



744198

LEGISLATIVE ACTION

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

1           **Senate Amendment to Amendment (554986) (with title**  
2 **amendment)**

3  
4           Delete lines 513 - 1220  
5 and insert:

6 temporary pool used exclusively for providing swimming lessons  
7 or related instruction in support of an established educational  
8 program sponsored or provided by a county school district and a  
9 temporary pool used in conjunction with a sanctioned national or  
10 international swimming or diving competition event not to exceed



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11 30 consecutive days of use.

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

14 514.0115 Exemptions from supervision or regulation;  
15 variances.—

16 (3) A private pool used for instructional purposes in  
17 swimming may ~~shall~~ not be regulated as a public pool. A  
18 temporary pool used for instructional purposes or to further an  
19 approved educational program or used for a sanctioned national  
20 or international swimming or diving competition event, for a  
21 period of 30 consecutive days or less, may not be regulated as a  
22 public pool.

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

25 514.031 Permit necessary to operate public swimming pool.—

26 (5) An owner or operator of a public swimming pool,  
27 including, but not limited to, a spa, wading, or special purpose  
28 pool, to which admittance is obtained by membership for a fee  
29 shall post in a prominent location within the facility the most  
30 recent pool inspection report issued by the department  
31 pertaining to the health and safety conditions of such facility.  
32 The report shall be legible and readily accessible to members or  
33 potential members. The department shall adopt rules to enforce  
34 this subsection. A temporary ~~portable~~ pool may not be used as a  
35 public pool unless it is exempt under s. 514.0115.

36 Section 13. Section 515.27, Florida Statutes, is amended to  
37 read:

38 515.27 Residential swimming pool safety feature options;  
39 penalties.—



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40 (1) In order to pass final inspection and receive a  
41 certificate of completion, a residential swimming pool must meet  
42 at least one of the following requirements relating to pool  
43 safety features:

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

46 (b) The pool must be equipped with an approved safety pool  
47 cover;

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

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

55 (e) The pool must be equipped with a swimming pool alarm  
56 that, when placed in the pool, will sound upon detection of  
57 accidental or unauthorized entrance into the water. These pool  
58 alarms must meet and be independently certified to the ASTM  
59 Standard F 2208 "Standards Specification for Pool Alarms," which  
60 includes surface motion, pressure, sonar, laser, and infrared  
61 type alarms. For purposes of this paragraph, the term "swimming  
62 pool alarm" does not include a swimming protection alarm device  
63 designed for individual use, such as an alarm attached to a  
64 child that sounds when the child's movement exceeds a certain  
65 distance or the child becomes submerged in water.

66 (2) A person who fails to equip a new residential swimming  
67 pool with at least one pool safety feature as required in  
68 subsection (1) commits a misdemeanor of the second degree,



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69 punishable as provided in s. 775.082 or s. 775.083, except that  
70 no penalty shall be imposed if the person, within 45 days after  
71 arrest or issuance of a summons or a notice to appear, has  
72 equipped the pool with at least one safety feature as required  
73 in subsection (1) and has attended a drowning prevention  
74 education program established by s. 515.31. However, the  
75 requirement of attending a drowning prevention education program  
76 is waived if such program is not offered within 45 days after  
77 issuance of the citation.

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

80 553.512 Modifications and waivers; advisory council.—

81 (2) The Accessibility Advisory Council shall consist of the  
82 following seven members, who shall be knowledgeable in the area  
83 of accessibility for persons with disabilities. The Secretary of  
84 Business and Professional Regulation shall appoint the  
85 following: a representative from the Advocacy Center for Persons  
86 with Disabilities, Inc.; a representative from the Division of  
87 Blind Services; a representative from the Division of Vocational  
88 Rehabilitation; a representative from a statewide organization  
89 representing the physically handicapped; a representative from  
90 the hearing impaired; a representative from the Pensacola Pen  
91 Wheels Inc. Employ the Handicapped Council President, Florida  
92 Council of Handicapped Organizations; and a representative of  
93 the Paralyzed Veterans of America. The terms for the first three  
94 council members appointed subsequent to October 1, 1991, shall  
95 be for 4 years, the terms for the next two council members  
96 appointed shall be for 3 years, and the terms for the next two  
97 members shall be for 2 years. Thereafter, all council member



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98 appointments shall be for terms of 4 years. No council member  
99 shall serve more than two 4-year terms subsequent to October 1,  
100 1991. Any member of the council may be replaced by the secretary  
101 upon three unexcused absences. Upon application made in the form  
102 provided, an individual waiver or modification may be granted by  
103 the commission so long as such modification or waiver is not in  
104 conflict with more stringent standards provided in another  
105 chapter.

