



183756

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2015	.	
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	.	
	.	

The Committee on Community Affairs (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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



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11 part if the person:

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

13 (b) Is of good moral character.

14 (c) Meets eligibility requirements according to one of the
15 following criteria:

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

19 2. Demonstrates a combination of postsecondary education in
20 the field of construction or a related field and experience
21 which totals 4 years, with at least 1 year of such total being
22 experience in construction, building code inspection, or plans
23 review;

24 3. Demonstrates a combination of technical education in the
25 field of construction or a related field and experience which
26 totals 4 years, with at least 1 year of such total being
27 experience in construction, building code inspection, or plans
28 review;

29 4. Currently holds a standard certificate ~~as~~ issued by the
30 board, or a firesafety ~~fire-safety~~ inspector license issued
31 pursuant to chapter 633, has a minimum of 3 ~~5~~ years' verifiable
32 full-time experience in inspection or plan review, and
33 satisfactorily completes a building code inspector or plans
34 examiner training program that provides at least 100 hours but
35 not more ~~of not less~~ than 200 hours of cross-training in the
36 certification category sought. The board shall establish by rule
37 criteria for the development and implementation of the training
38 programs. The board shall accept all classroom training offered
39 by an approved provider if the content substantially meets the



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40 intent of the classroom component of the training program; ~~or~~
41 5. Demonstrates a combination of the completion of an
42 approved training program in the field of building code
43 inspection or plan review and a minimum of 2 years' experience
44 in the field of building code inspection, plan review, fire code
45 inspections, and fire plans review of new buildings as a
46 firesafety inspector certified under s. 633.216, or
47 construction. The approved training portion of this requirement
48 shall include proof of satisfactory completion of a training
49 program that provides at least 200 hours but not more ~~of not~~
50 ~~less~~ than 300 hours of cross-training which is approved by the
51 board in the chosen category of building code inspection or plan
52 review in the certification category sought with at least ~~not~~
53 ~~less than~~ 20 hours but not more than 30 hours of instruction in
54 state laws, rules, and ethics relating to professional standards
55 of practice, duties, and responsibilities of a
56 certificateholder. The board shall coordinate with the Building
57 Officials Association of Florida, Inc., to establish by rule the
58 development and implementation of the training program. However,
59 the board shall accept all classroom training offered by an
60 approved provider if the content substantially meets the intent
61 of the classroom component of the training program; or
62 6. Currently holds a standard certificate issued by the
63 board or a firesafety inspector license issued pursuant to
64 chapter 633 and:
65 a. Has at least 5 years' verifiable full-time experience as
66 an inspector or plans examiner in a standard certification
67 category currently held or has a minimum of 5 years' verifiable
68 full-time experience as a firesafety inspector licensed pursuant



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69 to chapter 633; and

70 b. Satisfactorily completes a building code inspector or
71 plans examiner classroom training course or program that
72 provides at least 200 but not more than 300 hours in the
73 certification category sought, except for one-family and two-
74 family dwelling training programs that are required to provide
75 at least 500 but not more than 800 hours of training as
76 prescribed by the board. The board shall establish by rule
77 criteria for the development and implementation of classroom
78 training courses and programs in each certification category.

79 (3) A person may take the examination for certification as
80 a building code administrator pursuant to this part if the
81 person:

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

83 (b) Is of good moral character.

84 (c) Meets eligibility requirements according to one of the
85 following criteria:

86 1. Demonstrates 10 years' combined experience as an
87 architect, engineer, plans examiner, building code inspector,
88 registered or certified contractor, or construction
89 superintendent, with at least 5 years of such experience in
90 supervisory positions; or

91 2. Demonstrates a combination of postsecondary education in
92 the field of construction or related field, no more than 5 years
93 of which may be applied, and experience as an architect,
94 engineer, plans examiner, building code inspector, registered or
95 certified contractor, or construction superintendent which
96 totals 10 years, with at least 5 years of such total being
97 experience in supervisory positions. In addition, the applicant



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98 must have completed training consisting of at least 20 hours but
99 not more than 30 hours of instruction in state laws, rules, and
100 ethics relating to professional standards of practice, duties,
101 and responsibilities of a certificateholder.

102 (7) (a) The board shall ~~may~~ provide for the issuance of
103 provisional certificates valid for 1 year, as specified by board
104 rule, to any newly employed or promoted building code inspector
105 or plans examiner who meets the eligibility requirements
106 described in subsection (2) and any newly employed or promoted
107 building code administrator who meets the eligibility
108 requirements described in subsection (3). The provisional
109 license may be renewed by the board for just cause; however, a
110 provisional license is not valid for a period longer than 3
111 years.

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

115 (c) The board shall ~~may~~ provide for appropriate levels of
116 provisional certificates and may issue these certificates with
117 such special conditions or requirements relating to the place of
118 employment of the person holding the certificate, the
119 supervision of such person on a consulting or advisory basis, or
120 other matters as the board may deem necessary to protect the
121 public safety and health.

122 (d) A newly employed or hired person may perform the duties
123 of a plans examiner or building code inspector for 120 days if a
124 provisional certificate application has been submitted if such
125 person is under the direct supervision of a certified building
126 code administrator who holds a standard certification and who



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127 has found such person qualified for a provisional certificate.
128 Direct supervision and the determination of qualifications may
129 also be provided by a building code administrator who holds a
130 limited or provisional certificate in a county having a
131 population of fewer than 75,000 and in a municipality located
132 within such county.

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

135 468.627 Application; examination; renewal; fees.—

136 (5) The certificateholder shall provide proof, in a form
137 established by board rule, that the certificateholder has
138 completed at least 14 classroom hours of at least 50 minutes
139 each of continuing education courses during each biennium since
140 the issuance or renewal of the certificate, including code-
141 related training ~~the specialized or advanced coursework approved~~
142 ~~by the Florida Building Commission,~~ as part of the building code
143 training program established pursuant to s. 553.841, appropriate
144 to the licensing category sought. A minimum of 3 of the required
145 14 classroom hours must be on state law, rules, and ethics
146 relating to professional standards of practice, duties, and
147 responsibilities of the certificateholder. The board shall by
148 rule establish criteria for approval of continuing education
149 courses and providers, and may by rule establish criteria for
150 accepting alternative nonclassroom continuing education on an
151 hour-for-hour basis.

152 Section 3. Section 471.0195, Florida Statutes, is amended
153 to read:

154 471.0195 Florida Building Code training for engineers.—All
155 licensees actively participating in the design of engineering



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156 works or systems in connection with buildings, structures, or
157 facilities and systems covered by the Florida Building Code
158 shall take continuing education courses and submit proof to the
159 board, at such times and in such manner as established by the
160 board by rule, that the licensee has completed any specialized
161 or code-related training ~~advanced courses~~ on any portion of the
162 Florida Building Code applicable to the licensee's area of
163 practice. The board shall record reported continuing education
164 courses on a system easily accessed by code enforcement
165 jurisdictions for evaluation when determining license status for
166 purposes of processing design documents. Local jurisdictions
167 shall be responsible for notifying the board when design
168 documents are submitted for building construction permits by
169 persons who are not in compliance with this section. The board
170 shall take appropriate action as provided by its rules when such
171 noncompliance is determined to exist.

