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LEGISLATIVE ACTION

| Senate | . | House |
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| Comm: RCS | . | |
| 02/29/2016 | . | |
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The Committee on Fiscal Policy (Abruzzo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(2) A person may take the examination for certification as
a building code inspector or plans examiner pursuant to this



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11 part if the person:

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

13 (b) Is of good moral character.

14 (c) Meets eligibility requirements according to one of the
15 following criteria:

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

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

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

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



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



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69 to chapter 633.

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

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

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

83 (b) Is of good moral character.

84 (c) Meets eligibility requirements according to one of the
85 following criteria:

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

91 2. Demonstrates a combination of postsecondary education in
92 the field of construction or related field, no more than 5 years
93 of which may be applied, and experience as an architect,
94 engineer, plans examiner, building code inspector, registered or
95 certified contractor, or construction superintendent which
96 totals 10 years, with at least 5 years of such total being
97 experience in supervisory positions. In addition, the applicant



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98 must have completed training consisting of at least 20 hours,
99 but not more than 30 hours, of instruction in state laws, rules,
100 and ethics relating to the professional standards of practice,
101 duties, and responsibilities of a certificateholder.

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

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

115 (c) The board shall ~~may~~ provide for appropriate levels of
116 provisional certificates and may issue these certificates with
117 such special conditions or requirements relating to the place of
118 employment of the person holding the certificate, the
119 supervision of such person on a consulting or advisory basis, or
120 other matters as the board may deem necessary to protect the
121 public safety and health.

122 (d) A newly employed or hired person may perform the duties
123 of a plans examiner or building code inspector for 120 days if a
124 provisional certificate application has been submitted if such
125 person is under the direct supervision of a certified building
126 code administrator who holds a standard certification and who



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127 has found such person qualified for a provisional certificate.
128 Direct supervision and the determination of qualifications may
129 also be provided by a building code administrator who holds a
130 limited or provisional certificate in a county having a
131 population of fewer than 75,000 and in a municipality located
132 within such county.

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

135 489.103 Exemptions.—This part does not apply to:

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

140 (a) The employee:

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

143 2. Does not perform any acts, other than acts authorized by
144 this exemption, which constitute contracting.

145 3. Receives compensation from and is under the supervision
146 and control of an employer who deducts the FICA and withholding
147 tax and who provides workers' compensation, as prescribed by
148 law.

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

152 Requirements for obtaining such certificate must include at
153 least:

154 a. One year of apartment or rental housing maintenance
155 experience.



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

162 c. Completion of all examination requirements.

163 (b) The equipment:

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

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

170 3. Is a type of equipment commonly installed in similar
171 locations.

172 4. Is repaired with new parts that are functionally
173 identical to the parts being replaced.

174 (c) An individual repair does not involve replacement parts
175 that cost more than \$1,000. An individual repair may not be so
176 extensive as to be a functional replacement of the electric
177 water heater or the existing electric heating, venting, or air-
178 conditioning system being repaired. For purposes of this
179 paragraph, an individual repair must not be part of a larger or
180 major project that is divided into parts to avoid this
181 restriction.

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



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

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

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this subsection. For the purposes of regulation under this part, the term "demolish" applies only to demolition of steel tanks more than 50 feet in height; towers more than 50 feet in height; other structures more than 50 feet in height; and all buildings or residences. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(m) "Plumbing contractor" means a contractor whose services are unlimited in the plumbing trade and includes contracting



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214 business consisting of the execution of contracts requiring the
215 experience, financial means, knowledge, and skill to install,
216 maintain, repair, alter, extend, or, if not prohibited by law,
217 design plumbing. A plumbing contractor may install, maintain,
218 repair, alter, extend, or, if not prohibited by law, design the
219 following without obtaining an additional local regulatory
220 license, certificate, or registration: sanitary drainage or
221 storm drainage facilities, water and sewer plants and
222 substations, venting systems, public or private water supply
223 systems, septic tanks, drainage and supply wells, swimming pool
224 piping, irrigation systems, and solar heating water systems and
225 all appurtenances, apparatus, or equipment used in connection
226 therewith, including boilers and pressure process piping and
227 including the installation of water, natural gas, liquefied
228 petroleum gas and related venting, and storm and sanitary sewer
229 lines. The scope of work of the plumbing contractor also
230 includes the design, if not prohibited by law, and installation,
231 maintenance, repair, alteration, or extension of air-piping,
232 vacuum line piping, oxygen line piping, nitrous oxide piping,
233 and all related medical gas systems; fire line standpipes and
234 fire sprinklers if authorized by law; ink and chemical lines;
235 fuel oil and gasoline piping and tank and pump installation,
236 except bulk storage plants; and pneumatic control piping
237 systems, all in a manner that complies with all plans,
238 specifications, codes, laws, and regulations applicable. The
239 scope of work of the plumbing contractor applies to private
240 property and public property, including any excavation work
241 incidental thereto, and includes the work of the specialty
242 plumbing contractor. Such contractor shall subcontract, with a



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243 qualified contractor in the field concerned, all other work
244 incidental to the work but which is specified as being the work
245 of a trade other than that of a plumbing contractor. This
246 definition does not limit the scope of work of any specialty
247 contractor certified pursuant to s. 489.113(6), and does not
248 require certification or registration under this part as a
249 category I liquefied petroleum gas dealer, LP gas installer, or
250 specialty installer who is licensed under chapter 527 or an ~~of~~
251 any authorized employee of a public natural gas utility or of a
252 private natural gas utility regulated by the Public Service
253 Commission when disconnecting and reconnecting water lines in
254 the servicing or replacement of an existing water heater. A
255 plumbing contractor may perform drain cleaning and clearing and
256 install or repair rainwater catchment systems; however, a
257 mandatory licensing requirement is not established for the
258 performance of these specific services.

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

261 489.1401 Legislative intent.—

262 (2) It is the intent of the Legislature that the sole
263 purpose of the Florida Homeowners' Construction Recovery Fund is
264 to compensate an ~~any~~ aggrieved claimant who contracted for the
265 construction or improvement of the homeowner's residence located
266 within this state and who has obtained a final judgment in a ~~any~~
267 court of competent jurisdiction, was awarded restitution by the
268 Construction Industry Licensing Board, or received an award in
269 arbitration against a licensee on grounds of financial
270 mismanagement or misconduct, abandoning a construction project,
271 or making a false statement with respect to a project. Such



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272 grievance must arise ~~and arising~~ directly out of a any
273 transaction conducted when the judgment debtor was licensed and
274 must involve an act performed ~~any of the activities~~ enumerated
275 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence.~~

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

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

281 489.1402 Homeowners' Construction Recovery Fund;
282 definitions.-

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

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

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

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

298 (l) "Valid and current license," for the purpose of s.
299 489.141(2)(d), means a any license issued pursuant to this part
300 to a licensee, including a license in an active, inactive,



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301 delinquent, or suspended status.

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

304 489.141 Conditions for recovery; eligibility.—

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

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

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

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

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

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

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

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



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

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

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

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

354 (g) Any amounts recovered by the claimant from the judgment
355 debtor or licensee, or from any other source, have been applied
356 to the damages awarded by the court or the amount of restitution
357 ordered by the board.

358 (h) The claimant is not a person who is precluded by this



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359 act from making a claim for recovery.

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

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

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

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

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

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

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

377 (f) (g) The claimant entered into a contract ~~has contracted~~
378 ~~with a licensee to perform a scope of work described in s.~~
379 ~~489.105(3)(d)-(q) before July 1, 2016~~ 489.105(3)(d)-(p).

