

By Senator Hutson

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1 A bill to be entitled
2 An act relating to building codes; amending s.
3 468.609, F.S.; revising the certification examination
4 requirements for building code inspectors, plans
5 examiners, and building code administrators; requiring
6 the Florida Building Code Administrators and
7 Inspectors Board to provide for issuance of certain
8 provisional certificates; amending ss. 468.627,
9 471.0195, 481.215, and 481.313, F.S.; requiring a
10 licensee or certificateholder to undergo code-related
11 training as part of his or her continuing education
12 courses; amending s. 489.103, F.S.; providing an
13 exemption for certain employees who make minor repairs
14 to existing electric water heaters and to existing
15 electric heating, venting, and air-conditioning
16 systems under specified circumstances; amending s.
17 489.105, F.S.; revising the definition of the term
18 "plumbing contractor"; amending s. 489.115, F.S.;
19 requiring a certificateholder or registrant to undergo
20 code-related training as part of his or her continuing
21 education requirements; amending s. 489.1401, F.S.;
22 revising legislative intent with respect to the
23 purpose of the Florida Homeowners' Construction
24 Recovery Fund; providing legislative intent that
25 Division II contractors set apart funds to participate
26 in the fund; amending s. 489.1402, F.S.; revising
27 definitions; amending s. 489.141, F.S.; authorizing
28 certain claimants to make a claim against the recovery
29 fund for certain contracts entered into before a

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30 specified date; amending s. 489.1425, F.S.; revising a
31 notification provided by contractors to certain
32 residential property owners to state that payment from
33 the recovery fund is limited; amending s. 489.143,
34 F.S.; revising provisions concerning payments from the
35 recovery fund; specifying claim amounts for certain
36 contracts entered into before or after specified
37 dates; providing aggregate caps for payments; amending
38 s. 489.503, F.S.; exempting certain low-voltage
39 landscape lighting from licensed electrical contractor
40 installation requirements; amending s. 489.517, F.S.;
41 requiring a certificateholder or registrant to undergo
42 code-related training as part of his or her continuing
43 education requirements; amending s. 514.011, F.S.;
44 revising the definition of the term "private pool";
45 amending s. 514.0115, F.S.; prohibiting a portable
46 pool from being regulated as a public pool in certain
47 circumstances; amending s. 514.031, F.S.; providing
48 that a portable pool may not be used as a public pool
49 unless it is exempt under s. 514.0115, F.S.; amending
50 s. 553.512, F.S.; revising the membership of the
51 Accessibility Advisory Council; amending s. 553.721,
52 F.S.; directing the Florida Building Code Compliance
53 and Mitigation Program to fund, from existing
54 resources, the recommendations made by the Building
55 Code System Uniform Implementation Evaluation
56 Workgroup; providing a limitation; requiring that a
57 specified amount of funds from the surcharge be used
58 to fund certain Florida Fire Prevention Code informal

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59 interpretations; requiring the State Fire Marshal to
60 adopt specified rules; amending s. 553.73, F.S.;

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

70 authorizing the appeal to a local administrative board
71 of specified decisions made by a local fire official;
72 specifying the decisions of the local building
73 official and the local fire official which are subject
74 to review; prohibiting an agency or local government
75 from requiring that existing mechanical equipment
76 located on or above the surface of a roof be installed
77 in compliance with the Florida Building Code under
78 certain circumstances; prohibiting the Florida
79 Building Code from requiring more than one fire access
80 elevator in certain buildings; prohibiting a 1-hour
81 fire-rated fire service access elevator lobby from
82 being required in certain circumstances; requiring a
83 1-hour fire-related fire service access elevator lobby
84 in certain circumstances; providing that the
85 requirement for a second fire service access elevator
86 is not considered a part of the Florida Building Code;
87 amending s. 553.775, F.S.; revising membership on a

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88 panel that hears requests to review decisions of local
89 building officials; amending s. 553.79, F.S.;

90 authorizing a building official to issue a permit for
91 the construction of the foundation or any other part
92 of a building or structure before the construction
93 documents for the whole building or structure have
94 been submitted; providing that the holder of such
95 permit shall begin building at the holder's own risk
96 with the building operation and without assurance that
97 a permit for the entire structure will be granted;

98 amending s. 553.841, F.S.; authorizing the Department
99 of Business and Professional Regulation to maintain,
100 update, develop, or cause to be developed code-related
101 training and education; removing provisions related to
102 the development of advanced courses with respect to
103 the Florida Building Code Compliance and Mitigation
104 Program and the accreditation of courses related to
105 the Florida Building Code; amending s. 553.842, F.S.;

106 providing that Underwriters Laboratories, LLC, is an
107 approved evaluation entity; amending s. 553.883, F.S.;

108 exempting certain devices from certain smoke alarm
109 battery requirements; amending s. 553.908, F.S.;

110 restricting certain provisions of the Florida Building
111 Code or law relating to air sealing and insulation
112 from becoming effective; prohibiting certain
113 governmental entities from requiring certain HVAC type
114 tests in specific buildings; amending s. 633.202,
115 F.S.; requiring all new high-rise and existing high-
116 rise buildings to maintain a minimum radio signal

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117 strength for fire department communications; providing
118 a transitory period for compliance; requiring existing
119 buildings and existing apartment buildings that are
120 not in compliance to initiate an application for an
121 appropriate permit by a specified date; requiring
122 areas of refuge to be required as determined by the
123 Florida Building Code-Accessibility; amending s.
124 633.206, F.S.; providing that certain provisions may
125 be applied to existing assisted living facilities
126 notwithstanding the edition of the codes applied at
127 the time of construction; amending s. 633.208, F.S.;
128 authorizing fire officials to consider certain systems
129 as acceptable systems when identifying low-cost
130 alternatives; amending s. 633.336, F.S.; authorizing a
131 licensed fire protection contractor to subcontract for
132 advanced technical services under certain
133 circumstances; amending s. 120.541, F.S., relating to
134 statements of estimated regulatory costs; deleting
135 exemptions from legislative ratification for certain
136 updates and amendments to the Florida Building Code
137 and the Florida Fire Prevention Code; amending s.
138 120.80, F.S.; revising the exemption from legislative
139 ratification for certain provisions of the Florida
140 Building Code and the Florida Fire Prevention Code;
141 requiring a statement of estimated regulatory costs to
142 evaluate each new section of certain codes under
143 certain circumstances; creating the Calder Sloan
144 Swimming Pool Electrical-Safety Task Force within the
145 Florida Building Commission; specifying the purpose of

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146 the task force; requiring a report to the Governor and
147 the Legislature by a specified date; providing for
148 membership; requiring the Florida Building Commission
149 to provide staff, information, and other assistance to
150 the task force; providing that members of the task
151 force serve without compensation; authorizing the task
152 force to meet as often as necessary; providing for
153 future repeal of the task force; providing an
154 effective date.

155
156 Be It Enacted by the Legislature of the State of Florida:

157
158 Section 1. Subsections (2), (3), and (7) of section
159 468.609, Florida Statutes, are amended to read:

160 468.609 Administration of this part; standards for
161 certification; additional categories of certification.—

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

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

166 (b) Is of good moral character.

