct, including the basis for the
 987 interpretation.

988 3. The petitioner shall submit the petition to the local

989 building official, who shall place the date of receipt on the
990 petition. The local building official shall respond to the
991 petition in accordance with the form and shall return the
992 petition along with his or her response to the petitioner within
993 5 days after receipt, exclusive of Saturdays, Sundays, and legal
994 holidays. The petitioner may file the petition with the
995 commission at any time after the local building official
996 provides a response. If no response is provided by the local
997 building official, the petitioner may file the petition with the
998 commission 10 days after submission of the petition to the local
999 building official and shall note that the local building
1000 official did not respond.

1001 4. Upon receipt of a petition that meets the requirements
1002 of subparagraph 2., the commission shall immediately provide
1003 copies of the petition to the ~~a~~ panel, and the commission shall
1004 publish the petition, including any response submitted by the
1005 local building official, on the Building Code Information System
1006 in a manner that allows interested persons to address the issues
1007 by posting comments.

1008 5. The panel shall conduct proceedings as necessary to
1009 resolve the issues; shall give due regard to the petitions, the
1010 response, and to comments posed on the Building Code Information
1011 System; and shall issue an interpretation regarding the
1012 provisions of the Florida Building Code or the Florida
1013 Accessibility Code for Building Construction within 21 days
1014 after the filing of the petition. The panel shall render a

1015 determination based upon the Florida Building Code or the
1016 Florida Accessibility Code for Building Construction or, if the
1017 code is ambiguous, the intent of the code. The panel's
1018 interpretation shall be provided to the commission, which shall
1019 publish the interpretation on the Building Code Information
1020 System and in the Florida Administrative Register. The
1021 interpretation shall be considered an interpretation entered by
1022 the commission, and shall be binding upon the parties and upon
1023 all jurisdictions subject to the Florida Building Code or the
1024 Florida Accessibility Code for Building Construction, unless it
1025 is superseded by a declaratory statement issued by the Florida
1026 Building Commission or by a final order entered after an appeal
1027 proceeding conducted in accordance with subparagraph 7.

1028 6. It is the intent of the Legislature that review
1029 proceedings be completed within 21 days after the date that a
1030 petition seeking review is filed with the commission, and the
1031 time periods set forth in this paragraph may be waived only upon
1032 consent of all parties.

1033 7. Any substantially affected person may appeal an
1034 interpretation rendered by the ~~a hearing officer~~ panel by filing
1035 a petition with the commission. Such appeals shall be initiated
1036 in accordance with chapter 120 and the uniform rules of
1037 procedure and must be filed within 30 days after publication of
1038 the interpretation on the Building Code Information System or in
1039 the Florida Administrative Register. Hearings shall be conducted
1040 pursuant to chapter 120 and the uniform rules of procedure.

1041 Decisions of the commission are subject to judicial review
 1042 pursuant to s. 120.68. The final order of the commission is
 1043 binding upon the parties and upon all jurisdictions subject to
 1044 the Florida Building Code or the Florida Accessibility Code for
 1045 Building Construction.

1046 8. The burden of proof in any proceeding initiated in
 1047 accordance with subparagraph 7. is on the party who initiated
 1048 the appeal.

1049 9. In any review proceeding initiated in accordance with
 1050 this paragraph, including any proceeding initiated in accordance
 1051 with subparagraph 7., the fact that an owner or builder has
 1052 proceeded with construction may not be grounds for determining
 1053 an issue to be moot if the issue is one that is likely to arise
 1054 in the future.

1055
 1056 This paragraph provides the exclusive remedy for addressing
 1057 requests to review local interpretations of the Florida Building
 1058 Code or the Florida Accessibility Code for Building Construction
 1059 and appeals from review proceedings.