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

382 489.1425 Duty of contractor to notify residential property
383 owner of recovery fund.—

384 (1) Each ~~Any~~ agreement or contract for repair, restoration,
385 improvement, or construction to residential real property must
386 contain a written statement explaining the consumer's rights
387 under the recovery fund, except where the value of all labor and



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388 materials does not exceed \$2,500. The written statement must be
389 substantially in the following form:

390

391 FLORIDA HOMEOWNERS' CONSTRUCTION

392 RECOVERY FUND

393

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

401

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

404 Section 8. Section 489.143, Florida Statutes, is amended to
405 read:

406 489.143 Payment from the fund.—

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

409 (2) A ~~Any~~ claimant who meets all of the conditions
410 prescribed in s. 489.141 may apply to the board to cause payment
411 to be made to a claimant from the recovery fund in an amount
412 equal to the judgment, award, or restitution order or \$25,000,
413 whichever is less, or an amount equal to the unsatisfied portion
414 of such person's judgment, award, or restitution order, but only
415 to the extent and amount of actual damages suffered by the
416 claimant, and only up to the maximum payment allowed for each



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417 respective Division I and Division II claim. Payment from the
418 fund for other costs related to or pursuant to civil proceedings
419 such as postjudgment interest, attorney ~~attorney's~~ fees, court
420 costs, medical damages, and punitive damages is prohibited. The
421 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
422 or a restitution order, or any portion thereof, which is not
423 expressly based on one of the grounds for recovery set forth in
424 s. 489.141.

425 (3) Beginning January 1, 2005, for each Division I contract
426 entered into after July 1, 2004, payment from the recovery fund
427 is ~~shall be~~ subject to a \$50,000 maximum payment for each
428 Division I claim. Beginning January 1, 2017, for each Division
429 II contract entered into on or after July 1, 2016, payment from
430 the recovery fund is subject to a \$15,000 maximum payment for
431 each Division II claim.

432 (4)~~(3)~~ Upon receipt by a claimant under subsection (2) of
433 payment from the recovery fund, the claimant shall assign his or
434 her additional right, title, and interest in the judgment,
435 award, or restitution order, to the extent of such payment, to
436 the board, and thereupon the board shall be subrogated to the
437 right, title, and interest of the claimant; and any amount
438 subsequently recovered on the judgment, award, or restitution
439 order, to the extent of the right, title, and interest of the
440 board therein, shall be for the purpose of reimbursing the
441 recovery fund.

442 (5)~~(4)~~ Payments for claims arising out of the same
443 transaction shall be limited, in the aggregate, to the lesser of
444 the judgment, award, or restitution order or the maximum payment
445 allowed for a Division I or Division II claim, regardless of the



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446 number of claimants involved in the transaction.

447 (6)-(5) For contracts entered into before July 1, 2004,
448 payments for claims against any one licensee may shall not
449 exceed, in the aggregate, \$100,000 annually, up to a total
450 aggregate of \$250,000. For any claim approved by the board which
451 is in excess of the annual cap, the amount in excess of \$100,000
452 up to the total aggregate cap of \$250,000 is eligible for
453 payment in the next and succeeding fiscal years, but only after
454 all claims for the then-current calendar year have been paid.
455 Payments may not exceed the aggregate annual or per claimant
456 limits under law. Beginning January 1, 2005, for each Division I
457 contract entered into after July 1, 2004, payment from the
458 recovery fund is subject only to a total aggregate cap of
459 \$500,000 for each Division I licensee. Beginning January 1,
460 2017, for each Division II contract entered into on or after
461 July 1, 2016, payment from the recovery fund is subject only to
462 a total aggregate cap of \$150,000 for each Division II licensee.

463 (7)-(6) Claims shall be paid in the order filed, up to the
464 aggregate limits for each transaction and licensee and to the
465 limits of the amount appropriated to pay claims against the fund
466 for the fiscal year in which the claims were filed. Payments may
467 not exceed the total aggregate cap per license or per claimant
468 limits under this section.

469 (8)-(7) If the annual appropriation is exhausted with claims
470 pending, such claims shall be carried forward to the next fiscal
471 year. Any moneys in excess of pending claims remaining in the
472 recovery fund at the end of the fiscal year shall be paid as
473 provided in s. 468.631.

474 (9)-(8) Upon the payment of any amount from the recovery



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475 fund in settlement of a claim in satisfaction of a judgment,
476 award, or restitution order against a licensee as described in
477 s. 489.141, the license of such licensee shall be automatically
478 suspended, without further administrative action, upon the date
479 of payment from the fund. The license of such licensee may ~~shall~~
480 not be reinstated until he or she has repaid in full, plus
481 interest, the amount paid from the fund. A discharge of
482 bankruptcy does not relieve a person from the penalties and
483 disabilities provided in this section.

484 (10) ~~(9)~~ A ~~Any~~ firm, a corporation, a partnership, or an
485 association, or a ~~any~~ person acting in his or her individual
486 capacity, who aids, abets, solicits, or conspires with another
487 ~~any~~ person to knowingly present or cause to be presented a ~~any~~
488 false or fraudulent claim for the payment of a loss under this
489 act commits ~~is guilty of~~ a third-degree felony, punishable as
490 provided in s. 775.082 or s. 775.084 and by a fine of up to ~~not~~
491 ~~exceeding~~ \$30,000, unless the value of the fraud exceeds that
492 amount, ~~\$30,000~~ in which event the fine may not exceed double
493 the value of the fraud.

494 (11) ~~(10)~~ Each payment ~~All payments~~ and disbursement
495 ~~disbursements~~ from the recovery fund shall be made by the Chief
496 Financial Officer upon a voucher signed by the secretary of the
497 department or the secretary's designee.

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

500 489.503 Exemptions.—This part does not apply to:

501 (24) A person who installs low-voltage landscape lighting
502 that contains a factory-installed electrical cord with plug that
503 does not require installation, wiring, or other modification to



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504 the electrical wiring of a structure.

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

507 514.011 Definitions.—As used in this chapter:

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

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

521 514.0115 Exemptions from supervision or regulation;
522 variances.—

523 (3) A private pool used for instructional purposes in
524 swimming ~~may shall~~ not be regulated as a public pool. A portable
525 pool used for instructional purposes or to further an approved
526 educational program or used for a sanctioned national or
527 international swimming or diving competition event, for a period
528 of 30 consecutive days or less, may not be regulated as a public
529 pool.

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

532 514.031 Permit necessary to operate public swimming pool.—



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

543 Section 13. Section 515.27, Florida Statutes, is amended to
544 read:

545 515.27 Residential swimming pool safety feature options;
546 penalties.—

547 (1) In order to pass final inspection and receive a
548 certificate of completion, a residential swimming pool must meet
549 at least one of the following requirements relating to pool
550 safety features:

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

553 (b) The pool must be equipped with an approved safety pool
554 cover;

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

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



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562 (e) The pool must be equipped with a swimming pool alarm
563 that, when placed in the pool, will sound upon detection of
564 accidental or unauthorized entrance into the water. These pool
565 alarms must meet and be independently certified to the ASTM
566 Standard F 2208 "Standards Specification for Pool Alarms," which
567 includes surface motion, pressure, sonar, laser, and infrared
568 type alarms. For purposes of this paragraph, the term "swimming
569 pool alarm" does not include a swimming protection alarm device
570 designed for individual use, such as an alarm attached to a
571 child that sounds when the child's movement exceeds a certain
572 distance or the child becomes submerged in water.