167 (c) Meets eligibility requirements according to one of the
168 following criteria:

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

172 2. Demonstrates a combination of postsecondary education in
173 the field of construction or a related field and experience
174 which totals 4 years, with at least 1 year of such total being

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175 experience in construction, building code inspection, or plans
176 review;

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

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

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

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

215 6. Currently holds a standard certificate issued by the
216 board or a firesafety inspector license issued pursuant to
217 chapter 633 and:

218 a. Has at least 5 years' verifiable full-time experience as
219 an inspector or plans examiner in a standard certification
220 category currently held or has a minimum of 5 years' verifiable
221 full-time experience as a firesafety inspector licensed pursuant
222 to chapter 633.

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

232 (3) A person may take the examination for certification as

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233 a building code administrator pursuant to this part if the
234 person:

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

236 (b) Is of good moral character.

237 (c) Meets eligibility requirements according to one of the
238 following criteria:

239 1. Demonstrates 10 years' combined experience as an
240 architect, engineer, plans examiner, building code inspector,
241 registered or certified contractor, or construction
242 superintendent, with at least 5 years of such experience in
243 supervisory positions; or

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

255 (7) (a) The board shall ~~may~~ provide for the issuance of
256 provisional certificates valid for 1 year, as specified by board
257 rule, to any newly employed or promoted building code inspector
258 or plans examiner who meets the eligibility requirements
259 described in subsection (2) and any newly employed or promoted
260 building code administrator who meets the eligibility
261 requirements described in subsection (3). The provisional

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262 license may be renewed by the board for just cause; however, a
263 provisional license is not valid for a period longer than 3
264 years.

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

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

275 (d) A newly employed or hired person may perform the duties
276 of a plans examiner or building code inspector for 120 days if a
277 provisional certificate application has been submitted if such
278 person is under the direct supervision of a certified building
279 code administrator who holds a standard certification and who
280 has found such person qualified for a provisional certificate.
281 Direct supervision and the determination of qualifications may
282 also be provided by a building code administrator who holds a
283 limited or provisional certificate in a county having a
284 population of fewer than 75,000 and in a municipality located
285 within such county.

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

288 468.627 Application; examination; renewal; fees.—

289 (5) The certificateholder shall provide proof, in a form
290 established by board rule, that the certificateholder has

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

305 Section 3. Section 471.0195, Florida Statutes, is amended
306 to read:

307 471.0195 Florida Building Code training for engineers.—All
308 licensees actively participating in the design of engineering
309 works or systems in connection with buildings, structures, or
310 facilities and systems covered by the Florida Building Code
311 shall take continuing education courses and submit proof to the
312 board, at such times and in such manner as established by the
313 board by rule, that the licensee has completed any specialized
314 or code-related training ~~advanced courses~~ on any portion of the
315 Florida Building Code applicable to the licensee's area of
316 practice. The board shall record reported continuing education
317 courses on a system easily accessed by code enforcement
318 jurisdictions for evaluation when determining license status for
319 purposes of processing design documents. Local jurisdictions

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320 shall be responsible for notifying the board when design
321 documents are submitted for building construction permits by
322 persons who are not in compliance with this section. The board
323 shall take appropriate action as provided by its rules when such
324 noncompliance is determined to exist.

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

327 481.215 Renewal of license.—

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

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

336 481.313 Renewal of license.—

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

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

345 489.103 Exemptions.—This part does not apply to:

346 (23) An employee of an apartment community or apartment
347 community management company who makes minor repairs to existing
348 electric water heaters or to existing electric heating, venting,

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349 and air-conditioning systems if:

350 (a) The employee:

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

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

355 3. Receives compensation from and is under the supervision
356 and control of an employer who deducts the FICA and withholding
357 tax and who provides workers' compensation, as prescribed by
358 law.

359 4. Holds a current certificate for apartment maintenance
360 technicians issued by the National Apartment Association and
361 accredited by the American National Standards Institute.
362 Requirements for obtaining such certificate must include at
363 least:

364 a. One year of apartment or rental housing maintenance
365 experience.

366 b. Successful completion of at least 90 hours of courses or
367 online content that covers electrical maintenance and repair;
368 plumbing maintenance and repair; heating, venting, or air-
369 conditioning system maintenance and repair; appliance
370 maintenance and repair; and interior and exterior maintenance
371 and repair.

372 c. Completion of all examination requirements.

373 (b) The equipment:

374 1. Is already installed on the property owned by the
375 apartment community or managed by the apartment community
376 management company.

377 2. Is not being modified except to replace components

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378 necessary to return the equipment to its original condition and
379 the partial disassembly associated with the replacement.

380 3. Is a type of equipment commonly installed in similar
381 locations.

382 4. Is repaired with new parts that are functionally
383 identical to the parts being replaced.

384 (c) An individual repair does not involve replacement parts
385 that cost more than \$1,000. An individual repair may not be so
386 extensive as to be a functional replacement of the electric
387 water heater or the existing electric heating, venting, or air-
388 conditioning system being repaired.

389 (d) The property owned by the apartment community or
390 managed by the apartment community management company includes
391 at least 100 apartments.

392 Section 7. Paragraph (m) of subsection (3) of section
393 489.105, Florida Statutes, is amended to read:

394 489.105 Definitions.—As used in this part:

395 (3) "Contractor" means the person who is qualified for, and
396 is only responsible for, the project contracted for and means,
397 except as exempted in this part, the person who, for
398 compensation, undertakes to, submits a bid to, or does himself
399 or herself or by others construct, repair, alter, remodel, add
400 to, demolish, subtract from, or improve any building or
401 structure, including related improvements to real estate, for
402 others or for resale to others; and whose job scope is
403 substantially similar to the job scope described in one of the
404 paragraphs of this subsection. For the purposes of regulation
405 under this part, the term "demolish" applies only to demolition
406 of steel tanks more than 50 feet in height; towers more than 50

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407 feet in height; other structures more than 50 feet in height;
408 and all buildings or residences. Contractors are subdivided into
409 two divisions, Division I, consisting of those contractors
410 defined in paragraphs (a)-(c), and Division II, consisting of
411 those contractors defined in paragraphs (d)-(q):

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

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

459 Section 8. Paragraph (b) of subsection (4) of section
460 489.115, Florida Statutes, is amended to read:

461 489.115 Certification and registration; endorsement;
462 reciprocity; renewals; continuing education.—

463 (4)

464 (b)1. Each certificateholder or registrant shall provide

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

485 2. In addition, the board may approve specialized
486 continuing education courses on compliance with the wind
487 resistance provisions for one and two family dwellings contained
488 in the Florida Building Code and any alternate methodologies for
489 providing such wind resistance which have been approved for use
490 by the Florida Building Commission. Division I
491 certificateholders or registrants who demonstrate proficiency
492 upon completion of such specialized courses may certify plans
493 and specifications for one and two family dwellings to be in

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494 compliance with the code or alternate methodologies, as
495 appropriate, except for dwellings located in floodways or
496 coastal hazard areas as defined in ss. 60.3D and E of the
497 National Flood Insurance Program.

498 3. The board shall require, by rule adopted pursuant to ss.
499 120.536(1) and 120.54, a specified number of hours in
500 specialized or code-related training advanced module courses,
501 ~~approved by the Florida Building Commission~~, on any portion of
502 the Florida Building Code, adopted pursuant to part IV of
503 chapter 553, relating to the contractor's respective discipline.