1060 Section 18. Subsections (1) and (6) of section 553.79,
 1061 Florida Statutes, are amended to read:

1062 553.79 Permits; applications; issuance; inspections.—

1063 (1) After the effective date of the Florida Building Code
 1064 adopted as herein provided, it shall be unlawful for any person,
 1065 firm, corporation, or governmental entity to construct, erect,
 1066 alter, modify, repair, or demolish any building within this

1067 | state without first obtaining a permit therefor from the
1068 | appropriate enforcing agency or from such persons as may, by
1069 | appropriate resolution or regulation of the authorized state or
1070 | local enforcing agency, be delegated authority to issue such
1071 | permits, upon the payment of such reasonable fees adopted by the
1072 | enforcing agency. The enforcing agency is empowered to revoke
1073 | any such permit upon a determination by the agency that the
1074 | construction, erection, alteration, modification, repair, or
1075 | demolition of the building for which the permit was issued is in
1076 | violation of, or not in conformity with, the provisions of the
1077 | Florida Building Code. Whenever a permit required under this
1078 | section is denied or revoked because the plan, or the
1079 | construction, erection, alteration, modification, repair, or
1080 | demolition of a building, is found by the local enforcing agency
1081 | to be not in compliance with the Florida Building Code, the
1082 | local enforcing agency shall identify the specific plan or
1083 | project features that do not comply with the applicable codes,
1084 | identify the specific code chapters and sections upon which the
1085 | finding is based, and provide this information to the permit
1086 | applicant. A plans reviewer or building code administrator who
1087 | is responsible for issuing a denial, revocation, or modification
1088 | request but fails to provide to the permit applicant a reason
1089 | for denying, revoking, or requesting a modification, based on
1090 | compliance with the Florida Building Code or local ordinance, is
1091 | subject to disciplinary action against his or her license
1092 | pursuant to s. 468.621(1)(j). Installation, replacement,

1093 removal, or metering of any load management control device is
 1094 exempt from and shall not be subject to the permit process and
 1095 fees otherwise required by this section.

1096 (6) A permit may not be issued for any building
 1097 construction, erection, alteration, modification, repair, or
 1098 addition unless the applicant for such permit complies with the
 1099 requirements for plan review established by the Florida Building
 1100 Commission within the Florida Building Code. However, the code
 1101 shall set standards and criteria to authorize preliminary
 1102 construction before completion of all building plans review,
 1103 including, but not limited to, special permits for the
 1104 foundation only, and such standards shall take effect concurrent
 1105 with the first effective date of the Florida Building Code.
 1106 After submittal of the appropriate construction documents, the
 1107 building official may issue a permit for the construction of
 1108 foundations or any other part of a building or structure before
 1109 the construction documents for the entire building or structure
 1110 have been submitted. The holder of such permit for the
 1111 foundation or other parts of a building or structure shall
 1112 proceed at the holder's own risk and without assurance that a
 1113 permit for the entire structure will be granted. Corrections may
 1114 be required to meet the requirements of the technical codes.

1115 Section 19. Section 553.7931, Florida Statutes, is created
 1116 to read:

1117 553.7931 Alarm system registrations.-

1118 (1) As used in this section, the term "applicable local

1119 governmental entity" means the local enforcement agency or local
1120 law enforcement agency responsible for the administration of
1121 alarm system registration in a jurisdiction.

1122 (a) The owner, lessee, or occupant, or an authorized
1123 representative thereof, of a property must register his or her
1124 alarm system with the applicable local governmental entity if
1125 such entity requires registration of alarm systems.

1126 (b)1. A contractor as defined in s. 553.793 or an alarm
1127 system monitoring company that installs a monitored alarm system
1128 shall provide written notice, on paper or electronically, to an
1129 owner, lessee, or occupant, or an authorized representative
1130 thereof, before activating or reactivating an alarm system, that
1131 the applicable local governmental entity may require the
1132 registration of the alarm system.

1133 2. An alarm system monitoring company that activates an
1134 alarm system installed by an owner, lessee, or occupant, or
1135 authorized representative thereof, shall provide verbal notice
1136 to the owner, lessee, or occupant, or authorized representative
1137 thereof, before activating or reactivating an alarm system, that
1138 the applicable local governmental entity may require the
1139 registration of the alarm system.

