



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. 489.103, F.S.;
9 providing an exemption for certain employees who make
10 minor repairs to existing electric water heaters and
11 to existing electric heating, ventilating, and air-
12 conditioning systems under specified circumstances;
13 providing that the exemption does not limit the
14 authority of a municipality or county to adopt or
15 enforce certain ordinances, rules, or regulations;
16 amending s. 489.105, F.S.; revising the definition of
17 the term "plumbing contractor"; amending s. 489.1401,
18 F.S.; revising legislative intent with respect to the
19 purpose of the Florida Homeowners' Construction
20 Recovery Fund; providing legislative intent that
21 Division II contractors set apart funds to participate
22 in the fund; amending s. 489.1402, F.S.; revising
23 definitions; amending s. 489.141, F.S.; authorizing
24 certain claimants to make a claim against the recovery
25 fund for certain contracts entered into before a
26 specified date; amending s. 489.1425, F.S.; revising a



27 notification provided by contractors to certain
28 residential property owners to state that payment from
29 the recovery fund is limited; amending s. 489.143,
30 F.S.; revising provisions concerning payments from the
31 recovery fund; specifying claim amounts for certain
32 contracts entered into on or after specified dates;
33 providing aggregate caps for payments; amending s.
34 489.503, F.S.; exempting certain low-voltage landscape
35 lighting from licensed electrical contractor
36 installation requirements; amending s. 514.011, F.S.;
37 defining the term "temporary pool"; amending s.
38 514.0115, F.S.; prohibiting a portable pool from being
39 regulated as a public pool in certain circumstances;
40 prohibiting a temporary pool from being regulated as a
41 public pool; amending s. 553.77, F.S.; conforming a
42 cross-reference; amending s. 514.031, F.S.;

43 prohibiting a portable pool from being used as a
44 public pool unless it is exempt under s. 514.0115,
45 F.S.; amending s. 515.27, F.S.; revising minimum
46 requirements for a residential swimming pool to pass
47 final inspection and receive a certificate of
48 completion to include specified swimming pool alarms;
49 amending s. 553.512, F.S.; revising the membership of
50 the Accessibility Advisory Council; amending s.
51 553.721, F.S.; directing the Florida Building Code
52 Compliance and Mitigation Program to fund, from



53 existing resources, the recommendations made by the
54 Building Code System Uniform Implementation Evaluation
55 Workgroup; providing a limitation; requiring that a
56 specified amount of funds from the surcharge be used
57 to fund certain Florida Fire Prevention Code informal
58 interpretations; requiring the State Fire Marshal to
59 adopt rules; amending s. 553.73, F.S.; authorizing
60 local boards created to address specified issues to
61 combine the appeals boards to create a single, local
62 board; authorizing the local board to grant
63 alternatives or modifications through specified
64 procedures; providing quorum requirements; authorizing
65 the appeal to a local administrative board of
66 specified decisions made by a local fire official;
67 specifying the decisions of the local building
68 official and the local fire official which are subject
69 to review; providing requirements for fire service
70 access elevators and elevator lobbies in certain
71 buildings; specifying standards for standpipes in
72 high-rise buildings; amending s. 553.775, F.S.;
73 revising membership on a panel that hears requests to
74 review decisions of local building officials; amending
75 s. 553.79, F.S.; providing grounds for disciplinary
76 action against a plans reviewer or building code
77 administrator; authorizing a building official to
78 issue a permit for the construction of the foundation



79 | or any other part of a building or structure before
80 | the construction documents for the entire building or
81 | structure have been submitted; providing that the
82 | holder of such permit begins building at the holder's
83 | own risk and without assurance that a permit for the
84 | entire structure will be granted; creating s.
85 | 553.7931, F.S.; defining the term "applicable local
86 | governmental entity"; requiring the owner, lessee, or
87 | occupant of a property to register an alarm system
88 | under certain circumstances; requiring contractors and
89 | alarm system monitoring companies to provide notice to
90 | an owner, lessee, or occupant that registration of the
91 | alarm system may be required; exempting a contractor
92 | or alarm system monitoring company from specified
93 | fines and penalties; prohibiting local governmental
94 | entities from requiring notarization of an alarm
95 | system registration form; providing for preemption;
96 | amending s. 553.80, F.S.; prohibiting a local
97 | enforcement agency from charging additional fees
98 | related to the recording of a contractor's license or
99 | workers' compensation insurance; amending s. 553.842,
100 | F.S.; specifying additional approved evaluation
101 | entities; amending s. 553.844, F.S.; excluding certain
102 | work associated with the prevention of degradation of
103 | a residence from certain building permit requirements;
104 | reviving, readopting, and amending s. 553.844(4),



105 F.S.; deleting an obsolete provision providing for
106 expiration of requirements for the adoption of certain
107 mitigation techniques by the Florida Building
108 Commission within the Florida Building Code for
109 certain structures; revising such requirements;
110 amending s. 553.883, F.S.; exempting certain devices
111 from certain smoke alarm battery requirements;
112 amending s. 553.908, F.S.; providing for the amendment
113 of portions of the Florida Building Code, Energy
114 Conservation, related to certain buildings and
115 dwelling units after a specified date; delaying the
116 effective date of certain portions of the Florida
117 Building Code, Energy Conservation, related to blower
118 door testing; providing for the amendment of portions
119 of the Florida Building Code, Mechanical, related to
120 air filtration rates for dwelling units after a
121 specified date; amending s. 553.993, F.S.; revising
122 the definition of the term "building energy-efficiency
123 rating system" to require that oversight be performed
124 using evaluation methods established by certain
125 entities; amending s. 633.202, F.S.; requiring all new
126 high-rise and existing high-rise buildings to maintain
127 a minimum radio signal strength for fire department
128 communications; providing a transitory period for
129 compliance; requiring existing apartment buildings
130 that are not in compliance to initiate an application



131 for an appropriate permit by a specified date;
132 requiring areas of refuge to be required as determined
133 by the Florida Building Code, Accessibility; amending
134 s. 633.208, F.S.; authorizing fire officials to
135 consider certain systems acceptable when identifying
136 low-cost alternatives; amending s. 633.336, F.S.;
137 authorizing a licensed fire protection contractor to
138 subcontract for advanced technical services under
139 certain circumstances; creating the Calder Sloan
140 Swimming Pool Electrical-Safety Task Force within the
141 commission; specifying the purpose of the task force;
142 requiring a report to the Governor and Legislature;
143 providing for membership; requiring the commission to
144 provide staff, information, and other assistance to
145 the task force; providing that members of the task
146 force serve without compensation; providing for
147 meetings; providing for expiration of the task force;
148 creating the Construction Industry Workforce Task
149 Force within the University of Florida M. E. Rinker,
150 Sr., School of Construction Management; specifying the
151 goals of the task force; providing for membership;
152 requiring the school to provide assistance to the task
153 force; providing for meetings; requiring a report to
154 the Governor and Legislature; providing an
155 appropriation from specified funds available to the
156 Department of Business and Professional Regulation;



157 providing for expiration of the task force; requiring
158 the commission to amend the Florida Building Code to
159 define the term "fire separation distance," to specify
160 openings and roof overhang projection requirements, to
161 adopt a specific energy rating index as an option for
162 compliance, to provide for Climate Zone indices, to
163 provide exceptions to shower lining requirements, and
164 to provide minimum fire separation distances;
165 requiring a restaurant, cafeteria, or similar dining
166 facility to have sprinklers only under specified
167 circumstances; amending ss. 125.56 and 553.79, F.S.;
168 requiring counties and local enforcement agencies,
169 respectively, to post all types of building permit
170 applications on their websites; specifying the format
171 in which completed applications must be submitted and
172 the format in which payments, attachments, and
173 drawings may be submitted; providing effective dates.

174

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

176

177 Section 1. Subsections (2), (3), and (7) of section
178 468.609, Florida Statutes, are amended to read:

179 468.609 Administration of this part; standards for
180 certification; additional categories of certification.—

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



183 part if the person:

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

185 (b) Is of good moral character.

186 (c) Meets eligibility requirements according to one of the
187 following criteria:

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

191 2. Demonstrates a combination of postsecondary education
192 in the field of construction or a related field and experience
193 which totals 4 years, with at least 1 year of such total being
194 experience in construction, building code inspection, or plans
195 review;

196 3. Demonstrates a combination of technical education in
197 the field of construction or a related field and experience
198 which totals 4 years, with at least 1 year of such total being
199 experience in construction, building code inspection, or plans
200 review;

201 4. Currently holds a standard certificate ~~as~~ issued by the
202 board, or a firesafety ~~fire-safety~~ inspector license issued
203 pursuant to chapter 633, has a minimum of 3 ~~5~~ years' verifiable
204 full-time experience in inspection or plan review, and has
205 satisfactorily completed ~~completes~~ a building code inspector or
206 plans examiner training program that provides at least 100 hours
207 but not more ~~of not less~~ than 200 hours of cross-training in the
208 certification category sought. The board shall establish by rule



209 criteria for the development and implementation of the training
210 programs. The board shall accept all classroom training offered
211 by an approved provider if the content substantially meets the
212 intent of the classroom component of the training program; or

213 5. Demonstrates a combination of the completion of an
214 approved training program in the field of building code
215 inspection or plan review and a minimum of 2 years' experience
216 in the field of building code inspection, plan review, fire code
217 inspections and fire plans review of new buildings as a
218 firesafety inspector certified under s. 633.216, or
219 construction. The approved training portion of this requirement
220 shall include proof of satisfactory completion of a training
221 program that provides at least 200 hours but not more ~~of not~~
222 ~~less~~ than 300 hours of cross-training that ~~which~~ is approved by
223 the board in the chosen category of building code inspection or
224 plan review in the certification category sought with at least
225 ~~not less than~~ 20 hours but not more than 30 hours of instruction
226 in state laws, rules, and ethics relating to professional
227 standards of practice, duties, and responsibilities of a
228 certificateholder. The board shall coordinate with the Building
229 Officials Association of Florida, Inc., to establish by rule the
230 development and implementation of the training program. However,
231 the board shall accept all classroom training offered by an
232 approved provider if the content substantially meets the intent
233 of the classroom component of the training program; or

234 6. Currently holds a standard certificate issued by the



235 board or a firesafety inspector license issued pursuant to
236 chapter 633 and:

237 a. Has at least 5 years' verifiable full-time experience
238 as an inspector or plans examiner in a standard certification
239 category currently held or has a minimum of 5 years' verifiable
240 full-time experience as a firesafety inspector licensed pursuant
241 to chapter 633.