106 Section 15. Section 553.721, Florida Statutes, is amended  
107 to read:

108 553.721 Surcharge.—In order for the Department of Business  
109 and Professional Regulation to administer and carry out the  
110 purposes of this part and related activities, there is created a  
111 surcharge, to be assessed at the rate of 1.5 percent of the  
112 permit fees associated with enforcement of the Florida Building  
113 Code as defined by the uniform account criteria and specifically  
114 the uniform account code for building permits adopted for local  
115 government financial reporting pursuant to s. 218.32. The  
116 minimum amount collected on any permit issued shall be \$2. The  
117 unit of government responsible for collecting a permit fee  
118 pursuant to s. 125.56(4) or s. 166.201 shall collect the  
119 surcharge and electronically remit the funds collected to the  
120 department on a quarterly calendar basis for the preceding  
121 quarter and continuing each third month thereafter. The unit of  
122 government shall retain 10 percent of the surcharge collected to  
123 fund the participation of building departments in the national  
124 and state building code adoption processes and to provide  
125 education related to enforcement of the Florida Building Code.  
126 All funds remitted to the department pursuant to this section



127 shall be deposited in the Professional Regulation Trust Fund.  
128 Funds collected from the surcharge shall be allocated to fund  
129 the Florida Building Commission and the Florida Building Code  
130 Compliance and Mitigation Program under s. 553.841. Funds  
131 allocated to the Florida Building Code Compliance and Mitigation  
132 Program shall be \$925,000 each fiscal year. The Florida Building  
133 Code Compliance and Mitigation Program shall fund the  
134 recommendations made by the Building Code System Uniform  
135 Implementation Evaluation Workgroup, dated April 8, 2013, from  
136 existing resources, not to exceed \$30,000 in the 2016-2017  
137 fiscal year. Funds collected from the surcharge shall also be  
138 used to fund Florida Fire Prevention Code informal  
139 interpretations managed by the State Fire Marshal and shall be  
140 limited to \$15,000 each fiscal year. The State Fire Marshal  
141 shall adopt rules to address the implementation and expenditure  
142 of the funds allocated to fund the Florida Fire Prevention Code  
143 informal interpretations under this section. The funds collected  
144 from the surcharge may not be used to fund research on  
145 techniques for mitigation of radon in existing buildings. Funds  
146 used by the department as well as funds to be transferred to the  
147 Department of Health and the State Fire Marshal shall be as  
148 prescribed in the annual General Appropriations Act. The  
149 department shall adopt rules governing the collection and  
150 remittance of surcharges pursuant to chapter 120.

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

154 553.73 Florida Building Code.—

155 (11) (a) In the event of a conflict between the Florida



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156 Building Code and the Florida Fire Prevention Code and the Life  
157 Safety Code as applied to a specific project, the conflict shall  
158 be resolved by agreement between the local building code  
159 enforcement official and the local fire code enforcement  
160 official in favor of the requirement of the code which offers  
161 the greatest degree of lifesafety or alternatives which would  
162 provide an equivalent degree of lifesafety and an equivalent  
163 method of construction. Local boards created to address issues  
164 arising under the Florida Building Code or the Florida Fire  
165 Prevention Code may combine their appeals boards to create a  
166 single, local board having jurisdiction over matters arising  
167 under either code or both codes. The combined local appeals  
168 board may grant alternatives or modifications through procedures  
169 outlined in NFPA 1, Section 1.4, but may not waive the  
170 requirements of the Florida Fire Prevention Code. To meet the  
171 quorum requirement for convening the combined local appeals  
172 board, at least one member of the board who is a fire protection  
173 contractor, a fire protection design professional, a fire  
174 department operations professional, or a fire code enforcement  
175 professional must be present.

176 (b) Any decision made by the local fire official regarding  
177 application, interpretation, or enforcement of the Florida Fire  
178 Prevention Code, by ~~and~~ the local building official regarding  
179 application, interpretation, or enforcement of the Florida  
180 Building Code, or the appropriate application of either code or  
181 both codes in the case of a conflict between the codes may be  
182 appealed to a local administrative board designated by the  
183 municipality, county, or special district having firesafety  
184 responsibilities. If the decision of the local fire official and



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185 the local building official is to apply the provisions of either  
186 the Florida Building Code or the Florida Fire Prevention Code  
187 and the Life Safety Code, the board may not alter the decision  
188 unless the board determines that the application of such code is  
189 not reasonable. If the decision of the local fire official and  
190 the local building official is to adopt an alternative to the  
191 codes, the local administrative board shall give due regard to  
192 the decision rendered by the local officials and may modify that  
193 decision if the administrative board adopts a better  
194 alternative, taking into consideration all relevant  
195 circumstances. In any case in which the local administrative  
196 board adopts alternatives to the decision rendered by the local  
197 fire official and the local building official, such alternatives  
198 shall provide an equivalent degree of lifesafety and an  
199 equivalent method of construction as the decision rendered by  
200 the local officials.

