

1 A bill to be entitled
2 An act relating to building codes; amending s.
3 468.609, F.S.; revising the certification examination
4 requirements for building code inspectors, plans
5 examiners, and building code administrators; requiring
6 the Florida Building Code Administrators and
7 Inspectors Board to provide for issuance of certain
8 provisional certificates; amending s. 489.105, F.S.;
9 revising the definition of the term "plumbing
10 contractor"; amending s. 489.1401, F.S.; revising
11 legislative intent with respect to the purpose of the
12 Florida Homeowners' Construction Recovery Fund;
13 providing legislative intent that Division II
14 contractors set apart funds to participate in the
15 fund; amending s. 489.1402, F.S.; revising
16 definitions; amending s. 489.141, F.S.; prohibiting
17 certain claimants from making a claim against the
18 recovery fund for certain contracts entered into
19 before a specified date; amending s. 489.1425, F.S.;
20 revising a notification provided by contractors to
21 certain residential property owners to state that
22 payment from the recovery fund is limited; amending s.
23 489.143, F.S.; revising provisions concerning payments
24 from the recovery fund; specifying claim amounts for
25 certain contracts entered into before or after
26 specified dates; providing aggregate caps for

27 | payments; amending s. 489.503, F.S.; exempting certain
28 | low-voltage landscape lighting from licensed
29 | electrical contractor installation requirements;
30 | amending s. 514.011, F.S.; revising the definition of
31 | the term "private pool" to include portable pools used
32 | for specified purposes; amending s. 514.0115, F.S.;
33 | exempting portable pools when used for specified
34 | purposes from being regulated as public pools;
35 | amending s. 514.031, F.S.; prohibiting portable pools
36 | from being used as public pools unless used for
37 | certain purposes; amending s. 553.721, F.S.; directing
38 | the Florida Building Code Compliance and Mitigation
39 | Program to fund from existing resources the
40 | recommendations made by the Building Code System
41 | Uniform Implementation Evaluation Workgroup; providing
42 | a limitation; requiring that a specified amount of
43 | funds from the surcharge be used to fund certain
44 | Florida Fire Code informal interpretations; amending
45 | s. 553.79, F.S.; authorizing a building official to
46 | issue a permit for the construction of the foundation
47 | or any other part of a building or structure before
48 | the construction documents for the whole building or
49 | structure have been submitted; providing that the
50 | holder of such permit shall begin building at the
51 | holder's own risk with the building operation and
52 | without assurance that a permit for the entire

53 structure will be granted; amending s. 553.841, F.S.;
 54 removing provisions related to the development of
 55 advanced courses with respect to the Florida Building
 56 Code Compliance and Mitigation Program and the
 57 accreditation of courses related to the Florida
 58 Building Code; amending s. 553.842, F.S.; providing
 59 that Underwriters Laboratories, LLC, is an approved
 60 evaluation entity; amending s. 553.908, F.S.;
 61 requiring local enforcement agencies to accept duct
 62 and air infiltration tests conducted in accordance
 63 with certain guidelines by specified individuals;
 64 providing an effective date.

65
 66 Be It Enacted by the Legislature of the State of Florida:

67
 68 Section 1. Subsections (2), (3), and (7) of section
 69 468.609, Florida Statutes, are amended to read:

70 468.609 Administration of this part; standards for
 71 certification; additional categories of certification.—

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

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

76 (b) Is of good moral character.

77 (c) Meets eligibility requirements according to one of the
 78 following criteria:

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

82 | 2. Demonstrates a combination of postsecondary education
 83 | in the field of construction or a related field and experience
 84 | which totals 4 years, with at least 1 year of such total being
 85 | experience in construction, building code inspection, or plans
 86 | review;

87 | 3. Demonstrates a combination of technical education in
 88 | the field of construction or a related field and experience
 89 | which totals 4 years, with at least 1 year of such total being
 90 | experience in construction, building code inspection, or plans
 91 | review;