242 b. Has satisfactorily completed a building code inspector
243 or plans examiner classroom training course or program that
244 provides at least 200 but not more than 300 hours in the
245 certification category sought, except for one-family and two-
246 family dwelling training programs, which must provide at least
247 500 but not more than 800 hours of training as prescribed by the
248 board. The board shall establish by rule criteria for the
249 development and implementation of classroom training courses and
250 programs in each certification category.

251 (3) A person may take the examination for certification as
252 a building code administrator pursuant to this part if the
253 person:

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

255 (b) Is of good moral character.

256 (c) Meets eligibility requirements according to one of the
257 following criteria:

258 1. Demonstrates 10 years' combined experience as an
259 architect, engineer, plans examiner, building code inspector,
260 registered or certified contractor, or construction



261 superintendent, with at least 5 years of such experience in
262 supervisory positions; or

263 2. Demonstrates a combination of postsecondary education
264 in the field of construction or related field, no more than 5
265 years of which may be applied, and experience as an architect,
266 engineer, plans examiner, building code inspector, registered or
267 certified contractor, or construction superintendent which
268 totals 10 years, with at least 5 years of such total being
269 experience in supervisory positions. In addition, the applicant
270 must have completed training consisting of at least 20 hours,
271 but not more than 30 hours, of instruction in state laws, rules,
272 and ethics relating to the professional standards of practice,
273 duties, and responsibilities of a certificateholder.

274 (7) (a) The board shall ~~may~~ provide for the issuance of
275 provisional certificates valid for 1 year, as specified by board
276 rule, to any newly employed or promoted building code inspector
277 or plans examiner who meets the eligibility requirements
278 described in subsection (2) and any newly employed or promoted
279 building code administrator who meets the eligibility
280 requirements described in subsection (3). The provisional
281 license may be renewed by the board for just cause; however, a
282 provisional license is not valid for ~~a period~~ longer than 3
283 years.

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



287 (c) The board shall ~~may~~ provide for appropriate levels of
288 provisional certificates and may issue these certificates with
289 such special conditions or requirements relating to the place of
290 employment of the person holding the certificate, the
291 supervision of such person on a consulting or advisory basis, or
292 other matters as the board may deem necessary to protect the
293 public safety and health.

294 (d) A newly employed or hired person may perform the
295 duties of a plans examiner or building code inspector for 120
296 days if a provisional certificate application has been submitted
297 if such person is under the direct supervision of a certified
298 building code administrator who holds a standard certification
299 and who has found such person qualified for a provisional
300 certificate. Direct supervision and the determination of
301 qualifications may also be provided by a building code
302 administrator who holds a limited or provisional certificate in
303 a county having a population of fewer than 75,000 and in a
304 municipality located within such county.

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

307 489.103 Exemptions.—This part does not apply to:

308 (23) An employee of an apartment community or apartment
309 community management company who makes minor repairs to existing
310 electric water heaters or to existing electric heating,
311 ventilating, and air-conditioning systems if:

312 (a) The employee:



313 | 1. Does not hold himself or herself or his or her employer
314 | out to be licensed or qualified by a licensee.

315 | 2. Does not perform any acts, other than acts authorized
316 | by this subsection, that constitute contracting.

317 | 3. Receives compensation from and is under the supervision
318 | and control of an employer who deducts the FICA and withholding
319 | tax and who provides workers' compensation, as prescribed by
320 | law.

321 | 4. Holds a current certificate for apartment maintenance
322 | technicians issued by the National Apartment Association and
323 | accredited by the American National Standards Institute.
324 | Requirements for obtaining such certificate must include at
325 | least:

326 | a. One year of apartment or rental housing maintenance
327 | experience.

328 | b. Successful completion of at least 90 hours of courses
329 | or online content that covers electrical maintenance and repair;
330 | plumbing maintenance and repair; heating, ventilating, or air-
331 | conditioning system maintenance and repair; appliance
332 | maintenance and repair; and interior and exterior maintenance
333 | and repair.

334 | c. Completion of all examination requirements.

335 | (b) The equipment:

336 | 1. Is already installed on the property owned by the
337 | apartment community or managed by the apartment community
338 | management company.



339 2. Is not being modified except to replace components
340 necessary to return the equipment to its original condition and
341 the partial disassembly associated with the replacement.

342 3. Is a type of equipment commonly installed in similar
343 locations.

344 4. Is repaired with new parts that are functionally
345 identical to the parts being replaced.

346 (c) An individual repair does not involve replacement
347 parts that cost more than \$1,000. An individual repair may not
348 be so extensive as to be a functional replacement of the
349 electric water heater or the existing electric heating,
350 ventilating, or air-conditioning system being repaired. For
351 purposes of this paragraph, an individual repair may not be part
352 of a larger or major project that is divided into parts to avoid
353 this restriction.

354 (d) The property owned by the apartment community or
355 managed by the apartment community management company includes
356 at least 100 apartments.

357
358 This subsection does not limit the authority of a municipality
359 or county to adopt or enforce an ordinance, rule, or regulation
360 requiring licensure, certification, or registration of a person
361 employed as an apartment maintenance technician or apartment
362 repair worker or in any position that includes any part of the
363 scope of work described in this subsection.

364 Section 3. Paragraph (m) of subsection (3) of section



365 489.105, Florida Statutes, is amended to read:

366 489.105 Definitions.—As used in this part:

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

384 (m) "Plumbing contractor" means a contractor whose
385 services are unlimited in the plumbing trade and includes
386 contracting business consisting of the execution of contracts
387 requiring the experience, financial means, knowledge, and skill
388 to install, maintain, repair, alter, extend, or, if not
389 prohibited by law, design plumbing. A plumbing contractor may
390 install, maintain, repair, alter, extend, or, if not prohibited



391 | by law, design the following without obtaining an additional
392 | local regulatory license, certificate, or registration: sanitary
393 | drainage or storm drainage facilities, water and sewer plants
394 | and substations, venting systems, public or private water supply
395 | systems, septic tanks, drainage and supply wells, swimming pool
396 | piping, irrigation systems, and solar heating water systems and
397 | all appurtenances, apparatus, or equipment used in connection
398 | therewith, including boilers and pressure process piping and
399 | including the installation of water, natural gas, liquefied
400 | petroleum gas and related venting, and storm and sanitary sewer
401 | lines. The scope of work of the plumbing contractor also
402 | includes the design, if not prohibited by law, and installation,
403 | maintenance, repair, alteration, or extension of air-piping,
404 | vacuum line piping, oxygen line piping, nitrous oxide piping,
405 | and all related medical gas systems; fire line standpipes and
406 | fire sprinklers if authorized by law; ink and chemical lines;
407 | fuel oil and gasoline piping and tank and pump installation,
408 | except bulk storage plants; and pneumatic control piping
409 | systems, all in a manner that complies with all plans,
410 | specifications, codes, laws, and regulations applicable. The
411 | scope of work of the plumbing contractor applies to private
412 | property and public property, including any excavation work
413 | incidental thereto, and includes the work of the specialty
414 | plumbing contractor. Such contractor shall subcontract, with a
415 | qualified contractor in the field concerned, all other work
416 | incidental to the work but which is specified as being the work



417 of a trade other than that of a plumbing contractor. This
418 definition does not limit the scope of work of any specialty
419 contractor certified pursuant to s. 489.113(6) ~~7~~ and does not
420 require certification or registration under this part as a
421 category I liquefied petroleum gas dealer, LP gas installer, or
422 specialty installer who is licensed under chapter 527 or an ~~of~~
423 ~~any~~ authorized employee of a public natural gas utility or of a
424 private natural gas utility regulated by the Public Service
425 Commission when disconnecting and reconnecting water lines in
426 the servicing or replacement of an existing water heater. A
427 plumbing contractor may perform drain cleaning and clearing and
428 install or repair rainwater catchment systems; however, a
429 mandatory licensing requirement is not established for the
430 performance of these specific services.

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

433 489.1401 Legislative intent.—

434 (2) It is the intent of the Legislature that the sole
435 purpose of the Florida Homeowners' Construction Recovery Fund is
436 to compensate an ~~any~~ aggrieved claimant who contracted for the
437 construction or improvement of the homeowner's residence located
438 within this state and who has obtained a final judgment in a ~~any~~
439 court of competent jurisdiction, was awarded restitution by the
440 Construction Industry Licensing Board, or received an award in
441 arbitration against a licensee on grounds of financial
442 mismanagement or misconduct, abandoning a construction project,



443 or making a false statement with respect to a project. Such
444 grievance must arise ~~and arising~~ directly out of a any
445 transaction conducted when the judgment debtor was licensed and
446 must involve an act ~~performed any of the activities~~ enumerated
447 in ~~under~~ s. 489.129(1)(g), (j), or (k) ~~on the homeowner's~~
448 ~~residence.~~

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

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

454 489.1402 Homeowners' Construction Recovery Fund;
455 definitions.—

456 (1) The following definitions apply to ss. 489.140-
457 489.144:

458 (d) "Contractor" means a Division I or Division II
459 contractor performing his or her respective services described
460 in s. 489.105(3) ~~489.105(3)(a)-(e)~~.