1140 (2) A contractor or alarm system monitoring company is not
1141 liable for civil penalties and fines assessed or imposed by the
1142 applicable local governmental entity for failing to register an
1143 alarm system, for dispatch to an unregistered user, or for
1144 excessive false alarms not attributed to alarm system monitoring

1145 company error or improper installation by the contractor or
1146 alarm system monitoring company.

1147 (3) A municipality, county, district, or other local
1148 governmental entity may not require that an alarm system
1149 registration form be notarized before an alarm system may be
1150 registered.

1151 (4) A municipality, county, district, or other local
1152 governmental entity may not adopt or maintain in effect any
1153 ordinance or rule regarding alarm system registration that is
1154 inconsistent with this section.

1155 Section 20. Paragraph (d) is added to subsection (7) of
1156 section 553.80, Florida Statutes, to read:

1157 553.80 Enforcement.—

1158 (7) The governing bodies of local governments may provide
1159 a schedule of reasonable fees, as authorized by s. 125.56(2) or
1160 s. 166.222 and this section, for enforcing this part. These
1161 fees, and any fines or investment earnings related to the fees,
1162 shall be used solely for carrying out the local government's
1163 responsibilities in enforcing the Florida Building Code. When
1164 providing a schedule of reasonable fees, the total estimated
1165 annual revenue derived from fees, and the fines and investment
1166 earnings related to the fees, may not exceed the total estimated
1167 annual costs of allowable activities. Any unexpended balances
1168 shall be carried forward to future years for allowable
1169 activities or shall be refunded at the discretion of the local
1170 government. The basis for a fee structure for allowable

1171 activities shall relate to the level of service provided by the
 1172 local government and shall include consideration for refunding
 1173 fees due to reduced services based on services provided as
 1174 prescribed by s. 553.791, but not provided by the local
 1175 government. Fees charged shall be consistently applied.

1176 (d) The local enforcement agency may not require the
 1177 payment of any additional fees, charges, or expenses associated
 1178 with:

- 1179 1. Providing proof of licensure pursuant to chapter 489;
- 1180 2. Recording or filing a license issued pursuant to this
 1181 chapter; or
- 1182 3. Providing, recording, or filing evidence of workers'
 1183 compensation insurance coverage as required by chapter 440.

1184 Section 21. Paragraph (a) of subsection (8) of section
 1185 553.842, Florida Statutes, is amended to read:

1186 553.842 Product evaluation and approval.—

1187 (8) The commission may adopt rules to approve the
 1188 following types of entities that produce information on which
 1189 product approvals are based. All of the following entities,
 1190 including engineers and architects, must comply with a
 1191 nationally recognized standard demonstrating independence or no
 1192 conflict of interest:

1193 (a) Evaluation entities approved pursuant to this
 1194 paragraph. The commission shall specifically approve the
 1195 National Evaluation Service, the International Association of
 1196 Plumbing and Mechanical Officials Evaluation Service, the

1197 International Code Council Evaluation Services, Underwriters
 1198 Laboratories, LLC, Intertek Testing Services NA, Inc., and the
 1199 Miami-Dade County Building Code Compliance Office Product
 1200 Control Division. Architects and engineers licensed in this
 1201 state are also approved to conduct product evaluations as
 1202 provided in subsection (5).

1203 Section 22. Paragraph (c) of subsection (3) of section
 1204 553.844, Florida Statutes is amended, and subsection (4) of that
 1205 section is revived, readopted, and amended, to read:

1206 553.844 Windstorm loss mitigation; requirements for roofs
 1207 and opening protection.—

1208 (3) The Legislature finds that the integration of these
 1209 specifically identified mitigation measures is critical to
 1210 addressing the serious problem facing the state from damage
 1211 caused by windstorms and that delay in the adoption and
 1212 implementation constitutes a threat to the health, safety, and
 1213 welfare of the state. Accordingly, the Florida Building
 1214 Commission shall develop and adopt these measures by October 1,
 1215 2007, by rule separate from the Florida Building Code, which
 1216 take immediate effect and shall incorporate such requirements
 1217 into the next edition of the Florida Building Code. Such rules
 1218 shall require or otherwise clarify that for site-built, single-
 1219 family residential structures:

1220 (c) Any activity requiring a building permit, not
 1221 including work associated with the prevention of degradation of
 1222 the residence, that is applied for on or after July 1, 2008, and

1223 for which the estimated cost is \$50,000 or more, must include
1224 provision of opening protections as required within the Florida
1225 Building Code for new construction for a building that is
1226 located in the wind-borne debris region as defined in s. 1609.2
1227 of the International Building Code (2006) and that has an
1228 insured value of \$750,000 or more, or, if the building is
1229 uninsured or for which documentation of insured value is not
1230 presented, has a just valuation for the structure for purposes
1231 of ad valorem taxation of \$750,000 or more.

1232 (4) Notwithstanding the provisions of this section,
1233 exposed mechanical equipment or appliances fastened to a roof or
1234 installed on the ground in compliance with the code using rated
1235 stands, platforms, curbs, slabs, walls, or other means are
1236 deemed to comply with the wind resistance requirements of the
1237 2007 Florida Building Code, as amended. Further support or
1238 enclosure of such mechanical equipment or appliances is not
1239 required by a state or local official having authority to
1240 enforce the Florida Building Code. ~~This subsection expires on~~
1241 ~~the effective date of the 2013 Florida Building Code.~~

1242 Section 23. Section 553.883, Florida Statutes, is amended
1243 to read:

1244 553.883 Smoke alarms in one-family and two-family
1245 dwellings and townhomes.—One-family and two-family dwellings and
1246 townhomes undergoing a repair, or a level 1 alteration as
1247 defined in the Florida Building Code, may use smoke alarms
1248 powered by 10-year nonremovable, nonreplaceable batteries in

1249 lieu of retrofitting such dwelling with smoke alarms powered by
 1250 the dwelling's electrical system. ~~Effective January 1, 2015,~~ A
 1251 battery-powered smoke alarm that is newly installed or replaces
 1252 an existing battery-powered smoke alarm as a result of a level 1
 1253 alteration must be powered by a nonremovable, nonreplaceable
 1254 battery that powers the alarm for at least 10 years. The battery
 1255 requirements of this section do not apply to a fire alarm, smoke
 1256 detector, smoke alarm, or ancillary component that is
 1257 electronically connected as a part of a centrally monitored or
 1258 supervised alarm system; that uses a low-power, radio frequency
 1259 wireless communication signal; or that contains multiple
 1260 sensors, such as a smoke alarm combined with a carbon monoxide
 1261 alarm or other multi-sensor devices, and is approved and listed
 1262 by a nationally recognized testing laboratory.

1263 Section 24. Section 553.908, Florida Statutes, is amended
 1264 to read:

1265 553.908 Inspection.—Before construction or renovation is
 1266 completed, the local enforcement agency shall inspect buildings
 1267 for compliance with the standards of this part. Notwithstanding
 1268 any other provision of the code or law, effective July 1, 2017,
 1269 section R402.4.1.2 of the Florida Building Code, 5th Edition
 1270 (2014) Energy Conservation, which became effective on June 30,
 1271 2015, shall increase the building's or dwelling unit's maximum
 1272 tested air leakage measure from "not exceeding 5 air changes per
 1273 hour" to "not exceeding 7 air changes per hour" in Climate Zones
 1274 1 and 2. The mandatory blower door testing for residential

1275 buildings or dwelling units as contained in section R402.1.2 of
1276 the Florida Building Code, 5th Edition (2014) Energy
1277 Conservation, shall not take effect until July 1, 2017, and
1278 shall not apply to construction permitted before July 1, 2017.
1279 Additionally, section M401.2 of the Florida Building Code, 5th
1280 Edition (2014) Mechanical, which became effective on June 30,
1281 2015, shall decrease the air filtration rate in a dwelling unit
1282 from "less than 5" to "less than 3" air changes per hour when
1283 tested with a blower door at a pressure of 0.2-inch water column
1284 (50 Pascals) in accordance with Section R402.4.1.2 of the
1285 Florida Building Code, 5th Edition (2014) Energy Conservation.