92 | 4. Currently holds a standard certificate ~~as~~ issued by the
 93 | board, ~~or a~~ firesafety ~~fire safety~~ inspector license issued
 94 | pursuant to chapter 633, has a minimum of 3 ~~5~~ years' verifiable
 95 | full-time experience in inspection or plan review, and
 96 | satisfactorily completes a building code inspector or plans
 97 | examiner training program that provides at least 100 hours but
 98 | not more ~~of not less~~ than 200 hours of cross-training in the
 99 | certification category sought. The board shall establish by rule
 100 | criteria for the development and implementation of the training
 101 | programs. The board shall accept all classroom training offered
 102 | by an approved provider if the content substantially meets the
 103 | intent of the classroom component of the training program; ~~or~~

104 | 5. Demonstrates a combination of the completion of an

105 approved training program in the field of building code
106 inspection or plan review and a minimum of 2 years' experience
107 in the field of building code inspection, plan review, fire code
108 inspections, and fire plans review of new buildings as a
109 firesafety inspector certified under s. 633.216, or
110 construction. The approved training portion of this requirement
111 shall include proof of satisfactory completion of a training
112 program that provides at least 200 hours but not more ~~of not~~
113 ~~less~~ than 300 hours of cross-training which is approved by the
114 board in the chosen category of building code inspection or plan
115 review in the certification category sought with at least ~~not~~
116 ~~less than~~ 20 hours but not more than 30 hours of instruction in
117 state laws, rules, and ethics relating to professional standards
118 of practice, duties, and responsibilities of a
119 certificateholder. The board shall coordinate with the Building
120 Officials Association of Florida, Inc., to establish by rule the
121 development and implementation of the training program. However,
122 the board shall accept all classroom training offered by an
123 approved provider if the content substantially meets the intent
124 of the classroom component of the training program; or
125 6. Currently holds a standard certificate issued by the
126 board or a firesafety inspector license issued pursuant to
127 chapter 633 and:
128 a. Has at least 5 years of verifiable full-time experience
129 as an inspector or plans examiner in a standard certification
130 category currently held or has a minimum of 5 years' verifiable

131 full-time experience as a firesafety inspector licensed pursuant
132 to chapter 633; and

133 b. Satisfactorily completes a building code inspector or
134 plans examiner classroom training course or program that
135 provides at least 40 but not more than 300 hours in the
136 certification category sought, except for one-family and two-
137 family dwelling training programs which are required to provide
138 at least 500 but not more than 800 hours of training as
139 prescribed by the board. The board shall establish by rule
140 criteria for the development and implementation of classroom
141 training courses and programs in each certification category.

142 (3) A person may take the examination for certification as
143 a building code administrator pursuant to this part if the
144 person:

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

146 (b) Is of good moral character.

147 (c) Meets eligibility requirements according to one of the
148 following criteria:

149 1. Demonstrates 7 ~~10~~ years' combined experience as an
150 architect, engineer, plans examiner, building code inspector,
151 firesafety inspector certified under s. 633.216, registered or
152 certified contractor, or construction superintendent, with at
153 least 3 ~~5~~ years of such experience in supervisory positions; or

154 2. Demonstrates a combination of postsecondary education
155 in the field of construction or related field, no more than 5
156 years of which may be applied, and experience as an architect,

157 engineer, plans examiner, building code inspector, firesafety
158 inspector certified under s. 633.216, registered or certified
159 contractor, or construction superintendent which totals 7 ~~10~~
160 years, with at least 3 ~~5~~ years of such total being experience in
161 supervisory positions. In addition, the applicant must have
162 completed training consisting of at least 20 hours but not more
163 than 30 hours of instruction in state laws, rules, and ethics
164 relating to professional standards of practice, duties, and
165 responsibilities of a certificateholder.

166 (7) (a) The board shall ~~may~~ provide for the issuance of
167 provisional certificates valid for 1 year, as specified by board
168 rule, to any newly employed or promoted building code inspector
169 or plans examiner who meets the eligibility requirements
170 described in subsection (2) and any newly employed or promoted
171 building code administrator who meets the eligibility
172 requirements described in subsection (3). The provisional
173 license may be renewed by the board for just cause; however, a
174 provisional license is not valid for a period longer than 3
175 years.

176 (b) No building code administrator, plans examiner, or
177 building code inspector may have a provisional certificate
178 extended beyond the specified period by renewal or otherwise.

179 (c) The board shall ~~may~~ provide for appropriate levels of
180 provisional certificates and may issue these certificates with
181 such special conditions or requirements relating to the place of
182 employment of the person holding the certificate, the

183 supervision of such person on a consulting or advisory basis, or
184 other matters as the board may deem necessary to protect the
185 public safety and health.