201 (c) If the local building official and the local fire  
202 official are unable to agree on a resolution of the conflict  
203 between the Florida Building Code and the Florida Fire  
204 Prevention Code and the Life Safety Code, the local  
205 administrative board shall resolve the conflict in favor of the  
206 code which offers the greatest degree of lifesafety or  
207 alternatives which would provide an equivalent degree of  
208 lifesafety and an equivalent method of construction.

209 (d) All decisions of the local administrative board ~~7~~ or, if  
210 none exists, ~~the decisions of~~ the local building official and  
211 the local fire official in regard to the application,  
212 enforcement, or interpretation of the Florida Fire Prevention  
213 Code, or conflicts between the Florida Fire Prevention Code and





214 the Florida Building Code, are subject to review by a joint  
215 committee composed of members of the Florida Building Commission  
216 and the Fire Code Advisory Council. If the joint committee is  
217 unable to resolve conflicts between the codes as applied to a  
218 specific project, the matter shall be resolved pursuant to ~~the~~  
219 ~~provisions of~~ paragraph (1) (d). Decisions of the local  
220 administrative board related solely to the Florida Building Code  
221 are subject to review as set forth in s. 553.775.

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

225 (f) All decisions of the local building official and local  
226 fire official and all decisions of the administrative board  
227 shall be in writing and shall be binding upon a person but do  
228 not limit the authority of the State Fire Marshal or the Florida  
229 Building Commission pursuant to paragraph (1) (d) and ss. 633.104  
230 and 633.228. Decisions of general application shall be indexed  
231 by building and fire code sections and shall be available for  
232 inspection during normal business hours.

233 (15) An agency or local government may not require that  
234 existing mechanical equipment located on or above the surface of  
235 a roof be installed in compliance with the requirements of the  
236 Florida Building Code except during reroofing when the equipment  
237 is being replaced or moved ~~during reroofing~~ and is not in  
238 compliance with the provisions of the Florida Building Code  
239 relating to roof-mounted mechanical units.

240 (19) The Florida Building Code must require two fire  
241 service access elevators in all buildings with a height greater  
242 than 120 feet from the elevation of street-level access to the



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243 level of the highest occupiable floor. Any remaining elevators  
244 must be equipped for Phase I and Phase II emergency operations.  
245 If a fire service access elevator is required in a building, a  
246 1-hour fire-rated fire service access elevator lobby with direct  
247 access from the fire service access elevator is not required if  
248 the fire service access elevator opens into an exit access  
249 corridor, which cannot be less than 6 feet wide for its entire  
250 length, must have at least 150 square feet with the exception of  
251 door openings, and must have a minimum 1-hour fire rating with  
252 three-quarter-hour fire- and smoke-rated openings. During a fire  
253 event the fire service access elevator must be pressurized and  
254 floor-to-floor smoke control must be provided. However, if  
255 transient residential occupancies occur at floor levels more  
256 than 420 feet above the level of fire service access, a 1-hour  
257 fire-rated service access elevator lobby with direct access from  
258 the fire service access elevator is required.

259 Section 17. Paragraph (c) of subsection (3) of section  
260 553.775, Florida Statutes, is amended to read:

261 553.775 Interpretations.—

262 (3) The following procedures may be invoked regarding  
263 interpretations of the Florida Building Code or the Florida  
264 Accessibility Code for Building Construction:

265 (c) The commission shall review decisions of local building  
266 officials and local enforcement agencies regarding  
267 interpretations of the Florida Building Code or the Florida  
268 Accessibility Code for Building Construction after the local  
269 board of appeals has considered the decision, if such board  
270 exists, and if such appeals process is concluded within 25  
271 business days.



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272           1. The commission shall coordinate with the Building  
273 Officials Association of Florida, Inc., to designate a panel  
274 ~~panels~~ composed of seven ~~five~~ members to hear requests to review  
275 decisions of local building officials. Five ~~The~~ members must be  
276 licensed as building code administrators under part XII of  
277 chapter 468, one member must be licensed as an architect under  
278 chapter 481, and one member must be licensed as an engineer  
279 under chapter 471. Each member ~~and~~ must have experience  
280 interpreting or ~~and~~ enforcing provisions of the Florida Building  
281 Code and the Florida Accessibility Code for Building  
282 Construction.