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

506 489.1401 Legislative intent.—

507 (2) It is the intent of the Legislature that the sole
508 purpose of the Florida Homeowners' Construction Recovery Fund is
509 to compensate an ~~any~~ aggrieved claimant who contracted for the
510 construction or improvement of the homeowner's residence located
511 within this state and who has obtained a final judgment in a a ~~any~~
512 court of competent jurisdiction, was awarded restitution by the
513 Construction Industry Licensing Board, or received an award in
514 arbitration against a licensee on grounds of financial
515 mismanagement or misconduct, abandoning a construction project,
516 or making a false statement with respect to a project. Such
517 grievance must arise ~~and arising~~ directly out of a a ~~any~~
518 transaction conducted when the judgment debtor was licensed and
519 must involve an act ~~performed any of the activities~~ enumerated
520 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence~~.

521 (3) It is the intent of the Legislature that Division I and
522 Division II contractors set apart funds for the specific

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523 objective of participating in the fund.

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

526 489.1402 Homeowners' Construction Recovery Fund;
527 definitions.—

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

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

532 (i) "Residence" means a single-family residence, an
533 individual residential condominium or cooperative unit, or a
534 residential building containing not more than two residential
535 units in which the owner contracting for the improvement is
536 residing or will reside 6 months or more each calendar year upon
537 completion of the improvement.

538 (k) "Same transaction" means a contract, or a ~~any~~ series of
539 contracts, between a claimant and a contractor or qualified
540 business, when such contract or contracts involve the same
541 property or contiguous properties and are entered into either at
542 one time or serially.

543 (l) "Valid and current license," for the purpose of s.
544 489.141(2)(d), means a ~~any~~ license issued pursuant to this part
545 to a licensee, including a license in an active, inactive,
546 delinquent, or suspended status.

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

549 489.141 Conditions for recovery; eligibility.—

550 (1) A ~~Any~~ claimant is eligible to seek recovery from the
551 recovery fund after making ~~having made~~ a claim and exhausting

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552 the limits of any available bond, cash bond, surety, guarantee,
553 warranty, letter of credit, or policy of insurance if, ~~provided~~
554 ~~that~~ each of the following conditions is satisfied:

555 (a) The claimant has received a final judgment in a court
556 of competent jurisdiction in this state or has received an award
557 in arbitration or the Construction Industry Licensing Board has
558 issued a final order directing the licensee to pay restitution
559 to the claimant. The board may waive this requirement if:

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

562 2. The claimant has sought to have assets involving the
563 transaction that gave rise to the claim removed from the
564 bankruptcy proceedings so that the matter might be heard in a
565 court of competent jurisdiction in this state and, after due
566 diligence, the claimant is precluded by action of the bankruptcy
567 court from securing a final judgment against the licensee.

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

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

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

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

575 1. The claimant has caused to be issued a writ of execution
576 upon such judgment, and the officer executing the writ has made
577 a return showing that no personal or real property of the
578 judgment debtor or licensee liable to be levied upon in
579 satisfaction of the judgment can be found or that the amount
580 realized on the sale of the judgment debtor's or licensee's

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581 property pursuant to such execution was insufficient to satisfy
582 the judgment;

583 2. If the claimant is unable to comply with subparagraph 1.
584 for a valid reason to be determined by the board, the claimant
585 has made all reasonable searches and inquiries to ascertain
586 whether the judgment debtor or licensee is possessed of real or
587 personal property or other assets subject to being sold or
588 applied in satisfaction of the judgment and by his or her search
589 has discovered no property or assets or has discovered property
590 and assets and has taken all necessary action and proceedings
591 for the application thereof to the judgment but the amount
592 thereby realized was insufficient to satisfy the judgment; and

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

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

599 (g) Any amounts recovered by the claimant from the judgment
600 debtor or licensee, or from any other source, have been applied
601 to the damages awarded by the court or the amount of restitution
602 ordered by the board.

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

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

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

609 (b) The claimant is a licensee who acted as the contractor

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610 in the transaction that ~~which~~ is the subject of the claim;

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

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

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

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

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

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

627 489.1425 Duty of contractor to notify residential property
 628 owner of recovery fund.—

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

635
 636 FLORIDA HOMEOWNERS' CONSTRUCTION
 637 RECOVERY FUND
 638

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639 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE
640 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY
641 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS
642 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED
643 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A
644 CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD
645 AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

646

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

649 Section 13. Section 489.143, Florida Statutes, is amended
650 to read:

651 489.143 Payment from the fund.—

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

654 (2) A ~~Any~~ claimant who meets all of the conditions
655 prescribed in s. 489.141 may apply to the board to cause payment
656 to be made to a claimant from the recovery fund in an amount
657 equal to the judgment, award, or restitution order or \$25,000,
658 whichever is less, or an amount equal to the unsatisfied portion
659 of such person's judgment, award, or restitution order, but only
660 to the extent and amount of actual damages suffered by the
661 claimant, and only up to the maximum payment allowed for each
662 respective Division I and Division II claim. Payment from the
663 fund for other costs related to or pursuant to civil proceedings
664 such as postjudgment interest, attorney ~~attorney's~~ fees, court
665 costs, medical damages, and punitive damages is prohibited. The
666 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
667 or a restitution order, or any portion thereof, which is not

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668 expressly based on one of the grounds for recovery set forth in
669 s. 489.141.

670 (3) Beginning January 1, 2005, for each Division I contract
671 entered into after July 1, 2004, payment from the recovery fund
672 is shall be subject to a \$50,000 maximum payment for each
673 Division I claim. Beginning January 1, 2017, for each Division
674 II contract entered into on or after July 1, 2016, payment from
675 the recovery fund is subject to a \$15,000 maximum payment for
676 each Division II claim.

677 (4)~~(3)~~ Upon receipt by a claimant under subsection (2) of
678 payment from the recovery fund, the claimant shall assign his or
679 her additional right, title, and interest in the judgment,
680 award, or restitution order, to the extent of such payment, to
681 the board, and thereupon the board shall be subrogated to the
682 right, title, and interest of the claimant; and any amount
683 subsequently recovered on the judgment, award, or restitution
684 order, to the extent of the right, title, and interest of the
685 board therein, shall be for the purpose of reimbursing the
686 recovery fund.

687 (5)~~(4)~~ Payments for claims arising out of the same
688 transaction shall be limited, in the aggregate, to the lesser of
689 the judgment, award, or restitution order or the maximum payment
690 allowed for a Division I or Division II claim, regardless of the
691 number of claimants involved in the transaction.

692 (6)~~(5)~~ For contracts entered into before July 1, 2004,
693 payments for claims against any one licensee may shall not
694 exceed, in the aggregate, \$100,000 annually, up to a total
695 aggregate of \$250,000. For any claim approved by the board which
696 is in excess of the annual cap, the amount in excess of \$100,000

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697 up to the total aggregate cap of \$250,000 is eligible for
698 payment in the next and succeeding fiscal years, but only after
699 all claims for the then-current calendar year have been paid.
700 Payments may not exceed the aggregate annual or per claimant
701 limits under law. Beginning January 1, 2005, for each Division I
702 contract entered into after July 1, 2004, payment from the
703 recovery fund is subject only to a total aggregate cap of
704 \$500,000 for each Division I licensee. Beginning January 1,
705 2017, for each Division II contract entered into on or after
706 July 1, 2016, payment from the recovery fund is subject only to
707 a total aggregate cap of \$150,000 for each Division II licensee.

708 (7)-(6) Claims shall be paid in the order filed, up to the
709 aggregate limits for each transaction and licensee and to the
710 limits of the amount appropriated to pay claims against the fund
711 for the fiscal year in which the claims were filed. Payments may
712 not exceed the total aggregate cap per license or per claimant
713 limits under this section.