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

174 481.215 Renewal of license.—

175 (5) The board shall require, by rule adopted pursuant to
176 ss. 120.536(1) and 120.54, a specified number of hours in
177 specialized or code-related training ~~advanced courses, approved~~
178 ~~by the Florida Building Commission,~~ on any portion of the
179 Florida Building Code, adopted pursuant to part IV of chapter
180 553, relating to the licensee's respective area of practice.

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

183 481.313 Renewal of license.—

184 (5) The board shall require, by rule adopted pursuant to



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185 ss. 120.536(1) and 120.54, a specified number of hours in
186 specialized or code-related training ~~advanced courses, approved~~
187 ~~by the Florida Building Commission,~~ on any portion of the
188 Florida Building Code, adopted pursuant to part IV of chapter
189 553, relating to the licensee's respective area of practice.

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

192 489.103 Exemptions.—This part does not apply to:

193 (23) An employee of an apartment community or apartment
194 community management company who makes minor repairs to existing
195 water heaters or to existing heating, venting, and air-
196 conditioning systems, if:

197 (a) The employee:

198 1. Does not hold himself or herself or his or her employer
199 out to be licensed or qualified by a licensee;

200 2. Does not perform any acts outside the scope of this
201 exemption which constitute contracting;

202 3. Receives compensation from and is under the supervision
203 and control of an employer who regularly deducts the FICA and
204 withholding tax and who provides workers' compensation, as
205 prescribed by law; and

206 4. Holds a current certificate for apartment maintenance
207 technicians issued by the National Apartment Association and
208 accredited by the American National Standards Institute, or is
209 under the direct supervision of a person holding such a
210 certificate. Requirements for obtaining such certificate must
211 include at least:

212 a. One year of apartment or rental housing maintenance
213 experience;



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214 b. Successful completion of at least 90 hours of courses or
215 online content that covers electrical maintenance and repair;
216 plumbing maintenance and repair; heating, venting, or air-
217 conditioning system maintenance and repair; appliance
218 maintenance and repair; and interior and exterior maintenance
219 and repair; and

220 c. Completion of all examination requirements within 24
221 months after declaring candidacy for certification.

222 (b) The equipment:

223 1. Is already installed on the property owned by the
224 apartment community or managed by the apartment community
225 management company;

226 2. Is not being modified except to replace components
227 necessary to return the equipment to its original condition, and
228 the partial disassembly associated therewith;

229 3. Must be a type of equipment commonly installed in
230 similar locations; and

231 4. Must be repaired with new parts that are functionally
232 identical to the parts being replaced.

233 (c) An individual repair does not involve replacement parts
234 that cost more than \$1,000. An individual repair may not be so
235 extensive as to be a functional replacement of the water heater
236 or the existing heating, venting, or air-conditioning system
237 being repaired.

238 (d) The property owned by the apartment community or
239 managed by the apartment community management company includes
240 at least 100 apartments.

241 Section 7. Paragraph (m) of subsection (3) of section
242 489.105, Florida Statutes, is amended to read:



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243 489.105 Definitions.—As used in this part:

244 (3) "Contractor" means the person who is qualified for, and
245 is only responsible for, the project contracted for and means,
246 except as exempted in this part, the person who, for
247 compensation, undertakes to, submits a bid to, or does himself
248 or herself or by others construct, repair, alter, remodel, add
249 to, demolish, subtract from, or improve any building or
250 structure, including related improvements to real estate, for
251 others or for resale to others; and whose job scope is
252 substantially similar to the job scope described in one of the
253 paragraphs of this subsection. For the purposes of regulation
254 under this part, the term "demolish" applies only to demolition
255 of steel tanks more than 50 feet in height; towers more than 50
256 feet in height; other structures more than 50 feet in height;
257 and all buildings or residences. Contractors are subdivided into
258 two divisions, Division I, consisting of those contractors
259 defined in paragraphs (a)-(c), and Division II, consisting of
260 those contractors defined in paragraphs (d)-(q):

261 (m) "Plumbing contractor" means a contractor whose services
262 are unlimited in the plumbing trade and includes contracting
263 business consisting of the execution of contracts requiring the
264 experience, financial means, knowledge, and skill to install,
265 maintain, repair, alter, extend, or, if not prohibited by law,
266 design plumbing. A plumbing contractor may install, maintain,
267 repair, alter, extend, or, if not prohibited by law, design the
268 following without obtaining an additional local regulatory
269 license, certificate, or registration: sanitary drainage or
270 storm drainage facilities, water and sewer plants and
271 substations, venting systems, public or private water supply



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272 systems, septic tanks, drainage and supply wells, swimming pool
273 piping, irrigation systems, and solar heating water systems and
274 all appurtenances, apparatus, or equipment used in connection
275 therewith, including boilers and pressure process piping and
276 including the installation of water, natural gas, liquefied
277 petroleum gas and related venting, and storm and sanitary sewer
278 lines. The scope of work of the plumbing contractor also
279 includes the design, if not prohibited by law, and installation,
280 maintenance, repair, alteration, or extension of air-piping,
281 vacuum line piping, oxygen line piping, nitrous oxide piping,
282 and all related medical gas systems; fire line standpipes and
283 fire sprinklers if authorized by law; ink and chemical lines;
284 fuel oil and gasoline piping and tank and pump installation,
285 except bulk storage plants; and pneumatic control piping
286 systems, all in a manner that complies with all plans,
287 specifications, codes, laws, and regulations applicable. The
288 scope of work of the plumbing contractor applies to private
289 property and public property, including any excavation work
290 incidental thereto, and includes the work of the specialty
291 plumbing contractor. Such contractor shall subcontract, with a
292 qualified contractor in the field concerned, all other work
293 incidental to the work but which is specified as being the work
294 of a trade other than that of a plumbing contractor. This
295 definition does not limit the scope of work of any specialty
296 contractor certified pursuant to s. 489.113(6) ~~7~~ and does not
297 require certification or registration under this part for a
298 category I liquefied petroleum gas dealer, LP gas installer, or
299 specialty installer who is licensed under chapter 527 or an ~~of~~
300 any authorized employee of a public natural gas utility or of a



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301 private natural gas utility regulated by the Public Service
302 Commission when disconnecting and reconnecting water lines in
303 the servicing or replacement of an existing water heater. A
304 plumbing contractor may perform drain cleaning and clearing and
305 install or repair rainwater catchment systems; however, a
306 mandatory licensing requirement is not established for the
307 performance of these specific services.