283           2. Requests to review a decision of a local building  
284 official interpreting provisions of the Florida Building Code or  
285 the Florida Accessibility Code for Building Construction may be  
286 initiated by any substantially affected person, including an  
287 owner or builder subject to a decision of a local building  
288 official or an association of owners or builders having members  
289 who are subject to a decision of a local building official. In  
290 order to initiate review, the substantially affected person must  
291 file a petition with the commission. The commission shall adopt  
292 a form for the petition, which shall be published on the  
293 Building Code Information System. The form shall, at a minimum,  
294 require the following:

295           a. The name and address of the county or municipality in  
296 which provisions of the Florida Building Code or the Florida  
297 Accessibility Code for Building Construction are being  
298 interpreted.

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



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301           c. The name, address, and telephone number of the  
302 petitioner; the name, address, and telephone number of the  
303 petitioner's representative, if any; and an explanation of how  
304 the petitioner's substantial interests are being affected by the  
305 local interpretation of the Florida Building Code or the Florida  
306 Accessibility Code for Building Construction.

307           d. A statement of the provisions of the Florida Building  
308 Code or the Florida Accessibility Code for Building Construction  
309 which are being interpreted by the local building official.

310           e. A statement of the interpretation given to provisions of  
311 the Florida Building Code or the Florida Accessibility Code for  
312 Building Construction by the local building official and the  
313 manner in which the interpretation was rendered.

314           f. A statement of the interpretation that the petitioner  
315 contends should be given to the provisions of the Florida  
316 Building Code or the Florida Accessibility Code for Building  
317 Construction and a statement supporting the petitioner's  
318 interpretation.

319           g. Space for the local building official to respond in  
320 writing. The space shall, at a minimum, require the local  
321 building official to respond by providing a statement admitting  
322 or denying the statements contained in the petition and a  
323 statement of the interpretation of the provisions of the Florida  
324 Building Code or the Florida Accessibility Code for Building  
325 Construction which the local jurisdiction or the local building  
326 official contends is correct, including the basis for the  
327 interpretation.

328           3. The petitioner shall submit the petition to the local  
329 building official, who shall place the date of receipt on the



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330 petition. The local building official shall respond to the  
331 petition in accordance with the form and shall return the  
332 petition along with his or her response to the petitioner within  
333 5 days after receipt, exclusive of Saturdays, Sundays, and legal  
334 holidays. The petitioner may file the petition with the  
335 commission at any time after the local building official  
336 provides a response. If no response is provided by the local  
337 building official, the petitioner may file the petition with the  
338 commission 10 days after submission of the petition to the local  
339 building official and shall note that the local building  
340 official did not respond.

341 4. Upon receipt of a petition that meets the requirements  
342 of subparagraph 2., the commission shall immediately provide  
343 copies of the petition to the a panel, and the commission shall  
344 publish the petition, including any response submitted by the  
345 local building official, on the Building Code Information System  
346 in a manner that allows interested persons to address the issues  
347 by posting comments.

348 5. The panel shall conduct proceedings as necessary to  
349 resolve the issues; shall give due regard to the petitions, the  
350 response, and to comments posed on the Building Code Information  
351 System; and shall issue an interpretation regarding the  
352 provisions of the Florida Building Code or the Florida  
353 Accessibility Code for Building Construction within 21 days  
354 after the filing of the petition. The panel shall render a  
355 determination based upon the Florida Building Code or the  
356 Florida Accessibility Code for Building Construction or, if the  
357 code is ambiguous, the intent of the code. The panel's  
358 interpretation shall be provided to the commission, which shall



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359 publish the interpretation on the Building Code Information  
360 System and in the Florida Administrative Register. The  
361 interpretation shall be considered an interpretation entered by  
362 the commission, and shall be binding upon the parties and upon  
363 all jurisdictions subject to the Florida Building Code or the  
364 Florida Accessibility Code for Building Construction, unless it  
365 is superseded by a declaratory statement issued by the Florida  
366 Building Commission or by a final order entered after an appeal  
367 proceeding conducted in accordance with subparagraph 7.

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

373         7. Any substantially affected person may appeal an  
374 interpretation rendered by the ~~a hearing officer~~ panel by filing  
375 a petition with the commission. Such appeals shall be initiated  
376 in accordance with chapter 120 and the uniform rules of  
377 procedure and must be filed within 30 days after publication of  
378 the interpretation on the Building Code Information System or in  
379 the Florida Administrative Register. Hearings shall be conducted  
380 pursuant to chapter 120 and the uniform rules of procedure.  
381 Decisions of the commission are subject to judicial review  
382 pursuant to s. 120.68. The final order of the commission is  
383 binding upon the parties and upon all jurisdictions subject to  
384 the Florida Building Code or the Florida Accessibility Code for  
385 Building Construction.