714 (8)-(7) If the annual appropriation is exhausted with claims
715 pending, such claims shall be carried forward to the next fiscal
716 year. Any moneys in excess of pending claims remaining in the
717 recovery fund at the end of the fiscal year shall be paid as
718 provided in s. 468.631.

719 (9)-(8) Upon the payment of any amount from the recovery
720 fund in settlement of a claim in satisfaction of a judgment,
721 award, or restitution order against a licensee as described in
722 s. 489.141, the license of such licensee shall be automatically
723 suspended, without further administrative action, upon the date
724 of payment from the fund. The license of such licensee may ~~shall~~
725 not be reinstated until he or she has repaid in full, plus

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726 interest, the amount paid from the fund. A discharge of
 727 bankruptcy does not relieve a person from the penalties and
 728 disabilities provided in this section.

729 (10)~~(9)~~ A ~~Any~~ firm, a corporation, a partnership, or an
 730 association, or a ~~any~~ person acting in his or her individual
 731 capacity, who aids, abets, solicits, or conspires with another
 732 ~~any~~ person to knowingly present or cause to be presented a ~~any~~
 733 false or fraudulent claim for the payment of a loss under this
 734 act commits ~~is guilty of~~ a third-degree felony, punishable as
 735 provided in s. 775.082 or s. 775.084 and by a fine of up to not
 736 ~~exceeding~~ \$30,000, unless the value of the fraud exceeds that
 737 amount, ~~\$30,000~~ in which event the fine may not exceed double
 738 the value of the fraud.

739 (11)~~(10)~~ Each payment ~~All payments~~ and disbursement
 740 ~~disbursements~~ from the recovery fund shall be made by the Chief
 741 Financial Officer upon a voucher signed by the secretary of the
 742 department or the secretary's designee.

743 Section 14. Subsection (24) is added to section 489.503,
 744 Florida Statutes, to read:

745 489.503 Exemptions.—This part does not apply to:

746 (24) A person who installs low-voltage landscape lighting
 747 that contains a factory-installed electrical cord with plug
 748 which does not require installation, wiring, or other
 749 modification to the electrical wiring of a structure.

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

752 489.517 Renewal of certificate or registration; continuing
 753 education.—

754 (6) The board shall require, by rule adopted pursuant to

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755 ss. 120.536(1) and 120.54, a specialized number of hours in
756 specialized or code-related training advanced module courses,
757 ~~approved by the Florida Building Commission~~, on any portion of
758 the Florida Building Code, adopted pursuant to part IV of
759 chapter 553, relating to the contractor's respective discipline.

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

762 514.011 Definitions.—As used in this chapter:

763 (3) "Private pool" means a facility used only by an
764 individual, family, or living unit members and their guests
765 which does not serve any type of cooperative housing or joint
766 tenancy of five or more living units. For purposes of the
767 exemptions provided under s. 514.0115, the term includes a
768 portable pool used exclusively for providing swimming lessons or
769 related instruction in support of an established educational
770 program sponsored or provided by a county school district.

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

773 514.0115 Exemptions from supervision or regulation;
774 variances.—

775 (3) A private pool used for instructional purposes in
776 swimming ~~may shall~~ not be regulated as a public pool. A portable
777 pool used for instructional purposes or to further an approved
778 educational program may not be regulated as a public pool.

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

781 514.031 Permit necessary to operate public swimming pool.—

782 (5) An owner or operator of a public swimming pool,
783 including, but not limited to, a spa, wading, or special purpose

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784 pool, to which admittance is obtained by membership for a fee
785 shall post in a prominent location within the facility the most
786 recent pool inspection report issued by the department
787 pertaining to the health and safety conditions of such facility.
788 The report shall be legible and readily accessible to members or
789 potential members. The department shall adopt rules to enforce
790 this subsection. A portable pool may not be used as a public
791 pool unless it is exempt under s. 514.0115.

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

794 553.512 Modifications and waivers; advisory council.-

795 (2) The Accessibility Advisory Council shall consist of the
796 following seven members, who shall be knowledgeable in the area
797 of accessibility for persons with disabilities. The Secretary of
798 Business and Professional Regulation shall appoint the
799 following: a representative from the Advocacy Center for Persons
800 with Disabilities, Inc.; a representative from the Division of
801 Blind Services; a representative from the Division of Vocational
802 Rehabilitation; a representative from a statewide organization
803 representing the physically handicapped; a representative from
804 the hearing impaired; a representative from the Pensacola Employ
805 the Handicapped Council and Pensacola Pen Wheels, Inc.

806 ~~President, Florida Council of Handicapped Organizations;~~ and a
807 representative of the Paralyzed Veterans of America. The terms
808 for the first three council members appointed subsequent to
809 October 1, 1991, shall be for 4 years, the terms for the next
810 two council members appointed shall be for 3 years, and the
811 terms for the next two members shall be for 2 years. Thereafter,
812 all council member appointments shall be for terms of 4 years.

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813 No council member shall serve more than two 4-year terms
814 subsequent to October 1, 1991. Any member of the council may be
815 replaced by the secretary upon three unexcused absences. Upon
816 application made in the form provided, an individual waiver or
817 modification may be granted by the commission so long as such
818 modification or waiver is not in conflict with more stringent
819 standards provided in another chapter.

820 Section 20. Section 553.721, Florida Statutes, is amended
821 to read:

822 553.721 Surcharge.—In order for the Department of Business
823 and Professional Regulation to administer and carry out the
824 purposes of this part and related activities, there is created a
825 surcharge, to be assessed at the rate of 1.5 percent of the
826 permit fees associated with enforcement of the Florida Building
827 Code as defined by the uniform account criteria and specifically
828 the uniform account code for building permits adopted for local
829 government financial reporting pursuant to s. 218.32. The
830 minimum amount collected on any permit issued shall be \$2. The
831 unit of government responsible for collecting a permit fee
832 pursuant to s. 125.56(4) or s. 166.201 shall collect the
833 surcharge and electronically remit the funds collected to the
834 department on a quarterly calendar basis for the preceding
835 quarter and continuing each third month thereafter. The unit of
836 government shall retain 10 percent of the surcharge collected to
837 fund the participation of building departments in the national
838 and state building code adoption processes and to provide
839 education related to enforcement of the Florida Building Code.
840 All funds remitted to the department pursuant to this section
841 shall be deposited in the Professional Regulation Trust Fund.

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842 Funds collected from the surcharge shall be allocated to fund
843 the Florida Building Commission and the Florida Building Code
844 Compliance and Mitigation Program under s. 553.841. Funds
845 allocated to the Florida Building Code Compliance and Mitigation
846 Program shall be \$925,000 each fiscal year. The Florida Building
847 Code Compliance and Mitigation Program shall fund the
848 recommendations made by the Building Code System Uniform
849 Implementation Evaluation Workgroup, dated April 8, 2013, from
850 existing resources, not to exceed \$30,000 in the 2016-2017
851 fiscal year. Funds collected from the surcharge shall also be
852 used to fund Florida Fire Prevention Code informal
853 interpretations managed by the State Fire Marshal and shall be
854 limited to \$15,000 each fiscal year. The State Fire Marshal
855 shall adopt rules to address the implementation and expenditure
856 of the funds allocated to fund the Florida Fire Prevention Code
857 informal interpretations under this section. The funds collected
858 from the surcharge may not be used to fund research on
859 techniques for mitigation of radon in existing buildings. Funds
860 used by the department as well as funds to be transferred to the
861 Department of Health and the State Fire Marshal shall be as
862 prescribed in the annual General Appropriations Act. The
863 department shall adopt rules governing the collection and
864 remittance of surcharges pursuant to chapter 120.