308 Section 8. Paragraph (b) of subsection (4) of section
309 489.115, Florida Statutes, is amended to read:

310 489.115 Certification and registration; endorsement;
311 reciprocity; renewals; continuing education.-

312 (4)

313 (b)1. Each certificateholder or registrant shall provide
314 proof, in a form established by rule of the board, that the
315 certificateholder or registrant has completed at least 14
316 classroom hours of at least 50 minutes each of continuing
317 education courses during each biennium since the issuance or
318 renewal of the certificate or registration. The board shall
319 establish by rule that a portion of the required 14 hours must
320 deal with the subject of workers' compensation, business
321 practices, workplace safety, and, for applicable licensure
322 categories, wind mitigation methodologies, and 1 hour of which
323 must deal with laws and rules. The board shall by rule establish
324 criteria for the approval of continuing education courses and
325 providers, including requirements relating to the content of
326 courses and standards for approval of providers, and may by rule
327 establish criteria for accepting alternative nonclassroom
328 continuing education on an hour-for-hour basis. The board shall
329 prescribe by rule the continuing education, if any, which is



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330 required during the first biennium of initial licensure. A
331 person who has been licensed for less than an entire biennium
332 must not be required to complete the full 14 hours of continuing
333 education.

334 2. In addition, the board may approve specialized
335 continuing education courses on compliance with the wind
336 resistance provisions for one and two family dwellings contained
337 in the Florida Building Code and any alternate methodologies for
338 providing such wind resistance which have been approved for use
339 by the Florida Building Commission. Division I
340 certificateholders or registrants who demonstrate proficiency
341 upon completion of such specialized courses may certify plans
342 and specifications for one and two family dwellings to be in
343 compliance with the code or alternate methodologies, as
344 appropriate, except for dwellings located in floodways or
345 coastal hazard areas as defined in ss. 60.3D and E of the
346 National Flood Insurance Program.

347 3. The board shall require, by rule adopted pursuant to ss.
348 120.536(1) and 120.54, a specified number of hours in
349 specialized or code-related training ~~advanced module courses,~~
350 ~~approved by the Florida Building Commission,~~ on any portion of
351 the Florida Building Code, adopted pursuant to part IV of
352 chapter 553, relating to the contractor's respective discipline.

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

355 489.1401 Legislative intent.—

356 (2) It is the intent of the Legislature that the sole
357 purpose of the Florida Homeowners' Construction Recovery Fund is
358 to compensate an ~~any~~ aggrieved claimant who contracted for the



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359 construction or improvement of the homeowner's residence located
360 within this state and who has obtained a final judgment in a any
361 court of competent jurisdiction, was awarded restitution by the
362 Construction Industry Licensing Board, or received an award in
363 arbitration against a licensee on grounds of financial
364 mismanagement or misconduct, abandoning a construction project,
365 or making a false statement with respect to a project. Such
366 grievance must arise ~~and arising~~ directly out of a any
367 transaction conducted when the judgment debtor was licensed and
368 must involve an act performed ~~any of the activities~~ enumerated
369 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence~~.

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

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

375 489.1402 Homeowners' Construction Recovery Fund;
376 definitions.-

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

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

381 (i) "Residence" means a single-family residence, an
382 individual residential condominium or cooperative unit, or a
383 residential building containing not more than two residential
384 units in which the owner contracting for the improvement is
385 residing or will reside 6 months or more each calendar year upon
386 completion of the improvement.

387 (k) "Same transaction" means a contract, or a any series of



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388 contracts, between a claimant and a contractor or qualified
389 business, when such contract or contracts involve the same
390 property or contiguous properties and are entered into either at
391 one time or serially.

392 (1) "Valid and current license," for the purpose of s.
393 489.141(2)(d), means a ~~any~~ license issued pursuant to this part
394 to a licensee, including a license in an active, inactive,
395 delinquent, or suspended status.

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

398 489.141 Conditions for recovery; eligibility.-

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

404 (a) The claimant has received a final judgment in a court
405 of competent jurisdiction in this state or has received an award
406 in arbitration or the Construction Industry Licensing Board has
407 issued a final order directing the licensee to pay restitution
408 to the claimant. The board may waive this requirement if:

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

411 2. The claimant has sought to have assets involving the
412 transaction that gave rise to the claim removed from the
413 bankruptcy proceedings so that the matter might be heard in a
414 court of competent jurisdiction in this state and, after due
415 diligence, the claimant is precluded by action of the bankruptcy
416 court from securing a final judgment against the licensee.



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

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

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

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

424 1. The claimant has caused to be issued a writ of execution
425 upon such judgment, and the officer executing the writ has made
426 a return showing that no personal or real property of the
427 judgment debtor or licensee liable to be levied upon in
428 satisfaction of the judgment can be found or that the amount
429 realized on the sale of the judgment debtor's or licensee's
430 property pursuant to such execution was insufficient to satisfy
431 the judgment;

432 2. If the claimant is unable to comply with subparagraph 1.
433 for a valid reason to be determined by the board, the claimant
434 has made all reasonable searches and inquiries to ascertain
435 whether the judgment debtor or licensee is possessed of real or
436 personal property or other assets subject to being sold or
437 applied in satisfaction of the judgment and by his or her search
438 has discovered no property or assets or has discovered property
439 and assets and has taken all necessary action and proceedings
440 for the application thereof to the judgment but the amount
441 thereby realized was insufficient to satisfy the judgment; and

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

444 (f) A claim for recovery is made within 1 year after the
445 conclusion of any civil, criminal, or administrative action or



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446 award in arbitration based on the act. This paragraph applies to
447 any claim filed with the board after October 1, 1998.

448 (g) Any amounts recovered by the claimant from the judgment
449 debtor or licensee, or from any other source, have been applied
450 to the damages awarded by the court or the amount of restitution
451 ordered by the board.

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

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

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

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

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

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

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

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

471 (f) (g) The claimant has entered into a contract contracted
472 with a licensee to perform a scope of work described in s.
473 489.105(3) (d) - (q) before July 1, 2015 s. 489.105(3) (d) - (p).

474 Section 12. Subsection (1) of section 489.1425, Florida



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475 Statutes, is amended to read:

476 489.1425 Duty of contractor to notify residential property
477 owner of recovery fund.—

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

484
485 FLORIDA HOMEOWNERS' CONSTRUCTION
486 RECOVERY FUND

487
488 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE
489 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY
490 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS
491 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED
492 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A
493 CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD
494 AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

495
496 The statement must ~~shall~~ be immediately followed by the board's
497 address and telephone number as established by board rule.

