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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
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The Committee on Community Affairs (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 804 - 1409

and insert:

the hearing impaired; a representative from the Pensacola Pen
Wheels, Inc., Employ the Handicapped Council ~~President, Florida
Council of Handicapped Organizations~~; and a representative of
the Paralyzed Veterans of America. The terms for the first three
council members appointed subsequent to October 1, 1991, shall
be for 4 years, the terms for the next two council members



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11 appointed shall be for 3 years, and the terms for the next two
12 members shall be for 2 years. Thereafter, all council member
13 appointments shall be for terms of 4 years. No council member
14 shall serve more than two 4-year terms subsequent to October 1,
15 1991. Any member of the council may be replaced by the secretary
16 upon three unexcused absences. Upon application made in the form
17 provided, an individual waiver or modification may be granted by
18 the commission so long as such modification or waiver is not in
19 conflict with more stringent standards provided in another
20 chapter.

21 Section 20. Section 553.721, Florida Statutes, is amended
22 to read:

23 553.721 Surcharge.—In order for the Department of Business
24 and Professional Regulation to administer and carry out the
25 purposes of this part and related activities, there is created a
26 surcharge, to be assessed at the rate of 1.5 percent of the
27 permit fees associated with enforcement of the Florida Building
28 Code as defined by the uniform account criteria and specifically
29 the uniform account code for building permits adopted for local
30 government financial reporting pursuant to s. 218.32. The
31 minimum amount collected on any permit issued shall be \$2. The
32 unit of government responsible for collecting a permit fee
33 pursuant to s. 125.56(4) or s. 166.201 shall collect the
34 surcharge and electronically remit the funds collected to the
35 department on a quarterly calendar basis for the preceding
36 quarter and continuing each third month thereafter. The unit of
37 government shall retain 10 percent of the surcharge collected to
38 fund the participation of building departments in the national
39 and state building code adoption processes and to provide



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40 education related to enforcement of the Florida Building Code.
41 All funds remitted to the department pursuant to this section
42 shall be deposited in the Professional Regulation Trust Fund.
43 Funds collected from the surcharge shall be allocated to fund
44 the Florida Building Commission and the Florida Building Code
45 Compliance and Mitigation Program under s. 553.841. Funds
46 allocated to the Florida Building Code Compliance and Mitigation
47 Program shall be \$925,000 each fiscal year. The Florida Building
48 Code Compliance and Mitigation Program shall fund the
49 recommendations made by the Building Code System Uniform
50 Implementation Evaluation Workgroup, dated April 8, 2013, from
51 existing resources, not to exceed \$30,000 in the 2016-2017
52 fiscal year. Funds collected from the surcharge shall also be
53 used to fund Florida Fire Prevention Code informal
54 interpretations managed by the State Fire Marshal and shall be
55 limited to \$15,000 each fiscal year. The State Fire Marshal
56 shall adopt rules to address the implementation and expenditure
57 of the funds allocated to fund the Florida Fire Prevention Code
58 informal interpretations under this section. The funds collected
59 from the surcharge may not be used to fund research on
60 techniques for mitigation of radon in existing buildings. Funds
61 used by the department as well as funds to be transferred to the
62 Department of Health and the State Fire Marshal shall be as
63 prescribed in the annual General Appropriations Act. The
64 department shall adopt rules governing the collection and
65 remittance of surcharges pursuant to chapter 120.

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



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69 553.73 Florida Building Code.—

70 (11) (a) In the event of a conflict between the Florida
71 Building Code and the Florida Fire Prevention Code and the Life
72 Safety Code as applied to a specific project, the conflict shall
73 be resolved by agreement between the local building code
74 enforcement official and the local fire code enforcement
75 official in favor of the requirement of the code which offers
76 the greatest degree of lifesafety or alternatives which would
77 provide an equivalent degree of lifesafety and an equivalent
78 method of construction. Local boards created to address issues
79 arising under the Florida Building Code or the Florida Fire
80 Prevention Code may combine the appeals boards to create a
81 single, local board having jurisdiction over matters arising
82 under either code or both codes. The combined local appeals
83 board may grant alternatives or modifications through procedures
84 outlined in NFPA 1, Section 1.4, but may not waive the
85 requirements of the Florida Fire Prevention Code. To meet the
86 quorum requirement for convening the combined local appeals
87 board, at least one member of the board who is a fire protection
88 contractor, a fire protection design professional, a fire
89 department operations professional, or a fire code enforcement
90 professional must be present.