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

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

587 553.512 Modifications and waivers; advisory council.—

588 (2) The Accessibility Advisory Council shall consist of the
589 following seven members, who shall be knowledgeable in the area
590 of accessibility for persons with disabilities. The Secretary of



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

613 Section 15. Section 553.721, Florida Statutes, is amended
614 to read:

615 553.721 Surcharge.—In order for the Department of Business
616 and Professional Regulation to administer and carry out the
617 purposes of this part and related activities, there is created a
618 surcharge, to be assessed at the rate of 1.5 percent of the
619 permit fees associated with enforcement of the Florida Building



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620 Code as defined by the uniform account criteria and specifically
621 the uniform account code for building permits adopted for local
622 government financial reporting pursuant to s. 218.32. The
623 minimum amount collected on any permit issued shall be \$2. The
624 unit of government responsible for collecting a permit fee
625 pursuant to s. 125.56(4) or s. 166.201 shall collect the
626 surcharge and electronically remit the funds collected to the
627 department on a quarterly calendar basis for the preceding
628 quarter and continuing each third month thereafter. The unit of
629 government shall retain 10 percent of the surcharge collected to
630 fund the participation of building departments in the national
631 and state building code adoption processes and to provide
632 education related to enforcement of the Florida Building Code.
633 All funds remitted to the department pursuant to this section
634 shall be deposited in the Professional Regulation Trust Fund.
635 Funds collected from the surcharge shall be allocated to fund
636 the Florida Building Commission and the Florida Building Code
637 Compliance and Mitigation Program under s. 553.841. Funds
638 allocated to the Florida Building Code Compliance and Mitigation
639 Program shall be \$925,000 each fiscal year. The Florida Building
640 Code Compliance and Mitigation Program shall fund the
641 recommendations made by the Building Code System Uniform
642 Implementation Evaluation Workgroup, dated April 8, 2013, from
643 existing resources, not to exceed \$30,000 in the 2016-2017
644 fiscal year. Funds collected from the surcharge shall also be
645 used to fund Florida Fire Prevention Code informal
646 interpretations managed by the State Fire Marshal and shall be
647 limited to \$15,000 each fiscal year. The State Fire Marshal
648 shall adopt rules to address the implementation and expenditure



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649 of the funds allocated to fund the Florida Fire Prevention Code
650 informal interpretations under this section. The funds collected
651 from the surcharge may not be used to fund research on
652 techniques for mitigation of radon in existing buildings. Funds
653 used by the department as well as funds to be transferred to the
654 Department of Health and the State Fire Marshal shall be as
655 prescribed in the annual General Appropriations Act. The
656 department shall adopt rules governing the collection and
657 remittance of surcharges pursuant to chapter 120.

658 Section 16. Paragraph (a) of subsection (7) and subsections
659 (8), (11), and (15) of section 553.73, Florida Statutes, are
660 amended, and subsection (19) is added to that section, to read:

661 553.73 Florida Building Code.—

662 (7) (a) The commission, by rule adopted pursuant to ss.
663 120.536(1) and 120.54, shall update the Florida Building Code
664 every 6 ~~3~~ years. When updating the Florida Building Code, the
665 commission shall select the most current version of the
666 International Building Code, the International Fuel Gas Code,
667 the International Mechanical Code, the International Plumbing
668 Code, and the International Residential Code, all of which are
669 adopted by the International Code Council, and the National
670 Electrical Code, which is adopted by the National Fire
671 Protection Association, to form the foundation codes of the
672 updated Florida Building Code, if the version has been adopted
673 by the applicable model code entity. The commission shall select
674 the most current version of the International Energy
675 Conservation Code (IECC) as a foundation code; however, the IECC
676 shall be modified by the commission to maintain the efficiencies
677 of the Florida Energy Efficiency Code for Building Construction



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678 adopted and amended pursuant to s. 553.901.

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

695 (a) Conflicts within the updated code;

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

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

700 (d) Equivalency of standards;

701 (e) Changes to or inconsistencies with federal or state
702 law; ~~or~~

703 (f) Adoption of an updated edition of the National
704 Electrical Code if the commission finds that delay of
705 implementing the updated edition causes undue hardship to
706 stakeholders or otherwise threatens the public health, safety,



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707 and welfare;-

708 (g) Potential risks to the public health, safety, or
709 welfare;

710 (h) Significant economic impact as determined by the
711 commission;

712 (i) Existing provisions which require products or services
713 that are not readily or consistently available to meet code
714 requirements;

715 (j) Existing provisions which cannot technically be
716 enforced due to infeasibility;

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

720 (l) Provisions of previous editions of the Florida Building
721 Code not provided for in the current code and found by the
722 commission to be necessary.

723 (11) (a) In the event of a conflict between the Florida
724 Building Code and the Florida Fire Prevention Code and the Life
725 Safety Code as applied to a specific project, the conflict shall
726 be resolved by agreement between the local building code
727 enforcement official and the local fire code enforcement
728 official in favor of the requirement of the code which offers
729 the greatest degree of lifesafety or alternatives which would
730 provide an equivalent degree of lifesafety and an equivalent
731 method of construction. Local boards created to address issues
732 arising under the Florida Building Code or the Florida Fire
733 Prevention Code may combine their appeals boards to create a
734 single, local board having jurisdiction over matters arising
735 under either code or both codes. The combined local appeals



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736 board may grant alternatives or modifications through procedures
737 outlined in NFPA 1, Section 1.4, but may not waive the
738 requirements of the Florida Fire Prevention Code. To meet the
739 quorum requirement for convening the combined local appeals
740 board, at least one member of the board who is a fire protection
741 contractor, a fire protection design professional, a fire
742 department operations professional, or a fire code enforcement
743 professional must be present.

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



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765 fire official and the local building official, such alternatives
766 shall provide an equivalent degree of lifesafety and an
767 equivalent method of construction as the decision rendered by
768 the local officials.

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

777 (d) All decisions of the local administrative board⁷ or, if
778 none exists, ~~the decisions of~~ the local building official and
779 the local fire official in regard to the application,
780 enforcement, or interpretation of the Florida Fire Prevention
781 Code, or conflicts between the Florida Fire Prevention Code and
782 the Florida Building Code, are subject to review by a joint
783 committee composed of members of the Florida Building Commission
784 and the Fire Code Advisory Council. If the joint committee is
785 unable to resolve conflicts between the codes as applied to a
786 specific project, the matter shall be resolved pursuant to ~~the~~
787 ~~provisions of~~ paragraph (1) (d). Decisions of the local
788 administrative board related solely to the Florida Building Code
789 are subject to review as set forth in s. 553.775.

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

793 (f) All decisions of the local building official and local



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

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

808 (19) The Florida Building Code must require two fire
809 service access elevators in all buildings with a height greater
810 than 120-feet from the elevation of street-level access to the
811 level of the highest occupiable floor. Any remaining elevators
812 must be equipped for Phase I and Phase II emergency operations.
813 If a fire service access elevator is required in a building, a
814 1-hour fire-rated fire service access elevator lobby with direct
815 access from the fire service access elevator is not required if
816 the fire service access elevator opens into an exit access
817 corridor, which cannot be less than 6 feet wide for its entire
818 length, must have at least 150 square feet with the exception of
819 door openings, and must have a minimum 1-hour fire rating with
820 three-quarter-hour fire- and smoke-rated openings. During a fire
821 event the fire service access elevator must be pressurized and
822 floor-to-floor smoke control must be provided. However, if



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823 transient residential occupancies occur at floor levels more
824 than 420 feet above the level of fire service access, a 1-hour
825 fire-rated service access elevator lobby with direct access from
826 the fire service access elevator is required.

827 Section 17. Paragraph (c) of subsection (3) of section
828 553.775, Florida Statutes, is amended to read:

829 553.775 Interpretations.—

830 (3) The following procedures may be invoked regarding
831 interpretations of the Florida Building Code or the Florida
832 Accessibility Code for Building Construction:

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

840 1. The commission shall coordinate with the Building
841 Officials Association of Florida, Inc., to designate a panel
842 ~~panels~~ composed of seven ~~five~~ members to hear requests to review
843 decisions of local building officials. Five ~~The~~ members must be
844 licensed as building code administrators under part XII of
845 chapter 468, one member must be licensed as an architect under
846 chapter 481, and one member must be licensed as an engineer
847 under chapter 471. Each member ~~and~~ must have experience
848 interpreting or ~~and~~ enforcing provisions of the Florida Building
849 Code and the Florida Accessibility Code for Building
850 Construction.

851 2. Requests to review a decision of a local building



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

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

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

869 c. The name, address, and telephone number of the
870 petitioner; the name, address, and telephone number of the
871 petitioner's representative, if any; and an explanation of how
872 the petitioner's substantial interests are being affected by the
873 local interpretation of the Florida Building Code or the Florida
874 Accessibility Code for Building Construction.

875 d. A statement of the provisions of the Florida Building
876 Code or the Florida Accessibility Code for Building Construction
877 which are being interpreted by the local building official.