498 Section 13. Section 489.143, Florida Statutes, is amended
499 to read:

500 489.143 Payment from the fund.—

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

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



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504 prescribed in s. 489.141 may apply to the board to cause payment
505 to be made to a claimant from the recovery fund in an amount
506 equal to the judgment, award, or restitution order or \$25,000,
507 whichever is less, or an amount equal to the unsatisfied portion
508 of such person's judgment, award, or restitution order, but only
509 to the extent and amount of actual damages suffered by the
510 claimant, and only up to the maximum payment allowed for each
511 respective Division I and Division II claim. Payment from the
512 fund for other costs related to or pursuant to civil proceedings
513 such as postjudgment interest, attorney ~~attorney's~~ fees, court
514 costs, medical damages, and punitive damages is prohibited. The
515 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
516 or a restitution order, or any portion thereof, which is not
517 expressly based on one of the grounds for recovery set forth in
518 s. 489.141.

519 (3) Beginning January 1, 2005, for each Division I contract
520 entered into after July 1, 2004, payment from the recovery fund
521 shall be subject to a \$50,000 maximum payment for each Division
522 I claim. Beginning January 1, 2016, for each Division II
523 contract entered into on or after July 1, 2015, payment from the
524 recovery fund is subject to a \$15,000 maximum payment for each
525 Division II claim.

526 (4) ~~(3)~~ Upon receipt by a claimant under subsection (2) of
527 payment from the recovery fund, the claimant shall assign his or
528 her additional right, title, and interest in the judgment,
529 award, or restitution order, to the extent of such payment, to
530 the board, and thereupon the board shall be subrogated to the
531 right, title, and interest of the claimant; and any amount
532 subsequently recovered on the judgment, award, or restitution



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533 order, to the extent of the right, title, and interest of the
534 board therein, shall be for the purpose of reimbursing the
535 recovery fund.

536 (5)~~(4)~~ Payments for claims arising out of the same
537 transaction shall be limited, in the aggregate, to the lesser of
538 the judgment, award, or restitution order or the maximum payment
539 allowed for a Division I or Division II claim, regardless of the
540 number of claimants involved in the transaction.

541 (6)~~(5)~~ For contracts entered into before July 1, 2004,
542 payments for claims against any one licensee may ~~shall~~ not
543 exceed, in the aggregate, \$100,000 annually, up to a total
544 aggregate of \$250,000. For any claim approved by the board which
545 is in excess of the annual cap, the amount in excess of \$100,000
546 up to the total aggregate cap of \$250,000 is eligible for
547 payment in the next and succeeding fiscal years, but only after
548 all claims for the then-current calendar year have been paid.
549 Payments may not exceed the aggregate annual or per claimant
550 limits under law. Beginning January 1, 2005, for each Division I
551 contract entered into after July 1, 2004, payment from the
552 recovery fund is subject only to a total aggregate cap of
553 \$500,000 for each Division I licensee. Beginning January 1,
554 2016, for each Division II contract entered into on or after
555 July 1, 2015, payment from the recovery fund is subject only to
556 a total aggregate cap of \$150,000 for each Division II licensee.

557 (7)~~(6)~~ Claims shall be paid in the order filed, up to the
558 aggregate limits for each transaction and licensee and to the
559 limits of the amount appropriated to pay claims against the fund
560 ~~for the fiscal year in which the claims were filed.~~ Payments may
561 not exceed the total aggregate cap per license or per claimant



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562 limits under this section.

563 (8)~~(7)~~ If the annual appropriation is exhausted with claims
564 pending, such claims shall be carried forward to the next fiscal
565 year. Any moneys in excess of pending claims remaining in the
566 recovery fund at the end of the fiscal year shall be paid as
567 provided in s. 468.631.

568 (9)~~(8)~~ Upon the payment of any amount from the recovery
569 fund in settlement of a claim in satisfaction of a judgment,
570 award, or restitution order against a licensee as described in
571 s. 489.141, the license of such licensee shall be automatically
572 suspended, without further administrative action, upon the date
573 of payment from the fund. The license of such licensee may ~~shall~~
574 not be reinstated until he or she has repaid in full, plus
575 interest, the amount paid from the fund. A discharge of
576 bankruptcy does not relieve a person from the penalties and
577 disabilities provided in this section.

578 (10)~~(9)~~ A ~~Any~~ firm, a corporation, a partnership, or an
579 association, or a ~~any~~ person acting in his or her individual
580 capacity, who aids, abets, solicits, or conspires with another
581 ~~any~~ person to knowingly present or cause to be presented a ~~any~~
582 false or fraudulent claim for the payment of a loss under this
583 act commits ~~is guilty of~~ a third-degree felony, punishable as
584 provided in s. 775.082 or s. 775.084 and by a fine of up to ~~not~~
585 ~~exceeding~~ \$30,000, unless the value of the fraud exceeds that
586 amount, ~~\$30,000~~ in which event the fine may not exceed double
587 the value of the fraud.

588 (11)~~(10)~~ Each payment ~~All payments~~ and disbursement
589 ~~disbursements~~ from the recovery fund shall be made by the Chief
590 Financial Officer upon a voucher signed by the secretary of the



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591 department or the secretary's designee.

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

594 489.503 Exemptions.—This part does not apply to:

595 (24) A person who installs low-voltage landscape lighting
596 that contains a factory-installed electrical cord and plug and
597 does not require installation, wiring, or modification to the
598 electrical wiring of the structure.

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

601 489.517 Renewal of certificate or registration; continuing
602 education.—

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

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

611 514.011 Definitions.—As used in this chapter:

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



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

622 514.0115 Exemptions from supervision or regulation;
623 variances.—

624 (3) A private pool used for instructional purposes in
625 swimming may ~~shall~~ not be regulated as a public pool. A portable
626 pool used for instructional purposes or in furtherance of an
627 approved educational program may not be regulated as a public
628 pool.

629 Section 18. Subsections (2) through (5) of section 514.031,
630 Florida Statutes, are redesignated as subsections (3) through
631 (6), respectively, a new subsection (2) is added to that
632 section, and present subsection (5) of that section is amended,
633 to read:

634 514.031 Permit necessary to operate public swimming pool.—

635 (2) The department shall ensure through inspections that a
636 public swimming pool with an operating permit continues to be
637 operated and maintained in compliance with rules adopted under
638 this section, the original approved plans and specifications or
639 variances, and the Florida Building Code adopted under chapter
640 553 applicable to public pools or public bathing places. The
641 department may adopt and enforce rules to implement this
642 subsection, including provisions for closing those pools and
643 bathing places not in compliance. For purposes of this
644 subsection, the department's jurisdiction includes the pool, the
645 pool deck, the barrier as defined in s. 515.25, and the bathroom
646 facilities for pool patrons. The local enforcement agency shall
647 permit and inspect repairs or modifications required as a result
648 of the department's inspections and may take enforcement action



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649 to ensure compliance. The department shall ensure that the rules
650 enforced by the local enforcement agency under this subsection
651 are consistent with the Florida Building Code adopted under
652 chapter 553.