186 (d) A newly employed or hired person may perform the
187 duties of a plans examiner or building code inspector for 120
188 days if a provisional certificate application has been submitted
189 if such person is under the direct supervision of a certified
190 building code administrator who holds a standard certification
191 and who has found such person qualified for a provisional
192 certificate. Direct supervision and the determination of
193 qualifications may also be provided by a building code
194 administrator who holds a limited or provisional certificate in
195 a county having a population of fewer than 75,000 and in a
196 municipality located within such county.

197 Section 2. Paragraph (m) of subsection (3) of section
198 489.105, Florida Statutes, is amended to read:

199 489.105 Definitions.—As used in this part:

200 (3) "Contractor" means the person who is qualified for,
201 and is only responsible for, the project contracted for and
202 means, except as exempted in this part, the person who, for
203 compensation, undertakes to, submits a bid to, or does himself
204 or herself or by others construct, repair, alter, remodel, add
205 to, demolish, subtract from, or improve any building or
206 structure, including related improvements to real estate, for
207 others or for resale to others; and whose job scope is
208 substantially similar to the job scope described in one of the

209 paragraphs of this subsection. For the purposes of regulation
210 under this part, the term "demolish" applies only to demolition
211 of steel tanks more than 50 feet in height; towers more than 50
212 feet in height; other structures more than 50 feet in height;
213 and all buildings or residences. Contractors are subdivided into
214 two divisions, Division I, consisting of those contractors
215 defined in paragraphs (a)-(c), and Division II, consisting of
216 those contractors defined in paragraphs (d)-(q):

217 (m) "Plumbing contractor" means a contractor whose
218 services are unlimited in the plumbing trade and includes
219 contracting business consisting of the execution of contracts
220 requiring the experience, financial means, knowledge, and skill
221 to install, maintain, repair, alter, extend, or, if not
222 prohibited by law, design plumbing. A plumbing contractor may
223 install, maintain, repair, alter, extend, or, if not prohibited
224 by law, design the following without obtaining an additional
225 local regulatory license, certificate, or registration: sanitary
226 drainage or storm drainage facilities, water and sewer plants
227 and substations, venting systems, public or private water supply
228 systems, septic tanks, drainage and supply wells, swimming pool
229 piping, irrigation systems, and solar heating water systems and
230 all appurtenances, apparatus, or equipment used in connection
231 therewith, including boilers and pressure process piping and
232 including the installation of water, natural gas, liquefied
233 petroleum gas and related venting, and storm and sanitary sewer
234 lines. The scope of work of the plumbing contractor also

235 includes the design, if not prohibited by law, and installation,
236 maintenance, repair, alteration, or extension of air-piping,
237 vacuum line piping, oxygen line piping, nitrous oxide piping,
238 and all related medical gas systems; fire line standpipes and
239 fire sprinklers if authorized by law; ink and chemical lines;
240 fuel oil and gasoline piping and tank and pump installation,
241 except bulk storage plants; and pneumatic control piping
242 systems, all in a manner that complies with all plans,
243 specifications, codes, laws, and regulations applicable. The
244 scope of work of the plumbing contractor applies to private
245 property and public property, including any excavation work
246 incidental thereto, and includes the work of the specialty
247 plumbing contractor. Such contractor shall subcontract, with a
248 qualified contractor in the field concerned, all other work
249 incidental to the work but which is specified as being the work
250 of a trade other than that of a plumbing contractor. This
251 definition does not limit the scope of work of any specialty
252 contractor certified pursuant to s. 489.113(6)~~7~~ and does not
253 require certification or registration under this part for a
254 category I liquefied petroleum gas dealer, LP gas installer, or
255 specialty installer who is licensed under chapter 527 or an ~~of~~
256 ~~any~~ authorized employee of a public natural gas utility or of a
257 private natural gas utility regulated by the Public Service
258 Commission when disconnecting and reconnecting water lines in
259 the servicing or replacement of an existing water heater. A
260 plumbing contractor may perform drain cleaning and clearing and

261 install or repair rainwater catchment systems; however, a
 262 mandatory licensing requirement is not established for the
 263 performance of these specific services.

