

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  
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  
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  
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

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; creating the Calder Sloan Swimming Pool  
134 Electrical-Safety Task Force within the Florida  
135 Building Commission; specifying the purpose of the  
136 task force; requiring a report to the Governor and the  
137 Legislature by a specified date; providing for  
138 membership; requiring the Florida Building Commission  
139 to provide staff, information, and other assistance to  
140 the task force; providing that members of the task  
141 force serve without compensation; authorizing the task  
142 force to meet as often as necessary; providing for  
143 future repeal of the task force; providing an  
144 effective date.

145

146 Be It Enacted by the Legislature of the State of Florida:

147

148 Section 1. Subsections (2), (3), and (7) of section  
149 468.609, Florida Statutes, are amended to read:

150 468.609 Administration of this part; standards for  
151 certification; additional categories of certification.—

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

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

156 (b) Is of good moral character.

157 (c) Meets eligibility requirements according to one of the  
 158 following criteria:

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

162 2. Demonstrates a combination of postsecondary education  
 163 in the field of construction or a related field and experience  
 164 which totals 4 years, with at least 1 year of such total being  
 165 experience in construction, building code inspection, or plans  
 166 review;

167 3. Demonstrates a combination of technical education in  
 168 the field of construction or a related field and experience  
 169 which totals 4 years, with at least 1 year of such total being  
 170 experience in construction, building code inspection, or plans  
 171 review;

172 4. Currently holds a standard certificate ~~as~~ issued by the  
 173 board, ~~or a~~ firesafety ~~fire-safety~~ inspector license issued  
 174 pursuant to chapter 633, has a minimum of 3 ~~5~~ years' verifiable  
 175 full-time experience in inspection or plan review, and  
 176 satisfactorily completes a building code inspector or plans  
 177 examiner training program that provides at least 100 hours but  
 178 not more ~~of not less~~ than 200 hours of cross-training in the  
 179 certification category sought. The board shall establish by rule  
 180 criteria for the development and implementation of the training  
 181 programs. The board shall accept all classroom training offered  
 182 by an approved provider if the content substantially meets the

183 intent of the classroom component of the training program; ~~or~~  
 184 5. Demonstrates a combination of the completion of an  
 185 approved training program in the field of building code  
 186 inspection or plan review and a minimum of 2 years' experience  
 187 in the field of building code inspection, plan review, fire code  
 188 inspections and fire plans review of new buildings as a  
 189 firesafety inspector certified under s. 633.216, or  
 190 construction. The approved training portion of this requirement  
 191 shall include proof of satisfactory completion of a training  
 192 program that provides at least 200 hours but not more ~~of not~~  
 193 ~~less~~ than 300 hours of cross-training that ~~which~~ is approved by  
 194 the board in the chosen category of building code inspection or  
 195 plan review in the certification category sought with at least  
 196 ~~not less than~~ 20 hours but not more than 30 hours of instruction  
 197 in state laws, rules, and ethics relating to professional  
 198 standards of practice, duties, and responsibilities of a  
 199 certificateholder. The board shall coordinate with the Building  
 200 Officials Association of Florida, Inc., to establish by rule the  
 201 development and implementation of the training program. However,  
 202 the board shall accept all classroom training offered by an  
 203 approved provider if the content substantially meets the intent  
 204 of the classroom component of the training program; or  
 205 6. Currently holds a standard certificate issued by the  
 206 board or a firesafety inspector license issued pursuant to  
 207 chapter 633 and:  
 208 a. Has at least 5 years' verifiable full-time experience



209 as an inspector or plans examiner in a standard certification  
 210 category currently held or has a minimum of 5 years' verifiable  
 211 full-time experience as a firesafety inspector licensed pursuant  
 212 to chapter 633; and

213 b. Satisfactorily completes a building code inspector or  
 214 plans examiner classroom training course or program that  
 215 provides at least 200 but not more than 300 hours in the  
 216 certification category sought, except for one-family and two-  
 217 family dwelling training programs, which are required to provide  
 218 at least 500 but not more than 800 hours of training as  
 219 prescribed by the board. The board shall establish by rule  
 220 criteria for the development and implementation of classroom  
 221 training courses and programs in each certification category.

222 (3) A person may take the examination for certification as  
 223 a building code administrator pursuant to this part if the  
 224 person:

- 225 (a) Is at least 18 years of age.
- 226 (b) Is of good moral character.
- 227 (c) Meets eligibility requirements according to one of the
- 228 following criteria:

229 1. Demonstrates 10 years' combined experience as an  
 230 architect, engineer, plans examiner, building code inspector,  
 231 registered or certified contractor, or construction  
 232 superintendent, with at least 5 years of such experience in  
 233 supervisory positions; or

234 2. Demonstrates a combination of postsecondary education

235 in the field of construction or related field, no more than 5  
236 years of which may be applied, and experience as an architect,  
237 engineer, plans examiner, building code inspector, registered or  
238 certified contractor, or construction superintendent which  
239 totals 10 years, with at least 5 years of such total being  
240 experience in supervisory positions. In addition, the applicant  
241 must have completed training consisting of at least 20 hours,  
242 but not more than 30 hours, of instruction in state laws, rules,  
243 and ethics relating to the professional standards of practice,  
244 duties, and responsibilities of a certificateholder.

245 (7) (a) The board shall ~~may~~ provide for the issuance of  
246 provisional certificates valid for 1 year, as specified by board  
247 rule, to any newly employed or promoted building code inspector  
248 or plans examiner who meets the eligibility requirements  
249 described in subsection (2) and any newly employed or promoted  
250 building code administrator who meets the eligibility  
251 requirements described in subsection (3). The provisional  
252 license may be renewed by the board for just cause; however, a  
253 provisional license is not valid for a period longer than 3  
254 years.

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

258 (c) The board shall ~~may~~ provide for appropriate levels of  
259 provisional certificates and may issue these certificates with  
260 such special conditions or requirements relating to the place of

261 employment of the person holding the certificate, the  
 262 supervision of such person on a consulting or advisory basis, or  
 263 other matters as the board may deem necessary to protect the  
 264 public safety and health.

265 (d) A newly employed or hired person may perform the  
 266 duties of a plans examiner or building code inspector for 120  
 267 days if a provisional certificate application has been submitted  
 268 if such person is under the direct supervision of a certified  
 269 building code administrator who holds a standard certification  
 270 and who has found such person qualified for a provisional  
 271 certificate. Direct supervision and the determination of  
 272 qualifications may also be provided by a building code  
 273 administrator who holds a limited or provisional certificate in  
 274 a county having a population of fewer than 75,000 and in a  
 275 municipality located within such county.

