

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Health Policy

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BILL: SB 1232

INTRODUCER: Senator Simpson

SUBJECT: Building Codes

DATE: March 18, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Stovall	HP	<b>Pre-meeting</b>
2.			CA	
3.			FP	

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**I. Summary:**

SB 1232 amends various sections of the Florida Statutes related to building codes. The bill:

- Allows liquid petroleum gas installers to replace and service liquid petroleum gas water heaters without being certified as a plumbing contractor;
- Requires newly installed or replacement water heaters to have leak detection devices;
- Requires the Department of Health (DOH) to inspect public swimming pools for their compliance with the Florida Building Code as well as authorizes the DOH to deny an operating certificate, impose fines, or close a public pool for code violations;
- Specifies the duties of local enforcement agencies in permitting and inspecting certain public swimming pool repairs;
- Removes provisions regarding the development of advanced courses related to the Florida Building Code Compliance and Mitigation Program and accreditation of courses related to the code; and
- Adds Underwriters Laboratories, LLC, an independent safety consulting and certification company, to the list of entities that are authorized to produce information on which product approvals are based.

**II. Present Situation:**

**Water Heaters**

***Liquid Petroleum Gas Water Heater Installation***

Currently, a person licensed as an liquid petroleum gas Installer C by the Department of Agriculture and Consumer Services, is authorized to install, service, alter, or modify appliances, equipment, piping, or tubing to convey liquefied petroleum gas to appliances or equipment.<sup>1</sup> A

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<sup>1</sup> Rule 5J-20.012, F.A.C.

person with such a license is authorized to service or replace a liquid petroleum gas water heater and to hook up the water heater to the source of the gas, however, he or she may not hook the water heater to the home's plumbing without being certified as a plumbing contractor.<sup>2</sup> Currently, public and private natural gas utilities are exempt from the requirement to be certified as a plumbing contractor when servicing or replacing a water heater.

### ***Water Heater Leak Detection Devices***

Currently water heaters are not required to have leak detection devices with audible alarms attached to the drain pan area.

### **Swimming Pool Inspections**

In 2012, the Legislature determined that local building entities would have jurisdiction over permitting, plan reviews, and inspections of public swimming pools and public bathing places and that the DOH would continue to have jurisdiction over the operating permits for public swimming pools and public bathing places.<sup>3</sup>

A “public swimming pool” or “public pool” is defined as:

A watertight structure of concrete, masonry, or other approved materials which is located either indoors or outdoors, used for bathing or swimming by humans, and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith. This term includes a conventional pool, spa-type pool, wading pool, special purpose pool, or water recreation attraction, to which admission may be gained with or without payment of a fee and includes, but is not limited to, pools operated by or serving camps, churches, cities, counties, day care centers, group home facilities for eight or more clients, health spas, institutions, parks, state agencies, schools, subdivisions, or the cooperative living-type projects of five or more living units, such as apartments, boardinghouses, hotels, mobile home parks, motels, recreational vehicle parks, and townhouses.<sup>4</sup>

A “public bathing place” is defined as:

A body of water, natural or modified by humans, for swimming, diving, and recreational bathing used by consent of the owner or owners and held out to the public by any person or public body, irrespective of whether a fee is charged for the use thereof. The bathing water areas of public bathing places include, but are not limited to, lakes, ponds, rivers, streams, artificial impoundments, and waters along the coastal and intracoastal beaches and shores of the state.<sup>5</sup>

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<sup>2</sup> Section 489.105, F.S.

<sup>3</sup> Chapter 2012-184, s. 104, Laws of Fla.

<sup>4</sup> Section 514.011(2), F.S.

<sup>5</sup> Section 514.011(4), F.S.

Due to the 2012 changes to ch. 514, F.S., DOH does not have authority to cite violations of the Florida Building Code during its routine inspections of public swimming pools and public bathing places. These routine inspections are done to ensure the pools and bathing places continue to be operated and maintained in compliance with their original approval to protect public health and safety. The DOH notes that, from September 2013 through September 2014, DOH conducted 75,478 inspections of the 37,600 public pools in the state and found 127,413 code violations.<sup>6</sup> Local building officials do not perform routine inspections of public swimming pools but can respond to complaints received.

### **Building Code Compliance and Mitigation Program**

The Department of Business and Professional Regulation (DBPR) administers the Florida Building Code Compliance and Mitigation Program (program), which was created to develop, coordinate, and maintain education and outreach to people who are required to comply with the code and ensure consistent education, training, and communication of the code's requirements, including, but not limited to, methods for mitigation of storm-related damage.<sup>7</sup> The program is geared toward persons licensed and employed in the design and construction industries. The services and materials under the program must be provided by a private, nonprofit corporation under contract with DBPR.<sup>8</sup> The Florida Building Commission implemented the accreditation process required by statute through its standard process of gathering input from all affected stakeholders and has continued to regularly modify the process based on concerns identified by its users. To date, the Commission has accredited approximately 300 courses finding that the courses' content to be an accurate reflection of the Florida Building Code or related processes.<sup>9</sup>

### **Product Approval:**

The State Product Approval System provides manufacturers an opportunity to have building products approved for use in Florida by the Florida Building Commission rather than seeking approval in each local jurisdiction where the product is used. One method of obtaining a state approval uses product evaluation reports from an approved evaluation entity.