264 Section 3. Subsections (2) and (3) of section 489.1401,
 265 Florida Statutes, are amended to read:

266 489.1401 Legislative intent.—

267 (2) It is the intent of the Legislature that the sole
 268 purpose of the Florida Homeowners' Construction Recovery Fund is
 269 to compensate an ~~any~~ aggrieved claimant who contracted for the
 270 construction or improvement of the homeowner's residence located
 271 within this state and who has obtained a final judgment in a ~~any~~
 272 court of competent jurisdiction, was awarded restitution by the
 273 Construction Industry Licensing Board, or received an award in
 274 arbitration against a licensee on grounds of financial
 275 mismanagement or misconduct, abandoning a construction project,
 276 or making a false statement with respect to a project. Such
 277 grievance must arise ~~and arising~~ directly out of a ~~any~~
 278 transaction conducted when the judgment debtor was licensed and
 279 must involve an act ~~performed any of the activities~~ enumerated
 280 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence~~.

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

284 Section 4. Paragraphs (d), (i), (k), and (l) of subsection
 285 (1) of section 489.1402, Florida Statutes, are amended to read:

286 489.1402 Homeowners' Construction Recovery Fund;

287 definitions.—

288 (1) The following definitions apply to ss. 489.140-
289 489.144:

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

293 (i) "Residence" means a single-family residence, an
294 individual residential condominium or cooperative unit, or a
295 residential building containing not more than two residential
296 units in which the owner contracting for the improvement is
297 residing or will reside 6 months or more each calendar year upon
298 completion of the improvement.

299 (k) "Same transaction" means a contract, or a ~~any~~ series
300 of contracts, between a claimant and a contractor or qualified
301 business, when such contract or contracts involve the same
302 property or contiguous properties and are entered into either at
303 one time or serially.

304 (l) "Valid and current license," for the purpose of s.
305 489.141(2)(d), means a ~~any~~ license issued pursuant to this part
306 to a licensee, including a license in an active, inactive,
307 delinquent, or suspended status.

308 Section 5. Subsections (1) and (2) of section 489.141,
309 Florida Statutes, are amended to read:

310 489.141 Conditions for recovery; eligibility.—

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

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

316 (a) The claimant has received a final judgment in a court
317 of competent jurisdiction in this state or has received an award
318 in arbitration or the Construction Industry Licensing Board has
319 issued a final order directing the licensee to pay restitution
320 to the claimant. The board may waive this requirement if:

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

323 2. The claimant has sought to have assets involving the
324 transaction that gave rise to the claim removed from the
325 bankruptcy proceedings so that the matter might be heard in a
326 court of competent jurisdiction in this state and, after due
327 diligence, the claimant is precluded by action of the bankruptcy
328 court from securing a final judgment against the licensee.

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

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

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

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

336 1. The claimant has caused to be issued a writ of
337 execution upon such judgment, and the officer executing the writ
338 has made a return showing that no personal or real property of

339 the judgment debtor or licensee liable to be levied upon in
340 satisfaction of the judgment can be found or that the amount
341 realized on the sale of the judgment debtor's or licensee's
342 property pursuant to such execution was insufficient to satisfy
343 the judgment;

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

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

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

361 (g) Any amounts recovered by the claimant from the
362 judgment debtor or licensee, or from any other source, have been
363 applied to the damages awarded by the court or the amount of
364 restitution ordered by the board.

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

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

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

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

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

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

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

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

384 (f)(g) The claimant has entered into a contract ~~contracted~~
385 with a licensee to perform a scope of work described in s.
386 489.105(3)(d)-(q) before July 1, 2015 ~~489.105(3)(d)-(p)~~.

387 Section 6. Subsection (1) of section 489.1425, Florida
388 Statutes, is amended to read:

389 489.1425 Duty of contractor to notify residential property
390 owner of recovery fund.—

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

397
 398 FLORIDA HOMEOWNERS' CONSTRUCTION
 399 RECOVERY FUND

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

408
 409 The statement must ~~shall~~ be immediately followed by the board's
 410 address and telephone number as established by board rule.