386         8. The burden of proof in any proceeding initiated in  
387 accordance with subparagraph 7. is on the party who initiated



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388 the appeal.

389 9. In any review proceeding initiated in accordance with  
390 this paragraph, including any proceeding initiated in accordance  
391 with subparagraph 7., the fact that an owner or builder has  
392 proceeded with construction may not be grounds for determining  
393 an issue to be moot if the issue is one that is likely to arise  
394 in the future.

395

396 This paragraph provides the exclusive remedy for addressing  
397 requests to review local interpretations of the Florida Building  
398 Code or the Florida Accessibility Code for Building Construction  
399 and appeals from review proceedings.

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

402 553.79 Permits; applications; issuance; inspections.—

403 (1) After the effective date of the Florida Building Code  
404 adopted as herein provided, it shall be unlawful for any person,  
405 firm, corporation, or governmental entity to construct, erect,  
406 alter, modify, repair, or demolish any building within this  
407 state without first obtaining a permit therefor from the  
408 appropriate enforcing agency or from such persons as may, by  
409 appropriate resolution or regulation of the authorized state or  
410 local enforcing agency, be delegated authority to issue such  
411 permits, upon the payment of such reasonable fees adopted by the  
412 enforcing agency. The enforcing agency is empowered to revoke  
413 any such permit upon a determination by the agency that the  
414 construction, erection, alteration, modification, repair, or  
415 demolition of the building for which the permit was issued is in  
416 violation of, or not in conformity with, the provisions of the



417 Florida Building Code. Whenever a permit required under this  
418 section is denied or revoked because the plan, or the  
419 construction, erection, alteration, modification, repair, or  
420 demolition of a building, is found by the local enforcing agency  
421 to be not in compliance with the Florida Building Code, the  
422 local enforcing agency shall identify the specific plan or  
423 project features that do not comply with the applicable codes,  
424 identify the specific code chapters and sections upon which the  
425 finding is based, and provide this information to the permit  
426 applicant. Failure to provide a reason, based on compliance with  
427 the Florida Building Code or local ordinance, for a denial,  
428 revocation, or modification request to the applicant shall  
429 subject the plans reviewer or building code administrator  
430 responsible with creating the denial, revocation, or  
431 modification request to disciplinary action against his or her  
432 license pursuant to s. 468.621(1)(j). Installation, replacement,  
433 removal, or metering of any load management control device is  
434 exempt from and shall not be subject to the permit process and  
435 fees otherwise required by this section.

436 (6) A permit may not be issued for any building  
437 construction, erection, alteration, modification, repair, or  
438 addition unless the applicant for such permit complies with the  
439 requirements for plan review established by the Florida Building  
440 Commission within the Florida Building Code. However, the code  
441 shall set standards and criteria to authorize preliminary  
442 construction before completion of all building plans review,  
443 including, but not limited to, special permits for the  
444 foundation only, and such standards shall take effect concurrent  
445 with the first effective date of the Florida Building Code.





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446 After submittal of the appropriate construction documents, the  
447 building official may issue a permit for the construction of  
448 foundations or any other part of a building or structure before  
449 the construction documents for the whole building or structure  
450 have been submitted. If such a permit is issued, the  
451 permitholder may proceed at its own risk and without assurance  
452 that a permit for the entire structure will be granted.  
453 Corrections may be required to meet the requirements of the  
454 technical codes.

455 Section 19. Section 553.7931, Florida Statutes, is created  
456 to read:

457 553.7931 Alarm system registrations.-

458 (1) As used in this section, the term "applicable local  
459 governmental entity" means the local enforcement agency or local  
460 law enforcement agency responsible for the administration of  
461 alarm system registration in a jurisdiction.

462 (a) The owner, lessee, or occupant, or an authorized  
463 representative thereof, of a property must register their alarm  
464 system with the applicable local governmental entity if such  
465 entity requires registration of an alarm system.

466 (b)1. A contractor, as defined in s. 553.793, or an alarm  
467 system monitoring company that installs a monitored alarm system  
468 shall provide written notice, on paper or electronically, to an  
469 owner, a lessee, or an occupant, or an authorized representative  
470 thereof, before activation or reactivation of an alarm system,  
471 that an obligation to register the alarm system with an  
472 applicable local governmental entity may exist.