653 ~~(6)~~(5) An owner or operator of a public swimming pool,
654 including, but not limited to, a spa, wading, or special purpose
655 pool, to which admittance is obtained by membership for a fee
656 shall post in a prominent location within the facility the most
657 recent pool inspection report issued by the department
658 pertaining to the health and safety conditions of such facility.
659 The report shall be legible and readily accessible to members or
660 potential members. The department shall adopt rules to enforce
661 this subsection. A portable pool may not be used as a public
662 pool, unless it is exempt under s. 514.0115.

663 Section 19. Subsections (1), (2), and (5) of section
664 514.05, Florida Statutes, are amended to read:

665 514.05 Denial, suspension, or revocation of permit;
666 administrative fines.-

667 (1) The department may deny an application for an a
668 operating permit, suspend or revoke a permit issued to any
669 person or public body, or impose an administrative fine upon the
670 failure of such person or public body to comply with the
671 provisions of this chapter, the original approved plans and
672 specifications or variances, the Florida Building Code adopted
673 under chapter 553 applicable to public pools or public bathing
674 places, or the rules adopted hereunder.

675 (2) The department may impose an administrative fine, which
676 shall not exceed \$500 for each violation, for the violation of
677 this chapter, the original approved plans and specifications or



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678 variances, the Florida Building Code adopted under chapter 553
679 applicable to public pools or public bathing places, or the
680 rules adopted hereunder and for the violation of ~~any of the~~
681 ~~provisions of~~ chapter 386. Notice of intent to impose such fine
682 shall be given by the department to the alleged violator. Each
683 day that a violation continues may constitute a separate
684 violation.

685 (5) Under conditions specified by rule, the department may
686 close a public pool that is not in compliance with this chapter,
687 the original approved plans and specifications or variances, the
688 Florida Building Code adopted under chapter 553 applicable to
689 public pools or public bathing places, or the rules adopted
690 under this chapter.

691 Section 20. Section 553.721, Florida Statutes, is amended
692 to read:

693 553.721 Surcharge.—In order for the Department of Business
694 and Professional Regulation to administer and carry out the
695 purposes of this part and related activities, there is created a
696 surcharge, to be assessed at the rate of 1.5 percent of the
697 permit fees associated with enforcement of the Florida Building
698 Code as defined by the uniform account criteria and specifically
699 the uniform account code for building permits adopted for local
700 government financial reporting pursuant to s. 218.32. The
701 minimum amount collected on any permit issued shall be \$2. The
702 unit of government responsible for collecting a permit fee
703 pursuant to s. 125.56(4) or s. 166.201 shall collect the
704 surcharge and electronically remit the funds collected to the
705 department on a quarterly calendar basis for the preceding
706 quarter and continuing each third month thereafter. The unit of



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707 government shall retain 10 percent of the surcharge collected to
708 fund the participation of building departments in the national
709 and state building code adoption processes and to provide
710 education related to enforcement of the Florida Building Code.
711 All funds remitted to the department pursuant to this section
712 shall be deposited in the Professional Regulation Trust Fund.
713 Funds collected from the surcharge shall be allocated to fund
714 the Florida Building Commission and the Florida Building Code
715 Compliance and Mitigation Program under s. 553.841. Funds
716 allocated to the Florida Building Code Compliance and Mitigation
717 Program shall be \$925,000 each fiscal year. The Florida Building
718 Code Compliance and Mitigation Program shall fund the
719 recommendations made by the Building Code System Uniform
720 Implementation Evaluation Workgroup, dated April 8, 2013, from
721 existing resources, not to exceed \$30,000 in the 2015-2016
722 fiscal year. Funds collected from the surcharge shall also be
723 used to fund Florida Fire Prevention Code informal
724 interpretations managed by the State Fire Marshal and shall be
725 limited to \$15,000 each fiscal year. The State Fire Marshal
726 shall adopt rules to address the implementation and expenditure
727 of the funds allocated to fund the Florida Fire Prevention Code
728 informal interpretations under this section. The funds collected
729 from the surcharge may not be used to fund research on
730 techniques for mitigation of radon in existing buildings. Funds
731 used by the department as well as funds to be transferred to the
732 Department of Health and the State Fire Marshal shall be as
733 prescribed in the annual General Appropriations Act. The
734 department shall adopt rules governing the collection and
735 remittance of surcharges pursuant to chapter 120.



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736 Section 21. Subsection (11) of section 553.73, Florida
737 Statutes, is amended, and subsections (19) and (20) are added to
738 that section, to read:

739 553.73 Florida Building Code.—

740 (11) (a) In the event of a conflict between the Florida
741 Building Code and the Florida Fire Prevention Code and the Life
742 Safety Code as applied to a specific project, the conflict shall
743 be resolved by agreement between the local building code
744 enforcement official and the local fire code enforcement
745 official in favor of the requirement of the code which offers
746 the greatest degree of lifesafety or alternatives which would
747 provide an equivalent degree of lifesafety and an equivalent
748 method of construction. Local boards created to address issues
749 arising under the Florida Building Code and the Florida Fire
750 Prevention Code may combine the appeals boards to create a
751 single, local board having jurisdiction over matters arising
752 under either or both codes. The combined local board of appeals
753 has the authority to grant alternatives or modifications through
754 procedures outlined in NFPA 1, Section 1.4, but does not have
755 the authority to waive the requirements of the Florida Fire
756 Prevention Code. In order to meet the quorum requirement to
757 convene the combined appeals board there must be at least one
758 member of the board who is a fire protection contractor, a fire
759 protection design professional, a fire department operations
760 professional, or a fire code enforcement professional.

761 (b) Any decision made by the local fire official regarding
762 application, interpretation, or enforcement of the Florida Fire
763 Prevention Code, and the local building official regarding
764 application, interpretation, or enforcement of the Florida



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765 Building Code, or the appropriate application of either or both
766 codes in the case of a conflict between the codes, may be
767 appealed to a local administrative board designated by the
768 municipality, county, or special district having firesafety
769 responsibilities. If the decision of the local fire official and
770 the local building official is to apply the provisions of either
771 the Florida Building Code or the Florida Fire Prevention Code
772 and the Life Safety Code, the board may not alter the decision
773 unless the board determines that the application of such code is
774 not reasonable. If the decision of the local fire official and
775 the local building official is to adopt an alternative to the
776 codes, the local administrative board shall give due regard to
777 the decision rendered by the local officials and may modify that
778 decision if the administrative board adopts a better
779 alternative, taking into consideration all relevant
780 circumstances. In any case in which the local administrative
781 board adopts alternatives to the decision rendered by the local
782 fire official and the local building official, such alternatives
783 shall provide an equivalent degree of lifesafety and an
784 equivalent method of construction as the decision rendered by
785 the local officials.