411 Section 7. Section 489.143, Florida Statutes, is amended
 412 to read:

413 489.143 Payment from the fund.—

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

416 (2) A ~~Any~~ claimant who meets all of the conditions

417 prescribed in s. 489.141 may apply to the board to cause payment
418 to be made to a claimant from the recovery fund in an amount
419 equal to the judgment, award, or restitution order or \$25,000,
420 whichever is less, or an amount equal to the unsatisfied portion
421 of such person's judgment, award, or restitution order, but only
422 to the extent and amount of actual damages suffered by the
423 claimant, and only up to the maximum payment allowed for each
424 respective Division I and Division II claim. Payment from the
425 fund for other costs related to or pursuant to civil proceedings
426 such as postjudgment interest, attorney ~~attorney's~~ fees, court
427 costs, medical damages, and punitive damages is prohibited. The
428 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
429 or a restitution order, or any portion thereof, which is not
430 expressly based on one of the grounds for recovery set forth in
431 s. 489.141.

432 (3) Beginning January 1, 2005, for each Division I
433 contract entered into after July 1, 2004, payment from the
434 recovery fund shall be subject to a \$50,000 maximum payment for
435 each Division I claim. Beginning January 1, 2016, for each
436 Division II contract entered into on or after July 1, 2015,
437 payment from the recovery fund shall be subject to a \$15,000
438 maximum payment for each Division II claim.

439 (4) ~~(3)~~ Upon receipt by a claimant under subsection (2) of
440 payment from the recovery fund, the claimant shall assign his or
441 her additional right, title, and interest in the judgment,
442 award, or restitution order, to the extent of such payment, to

443 the board, and thereupon the board shall be subrogated to the
444 right, title, and interest of the claimant; and any amount
445 subsequently recovered on the judgment, award, or restitution
446 order, to the extent of the right, title, and interest of the
447 board therein, shall be for the purpose of reimbursing the
448 recovery fund.

449 (5)-(4) Payments for claims arising out of the same
450 transaction shall be limited, in the aggregate, to the lesser of
451 the judgment, award, or restitution order or the maximum payment
452 allowed for a Division I or Division II claim, regardless of the
453 number of claimants involved in the transaction.

454 (6)-(5) For contracts entered into before July 1, 2004,
455 payments for claims against any one licensee may shall not
456 exceed, in the aggregate, \$100,000 annually, up to a total
457 aggregate of \$250,000. For any claim approved by the board which
458 is in excess of the annual cap, the amount in excess of \$100,000
459 up to the total aggregate cap of \$250,000 is eligible for
460 payment in the next and succeeding fiscal years, but only after
461 all claims for the then-current calendar year have been paid.
462 Payments may not exceed the aggregate annual or per claimant
463 limits under law. Beginning January 1, 2005, for each Division I
464 contract entered into after July 1, 2004, payment from the
465 recovery fund is subject only to a total aggregate cap of
466 \$500,000 for each Division I licensee. Beginning January 1,
467 2016, for each Division II contract entered into on or after
468 July 1, 2015, payment from the recovery fund is subject only to

469 a total aggregate cap of \$150,000 for each Division II licensee.

470 (7)~~(6)~~ Claims shall be paid in the order filed, up to the
471 aggregate limits for each transaction and licensee and to the
472 limits of the amount appropriated to pay claims against the fund
473 ~~for the fiscal year in which the claims were filed.~~ Payments may
474 not exceed the total aggregate cap per license or per claimant
475 limits under this section.

476 (8)~~(7)~~ If the annual appropriation is exhausted with
477 claims pending, such claims shall be carried forward to the next
478 fiscal year. Any moneys in excess of pending claims remaining in
479 the recovery fund at the end of the fiscal year shall be paid as
480 provided in s. 468.631.

481 (9)~~(8)~~ Upon the payment of any amount from the recovery
482 fund in settlement of a claim in satisfaction of a judgment,
483 award, or restitution order against a licensee as described in
484 s. 489.141, the license of such licensee shall be automatically
485 suspended, without further administrative action, upon the date
486 of payment from the fund. The license of such licensee may ~~shall~~
487 not be reinstated until he or she has repaid in full, plus
488 interest, the amount paid from the fund. A discharge of
489 bankruptcy does not relieve a person from the penalties and
490 disabilities provided in this section.