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

278 468.627 Application; examination; renewal; fees.—

279 (5) The certificateholder shall provide proof, in a form  
 280 established by board rule, that the certificateholder has  
 281 completed at least 14 classroom hours of at least 50 minutes  
 282 each of continuing education courses during each biennium since  
 283 the issuance or renewal of the certificate, including code-  
 284 related training ~~the specialized or advanced coursework approved~~  
 285 ~~by the Florida Building Commission~~, as part of the building code  
 286 training program established pursuant to s. 553.841, appropriate

287 to the licensing category sought. A minimum of 3 of the required  
288 14 classroom hours must be on state law, rules, and ethics  
289 relating to professional standards of practice, duties, and  
290 responsibilities of the certificateholder. The board shall by  
291 rule establish criteria for approval of continuing education  
292 courses and providers, and may by rule establish criteria for  
293 accepting alternative nonclassroom continuing education on an  
294 hour-for-hour basis.

295 Section 3. Section 471.0195, Florida Statutes, is amended  
296 to read:

297 471.0195 Florida Building Code training for engineers.—All  
298 licensees actively participating in the design of engineering  
299 works or systems in connection with buildings, structures, or  
300 facilities and systems covered by the Florida Building Code  
301 shall take continuing education courses and submit proof to the  
302 board, at such times and in such manner as established by the  
303 board by rule, that the licensee has completed any specialized  
304 or code-related training ~~advanced courses~~ on any portion of the  
305 Florida Building Code applicable to the licensee's area of  
306 practice. The board shall record reported continuing education  
307 courses on a system easily accessed by code enforcement  
308 jurisdictions for evaluation when determining license status for  
309 purposes of processing design documents. Local jurisdictions  
310 shall be responsible for notifying the board when design  
311 documents are submitted for building construction permits by  
312 persons who are not in compliance with this section. The board

313 shall take appropriate action as provided by its rules when such  
314 noncompliance is determined to exist.

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

317 481.215 Renewal of license.—

318 (5) The board shall require, by rule adopted pursuant to  
319 ss. 120.536(1) and 120.54, a specified number of hours in  
320 specialized or code-related training ~~advanced courses, approved~~  
321 ~~by the Florida Building Commission,~~ on any portion of the  
322 Florida Building Code, adopted pursuant to part IV of chapter  
323 553, relating to the licensee's respective area of practice.

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

326 481.313 Renewal of license.—

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

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

335 489.103 Exemptions.—This part does not apply to:

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

339 and air-conditioning systems if:

340 (a) The employee:

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

343 2. Does not perform any acts, other than acts authorized  
344 by this exemption, that constitute contracting.

345 3. Receives compensation from and is under the supervision  
346 and control of an employer who deducts the FICA and withholding  
347 tax and who provides workers' compensation, as prescribed by  
348 law.

349 4. Holds a current certificate for apartment maintenance  
350 technicians issued by the National Apartment Association and  
351 accredited by the American National Standards Institute.

352 Requirements for obtaining such certificate must include at  
353 least:

354 a. One year of apartment or rental housing maintenance  
355 experience.

356 b. Successful completion of at least 90 hours of courses  
357 or online content that covers electrical maintenance and repair;  
358 plumbing maintenance and repair; heating, venting, or air-  
359 conditioning system maintenance and repair; appliance  
360 maintenance and repair; and interior and exterior maintenance  
361 and repair.

362 c. Completion of all examination requirements.

363 (b) The equipment:

364 1. Is already installed on the property owned by the

365 apartment community or managed by the apartment community  
366 management company.

367 2. Is not being modified except to replace components  
368 necessary to return the equipment to its original condition and  
369 the partial disassembly associated with the replacement.

370 3. Is a type of equipment commonly installed in similar  
371 locations.

372 4. Is repaired with new parts that are functionally  
373 identical to the parts being replaced.

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

379 (d) The property owned by the apartment community or  
380 managed by the apartment community management company includes  
381 at least 100 apartments.

382 Section 7. Paragraph (m) of subsection (3) of section  
383 489.105, Florida Statutes, is amended to read:

384 489.105 Definitions.—As used in this part:

385 (3) "Contractor" means the person who is qualified for,  
386 and is only responsible for, the project contracted for and  
387 means, except as exempted in this part, the person who, for  
388 compensation, undertakes to, submits a bid to, or does himself  
389 or herself or by others construct, repair, alter, remodel, add  
390 to, demolish, subtract from, or improve any building or

391 structure, including related improvements to real estate, for  
392 others or for resale to others; and whose job scope is  
393 substantially similar to the job scope described in one of the  
394 paragraphs of this subsection. For the purposes of regulation  
395 under this part, the term "demolish" applies only to demolition  
396 of steel tanks more than 50 feet in height; towers more than 50  
397 feet in height; other structures more than 50 feet in height;  
398 and all buildings or residences. Contractors are subdivided into  
399 two divisions, Division I, consisting of those contractors  
400 defined in paragraphs (a)-(c), and Division II, consisting of  
401 those contractors defined in paragraphs (d)-(q):

402 (m) "Plumbing contractor" means a contractor whose  
403 services are unlimited in the plumbing trade and includes  
404 contracting business consisting of the execution of contracts  
405 requiring the experience, financial means, knowledge, and skill  
406 to install, maintain, repair, alter, extend, or, if not  
407 prohibited by law, design plumbing. A plumbing contractor may  
408 install, maintain, repair, alter, extend, or, if not prohibited  
409 by law, design the following without obtaining an additional  
410 local regulatory license, certificate, or registration: sanitary  
411 drainage or storm drainage facilities, water and sewer plants  
412 and substations, venting systems, public or private water supply  
413 systems, septic tanks, drainage and supply wells, swimming pool  
414 piping, irrigation systems, and solar heating water systems and  
415 all appurtenances, apparatus, or equipment used in connection  
416 therewith, including boilers and pressure process piping and



417 including the installation of water, natural gas, liquefied  
418 petroleum gas and related venting, and storm and sanitary sewer  
419 lines. The scope of work of the plumbing contractor also  
420 includes the design, if not prohibited by law, and installation,  
421 maintenance, repair, alteration, or extension of air-piping,  
422 vacuum line piping, oxygen line piping, nitrous oxide piping,  
423 and all related medical gas systems; fire line standpipes and  
424 fire sprinklers if authorized by law; ink and chemical lines;  
425 fuel oil and gasoline piping and tank and pump installation,  
426 except bulk storage plants; and pneumatic control piping  
427 systems, all in a manner that complies with all plans,  
428 specifications, codes, laws, and regulations applicable. The  
429 scope of work of the plumbing contractor applies to private  
430 property and public property, including any excavation work  
431 incidental thereto, and includes the work of the specialty  
432 plumbing contractor. Such contractor shall subcontract, with a  
433 qualified contractor in the field concerned, all other work  
434 incidental to the work but which is specified as being the work  
435 of a trade other than that of a plumbing contractor. This  
436 definition does not limit the scope of work of any specialty  
437 contractor certified pursuant to s. 489.113(6), and does not  
438 require certification or registration under this part for a  
439 category I liquefied petroleum gas dealer, LP gas installer, or  
440 specialty installer who is licensed under chapter 527 or an ~~of~~  
441 ~~any~~ authorized employee of a public natural gas utility or of a  
442 private natural gas utility regulated by the Public Service

443 Commission when disconnecting and reconnecting water lines in  
444 the servicing or replacement of an existing water heater. A  
445 plumbing contractor may perform drain cleaning and clearing and  
446 install or repair rainwater catchment systems; however, a  
447 mandatory licensing requirement is not established for the  
448 performance of these specific services.