1286 Section 25. Subsection (3) of section 553.993, Florida
1287 Statutes, is amended to read:

1288 553.993 Definitions.—For purposes of this part:

1289 (3) "Building energy-efficiency rating system" means a
1290 whole building energy evaluation system that provides a reliable
1291 and scientifically based analysis of a building's energy
1292 consumption or energy features and allows a comparison to
1293 similar building types in similar climate zones where
1294 applicable. Specifically, the rating system shall use standard
1295 calculations, formulas, and scoring methods; be applicable
1296 nationally; compare a building to a clearly defined and
1297 researched baseline or benchmark; require qualified
1298 professionals to conduct the rating or assessment; and provide a
1299 labeling and recognition program with specific criteria or
1300 levels. Residential program benchmarks for new construction must

1301 be consistent with national building standards. Residential
1302 building program benchmarks for existing construction must be
1303 consistent with national home energy rating standards. The
1304 building energy-efficiency rating system shall require at least
1305 one level of oversight performed by an organized and balanced
1306 group of professionals with subject matter expertise in energy
1307 efficiency, energy rating, and evaluation methods established by
1308 the Residential Energy Services Network, the Commercial Energy
1309 Services Network, the Building Performance Institute, or the
1310 Florida Solar Energy Center.

1311 Section 26. Subsections (17) and (18) are added to section
1312 633.202, Florida Statutes, to read:

1313 633.202 Florida Fire Prevention Code.—

1314 (17) The authority having jurisdiction shall determine the
1315 minimum radio signal strength for fire department communications
1316 in all new high-rise and existing high-rise buildings. Existing
1317 buildings are not required to comply with minimum radio strength
1318 for fire department communications and two-way radio system
1319 enhancement communications as required by the Florida Fire
1320 Prevention Code until January 1, 2022. However, by December 31,
1321 2019, an existing building that is not in compliance with the
1322 requirements for minimum radio strength for fire department
1323 communications must apply for an appropriate permit for the
1324 required installation with the local government agency having
1325 jurisdiction and must demonstrate that the building will become
1326 compliant by January 1, 2022. Existing apartment buildings are

1327 not required to comply until January 1, 2025. However, existing
 1328 apartment buildings are required to apply for the appropriate
 1329 permit for the required communications installation by December
 1330 31, 2022.

1331 (18) Areas of refuge shall be provided if required by the
 1332 Florida Building Code, Accessibility. Required portions of an
 1333 area of refuge shall be accessible from the space they serve by
 1334 an accessible means of egress.

1335 Section 27. Subsection (5) of section 633.208, Florida
 1336 Statutes, is amended to read:

1337 633.208 Minimum firesafety standards.—

1338 (5) With regard to existing buildings, the Legislature
 1339 recognizes that it is not always practical to apply any or all
 1340 of the provisions of the Florida Fire Prevention Code and that
 1341 physical limitations may require disproportionate effort or
 1342 expense with little increase in fire or life safety. Before
 1343 ~~Prior to~~ applying the minimum firesafety code to an existing
 1344 building, the local fire official shall determine whether ~~that~~ a
 1345 threat to lifesafety or property exists. If a threat to
 1346 lifesafety or property exists, the fire official shall apply the
 1347 applicable firesafety code for existing buildings to the extent
 1348 practical to ensure ~~assure~~ a reasonable degree of lifesafety and
 1349 safety of property or ~~the fire official~~ shall fashion a
 1350 reasonable alternative that ~~which~~ affords an equivalent degree
 1351 of lifesafety and safety of property. The local fire official
 1352 may consider the fire safety evaluation systems found in NFPA

1353 101A, Guide on Alternative Solutions to Life Safety, adopted by
 1354 the State Fire Marshal, as acceptable systems for the
 1355 identification of low-cost, reasonable alternatives. It is
 1356 acceptable to use the Fire Safety Evaluation System for Board
 1357 and Care Facilities using prompt evacuation capabilities
 1358 parameter values on existing residential high-rise buildings.
 1359 The decision of the local fire official may be appealed to the
 1360 local administrative board described in s. 553.73.