91 (b) Any decision made by the local fire official regarding
92 application, interpretation, or enforcement of the Florida Fire
93 Prevention Code, by and the local building official regarding
94 application, interpretation, or enforcement of the Florida
95 Building Code, or the appropriate application of either code or
96 both codes in the case of a conflict between the codes may be
97 appealed to a local administrative board designated by the



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98 municipality, county, or special district having firesafety
99 responsibilities. If the decision of the local fire official and
100 the local building official is to apply the provisions of either
101 the Florida Building Code or the Florida Fire Prevention Code
102 and the Life Safety Code, the board may not alter the decision
103 unless the board determines that the application of such code is
104 not reasonable. If the decision of the local fire official and
105 the local building official is to adopt an alternative to the
106 codes, the local administrative board shall give due regard to
107 the decision rendered by the local officials and may modify that
108 decision if the administrative board adopts a better
109 alternative, taking into consideration all relevant
110 circumstances. In any case in which the local administrative
111 board adopts alternatives to the decision rendered by the local
112 fire official and the local building official, such alternatives
113 shall provide an equivalent degree of lifesafety and an
114 equivalent method of construction as the decision rendered by
115 the local officials.

116 (c) If the local building official and the local fire
117 official are unable to agree on a resolution of the conflict
118 between the Florida Building Code and the Florida Fire
119 Prevention Code and the Life Safety Code, the local
120 administrative board shall resolve the conflict in favor of the
121 code which offers the greatest degree of lifesafety or
122 alternatives which would provide an equivalent degree of
123 lifesafety and an equivalent method of construction.

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



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127 enforcement, or interpretation of the Florida Fire Prevention
128 Code, or conflicts between the Florida Fire Prevention Code and
129 the Florida Building Code, are subject to review by a joint
130 committee composed of members of the Florida Building Commission
131 and the Fire Code Advisory Council. If the joint committee is
132 unable to resolve conflicts between the codes as applied to a
133 specific project, the matter shall be resolved pursuant to ~~the~~
134 provisions of paragraph (1) (d). Decisions of the local
135 administrative board related solely to the Florida Building Code
136 are subject to review as set forth in s. 553.775.

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

140 (f) All decisions of the local building official and local
141 fire official and all decisions of the administrative board
142 shall be in writing and shall be binding upon a person but do
143 not limit the authority of the State Fire Marshal or the Florida
144 Building Commission pursuant to paragraph (1) (d) and ss. 633.104
145 and 633.228. Decisions of general application shall be indexed
146 by building and fire code sections and shall be available for
147 inspection during normal business hours.

148 (15) An agency or local government may not require that
149 existing mechanical equipment located on or above the surface of
150 a roof be installed in compliance with the requirements of the
151 Florida Building Code except during reroofing when the equipment
152 is being replaced or moved ~~during reroofing~~ and is not in
153 compliance with the provisions of the Florida Building Code
154 relating to roof-mounted mechanical units.

155 (19) The Florida Building Code may not require more than



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156 one fire service access elevator in a residential occupancy
157 where the highest occupiable floor is less than 420 feet above
158 the level of fire service access and all remaining elevators are
159 provided with Phase I and II emergency operations. Where fire
160 service access elevators are required, the code may not require
161 a 1-hour fire-rated fire service access elevator lobby with
162 direct access from the fire service access elevators if the fire
163 service access elevators open into an exit access corridor that
164 is at least 150 square feet with the exception of door openings;
165 is no less than 6 feet wide for its entire length; and has a
166 minimum 1-hour fire rating with three-quarter hour fire and
167 smoke rated openings and if, and during a fire event, the fire
168 service access elevators are pressurized and floor-to-floor
169 smoke control is provided. However, where transient residential
170 occupancies occur at floor levels above 420 feet above the level
171 of fire service access, a 1-hour fire-rated fire service access
172 elevator lobby with direct access from the fire service access
173 elevators is required. The requirement for a second fire service
174 access elevator is not considered a part of the Florida Building
175 Code and therefore does not take effect until July 1, 2017.