878 e. A statement of the interpretation given to provisions of
879 the Florida Building Code or the Florida Accessibility Code for
880 Building Construction by the local building official and the



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881 manner in which the interpretation was rendered.

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

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

896 3. The petitioner shall submit the petition to the local
897 building official, who shall place the date of receipt on the
898 petition. The local building official shall respond to the
899 petition in accordance with the form and shall return the
900 petition along with his or her response to the petitioner within
901 5 days after receipt, exclusive of Saturdays, Sundays, and legal
902 holidays. The petitioner may file the petition with the
903 commission at any time after the local building official
904 provides a response. If no response is provided by the local
905 building official, the petitioner may file the petition with the
906 commission 10 days after submission of the petition to the local
907 building official and shall note that the local building
908 official did not respond.

909 4. Upon receipt of a petition that meets the requirements



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

916 5. The panel shall conduct proceedings as necessary to
917 resolve the issues; shall give due regard to the petitions, the
918 response, and to comments posed on the Building Code Information
919 System; and shall issue an interpretation regarding the
920 provisions of the Florida Building Code or the Florida
921 Accessibility Code for Building Construction within 21 days
922 after the filing of the petition. The panel shall render a
923 determination based upon the Florida Building Code or the
924 Florida Accessibility Code for Building Construction or, if the
925 code is ambiguous, the intent of the code. The panel's
926 interpretation shall be provided to the commission, which shall
927 publish the interpretation on the Building Code Information
928 System and in the Florida Administrative Register. The
929 interpretation shall be considered an interpretation entered by
930 the commission, and shall be binding upon the parties and upon
931 all jurisdictions subject to the Florida Building Code or the
932 Florida Accessibility Code for Building Construction, unless it
933 is superseded by a declaratory statement issued by the Florida
934 Building Commission or by a final order entered after an appeal
935 proceeding conducted in accordance with subparagraph 7.

936 6. It is the intent of the Legislature that review
937 proceedings be completed within 21 days after the date that a
938 petition seeking review is filed with the commission, and the



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939 time periods set forth in this paragraph may be waived only upon
940 consent of all parties.

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

954 8. The burden of proof in any proceeding initiated in
955 accordance with subparagraph 7. is on the party who initiated
956 the appeal.

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

963
964 This paragraph provides the exclusive remedy for addressing
965 requests to review local interpretations of the Florida Building
966 Code or the Florida Accessibility Code for Building Construction
967 and appeals from review proceedings.



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968 Section 18. Subsection(1) and (6) of section 553.79,
969 Florida Statutes, are amended to read:
970 553.79 Permits; applications; issuance; inspections.—
971 (1) After the effective date of the Florida Building Code
972 adopted as herein provided, it shall be unlawful for any person,
973 firm, corporation, or governmental entity to construct, erect,
974 alter, modify, repair, or demolish any building within this
975 state without first obtaining a permit therefor from the
976 appropriate enforcing agency or from such persons as may, by
977 appropriate resolution or regulation of the authorized state or
978 local enforcing agency, be delegated authority to issue such
979 permits, upon the payment of such reasonable fees adopted by the
980 enforcing agency. The enforcing agency is empowered to revoke
981 any such permit upon a determination by the agency that the
982 construction, erection, alteration, modification, repair, or
983 demolition of the building for which the permit was issued is in
984 violation of, or not in conformity with, the provisions of the
985 Florida Building Code. Whenever a permit required under this
986 section is denied or revoked because the plan, or the
987 construction, erection, alteration, modification, repair, or
988 demolition of a building, is found by the local enforcing agency
989 to be not in compliance with the Florida Building Code, the
990 local enforcing agency shall identify the specific plan or
991 project features that do not comply with the applicable codes,
992 identify the specific code chapters and sections upon which the
993 finding is based, and provide this information to the permit
994 applicant. Failure to provide a reason, based on compliance with
995 the Florida Building Code or local ordinance, for a denial,
996 revocation, or modification request to the applicant shall



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997 subject the plans reviewer or building code administrator
998 responsible with creating the denial, revocation, or
999 modification request to disciplinary action against his or her
1000 license pursuant to s. 468.621(1)(j). Installation, replacement,
1001 removal, or metering of any load management control device is
1002 exempt from and shall not be subject to the permit process and
1003 fees otherwise required by this section.

1004 (6) A permit may not be issued for any building
1005 construction, erection, alteration, modification, repair, or
1006 addition unless the applicant for such permit complies with the
1007 requirements for plan review established by the Florida Building
1008 Commission within the Florida Building Code. However, the code
1009 shall set standards and criteria to authorize preliminary
1010 construction before completion of all building plans review,
1011 including, but not limited to, special permits for the
1012 foundation only, and such standards shall take effect concurrent
1013 with the first effective date of the Florida Building Code.
1014 After submittal of the appropriate construction documents, the
1015 building official may issue a permit for the construction of
1016 foundations or any other part of a building or structure before
1017 the construction documents for the whole building or structure
1018 have been submitted. If such a permit is issued, the
1019 permitholder may proceed at its own risk and without assurance
1020 that a permit for the entire structure will be granted.
1021 Corrections may be required to meet the requirements of the
1022 technical codes.

1023 Section 19. Section 553.7931, Florida Statutes, is created
1024 to read:

1025 553.7931 Alarm system registrations.-



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1026 (1) As used in this section, the term "applicable local
1027 governmental entity" means the local enforcement agency or local
1028 law enforcement agency responsible for the administration of
1029 alarm system registration in a jurisdiction.

1030 (a) The owner, lessee, or occupant, or an authorized
1031 representative thereof, of a property must register their alarm
1032 system with the applicable local governmental entity if such
1033 entity requires registration of an alarm system.

1034 (b)1. A contractor, as defined in s. 553.793, or an alarm
1035 system monitoring company that installs a monitored alarm system
1036 shall provide written notice, on paper or electronically, to an
1037 owner, a lessee, or an occupant, or an authorized representative
1038 thereof, before activation or reactivation of an alarm system,
1039 that an obligation to register the alarm system with an
1040 applicable local governmental entity may exist.

1041 2. An alarm system monitoring company that activates an
1042 alarm system installed by an owner, a lessee, or an occupant, or
1043 an authorized representative thereof, shall provide verbal
1044 notice to the owner, lessee, or occupant, or authorized
1045 representative thereof, before activation or reactivation of an
1046 alarm system, that an obligation to register the alarm system
1047 with an applicable local governmental entity may exist.

1048 (2) A contractor or an alarm system monitoring company
1049 shall not be liable for civil penalties and fines assessed or
1050 imposed by the applicable local governmental entity for failure
1051 to register an alarm system, dispatch to an unregistered user,
1052 or for excessive false alarms not attributed to alarm system
1053 monitoring company error or improper installation by the
1054 contractor or alarm system monitoring company.



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1055 (3) A municipality, county, district, or other local
1056 governmental entity may not require that an alarm system
1057 registration form be notarized before an alarm system may be
1058 registered.

1059 (4) A municipality, county, district, or other local
1060 governmental entity may not adopt or maintain in effect any
1061 ordinance or rule regarding alarm system registration that is
1062 inconsistent with this section.

1063 Section 20. Paragraph (d) is added to subsection (7) of
1064 section 553.80, Florida Statutes, to read:

1065 553.80 Enforcement.—

1066 (7) The governing bodies of local governments may provide a
1067 schedule of reasonable fees, as authorized by s. 125.56(2) or s.
1068 166.222 and this section, for enforcing this part. These fees,
1069 and any fines or investment earnings related to the fees, shall
1070 be used solely for carrying out the local government's
1071 responsibilities in enforcing the Florida Building Code. When
1072 providing a schedule of reasonable fees, the total estimated
1073 annual revenue derived from fees, and the fines and investment
1074 earnings related to the fees, may not exceed the total estimated
1075 annual costs of allowable activities. Any unexpended balances
1076 shall be carried forward to future years for allowable
1077 activities or shall be refunded at the discretion of the local
1078 government. The basis for a fee structure for allowable
1079 activities shall relate to the level of service provided by the
1080 local government and shall include consideration for refunding
1081 fees due to reduced services based on services provided as
1082 prescribed by s. 553.791, but not provided by the local
1083 government. Fees charged shall be consistently applied.