Section 553.842(8)(a), F.S., explicitly names the National Evaluation Service, the International Association of Plumbing and Mechanical Officials Evaluation Service, the International Code Council Evaluation Services, and the Miami-Dade County Building Code Compliance Office Product Control as evaluation entities.<sup>10</sup>

Underwriters Laboratories (UL) is a safety science company established in 1890 which certifies, validates, tests, inspects, audits, advises, and trains. According to their webpage, UL is “dedicated to promoting safe living and working environments, UL helps safeguard people, products and places in important ways, facilitating trade and providing peace of mind.”<sup>11</sup>

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<sup>6</sup> Department of Health, *House Bill 915 Analysis*, p.2 (Feb. 25, 2015).

<sup>7</sup> Section 553.841(2), F.S.

<sup>8</sup> Section 553.841(3), F.S.

<sup>9</sup> Department of Business and Professional Regulation, *Senate Bill 1232 Analysis* (on file with Senate Committee on Health Policy).

<sup>10</sup> Id.

<sup>11</sup> Underwriters Laboratories, *About UL*, <http://ul.com/aboutul/>, (last visited Mar. 19, 2015).

### III. Effect of Proposed Changes:

**Section 1** amends s. 489.105, F.S., to clarify that the definition of a “plumbing contractor” does not require a person licensed for the sale of liquefied petroleum gas under ch. 527, F.S., to become certified or registered as a plumbing contractor in order to disconnect or reconnect water lines when servicing or replacing a hot water heater.

**Sections 2, 3, and 5** amend various sections of the Florida Statutes related to the operation and maintenance of public pools.

Section 514.031, F.S., is amended to require the DOH to inspect permitted public swimming pools to ensure that they continue to be operated in compliance with DOH rules, the original plans and specifications for the pool, and provisions in the Florida Building Code<sup>12</sup> applicable to public pools. The DOH is authorized to adopt rules for such inspections and the bill specifies that DOH authority to inspect extends to the pool, the pool deck, the pool barrier,<sup>13</sup> and the bathroom facilities for pool patrons. Local enforcement agencies are required to permit and inspect repairs required as the result of DOH inspections and are authorized to take enforcement actions to ensure compliance. The DOH is required to ensure that rules enforced by the local enforcement agency are not inconsistent with the Florida Building Code.

Section 514.05, F.S., is amended to authorize the DOH to deny a permit, to impose administrative fines, or to close a public pool for noncompliance with applicable provisions in the Florida Building Code.

Section 553.79, F.S., is amended to comply with changes made in section 2 of the bill.

**Section 4** amends s. 553.73, F.S., to require that newly installed and replacement water heaters have hard-wired or battery-operated water-level detection devices secured to the drain pan area at a level lower than the drain connection. The device must have an audible alarm and, if battery operated, a 10-year low-batter notification.

**Section 6** amends s. 553.841, F.S., to remove the requirement that the DBPR maintain, update, develop, or cause to be developed advanced modules designed for use by each profession while administering the Florida Building Code Compliance and Mitigation Program. The bill also removes the requirement that the Florida Building Commission provide by rule for the accreditation of courses related to the Florida Building Code by accreditors approved by the commission.

**Section 7** amends s. 553.842, F.S., to add Underwriters Laboratories, LLC, to the list of evaluation entities approved by the Florida Building Commission.

**Section 8** establishes an effective date of July 1, 2015.

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<sup>12</sup> Chapter 533, F.S.

<sup>13</sup> As defined in s. 515.25, F.S.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

Consumers who have their liquid petroleum gas water heaters serviced or replaced may see an indeterminate positive fiscal impact due to not being required to hire a plumbing contractor to hook the water heater to the water line. Additionally, liquid petroleum gas appliance installers may see an indeterminate positive fiscal impact due to not being required to be certified as a plumbing contractor to hook such water heaters to the water line. Plumbing contractors may see an indeterminate negative fiscal impact due to the loss of such hook-up business.

The requirement for hot water heaters to have leak detection devices may increase the costs when installing or replacing a water heater.

Due to the clarification of enforcement authorities relating to public swimming pool violations, violators may experience administrative fines or other sanctions. However, the amount of any fines is indeterminate.

## C. Government Sector Impact:

The DOH reports that, “As the violations will be cited during inspections already being done at public swimming pools, the bill does not have a significant fiscal impact on the department.”<sup>14</sup>

**VI. Technical Deficiencies:**

None.

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<sup>14</sup> Supra note 6.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 489.105, 514.031, 514.05, 553.73, 553.79, 553.841, and 553.842.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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