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

868 553.73 Florida Building Code.—

869 (11) (a) In the event of a conflict between the Florida
870 Building Code and the Florida Fire Prevention Code and the Life

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871 Safety Code as applied to a specific project, the conflict shall
872 be resolved by agreement between the local building code
873 enforcement official and the local fire code enforcement
874 official in favor of the requirement of the code which offers
875 the greatest degree of lifesafety or alternatives which would
876 provide an equivalent degree of lifesafety and an equivalent
877 method of construction. Local boards created to address issues
878 arising under the Florida Building Code or the Florida Fire
879 Prevention Code may combine the appeals boards to create a
880 single, local board having jurisdiction over matters arising
881 under either code or both codes. The combined local appeals
882 board may grant alternatives or modifications through procedures
883 outlined in NFPA 1, Section 1.4, but may not waive the
884 requirements of the Florida Fire Prevention Code. To meet the
885 quorum requirement for convening the combined local appeals
886 board, at least one member of the board who is a fire protection
887 contractor, a fire protection design professional, a fire
888 department operations professional, or a fire code enforcement
889 professional must be present.

890 (b) Any decision made by the local fire official regarding
891 application, interpretation, or enforcement of the Florida Fire
892 Prevention Code, by ~~and~~ the local building official regarding
893 application, interpretation, or enforcement of the Florida
894 Building Code, or the appropriate application of either code or
895 both codes in the case of a conflict between the codes may be
896 appealed to a local administrative board designated by the
897 municipality, county, or special district having firesafety
898 responsibilities. If the decision of the local fire official and
899 the local building official is to apply the provisions of either

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900 the Florida Building Code or the Florida Fire Prevention Code
901 and the Life Safety Code, the board may not alter the decision
902 unless the board determines that the application of such code is
903 not reasonable. If the decision of the local fire official and
904 the local building official is to adopt an alternative to the
905 codes, the local administrative board shall give due regard to
906 the decision rendered by the local officials and may modify that
907 decision if the administrative board adopts a better
908 alternative, taking into consideration all relevant
909 circumstances. In any case in which the local administrative
910 board adopts alternatives to the decision rendered by the local
911 fire official and the local building official, such alternatives
912 shall provide an equivalent degree of lifesafety and an
913 equivalent method of construction as the decision rendered by
914 the local officials.

915 (c) If the local building official and the local fire
916 official are unable to agree on a resolution of the conflict
917 between the Florida Building Code and the Florida Fire
918 Prevention Code and the Life Safety Code, the local
919 administrative board shall resolve the conflict in favor of the
920 code which offers the greatest degree of lifesafety or
921 alternatives which would provide an equivalent degree of
922 lifesafety and an equivalent method of construction.

923 (d) All decisions of the local administrative board, ~~or,~~ if
924 none exists, the decisions of the local building official and
925 the local fire official in regard to the application,
926 enforcement, or interpretation of the Florida Fire Prevention
927 Code, or conflicts between the Florida Fire Prevention Code and
928 the Florida Building Code, are subject to review by a joint

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929 committee composed of members of the Florida Building Commission
930 and the Fire Code Advisory Council. If the joint committee is
931 unable to resolve conflicts between the codes as applied to a
932 specific project, the matter shall be resolved pursuant to ~~the~~
933 ~~provisions of~~ paragraph (1) (d). Decisions of the local
934 administrative board related solely to the Florida Building Code
935 are subject to review as set forth in s. 553.775.

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

939 (f) All decisions of the local building official and local
940 fire official and all decisions of the administrative board
941 shall be in writing and shall be binding upon a person but do
942 not limit the authority of the State Fire Marshal or the Florida
943 Building Commission pursuant to paragraph (1) (d) and ss. 633.104
944 and 633.228. Decisions of general application shall be indexed
945 by building and fire code sections and shall be available for
946 inspection during normal business hours.

947 (15) An agency or local government may not require that
948 existing mechanical equipment located on or above the surface of
949 a roof be installed in compliance with the requirements of the
950 Florida Building Code except during reroofing when the equipment
951 is being replaced or moved ~~during reroofing~~ and is not in
952 compliance with the provisions of the Florida Building Code
953 relating to roof-mounted mechanical units.

954 (19) The Florida Building Code may not require more than
955 one fire service access elevator in a residential occupancy
956 where the highest occupiable floor is less than 420 feet above
957 the level of fire service access and all remaining elevators are

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958 provided with Phase I and II emergency operations. Where fire
959 service access elevators are required, the code may not require
960 a 1-hour fire-rated fire service access elevator lobby with
961 direct access from the fire service access elevators if the fire
962 service access elevators open into an exit access corridor that
963 is at least 150 square feet with the exception of door openings;
964 is no less than 6 feet wide for its entire length; and has a
965 minimum 1-hour fire rating with three-quarter hour fire and
966 smoke rated openings and if, and during a fire event, the fire
967 service access elevators are pressurized and floor-to-floor
968 smoke control is provided. However, where transient residential
969 occupancies occur at floor levels above 420 feet above the level
970 of fire service access, a 1-hour fire-rated fire service access
971 elevator lobby with direct access from the fire service access
972 elevators is required. The requirement for a second fire service
973 access elevator is not considered a part of the Florida Building
974 Code and therefore does not take effect until July 1, 2017.

975 Section 22. Paragraph (c) of subsection (3) of section
976 553.775, Florida Statutes, is amended to read:

977 553.775 Interpretations.—

978 (3) The following procedures may be invoked regarding
979 interpretations of the Florida Building Code or the Florida
980 Accessibility Code for Building Construction:

981 (c) The commission shall review decisions of local building
982 officials and local enforcement agencies regarding
983 interpretations of the Florida Building Code or the Florida
984 Accessibility Code for Building Construction after the local
985 board of appeals has considered the decision, if such board
986 exists, and if such appeals process is concluded within 25

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987 business days.

988 1. The commission shall coordinate with the Building
989 Officials Association of Florida, Inc., to designate a panel
990 ~~panels~~ composed of seven ~~five~~ members to hear requests to review
991 decisions of local building officials. Five ~~The~~ members must be
992 licensed as building code administrators under part XII of
993 chapter 468, one member must be licensed as an architect under
994 chapter 481, and one member must be licensed as an engineer
995 under chapter 471. Each member ~~and~~ must have experience
996 interpreting or ~~and~~ enforcing provisions of the Florida Building
997 Code and the Florida Accessibility Code for Building
998 Construction.

999 2. Requests to review a decision of a local building
1000 official interpreting provisions of the Florida Building Code or
1001 the Florida Accessibility Code for Building Construction may be
1002 initiated by any substantially affected person, including an
1003 owner or builder subject to a decision of a local building
1004 official or an association of owners or builders having members
1005 who are subject to a decision of a local building official. In
1006 order to initiate review, the substantially affected person must
1007 file a petition with the commission. The commission shall adopt
1008 a form for the petition, which shall be published on the
1009 Building Code Information System. The form shall, at a minimum,
1010 require the following:

1011 a. The name and address of the county or municipality in
1012 which provisions of the Florida Building Code or the Florida
1013 Accessibility Code for Building Construction are being
1014 interpreted.

1015 b. The name and address of the local building official who

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1016 has made the interpretation being appealed.