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1084 (d) The local enforcement agency may not require the
1085 payment of any additional fees, charges, or expenses associated
1086 with:

1087 1. Providing proof of licensure pursuant to chapter 489;
1088 2. Recording or filing a license issued pursuant to this
1089 chapter; or

1090 3. Providing, recording, or filing evidence of workers'
1091 compensation insurance coverage as required by chapter 440.

1092 Section 21. Paragraph (a) of subsection (8) of section
1093 553.842, Florida Statutes, is amended to read:

1094 553.842 Product evaluation and approval.—

1095 (8) The commission may adopt rules to approve the following
1096 types of entities that produce information on which product
1097 approvals are based. All of the following entities, including
1098 engineers and architects, must comply with a nationally
1099 recognized standard demonstrating independence or no conflict of
1100 interest:

1101 (a) Evaluation entities approved pursuant to this
1102 paragraph. The commission shall specifically approve the
1103 National Evaluation Service, the International Association of
1104 Plumbing and Mechanical Officials Evaluation Service, the
1105 International Code Council Evaluation Services, Underwriters
1106 Laboratories, LLC, Intertek Testing Services NA, Inc., and the
1107 Miami-Dade County Building Code Compliance Office Product
1108 Control Division. Architects and engineers licensed in this
1109 state are also approved to conduct product evaluations as
1110 provided in subsection (5).

1111 Section 22. Paragraph (c) of subsection (3) of section
1112 553.844, Florida Statutes, is amended and subsection (4) of that



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1113 section is revived, readopted, and amended to read:

1114 553.844 Windstorm loss mitigation; requirements for roofs
1115 and opening protection.—

1116 (3) The Legislature finds that the integration of these
1117 specifically identified mitigation measures is critical to
1118 addressing the serious problem facing the state from damage
1119 caused by windstorms and that delay in the adoption and
1120 implementation constitutes a threat to the health, safety, and
1121 welfare of the state. Accordingly, the Florida Building
1122 Commission shall develop and adopt these measures by October 1,
1123 2007, by rule separate from the Florida Building Code, which
1124 take immediate effect and shall incorporate such requirements
1125 into the next edition of the Florida Building Code. Such rules
1126 shall require or otherwise clarify that for site-built, single-
1127 family residential structures:

1128 (c) Any activity requiring a building permit, not including
1129 work associated with the prevention of degradation of the
1130 residence, that is applied for on or after July 1, 2008, and for
1131 which the estimated cost is \$50,000 or more, must include
1132 provision of opening protections as required within the Florida
1133 Building Code for new construction for a building that is
1134 located in the wind-borne debris region as defined in s. 1609.2
1135 of the International Building Code (2006) and that has an
1136 insured value of \$750,000 or more, or, if the building is
1137 uninsured or for which documentation of insured value is not
1138 presented, has a just valuation for the structure for purposes
1139 of ad valorem taxation of \$750,000 or more.

1140 (4) Notwithstanding the provisions of this section, exposed
1141 mechanical equipment or appliances fastened to a roof or



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1142 installed on the ground in compliance with the code using rated
1143 stands, platforms, curbs, slabs, walls, or other means are
1144 deemed to comply with the wind resistance requirements of the
1145 2007 Florida Building Code, as amended. Further support or
1146 enclosure of such mechanical equipment or appliances is not
1147 required by a state or local official having authority to
1148 enforce the Florida Building Code. ~~This subsection expires on~~
1149 ~~the effective date of the 2013 Florida Building Code.~~

1150 Section 23. Section 553.883, Florida Statutes, is amended
1151 to read:

1152 553.883 Smoke alarms in one-family and two-family dwellings
1153 and townhomes.—One-family and two-family dwellings and townhomes
1154 undergoing a repair, or a level 1 alteration as defined in the
1155 Florida Building Code, may use smoke alarms powered by 10-year
1156 nonremovable, nonreplaceable batteries in lieu of retrofitting
1157 such dwelling with smoke alarms powered by the dwelling's
1158 electrical system. ~~Effective January 1, 2015,~~ A battery-powered
1159 smoke alarm that is newly installed or replaces an existing
1160 battery-powered smoke alarm as a result of a level 1 alteration,
1161 must be powered by a nonremovable, nonreplaceable battery that
1162 powers the alarm for at least 10 years. This does not prohibit a
1163 homeowner from replacing an existing smoke alarm or installing a
1164 new smoke alarm that is not powered by a 10-year nonremovable,
1165 nonreplaceable battery or by the dwelling's electrical system.
1166 The battery requirements of this section do not apply to a fire
1167 alarm, smoke detector, smoke alarm, or ancillary component that
1168 is electronically connected as a part of a centrally monitored
1169 or supervised alarm system; that uses a low-power radio
1170 frequency wireless communication signal; or that contains



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1171 multiple sensors, such as a smoke alarm combined with a carbon
1172 monoxide alarm or other multi-sensor devices, and is approved
1173 and listed by a nationally recognized testing laboratory.

1174 Section 24. Section 553.908, Florida Statutes, is amended
1175 to read:

1176 553.908 Inspection.—Before construction or renovation is
1177 completed, the local enforcement agency shall inspect buildings
1178 for compliance with the standards of this part. Notwithstanding
1179 any other provision of the code or law, effective July 1, 2016,
1180 section R402.4.1.2 of the Florida Building Code, 5th Edition
1181 (2014) Energy Conservation, which became effective on June 30,
1182 2015, shall increase the building's or dwelling unit's maximum
1183 tested air leakage measure from "not exceeding 5 air changes per
1184 hour" to "not exceeding 7 air changes per hour" in Climate Zones
1185 1 and 2. The mandatory blower door testing for residential
1186 buildings or dwelling units as contained in section R402.1.2 of
1187 the Florida Building Code, 5th Edition (2014) Energy
1188 Conservation, may not take effect until July 1, 2017, and does
1189 not apply to construction permitted before July 1, 2017.

1190 Additionally, section M401.2 of the Florida Building Code, 5th
1191 Edition (2014) Mechanical, which became effective on June 30,
1192 2015, shall decrease the air filtration rate in a dwelling unit
1193 from "less than 5" to "less than 3" air changes per hour when
1194 tested with a blower door at a pressure of 0.2-inch water column
1195 (50 Pascals) in accordance with Section R402.4.1.2 of the
1196 Florida Building Code, 5th Edition (2014) Energy Conservation.

1197 Section 25. Subsection (3) of section 553.993, Florida
1198 Statutes, is amended to read:

1199 553.993 Definitions.—For purposes of this part:



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1200 (3) "Building energy-efficiency rating system" means a
1201 whole building energy evaluation system that provides a reliable
1202 and scientifically based analysis of a building's energy
1203 consumption or energy features and allows a comparison to
1204 similar building types in similar climate zones where
1205 applicable. Specifically, the rating system shall use standard
1206 calculations, formulas, and scoring methods; be applicable
1207 nationally; compare a building to a clearly defined and
1208 researched baseline or benchmark; require qualified
1209 professionals to conduct the rating or assessment; and provide a
1210 labeling and recognition program with specific criteria or
1211 levels. Residential program benchmarks for new construction must
1212 be consistent with national building standards. Residential
1213 building program benchmarks for existing construction must be
1214 consistent with national home energy rating standards. The
1215 building energy-efficiency rating system shall require at least
1216 one level of oversight performed by an organized and balanced
1217 group of professionals with subject matter expertise in energy
1218 efficiency, energy rating, and evaluation methods established by
1219 the Residential Energy Services Network, the Commercial Energy
1220 Services Network, the Building Performance Institute, or the
1221 Florida Solar Energy Center.