1361 Section 28. Section 633.336, Florida Statutes, is amended
 1362 to read:

1363 633.336 Contracting without certificate prohibited;
 1364 violations; penalty.—

1365 (1) It is unlawful for any organization or individual to
 1366 engage in the business of layout, fabrication, installation,
 1367 inspection, alteration, repair, or service of a fire protection
 1368 system, other than a preengineered system, act in the capacity
 1369 of a fire protection contractor, or advertise itself as being a
 1370 fire protection contractor without having been duly certified
 1371 and holding a valid and existing certificate, except as
 1372 hereinafter provided. The holder of a certificate used to
 1373 qualify an organization must be a full-time employee of the
 1374 qualified organization or business. A certificateholder who is
 1375 employed by more than one fire protection contractor during the
 1376 same time is deemed not to be a full-time employee of either
 1377 contractor. The State Fire Marshal shall revoke, for a period
 1378 determined by the State Fire Marshal, the certificate of a

1379 certificateholder who allows the use of the certificate to
1380 qualify a company of which the certificateholder is not a full-
1381 time employee. A contractor who maintains more than one place of
1382 business must employ a certificateholder at each location. This
1383 subsection does not prohibit an employee acting on behalf of
1384 governmental entities from inspecting and enforcing firesafety
1385 codes, provided such employee is certified under s. 633.216.

1386 (2) A fire protection contractor certified under this
1387 chapter may not:

1388 (a) Enter into a written or oral agreement to authorize,
1389 or otherwise knowingly allow, a contractor who is not certified
1390 under this chapter to engage in the business of, or act in the
1391 capacity of, a fire protection contractor.

1392 (b) Apply for or obtain a construction permit for fire
1393 protection work unless the fire protection contractor or the
1394 business organization qualified by the fire protection
1395 contractor has contracted to conduct the work specified in the
1396 application for the permit.

1397 (3) The Legislature recognizes that special expertise is
1398 required for fire pump control panels and maintenance of
1399 electric and diesel pump drivers and that it is not economically
1400 feasible for all contractors to employ these experts full-time
1401 whose work may be limited. It is therefore deemed acceptable for
1402 a fire protection contractor licensed under this chapter to
1403 subcontract with companies providing advanced technical services
1404 for the installation, servicing, and maintenance of fire pump

1405 control panels and pump drivers. To ensure the integrity of the
 1406 system and to protect the interests of the property owner, those
 1407 providing technical support services for fire pump control
 1408 panels and pump drivers must be under contract with a licensed
 1409 fire protection contractor.

1410 (4)~~(3)~~ A person who violates any provision of this act or
 1411 commits any of the acts constituting cause for disciplinary
 1412 action as herein set forth commits a misdemeanor of the second
 1413 degree, punishable as provided in s. 775.082 or s. 775.083.

1414 (5)~~(4)~~ In addition to the penalties provided in subsection
 1415 (4) ~~(3)~~, a fire protection contractor certified under this
 1416 chapter who violates any provision of this section or who
 1417 commits any act constituting cause for disciplinary action is
 1418 subject to suspension or revocation of the certificate and
 1419 administrative fines pursuant to s. 633.338.

1420 Section 29. The Calder Sloan Swimming Pool Electrical-
 1421 Safety Task Force.-There is established within the Florida
 1422 Building Commission the Calder Sloan Swimming Pool Electrical-
 1423 Safety Task Force.

1424 (1) The purpose of the task force is to study standards
 1425 for grounding, bonding, lighting, wiring, and all electrical
 1426 aspects for safety in and around public and private swimming
 1427 pools, especially with regard to minimizing risks of
 1428 electrocutions linked to swimming pools. The task force shall
 1429 submit a report of its findings, including recommended revisions
 1430 to state law, if any, to the Governor, the President of the

1431 Senate, and the Speaker of the House of Representatives by
 1432 November 1, 2016.

1433 (2) The task force shall consist of the swimming pool and
 1434 electrical technical advisory committees of the Florida Building
 1435 Commission.

1436 (3) The task force shall be chaired by the swimming pool
 1437 contractor appointed to the Florida Building Commission pursuant
 1438 to s. 553.74, Florida Statutes.