176 Section 22. Paragraph (c) of subsection (3) of section
177 553.775, Florida Statutes, is amended to read:

178 553.775 Interpretations.—

179 (3) The following procedures may be invoked regarding
180 interpretations of the Florida Building Code or the Florida
181 Accessibility Code for Building Construction:

182 (c) The commission shall review decisions of local building
183 officials and local enforcement agencies regarding
184 interpretations of the Florida Building Code or the Florida



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185 Accessibility Code for Building Construction after the local
186 board of appeals has considered the decision, if such board
187 exists, and if such appeals process is concluded within 25
188 business days.

189 1. The commission shall coordinate with the Building
190 Officials Association of Florida, Inc., to designate a panel
191 ~~panels~~ composed of seven ~~five~~ members to hear requests to review
192 decisions of local building officials. Five ~~The~~ members must be
193 licensed as building code administrators under part XII of
194 chapter 468, one member must be licensed as an architect under
195 chapter 481, and one member must be licensed as an engineer
196 under chapter 471. Each member ~~and~~ must have experience
197 interpreting or ~~and~~ enforcing provisions of the Florida Building
198 Code and the Florida Accessibility Code for Building
199 Construction.

200 2. Requests to review a decision of a local building
201 official interpreting provisions of the Florida Building Code or
202 the Florida Accessibility Code for Building Construction may be
203 initiated by any substantially affected person, including an
204 owner or builder subject to a decision of a local building
205 official or an association of owners or builders having members
206 who are subject to a decision of a local building official. In
207 order to initiate review, the substantially affected person must
208 file a petition with the commission. The commission shall adopt
209 a form for the petition, which shall be published on the
210 Building Code Information System. The form shall, at a minimum,
211 require the following:

212 a. The name and address of the county or municipality in
213 which provisions of the Florida Building Code or the Florida



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214 Accessibility Code for Building Construction are being
215 interpreted.

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

218 c. The name, address, and telephone number of the
219 petitioner; the name, address, and telephone number of the
220 petitioner's representative, if any; and an explanation of how
221 the petitioner's substantial interests are being affected by the
222 local interpretation of the Florida Building Code or the Florida
223 Accessibility Code for Building Construction.

224 d. A statement of the provisions of the Florida Building
225 Code or the Florida Accessibility Code for Building Construction
226 which are being interpreted by the local building official.

227 e. A statement of the interpretation given to provisions of
228 the Florida Building Code or the Florida Accessibility Code for
229 Building Construction by the local building official and the
230 manner in which the interpretation was rendered.

231 f. A statement of the interpretation that the petitioner
232 contends should be given to the provisions of the Florida
233 Building Code or the Florida Accessibility Code for Building
234 Construction and a statement supporting the petitioner's
235 interpretation.

236 g. Space for the local building official to respond in
237 writing. The space shall, at a minimum, require the local
238 building official to respond by providing a statement admitting
239 or denying the statements contained in the petition and a
240 statement of the interpretation of the provisions of the Florida
241 Building Code or the Florida Accessibility Code for Building
242 Construction which the local jurisdiction or the local building



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243 official contends is correct, including the basis for the
244 interpretation.

245 3. The petitioner shall submit the petition to the local
246 building official, who shall place the date of receipt on the
247 petition. The local building official shall respond to the
248 petition in accordance with the form and shall return the
249 petition along with his or her response to the petitioner within
250 5 days after receipt, exclusive of Saturdays, Sundays, and legal
251 holidays. The petitioner may file the petition with the
252 commission at any time after the local building official
253 provides a response. If no response is provided by the local
254 building official, the petitioner may file the petition with the
255 commission 10 days after submission of the petition to the local
256 building official and shall note that the local building
257 official did not respond.

258 4. Upon receipt of a petition that meets the requirements
259 of subparagraph 2., the commission shall immediately provide
260 copies of the petition to the a panel, and the commission shall
261 publish the petition, including any response submitted by the
262 local building official, on the Building Code Information System
263 in a manner that allows interested persons to address the issues
264 by posting comments.