1222 Section 26. Subsections (17) and (18) are added to section
1223 633.202, Florida Statutes, to read:

1224 633.202 Florida Fire Prevention Code.—

1225 (17) The authority having jurisdiction shall determine the
1226 minimum radio signal strength for fire department communications
1227 in all new high-rise and existing high-rise buildings. Existing
1228 buildings are not required to comply with minimum radio strength



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1229 for fire department communications and two-way radio system
1230 enhancement communications as required by the Florida Fire
1231 Prevention Code until January 1, 2022. However, by December 31,
1232 2019, an existing building that is not in compliance with the
1233 requirements for minimum radio strength for fire department
1234 communications must apply for an appropriate permit for the
1235 required installation with the local government agency having
1236 jurisdiction and must demonstrate that the building will become
1237 compliant by January 1, 2022. Existing apartment buildings are
1238 not required to comply until January 1, 2025. However, existing
1239 apartment buildings are required to apply for the appropriate
1240 permit for the required communications installation by December
1241 31, 2022.

1242 (18) Areas of refuge must be provided if required by the
1243 Florida Building Code, Accessibility. Required portions of an
1244 area of refuge shall be accessible from the space they serve by
1245 an accessible means of egress.

1246 Section 27. Subsection (5) of section 633.208, Florida
1247 Statutes, is amended to read:

1248 633.208 Minimum firesafety standards.—

1249 (5) With regard to existing buildings, the Legislature
1250 recognizes that it is not always practical to apply any or all
1251 of the provisions of the Florida Fire Prevention Code and that
1252 physical limitations may require disproportionate effort or
1253 expense with little increase in fire or life safety. Before
1254 ~~Prior to~~ applying the minimum firesafety code to an existing
1255 building, the local fire official shall determine whether ~~that~~ a
1256 threat to lifesafety or property exists. If a threat to
1257 lifesafety or property exists, the fire official shall apply the



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1258 applicable firesafety code for existing buildings to the extent
1259 practical to ensure ~~assure~~ a reasonable degree of lifesafety and
1260 safety of property or the fire official shall fashion a
1261 reasonable alternative that ~~which~~ affords an equivalent degree
1262 of lifesafety and safety of property. The local fire official
1263 may consider the fire safety evaluation systems found in NFPA
1264 101A, Guide on Alternative Solutions to Life Safety, adopted by
1265 the State Fire Marshal, as acceptable systems for the
1266 identification of low-cost, reasonable alternatives. It is
1267 acceptable to use the Fire Safety Evaluation System for Board
1268 and Care Facilities using prompt evacuation capabilities
1269 parameter values on existing residential high-rise buildings.
1270 The decision of the local fire official may be appealed to the
1271 local administrative board described in s. 553.73.

1272 Section 28. Section 633.336, Florida Statutes, is amended
1273 to read:

1274 633.336 Contracting without certificate prohibited;
1275 violations; penalty.—

1276 (1) It is unlawful for any organization or individual to
1277 engage in the business of layout, fabrication, installation,
1278 inspection, alteration, repair, or service of a fire protection
1279 system, other than a preengineered system, act in the capacity
1280 of a fire protection contractor, or advertise itself as being a
1281 fire protection contractor without having been duly certified
1282 and holding a valid and existing certificate, except as
1283 hereinafter provided. The holder of a certificate used to
1284 qualify an organization must be a full-time employee of the
1285 qualified organization or business. A certificateholder who is
1286 employed by more than one fire protection contractor during the



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1287 same time is deemed not to be a full-time employee of either
1288 contractor. The State Fire Marshal shall revoke, for a period
1289 determined by the State Fire Marshal, the certificate of a
1290 certificateholder who allows the use of the certificate to
1291 qualify a company of which the certificateholder is not a full-
1292 time employee. A contractor who maintains more than one place of
1293 business must employ a certificateholder at each location. This
1294 subsection does not prohibit an employee acting on behalf of
1295 governmental entities from inspecting and enforcing firesafety
1296 codes, provided such employee is certified under s. 633.216.

1297 (2) A fire protection contractor certified under this
1298 chapter may not:

1299 (a) Enter into a written or oral agreement to authorize, or
1300 otherwise knowingly allow, a contractor who is not certified
1301 under this chapter to engage in the business of, or act in the
1302 capacity of, a fire protection contractor.

1303 (b) Apply for or obtain a construction permit for fire
1304 protection work unless the fire protection contractor or the
1305 business organization qualified by the fire protection
1306 contractor has contracted to conduct the work specified in the
1307 application for the permit.

1308 (3) The Legislature recognizes that special expertise is
1309 required for fire pump control panels and maintenance of
1310 electric and diesel pump drivers and that it is not economically
1311 feasible for all contractors to employ these experts full-time
1312 whose work may be limited. It is therefore deemed acceptable for
1313 a fire protection contractor licensed under this chapter to
1314 subcontract with companies providing advanced technical services
1315 for the installation, servicing, and maintenance of fire pump



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1316 control panels and pump drivers. To ensure the integrity of the
1317 system and to protect the interests of the property owner, those
1318 providing technical support services for fire pump control
1319 panels and pump drivers must be under contract with a licensed
1320 fire protection contractor.

1321 (4) ~~(3)~~ A person who violates any provision of this act or
1322 commits any of the acts constituting cause for disciplinary
1323 action as herein set forth commits a misdemeanor of the second
1324 degree, punishable as provided in s. 775.082 or s. 775.083.

1325 (5) ~~(4)~~ In addition to the penalties provided in subsection
1326 (4) ~~(3)~~, a fire protection contractor certified under this
1327 chapter who violates any provision of this section or who
1328 commits any act constituting cause for disciplinary action is
1329 subject to suspension or revocation of the certificate and
1330 administrative fines pursuant to s. 633.338.

1331 Section 29. The Calder Sloan Swimming Pool Electrical-
1332 Safety Task Force.-There is established within the Florida
1333 Building Commission the Calder Sloan Swimming Pool Electrical-
1334 Safety Task Force.

1335 (1) The purpose of the task force is to study standards on
1336 grounding, bonding, lighting, wiring, and all electrical aspects
1337 for safety in and around public and private swimming pools,
1338 especially with regard to minimizing risks of electrocutions
1339 linked to swimming pools. The task force shall submit a report
1340 of its findings, including recommended revisions to state law,
1341 if any, to the Governor, the President of the Senate, and the
1342 Speaker of the House of Representatives by November 1, 2016.

1343 (2) The task force shall consist of the swimming pool and
1344 electrical technical advisory committees of the Florida Building



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1345 Commission.

1346 (3) The task force shall be chaired by the swimming pool
1347 contractor appointed to the Florida Building Commission pursuant
1348 to s. 553.74, Florida Statutes.

1349 (4) The Florida Building Commission shall provide such
1350 staff, information, and other assistance as is reasonably
1351 necessary to assist the task force in carrying out its
1352 responsibilities.

1353 (5) Members of the task force shall serve without
1354 compensation.

1355 (6) The task force shall meet as often as necessary to
1356 fulfill its responsibilities. Meetings may be conducted by
1357 conference call, teleconferencing, or similar technology.

1358 (7) This section expires December 31, 2016.

1359 Section 30. Construction Industry Workforce Task Force.—

1360 (1) The Construction Industry Workforce Task Force is
1361 created within the University of Florida M.E. Rinker, Sr.,
1362 School of Construction Management. The goals of the task force
1363 are to:

1364 (a) Address the critical shortage of individuals trained in
1365 building construction and inspection.

1366 (b) Develop a consensus path for training the next
1367 generation of construction workers in the state.

1368 (c) Determine the causes for the current shortage of a
1369 trained construction industry work force and address the impact
1370 of the shortages on the recovery of the real estate market.

1371 (d) Review current methods and resources available for
1372 construction training.