461 (i) "Residence" means a single-family residence, an
462 individual residential condominium or cooperative unit, or a
463 residential building containing not more than two residential
464 units in which the owner contracting for the improvement is
465 residing or will reside 6 months or more each calendar year upon
466 completion of the improvement.

467 (k) "Same transaction" means a contract, or a any series
468 of contracts, between a claimant and a contractor or qualified



469 business, when such contract or contracts involve the same
 470 property or contiguous properties and are entered into ~~either~~ at
 471 one time or serially.

472 (1) "Valid and current license," for the purpose of s.
 473 489.141(2)(d), means a ~~any~~ license issued pursuant to this part
 474 to a licensee, including a license in an active, inactive,
 475 delinquent, or suspended status.

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

478 489.141 Conditions for recovery; eligibility.-

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

484 (a) The claimant has received a final judgment in a court
 485 of competent jurisdiction in this state or has received an award
 486 in arbitration or the Construction Industry Licensing Board has
 487 issued a final order directing the licensee to pay restitution
 488 to the claimant. The board may waive this requirement if:

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

491 2. The claimant has sought to have assets involving the
 492 transaction that gave rise to the claim removed from the
 493 bankruptcy proceedings so that the matter might be heard in a
 494 court of competent jurisdiction in this state and, after due



495 diligence, the claimant is precluded by action of the bankruptcy
496 court from securing a final judgment against the licensee.

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

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

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

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

504 1. The claimant has caused to be issued a writ of
505 execution upon such judgment, and the officer executing the writ
506 has made a return showing that no personal or real property of
507 the judgment debtor or licensee liable to be levied upon in
508 satisfaction of the judgment can be found or that the amount
509 realized on the sale of the judgment debtor's or licensee's
510 property pursuant to such execution was insufficient to satisfy
511 the judgment;

512 2. If the claimant is unable to comply with subparagraph
513 1. for a valid reason to be determined by the board, the
514 claimant has made all reasonable searches and inquiries to
515 ascertain whether the judgment debtor or licensee is possessed
516 of real or personal property or other assets subject to being
517 sold or applied in satisfaction of the judgment and by his or
518 her search has discovered no property or assets or has
519 discovered property and assets and has taken all necessary
520 action and proceedings for the application thereof to the



521 judgment but the amount thereby realized was insufficient to
522 satisfy the judgment; and

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

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

529 (g) Any amounts recovered by the claimant from the
530 judgment debtor or licensee, or from any other source, have been
531 applied to the damages awarded by the court or the amount of
532 restitution ordered by the board.

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

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

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

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

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

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



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

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

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

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

557 489.1425 Duty of contractor to notify residential property
 558 owner of recovery fund.—

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

565
 566 FLORIDA HOMEOWNERS' CONSTRUCTION
 567 RECOVERY FUND
 568

569 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE
 570 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY
 571 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS
 572 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED



573 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A
574 CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD
575 AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

576

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

579 Section 8. Section 489.143, Florida Statutes, is amended
580 to read:

581 489.143 Payment from the fund.—

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

584 (2) A ~~Any~~ claimant who meets all of the conditions
585 prescribed in s. 489.141 may apply to the board to cause payment
586 to be made to a claimant from the recovery fund in an amount
587 equal to the judgment, award, or restitution order or \$25,000,
588 whichever is less, or an amount equal to the unsatisfied portion
589 of such person's judgment, award, or restitution order, but only
590 to the extent and amount of actual damages suffered by the
591 claimant, and only up to the maximum payment allowed for each
592 respective Division I and Division II claim. Payment from the
593 fund for other costs related to or pursuant to civil proceedings
594 such as postjudgment interest, attorney ~~attorney's~~ fees, court
595 costs, medical damages, and punitive damages is prohibited. The
596 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
597 or a restitution order, or any portion thereof, which is not
598 expressly based on one of the grounds for recovery set forth in



599 s. 489.141.

600 (3) Beginning January 1, 2005, for each Division I
601 contract entered into after July 1, 2004, payment from the
602 recovery fund is ~~shall be~~ subject to a \$50,000 maximum payment
603 for each Division I claim. Beginning January 1, 2017, for each
604 Division II contract entered into on or after July 1, 2016,
605 payment from the recovery fund is subject to a \$15,000 maximum
606 payment for each Division II claim.

607 (4)~~(3)~~ Upon receipt by a claimant under subsection (2) of
608 payment from the recovery fund, the claimant shall assign his or
609 her additional right, title, and interest in the judgment,
610 award, or restitution order, to the extent of such payment, to
611 the board, and thereupon the board shall be subrogated to the
612 right, title, and interest of the claimant; and any amount
613 subsequently recovered on the judgment, award, or restitution
614 order, to the extent of the right, title, and interest of the
615 board therein, shall be for the purpose of reimbursing the
616 recovery fund.

617 (5)~~(4)~~ Payments for claims arising out of the same
618 transaction shall be limited, in the aggregate, to the lesser of
619 the judgment, award, or restitution order or the maximum payment
620 allowed for a Division I or Division II claim, regardless of the
621 number of claimants involved in the transaction.

622 (6)~~(5)~~ For contracts entered into before July 1, 2004,
623 payments for claims against any one licensee may ~~shall~~ not
624 exceed, in the aggregate, \$100,000 annually, up to a total



625 aggregate of \$250,000. For any claim approved by the board which
626 is in excess of the annual cap, the amount in excess of \$100,000
627 up to the total aggregate cap of \$250,000 is eligible for
628 payment in the next and succeeding fiscal years, but only after
629 all claims for the then-current calendar year have been paid.
630 Payments may not exceed the aggregate annual or per claimant
631 limits under law. Beginning January 1, 2005, for each Division I
632 contract entered into after July 1, 2004, payment from the
633 recovery fund is subject only to a total aggregate cap of
634 \$500,000 for each Division I licensee. Beginning January 1,
635 2017, for each Division II contract entered into on or after
636 July 1, 2016, payment from the recovery fund is subject only to
637 a total aggregate cap of \$150,000 for each Division II licensee.

638 (7)-(6) Claims shall be paid in the order filed, up to the
639 aggregate limits for each transaction and licensee and to the
640 limits of the amount appropriated to pay claims against the fund
641 for the fiscal year in which the claims were filed. Payments may
642 not exceed the total aggregate cap per license or per claimant
643 limits under this section.

644 (8)-(7) If the annual appropriation is exhausted with
645 claims pending, such claims shall be carried forward to the next
646 fiscal year. Any moneys in excess of pending claims remaining in
647 the recovery fund at the end of the fiscal year shall be paid as
648 provided in s. 468.631.

649 (9)-(8) Upon the payment of any amount from the recovery
650 fund in settlement of a claim in satisfaction of a judgment,



CS/CS/CS/HB 535, Engrossed 1

2016

651 award, or restitution order against a licensee as described in
652 s. 489.141, the license of such licensee shall be automatically
653 suspended, without further administrative action, upon the date
654 of payment from the fund. The license of such licensee may ~~shall~~
655 not be reinstated until he or she has repaid in full, plus
656 interest, the amount paid from the fund. A discharge of
657 bankruptcy does not relieve a person from the penalties and
658 disabilities provided in this section.

659 ~~(10)(9)~~ A ~~Any~~ firm, a corporation, a partnership, or an
660 association, or a ~~any~~ person acting in his or her individual
661 capacity, who aids, abets, solicits, or conspires with another
662 ~~any~~ person to knowingly present or cause to be presented a ~~any~~
663 false or fraudulent claim for the payment of a loss under this
664 act commits ~~is guilty of~~ a third-degree felony, punishable as
665 provided in s. 775.082 or s. 775.084 and by a fine of up to ~~not~~
666 exceeding \$30,000, unless the value of the fraud exceeds that
667 amount, ~~\$30,000~~ in which event the fine may not exceed double
668 the value of the fraud.

669 ~~(11)(10)~~ Each payment ~~All payments~~ and disbursement
670 ~~disbursements~~ from the recovery fund shall be made by the Chief
671 Financial Officer upon a voucher signed by the secretary of the
672 department or the secretary's designee.

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

675 489.503 Exemptions.—This part does not apply to:

676 (24) A person who installs low-voltage landscape lighting



677 that contains a factory-installed electrical cord with plug that
678 does not require installation, wiring, or other modification to
679 the electrical wiring of a structure.

680 Section 10. Subsection (6) is added to section 514.011,
681 Florida Statutes, to read:

682 514.011 Definitions.—As used in this chapter:

683 (6) "Temporary pool" means a pool intended to be used in
684 conjunction with a sanctioned national or international swimming
685 or diving competition event that does not exceed 30 consecutive
686 days of use.

687 Section 11. Subsection (5) of section 514.0115, Florida
688 Statutes, is renumbered as subsection (7), and new subsections
689 (5) and (6) are added to that section to read:

690 (5) A portable pool used exclusively for providing
691 swimming lessons or related instruction in support of an
692 established educational program sponsored or provided by a
693 school district is exempt from supervision under this chapter.

694 (6) A temporary pool may not be regulated as a public
695 pool.

696 Section 12. Subsection (7) of section 553.77, Florida
697 Statutes, is amended to read:

698 553.77 Specific powers of the commission.—

699 (7) Building officials shall recognize and enforce
700 variance orders issued by the Department of Health pursuant to
701 s. 514.0115(7) ~~514.0115(5)~~, including any conditions attached to
702 the granting of the variance.



703 Section 13. Subsection (5) of section 514.031, Florida
704 Statutes, is amended to read:

705 514.031 Permit necessary to operate public swimming pool.—

706 (5) An owner or operator of a public swimming pool,
707 including, but not limited to, a spa, wading, or special purpose
708 pool, to which admittance is obtained by membership for a fee
709 shall post in a prominent location within the facility the most
710 recent pool inspection report issued by the department
711 pertaining to the health and safety conditions of such facility.
712 The report shall be legible and readily accessible to members or
713 potential members. The department shall adopt rules to enforce
714 this subsection. A portable pool may not be used as a public
715 pool unless it is exempt under s. 514.0115.