1017 c. The name, address, and telephone number of the
1018 petitioner; the name, address, and telephone number of the
1019 petitioner's representative, if any; and an explanation of how
1020 the petitioner's substantial interests are being affected by the
1021 local interpretation of the Florida Building Code or the Florida
1022 Accessibility Code for Building Construction.

1023 d. A statement of the provisions of the Florida Building
1024 Code or the Florida Accessibility Code for Building Construction
1025 which are being interpreted by the local building official.

1026 e. A statement of the interpretation given to provisions of
1027 the Florida Building Code or the Florida Accessibility Code for
1028 Building Construction by the local building official and the
1029 manner in which the interpretation was rendered.

1030 f. A statement of the interpretation that the petitioner
1031 contends should be given to the provisions of the Florida
1032 Building Code or the Florida Accessibility Code for Building
1033 Construction and a statement supporting the petitioner's
1034 interpretation.

1035 g. Space for the local building official to respond in
1036 writing. The space shall, at a minimum, require the local
1037 building official to respond by providing a statement admitting
1038 or denying the statements contained in the petition and a
1039 statement of the interpretation of the provisions of the Florida
1040 Building Code or the Florida Accessibility Code for Building
1041 Construction which the local jurisdiction or the local building
1042 official contends is correct, including the basis for the
1043 interpretation.

1044 3. The petitioner shall submit the petition to the local

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1045 building official, who shall place the date of receipt on the
1046 petition. The local building official shall respond to the
1047 petition in accordance with the form and shall return the
1048 petition along with his or her response to the petitioner within
1049 5 days after receipt, exclusive of Saturdays, Sundays, and legal
1050 holidays. The petitioner may file the petition with the
1051 commission at any time after the local building official
1052 provides a response. If no response is provided by the local
1053 building official, the petitioner may file the petition with the
1054 commission 10 days after submission of the petition to the local
1055 building official and shall note that the local building
1056 official did not respond.

1057 4. Upon receipt of a petition that meets the requirements
1058 of subparagraph 2., the commission shall immediately provide
1059 copies of the petition to the a panel, and the commission shall
1060 publish the petition, including any response submitted by the
1061 local building official, on the Building Code Information System
1062 in a manner that allows interested persons to address the issues
1063 by posting comments.

1064 5. The panel shall conduct proceedings as necessary to
1065 resolve the issues; shall give due regard to the petitions, the
1066 response, and to comments posed on the Building Code Information
1067 System; and shall issue an interpretation regarding the
1068 provisions of the Florida Building Code or the Florida
1069 Accessibility Code for Building Construction within 21 days
1070 after the filing of the petition. The panel shall render a
1071 determination based upon the Florida Building Code or the
1072 Florida Accessibility Code for Building Construction or, if the
1073 code is ambiguous, the intent of the code. The panel's

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1074 interpretation shall be provided to the commission, which shall
1075 publish the interpretation on the Building Code Information
1076 System and in the Florida Administrative Register. The
1077 interpretation shall be considered an interpretation entered by
1078 the commission, and shall be binding upon the parties and upon
1079 all jurisdictions subject to the Florida Building Code or the
1080 Florida Accessibility Code for Building Construction, unless it
1081 is superseded by a declaratory statement issued by the Florida
1082 Building Commission or by a final order entered after an appeal
1083 proceeding conducted in accordance with subparagraph 7.

1084 6. It is the intent of the Legislature that review
1085 proceedings be completed within 21 days after the date that a
1086 petition seeking review is filed with the commission, and the
1087 time periods set forth in this paragraph may be waived only upon
1088 consent of all parties.

1089 7. Any substantially affected person may appeal an
1090 interpretation rendered by the ~~a hearing officer~~ panel by filing
1091 a petition with the commission. Such appeals shall be initiated
1092 in accordance with chapter 120 and the uniform rules of
1093 procedure and must be filed within 30 days after publication of
1094 the interpretation on the Building Code Information System or in
1095 the Florida Administrative Register. Hearings shall be conducted
1096 pursuant to chapter 120 and the uniform rules of procedure.
1097 Decisions of the commission are subject to judicial review
1098 pursuant to s. 120.68. The final order of the commission is
1099 binding upon the parties and upon all jurisdictions subject to
1100 the Florida Building Code or the Florida Accessibility Code for
1101 Building Construction.

1102 8. The burden of proof in any proceeding initiated in

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1103 accordance with subparagraph 7. is on the party who initiated
1104 the appeal.

1105 9. In any review proceeding initiated in accordance with
1106 this paragraph, including any proceeding initiated in accordance
1107 with subparagraph 7., the fact that an owner or builder has
1108 proceeded with construction may not be grounds for determining
1109 an issue to be moot if the issue is one that is likely to arise
1110 in the future.

1111
1112 This paragraph provides the exclusive remedy for addressing
1113 requests to review local interpretations of the Florida Building
1114 Code or the Florida Accessibility Code for Building Construction
1115 and appeals from review proceedings.

1116 Section 23. Subsection (6) of section 553.79, Florida
1117 Statutes, is amended to read:

1118 553.79 Permits; applications; issuance; inspections.-

1119 (6) A permit may not be issued for any building
1120 construction, erection, alteration, modification, repair, or
1121 addition unless the applicant for such permit complies with the
1122 requirements for plan review established by the Florida Building
1123 Commission within the Florida Building Code. However, the code
1124 shall set standards and criteria to authorize preliminary
1125 construction before completion of all building plans review,
1126 including, but not limited to, special permits for the
1127 foundation only, and such standards shall take effect concurrent
1128 with the first effective date of the Florida Building Code.
1129 After submittal of the appropriate construction documents, the
1130 building official may issue a permit for the construction of
1131 foundations or any other part of a building or structure before

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1132 the construction documents for the whole building or structure
1133 have been submitted. The holder of such permit for the
1134 foundation or other parts of a building or structure shall
1135 proceed at the holder's own risk and without assurance that a
1136 permit for the entire structure will be granted. Corrections may
1137 be required to meet the requirements of the technical codes.

1138 Section 24. Subsections (4) and (7) of section 553.841,
1139 Florida Statutes, are amended to read:

1140 553.841 Building code compliance and mitigation program.—

1141 (4) In administering the Florida Building Code Compliance
1142 and Mitigation Program, the department may ~~shall~~ maintain,
1143 update, develop, or cause to be developed code-related training
1144 and education advanced modules designed for use by each
1145 profession.

1146 ~~(7) The Florida Building Commission shall provide by rule~~
1147 ~~for the accreditation of courses related to the Florida Building~~
1148 ~~Code by accreditors approved by the commission. The commission~~
1149 ~~shall establish qualifications of accreditors and criteria for~~
1150 ~~the accreditation of courses by rule. The commission may revoke~~
1151 ~~the accreditation of a course by an accreditor if the~~
1152 ~~accreditation is demonstrated to violate this part or the rules~~
1153 ~~of the commission.~~

1154 Section 25. Paragraph (a) of subsection (8) of section
1155 553.842, Florida Statutes, is amended to read:

1156 553.842 Product evaluation and approval.—

1157 (8) The commission may adopt rules to approve the following
1158 types of entities that produce information on which product
1159 approvals are based. All of the following entities, including
1160 engineers and architects, must comply with a nationally

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1161 recognized standard demonstrating independence or no conflict of
1162 interest:

1163 (a) Evaluation entities approved pursuant to this
1164 paragraph. The commission shall specifically approve the
1165 National Evaluation Service, the International Association of
1166 Plumbing and Mechanical Officials Evaluation Service, the
1167 International Code Council Evaluation Services, Underwriters
1168 Laboratories, LLC, and the Miami-Dade County Building Code
1169 Compliance Office Product Control Division. Architects and
1170 engineers licensed in this state are also approved to conduct
1171 product evaluations as provided in subsection (5).