491 (10)~~(9)~~ A ~~Any~~ firm, a corporation, a partnership, or an
492 association, or a ~~any~~ person acting in his or her individual
493 capacity, who aids, abets, solicits, or conspires with another
494 ~~any~~ person to knowingly present or cause to be presented a ~~any~~

495 false or fraudulent claim for the payment of a loss under this
496 act commits ~~is guilty of~~ a third-degree felony, punishable as
497 provided in s. 775.082 or s. 775.084 and by a fine of up to ~~not~~
498 ~~exceeding~~ \$30,000~~7~~, unless the value of the fraud exceeds that
499 amount, ~~\$30,000~~ in which event the fine may not exceed double
500 the value of the fraud.

501 ~~(11)-(10)~~ Each payment ~~All payments~~ and disbursement
502 ~~disbursements~~ from the recovery fund shall be made by the Chief
503 Financial Officer upon a voucher signed by the secretary of the
504 department or the secretary's designee.

505 Section 8. Subsection (24) is added to section 489.503,
506 Florida Statutes, to read:

507 489.503 Exemptions.—This part does not apply to:

508 (24) A person who installs low-voltage landscape lighting
509 that contains a factory-installed electrical cord with plug and
510 does not require installation, wiring, or other modification to
511 the electrical wiring of a structure.

512 Section 9. Subsection (3) of section 514.011, Florida
513 Statutes, is amended to read:

514 514.011 Definitions.—As used in this chapter:

515 (3) "Private pool" means a facility used only by an
516 individual, family, or living unit members and their guests
517 which does not serve any type of cooperative housing or joint
518 tenancy of five or more living units. Notwithstanding any other
519 provision of law, a portable pool used exclusively for providing
520 swimming lessons or related instruction in support of an

521 established "learn to swim" educational program sponsored or
522 provided by a school district is a private pool for purposes of
523 the exemptions provided in s. 514.0115.

524 Section 10. Subsection (3) of section 514.0115, Florida
525 Statutes, is amended to read:

526 514.0115 Exemptions from supervision or regulation;
527 variances.—

528 (3) A private pool used for instructional purposes in
529 swimming shall not be regulated as a public pool. In addition, a
530 portable pool used for instructional purposes or in support of
531 an established "learn to swim" program shall not be regulated as
532 a public pool.

533 Section 11. Subsection (5) of section 514.031, Florida
534 Statutes, is amended to read:

535 514.031 Permit necessary to operate public swimming pool.—

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

546 Section 12. Section 553.721, Florida Statutes, is amended

547 to read:

548 553.721 Surcharge.—In order for the Department of Business
549 and Professional Regulation to administer and carry out the
550 purposes of this part and related activities, there is created a
551 surcharge, to be assessed at the rate of 1.5 percent of the
552 permit fees associated with enforcement of the Florida Building
553 Code as defined by the uniform account criteria and specifically
554 the uniform account code for building permits adopted for local
555 government financial reporting pursuant to s. 218.32. The
556 minimum amount collected on any permit issued shall be \$2. The
557 unit of government responsible for collecting a permit fee
558 pursuant to s. 125.56(4) or s. 166.201 shall collect the
559 surcharge and electronically remit the funds collected to the
560 department on a quarterly calendar basis for the preceding
561 quarter and continuing each third month thereafter. The unit of
562 government shall retain 10 percent of the surcharge collected to
563 fund the participation of building departments in the national
564 and state building code adoption processes and to provide
565 education related to enforcement of the Florida Building Code.
566 All funds remitted to the department pursuant to this section
567 shall be deposited in the Professional Regulation Trust Fund.
568 Funds collected from the surcharge shall be allocated to fund
569 the Florida Building Commission and the Florida Building Code
570 Compliance and Mitigation Program under s. 553.841. Funds
571 allocated to the Florida Building Code Compliance and Mitigation
572 Program shall be \$925,000 each fiscal year. The Florida Building

573 Code Compliance and Mitigation Program shall fund the
574 recommendations made by the Building Code System Uniform
575 Implementation Evaluation Workgroup, dated April 8, 2013, from
576 existing resources, not to exceed \$30,000 in the 2015-2016
577 fiscal year. Funds collected from the surcharge shall also be
578 used to fund Florida Fire Code informal interpretations managed
579 by the State Fire Marshal and shall be limited to \$15,000 each
580 fiscal year. The funds collected from the surcharge may not be
581 used to fund research on techniques for mitigation of radon in
582 existing buildings. Funds used by the department as well as
583 funds to be transferred to the Department of Health and the
584 State Fire Marshal shall be as prescribed in the annual General
585 Appropriations Act. The department shall adopt rules governing
586 the collection and remittance of surcharges pursuant to chapter
587 120.