716 Section 14. Subsection (1) of section 515.27, Florida
717 Statutes, is amended to read:

718 515.27 Residential swimming pool safety feature options;
719 penalties.—

720 (1) In order to pass final inspection and receive a
721 certificate of completion, a residential swimming pool must meet
722 at least one of the following requirements relating to pool
723 safety features:

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

726 (b) The pool must be equipped with an approved safety pool
727 cover;

728 (c) All doors and windows providing direct access from the



729 home to the pool must be equipped with an exit alarm that has a
730 minimum sound pressure rating of 85 dB A at 10 feet; ~~or~~

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

735 (e) A swimming pool alarm that, when placed in a pool,
736 sounds an alarm upon detection of an accidental or unauthorized
737 entrance into the water. Such pool alarm must meet and be
738 independently certified to ASTM Standard F2208, titled "Standard
739 Safety Specification for Residential Pool Alarms," which
740 includes surface motion, pressure, sonar, laser, and infrared
741 alarms. For purposes of this paragraph, the term "swimming pool
742 alarm" does not include any swimming protection alarm device
743 designed for individual use, such as an alarm attached to a
744 child that sounds when the child exceeds a certain distance or
745 becomes submerged in water.

746 Section 15. Subsection (2) of section 553.512, Florida
747 Statutes, is amended to read:

748 553.512 Modifications and waivers; advisory council.—

749 (2) The Accessibility Advisory Council shall consist of
750 the following seven members, who shall be knowledgeable in the
751 area of accessibility for persons with disabilities. The
752 Secretary of Business and Professional Regulation shall appoint
753 the following: a representative from the Advocacy Center for
754 Persons with Disabilities, Inc.; a representative from the



755 Division of Blind Services; a representative from the Division
756 of Vocational Rehabilitation; a representative from a statewide
757 organization representing the physically handicapped; a
758 representative from the hearing impaired; a representative from
759 the Pensacola Pen Wheels Inc. Employ the Handicapped Council
760 ~~President, Florida Council of Handicapped Organizations~~; and a
761 representative of the Paralyzed Veterans of America. The terms
762 for the first three council members appointed subsequent to
763 October 1, 1991, shall be for 4 years, the terms for the next
764 two council members appointed shall be for 3 years, and the
765 terms for the next two members shall be for 2 years. Thereafter,
766 all council member appointments shall be for terms of 4 years.
767 No council member shall serve more than two 4-year terms
768 subsequent to October 1, 1991. Any member of the council may be
769 replaced by the secretary upon three unexcused absences. Upon
770 application made in the form provided, an individual waiver or
771 modification may be granted by the commission so long as such
772 modification or waiver is not in conflict with more stringent
773 standards provided in another chapter.

774 Section 16. Section 553.721, Florida Statutes, is amended
775 to read:

776 553.721 Surcharge.—In order for the Department of Business
777 and Professional Regulation to administer and carry out the
778 purposes of this part and related activities, there is created a
779 surcharge, to be assessed at the rate of 1.5 percent of the
780 permit fees associated with enforcement of the Florida Building



781 Code as defined by the uniform account criteria and specifically
782 the uniform account code for building permits adopted for local
783 government financial reporting pursuant to s. 218.32. The
784 minimum amount collected on any permit issued shall be \$2. The
785 unit of government responsible for collecting a permit fee
786 pursuant to s. 125.56(4) or s. 166.201 shall collect the
787 surcharge and electronically remit the funds collected to the
788 department on a quarterly calendar basis for the preceding
789 quarter and continuing each third month thereafter. The unit of
790 government shall retain 10 percent of the surcharge collected to
791 fund the participation of building departments in the national
792 and state building code adoption processes and to provide
793 education related to enforcement of the Florida Building Code.
794 All funds remitted to the department pursuant to this section
795 shall be deposited in the Professional Regulation Trust Fund.
796 Funds collected from the surcharge shall be allocated to fund
797 the Florida Building Commission and the Florida Building Code
798 Compliance and Mitigation Program under s. 553.841. Funds
799 allocated to the Florida Building Code Compliance and Mitigation
800 Program shall be \$925,000 each fiscal year. The Florida Building
801 Code Compliance and Mitigation Program shall fund the
802 recommendations made by the Building Code System Uniform
803 Implementation Evaluation Workgroup, dated April 8, 2013, from
804 existing resources, not to exceed \$30,000 in the 2016-2017
805 fiscal year. Funds collected from the surcharge shall also be
806 used to fund Florida Fire Prevention Code informal



807 interpretations managed by the State Fire Marshal and shall be
808 limited to \$15,000 each fiscal year. The State Fire Marshal
809 shall adopt rules to address the implementation and expenditure
810 of the funds allocated to fund the Florida Fire Prevention Code
811 informal interpretations under this section. The funds collected
812 from the surcharge may not be used to fund research on
813 techniques for mitigation of radon in existing buildings. Funds
814 used by the department as well as funds to be transferred to the
815 Department of Health and the State Fire Marshal shall be as
816 prescribed in the annual General Appropriations Act. The
817 department shall adopt rules governing the collection and
818 remittance of surcharges pursuant to chapter 120.

819 Section 17. Subsections (11) and (15) of section 553.73,
820 Florida Statutes, are amended, and subsection (19) is added to
821 that section, to read:

822 553.73 Florida Building Code.—

823 (11) (a) In the event of a conflict between the Florida
824 Building Code and the Florida Fire Prevention Code and the Life
825 Safety Code as applied to a specific project, the conflict shall
826 be resolved by agreement between the local building code
827 enforcement official and the local fire code enforcement
828 official in favor of the requirement of the code which offers
829 the greatest degree of lifesafety or alternatives which would
830 provide an equivalent degree of lifesafety and an equivalent
831 method of construction. Local boards created to address issues
832 arising under the Florida Building Code or the Florida Fire



833 Prevention Code may combine the appeals boards to create a
834 single, local board having jurisdiction over matters arising
835 under either code or both codes. The combined local appeals
836 board may grant alternatives or modifications through procedures
837 outlined in NFPA 1, Section 1.4, but may not waive the
838 requirements of the Florida Fire Prevention Code. To meet the
839 quorum requirement for convening the combined local appeals
840 board, at least one member of the board who is a fire protection
841 contractor, a fire protection design professional, a fire
842 department operations professional, or a fire code enforcement
843 professional must be present.

844 (b) Any decision made by the local fire official regarding
845 application, interpretation, or enforcement of the Florida Fire
846 Prevention Code or by ~~and~~ the local building official regarding
847 application, interpretation, or enforcement of the Florida
848 Building Code, or the appropriate application of either code or
849 both codes in the case of a conflict between the codes, may be
850 appealed to a local administrative board designated by the
851 municipality, county, or special district having firesafety
852 responsibilities. If the decision of the local fire official and
853 the local building official is to apply the provisions of either
854 the Florida Building Code or the Florida Fire Prevention Code
855 and the Life Safety Code, the board may not alter the decision
856 unless the board determines that the application of such code is
857 not reasonable. If the decision of the local fire official and
858 the local building official is to adopt an alternative to the



859 codes, the local administrative board shall give due regard to
860 the decision rendered by the local officials and may modify that
861 decision if the administrative board adopts a better
862 alternative, taking into consideration all relevant
863 circumstances. In any case in which the local administrative
864 board adopts alternatives to the decision rendered by the local
865 fire official and the local building official, such alternatives
866 shall provide an equivalent degree of lifesafety and an
867 equivalent method of construction as the decision rendered by
868 the local officials.

869 (c) If the local building official and the local fire
870 official are unable to agree on a resolution of the conflict
871 between the Florida Building Code and the Florida Fire
872 Prevention Code and the Life Safety Code, the local
873 administrative board shall resolve the conflict in favor of the
874 code which offers the greatest degree of lifesafety or
875 alternatives which would provide an equivalent degree of
876 lifesafety and an equivalent method of construction.

877 (d) All decisions of the local administrative board, ~~or,~~
878 if none exists, ~~the decisions of~~ the local building official and
879 the local fire official in regard to the application,
880 enforcement, or interpretation of the Florida Fire Prevention
881 Code, or conflicts between the Florida Fire Prevention Code and
882 the Florida Building Code, are subject to review by a joint
883 committee composed of members of the Florida Building Commission
884 and the Fire Code Advisory Council. If the joint committee is



885 unable to resolve conflicts between the codes as applied to a
886 specific project, the matter shall be resolved pursuant to ~~the~~
887 ~~provisions of~~ paragraph (1) (d). Decisions of the local
888 administrative board related solely to the Florida Building Code
889 are subject to review as set forth in s. 553.775.

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

893 (f) All decisions of the local building official and local
894 fire official and all decisions of the administrative board
895 shall be in writing and shall be binding upon a person but do
896 not limit the authority of the State Fire Marshal or the Florida
897 Building Commission pursuant to paragraph (1) (d) and ss. 633.104
898 and 633.228. Decisions of general application shall be indexed
899 by building and fire code sections and shall be available for
900 inspection during normal business hours.

901 (15) An agency or local government may not require that
902 existing mechanical equipment located on or above the surface of
903 a roof be installed in compliance with the requirements of the
904 Florida Building Code except during reroofing when the equipment
905 is being replaced or moved ~~during reroofing~~ and is not in
906 compliance with the provisions of the Florida Building Code
907 relating to roof-mounted mechanical units.