786 (c) If the local building official and the local fire
787 official are unable to agree on a resolution of the conflict
788 between the Florida Building Code and the Florida Fire
789 Prevention Code and the Life Safety Code, the local
790 administrative board shall resolve the conflict in favor of the
791 code which offers the greatest degree of lifesafety or
792 alternatives which would provide an equivalent degree of
793 lifesafety and an equivalent method of construction.



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794 (d) All decisions of the local administrative board, or if
795 none exists, the decisions of the local building official and
796 the local fire official in regard to the application,
797 enforcement, or interpretation of the Florida Fire Prevention
798 Code, or conflicts between the Florida Fire Prevention Code and
799 the Florida Building Code, are subject to review by a joint
800 committee composed of members of the Florida Building Commission
801 and the Fire Code Advisory Council. If the joint committee is
802 unable to resolve conflicts between the codes as applied to a
803 specific project, the matter shall be resolved pursuant to the
804 provisions of paragraph (1)(d). Decisions of the local
805 administrative board solely in regard to the provisions of the
806 Florida Building Code are subject to review as set forth in s.
807 553.775.

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

811 (f) All decisions of the local building official and local
812 fire official and all decisions of the administrative board
813 shall be in writing and shall be binding upon a person but do
814 not limit the authority of the State Fire Marshal or the Florida
815 Building Commission pursuant to paragraph (1)(d) and ss. 633.104
816 and 633.228. Decisions of general application shall be indexed
817 by building and fire code sections and shall be available for
818 inspection during normal business hours.

819 (19) In other than one- and two-family detached dwellings,
820 a local enforcing agency that requires a permit to install or
821 replace a hot water heater shall require that a hard-wired or
822 battery-operated water-level detection device be secured to the



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823 drain pan area at a level lower than the drain connection upon
824 installation or replacement of the hot water heater. The device
825 must include an audible alarm and, if battery-operated, must
826 have a 10-year low-battery notification capability.

827 (20) The Florida Building Code may not require more than
828 one fire service access elevator in a residential occupancy if
829 the highest occupiable floor in the residential occupancy is
830 less than 420 feet above the level of fire service access. If a
831 fire service access elevator is required, a 1 hour fire-rated
832 fire service access elevator lobby with direct access from the
833 fire service access elevator may not be required if the fire
834 service access elevator opens into an exit access corridor. The
835 exit access corridor must be at least 6 feet wide for its entire
836 length with the exception of door openings and must have a
837 minimum 1 hour fire rating with three quarter hour rated
838 openings. If there is a transient residential occupancy at floor
839 levels more than 420 feet above the level of fire service
840 access, a one hour fire-rated fire service access elevator lobby
841 with direct access from the fire service access elevator is
842 required. The requirement for a second fire service access
843 elevator is not considered to be a part of the Florida Building
844 Code, and therefore, does not take effect until July 1, 2016.

845 Section 22. Subsections (6) and (11) of section 553.79,
846 Florida Statutes, are amended to read:

847 553.79 Permits; applications; issuance; inspections.-

848 (6) A permit may not be issued for any building
849 construction, erection, alteration, modification, repair, or
850 addition unless the applicant for such permit complies with the
851 requirements for plan review established by the Florida Building



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852 Commission within the Florida Building Code. However, the code
853 shall set standards and criteria to authorize preliminary
854 construction before completion of all building plans review,
855 including, but not limited to, special permits for the
856 foundation only, and such standards shall take effect concurrent
857 with the first effective date of the Florida Building Code.
858 After submittal of the appropriate construction documents, the
859 building official is authorized to issue a permit for the
860 construction of foundations or any other part of a building or
861 structure before the construction documents for the whole
862 building or structure have been submitted. No other agency
863 review or approval may be required before the issuance of a
864 phased permit due to the fact that the project will need all the
865 necessary outside agencies' reviews and approvals before the
866 issuance of a master building permit. The holder of such permit
867 for the foundation or other parts of a building or structure
868 shall proceed at the holder's own risk with the building
869 operation and without assurance that a permit for the entire
870 structure will be granted. Corrections may be required to meet
871 the requirements of the technical codes.

872 (11) (a) The local enforcing agency may not issue a building
873 permit to construct, develop, or modify a public swimming pool
874 without proof of application, whether complete or incomplete,
875 for an operating permit pursuant to s. 514.031. A certificate of
876 completion or occupancy may not be issued until such operating
877 permit is issued. The local enforcing agency shall conduct its
878 review of the building permit application upon filing and in
879 accordance with this chapter. The local enforcing agency may
880 confer with the Department of Health, if necessary, but may not



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881 delay the building permit application review while awaiting
882 comment from the Department of Health.

883 (b) If the department determines under s. 514.031(2) that a
884 public pool or a public bathing place is not being operated or
885 maintained in compliance with department's rules, the original
886 approved plans and specifications or variances, and the Florida
887 Building Code, the local enforcing agency shall permit and
888 inspect the repairs or modifications required as a result of the
889 department's inspections and may take enforcement action to
890 ensure compliance.

891 Section 23. Subsections (4) and (7) of section 553.841,
892 Florida Statutes, are amended, to read:

893 553.841 Building code compliance and mitigation program.—

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

899 ~~(7) The Florida Building Commission shall provide by rule~~
900 ~~for the accreditation of courses related to the Florida Building~~
901 ~~Code by accreditors approved by the commission. The commission~~
902 ~~shall establish qualifications of accreditors and criteria for~~
903 ~~the accreditation of courses by rule. The commission may revoke~~
904 ~~the accreditation of a course by an accreditor if the~~
905 ~~accreditation is demonstrated to violate this part or the rules~~
906 ~~of the commission.~~

907 Section 24. Paragraph (a) of subsection (8) of section
908 553.842, Florida Statutes, is amended to read:

909 553.842 Product evaluation and approval.—



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910 (8) The commission may adopt rules to approve the following
911 types of entities that produce information on which product
912 approvals are based. All of the following entities, including
913 engineers and architects, must comply with a nationally
914 recognized standard demonstrating independence or no conflict of
915 interest:

916 (a) Evaluation entities approved pursuant to this
917 paragraph. The commission shall specifically approve the
918 National Evaluation Service, the International Association of
919 Plumbing and Mechanical Officials Evaluation Service, the
920 International Code Council Evaluation Services, Underwriters
921 Laboratories, LLC, and the Miami-Dade County Building Code
922 Compliance Office Product Control Division. Architects and
923 engineers licensed in this state are also approved to conduct
924 product evaluations as provided in subsection (5).