1439 (4) The Florida Building Commission shall provide such
 1440 staff, information, and other assistance as is reasonably
 1441 necessary to assist the task force in carrying out its
 1442 responsibilities.

1443 (5) Members of the task force shall serve without
 1444 compensation.

1445 (6) The task force shall meet as often as necessary to
 1446 fulfill its responsibilities. Meetings may be conducted by
 1447 conference call, teleconferencing, or similar technology.

1448 (7) This section expires December 31, 2016.

1449 Section 30. Construction Industry Workforce Task Force.-

1450 (1) The Construction Industry Workforce Task Force is
 1451 created within the University of Florida M. E. Rinker, Sr.,
 1452 School of Construction Management. The goals of the task force
 1453 are to:

1454 (a) Address the critical shortage of individuals trained
 1455 in building construction and inspection.

1456 (b) Develop a consensus path for training the next

1457 generation of construction workers in the state.

1458 (c) Determine the causes for the current shortage of a
1459 trained construction industry work force and address the impact
1460 of the shortages on the recovery of the real estate market.

1461 (d) Review current methods and resources available for
1462 construction training.

1463 (e) Review the state of construction training available in
1464 K-12 schools.

1465 (f) Address training issues relating to building code
1466 inspectors to increase the number of qualified inspectors.

1467 (2) The task force shall consist of 22 members. Except as
1468 otherwise specified, each member shall be chosen by the
1469 association that he or she represents, as follows:

1470 (a) A member of the House of Representatives appointed by
1471 the Speaker of the House of Representatives.

1472 (b) A member of the Senate appointed by the President of
1473 the Senate.

1474 (c) A member representing the Florida Associated General
1475 Contractors Council.

1476 (d) A member representing the Associated Builders and
1477 Contractors of Florida.

1478 (e) A member representing the Florida Home Builders
1479 Association.

1480 (f) A member representing the Florida Fire Sprinkler
1481 Association.

1482 (g) A member representing the Florida Roofing, Sheet Metal

- 1483 and Air Conditioning Contractors Association.
- 1484 (h) A member representing the Florida Refrigeration and
1485 Air Conditioning Contractors Association.
- 1486 (i) A member representing the Florida Plumbing-Heating-
1487 Cooling Contractors Association.
- 1488 (j) A member representing the Florida Swimming Pool
1489 Association.
- 1490 (k) A member representing the National Utility Contractors
1491 Association of Florida.
- 1492 (l) A member representing the Florida Concrete and
1493 Products Association.
- 1494 (m) A member representing the Alarm Association of
1495 Florida.
- 1496 (n) A member representing the Independent Electrical
1497 Contractors.
- 1498 (o) A member representing the Florida Building and
1499 Construction Trades Council within the Florida AFL-CIO.
- 1500 (p) A member representing the Building Officials
1501 Association of Florida.
- 1502 (q) A member representing the Asphalt Contractors
1503 Association of Florida.
- 1504 (r) A member representing the American Fire Sprinkler
1505 Association-Florida Chapter.
- 1506 (s) A member representing the Florida Carpenters Regional
1507 Council.
- 1508 (t) A member representing the National Electrical

1509 Contractors Association-Florida Chapter.

1510 (u) A member representing the Florida Electrical Workers
1511 Association.

1512 (v) The chair of the Florida Building Commission.

1513 (3) The task force shall elect a chair from among its
1514 members.

1515 (4) The University of Florida M. E. Rinker, Sr., School of
1516 Construction Management shall provide such assistance as is
1517 reasonably necessary to assist the task force in carrying out
1518 its responsibilities.

1519 (5) The task force shall meet as often as necessary to
1520 fulfill its responsibilities but not fewer than three times. The
1521 first meeting must be held no later than September 1, 2016.
1522 Meetings may be conducted by conference call, teleconferencing,
1523 or similar technology.

1524 (6) The task force shall submit a final report to the
1525 Governor, the President of the Senate, and the Speaker of the
1526 House of Representatives by February 1, 2017.