473 2. An alarm system monitoring company that activates an  
474 alarm system installed by an owner, a lessee, or an occupant, or



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475 an authorized representative thereof, shall provide verbal  
476 notice to the owner, lessee, or occupant, or authorized  
477 representative thereof, before activation or reactivation of an  
478 alarm system, that an obligation to register the alarm system  
479 with an applicable local governmental entity may exist.

480 (2) A contractor or an alarm system monitoring company  
481 shall not be liable for civil penalties and fines assessed or  
482 imposed by the applicable local governmental entity for failure  
483 to register an alarm system, dispatch to an unregistered user,  
484 or for excessive false alarms not attributed to alarm system  
485 monitoring company error or improper installation by the  
486 contractor or alarm system monitoring company.

487 (3) A municipality, county, district, or other local  
488 governmental entity may not require that an alarm system  
489 registration form be notarized before an alarm system may be  
490 registered.

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

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

497 553.80 Enforcement.—

498 (7) The governing bodies of local governments may provide a  
499 schedule of reasonable fees, as authorized by s. 125.56(2) or s.  
500 166.222 and this section, for enforcing this part. These fees,  
501 and any fines or investment earnings related to the fees, shall  
502 be used solely for carrying out the local government's  
503 responsibilities in enforcing the Florida Building Code. When



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504 providing a schedule of reasonable fees, the total estimated  
505 annual revenue derived from fees, and the fines and investment  
506 earnings related to the fees, may not exceed the total estimated  
507 annual costs of allowable activities. Any unexpended balances  
508 shall be carried forward to future years for allowable  
509 activities or shall be refunded at the discretion of the local  
510 government. The basis for a fee structure for allowable  
511 activities shall relate to the level of service provided by the  
512 local government and shall include consideration for refunding  
513 fees due to reduced services based on services provided as  
514 prescribed by s. 553.791, but not provided by the local  
515 government. Fees charged shall be consistently applied.

516 (d) The local enforcement agency may not require the  
517 payment of any additional fees, charges, or expenses associated  
518 with:

- 519 1. Providing proof of licensure pursuant to chapter 489;  
520 2. Recording or filing a license issued pursuant to this  
521 chapter; or  
522 3. Providing, recording, or filing evidence of workers'  
523 compensation insurance coverage as required by chapter 440.

524 Section 21. Paragraph (a) of subsection (8) of section  
525 553.842, Florida Statutes, is amended to read:

526 553.842 Product evaluation and approval.—

527 (8) The commission may adopt rules to approve the following  
528 types of entities that produce information on which product  
529 approvals are based. All of the following entities, including  
530 engineers and architects, must comply with a nationally  
531 recognized standard demonstrating independence or no conflict of  
532 interest:



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533 (a) Evaluation entities approved pursuant to this  
534 paragraph. The commission shall specifically approve the  
535 National Evaluation Service, the International Association of  
536 Plumbing and Mechanical Officials Evaluation Service, the  
537 International Code Council Evaluation Services, Underwriters  
538 Laboratories, LLC, Intertek Testing Services NA, Inc., and the  
539 Miami-Dade County Building Code Compliance Office Product  
540 Control Division. Architects and engineers licensed in this  
541 state are also approved to conduct product evaluations as  
542 provided in subsection (5).

543 Section 22. Paragraph (c) of subsection (3) of section  
544 553.844, Florida Statutes, is amended and subsection (4) of that  
545 section is revived, readopted, and amended to read:

546 553.844 Windstorm loss mitigation; requirements for roofs  
547 and opening protection.—

548 (3) The Legislature finds that the integration of these  
549 specifically identified mitigation measures is critical to  
550 addressing the serious problem facing the state from damage  
551 caused by windstorms and that delay in the adoption and  
552 implementation constitutes a threat to the health, safety, and  
553 welfare of the state. Accordingly, the Florida Building  
554 Commission shall develop and adopt these measures by October 1,  
555 2007, by rule separate from the Florida Building Code, which  
556 take immediate effect and shall incorporate such requirements  
557 into the next edition of the Florida Building Code. Such rules  
558 shall require or otherwise clarify that for site-built, single-  
559 family residential structures:

560 (c) Any activity requiring a building permit, not including  
561 work associated with the prevention of degradation of the



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562 residence, that is applied for on or after July 1, 2008, and for  
563 which the estimated cost is \$50,000 or more, must include  
564 provision of opening protections as required within the Florida  
565 Building Code for new construction for a building that is  
566 located in the wind-borne debris region as defined in s. 1609.2  
567 of the International Building Code (2006) and that has an  
568 insured value of \$750,000 or more, or, if the building is  
569 uninsured or for which documentation of insured value is not  
570 presented, has a just valuation for the structure for purposes  
571 of ad valorem taxation of \$750,000 or more.