1172 Section 26. Section 553.883, Florida Statutes, is amended
1173 to read:

1174 553.883 Smoke alarms in one-family and two-family dwellings
1175 and townhomes.—One-family and two-family dwellings and townhomes
1176 undergoing a repair, or a level 1 alteration as defined in the
1177 Florida Building Code, may use smoke alarms powered by 10-year
1178 nonremovable, nonreplaceable batteries in lieu of retrofitting
1179 such dwelling with smoke alarms powered by the dwelling's
1180 electrical system. Effective January 1, 2015, a battery-powered
1181 smoke alarm that is newly installed or replaces an existing
1182 battery-powered smoke alarm must be powered by a nonremovable,
1183 nonreplaceable battery that powers the alarm for at least 10
1184 years. The battery requirements of this section do not apply to
1185 a fire alarm, smoke detector, smoke alarm, or ancillary
1186 component that is electronically connected as a part of a
1187 centrally monitored or supervised alarm system; or that uses a
1188 low-power, radio frequency wireless communication signal; or
1189 that contains multiple sensors, such as a smoke alarm combined

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1190 with a carbon monoxide alarm or other devices as the State Fire
1191 Marshal designates by rule.

1192 Section 27. Section 553.908, Florida Statutes, is amended
1193 to read:

1194 553.908 Inspection.—Before construction or renovation is
1195 completed, the local enforcement agency shall inspect buildings
1196 for compliance with the standards of this part. Notwithstanding
1197 any other provision of the code or law, effective July 1, 2016,
1198 section R402.4.1 of the 5th Edition (2014) of the Florida
1199 Building Code, Energy Conservation, which became effective on
1200 June 30, 2015, shall cease to be effective. Instead, section
1201 402.4.2 of the 2010 Florida Building Code, Energy Conservation,
1202 relating to air sealing and insulation, in effect before June
1203 30, 2015, shall govern and become applicable and effective on
1204 June 30, 2016, and thereafter. Additionally, a state or local
1205 enforcement agency or code official may not require any type of
1206 mandatory blower door test or air infiltration test to determine
1207 specific air infiltration levels or air leakage rates in a
1208 residential building or dwelling unit and may not require the
1209 installation of any mechanical ventilation devices designed to
1210 filter outside air through an HVAC system as a condition of a
1211 permit or to determine compliance with the code. However, if
1212 section R402.4.1 of the 5th Edition (2014) of the Florida
1213 Building Code, Energy Conservation is voluntarily used, the
1214 local enforcement agency shall inspect the construction or
1215 renovation for compliance with that section.

1216 Section 28. Subsections (17) and (18) are added to section
1217 633.202, Florida Statutes, to read:

1218 633.202 Florida Fire Prevention Code.—

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1219 (17) The authority having jurisdiction shall determine the
1220 minimum radio signal strength for fire department communications
1221 in all new high-rise and existing high-rise buildings. Existing
1222 buildings are not required to comply with minimum radio strength
1223 for fire department communications and two-way radio system
1224 enhancement communications as required by the Florida Fire
1225 Prevention Code until January 1, 2022. However, by December 31,
1226 2019, an existing building that is not in compliance with the
1227 requirements for minimum radio strength for fire department
1228 communications must apply for an appropriate permit for the
1229 required installation with the local governmental agency having
1230 jurisdiction and must demonstrate that the building will become
1231 compliant by January 1, 2022. Existing apartment buildings are
1232 not required to comply until January 1, 2025. However, existing
1233 apartment buildings are required to apply for the appropriate
1234 permit for the required communications installation by December
1235 31, 2022.

1236 (18) Areas of refuge shall be provided if required by the
1237 Florida Building Code, Accessibility. Required portions of an
1238 area of refuge shall be accessible from the space they serve by
1239 an accessible means of egress.

1240 Section 29. Subsection (5) is added to section 633.206,
1241 Florida Statutes, to read:

1242 633.206 Uniform firesafety standards—The Legislature hereby
1243 determines that to protect the public health, safety, and
1244 welfare it is necessary to provide for firesafety standards
1245 governing the construction and utilization of certain buildings
1246 and structures. The Legislature further determines that certain
1247 buildings or structures, due to their specialized use or to the

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1248 special characteristics of the person utilizing or occupying
1249 these buildings or structures, should be subject to firesafety
1250 standards reflecting these special needs as may be appropriate.

1251 (5) The home environment provisions in the most current
1252 edition of the codes adopted by the division may be applied to
1253 existing assisted living facilities, at the option of each
1254 facility, notwithstanding the edition of the codes applied at
1255 the time of construction.

1256 Section 30. Subsection (5) of section 633.208, Florida
1257 Statutes, is amended to read:

1258 633.208 Minimum firesafety standards.-

1259 (5) With regard to existing buildings, the Legislature
1260 recognizes that it is not always practical to apply any or all
1261 of the provisions of the Florida Fire Prevention Code and that
1262 physical limitations may require disproportionate effort or
1263 expense with little increase in fire or life safety. Before
1264 ~~Prior to~~ applying the minimum firesafety code to an existing
1265 building, the local fire official shall determine whether ~~that~~ a
1266 threat to lifesafety or property exists. If a threat to
1267 lifesafety or property exists, the fire official shall apply the
1268 applicable firesafety code for existing buildings to the extent
1269 practical to ensure ~~assure~~ a reasonable degree of lifesafety and
1270 safety of property or the fire official shall fashion a
1271 reasonable alternative that ~~which~~ affords an equivalent degree
1272 of lifesafety and safety of property. The local fire official
1273 may consider the firesafety evaluation systems found in NFPA
1274 101A, Guide on Alternative Solutions to Life Safety, adopted by
1275 the State Fire Marshal, as acceptable systems for the
1276 identification of low-cost, reasonable alternatives. It is

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1277 acceptable to use the Fire Safety Evaluation System for Board
1278 and Care Facilities using prompt evacuation capabilities
1279 parameter values on existing residential high-rise buildings.

1280 The decision of the local fire official may be appealed to the
1281 local administrative board described in s. 553.73.

1282 Section 31. Section 633.336, Florida Statutes, is amended
1283 to read:

1284 633.336 Contracting without certificate prohibited;
1285 violations; penalty.—

1286 (1) It is unlawful for any organization or individual to
1287 engage in the business of layout, fabrication, installation,
1288 inspection, alteration, repair, or service of a fire protection
1289 system, other than a preengineered system, act in the capacity
1290 of a fire protection contractor, or advertise itself as being a
1291 fire protection contractor without having been duly certified
1292 and holding a valid and existing certificate, except as
1293 hereinafter provided. The holder of a certificate used to
1294 qualify an organization must be a full-time employee of the
1295 qualified organization or business. A certificateholder who is
1296 employed by more than one fire protection contractor during the
1297 same time is deemed not to be a full-time employee of either
1298 contractor. The State Fire Marshal shall revoke, for a period
1299 determined by the State Fire Marshal, the certificate of a
1300 certificateholder who allows the use of the certificate to
1301 qualify a company of which the certificateholder is not a full-
1302 time employee. A contractor who maintains more than one place of
1303 business must employ a certificateholder at each location. This
1304 subsection does not prohibit an employee acting on behalf of
1305 governmental entities from inspecting and enforcing firesafety

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1306 codes, provided such employee is certified under s. 633.216.