908 (19) The Florida Building Code shall require two fire
909 service access elevators in all buildings with a height greater
910 than 120 feet measured from the elevation of street-level access



911 to the level of the highest occupiable floor. All remaining
912 elevators, if any, shall be provided with Phase I and II
913 emergency operations. Where a fire service access elevator is
914 required, a 1-hour fire-rated fire service access elevator lobby
915 with direct access from the fire service access elevator is not
916 required if the fire service access elevator opens into an exit
917 access corridor that is no less than 6 feet wide for its entire
918 length and is at least 150 square feet with the exception of
919 door openings, and has a minimum 1-hour fire rating with three-
920 quarter hour fire and smoke rated openings; and during a fire
921 event the fire service access elevator is pressurized and floor-
922 to-floor smoke control is provided. However, where transient
923 residential occupancies occur at floor levels more than 420 feet
924 above the level of fire service access, a 1-hour fire-rated
925 service access elevator lobby with direct access from the fire
926 service access elevator is required. Standpipes in high-rise
927 buildings are subject only to the requirements of the Florida
928 Fire Prevention Code and NFPA 14, Standard for the Installation
929 of Standpipes and Hose Systems, adopted by the State Fire
930 Marshal.

931 Section 18. Paragraph (c) of subsection (3) of section
932 553.775, Florida Statutes, is amended to read:

933 553.775 Interpretations.—

934 (3) The following procedures may be invoked regarding
935 interpretations of the Florida Building Code or the Florida
936 Accessibility Code for Building Construction:



937 (c) The commission shall review decisions of local
938 building officials and local enforcement agencies regarding
939 interpretations of the Florida Building Code or the Florida
940 Accessibility Code for Building Construction after the local
941 board of appeals has considered the decision, if such board
942 exists, and if such appeals process is concluded within 25
943 business days.

944 1. The commission shall coordinate with the Building
945 Officials Association of Florida, Inc., to designate a panel
946 ~~panels~~ composed of seven ~~five~~ members to hear requests to review
947 decisions of local building officials. Five ~~The~~ members must be
948 licensed as building code administrators under part XII of
949 chapter 468, one member must be licensed as an architect under
950 chapter 481, and one member must be licensed as an engineer
951 under chapter 471. Each member ~~and~~ must have experience
952 interpreting or ~~and~~ enforcing provisions of the Florida Building
953 Code and the Florida Accessibility Code for Building
954 Construction.

955 2. Requests to review a decision of a local building
956 official interpreting provisions of the Florida Building Code or
957 the Florida Accessibility Code for Building Construction may be
958 initiated by any substantially affected person, including an
959 owner or builder subject to a decision of a local building
960 official or an association of owners or builders having members
961 who are subject to a decision of a local building official. In
962 order to initiate review, the substantially affected person must



963 file a petition with the commission. The commission shall adopt
964 a form for the petition, which shall be published on the
965 Building Code Information System. The form shall, at a minimum,
966 require the following:

967 a. The name and address of the county or municipality in
968 which provisions of the Florida Building Code or the Florida
969 Accessibility Code for Building Construction are being
970 interpreted.

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

973 c. The name, address, and telephone number of the
974 petitioner; the name, address, and telephone number of the
975 petitioner's representative, if any; and an explanation of how
976 the petitioner's substantial interests are being affected by the
977 local interpretation of the Florida Building Code or the Florida
978 Accessibility Code for Building Construction.

979 d. A statement of the provisions of the Florida Building
980 Code or the Florida Accessibility Code for Building Construction
981 which are being interpreted by the local building official.

982 e. A statement of the interpretation given to provisions
983 of the Florida Building Code or the Florida Accessibility Code
984 for Building Construction by the local building official and the
985 manner in which the interpretation was rendered.

986 f. A statement of the interpretation that the petitioner
987 contends should be given to the provisions of the Florida
988 Building Code or the Florida Accessibility Code for Building



989 Construction and a statement supporting the petitioner's
990 interpretation.

991 g. Space for the local building official to respond in
992 writing. The space shall, at a minimum, require the local
993 building official to respond by providing a statement admitting
994 or denying the statements contained in the petition and a
995 statement of the interpretation of the provisions of the Florida
996 Building Code or the Florida Accessibility Code for Building
997 Construction which the local jurisdiction or the local building
998 official contends is correct, including the basis for the
999 interpretation.

1000 3. The petitioner shall submit the petition to the local
1001 building official, who shall place the date of receipt on the
1002 petition. The local building official shall respond to the
1003 petition in accordance with the form and shall return the
1004 petition along with his or her response to the petitioner within
1005 5 days after receipt, exclusive of Saturdays, Sundays, and legal
1006 holidays. The petitioner may file the petition with the
1007 commission at any time after the local building official
1008 provides a response. If no response is provided by the local
1009 building official, the petitioner may file the petition with the
1010 commission 10 days after submission of the petition to the local
1011 building official and shall note that the local building
1012 official did not respond.

1013 4. Upon receipt of a petition that meets the requirements
1014 of subparagraph 2., the commission shall immediately provide



CS/CS/CS/HB 535, Engrossed 1

2016

1015 | copies of the petition to the ~~a~~ panel, and the commission shall
1016 | publish the petition, including any response submitted by the
1017 | local building official, on the Building Code Information System
1018 | in a manner that allows interested persons to address the issues
1019 | by posting comments.

1020 | 5. The panel shall conduct proceedings as necessary to
1021 | resolve the issues; shall give due regard to the petitions, the
1022 | response, and to comments posed on the Building Code Information
1023 | System; and shall issue an interpretation regarding the
1024 | provisions of the Florida Building Code or the Florida
1025 | Accessibility Code for Building Construction within 21 days
1026 | after the filing of the petition. The panel shall render a
1027 | determination based upon the Florida Building Code or the
1028 | Florida Accessibility Code for Building Construction or, if the
1029 | code is ambiguous, the intent of the code. The panel's
1030 | interpretation shall be provided to the commission, which shall
1031 | publish the interpretation on the Building Code Information
1032 | System and in the Florida Administrative Register. The
1033 | interpretation shall be considered an interpretation entered by
1034 | the commission, and shall be binding upon the parties and upon
1035 | all jurisdictions subject to the Florida Building Code or the
1036 | Florida Accessibility Code for Building Construction, unless it
1037 | is superseded by a declaratory statement issued by the Florida
1038 | Building Commission or by a final order entered after an appeal
1039 | proceeding conducted in accordance with subparagraph 7.

1040 | 6. It is the intent of the Legislature that review



1041 proceedings be completed within 21 days after the date that a
1042 petition seeking review is filed with the commission, and the
1043 time periods set forth in this paragraph may be waived only upon
1044 consent of all parties.

1045 7. Any substantially affected person may appeal an
1046 interpretation rendered by the ~~a hearing officer~~ panel by filing
1047 a petition with the commission. Such appeals shall be initiated
1048 in accordance with chapter 120 and the uniform rules of
1049 procedure and must be filed within 30 days after publication of
1050 the interpretation on the Building Code Information System or in
1051 the Florida Administrative Register. Hearings shall be conducted
1052 pursuant to chapter 120 and the uniform rules of procedure.
1053 Decisions of the commission are subject to judicial review
1054 pursuant to s. 120.68. The final order of the commission is
1055 binding upon the parties and upon all jurisdictions subject to
1056 the Florida Building Code or the Florida Accessibility Code for
1057 Building Construction.

1058 8. The burden of proof in any proceeding initiated in
1059 accordance with subparagraph 7. is on the party who initiated
1060 the appeal.

1061 9. In any review proceeding initiated in accordance with
1062 this paragraph, including any proceeding initiated in accordance
1063 with subparagraph 7., the fact that an owner or builder has
1064 proceeded with construction may not be grounds for determining
1065 an issue to be moot if the issue is one that is likely to arise
1066 in the future.



1067
1068 This paragraph provides the exclusive remedy for addressing
1069 requests to review local interpretations of the Florida Building
1070 Code or the Florida Accessibility Code for Building Construction
1071 and appeals from review proceedings.

1072 Section 19. Subsections (1) and (6) of section 553.79,
1073 Florida Statutes, are amended to read:

1074 553.79 Permits; applications; issuance; inspections.—

1075 (1) After the effective date of the Florida Building Code
1076 adopted as herein provided, it shall be unlawful for any person,
1077 firm, corporation, or governmental entity to construct, erect,
1078 alter, modify, repair, or demolish any building within this
1079 state without first obtaining a permit therefor from the
1080 appropriate enforcing agency or from such persons as may, by
1081 appropriate resolution or regulation of the authorized state or
1082 local enforcing agency, be delegated authority to issue such
1083 permits, upon the payment of such reasonable fees adopted by the
1084 enforcing agency. The enforcing agency is empowered to revoke
1085 any such permit upon a determination by the agency that the
1086 construction, erection, alteration, modification, repair, or
1087 demolition of the building for which the permit was issued is in
1088 violation of, or not in conformity with, the provisions of the
1089 Florida Building Code. Whenever a permit required under this
1090 section is denied or revoked because the plan, or the
1091 construction, erection, alteration, modification, repair, or
1092 demolition of a building, is found by the local enforcing agency



1093 to be not in compliance with the Florida Building Code, the
1094 local enforcing agency shall identify the specific plan or
1095 project features that do not comply with the applicable codes,
1096 identify the specific code chapters and sections upon which the
1097 finding is based, and provide this information to the permit
1098 applicant. A plans reviewer or building code administrator who
1099 is responsible for issuing a denial, revocation, or modification
1100 request but fails to provide to the permit applicant a reason
1101 for denying, revoking, or requesting a modification, based on
1102 compliance with the Florida Building Code or local ordinance, is
1103 subject to disciplinary action against his or her license
1104 pursuant to s. 468.621(1)(j). Installation, replacement,
1105 removal, or metering of any load management control device is
1106 exempt from and shall not be subject to the permit process and
1107 fees otherwise required by this section.