572 (4) Notwithstanding the provisions of this section, exposed  
573 mechanical equipment or appliances fastened to a roof or  
574 installed on the ground in compliance with the code using rated  
575 stands, platforms, curbs, slabs, walls, or other means are  
576 deemed to comply with the wind resistance requirements of the  
577 2007 Florida Building Code, as amended. Further support or  
578 enclosure of such mechanical equipment or appliances is not  
579 required by a state or local official having authority to  
580 enforce the Florida Building Code. ~~This subsection expires on~~  
581 ~~the effective date of the 2013 Florida Building Code.~~

582 Section 23. Section 553.883, Florida Statutes, is amended  
583 to read:

584 553.883 Smoke alarms in one-family and two-family dwellings  
585 and townhomes.—One-family and two-family dwellings and townhomes  
586 undergoing a repair, or a level 1 alteration as defined in the  
587 Florida Building Code, may use smoke alarms powered by 10-year  
588 nonremovable, nonreplaceable batteries in lieu of retrofitting  
589 such dwelling with smoke alarms powered by the dwelling's  
590 electrical system. ~~Effective January 1, 2015,~~ A battery-powered



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591 smoke alarm that is newly installed or replaces an existing  
592 battery-powered smoke alarm as a result of a level 1 alteration,  
593 must be powered by a nonremovable, nonreplaceable battery that  
594 powers the alarm for at least 10 years. The battery requirements  
595 of this section do not apply to a fire alarm, smoke detector,  
596 smoke alarm, or ancillary component that is electronically  
597 connected as a part of a centrally monitored or supervised alarm  
598 system; that uses a low-power radio frequency wireless  
599 communication signal; or that contains multiple sensors, such as  
600 a smoke alarm combined with a carbon monoxide alarm or other  
601 multi-sensor devices, and is approved and listed by a nationally  
602 recognized testing laboratory.

603 Section 24. Section 553.908, Florida Statutes, is amended  
604 to read:

605 553.908 Inspection.—Before construction or renovation is  
606 completed, the local enforcement agency shall inspect buildings  
607 for compliance with the standards of this part. Notwithstanding  
608 any other provision of the code or law, effective July 1, 2016,  
609 section R402.4.1.2 of the Florida Building Code, 5th Edition  
610 (2014) Energy Conservation, which became effective on June 30,  
611 2015, shall increase the building's or dwelling unit's maximum  
612 tested air leakage measure from "not exceeding 5 air changes per  
613 hour" to "not exceeding 7 air changes per hour" in Climate Zones  
614 1 and 2. The mandatory blower door testing for residential  
615 buildings or dwelling units as contained in section R402.1.2 of  
616 the Florida Building Code, 5th Edition (2014) Energy  
617 Conservation, may not take effect until July 1, 2016, and does  
618 not apply to construction permitted before July 1, 2017.  
619 Additionally, section M401.2 of the Florida Building Code, 5th



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620 Edition (2014) Mechanical, which became effective on June 30,  
621 2015, shall decrease the air filtration rate in a dwelling unit  
622 from "less than 5" to "less than 3" air changes per hour when  
623 tested with a blower door at a pressure of 0.2-inch water column  
624 (50 Pascals) in accordance with Section R402.4.1.2 of the  
625 Florida Building Code, 5th Edition (2014) Energy Conservation.

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

628 553.993 Definitions.—For purposes of this part:

629 (3) "Building energy-efficiency rating system" means a  
630 whole building energy evaluation system that provides a reliable  
631 and scientifically based analysis of a building's energy  
632 consumption or energy features and allows a comparison to  
633 similar building types in similar climate zones where  
634 applicable. Specifically, the rating system shall use standard  
635 calculations, formulas, and scoring methods; be applicable  
636 nationally; compare a building to a clearly defined and  
637 researched baseline or benchmark; require qualified  
638 professionals to conduct the rating or assessment; and provide a  
639 labeling and recognition program with specific criteria or  
640 levels. Residential program benchmarks for new construction must  
641 be consistent with national building standards. Residential  
642 building program benchmarks for existing construction must be  
643 consistent with national home energy rating standards. The  
644 building energy-efficiency rating system shall require at least  
645 one level of oversight performed by an organized and balanced  
646 group of professionals with subject matter expertise in energy  
647 efficiency, energy rating, and evaluation methods established by  
648 the Residential Energy Services Network, the Commercial Energy



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649 Services Network, the Building Performance Institute, the  
650 American Society of Heating, Refrigerating and Air-Conditioning  
651 Engineers, or the