265 5. The panel shall conduct proceedings as necessary to
266 resolve the issues; shall give due regard to the petitions, the
267 response, and to comments posed on the Building Code Information
268 System; and shall issue an interpretation regarding the
269 provisions of the Florida Building Code or the Florida
270 Accessibility Code for Building Construction within 21 days
271 after the filing of the petition. The panel shall render a



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272 determination based upon the Florida Building Code or the
273 Florida Accessibility Code for Building Construction or, if the
274 code is ambiguous, the intent of the code. The panel's
275 interpretation shall be provided to the commission, which shall
276 publish the interpretation on the Building Code Information
277 System and in the Florida Administrative Register. The
278 interpretation shall be considered an interpretation entered by
279 the commission, and shall be binding upon the parties and upon
280 all jurisdictions subject to the Florida Building Code or the
281 Florida Accessibility Code for Building Construction, unless it
282 is superseded by a declaratory statement issued by the Florida
283 Building Commission or by a final order entered after an appeal
284 proceeding conducted in accordance with subparagraph 7.

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

290 7. Any substantially affected person may appeal an
291 interpretation rendered by the ~~a hearing officer~~ panel by filing
292 a petition with the commission. Such appeals shall be initiated
293 in accordance with chapter 120 and the uniform rules of
294 procedure and must be filed within 30 days after publication of
295 the interpretation on the Building Code Information System or in
296 the Florida Administrative Register. Hearings shall be conducted
297 pursuant to chapter 120 and the uniform rules of procedure.
298 Decisions of the commission are subject to judicial review
299 pursuant to s. 120.68. The final order of the commission is
300 binding upon the parties and upon all jurisdictions subject to



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301 the Florida Building Code or the Florida Accessibility Code for
302 Building Construction.

303 8. The burden of proof in any proceeding initiated in
304 accordance with subparagraph 7. is on the party who initiated
305 the appeal.

306 9. In any review proceeding initiated in accordance with
307 this paragraph, including any proceeding initiated in accordance
308 with subparagraph 7., the fact that an owner or builder has
309 proceeded with construction may not be grounds for determining
310 an issue to be moot if the issue is one that is likely to arise
311 in the future.

312

313 This paragraph provides the exclusive remedy for addressing
314 requests to review local interpretations of the Florida Building
315 Code or the Florida Accessibility Code for Building Construction
316 and appeals from review proceedings.

317 Section 23. Subsection (6) of section 553.79, Florida
318 Statutes, is amended, and subsection (20) is added to that
319 section, to read:

320 553.79 Permits; applications; issuance; inspections.—

321 (6) A permit may not be issued for any building
322 construction, erection, alteration, modification, repair, or
323 addition unless the applicant for such permit complies with the
324 requirements for plan review established by the Florida Building
325 Commission within the Florida Building Code. However, the code
326 shall set standards and criteria to authorize preliminary
327 construction before completion of all building plans review,
328 including, but not limited to, special permits for the
329 foundation only, and such standards shall take effect concurrent



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330 with the first effective date of the Florida Building Code.
331 After submittal of the appropriate construction documents, the
332 building official may issue a permit for the construction of
333 foundations or any other part of a building or structure before
334 the construction documents for the whole building or structure
335 have been submitted. The holder of such permit for the
336 foundation or other parts of a building or structure shall
337 proceed at the holder's own risk and without assurance that a
338 permit for the entire structure will be granted. Corrections may
339 be required to meet the requirements of the technical codes.

340 (20) Notwithstanding any municipal ordinance to the
341 contrary, a municipality may not deny a development permit
342 application for a single-family home on any lot or combination
343 of lots solely because such lot or combination of lots does not
344 meet the current underlying zoning dimensional standards for
345 minimum lot size and area. For the purposes of this subsection,
346 the term "combination of lots" means a parcel of property which
347 consists of more than one lot and which is under common
348 ownership.