1527 (7) The Department of Business and Professional Regulation
1528 shall provide \$50,000 from funds available for the Florida
1529 Building Code Compliance and Mitigation Program under s.
1530 553.841(5), Florida Statutes, to the University of Florida M. E.
1531 Rinker, Sr., School of Construction Management for purposes of
1532 implementing this section.

1533 (8) This section expires July 1, 2017.

1534 Section 31. The Florida Building Commission shall define

1535 the term "fire separation distance" in Chapter 2, Definitions,
1536 of the Florida Building Code, 5th Edition (2014) Residential, as
1537 follows:

1538
1539 "FIRE SEPARATION DISTANCE. The distance measured from
1540 the building face to one of the following:
1541 1. To the closest interior lot line;
1542 2. To the centerline of a street, an alley, or a
1543 public way;
1544 3. To an imaginary line between two buildings on the
1545 lot; or
1546 4. To an imaginary line between two buildings when
1547 the exterior wall of one building is located on a zero
1548 lot line.

1549
1550 The distance shall be measured at a right angle from
1551 the face of the wall."

1552
1553 Section 32. The Florida Building Commission shall amend
1554 the Florida Building Code, 5th Edition (2014) Residential, to
1555 allow openings and roof overhang projections on the exterior
1556 wall of a building located on a zero lot line, when the building
1557 exterior wall is separated from an adjacent building exterior
1558 wall by a distance of 6 feet or more and the roof overhang
1559 projection is separated from an adjacent building projection by
1560 a distance of 4 feet or more, with 1-hour fire-resistive

1561 construction on the underside of the overhang required, unless
 1562 the separation between projections is 6 feet or more.

1563 Section 33. The Florida Building Commission shall adopt
 1564 into the Florida Building Code, 5th Edition (2014) Energy
 1565 Conservation, the following:

1566
 1567 "Section 406 relating to the Alternative Performance Path,
 1568 Energy Rating Index of the 2015 International Energy
 1569 Conservation Code (IECC) may be used unmodified except as
 1570 follows for Table R406.4 as an option for demonstrating
 1571 compliance with the Florida Building Code, Energy Conservation.
 1572 TABLE R406.4 MAXIMUM ENERGY RATING INDEX shall reflect the
 1573 following energy rating index: for Climate Zone 1, an index of
 1574 58; for Climate Zone 2, an index of 58."

1575 Section 34. The Florida Building Commission shall adopt
 1576 into the Florida Building Code, 5th Edition (2014) Residential,
 1577 the following, which shall become effective on July 1, 2016:

1578
 1579 "Notwithstanding any other provision of code or law, the
 1580 section setting forth shower lining requirements will include
 1581 the following exceptions:

1582 1. Floor surfaces under showerheads provided for rinsing
 1583 laid directly on the ground.

1584 2. Shower compartments in which the finished shower drain
 1585 is depressed a minimum of 2 inches (51 mm) below the surrounding
 1586 finished floor on the first floor level and the shower recess is

1587 poured integrally with the adjoining floor."

1588

1589 Section 35. The Florida Building Commission shall amend
1590 the Florida Building Code, 5th Edition (2014) Residential, to
1591 provide that the minimum fire separation distance for non-fire
1592 resistant rated exterior walls shall be 3 feet or greater and
1593 non-fire resistant rated projections shall have a minimum fire
1594 separation distance of 3 feet or greater. Projections within 2
1595 feet and less than 3 feet shall include a 1-hour fire-resistance
1596 rate on the underside. Projections less than 2 feet are not
1597 permitted. Penetrations of the exterior wall within less than 3
1598 feet shall comply with Dwelling Unit Rated Penetration.
1599 Penetrations 3 feet or greater are not required to have a fire-
1600 resistance rating. Openings in walls shall be unlimited with a
1601 fire separation distance of 3 feet or greater.

1602 Section 36. Notwithstanding any law, rule, or regulation
1603 to the contrary, a restaurant, cafeteria, or similar dining
1604 facility, including an associated commercial kitchen, is
1605 required to have sprinklers only if it has a fire area occupancy
1606 load of 200 patrons or more.

1607 Section 37. This act shall take effect July 1, 2016.