449 Section 8. Paragraph (b) of subsection (4) of section  
450 489.115, Florida Statutes, is amended to read:

451 489.115 Certification and registration; endorsement;  
452 reciprocity; renewals; continuing education.—

453 (4)

454 (b)1. Each certificateholder or registrant shall provide  
455 proof, in a form established by rule of the board, that the  
456 certificateholder or registrant has completed at least 14  
457 classroom hours of at least 50 minutes each of continuing  
458 education courses during each biennium since the issuance or  
459 renewal of the certificate or registration. The board shall  
460 establish by rule that a portion of the required 14 hours must  
461 deal with the subject of workers' compensation, business  
462 practices, workplace safety, and, for applicable licensure  
463 categories, wind mitigation methodologies, and 1 hour of which  
464 must deal with laws and rules. The board shall by rule establish  
465 criteria for the approval of continuing education courses and  
466 providers, including requirements relating to the content of  
467 courses and standards for approval of providers, and may by rule  
468 establish criteria for accepting alternative nonclassroom

469 continuing education on an hour-for-hour basis. The board shall  
470 prescribe by rule the continuing education, if any, which is  
471 required during the first biennium of initial licensure. A  
472 person who has been licensed for less than an entire biennium  
473 must not be required to complete the full 14 hours of continuing  
474 education.

475 2. In addition, the board may approve specialized  
476 continuing education courses on compliance with the wind  
477 resistance provisions for one and two family dwellings contained  
478 in the Florida Building Code and any alternate methodologies for  
479 providing such wind resistance which have been approved for use  
480 by the Florida Building Commission. Division I  
481 certificateholders or registrants who demonstrate proficiency  
482 upon completion of such specialized courses may certify plans  
483 and specifications for one and two family dwellings to be in  
484 compliance with the code or alternate methodologies, as  
485 appropriate, except for dwellings located in floodways or  
486 coastal hazard areas as defined in ss. 60.3D and E of the  
487 National Flood Insurance Program.

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

494 Section 9. Subsections (2) and (3) of section 489.1401,

495 Florida Statutes, are amended to read:

496 489.1401 Legislative intent.—

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

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

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

517 489.1402 Homeowners' Construction Recovery Fund;  
 518 definitions.—

519 (1) The following definitions apply to ss. 489.140-  
 520 489.144:

521 (d) "Contractor" means a Division I or Division II  
 522 contractor performing his or her respective services described  
 523 in s. 489.105(3)(a)-(g) ~~489.105(3)(a)-(e)~~.

524 (i) "Residence" means a single-family residence, an  
 525 individual residential condominium or cooperative unit, or a  
 526 residential building containing not more than two residential  
 527 units in which the owner contracting for the improvement is  
 528 residing or will reside 6 months or more each calendar year upon  
 529 completion of the improvement.

530 (k) "Same transaction" means a contract, or a ~~any~~ series  
 531 of contracts, between a claimant and a contractor or qualified  
 532 business, when such contract or contracts involve the same  
 533 property or contiguous properties and are entered into either at  
 534 one time or serially.

535 (l) "Valid and current license," for the purpose of s.  
 536 489.141(2)(d), means a ~~any~~ license issued pursuant to this part  
 537 to a licensee, including a license in an active, inactive,  
 538 delinquent, or suspended status.

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

541 489.141 Conditions for recovery; eligibility.—

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

547 (a) The claimant has received a final judgment in a court  
548 of competent jurisdiction in this state or has received an award  
549 in arbitration or the Construction Industry Licensing Board has  
550 issued a final order directing the licensee to pay restitution  
551 to the claimant. The board may waive this requirement if:

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

554 2. The claimant has sought to have assets involving the  
555 transaction that gave rise to the claim removed from the  
556 bankruptcy proceedings so that the matter might be heard in a  
557 court of competent jurisdiction in this state and, after due  
558 diligence, the claimant is precluded by action of the bankruptcy  
559 court from securing a final judgment against the licensee.

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

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

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

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

567 1. The claimant has caused to be issued a writ of  
568 execution upon such judgment, and the officer executing the writ  
569 has made a return showing that no personal or real property of  
570 the judgment debtor or licensee liable to be levied upon in  
571 satisfaction of the judgment can be found or that the amount  
572 realized on the sale of the judgment debtor's or licensee's

573 property pursuant to such execution was insufficient to satisfy  
574 the judgment;

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

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

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

592         (g) Any amounts recovered by the claimant from the  
593 judgment debtor or licensee, or from any other source, have been  
594 applied to the damages awarded by the court or the amount of  
595 restitution ordered by the board.

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

598         (2) A claimant is not qualified to make a claim for

599 recovery from the recovery fund, if:

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

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

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

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

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

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

615 (f)-(g) The claimant has entered into a contract ~~contracted~~  
616 with a licensee to perform a scope of work described in s.  
617 489.105(3)(d)-(q) before July 1, 2015 ~~489.105(3)(d)-(p)~~.

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

620 489.1425 Duty of contractor to notify residential property  
621 owner of recovery fund.—

622 (1) Each ~~Any~~ agreement or contract for repair,  
623 restoration, improvement, or construction to residential real  
624 property must contain a written statement explaining the



625 consumer's rights under the recovery fund, except where the  
 626 value of all labor and materials does not exceed \$2,500. The  
 627 written statement must be substantially in the following form:

628  
 629 FLORIDA HOMEOWNERS' CONSTRUCTION  
 630 RECOVERY FUND

631  
 632 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE  
 633 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY  
 634 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS  
 635 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED  
 636 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A  
 637 CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD  
 638 AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

639  
 640 The statement must ~~shall~~ be immediately followed by the board's  
 641 address and telephone number as established by board rule.

642 Section 13. Section 489.143, Florida Statutes, is amended  
 643 to read:

644 489.143 Payment from the fund.—

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

647 (2) A ~~Any~~ claimant who meets all of the conditions  
 648 prescribed in s. 489.141 may apply to the board to cause payment  
 649 to be made to a claimant from the recovery fund in an amount  
 650 equal to the judgment, award, or restitution order or \$25,000,

651 | whichever is less, or an amount equal to the unsatisfied portion  
652 | of such person's judgment, award, or restitution order, but only  
653 | to the extent and amount of actual damages suffered by the  
654 | claimant, and only up to the maximum payment allowed for each  
655 | respective Division I and Division II claim. Payment from the  
656 | fund for other costs related to or pursuant to civil proceedings  
657 | such as postjudgment interest, attorney ~~attorney's~~ fees, court  
658 | costs, medical damages, and punitive damages is prohibited. The  
659 | recovery fund is not obligated to pay a ~~any~~ judgment, an award,  
660 | or a restitution order, or any portion thereof, which is not  
661 | expressly based on one of the grounds for recovery set forth in  
662 | s. 489.141.