1307 (2) A fire protection contractor certified under this
1308 chapter may not:

1309 (a) Enter into a written or oral agreement to authorize, or
1310 otherwise knowingly allow, a contractor who is not certified
1311 under this chapter to engage in the business of, or act in the
1312 capacity of, a fire protection contractor.

1313 (b) Apply for or obtain a construction permit for fire
1314 protection work unless the fire protection contractor or the
1315 business organization qualified by the fire protection
1316 contractor has contracted to conduct the work specified in the
1317 application for the permit.

1318 (3) The Legislature recognizes that special expertise is
1319 required for fire pump control panels and maintenance of
1320 electric and diesel pump drivers and that it is not economically
1321 feasible for all contractors to employ these experts full-time
1322 whose work may be limited. It is therefore deemed acceptable for
1323 a fire protection contractor licensed under chapter 633 to
1324 subcontract with companies providing advanced technical services
1325 for the installation, servicing, and maintenance of fire pump
1326 control panels and pump drivers. To ensure the integrity of the
1327 system and to protect the interests of the property owner, those
1328 providing technical support services for fire pump control
1329 panels and pump drivers must be under contract with a licensed
1330 fire protection contractor.

1331 (4)~~(3)~~ A person who violates any provision of this act or
1332 commits any of the acts constituting cause for disciplinary
1333 action as herein set forth commits a misdemeanor of the second
1334 degree, punishable as provided in s. 775.082 or s. 775.083.

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1335 (5)~~(4)~~ In addition to the penalties provided in subsection
1336 ~~(4)~~~~(3)~~, a fire protection contractor certified under this
1337 chapter who violates any provision of this section or who
1338 commits any act constituting cause for disciplinary action is
1339 subject to suspension or revocation of the certificate and
1340 administrative fines pursuant to s. 633.338.

1341 Section 32. Paragraphs (b) and (c) of subsection (4) of
1342 section 120.541, Florida Statutes, are amended to read:

1343 120.541 Statement of estimated regulatory costs.—

1344 (3) If the adverse impact or regulatory costs of the rule
1345 exceed any of the criteria established in paragraph (2) (a), the
1346 rule shall be submitted to the President of the Senate and
1347 Speaker of the House of Representatives no later than 30 days
1348 prior to the next regular legislative session, and the rule may
1349 not take effect until it is ratified by the Legislature.

1350 (4) Subsection (3) does not apply to the adoption of:

1351 ~~(b) Triennial updates of and amendments to the Florida~~
1352 ~~Building Code which are expressly authorized by s. 553.73.~~

1353 ~~(c) Triennial updates of and amendments to the Florida Fire~~
1354 ~~Prevention Code which are expressly authorized by s. 633.202.~~

1355 Section 33. Subsections (16) and (17) of section 120.80,
1356 Florida Statutes, are amended to read:

1357 120.80 Exceptions and special requirements; agencies.—

1358 (16) FLORIDA BUILDING COMMISSION.—

1359 (a) Notwithstanding the provisions of s. 120.542, the
1360 Florida Building Commission may not accept a petition for waiver
1361 or variance and may not grant any waiver or variance from the
1362 requirements of the Florida Building Code.

1363 (b) The Florida Building Commission shall adopt within the

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1364 Florida Building Code criteria and procedures for alternative
1365 means of compliance with the code or local amendments thereto,
1366 for enforcement by local governments, local enforcement
1367 districts, or other entities authorized by law to enforce the
1368 Florida Building Code. Appeals from the denial of the use of
1369 alternative means shall be heard by the local board, if one
1370 exists, and may be appealed to the Florida Building Commission.

1371 (c) Notwithstanding ss. 120.565, 120.569, and 120.57, the
1372 Florida Building Commission and hearing officer panels appointed
1373 by the commission in accordance with s. 553.775(3)(c)1. may
1374 conduct proceedings to review decisions of local building code
1375 officials in accordance with s. 553.775(3)(c).

1376 (d) Effective July 1, 2016, section 120.541(3) does not
1377 apply to the adoption of any section of the Florida Building
1378 Code, adopted pursuant to s. 553.73, if the section would not be
1379 subject to ratification as a discrete rule or if the substance
1380 of the section was incorporated in a prior adopted and effective
1381 rule amendments and the triennial update to the Florida Building
1382 Code expressly authorized by s. 553.73.

1383 (e) In adopting the Florida Building Code, a statement of
1384 estimated regulatory costs prepared under s. 120.541 must
1385 evaluate each section of the underlying code developed to form
1386 the foundation of the Florida Building Code pursuant to s.
1387 553.73(3) if the section was not incorporated in the previous
1388 version of the Florida Building Code and the section is expected
1389 to increase construction costs in excess of \$1 million in the
1390 aggregate within 5 years after the implementation of the
1391 section.

1392 (17) STATE FIRE MARSHAL.—

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1393 (a) Effective July 1, 2016, section 120.541(3) does not
1394 apply to the adoption of any section of the Florida Fire
1395 Prevention Code adopted pursuant to s. 633.202 if the section
1396 would not be subject to ratification as a discrete rule or if
1397 the substance of the section was incorporated in a prior adopted
1398 and effective rule amendments and the triennial update to the
1399 Florida Fire Prevention Code expressly authorized by s. 633.202.

1400 (b) In adopting the Florida Fire Prevention Code, a
1401 statement of estimated regulatory costs prepared under s.
1402 120.541 must evaluate each section of the National Fire
1403 Protection Association's Standard 1, Fire Prevention Code and
1404 each section of the Life Safety Code, NFPA 101, adopted by
1405 reference in the Florida Fire Prevention Code, if the section
1406 was not incorporated in the previous version of the Florida Fire
1407 Prevention Code and the section is expected to increase
1408 construction costs in excess of \$1 million in the aggregate
1409 within 5 years after the implementation of the section.

1410 Section 34. The Calder Sloan Swimming Pool Electrical-
1411 Safety Task Force.—There is established within the Florida
1412 Building Commission the Calder Sloan Swimming Pool Electrical-
1413 Safety Task Force.

1414 (1) The purpose of the task force is to study standards on
1415 grounding, bonding, lighting, wiring, and all electrical aspects
1416 for safety in and around public and private swimming pools,
1417 especially with regard to minimizing risks of electrocutions
1418 linked to swimming pools. The task force shall submit a report
1419 of its findings, including recommended revisions to state law,
1420 if any, to the Governor, the President of the Senate, and the
1421 Speaker of the House of Representatives by November 1, 2016.

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1422 (2) The task force shall consist of the swimming pool and
1423 electrical technical advisory committees of the Florida Building
1424 Commission.

1425 (3) The task force shall be chaired by the swimming pool
1426 contractor appointed to the Florida Building Commission pursuant
1427 to s. 553.74, Florida Statutes.

1428 (4) The Florida Building Commission shall provide such
1429 staff, information, and other assistance as is reasonably
1430 necessary to assist the task force in carrying out its
1431 responsibilities.

1432 (5) Members of the task force shall serve without
1433 compensation.

1434 (6) The task force shall meet as often as necessary to
1435 fulfill its responsibilities. Meetings may be conducted by
1436 conference call, teleconferencing, or similar technology.

1437 (7) This section expires December 31, 2016.

1438 Section 35. This act shall take effect July 1, 2016.