1108 (6) A permit may not be issued for any building
1109 construction, erection, alteration, modification, repair, or
1110 addition unless the applicant for such permit complies with the
1111 requirements for plan review established by the Florida Building
1112 Commission within the Florida Building Code. However, the code
1113 shall set standards and criteria to authorize preliminary
1114 construction before completion of all building plans review,
1115 including, but not limited to, special permits for the
1116 foundation only, and such standards shall take effect concurrent
1117 with the first effective date of the Florida Building Code.
1118 After submittal of the appropriate construction documents, the



1119 | building official may issue a permit for the construction of
1120 | foundations or any other part of a building or structure before
1121 | the construction documents for the entire building or structure
1122 | have been submitted. The holder of such permit for the
1123 | foundation or other parts of a building or structure shall
1124 | proceed at the holder's own risk and without assurance that a
1125 | permit for the entire structure will be granted. Corrections may
1126 | be required to meet the requirements of the technical codes.

1127 | Section 20. Section 553.7931, Florida Statutes, is created
1128 | to read:

1129 | 553.7931 Alarm system registrations.-

1130 | (1) As used in this section, the term "applicable local
1131 | governmental entity" means the local enforcement agency or local
1132 | law enforcement agency responsible for the administration of
1133 | alarm system registration in a jurisdiction.

1134 | (a) The owner, lessee, or occupant, or an authorized
1135 | representative thereof, of a property must register his or her
1136 | alarm system with the applicable local governmental entity if
1137 | such entity requires registration of alarm systems.

1138 | (b)1. A contractor as defined in s. 553.793 or an alarm
1139 | system monitoring company that installs a monitored alarm system
1140 | shall provide written notice, on paper or electronically, to an
1141 | owner, lessee, or occupant, or an authorized representative
1142 | thereof, before activating or reactivating an alarm system, that
1143 | the applicable local governmental entity may require the
1144 | registration of the alarm system.



1145 2. An alarm system monitoring company that activates an
1146 alarm system installed by an owner, lessee, or occupant, or
1147 authorized representative thereof, shall provide verbal notice
1148 to the owner, lessee, or occupant, or authorized representative
1149 thereof, before activating or reactivating an alarm system, that
1150 the applicable local governmental entity may require the
1151 registration of the alarm system.

1152 (2) A contractor or alarm system monitoring company is not
1153 liable for civil penalties and fines assessed or imposed by the
1154 applicable local governmental entity for failing to register an
1155 alarm system, for dispatch to an unregistered user, or for
1156 excessive false alarms not attributed to alarm system monitoring
1157 company error or improper installation by the contractor or
1158 alarm system monitoring company.

1159 (3) A municipality, county, district, or other local
1160 governmental entity may not require that an alarm system
1161 registration form be notarized before an alarm system may be
1162 registered.

1163 (4) A municipality, county, district, or other local
1164 governmental entity may not adopt or maintain in effect any
1165 ordinance or rule regarding alarm system registration that is
1166 inconsistent with this section.

1167 Section 21. Paragraph (d) is added to subsection (7) of
1168 section 553.80, Florida Statutes, to read:

1169 553.80 Enforcement.—

1170 (7) The governing bodies of local governments may provide



1171 a schedule of reasonable fees, as authorized by s. 125.56(2) or
1172 s. 166.222 and this section, for enforcing this part. These
1173 fees, and any fines or investment earnings related to the fees,
1174 shall be used solely for carrying out the local government's
1175 responsibilities in enforcing the Florida Building Code. When
1176 providing a schedule of reasonable fees, the total estimated
1177 annual revenue derived from fees, and the fines and investment
1178 earnings related to the fees, may not exceed the total estimated
1179 annual costs of allowable activities. Any unexpended balances
1180 shall be carried forward to future years for allowable
1181 activities or shall be refunded at the discretion of the local
1182 government. The basis for a fee structure for allowable
1183 activities shall relate to the level of service provided by the
1184 local government and shall include consideration for refunding
1185 fees due to reduced services based on services provided as
1186 prescribed by s. 553.791, but not provided by the local
1187 government. Fees charged shall be consistently applied.

1188 (d) The local enforcement agency may not require the
1189 payment of any additional fees, charges, or expenses associated
1190 with:

1191 1. Providing proof of licensure pursuant to chapter 489;

1192 2. Recording or filing a license issued pursuant to this
1193 chapter; or

1194 3. Providing, recording, or filing evidence of workers'
1195 compensation insurance coverage as required by chapter 440.

1196 Section 22. Paragraph (a) of subsection (8) of section



1197 553.842, Florida Statutes, is amended to read:

1198 553.842 Product evaluation and approval.—

1199 (8) The commission may adopt rules to approve the
1200 following types of entities that produce information on which
1201 product approvals are based. All of the following entities,
1202 including engineers and architects, must comply with a
1203 nationally recognized standard demonstrating independence or no
1204 conflict of interest:

1205 (a) Evaluation entities approved pursuant to this
1206 paragraph. The commission shall specifically approve the
1207 National Evaluation Service, the International Association of
1208 Plumbing and Mechanical Officials Evaluation Service, the
1209 International Code Council Evaluation Services, Underwriters
1210 Laboratories, LLC, Intertek Testing Services NA, Inc., and the
1211 Miami-Dade County Building Code Compliance Office Product
1212 Control Division. Architects and engineers licensed in this
1213 state are also approved to conduct product evaluations as
1214 provided in subsection (5).

1215 Section 23. Paragraph (c) of subsection (3) of section
1216 553.844, Florida Statutes is amended, and subsection (4) of that
1217 section is revived, readopted, and amended, to read:

1218 553.844 Windstorm loss mitigation; requirements for roofs
1219 and opening protection.—

1220 (3) The Legislature finds that the integration of these
1221 specifically identified mitigation measures is critical to
1222 addressing the serious problem facing the state from damage



1223 caused by windstorms and that delay in the adoption and
1224 implementation constitutes a threat to the health, safety, and
1225 welfare of the state. Accordingly, the Florida Building
1226 Commission shall develop and adopt these measures by October 1,
1227 2007, by rule separate from the Florida Building Code, which
1228 take immediate effect and shall incorporate such requirements
1229 into the next edition of the Florida Building Code. Such rules
1230 shall require or otherwise clarify that for site-built, single-
1231 family residential structures:

1232 (c) Any activity requiring a building permit, not
1233 including roof covering replacement or repair work associated
1234 with the prevention of degradation of the residence, that is
1235 applied for on or after July 1, 2008, and for which the
1236 estimated cost is \$50,000 or more, must include provision of
1237 opening protections as required within the Florida Building Code
1238 for new construction for a building that is located in the wind-
1239 borne debris region as defined in s. 1609.2 of the International
1240 Building Code (2006) and that has an insured value of \$750,000
1241 or more, or, if the building is uninsured or for which
1242 documentation of insured value is not presented, has a just
1243 valuation for the structure for purposes of ad valorem taxation
1244 of \$750,000 or more.

1245 (4) Notwithstanding the provisions of this section,
1246 exposed mechanical equipment or appliances fastened to a roof or
1247 installed on the ground in compliance with the code using rated
1248 stands, platforms, curbs, slabs, walls, or other means are



1249 deemed to comply with the wind resistance requirements of the
1250 2007 Florida Building Code, as amended. Further support or
1251 enclosure of such mechanical equipment or appliances is not
1252 required by a state or local official having authority to
1253 enforce the Florida Building Code. ~~This subsection expires on~~
1254 ~~the effective date of the 2013 Florida Building Code.~~

1255 Section 24. Section 553.883, Florida Statutes, is amended
1256 to read:

1257 553.883 Smoke alarms in one-family and two-family
1258 dwellings and townhomes.—One-family and two-family dwellings and
1259 townhomes undergoing a repair, or a level 1 alteration as
1260 defined in the Florida Building Code, may use smoke alarms
1261 powered by 10-year nonremovable, nonreplaceable batteries in
1262 lieu of retrofitting such dwelling with smoke alarms powered by
1263 the dwelling's electrical system. ~~Effective January 1, 2015,~~ A
1264 battery-powered smoke alarm that is newly installed or replaces
1265 an existing battery-powered smoke alarm as a result of a level 1
1266 alteration must be powered by a nonremovable, nonreplaceable
1267 battery that powers the alarm for at least 10 years. The battery
1268 requirements of this section do not apply to a fire alarm, smoke
1269 detector, smoke alarm, or ancillary component that is
1270 electronically connected as a part of a centrally monitored or
1271 supervised alarm system; that uses a low-power, radio frequency
1272 wireless communication signal; or that contains multiple
1273 sensors, such as a smoke alarm combined with a carbon monoxide
1274 alarm or other multi-sensor devices, and is approved and listed



1275 | by a nationally recognized testing laboratory.

1276 | Section 25. Section 553.908, Florida Statutes, is amended
1277 | to read:

1278 | 553.908 Inspection.—Before construction or renovation is
1279 | completed, the local enforcement agency shall inspect buildings
1280 | for compliance with the standards of this part. Notwithstanding
1281 | any other provision of the code or law, effective July 1, 2017,
1282 | section R402.4.1.2 of the Florida Building Code, 5th Edition
1283 | (2014) Energy Conservation, which became effective on June 30,
1284 | 2015, shall increase the building's or dwelling unit's maximum
1285 | tested air leakage measure from "not exceeding 5 air changes per
1286 | hour" to "not exceeding 7 air changes per hour" in Climate Zones
1287 | 1 and 2. The mandatory blower door testing for residential
1288 | buildings or dwelling units as contained in section R402.1.2 of
1289 | the Florida Building Code, 5th Edition (2014) Energy
1290 | Conservation, shall not take effect until July 1, 2017, and
1291 | shall not apply to construction permitted before July 1, 2017.
1292 | Additionally, section M401.2 of the Florida Building Code, 5th
1293 | Edition (2014) Mechanical, which became effective on June 30,
1294 | 2015, shall decrease the air filtration rate in a dwelling unit
1295 | from "less than 5" to "less than 3" air changes per hour when
1296 | tested with a blower door at a pressure of 0.2-inch water column
1297 | (50 Pascals) in accordance with Section R402.4.1.2 of the
1298 | Florida Building Code, 5th Edition (2014) Energy Conservation.