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

351 553.80 Enforcement.—

352 (7) The governing bodies of local governments may provide a
353 schedule of reasonable fees, as authorized by s. 125.56(2) or s.
354 166.222 and this section, for enforcing this part. These fees,
355 and any fines or investment earnings related to the fees, shall
356 be used solely for carrying out the local government's
357 responsibilities in enforcing the Florida Building Code. When
358 providing a schedule of reasonable fees, the total estimated



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359 annual revenue derived from fees, and the fines and investment
360 earnings related to the fees, may not exceed the total estimated
361 annual costs of allowable activities. Any unexpended balances
362 shall be carried forward to future years for allowable
363 activities or shall be refunded at the discretion of the local
364 government. The basis for a fee structure for allowable
365 activities shall relate to the level of service provided by the
366 local government and shall include consideration for refunding
367 fees due to reduced services based on services provided as
368 prescribed by s. 553.791, but not provided by the local
369 government. Fees charged shall be consistently applied.

370 (d) The local enforcement agency may not require the
371 payment of any additional fees, charges, or expenses associated
372 with:

- 373 1. Providing proof of licensure pursuant to this chapter;
374 2. Recording or filing a license issued pursuant to this
375 chapter; or
376 3. Providing, recording, or filing evidence of workers'
377 compensation insurance coverage as required by chapter 440.

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

380 553.841 Building code compliance and mitigation program.—

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

386 ~~(7) The Florida Building Commission shall provide by rule~~
387 ~~for the accreditation of courses related to the Florida Building~~



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388 ~~Code by accreditors approved by the commission. The commission~~
389 ~~shall establish qualifications of accreditors and criteria for~~
390 ~~the accreditation of courses by rule. The commission may revoke~~
391 ~~the accreditation of a course by an accreditor if the~~
392 ~~accreditation is demonstrated to violate this part or the rules~~
393 ~~of the commission.~~

394 Section 26. Paragraph (a) of subsection (8) of section
395 553.842, Florida Statutes, is amended to read:

396 553.842 Product evaluation and approval.—

397 (8) The commission may adopt rules to approve the following
398 types of entities that produce information on which product
399 approvals are based. All of the following entities, including
400 engineers and architects, must comply with a nationally
401 recognized standard demonstrating independence or no conflict of
402 interest:

403 (a) Evaluation entities approved pursuant to this
404 paragraph. The commission shall specifically approve the
405 National Evaluation Service, the International Association of
406 Plumbing and Mechanical Officials Evaluation Service, the
407 International Code Council Evaluation Services, Underwriters
408 Laboratories, Inc., and the Miami-Dade County Building Code
409 Compliance Office Product Control Division. Architects and
410 engineers licensed in this state are also approved to conduct
411 product evaluations as provided in subsection (5).

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

414 553.844 Windstorm loss mitigation; requirements for roofs
415 and opening protection.—

416 (4) Notwithstanding the provisions of this section, exposed



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417 mechanical equipment or appliances fastened to a roof or
418 installed on the ground in compliance with the code using rated
419 stands, platforms, curbs, slabs, walls, or other means are
420 deemed to comply with the wind resistance requirements of the
421 2007 Florida Building Code, as amended. Further support or
422 enclosure of such mechanical equipment or appliances is not
423 required by a state or local official having authority to
424 enforce the Florida Building Code. ~~This subsection expires on~~
425 ~~the effective date of the 2013 Florida Building Code.~~

426 Section 28. Section 553.908, Florida Statutes, is amended
427 to read:

428 553.908 Inspection.—Before construction or renovation is
429 completed, the local enforcement agency shall inspect buildings
430 for compliance with the standards of this part. Notwithstanding
431 any other provision of the code or law, effective July 1, 2016,
432 section R402.4.1 of the Florida Building Code, 5th Edition
433 (2014) Energy Conservation, which became effective on June 30,
434 2015, shall cease to be effective. Instead, section 402.4.2 of
435 the Florida Building Code (2010) Energy Conservation, relating
436 to air sealing and insulation, in effect before June 30, 2015,
437 shall govern and apply, effective June 30, 2016, and thereafter.
438 Additionally, a state or local enforcement agency or code
439 official may not require any type of mandatory blower door test
440 or air infiltration test to determine specific air infiltration
441 levels or air leakage rates in a residential building or
442 dwelling unit and may not require the installation of any
443 mechanical ventilation devices designed to filter outside air
444 through an HVAC system as a condition of a permit or to
445 determine compliance with the code. However, if section R402.4.1



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446 of the 5th Edition (2014) of the Florida Building Code, Energy
447 Conservation is voluntarily used, the local enforcement agency
448 shall inspect the construction or renovation for compliance with
449 that section.