663 |       (3) Beginning January 1, 2005, for each Division I  
664 | contract entered into after July 1, 2004, payment from the  
665 | recovery fund is ~~shall be~~ subject to a \$50,000 maximum payment  
666 | for each Division I claim. Beginning January 1, 2016, for each  
667 | Division II contract entered into on or after July 1, 2015,  
668 | payment from the recovery fund is subject to a \$15,000 maximum  
669 | payment for each Division II claim.

670 |       (4) ~~(3)~~ Upon receipt by a claimant under subsection (2) of  
671 | payment from the recovery fund, the claimant shall assign his or  
672 | her additional right, title, and interest in the judgment,  
673 | award, or restitution order, to the extent of such payment, to  
674 | the board, and thereupon the board shall be subrogated to the  
675 | right, title, and interest of the claimant; and any amount  
676 | subsequently recovered on the judgment, award, or restitution

677 order, to the extent of the right, title, and interest of the  
678 board therein, shall be for the purpose of reimbursing the  
679 recovery fund.

680 (5)~~(4)~~ Payments for claims arising out of the same  
681 transaction shall be limited, in the aggregate, to the lesser of  
682 the judgment, award, or restitution order or the maximum payment  
683 allowed for a Division I or Division II claim, regardless of the  
684 number of claimants involved in the transaction.

685 (6)~~(5)~~ For contracts entered into before July 1, 2004,  
686 payments for claims against any one licensee may ~~shall~~ not  
687 exceed, in the aggregate, \$100,000 annually, up to a total  
688 aggregate of \$250,000. For any claim approved by the board which  
689 is in excess of the annual cap, the amount in excess of \$100,000  
690 up to the total aggregate cap of \$250,000 is eligible for  
691 payment in the next and succeeding fiscal years, but only after  
692 all claims for the then-current calendar year have been paid.  
693 Payments may not exceed the aggregate annual or per claimant  
694 limits under law. Beginning January 1, 2005, for each Division I  
695 contract entered into after July 1, 2004, payment from the  
696 recovery fund is subject only to a total aggregate cap of  
697 \$500,000 for each Division I licensee. Beginning January 1,  
698 2016, for each Division II contract entered into on or after  
699 July 1, 2015, payment from the recovery fund is subject only to  
700 a total aggregate cap of \$150,000 for each Division II licensee.

701 (7)~~(6)~~ Claims shall be paid in the order filed, up to the  
702 aggregate limits for each transaction and licensee and to the

703 limits of the amount appropriated to pay claims against the fund  
704 ~~for the fiscal year in which the claims were filed.~~ Payments may  
705 not exceed the total aggregate cap per license or per claimant  
706 limits under this section.

707 (8)~~(7)~~ If the annual appropriation is exhausted with  
708 claims pending, such claims shall be carried forward to the next  
709 fiscal year. Any moneys in excess of pending claims remaining in  
710 the recovery fund at the end of the fiscal year shall be paid as  
711 provided in s. 468.631.

712 (9)~~(8)~~ Upon the payment of any amount from the recovery  
713 fund in settlement of a claim in satisfaction of a judgment,  
714 award, or restitution order against a licensee as described in  
715 s. 489.141, the license of such licensee shall be automatically  
716 suspended, without further administrative action, upon the date  
717 of payment from the fund. The license of such licensee may ~~shall~~  
718 not be reinstated until he or she has repaid in full, plus  
719 interest, the amount paid from the fund. A discharge of  
720 bankruptcy does not relieve a person from the penalties and  
721 disabilities provided in this section.

722 (10)~~(9)~~ A ~~Any~~ firm, a corporation, a partnership, or an  
723 association, or a ~~any~~ person acting in his or her individual  
724 capacity, who aids, abets, solicits, or conspires with another  
725 ~~any~~ person to knowingly present or cause to be presented a ~~any~~  
726 false or fraudulent claim for the payment of a loss under this  
727 act commits ~~is guilty of~~ a third-degree felony, punishable as  
728 provided in s. 775.082 or s. 775.084 and by a fine of up to ~~not~~

729 ~~exceeding~~ \$30,000, unless the value of the fraud exceeds that  
 730 amount, \$30,000 in which event the fine may not exceed double  
 731 the value of the fraud.

732 ~~(11)-(10)~~ Each payment ~~All payments~~ and disbursement  
 733 ~~disbursements~~ from the recovery fund shall be made by the Chief  
 734 Financial Officer upon a voucher signed by the secretary of the  
 735 department or the secretary's designee.

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

738 489.503 Exemptions.—This part does not apply to:

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

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

745 489.517 Renewal of certificate or registration; continuing  
 746 education.—

747 (6) The board shall require, by rule adopted pursuant to  
 748 ss. 120.536(1) and 120.54, a specialized number of hours in  
 749 specialized or code-related training ~~advanced module courses,~~  
 750 ~~approved by the Florida Building Commission,~~ on any portion of  
 751 the Florida Building Code, adopted pursuant to part IV of  
 752 chapter 553, relating to the contractor's respective discipline.

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

755 514.011 Definitions.—As used in this chapter:

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

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

766 514.0115 Exemptions from supervision or regulation;  
 767 variances.—

768 (3) A private pool used for instructional purposes in  
 769 swimming may ~~shall~~ not be regulated as a public pool. A portable  
 770 pool used for instructional purposes or to further an approved  
 771 educational program may not be regulated as a public pool.

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

774 514.031 Permit necessary to operate public swimming pool.—

775 (5) An owner or operator of a public swimming pool,  
 776 including, but not limited to, a spa, wading, or special purpose  
 777 pool, to which admittance is obtained by membership for a fee  
 778 shall post in a prominent location within the facility the most  
 779 recent pool inspection report issued by the department  
 780 pertaining to the health and safety conditions of such facility.

781 The report shall be legible and readily accessible to members or  
782 potential members. The department shall adopt rules to enforce  
783 this subsection. A portable pool may not be used as a public  
784 pool unless it is exempt under s. 514.0115.