925 Section 25. Section 553.908, Florida Statutes, is amended
926 to read:

927 553.908 Inspection.—Before construction or renovation is
928 completed, the local enforcement agency shall inspect buildings
929 for compliance with the standards of this part. The local
930 enforcement agency shall accept duct and air infiltration tests
931 conducted in accordance with the Florida Building Code-Energy
932 Conservation by individuals certified in accordance with s.
933 553.993(5) or (7) or individuals licensed under s.
934 489.105(3)(f), (g), or (i). The local enforcement agency may
935 accept inspections in whole or in part by individuals certified
936 in accordance with s. 553.993(5) or (7).

937 Section 26. Subsection (6) of section 633.104, Florida
938 Statutes, is amended to read:



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939 633.104 State Fire Marshal; authority; duties; rules.-

940 (6) Only the State Fire Marshal may issue, and, when
941 requested in writing by any substantially affected person or a
942 local enforcing agency, the State Fire Marshal shall issue
943 declaratory statements pursuant to s. 120.565 relating to the
944 Florida Fire Prevention Code. For the purposes of this section,
945 the term "substantially affected person" means a person who,
946 will be, or may be affected by the application of the Florida
947 Fire Prevention Code to a property or building that the person
948 owns, controls, or is, or is considering purchasing, selling,
949 designing, constructing, or altering.

950 Section 27. Subsections (17) and (18) are added to section
951 633.202, Florida Statutes, to read:

952 633.202 Florida Fire Prevention Code.-

953 (17) In all new high-rise and existing high-rise buildings,
954 minimum radio signal strength for fire department communications
955 shall be maintained at a level determined by the authority
956 having jurisdiction. Existing buildings may not be required to
957 comply with minimum radio strength for fire department
958 communications and two-way radio system enhancement
959 communications as required by the Florida Fire Prevention Code
960 until January 1, 2022. However, by December 31, 2019, an
961 existing building that is not in compliance with the
962 requirements for minimum radio strength for fire department
963 communications must initiate an application for an appropriate
964 permit for the required installation with the local government
965 agency having jurisdiction and must demonstrate that the
966 building will become compliant by January 1, 2022. Existing
967 apartment buildings may not be required to comply until January



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968 1, 2025. However, existing apartment buildings are required to
969 initiate the appropriate permit for the required communications
970 installation by December 31, 2022.

971 (18) Areas of refuge shall be provided when required by the
972 Florida Building Code-Accessibility. Required portions of an
973 area of refuge shall be accessible from the space they serve by
974 an accessible means of egress.

975 Section 28. Subsection (10) is added to section 633.216,
976 Florida Statutes, to read:

977 633.216 Inspection of buildings and equipment; orders;
978 firesafety inspection training requirements; certification;
979 disciplinary action.—The State Fire Marshal and her or his
980 agents or persons authorized to enforce laws and rules of the
981 State Fire Marshal shall, at any reasonable hour, when the State
982 Fire Marshal has reasonable cause to believe that a violation of
983 this chapter or s. 509.215, or a rule adopted thereunder, or a
984 minimum firesafety code adopted by the State Fire Marshal or a
985 local authority, may exist, inspect any and all buildings and
986 structures which are subject to the requirements of this chapter
987 or s. 509.215 and rules adopted thereunder. The authority to
988 inspect shall extend to all equipment, vehicles, and chemicals
989 which are located on or within the premises of any such building
990 or structure.

991 (10) In addition to any other requirements that may be
992 imposed by the Florida Statutes, the State Fire Marshal shall
993 adopt, by rule, a certification program for firesafety
994 inspectors who perform fire plan review activities to determine
995 compliance with the Florida Fire Prevention Code. The
996 certification program shall incorporate the knowledge and skills



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997 contained in NFPA 1031 Plan Examiner Level II at a minimum and
998 shall be Pro Board Accredited. All newly appointed Fire Code
999 Plans Examiners shall, after 24 months from the effective date
1000 of this statute, be certified, at a minimum, as NFPA 1031 Plans
1001 Examiner Level II by the State Fire Marshal at the time of their
1002 appointment to conduct Fire Code plans reviews. The State Fire
1003 Marshal shall incorporate provisions by rule for existing Fire
1004 Code Plans Examiners to continue to practice in their current
1005 employment while actively obtaining the additional certification
1006 and shall adopt, by rule, a limited time frame for existing Fire
1007 Code Plans Examiners to achieve the required certification. The
1008 State Fire Marshal may, by rule, determine alternative
1009 educational and experience requirements or certifications as
1010 equivalent as long as such equivalence achieve Pro Board
1011 Accreditation.

1012 Section 29. The Calder Sloan Swimming Pool Electrical-
1013 Safety Task Force.-There is established within the Florida
1014 Building Commission the Calder Sloan Swimming Pool Electrical-
1015 Safety Task Force.

1016 (1) The primary purpose of the task force is to study and
1017 report to the Governor, the President of the Senate, and the
1018 Speaker of the House of Representatives on recommended revisions
1019 to the Florida Statutes concerning standards on grounding,
1020 bonding, lighting, wiring, and all electrical aspects for safety
1021 in and around public and private swimming pools. The task force
1022 report is due by October 1, 2015.

1023 (2) The task force shall consist of the Swimming Pool and
1024 Electrical Technical Advisory Committees of the Florida Building
1025 Commission.



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1026 (3) The task force shall be chaired by the Swimming Pool
1027 Contractor appointed to the Florida Building Commission pursuant
1028 to s. 553.74, Florida Statutes.

1029 (4) The Florida Building Commission shall provide such
1030 staff, information, and other assistance as is reasonably
1031 necessary to assist the task force in carrying out its
1032 responsibilities.

1033 (5) Members of the task force shall serve without
1034 compensation.

1035 (6) The task force shall meet as often as necessary to
1036 fulfill its responsibilities and meetings may be conducted by
1037 conference call, teleconferencing, or similar technology.

1038 (7) This section expires December 31, 2015.

Section 30. This act shall take effect July 1, 2015.

1040
1041 ===== T I T L E A M E N D M E N T =====

1042 And the title is amended as follows:

1043 Delete everything before the enacting clause
1044 and insert:

1045 A bill to be entitled
1046 An act relating to building codes; amending s.
1047 468.609, F.S.; revising the certification examination
1048 requirements for building code inspectors, plans
1049 examiners, and building code administrators; requiring
1050 the Florida Building Code Administrators and
1051 Inspectors Board to provide for issuance of certain
1052 provisional certificates; amending ss. 468.627,
1053 471.0195, 481.215, and 481.313, F.S.; requiring a
1054 licensee or certificateholder to undergo code-related