450 Section 29. Subsections (17) and (18) are added to section
451 633.202, Florida Statutes, to read:

452 633.202 Florida Fire Prevention Code.-

453 (17) The authority having jurisdiction shall determine the
454 minimum radio signal strength for fire department communications
455 in all new high-rise and existing high-rise buildings. Existing
456 buildings are not required to comply with minimum radio strength
457 for fire department communications and two-way radio system
458 enhancement communications as required by the Florida Fire
459 Prevention Code until January 1, 2022. However, by December 31,
460 2019, an existing building that is not in compliance with the
461 requirements for minimum radio strength for fire department
462 communications must apply for an appropriate permit for the
463 required installation with the local governmental agency having
464 jurisdiction and must demonstrate that the building will become
465 compliant by January 1, 2022. Existing apartment buildings are
466 not required to comply until January 1, 2025. However, existing
467 apartment buildings are required to apply for the appropriate
468 permit for the required communications installation by December
469 31, 2022.

470 (18) Areas of refuge shall be provided if required by the
471 Florida Accessibility Code for Building Construction. Required
472 portions of an area of refuge shall be accessible from the space
473 they serve by an accessible means of egress.

474 Section 30. Subsection (5) is added to section 633.206,



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475 Florida Statutes, to read:

476 633.206 Uniform firesafety standards—The Legislature hereby
477 determines that to protect the public health, safety, and
478 welfare it is necessary to provide for firesafety standards
479 governing the construction and utilization of certain buildings
480 and structures. The Legislature further determines that certain
481 buildings or structures, due to their specialized use or to the
482 special characteristics of the person utilizing or occupying
483 these buildings or structures, should be subject to firesafety
484 standards reflecting these special needs as may be appropriate.

485 (5) The home environment provisions in the most current
486 edition of the codes adopted by the division may be applied to
487 existing assisted living facilities, at the option of each
488 facility, notwithstanding the edition of the codes applied at
489 the time of construction.

490 Section 31. Subsection (5) of section 633.208, Florida
491 Statutes, is amended to read:

492 633.208 Minimum firesafety standards.—

493 (5) With regard to existing buildings, the Legislature
494 recognizes that it is not always practical to apply any or all
495 of the provisions of the Florida Fire Prevention Code and that
496 physical limitations may require disproportionate effort or
497 expense with little increase in fire or life safety. Before
498 ~~Prior to~~ applying the minimum firesafety code to an existing
499 building, the local fire official shall determine whether ~~that~~ a
500 threat to lifesafety or property exists. If a threat to
501 lifesafety or property exists, the fire official shall apply the
502 applicable firesafety code for existing buildings to the extent
503 practical to ensure ~~assure~~ a reasonable degree of lifesafety and



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504 safety of property or the fire official shall fashion a
505 reasonable alternative that ~~which~~ affords an equivalent degree
506 of lifesafety and safety of property. The local fire official
507 may consider the firesafety evaluation systems found in NFPA
508 101A, Guide on Alternative Solutions to Life Safety, adopted by
509 the State Fire Marshal, as acceptable systems for the
510 identification of low-cost, reasonable alternatives. It is
511 acceptable to use the Fire Safety Evaluation System for Board
512 and Care Facilities using prompt evacuation capabilities
513 parameter values on existing residential high-rise buildings.

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

516 Section 32. Section 633.336, Florida Statutes, is amended
517 to read:

518 633.336 Contracting without certificate prohibited;
519 violations; penalty.—

520 (1) It is unlawful for any organization or individual to
521 engage in the business of layout, fabrication, installation,
522 inspection, alteration, repair, or service of a fire protection
523 system, other than a preengineered system, act in the capacity
524 of a fire protection contractor, or advertise itself as being a
525 fire protection contractor without having been duly certified
526 and holding a valid and existing certificate, except as
527 hereinafter provided. The holder of a certificate used to
528 qualify an organization must be a full-time employee of the
529 qualified organization or business. A certificateholder who is
530 employed by more than one fire protection contractor during the
531 same time is deemed not to be a full-time employee of either
532 contractor. The State Fire Marshal shall revoke, for a period



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533 determined by the State Fire Marshal, the certificate of a
534 certificateholder who allows the use of the certificate to
535 qualify a company of which the certificateholder is not a full-
536 time employee. A contractor who maintains more than one place of
537 business must employ a certificateholder at each location. This
538 subsection does not prohibit an employee acting on behalf of
539 governmental entities from inspecting and enforcing firesafety
540 codes, provided such employee is certified under s. 633.216.