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

787 553.512 Modifications and waivers; advisory council.—

788 (2) The Accessibility Advisory Council shall consist of  
789 the following seven members, who shall be knowledgeable in the  
790 area of accessibility for persons with disabilities. The  
791 Secretary of Business and Professional Regulation shall appoint  
792 the following: a representative from the Advocacy Center for  
793 Persons with Disabilities, Inc.; a representative from the  
794 Division of Blind Services; a representative from the Division  
795 of Vocational Rehabilitation; a representative from a statewide  
796 organization representing the physically handicapped; a  
797 representative from the hearing impaired; a representative from  
798 the Pensacola Pen Wheels Inc. Employ the Handicapped Council  
799 ~~President, Florida Council of Handicapped Organizations~~; and a  
800 representative of the Paralyzed Veterans of America. The terms  
801 for the first three council members appointed subsequent to  
802 October 1, 1991, shall be for 4 years, the terms for the next  
803 two council members appointed shall be for 3 years, and the  
804 terms for the next two members shall be for 2 years. Thereafter,  
805 all council member appointments shall be for terms of 4 years.  
806 No council member shall serve more than two 4-year terms

807 subsequent to October 1, 1991. Any member of the council may be  
808 replaced by the secretary upon three unexcused absences. Upon  
809 application made in the form provided, an individual waiver or  
810 modification may be granted by the commission so long as such  
811 modification or waiver is not in conflict with more stringent  
812 standards provided in another chapter.

813 Section 20. Section 553.721, Florida Statutes, is amended  
814 to read:

815 553.721 Surcharge.—In order for the Department of Business  
816 and Professional Regulation to administer and carry out the  
817 purposes of this part and related activities, there is created a  
818 surcharge, to be assessed at the rate of 1.5 percent of the  
819 permit fees associated with enforcement of the Florida Building  
820 Code as defined by the uniform account criteria and specifically  
821 the uniform account code for building permits adopted for local  
822 government financial reporting pursuant to s. 218.32. The  
823 minimum amount collected on any permit issued shall be \$2. The  
824 unit of government responsible for collecting a permit fee  
825 pursuant to s. 125.56(4) or s. 166.201 shall collect the  
826 surcharge and electronically remit the funds collected to the  
827 department on a quarterly calendar basis for the preceding  
828 quarter and continuing each third month thereafter. The unit of  
829 government shall retain 10 percent of the surcharge collected to  
830 fund the participation of building departments in the national  
831 and state building code adoption processes and to provide  
832 education related to enforcement of the Florida Building Code.



833 All funds remitted to the department pursuant to this section  
834 shall be deposited in the Professional Regulation Trust Fund.  
835 Funds collected from the surcharge shall be allocated to fund  
836 the Florida Building Commission and the Florida Building Code  
837 Compliance and Mitigation Program under s. 553.841. Funds  
838 allocated to the Florida Building Code Compliance and Mitigation  
839 Program shall be \$925,000 each fiscal year. The Florida Building  
840 Code Compliance and Mitigation Program shall fund the  
841 recommendations made by the Building Code System Uniform  
842 Implementation Evaluation Workgroup, dated April 8, 2013, from  
843 existing resources, not to exceed \$30,000 in the 2015-2016  
844 fiscal year. Funds collected from the surcharge shall also be  
845 used to fund Florida Fire Prevention Code informal  
846 interpretations managed by the State Fire Marshal and shall be  
847 limited to \$15,000 each fiscal year. The State Fire Marshal  
848 shall adopt rules to address the implementation and expenditure  
849 of the funds allocated to fund the Florida Fire Prevention Code  
850 informal interpretations under this section. The funds collected  
851 from the surcharge may not be used to fund research on  
852 techniques for mitigation of radon in existing buildings. Funds  
853 used by the department as well as funds to be transferred to the  
854 Department of Health and the State Fire Marshal shall be as  
855 prescribed in the annual General Appropriations Act. The  
856 department shall adopt rules governing the collection and  
857 remittance of surcharges pursuant to chapter 120.

858 Section 21. Subsections (11) and (15) of section 553.73,

859 Florida Statutes, are amended, and subsection (19) is added to  
860 that section, to read:

861 553.73 Florida Building Code.—

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

883 (b) Any decision made by the local fire official regarding  
884 application, interpretation, or enforcement of the Florida Fire

885 Prevention Code, by ~~and~~ the local building official regarding  
886 application, interpretation, or enforcement of the Florida  
887 Building Code, or the appropriate application of either code or  
888 both codes in the case of a conflict between the codes may be  
889 appealed to a local administrative board designated by the  
890 municipality, county, or special district having firesafety  
891 responsibilities. If the decision of the local fire official and  
892 the local building official is to apply the provisions of either  
893 the Florida Building Code or the Florida Fire Prevention Code  
894 and the Life Safety Code, the board may not alter the decision  
895 unless the board determines that the application of such code is  
896 not reasonable. If the decision of the local fire official and  
897 the local building official is to adopt an alternative to the  
898 codes, the local administrative board shall give due regard to  
899 the decision rendered by the local officials and may modify that  
900 decision if the administrative board adopts a better  
901 alternative, taking into consideration all relevant  
902 circumstances. In any case in which the local administrative  
903 board adopts alternatives to the decision rendered by the local  
904 fire official and the local building official, such alternatives  
905 shall provide an equivalent degree of lifesafety and an  
906 equivalent method of construction as the decision rendered by  
907 the local officials.

908 (c) If the local building official and the local fire  
909 official are unable to agree on a resolution of the conflict  
910 between the Florida Building Code and the Florida Fire

911 Prevention Code and the Life Safety Code, the local  
 912 administrative board shall resolve the conflict in favor of the  
 913 code which offers the greatest degree of lifesafety or  
 914 alternatives which would provide an equivalent degree of  
 915 lifesafety and an equivalent method of construction.

916 (d) All decisions of the local administrative board, or,  
 917 if none exists, ~~the decisions of~~ the local building official and  
 918 the local fire official in regard to the application,  
 919 enforcement, or interpretation of the Florida Fire Prevention  
 920 Code, or conflicts between the Florida Fire Prevention Code and  
 921 the Florida Building Code, are subject to review by a joint  
 922 committee composed of members of the Florida Building Commission  
 923 and the Fire Code Advisory Council. If the joint committee is  
 924 unable to resolve conflicts between the codes as applied to a  
 925 specific project, the matter shall be resolved pursuant to ~~the~~  
 926 ~~provisions of~~ paragraph (1) (d). Decisions of the local  
 927 administrative board related solely to the Florida Building Code  
 928 are subject to review as set forth in s. 553.775.

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

932 (f) All decisions of the local building official and local  
 933 fire official and all decisions of the administrative board  
 934 shall be in writing and shall be binding upon a person but do  
 935 not limit the authority of the State Fire Marshal or the Florida  
 936 Building Commission pursuant to paragraph (1) (d) and ss. 633.104

937 and 633.228. Decisions of general application shall be indexed  
938 by building and fire code sections and shall be available for  
939 inspection during normal business hours.

940 (15) An agency or local government may not require that  
941 existing mechanical equipment located on or above the surface of  
942 a roof be installed in compliance with the requirements of the  
943 Florida Building Code except during reroofing when the equipment  
944 is being replaced or moved ~~during reroofing~~ and is not in  
945 compliance with the provisions of the Florida Building Code  
946 relating to roof-mounted mechanical units.