1299 | Section 26. Subsection (3) of section 553.993, Florida
1300 | Statutes, is amended to read:



1301 553.993 Definitions.—For purposes of this part:
1302 (3) "Building energy-efficiency rating system" means a
1303 whole building energy evaluation system that provides a reliable
1304 and scientifically based analysis of a building's energy
1305 consumption or energy features and allows a comparison to
1306 similar building types in similar climate zones where
1307 applicable. Specifically, the rating system shall use standard
1308 calculations, formulas, and scoring methods; be applicable
1309 nationally; compare a building to a clearly defined and
1310 researched baseline or benchmark; require qualified
1311 professionals to conduct the rating or assessment; and provide a
1312 labeling and recognition program with specific criteria or
1313 levels. Residential program benchmarks for new construction must
1314 be consistent with national building standards. Residential
1315 building program benchmarks for existing construction must be
1316 consistent with national home energy rating standards. The
1317 building energy-efficiency rating system shall require at least
1318 one level of oversight performed by an organized and balanced
1319 group of professionals with subject matter expertise in energy
1320 efficiency, energy rating, and evaluation methods established by
1321 the Residential Energy Services Network, the Commercial Energy
1322 Services Network, the Building Performance Institute, or the
1323 Florida Solar Energy Center.

1324 Section 27. Subsections (17) and (18) are added to section
1325 633.202, Florida Statutes, to read:
1326 633.202 Florida Fire Prevention Code.—



1327 (17) The authority having jurisdiction shall determine the
1328 minimum radio signal strength for fire department communications
1329 in all new high-rise and existing high-rise buildings. Existing
1330 buildings are not required to comply with minimum radio strength
1331 for fire department communications and two-way radio system
1332 enhancement communications as required by the Florida Fire
1333 Prevention Code until January 1, 2022. However, by December 31,
1334 2019, an existing building that is not in compliance with the
1335 requirements for minimum radio strength for fire department
1336 communications must apply for an appropriate permit for the
1337 required installation with the local government agency having
1338 jurisdiction and must demonstrate that the building will become
1339 compliant by January 1, 2022. Existing apartment buildings are
1340 not required to comply until January 1, 2025. However, existing
1341 apartment buildings are required to apply for the appropriate
1342 permit for the required communications installation by December
1343 31, 2022.

1344 (18) Areas of refuge shall be provided if required by the
1345 Florida Building Code, Accessibility. Required portions of an
1346 area of refuge shall be accessible from the space they serve by
1347 an accessible means of egress.

1348 Section 28. Subsection (5) of section 633.208, Florida
1349 Statutes, is amended to read:

1350 633.208 Minimum firesafety standards.—

1351 (5) With regard to existing buildings, the Legislature
1352 recognizes that it is not always practical to apply any or all



1353 of the provisions of the Florida Fire Prevention Code and that
1354 physical limitations may require disproportionate effort or
1355 expense with little increase in fire or life safety. Before
1356 ~~Prior to~~ applying the minimum firesafety code to an existing
1357 building, the local fire official shall determine whether ~~that~~ a
1358 threat to lifesafety or property exists. If a threat to
1359 lifesafety or property exists, the fire official shall apply the
1360 applicable firesafety code for existing buildings to the extent
1361 practical to ensure ~~assure~~ a reasonable degree of lifesafety and
1362 safety of property or ~~the fire official~~ shall fashion a
1363 reasonable alternative that ~~which~~ affords an equivalent degree
1364 of lifesafety and safety of property. The local fire official
1365 may consider the fire safety evaluation systems found in NFPA
1366 101A, Guide on Alternative Solutions to Life Safety, adopted by
1367 the State Fire Marshal, as acceptable systems for the
1368 identification of low-cost, reasonable alternatives. It is
1369 acceptable to use the Fire Safety Evaluation System for Board
1370 and Care Facilities using prompt evacuation capabilities
1371 parameter values on existing residential high-rise buildings.
1372 The decision of the local fire official may be appealed to the
1373 local administrative board described in s. 553.73.

1374 Section 29. Section 633.336, Florida Statutes, is amended
1375 to read:

1376 633.336 Contracting without certificate prohibited;
1377 violations; penalty.—

1378 (1) It is unlawful for any organization or individual to



1379 engage in the business of layout, fabrication, installation,
1380 inspection, alteration, repair, or service of a fire protection
1381 system, other than a preengineered system, act in the capacity
1382 of a fire protection contractor, or advertise itself as being a
1383 fire protection contractor without having been duly certified
1384 and holding a valid and existing certificate, except as
1385 hereinafter provided. The holder of a certificate used to
1386 qualify an organization must be a full-time employee of the
1387 qualified organization or business. A certificateholder who is
1388 employed by more than one fire protection contractor during the
1389 same time is deemed not to be a full-time employee of either
1390 contractor. The State Fire Marshal shall revoke, for a period
1391 determined by the State Fire Marshal, the certificate of a
1392 certificateholder who allows the use of the certificate to
1393 qualify a company of which the certificateholder is not a full-
1394 time employee. A contractor who maintains more than one place of
1395 business must employ a certificateholder at each location. This
1396 subsection does not prohibit an employee acting on behalf of
1397 governmental entities from inspecting and enforcing firesafety
1398 codes, provided such employee is certified under s. 633.216.

1399 (2) A fire protection contractor certified under this
1400 chapter may not:

1401 (a) Enter into a written or oral agreement to authorize,
1402 or otherwise knowingly allow, a contractor who is not certified
1403 under this chapter to engage in the business of, or act in the
1404 capacity of, a fire protection contractor.



1405 (b) Apply for or obtain a construction permit for fire
1406 protection work unless the fire protection contractor or the
1407 business organization qualified by the fire protection
1408 contractor has contracted to conduct the work specified in the
1409 application for the permit.

1410 (3) The Legislature recognizes that special expertise is
1411 required for fire pump control panels and maintenance of
1412 electric and diesel pump drivers and that it is not economically
1413 feasible for all contractors to employ these experts full-time
1414 whose work may be limited. It is therefore deemed acceptable for
1415 a fire protection contractor licensed under this chapter to
1416 subcontract with companies providing advanced technical services
1417 for the installation, servicing, and maintenance of fire pump
1418 control panels and pump drivers. To ensure the integrity of the
1419 system and to protect the interests of the property owner, those
1420 providing technical support services for fire pump control
1421 panels and pump drivers must be under contract with a licensed
1422 fire protection contractor.

1423 (4)~~(3)~~ A person who violates any provision of this act or
1424 commits any of the acts constituting cause for disciplinary
1425 action as herein set forth commits a misdemeanor of the second
1426 degree, punishable as provided in s. 775.082 or s. 775.083.

1427 (5)~~(4)~~ In addition to the penalties provided in subsection
1428 (4) ~~(3)~~, a fire protection contractor certified under this
1429 chapter who violates any provision of this section or who
1430 commits any act constituting cause for disciplinary action is



1431 subject to suspension or revocation of the certificate and
1432 administrative fines pursuant to s. 633.338.

1433 Section 30. The Calder Sloan Swimming Pool Electrical-
1434 Safety Task Force.—There is established within the Florida
1435 Building Commission the Calder Sloan Swimming Pool Electrical-
1436 Safety Task Force.

1437 (1) The purpose of the task force is to study standards
1438 for grounding, bonding, lighting, wiring, and all electrical
1439 aspects for safety in and around public and private swimming
1440 pools, especially with regard to minimizing risks of
1441 electrocutions linked to swimming pools. The task force shall
1442 submit a report of its findings, including recommended revisions
1443 to state law, if any, to the Governor, the President of the
1444 Senate, and the Speaker of the House of Representatives by
1445 November 1, 2016.

1446 (2) The task force shall consist of the swimming pool and
1447 electrical technical advisory committees of the Florida Building
1448 Commission.

1449 (3) The task force shall be chaired by the swimming pool
1450 contractor appointed to the Florida Building Commission pursuant
1451 to s. 553.74, Florida Statutes.

1452 (4) The Florida Building Commission shall provide such
1453 staff, information, and other assistance as is reasonably
1454 necessary to assist the task force in carrying out its
1455 responsibilities.

1456 (5) Members of the task force shall serve without



1457 compensation.

1458 (6) The task force shall meet as often as necessary to
1459 fulfill its responsibilities. Meetings may be conducted by
1460 conference call, teleconferencing, or similar technology.

1461 (7) This section expires December 31, 2016.

1462 Section 31. Construction Industry Workforce Task Force.—

1463 (1) The Construction Industry Workforce Task Force is
1464 created within the University of Florida M. E. Rinker, Sr.,
1465 School of Construction Management. The goals of the task force
1466 are to:

1467 (a) Address the critical shortage of individuals trained
1468 in building construction and inspection.

1469 (b) Develop a consensus path for training the next
1470 generation of construction workers in the state.

1471 (c) Determine the causes for the current shortage of a
1472 trained construction industry work force and address the impact
1473 of the shortages on the recovery of the real estate market.

1474 (d) Review current methods and resources available for
1475 construction training.

1476 (e) Review the state of construction training available in
1477 K-12 schools.

1478 (f) Address training issues relating to building code
1479 inspectors to increase the number of qualified inspectors.

1480 (2) The task force shall consist of 22 members. Except as
1481 otherwise specified, each member shall be chosen by the
1482 association that he or she represents, as follows:



1483 (a) A member of the House of Representatives appointed by
1484 the Speaker of the House of Representatives.

1485 (b) A member of the Senate appointed by the President of
1486 the Senate.

1487 (c) A member representing the Florida Associated General
1488 Contractors Council.

1489 (d) A member representing the Associated Builders and
1490 Contractors of Florida.

1491 (e) A member representing the Florida Home Builders
1492 Association.

1493 (f) A member representing the Florida Fire Sprinkler
1494 Association.

1495 (g) A member representing the Florida Roofing, Sheet Metal
1496 and Air Conditioning Contractors Association.