541 (2) A fire protection contractor certified under this
542 chapter may not:

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

547 (b) Apply for or obtain a construction permit for fire
548 protection work unless the fire protection contractor or the
549 business organization qualified by the fire protection
550 contractor has contracted to conduct the work specified in the
551 application for the permit.

552 (3) The Legislature recognizes that special expertise is
553 required for fire pump control panels and maintenance of
554 electric and diesel pump drivers and that it is not economically
555 feasible for all contractors to employ these experts full-time
556 whose work may be limited. It is therefore deemed acceptable for
557 a fire protection contractor licensed under chapter 633 to
558 subcontract with companies providing advanced technical services
559 for the installation, servicing, and maintenance of fire pump
560 control panels and pump drivers. To ensure the integrity of the
561 system and to protect the interests of the property owner, those



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562 providing technical support services for fire pump control
563 panels and pump drivers must be under contract with a licensed
564 fire protection contractor.

565 (4)(3) A person who violates any provision of this act or
566 commits any of the acts constituting cause for disciplinary
567 action as herein set forth commits a misdemeanor of the second
568 degree, punishable as provided in s. 775.082 or s. 775.083.

569 (5)(4) In addition to the penalties provided in subsection
570 (4) (3), a fire protection contractor certified under this
571 chapter who violates any provision of this section or who
572 commits any act constituting cause for disciplinary action is
573 subject to suspension or revocation of the certificate and
574 administrative fines pursuant to s. 633.338.

575 Section 33. The Florida Building Commission shall define
576 the term "fire separation distance" in Chapter 2, Definitions,
577 of the Florida Building Code, 5th Edition (2014) Residential, as
578 follows:

579
580 "FIRE SEPARATION DISTANCE. The distance measured from the
581 building face to one of the following:
582 1. To the closest interior lot line;
583 2. To the centerline of a street, an alley, or a public way;
584 3. To an imaginary line between two buildings on the lot; or
585 4. To an imaginary line between two buildings when the exterior
586 wall of one building is located on a zero lot line.

587
588 The distance shall be measured at a right angle from the face of
589 the wall."

590 Section 34. The Florida Building Commission shall amend the



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591 Florida Building Code, 5th Edition (2014) Residential, to allow
592 openings and roof overhang projections on the exterior wall of a
593 building located on a zero lot line, when the building exterior
594 wall is separated from an adjacent building exterior wall by a
595 distance of 6 feet or more and the roof overhang projection is
596 separated from an adjacent building projection by a distance of
597 4 feet or more, with 1-hour fire-resistant construction on the
598 underside of the overhang required, unless the separation
599 between projections is 6 feet or more.

600 Section 35. Construction Industry Workforce Task Force.—

601 (1) The Construction Industry Workforce Task Force is
602 created within the University of Florida M.E. Rinker, Sr. School
603 of Building Construction Management. The goals of the task force
604 are to:

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

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

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

612 (d) Review current methods and resources available for
613 construction training.

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

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

618 (2) The task force shall consist of 19 members. Except as
619 otherwise specified, each member shall be chosen by the



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- 620 association that he or she represents, as follows:
- 621 (a) A member of the House of Representatives appointed by
622 the Speaker of the House of Representatives.
- 623 (b) A member of the Senate appointed by the President of
624 the Senate.
- 625 (c) A member representing the Associated General
626 Contractors of Greater Florida.
- 627 (d) A member representing the Associated Builders and
628 Contractors of Florida.
- 629 (e) A member representing the Florida Home Builders
630 Association.
- 631 (f) A member representing the Florida Fire Sprinkler
632 Association.
- 633 (g) A member representing the Florida Roofing, Sheet Metal
634 and Air Conditioning Contractors Association.
- 635 (h) A member representing the Florida Refrigeration and Air
636 Conditioning Contractors Association.
- 637 (i) A member representing the Florida Association of
638 Plumbing, Heating, and Cooling Contractors.
- 639 (j) A member representing the Florida Swimming Pool
640 Association.
- 641 (k) A member representing the National Utility Contractors
642 Association of Florida.
- 643 (l) A member representing the Florida Concrete and Products
644 Association.
- 645 (m) A member representing the Alarm Association of Florida.
- 646 (n) A member representing the Independent Electrical
647 Contractors.
- 648 (o) A member representing the Florida AFL-CIO.