947 (19) The Florida Building Code may not require more than  
948 one fire service access elevator in a residential occupancy  
949 where the highest occupiable floor is less than 420 feet above  
950 the level of fire service access and all remaining elevators are  
951 provided with Phase I and II emergency operations. Where fire  
952 service access elevators are required, the code may not require  
953 a 1-hour fire-rated fire service access elevator lobby with  
954 direct access from the fire service access elevators if the fire  
955 service access elevators open into an exit access corridor that  
956 is at least 150 square feet with the exception of door openings,  
957 is no less than 6 feet wide for its entire length, and has a  
958 minimum 1-hour fire rating with three-quarter hour fire and  
959 smoke rated openings and if, and during a fire event, the fire  
960 service access elevators are pressurized and floor-to-floor  
961 smoke control is provided. However, where transient residential  
962 occupancies occur at floor levels above 420 feet above the level

963 of fire service access, a 1-hour fire-rated fire service access  
964 elevator lobby with direct access from the fire service access  
965 elevators is required. The requirement for a second fire service  
966 access elevator is not considered a part of the Florida Building  
967 Code and therefore does take effect until July 1, 2016.

968 Section 22. Paragraph (c) of subsection (3) of section  
969 553.775, Florida Statutes, is amended to read:

970 553.775 Interpretations.—

971 (3) The following procedures may be invoked regarding  
972 interpretations of the Florida Building Code or the Florida  
973 Accessibility Code for Building Construction:

974 (c) The commission shall review decisions of local  
975 building officials and local enforcement agencies regarding  
976 interpretations of the Florida Building Code or the Florida  
977 Accessibility Code for Building Construction after the local  
978 board of appeals has considered the decision, if such board  
979 exists, and if such appeals process is concluded within 25  
980 business days.

981 1. The commission shall coordinate with the Building  
982 Officials Association of Florida, Inc., to designate a panel  
983 ~~panels~~ composed of seven ~~five~~ members to hear requests to review  
984 decisions of local building officials. Five ~~The~~ members must be  
985 licensed as building code administrators under part XII of  
986 chapter 468, one member must be licensed as an architect under  
987 chapter 481, and one member must be licensed as an engineer  
988 under chapter 471. Each member ~~and~~ must have experience

989 interpreting or ~~and~~ enforcing provisions of the Florida Building  
990 Code and the Florida Accessibility Code for Building  
991 Construction.

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

1004 a. The name and address of the county or municipality in  
1005 which provisions of the Florida Building Code or the Florida  
1006 Accessibility Code for Building Construction are being  
1007 interpreted.

1008 b. The name and address of the local building official who  
1009 has made the interpretation being appealed.

1010 c. The name, address, and telephone number of the  
1011 petitioner; the name, address, and telephone number of the  
1012 petitioner's representative, if any; and an explanation of how  
1013 the petitioner's substantial interests are being affected by the  
1014 local interpretation of the Florida Building Code or the Florida

1015 Accessibility Code for Building Construction.

1016       d. A statement of the provisions of the Florida Building  
1017 Code or the Florida Accessibility Code for Building Construction  
1018 which are being interpreted by the local building official.

1019       e. A statement of the interpretation given to provisions  
1020 of the Florida Building Code or the Florida Accessibility Code  
1021 for Building Construction by the local building official and the  
1022 manner in which the interpretation was rendered.

1023       f. A statement of the interpretation that the petitioner  
1024 contends should be given to the provisions of the Florida  
1025 Building Code or the Florida Accessibility Code for Building  
1026 Construction and a statement supporting the petitioner's  
1027 interpretation.

1028       g. Space for the local building official to respond in  
1029 writing. The space shall, at a minimum, require the local  
1030 building official to respond by providing a statement admitting  
1031 or denying the statements contained in the petition and a  
1032 statement of the interpretation of the provisions of the Florida  
1033 Building Code or the Florida Accessibility Code for Building  
1034 Construction which the local jurisdiction or the local building  
1035 official contends is correct, including the basis for the  
1036 interpretation.

1037       3. The petitioner shall submit the petition to the local  
1038 building official, who shall place the date of receipt on the  
1039 petition. The local building official shall respond to the  
1040 petition in accordance with the form and shall return the



1041 petition along with his or her response to the petitioner within  
1042 5 days after receipt, exclusive of Saturdays, Sundays, and legal  
1043 holidays. The petitioner may file the petition with the  
1044 commission at any time after the local building official  
1045 provides a response. If no response is provided by the local  
1046 building official, the petitioner may file the petition with the  
1047 commission 10 days after submission of the petition to the local  
1048 building official and shall note that the local building  
1049 official did not respond.

1050 4. Upon receipt of a petition that meets the requirements  
1051 of subparagraph 2., the commission shall immediately provide  
1052 copies of the petition to the ~~a~~ panel, and the commission shall  
1053 publish the petition, including any response submitted by the  
1054 local building official, on the Building Code Information System  
1055 in a manner that allows interested persons to address the issues  
1056 by posting comments.

1057 5. The panel shall conduct proceedings as necessary to  
1058 resolve the issues; shall give due regard to the petitions, the  
1059 response, and to comments posed on the Building Code Information  
1060 System; and shall issue an interpretation regarding the  
1061 provisions of the Florida Building Code or the Florida  
1062 Accessibility Code for Building Construction within 21 days  
1063 after the filing of the petition. The panel shall render a  
1064 determination based upon the Florida Building Code or the  
1065 Florida Accessibility Code for Building Construction or, if the  
1066 code is ambiguous, the intent of the code. The panel's

1067 interpretation shall be provided to the commission, which shall  
1068 publish the interpretation on the Building Code Information  
1069 System and in the Florida Administrative Register. The  
1070 interpretation shall be considered an interpretation entered by  
1071 the commission, and shall be binding upon the parties and upon  
1072 all jurisdictions subject to the Florida Building Code or the  
1073 Florida Accessibility Code for Building Construction, unless it  
1074 is superseded by a declaratory statement issued by the Florida  
1075 Building Commission or by a final order entered after an appeal  
1076 proceeding conducted in accordance with subparagraph 7.

1077 6. It is the intent of the Legislature that review  
1078 proceedings be completed within 21 days after the date that a  
1079 petition seeking review is filed with the commission, and the  
1080 time periods set forth in this paragraph may be waived only upon  
1081 consent of all parties.

1082 7. Any substantially affected person may appeal an  
1083 interpretation rendered by the ~~a hearing officer~~ panel by filing  
1084 a petition with the commission. Such appeals shall be initiated  
1085 in accordance with chapter 120 and the uniform rules of  
1086 procedure and must be filed within 30 days after publication of  
1087 the interpretation on the Building Code Information System or in  
1088 the Florida Administrative Register. Hearings shall be conducted  
1089 pursuant to chapter 120 and the uniform rules of procedure.  
1090 Decisions of the commission are subject to judicial review  
1091 pursuant to s. 120.68. The final order of the commission is  
1092 binding upon the parties and upon all jurisdictions subject to

1093 the Florida Building Code or the Florida Accessibility Code for  
 1094 Building Construction.