1497 (h) A member representing the Florida Refrigeration and
1498 Air Conditioning Contractors Association.

1499 (i) A member representing the Florida Plumbing-Heating-
1500 Cooling Contractors Association.

1501 (j) A member representing the Florida Swimming Pool
1502 Association.

1503 (k) A member representing the National Utility Contractors
1504 Association of Florida.

1505 (l) A member representing the Florida Concrete and
1506 Products Association.

1507 (m) A member representing the Alarm Association of
1508 Florida.



1509 (n) A member representing the Independent Electrical
1510 Contractors.

1511 (o) A member representing the Florida Building and
1512 Construction Trades Council within the Florida AFL-CIO.

1513 (p) A member representing the Building Officials
1514 Association of Florida.

1515 (q) A member representing the Asphalt Contractors
1516 Association of Florida.

1517 (r) A member representing the American Fire Sprinkler
1518 Association-Florida Chapter.

1519 (s) A member representing the Florida Carpenters Regional
1520 Council.

1521 (t) A member representing the National Electrical
1522 Contractors Association-Florida Chapter.

1523 (u) A member representing the Florida Electrical Workers
1524 Association.

1525 (v) The chair of the Florida Building Commission.

1526 (3) The task force shall elect a chair from among its
1527 members.

1528 (4) The University of Florida M. E. Rinker, Sr., School of
1529 Construction Management shall provide such assistance as is
1530 reasonably necessary to assist the task force in carrying out
1531 its responsibilities.

1532 (5) The task force shall meet as often as necessary to
1533 fulfill its responsibilities but not fewer than three times. The
1534 first meeting must be held no later than September 1, 2016.



1535 Meetings may be conducted by conference call, teleconferencing,
1536 or similar technology.

1537 (6) The task force shall submit a final report to the
1538 Governor, the President of the Senate, and the Speaker of the
1539 House of Representatives by February 1, 2017.

1540 (7) The Department of Business and Professional Regulation
1541 shall provide \$50,000 from funds available for the Florida
1542 Building Code Compliance and Mitigation Program under s.
1543 553.841(5), Florida Statutes, to the University of Florida M. E.
1544 Rinker, Sr., School of Construction Management for purposes of
1545 implementing this section.

1546 (8) This section expires July 1, 2017.

1547 Section 32. The Florida Building Commission shall define
1548 the term "fire separation distance" in Chapter 2, Definitions,
1549 of the Florida Building Code, 5th Edition (2014) Residential, as
1550 follows:

1551
1552 "FIRE SEPARATION DISTANCE. The distance measured from
1553 the building face to one of the following:

1554 1. To the closest interior lot line;

1555 2. To the centerline of a street, an alley, or a
1556 public way;

1557 3. To an imaginary line between two buildings on the
1558 lot; or

1559 4. To an imaginary line between two buildings when
1560 the exterior wall of one building is located on a zero



1561 lot line.

1562

1563 The distance shall be measured at a right angle from
1564 the face of the wall."

1565

1566 Section 33. The Florida Building Commission shall amend
1567 the Florida Building Code, 5th Edition (2014) Residential, to
1568 allow openings and roof overhang projections on the exterior
1569 wall of a building located on a zero lot line, when the building
1570 exterior wall is separated from an adjacent building exterior
1571 wall by a distance of 6 feet or more and the roof overhang
1572 projection is separated from an adjacent building projection by
1573 a distance of 4 feet or more, with 1-hour fire-resistive
1574 construction on the underside of the overhang required, unless
1575 the separation between projections is 6 feet or more.

1576 Section 34. The Florida Building Commission shall adopt
1577 into the Florida Building Code, 5th Edition (2014) Energy
1578 Conservation, the following:

1579

1580 "Section 406 relating to the Alternative Performance Path,
1581 Energy Rating Index of the 2015 International Energy
1582 Conservation Code (IECC) may be used unmodified except as
1583 follows for Table R406.4 as an option for demonstrating
1584 compliance with the Florida Building Code, Energy Conservation.
1585 TABLE R406.4 MAXIMUM ENERGY RATING INDEX shall reflect the
1586 following energy rating index: for Climate Zone 1, an index of



1587 58; for Climate Zone 2, an index of 58."

1588 Section 35. The Florida Building Commission shall adopt
1589 into the Florida Building Code, 5th Edition (2014) Residential,
1590 the following, which shall become effective on July 1, 2016:

1591
1592 "Notwithstanding any other provision of code or law, the
1593 section setting forth shower lining requirements will include
1594 the following exceptions:

1595 1. Floor surfaces under showerheads provided for rinsing
1596 laid directly on the ground.

1597 2. Shower compartments in which the finished shower drain
1598 is depressed a minimum of 2 inches (51 mm) below the surrounding
1599 finished floor on the first floor level and the shower recess is
1600 poured integrally with the adjoining floor."

1601
1602 Section 36. The Florida Building Commission shall amend
1603 the Florida Building Code, 5th Edition (2014) Residential, to
1604 provide that the minimum fire separation distance for non-fire
1605 resistant rated exterior walls shall be 3 feet or greater and
1606 non-fire resistant rated projections shall have a minimum fire
1607 separation distance of 3 feet or greater. Projections within 2
1608 feet and less than 3 feet shall include a 1-hour fire-resistance
1609 rate on the underside. Projections less than 2 feet are not
1610 permitted. Penetrations of the exterior wall within less than 3
1611 feet shall comply with Dwelling Unit Rated Penetration.
1612 Penetrations 3 feet or greater are not required to have a fire-



1613 resistance rating. Openings in walls shall be unlimited with a
1614 fire separation distance of 3 feet or greater.

1615 Section 37. Notwithstanding any law, rule, or regulation
1616 to the contrary, a restaurant, cafeteria, or similar dining
1617 facility, including an associated commercial kitchen, is
1618 required to have sprinklers only if it has a fire area occupancy
1619 load of 200 patrons or more.

1620 Section 38. Effective October 1, 2017, subsection (4) of
1621 section 125.56, Florida Statutes, is amended to read:

1622 125.56 Enforcement and amendment of the Florida Building
1623 Code and the Florida Fire Prevention Code; inspection fees;
1624 inspectors; etc.—

1625 (4) (a) After adoption of the Florida Building Code by the
1626 Florida Building Commission or the Florida Fire Prevention Code
1627 by the State Fire Marshal, or amendment of the building code or
1628 the fire code as herein provided, it shall be unlawful for any
1629 person, firm, or corporation to construct, erect, alter, repair,
1630 secure, or demolish any building within the territory embraced
1631 by the terms of this act without first obtaining a permit
1632 therefor from the appropriate board of county commissioners, or
1633 from such persons as may by resolution be directed to issue such
1634 permits, upon the payment of such reasonable fees as shall be
1635 set forth in the schedule of fees adopted by the board; the
1636 board is hereby empowered to revoke any such permit upon a
1637 determination by the board that the construction, erection,
1638 alteration, repair, securing, or demolition of the building for



1639 | which the permit was issued is in violation of or not in
1640 | conformity with the building code or the fire code.

1641 | (b) A county that issues building permits shall post each
1642 | type of building permit application on its website. Completed
1643 | applications must be able to be submitted electronically to the
1644 | county building department. Accepted methods of electronic
1645 | submission include, but are not limited to, e-mail submission of
1646 | applications in portable document format or submission of
1647 | applications through an electronic fill-in form available on the
1648 | building department's website or through a third-party
1649 | submission management software. Payments, attachments, or
1650 | drawings required as part of the permit application may be
1651 | submitted in person in a nonelectronic format, at the discretion
1652 | of the building official.

1653 | Section 39. Effective October 1, 2017, subsection (1) of
1654 | section 553.79, Florida Statutes, is amended to read:

1655 | 553.79 Permits; applications; issuance; inspections.—

1656 | (1) (a) After the effective date of the Florida Building
1657 | Code adopted as herein provided, it shall be unlawful for any
1658 | person, firm, corporation, or governmental entity to construct,
1659 | erect, alter, modify, repair, or demolish any building within
1660 | this state without first obtaining a permit therefor from the
1661 | appropriate enforcing agency or from such persons as may, by
1662 | appropriate resolution or regulation of the authorized state or
1663 | local enforcing agency, be delegated authority to issue such
1664 | permits, upon the payment of such reasonable fees adopted by the



1665 enforcing agency. The enforcing agency is empowered to revoke
1666 any such permit upon a determination by the agency that the
1667 construction, erection, alteration, modification, repair, or
1668 demolition of the building for which the permit was issued is in
1669 violation of, or not in conformity with, the provisions of the
1670 Florida Building Code. Whenever a permit required under this
1671 section is denied or revoked because the plan, or the
1672 construction, erection, alteration, modification, repair, or
1673 demolition of a building, is found by the local enforcing agency
1674 to be not in compliance with the Florida Building Code, the
1675 local enforcing agency shall identify the specific plan or
1676 project features that do not comply with the applicable codes,
1677 identify the specific code chapters and sections upon which the
1678 finding is based, and provide this information to the permit
1679 applicant. Installation, replacement, removal, or metering of
1680 any load management control device is exempt from and shall not
1681 be subject to the permit process and fees otherwise required by
1682 this section.

1683 (b) A local enforcement agency shall post each type of
1684 building permit application on its website. Completed
1685 applications must be able to be submitted electronically to the
1686 appropriate building department. Accepted methods of electronic
1687 submission include, but are not limited to, e-mail submission of
1688 applications in portable document format or submission of
1689 applications through an electronic fill-in form available on the
1690 building department's website or through a third-party



CS/CS/CS/HB 535, Engrossed 1

2016

1691 submission management software. Payments, attachments, or
1692 drawings required as part of the permit application may be
1693 submitted in person in a nonelectronic format, at the discretion
1694 of the building official.

1695 Section 40. Except as otherwise expressly provided in this
1696 act, this act shall take effect July 1, 2016.

1697