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1055 training as part of his or her continuing education
1056 courses; amending s. 489.103, F.S.; providing an
1057 exemption for a specified employee who makes minor
1058 repairs to existing waters heaters or to existing
1059 heating, venting, and air-conditioning systems in
1060 certain circumstances; amending s. 489.105, F.S.;
1061 revising the term "plumbing contractor"; amending s.
1062 489.115, F.S.; requiring a certificateholder or
1063 registrant to undergo code-related training as part of
1064 his or her continuing education requirements; amending
1065 s. 489.1401, F.S.; revising legislative intent with
1066 respect to the purpose of the Florida Homeowners'
1067 Construction Recovery Fund; providing legislative
1068 intent that Division II contractors set apart funds to
1069 participate in the fund; amending s. 489.1402, F.S.;
1070 revising terms; amending s. 489.141, F.S.; authorizing
1071 certain claimants to make a claim against the recovery
1072 fund for certain contracts entered into before a
1073 specified date; amending s. 489.1425, F.S.; revising a
1074 notification provided by contractors to certain
1075 residential property owners to state that payment from
1076 the recovery fund is limited; amending s. 489.143,
1077 F.S.; revising provisions concerning payments from the
1078 recovery fund; specifying claim amounts for certain
1079 contracts entered into before or after specified
1080 dates; providing aggregate caps for payments; amending
1081 s. 489.503, F.S.; exempting certain low-voltage
1082 landscape lighting from licensed electrical contractor
1083 installation requirements; amending s. 489.517, F.S.;



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1084 requiring a certificateholder or registrant to undergo
1085 code-related training as part of his or her continuing
1086 education requirements; amending s. 514.011, F.S.;
1087 revising the term "private pool"; amending s.
1088 514.0115, F.S.; prohibiting a portable pool from being
1089 regulated as a public pool in certain circumstances;
1090 amending s. 514.031, F.S.; requiring the Department of
1091 Health to conduct inspections of certain public pools
1092 with operating permits to ensure continued compliance
1093 with specified criteria; authorizing the department to
1094 adopt rules; specifying the department's jurisdiction
1095 for purposes of inspecting certain public pools;
1096 specifying duties of local enforcement agencies
1097 regarding modifications and repairs made to certain
1098 public pools as a result of the department's
1099 inspections; requiring the department to ensure that
1100 certain rules enforced by local enforcement agencies
1101 comply with the Florida Building Code; conforming a
1102 provision to changes made by the act; amending s.
1103 514.05, F.S.; specifying that the department may deny,
1104 suspend, or revoke operating permits for certain pools
1105 and bathing places if certain plans, variances, or
1106 requirements of the Florida Building Code are
1107 violated; specifying that the department may assess an
1108 administrative fine for violations by certain public
1109 pools and bathing places if certain plans, variances,
1110 or requirements of the Florida Building Code are
1111 violated; amending s. 553.721, F.S.; directing the
1112 Florida Building Code Compliance and Mitigation



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1113 Program to fund, from existing resources, the
1114 recommendations made by the Building Code System
1115 Uniform Implementation Evaluation Workgroup; providing
1116 a limitation; requiring that a specified amount of
1117 funds from the surcharge be used to fund certain
1118 Florida Fire Prevention Code informal interpretations;
1119 requiring the State Fire Marshal to adopt specified
1120 rules; amending s. 553.73, F.S.; authorizing local
1121 boards created to address specified issues to combine
1122 the appeals boards to create a single, local board;
1123 authorizing the local board to grant alternatives or
1124 modifications through specified procedures; requiring
1125 at least one member of a board to be a fire protection
1126 contractor, a fire protection design professional, a
1127 fire department operations professional, or a fire
1128 code enforcement professional in order to meet a
1129 specified quorum requirement; authorizing the appeal
1130 to a local administrative board of specified decisions
1131 made by a local fire official; specifying the
1132 decisions of the local building official and the local
1133 fire official which are subject to review; requiring
1134 the permitted installation or replacement of a water
1135 heater in a conditioned or attic space to include a
1136 water-level detection device; prohibiting the Florida
1137 Building Code from requiring more than one fire access
1138 elevator in certain buildings; prohibiting a 1 hour
1139 fire-rated fire service access elevator lobby from
1140 being required in certain circumstances; requiring a 1
1141 hour fire-related fire service access elevator lobby



1142 in certain circumstances; providing that the
1143 requirement for a second fire service access elevator
1144 is not considered to be part of the Florida Building
1145 Code; amending s. 553.79, F.S.; authorizing a building
1146 official to issue a permit for the construction of the
1147 foundation or any other part of a building or
1148 structure before the construction documents for the
1149 whole building or structure have been submitted;
1150 providing that the holder of such permit shall begin
1151 building at the holder's own risk with the building
1152 operation and without assurance that a permit for the
1153 entire structure will be granted; requiring local
1154 enforcing agencies to permit and inspect modifications
1155 and repairs made to certain public pools and public
1156 bathing places as a result of the Department of
1157 Business and Professional Regulation's inspections;
1158 amending s. 553.841, F.S.; authorizing the department
1159 to maintain, update, develop, or cause to be developed
1160 code-related training and education; removing
1161 provisions related to the development of advanced
1162 courses with respect to the Florida Building Code
1163 Compliance and Mitigation Program and the
1164 accreditation of courses related to the Florida
1165 Building Code; amending s. 553.842, F.S.; providing
1166 that Underwriters Laboratories, LLC, is an approved
1167 evaluation entity; amending s. 553.908, F.S.;
1168 requiring local enforcement agencies to accept duct
1169 and air infiltration tests conducted in accordance
1170 with certain guidelines by specified individuals;



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1171 amending s. 633.104, F.S.; defining a term; clarifying
1172 intent; amending s. 633.202, F.S.; requiring all new
1173 high-rise and existing high-rise buildings to maintain
1174 a minimum radio signal strength for fire department
1175 communications; providing a transitory period for
1176 compliance; requiring existing buildings and existing
1177 apartment buildings that are not in compliance with
1178 the requirements for minimum radio strength for fire
1179 department communications to initiate an application
1180 for an appropriate permit by a specified date;
1181 requiring areas of refuge to be required as determined
1182 by the Florida Building Code-Accessibility; amending
1183 s. 633.216, F.S.; requiring the State Fire Marshal to
1184 adopt a certification program for specified firesafety
1185 inspectors; requiring newly appointed Fire Code Plans
1186 Examiners and existing Fire Code Plans Examiners to
1187 meet specified certification requirements; requiring
1188 the State Fire Marshall to provide a transitory period
1189 for existing Fire Code Plans Examiners to receive
1190 their certification; authorizing the State Fire
1191 Marshal to determine alternative educational and
1192 experience requirements or certifications; creating
1193 the Calder Sloan Swimming Pool Electrical-Safety Task
1194 Force within the Florida Building Commission;
1195 specifying the purpose of the task force; requiring a
1196 report to the Governor and the Legislature by a
1197 specified date; providing for membership; requiring
1198 the Florida Building Commission to provide staff,
1199 information, and other assistance to the task force;



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1200 providing that members of the task force serve without
1201 compensation; authorizing the task force to meet as
1202 often as necessary; providing for future repeal of the
1203 task force; providing an effective date.