1095 8. The burden of proof in any proceeding initiated in  
 1096 accordance with subparagraph 7. is on the party who initiated  
 1097 the appeal.

1098 9. In any review proceeding initiated in accordance with  
 1099 this paragraph, including any proceeding initiated in accordance  
 1100 with subparagraph 7., the fact that an owner or builder has  
 1101 proceeded with construction may not be grounds for determining  
 1102 an issue to be moot if the issue is one that is likely to arise  
 1103 in the future.

1104  
 1105 This paragraph provides the exclusive remedy for addressing  
 1106 requests to review local interpretations of the Florida Building  
 1107 Code or the Florida Accessibility Code for Building Construction  
 1108 and appeals from review proceedings.

1109 Section 23. Subsection (6) of section 553.79, Florida  
 1110 Statutes, is amended to read:

1111 553.79 Permits; applications; issuance; inspections.—

1112 (6) A permit may not be issued for any building  
 1113 construction, erection, alteration, modification, repair, or  
 1114 addition unless the applicant for such permit complies with the  
 1115 requirements for plan review established by the Florida Building  
 1116 Commission within the Florida Building Code. However, the code  
 1117 shall set standards and criteria to authorize preliminary  
 1118 construction before completion of all building plans review,

1119 including, but not limited to, special permits for the  
 1120 foundation only, and such standards shall take effect concurrent  
 1121 with the first effective date of the Florida Building Code.  
 1122 After submittal of the appropriate construction documents, the  
 1123 building official may issue a permit for the construction of  
 1124 foundations or any other part of a building or structure before  
 1125 the construction documents for the whole building or structure  
 1126 have been submitted. The holder of such permit for the  
 1127 foundation or other parts of a building or structure shall  
 1128 proceed at the holder's own risk with the building operation and  
 1129 without assurance that a permit for the entire structure will be  
 1130 granted. Corrections may be required to meet the requirements of  
 1131 the technical codes.

1132 Section 24. Subsections (4) and (7) of section 553.841,  
 1133 Florida Statutes, are amended to read:

1134 553.841 Building code compliance and mitigation program.—

1135 (4) In administering the Florida Building Code Compliance  
 1136 and Mitigation Program, the department may ~~shall~~ maintain,  
 1137 update, develop, or cause to be developed code-related training  
 1138 and education ~~advanced modules designed~~ for use by each  
 1139 profession.

1140 ~~(7) The Florida Building Commission shall provide by rule~~  
 1141 ~~for the accreditation of courses related to the Florida Building~~  
 1142 ~~Code by accreditors approved by the commission. The commission~~  
 1143 ~~shall establish qualifications of accreditors and criteria for~~  
 1144 ~~the accreditation of courses by rule. The commission may revoke~~

1145 ~~the accreditation of a course by an accreditor if the~~  
1146 ~~accreditation is demonstrated to violate this part or the rules~~  
1147 ~~of the commission.~~

1148 Section 25. Paragraph (a) of subsection (8) of section  
1149 553.842, Florida Statutes, is amended to read:

1150 553.842 Product evaluation and approval.—

1151 (8) The commission may adopt rules to approve the  
1152 following types of entities that produce information on which  
1153 product approvals are based. All of the following entities,  
1154 including engineers and architects, must comply with a  
1155 nationally recognized standard demonstrating independence or no  
1156 conflict of interest:

1157 (a) Evaluation entities approved pursuant to this  
1158 paragraph. The commission shall specifically approve the  
1159 National Evaluation Service, the International Association of  
1160 Plumbing and Mechanical Officials Evaluation Service, the  
1161 International Code Council Evaluation Services, Underwriters  
1162 Laboratories, LLC, and the Miami-Dade County Building Code  
1163 Compliance Office Product Control Division. Architects and  
1164 engineers licensed in this state are also approved to conduct  
1165 product evaluations as provided in subsection (5).

1166 Section 26. Section 553.883, Florida Statutes, is amended  
1167 to read:

1168 553.883 Smoke alarms in one-family and two-family  
1169 dwellings and townhomes.—One-family and two-family dwellings and  
1170 townhomes undergoing a repair, or a level 1 alteration as

1171 defined in the Florida Building Code, may use smoke alarms  
1172 powered by 10-year nonremovable, nonreplaceable batteries in  
1173 lieu of retrofitting such dwelling with smoke alarms powered by  
1174 the dwelling's electrical system. Effective January 1, 2015, a  
1175 battery-powered smoke alarm that is newly installed or replaces  
1176 an existing battery-powered smoke alarm must be powered by a  
1177 nonremovable, nonreplaceable battery that powers the alarm for  
1178 at least 10 years. The battery requirements of this section do  
1179 not apply to a fire alarm, smoke detector, smoke alarm, or  
1180 ancillary component that is electronically connected as a part  
1181 of a centrally monitored or supervised alarm system; or that  
1182 uses a low-power, radio frequency wireless communication signal;  
1183 or that contains multiple sensors, such as a smoke alarm  
1184 combined with a carbon monoxide alarm or other devices as the  
1185 State Fire Marshal designates by rule.

1186 Section 27. Section 553.908, Florida Statutes, is amended  
1187 to read:

1188 553.908 Inspection.—Before construction or renovation is  
1189 completed, the local enforcement agency shall inspect buildings  
1190 for compliance with the standards of this part. Notwithstanding  
1191 any other provision of the code or law, section R402.4.1 of the  
1192 5th Edition (2014) of the Florida Building Code, Energy  
1193 Conservation, which is scheduled to become effective on June 30,  
1194 2015, may not be adopted or become effective in the state.  
1195 Instead, section 402.4.2 of the 2010 Florida Building Code,  
1196 Energy Conservation, relating to air sealing and insulation, in

1197 effect before June 30, 2015, governs and remains applicable and  
1198 in effect on or after June 30, 2015. Additionally, a state or  
1199 local enforcement agency or code official may not require any  
1200 type of mandatory blower door test or air infiltration test to  
1201 determine specific air infiltration levels or air leakage rates  
1202 in a residential building or dwelling unit and may not require  
1203 the installation of any mechanical ventilation devices designed  
1204 to filter outside air through an HVAC system as a condition of a  
1205 permit or to determine compliance with the code.