652  
653 ===== T I T L E A M E N D M E N T =====

654 And the title is amended as follows:

655 Delete lines 1555 - 1652

656 and insert:

657 amending s. 514.0115, F.S.; prohibiting a temporary  
658 pool from being regulated as a public pool in certain  
659 circumstances; amending s. 514.031, F.S.; providing  
660 that a temporary pool may not be used as a public pool  
661 unless it is exempt under s. 514.0115, F.S.; amending  
662 s. 515.27, F.S.; adding swimming pool alarms as a  
663 safety feature that satisfies requirements for final  
664 inspection and issuance of a certificate of  
665 completion; amending s. 553.512, F.S.; revising the  
666 membership of the Accessibility Advisory Council;  
667 amending s. 553.721, F.S.; directing the Florida  
668 Building Code Compliance and Mitigation Program to  
669 fund, from existing resources, the recommendations  
670 made by the Building Code System Uniform  
671 Implementation Evaluation Workgroup; providing a  
672 limitation; requiring that a specified amount of funds  
673 from the surcharge be used to fund certain Florida  
674 Fire Prevention Code informal interpretations;  
675 requiring the State Fire Marshal to adopt specified  
676 rules; amending s. 553.73, F.S.; authorizing local  
677 boards created to address specified issues to combine





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678 the appeals boards to create a single, local board;  
679 authorizing the local board to grant alternatives or  
680 modifications through specified procedures; requiring  
681 at least one member of a board to be a fire protection  
682 contractor, a fire protection design professional, a  
683 fire department operations professional, or a fire  
684 code enforcement professional in order to meet a  
685 specified quorum requirement; authorizing the appeal  
686 to a local administrative board of specified decisions  
687 made by a local fire official; specifying the  
688 decisions of the local building official and the local  
689 fire official which are subject to review; prohibiting  
690 an agency or local government from requiring that  
691 existing mechanical equipment located on or above the  
692 surface of a roof be installed in compliance with the  
693 Florida Building Code under certain circumstances;  
694 requiring the Florida Building Code to require two  
695 fire service access elevators in certain buildings;  
696 providing that a 1-hour fire-rated fire service access  
697 elevator lobby is not required in certain  
698 circumstances; requiring a 1-hour fire-related fire  
699 service access elevator lobby in certain  
700 circumstances; amending s. 553.775, F.S.; revising the  
701 membership of a panel that hears requests to review  
702 decisions of local building officials; amending s.  
703 553.79, F.S.; providing that failure of a plans  
704 reviewer or building code administrator to provide a  
705 reason for denial or revocation of a building permit  
706 must result in disciplinary action; authorizing a



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707 building official to issue a permit for the  
708 construction of the foundation or any other part of a  
709 building or structure before the construction  
710 documents for the whole building or structure have  
711 been submitted; providing that the holder of such a  
712 permit may begin building at the holder's own risk  
713 with the building operation and without assurance that  
714 a permit for the entire structure will be granted;  
715 creating s. 553.7931, F.S.; defining the term  
716 "applicable local governmental entity"; requiring the  
717 owner, lessee, or occupant, or an authorized  
718 representative thereof, of a property to register an  
719 alarm system under certain circumstances; requiring a  
720 contractor to provide written notice to an owner,  
721 lessee, or occupant, or an authorized representative  
722 thereof, that an obligation to register the alarm  
723 system may exist; requiring alarm system monitoring  
724 companies to provide written or verbal notice, in  
725 certain circumstances, to an owner, lessee, or  
726 occupant, or an authorized representative thereof,  
727 that an obligation to register the alarm system may  
728 exist; providing that a contractor or alarm system  
729 monitoring company is not liable for specified fines  
730 and penalties; prohibiting local governmental entities  
731 from requiring notarization of an alarm system  
732 registration form; providing for preemption; amending  
733 s. 553.80, F.S.; prohibiting a local enforcement  
734 agency from charging additional fees related to the  
735 recording of a contractor's license or workers'



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736 compensation insurance; amending s. 553.842, F.S.;

737 providing that Underwriters Laboratories, LLC, and

738 Intertek Testing Services NA, Inc., are approved

739 evaluation entities; amending s. 553.844, F.S.;

740 excluding work associated with the prevention of

741 degradation of a residence from certain building

742 permit requirements; deleting an obsolete provision

743 providing for expiration of requirements for the

744 adoption of certain mitigation techniques by the

745 Florida Building Commission within the Florida

746 Building Code for certain structures and revising the

747 requirements; amending s. 553.883, F.S.; exempting

748 certain devices from certain