

THE FLORIDA SENATE
2016 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/CS/HB 535 — Building Codes

by Regulatory Affairs Committee; Government Operations Appropriations Subcommittee; Business and Professions Subcommittee; and Rep. Eagle and others (CS/CS/SB 704 by Fiscal Policy Committee; Community Affairs Committee; and Senator Hutson)

In 1974, Florida adopted a state minimum building code law requiring all local governments to adopt and enforce a building code that would ensure minimum standards for public health and safety. Four separate model codes were available that local governments could consider and adopt. In that system, the state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes as they desired.

In 1996, a study commission was appointed to review the system of local codes and to make recommendations for modernizing the entire system. The 1998 Legislature adopted the study commission recommendations for a single state building code and an enhanced oversight role for the state in local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Code) and that first edition replaced all local codes on March 1, 2002. In 2004, for the second edition of the Code, the state adopted the International Code Council I-Codes. All subsequent Codes have been adopted utilizing the International Code Council I-Codes as the base code. The most recent Code is the fifth edition which is referred to as the 2014 Code. The 2014 Code went into effect June 30, 2015.

The Florida Building Commission (FBC) was statutorily created to implement the Code. The FBC, which is housed within the Department of Business and Professional Regulation, is a 27-member technical body responsible for the development, maintenance, and interpretation of the Code. Most substantive issues before the FBC are vetted through a workgroup process where consensus recommendations are developed and submitted by appointed representative stakeholder groups in an open process with several opportunities for public input. According to the FBC, through this participatory process, the members "strive for agreements which all of the members can accept, support, live with or agree not to oppose;" when the FBC finds that 100 percent acceptance or support is not achievable, "final decisions require at least 75 percent favorable vote of all members present and voting."

The bill makes the following changes to law:

- Makes several adjustments to the training and experience required to take the certification examinations for building code inspector, plans examiner, and building code administrator;
- Exempts employees of apartment communities with 100 or more units from contractor licensing requirements if making minor repairs to existing electric water heaters or existing electric heating, ventilation, and air conditioning (HVAC) systems, if they meet certain training and experience criteria and the repair involves parts costing under \$1,000;

- Allows Category I liquefied petroleum gas dealers, liquefied petroleum gas installers, and specialty installers to disconnect and reconnect water lines in the servicing or replacement of existing water heaters;
- Adds Division II contractors to the Florida Homeowners' Construction Recovery Fund section, which would allow homeowners to make a claim and receive restitution from the fund when they have been harmed by a Division II contractor, subject to certain requirements and financial caps;
- Exempts specific low-voltage landscape lighting from having to be installed by a licensed electrical contractor;
- Clarifies that portable pools that are used for swimming lessons that are sponsored or provided by school districts and temporary pools used in conjunction with a sanctioned national or international swimming or diving event are considered private pools and not subject to regulation;
- Provides that a residential pool that is equipped with a pool alarm that, when placed in the pool, will sound if it detects an accidental or unauthorized entrance into the water meets the safety requirements for residential pools;
- Creates the Calder Sloan Swimming Pool Electrical-Safety Task Force to study and report on specific standards, especially with regard to minimizing risks of electrocutions linked to swimming pools;
- Replaces a representative on the Accessibility Advisory Council for a defunct organization with the new organization;
- Revises the panels designated to review interpretations of the Florida Building Code and the Florida Accessibility Code for Building Construction;
- Provides funding for the recommendations made by the Building Code System Uniform Implementation Evaluation Workgroup and provides funding for Florida Fire Prevention Code informal interpretations;
- Allows local boards created to address conflicts between the Florida Building Code and the Florida Fire Prevention Code to combine to create a single local board that must include at least one fire professional;
- Requires the Florida Building Code to mandate having two fire service access elevators in all buildings above a certain height;
- Authorizes local building officials to issue phased permits for construction;
- Subjects certain building officials to discipline if they deny, revoke, or modify a specified permit without providing a reason for the denial, revocation, or modification;
- Requires a contractor and an alarm system monitoring company to provide notice to a property owner regarding the obligation to register their alarm system, if applicable;
- Provides that a contractor or an alarm system monitoring company is not liable for any penalties assessed or imposed by the applicable local government for failure to register the alarm, dispatch to an unregistered user, or excessive false alarms;
- Prohibits local enforcement agencies from requiring payment of any additional fees, charges, or expenses associated with providing proof of licensure as a contractor, recording a contractor license, or providing or recording evidence of workers' compensation insurance covered by a contractor;

- Excludes roof covering replacement and repair work associated with the prevention of degradation of the residence from the requirement to include the provision of opening protections in any activity requiring a building permit with a cost over \$50,000;
- Adds Underwriters Laboratories, LLC, and Intertek Testing Services NA, Inc., to the list of entities that are authorized to produce information on which product approvals are based, related to the Florida Building Code;
- Reinstates a wind mitigation exemption for professional engineer certification of HVAC units being installed;
- Exempts Wi-Fi smoke alarms and those that contain multiple sensors, such as those combined with carbon monoxide alarms, from the 10-year, nonremovable, nonreplaceable battery provision;
- Provides that the mandatory blower door testing for residential buildings or dwellings does not take effect until July 1, 2017, and does not apply to construction permitted before July 1, 2017;
- Requires the local enforcement agency to accept duct and air infiltration tests conducted in accordance with the Florida Building Code if performed by certain individuals;
- Adds provisions to the Fire Prevention Code to:
 - Require new high-rise buildings to comply with minimum radio signal strength for fire department communications set by the local authority with jurisdiction. Existing high-rise buildings must comply by 2022 and existing apartment buildings must comply by 2025;
 - Require areas of refuge to be provided when required by the Accessibility volume of the Florida Building Code;
 - Authorize fire officials to use the Fire Safety Evaluation System to identify low-cost alternatives for compliance; and
 - Require technicians that work on fire pump control panels and drivers to be under contract with a licensed fire protection contractor;
- Requires a restaurant, a cafeteria, or a similar dining facility, including an associated commercial kitchen, to have sprinklers only if it has a fire area occupancy load of over 200 patrons;
- Adds provisions to the Florida Building Code regarding fire separation distance and roof overhang projections;
- Creates the Construction Industry Task Force within the University of Florida Rinker School of Construction;
- Provides exceptions to the residential shower lining requirements in the Florida Building Code;
- Allows a specific energy rating index as an option for compliance with the Energy Conservation volume of the Florida Building Code;
- Requires the Florida Building Commission to continue its current adoption process of the 2015 International Energy Conservation Code and determine by October 1, 2016, whether onsite renewable power generation may be used for compliance and whether onsite renewable power generation may be used for a period longer than 3 years but not more than 6 consecutive years; and

- Effective July 1, 2017, requires counties and local enforcement agencies to post each type of building permit application on its website and allow for the submittal of completed applications to the appropriate building department.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 38-0; House 116-0