1373 (e) Review the state of construction training available in



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1374 K-12 schools.
1375 (f) Address training issues relating to building code
1376 inspectors to increase the number of qualified inspectors.
1377 (2) The task force shall consist of 23 members. Except as
1378 otherwise specified, each member shall be chosen by the
1379 association that he or she represents, as follows:
1380 (a) A member of the House of Representatives appointed by
1381 the Speaker of the House of Representatives.
1382 (b) A member of the Senate appointed by the President of
1383 the Senate.
1384 (c) A member representing the Florida Associated General
1385 Contractors Council.
1386 (d) A member representing the Associated Builders and
1387 Contractors of Florida.
1388 (e) A member representing the Florida Home Builders
1389 Association.
1390 (f) A member representing the Florida Fire Sprinkler
1391 Association.
1392 (g) A member representing the Florida Roofing, Sheet Metal
1393 and Air Conditioning Contractors Association.
1394 (h) A member representing the Florida Refrigeration and Air
1395 Conditioning Contractors Association.
1396 (i) A member representing the Florida Plumbing-Heating-
1397 Cooling Contractors Association.
1398 (j) A member representing the Florida Swimming Pool
1399 Association.
1400 (k) A member representing the National Utility Contractors
1401 Association of Florida.
1402 (l) A member representing the Florida Concrete and Products



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1403 Association.
1404 (m) A member representing the Alarm Association of Florida.
1405 (n) A member representing the Independent Electrical
1406 Contractors.
1407 (o) A member representing the Florida Building and
1408 Construction Trades Council within the Florida AFL-CIO.
1409 (p) A member representing the Building Officials
1410 Association of Florida.
1411 (q) A member representing the Asphalt Contractors
1412 Association of Florida.
1413 (r) A member representing the American Fire Sprinkler
1414 Association-Florida Chapter.
1415 (s) The chair of the Florida Building Commission.
1416 (t) A member representing the Florida Carpenters Regional
1417 Council.
1418 (u) A member representing the National Electrical
1419 Contractors Association-Florida Chapter.
1420 (v) A member representing the Florida Electrical Workers
1421 Association.
1422 (3) The task force shall elect a chair from among its
1423 members.
1424 (4) The University of Florida M.E. Rinker, Sr., School of
1425 Construction Management shall provide such assistance as is
1426 reasonably necessary to assist the task force in carrying out
1427 its responsibilities.
1428 (5) The task force shall meet as often as necessary to
1429 fulfill its responsibilities but not fewer than three times. The
1430 first meeting must be held no later than September 1, 2016.
1431 Meetings may be conducted by conference call, teleconferencing,



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1432 or similar technology.

1433 (6) The task force shall submit a final report to the
1434 Governor, the President of the Senate, and the Speaker of the
1435 House of Representatives by February 1, 2017.

1436 (7) The Department of Business and Professional Regulation
1437 shall provide \$50,000 from funds available for the Florida
1438 Building Code Compliance and Mitigation Program under s.
1439 553.841(5), Florida Statutes, to the University of Florida M.E.
1440 Rinker, Sr., School of Construction Management for purposes of
1441 implementing this section.

1442 (8) This section expires July 1, 2017.

1443 Section 31. The Florida Building Commission shall define
1444 the term "fire separation distance" in Chapter 2, Definitions,
1445 of the Florida Building Code, 5th Edition (2014) Residential, as
1446 follows:

1447
1448 "FIRE SEPARATION DISTANCE. The distance measured from the
1449 building face to one of the following:

- 1450 1. To the closest interior lot line;
1451 2. To the centerline of a street, an alley, or a public way;
1452 3. To an imaginary line between two buildings on the lot; or
1453 4. To an imaginary line between two buildings when the exterior
1454 wall of one building is located on a zero lot line.

1455
1456 The distance must be measured at a right angle from the face of
1457 the wall."

1458 Section 32. The Florida Building Commission shall amend the
1459 Florida Building Code, 5th Edition (2014) Residential, to allow
1460 openings and roof overhang projections on the exterior wall of a



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1461 building located on a zero lot line, when the building exterior
1462 wall is separated from an adjacent building exterior wall by a
1463 distance of 6 feet or more and the roof overhang projection is
1464 separated from an adjacent building projection by a distance of
1465 4 feet or more, with 1-hour fire-resistive construction on the
1466 underside of the overhang required, unless the separation
1467 between projections is 6 feet or more.

1468 Section 33. The Florida Building Commission shall adopt
1469 into the Florida Building Code, 5th Edition (2014) Energy
1470 Conservation, the following:

1471
1472 "Section 406 relating to the Alternative Performance Path,
1473 Energy Rating Index of the 2015 International Energy
1474 Conservation Code (IECC) may be used unmodified except as
1475 follows for Table R406.4 as an option for demonstrating
1476 compliance with the Florida Building Code, Energy Conservation.
1477 TABLE R406.4 MAXIMUM ENERGY RATING INDEX shall reflect the
1478 following energy rating index: for Climate Zone 1, an index of
1479 58; for Climate Zone 2, an index of 58."

1480 Section 34. The Florida Building Commission shall adopt
1481 into the Florida Building Code, 5th Edition (2014) Residential,
1482 the following, which shall be effective on July 1, 2016:

1483
1484 "Notwithstanding any other provision of code or law, the section
1485 setting forth shower lining requirements will include the
1486 following exceptions:

1487 Exceptions:

1488 1. Floor surfaces under showerheads provided for rinsing laid
1489 directly on the ground.



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1490 2. Shower compartments where the finished shower drain is
1491 depressed a minimum of 2 inches (51 mm) below the surrounding
1492 finished floor on the first floor level and the shower recess is
1493 poured integrally with the adjoining floor."

1494 Section 35. The Florida Building Commission shall amend the
1495 Florida Building Code, 5th Edition (2014) Residential, to
1496 provide that the minimum fire separation distance for non-fire
1497 resistant rated exterior walls shall be 3 feet or greater and
1498 non-fire resistant rated projections shall have a minimum fire
1499 separation distance of 3 feet or greater. Projections within 2
1500 feet and less than 3 feet shall include a one-hour fire-
1501 resistance rated on the underside. Projections less than 2 feet
1502 are not permitted. Penetrations of the exterior wall within less
1503 than 3 feet must comply with Dwelling Unit Rated Penetration.
1504 Penetrations 3 feet or greater are not required to have a fire-
1505 resistance rating. Openings in walls are unlimited with a fire
1506 separation distance of 3 feet or greater.

1507 Section 36. Notwithstanding any law, rule, or regulation to
1508 the contrary, a restaurant, cafeteria, or similar dining
1509 facility, including an associated commercial kitchen, is
1510 required to have sprinklers only if it has a fire area occupancy
1511 load of 200 patrons or more.

1512 Section 37. This act shall take effect July 1, 2016.

1513
1514 ===== T I T L E A M E N D M E N T =====

1515 And the title is amended as follows:

1516 Delete everything before the enacting clause
1517 and insert:

1518 A bill to be entitled



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1519 An act relating to building codes; amending s.
1520 468.609, F.S.; revising the certification examination
1521 requirements for building code inspectors, plans
1522 examiners, and building code administrators; requiring
1523 the Florida Building Code Administrators and
1524 Inspectors Board to provide for issuance of certain
1525 provisional certificates; amending s. 489.103, F.S.;
1526 providing an exemption for certain employees who make
1527 minor repairs to existing electric water heaters and
1528 to existing electric heating, venting, and air-
1529 conditioning systems under specified circumstances;
1530 providing that the exemption does not limit the
1531 authority of a municipality or county to adopt or
1532 enforce certain ordinances, rules, or regulations;
1533 amending s. 489.105, F.S.; revising the definition of
1534 the term "plumbing contractor"; amending s. 489.1401,
1535 F.S.; revising legislative intent with respect to the
1536 purpose of the Florida Homeowners' Construction
1537 Recovery Fund; providing legislative intent that
1538 Division II contractors set apart funds to participate
1539 in the fund; amending s. 489.1402, F.S.; revising
1540 definitions; amending s. 489.141, F.S.; authorizing
1541 certain claimants to make a claim against the recovery
1542 fund for certain contracts entered into before a
1543 specified date; amending s. 489.1425, F.S.; revising a
1544 notification provided by contractors to certain
1545 residential property owners to state that payment from
1546 the recovery fund is limited; amending s. 489.143,
1547 F.S.; revising provisions concerning payments from the