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649 (p) A member representing the Building Officials
650 Association of Florida.

651 (q) A member representing the Asphalt Contractors
652 Association of Florida.

653 (r) A member representing the American Fire Sprinkler
654 Association-Florida Chapter.

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

656 (3) The task force shall elect a chair from among its
657 members.

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

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

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

670 (7) The Department of Business and Professional Regulation
671 shall provide \$50,000 from funds available for the Florida
672 Building Code Compliance and Mitigation Program under s.
673 553.841(5), Florida Statutes, to the University of Florida M.E.
674 Rinker, Sr. School of Construction Management for purposes of
675 implementing this section.

676 (8) This section expires July 1, 2017.
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678 ===== T I T L E A M E N D M E N T =====

679 And the title is amended as follows:

680 Delete lines 98 - 143

681 and insert:

682 prohibiting a municipality from denying certain
683 development permit applications under certain
684 circumstances; amending s. 553.80, F.S.; prohibiting a
685 local enforcement agency from charging additional fees
686 related to the recording of a contractor's license or
687 workers' compensation insurance; amending s. 553.841,
688 F.S.; authorizing the Department of Business and
689 Professional Regulation to maintain, update, develop,
690 or cause to be developed code-related training and
691 education; removing provisions related to the
692 development of advanced courses with respect to the
693 Florida Building Code Compliance and Mitigation
694 Program and the accreditation of courses related to
695 the Florida Building Code; amending s. 553.842, F.S.;
696 providing that Underwriters Laboratories, Inc., is an
697 approved evaluation entity; amending s. 553.844, F.S.;
698 deleting an obsolete provision; amending s. 553.908,
699 F.S.; providing that certain provisions of the Florida
700 Building Code or laws relating to air sealing and
701 insulation cease to be effective on a specified date;
702 providing for application of a specified section of
703 the Florida Building Code (2010) in lieu of the later
704 version of the code; prohibiting certain governmental
705 entities from requiring certain HVAC type tests in
706 specific buildings; authorizing such testing if a



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707 certain code is voluntarily used; amending s. 633.202,
708 F.S.; requiring all new high-rise and existing high-
709 rise buildings to maintain a minimum radio signal
710 strength for fire department communications; providing
711 a transitory period for compliance; requiring existing
712 buildings and existing apartment buildings that are
713 not in compliance to initiate an application for an
714 appropriate permit by a specified date; requiring
715 areas of refuge to be required as determined by the
716 Florida Building Code, Accessibility; amending s.
717 633.206, F.S.; providing that certain provisions may
718 be applied to existing assisted living facilities
719 notwithstanding the edition of the codes applied at
720 the time of construction; amending s. 633.208, F.S.;
721 authorizing fire officials to consider certain systems
722 as acceptable systems when identifying low-cost
723 alternatives; amending s. 633.336, F.S.; authorizing a
724 licensed fire protection contractor to subcontract for
725 advanced technical services under certain
726 circumstances; requiring the Florida Building
727 Commission to adopt a specified definition of the term
728 "fire separation distance" in the Florida Building
729 Code; ; requiring the commission to amend the Florida
730 Building Code to allow specified openings and roof
731 overhang projections in certain circumstances;
732 creating the Construction Industry Workforce Task
733 Force within the University of Florida M.E. Rinker,
734 Sr. School of Construction Management; specifying the
735 goals of the task force; providing for membership;



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736 requiring the University of Florida M.E. Rinker, Sr.
737 School of Construction Management to provide
738 assistance to the task force; providing that members
739 of the task force may receive per diem and travel
740 expenses; providing for meetings; requiring a report
741 to the Governor and Legislature by a specified date;
742 providing an appropriation from specified funds
743 available to the Department of Business and
744 Professional Regulation; providing for expiration of
745 the task force; creating the Calder Sloan