1206 Section 28. Subsections (17) and (18) are added to section  
1207 633.202, Florida Statutes, to read:

1208 633.202 Florida Fire Prevention Code.—

1209 (17) The authority having jurisdiction shall determine the  
1210 minimum radio signal strength for fire department communications  
1211 in all new high-rise and existing high-rise buildings. Existing  
1212 buildings are not required to comply with minimum radio strength  
1213 for fire department communications and two-way radio system  
1214 enhancement communications as required by the Florida Fire  
1215 Prevention Code until January 1, 2022. However, by December 31,  
1216 2019, an existing building that is not in compliance with the  
1217 requirements for minimum radio strength for fire department  
1218 communications must apply for an appropriate permit for the  
1219 required installation with the local government agency having  
1220 jurisdiction and must demonstrate that the building will become  
1221 compliant by January 1, 2022. Existing apartment buildings are  
1222 not required to comply until January 1, 2025. However, existing

1223 apartment buildings are required to apply for the appropriate  
 1224 permit for the required communications installation by December  
 1225 31, 2022.

1226 (18) Areas of refuge shall be provided if required by the  
 1227 Florida Building Code, Accessibility. Required portions of an  
 1228 area of refuge shall be accessible from the space they serve by  
 1229 an accessible means of egress.

1230 Section 29. Subsection (5) is added to section 633.206,  
 1231 Florida Statutes, to read:

1232 633.206 Uniform firesafety standards—The Legislature  
 1233 hereby determines that to protect the public health, safety, and  
 1234 welfare it is necessary to provide for firesafety standards  
 1235 governing the construction and utilization of certain buildings  
 1236 and structures. The Legislature further determines that certain  
 1237 buildings or structures, due to their specialized use or to the  
 1238 special characteristics of the person utilizing or occupying  
 1239 these buildings or structures, should be subject to firesafety  
 1240 standards reflecting these special needs as may be appropriate.

1241 (5) The home environment provisions in the most current  
 1242 edition of the codes adopted by the division may be applied to  
 1243 existing assisted living facilities, at the option of each  
 1244 facility, notwithstanding the edition of the codes applied at  
 1245 the time of construction.

1246 Section 30. Subsection (5) of section 633.208, Florida  
 1247 Statutes, is amended to read:

1248 633.208 Minimum firesafety standards.—



1249 (5) With regard to existing buildings, the Legislature  
 1250 recognizes that it is not always practical to apply any or all  
 1251 of the provisions of the Florida Fire Prevention Code and that  
 1252 physical limitations may require disproportionate effort or  
 1253 expense with little increase in fire or life safety. Before  
 1254 ~~Prior to~~ applying the minimum firesafety code to an existing  
 1255 building, the local fire official shall determine whether ~~that~~ a  
 1256 threat to lifesafety or property exists. If a threat to  
 1257 lifesafety or property exists, the fire official shall apply the  
 1258 applicable firesafety code for existing buildings to the extent  
 1259 practical to ensure ~~assure~~ a reasonable degree of lifesafety and  
 1260 safety of property or the fire official shall fashion a  
 1261 reasonable alternative that ~~which~~ affords an equivalent degree  
 1262 of lifesafety and safety of property. The local fire official  
 1263 may consider the fire safety evaluation systems found in NFPA  
 1264 101A, Guide on Alternative Solutions to Life Safety, adopted by  
 1265 the State Fire Marshal, as acceptable systems for the  
 1266 identification of low-cost, reasonable alternatives. It is  
 1267 acceptable to use the Fire Safety Evaluation System for Board  
 1268 and Care Facilities using prompt evacuation capabilities  
 1269 parameter values on existing residential high-rise buildings.  
 1270 The decision of the local fire official may be appealed to the  
 1271 local administrative board described in s. 553.73.

1272 Section 31. Section 633.336, Florida Statutes, is amended  
 1273 to read:

1274 633.336 Contracting without certificate prohibited;

1275 violations; penalty.—

1276 (1) It is unlawful for any organization or individual to  
1277 engage in the business of layout, fabrication, installation,  
1278 inspection, alteration, repair, or service of a fire protection  
1279 system, other than a preengineered system, act in the capacity  
1280 of a fire protection contractor, or advertise itself as being a  
1281 fire protection contractor without having been duly certified  
1282 and holding a valid and existing certificate, except as  
1283 hereinafter provided. The holder of a certificate used to  
1284 qualify an organization must be a full-time employee of the  
1285 qualified organization or business. A certificateholder who is  
1286 employed by more than one fire protection contractor during the  
1287 same time is deemed not to be a full-time employee of either  
1288 contractor. The State Fire Marshal shall revoke, for a period  
1289 determined by the State Fire Marshal, the certificate of a  
1290 certificateholder who allows the use of the certificate to  
1291 qualify a company of which the certificateholder is not a full-  
1292 time employee. A contractor who maintains more than one place of  
1293 business must employ a certificateholder at each location. This  
1294 subsection does not prohibit an employee acting on behalf of  
1295 governmental entities from inspecting and enforcing firesafety  
1296 codes, provided such employee is certified under s. 633.216.

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

1299 (a) Enter into a written or oral agreement to authorize,  
1300 or otherwise knowingly allow, a contractor who is not certified

1301 under this chapter to engage in the business of, or act in the  
1302 capacity of, a fire protection contractor.

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

1308 (3) The Legislature recognizes that special expertise is  
1309 required for fire pump control panels and maintenance of  
1310 electric and diesel pump drivers and that it is not economically  
1311 feasible for all contractors to employ these experts full-time  
1312 whose work may be limited. It is therefore deemed acceptable for  
1313 a fire protection contractor licensed under chapter 633 to  
1314 subcontract with companies providing advanced technical services  
1315 for the installation, servicing, and maintenance of fire pump  
1316 control panels and pump drivers. To ensure the integrity of the  
1317 system and to protect the interests of the property owner, those  
1318 providing technical support services for fire pump control  
1319 panels and pump drivers must be under contract with a licensed  
1320 fire protection contractor.

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

1325 (5)~~(4)~~ In addition to the penalties provided in subsection  
1326 (4) ~~(3)~~, a fire protection contractor certified under this

1327 chapter who violates any provision of this section or who  
1328 commits any act constituting cause for disciplinary action is  
1329 subject to suspension or revocation of the certificate and  
1330 administrative fines pursuant to s. 633.338.

1331 Section 32. The Calder Sloan Swimming Pool Electrical-  
1332 Safety Task Force.—There is established within the Florida  
1333 Building Commission the Calder Sloan Swimming Pool Electrical-  
1334 Safety Task Force.

1335 (1) The purpose of the task force is to study standards on  
1336 grounding, bonding, lighting, wiring, and all electrical aspects  
1337 for safety in and around public and private swimming pools,  
1338 especially with regard to minimizing risks of electrocutions  
1339 linked to swimming pools. The task force shall submit a report  
1340 of its findings, including recommended revisions to state law,  
1341 if any, to the Governor, the President of the Senate, and the  
1342 Speaker of the House of Representatives by November 1, 2015.

1343 (2) The task force shall consist of the swimming pool and  
1344 electrical technical advisory committees of the Florida Building  
1345 Commission.

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

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

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

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

1358        (7) This section expires December 31, 2015.

1359        Section 33. This act shall take effect July 1, 2015.