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1548 recovery fund; specifying claim amounts for certain
1549 contracts entered into before or after specified
1550 dates; providing aggregate caps for payments; amending
1551 s. 489.503, F.S.; exempting certain low-voltage
1552 landscape lighting from licensed electrical contractor
1553 installation requirements; amending s. 514.011, F.S.;
1554 revising the definition of the term "private pool";
1555 amending s. 514.0115, F.S.; prohibiting a portable
1556 pool from being regulated as a public pool in certain
1557 circumstances; amending s. 514.031, F.S.; providing
1558 that a portable pool may not be used as a public pool
1559 unless it is exempt under s. 514.0115, F.S.; amending
1560 s. 515.27, F.S.; adding swimming pool alarms as a
1561 safety feature that satisfies requirements for final
1562 inspection and issuance of a certificate of
1563 completion; amending s. 553.512, F.S.; revising the
1564 membership of the Accessibility Advisory Council;
1565 amending s. 553.721, F.S.; directing the Florida
1566 Building Code Compliance and Mitigation Program to
1567 fund, from existing resources, the recommendations
1568 made by the Building Code System Uniform
1569 Implementation Evaluation Workgroup; providing a
1570 limitation; requiring that a specified amount of funds
1571 from the surcharge be used to fund certain Florida
1572 Fire Prevention Code informal interpretations;
1573 requiring the State Fire Marshal to adopt specified
1574 rules; amending s. 553.73, F.S.; requiring the
1575 commission to update the Florida Building Code every 6
1576 years; providing the commission may address additional



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1577 issues in the code; authorizing local boards created
1578 to address specified issues to combine the appeals
1579 boards to create a single, local board; authorizing
1580 the local board to grant alternatives or modifications
1581 through specified procedures; requiring at least one
1582 member of a board to be a fire protection contractor,
1583 a fire protection design professional, a fire
1584 department operations professional, or a fire code
1585 enforcement professional in order to meet a specified
1586 quorum requirement; authorizing the appeal to a local
1587 administrative board of specified decisions made by a
1588 local fire official; specifying the decisions of the
1589 local building official and the local fire official
1590 which are subject to review; prohibiting an agency or
1591 local government from requiring that existing
1592 mechanical equipment located on or above the surface
1593 of a roof be installed in compliance with the Florida
1594 Building Code under certain circumstances; requiring
1595 the Florida Building Code to require two fire service
1596 access elevators in certain buildings; providing that
1597 a 1-hour fire-rated fire service access elevator lobby
1598 is not required in certain circumstances; requiring a
1599 1-hour fire-related fire service access elevator lobby
1600 in certain circumstances; amending s. 553.775, F.S.;
1601 revising the membership of a panel that hears requests
1602 to review decisions of local building officials;
1603 amending s. 553.79, F.S.; providing that an applicant
1604 that resubmits a building permit does not have to pay
1605 application fees to a local enforcement agency under



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1606 certain circumstances; providing that failure of a
1607 plans reviewer or building code administrator to
1608 provide a reason for denial or revocation of a
1609 building permit must result in disciplinary action;
1610 authorizing a building official to issue a permit for
1611 the construction of the foundation or any other part
1612 of a building or structure before the construction
1613 documents for the whole building or structure have
1614 been submitted; providing that the holder of such a
1615 permit may begin building at the holder's own risk
1616 with the building operation and without assurance that
1617 a permit for the entire structure will be granted;
1618 creating s. 553.7931, F.S.; defining the term
1619 "applicable local governmental entity"; requiring the
1620 owner, lessee, or occupant, or an authorized
1621 representative thereof, of a property to register an
1622 alarm system under certain circumstances; requiring a
1623 contractor to provide written notice to an owner,
1624 lessee, or occupant, or an authorized representative
1625 thereof, that an obligation to register the alarm
1626 system may exist; requiring alarm system companies to
1627 provide written or verbal notice, in certain
1628 circumstances, to an owner, lessee, or occupant, or an
1629 authorized representative thereof, that an obligation
1630 to register the alarm system may exist; providing that
1631 a contractor or alarm system monitoring company is not
1632 liable for specified fines and penalties; prohibiting
1633 local governmental entities from requiring
1634 notarization of an alarm system registration form;



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1635 providing for preemption; amending s. 553.80, F.S.;

1636 prohibiting a local enforcement agency from charging

1637 additional fees related to the recording of a

1638 contractor's license or workers' compensation

1639 insurance; amending s. 553.842, F.S.; providing that

1640 Underwriters Laboratories, LLC, and Intertek Testing

1641 Services NA, Inc., are approved evaluation entities;

1642 amending s. 553.844, F.S.; excluding work associated

1643 with the prevention of degradation of a residence from

1644 certain building permit requirements; deleting an

1645 obsolete provision providing for expiration of

1646 requirements for the adoption of certain mitigation

1647 techniques by the Florida Building Commission within

1648 the Florida Building Code for certain structures and

1649 revising the requirements; amending s. 553.883, F.S.;

1650 providing that a homeowner is not prohibited from

1651 using certain smoke alarms under certain

1652 circumstances; exempting certain devices from certain

1653 smoke alarm battery requirements; amending s. 553.908,

1654 F.S.; providing for the amendment of portions of the

1655 Florida Building Code, Energy Conservation, related to

1656 certain buildings and dwelling units after a specified

1657 date; delaying the effective date of certain portions

1658 of the Florida Building Code, Energy Conservation,

1659 related to blower door testing; providing for the

1660 amendment of portions of the Florida Building Code,

1661 Mechanical, related to air filtration rates for

1662 dwelling units after a specified date; amending s.

1663 553.993, F.S.; revising the definition of the term



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1664 "building energy-efficiency rating system" to require
1665 that oversight is performed using evaluation materials
1666 from certain identified entities; amending s. 633.202,
1667 F.S.; requiring all new and existing high-rise
1668 buildings to maintain a minimum radio signal strength
1669 for fire department communications; providing a
1670 transitory period for compliance; requiring existing
1671 buildings and existing apartment buildings that are
1672 not in compliance to initiate an application for an
1673 appropriate permit by a specified date; requiring
1674 areas of refuge as determined by the Florida Building
1675 Code, Accessibility; amending s. 633.208, F.S.;
1676 authorizing fire officials to consider certain systems
1677 acceptable for identifying low-cost alternatives;
1678 amending s. 633.336, F.S.; authorizing a licensed fire
1679 protection contractor to subcontract for advanced
1680 technical services under certain circumstances;
1681 creating the Calder Sloan Swimming Pool Electrical-
1682 Safety Task Force within the Florida Building
1683 Commission; specifying the purpose of the task force;
1684 requiring a report to the Governor and the Legislature
1685 by a specified date; providing for membership;
1686 requiring the Florida Building Commission to provide
1687 staff, information, and other assistance to the task
1688 force; providing that members of the task force serve
1689 without compensation; authorizing the task force to
1690 meet as often as necessary; providing for expiration
1691 of the task force; creating the Construction Industry
1692 Workforce Task Force within the University of Florida



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1693 M.E. Rinker, Sr., School of Construction Management;
1694 specifying the goals of the task force; providing for
1695 membership; requiring the University of Florida Rinker
1696 School of Construction to provide assistance to the
1697 task force; providing for meetings; requiring a report
1698 to the Governor and Legislature by a specified date;
1699 providing an appropriation from specified funds
1700 available to the Department of Business and
1701 Professional Regulation; providing for expiration of
1702 the task force; requiring the Florida Building
1703 Commission to amend the Florida Building Code to
1704 define the term "fire separation distance," to specify
1705 openings and roof overhang projection requirements, to
1706 adopt a specific energy rating index as an option for
1707 compliance, to provide for Climate Zone indices, to
1708 provide exceptions to the shower lining requirements,
1709 and to provide minimum fire separation distances;
1710 requiring a restaurant, cafeteria, or similar dining
1711 facility to have sprinklers only under specified
1712 circumstances; providing an effective date.