588 Section 13. Subsection (6) of section 553.79, Florida
589 Statutes, is amended to read:

590 553.79 Permits; applications; issuance; inspections.—

591 (6) A permit may not be issued for any building
592 construction, erection, alteration, modification, repair, or
593 addition unless the applicant for such permit complies with the
594 requirements for plan review established by the Florida Building
595 Commission within the Florida Building Code. However, the code
596 shall set standards and criteria to authorize preliminary
597 construction before completion of all building plans review,
598 including, but not limited to, special permits for the

599 foundation only, and such standards shall take effect concurrent
600 with the first effective date of the Florida Building Code.
601 After submittal of the appropriate construction documents, the
602 building official is authorized to issue a permit for the
603 construction of foundations or any other part of a building or
604 structure before the construction documents for the whole
605 building or structure have been submitted. No other agency
606 review or approval may be required before the issuance of a
607 phased permit due to the fact that the project will need all the
608 necessary outside agencies' reviews and approvals before the
609 issuance of a master building permit. The holder of such permit
610 for the foundation or other parts of a building or structure
611 shall proceed at the holder's own risk with the building
612 operation and without assurance that a permit for the entire
613 structure will be granted. Corrections may be required to meet
614 the requirements of the technical codes.

615 Section 14. Subsections (4) and (7) of section 553.841,
616 Florida Statutes, are amended, to read:

617 553.841 Building code compliance and mitigation program.—

618 ~~(4) In administering the Florida Building Code Compliance~~
619 ~~and Mitigation Program, the department shall maintain, update,~~
620 ~~develop, or cause to be developed advanced modules designed for~~
621 ~~use by each profession.~~

622 ~~(7) The Florida Building Commission shall provide by rule~~
623 ~~for the accreditation of courses related to the Florida Building~~
624 ~~Code by accreditors approved by the commission. The commission~~

625 ~~shall establish qualifications of accreditors and criteria for~~
626 ~~the accreditation of courses by rule. The commission may revoke~~
627 ~~the accreditation of a course by an accreditor if the~~
628 ~~accreditation is demonstrated to violate this part or the rules~~
629 ~~of the commission.~~

630 Section 15. Paragraph (a) of subsection (8) of section
631 553.842, Florida Statutes, is amended to read:

632 553.842 Product evaluation and approval.—

633 (8) The commission may adopt rules to approve the
634 following types of entities that produce information on which
635 product approvals are based. All of the following entities,
636 including engineers and architects, must comply with a
637 nationally recognized standard demonstrating independence or no
638 conflict of interest:

639 (a) Evaluation entities approved pursuant to this
640 paragraph. The commission shall specifically approve the
641 National Evaluation Service, the International Association of
642 Plumbing and Mechanical Officials Evaluation Service, the
643 International Code Council Evaluation Services, Underwriters
644 Laboratories, LLC, and the Miami-Dade County Building Code
645 Compliance Office Product Control Division. Architects and
646 engineers licensed in this state are also approved to conduct
647 product evaluations as provided in subsection (5).

648 Section 16. Section 553.908, Florida Statutes, is amended
649 to read:

650 553.908 Inspection.—Before construction or renovation is

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651 completed, the local enforcement agency shall inspect buildings
652 for compliance with the standards of this part. The local
653 enforcement agency shall accept duct and air infiltration tests
654 conducted in accordance with the Florida Building Code-Energy
655 Conservation by individuals certified as set forth in s.
656 553.993(5) or (7) or individuals licensed under s.
657 489.105(3)(f), (g), or (i) who perform duct testing. The local
658 enforcement agency may accept inspections in whole or in part by
659 individuals certified in accordance with s. 553.993(5) or (7) or
660 by individuals certified as energy inspectors by the
661 International Code Council, provided that the inspection
662 complies with the Florida Building Code-Energy Conservation.

663 Section 17. This act shall take effect July 1, 2015.