

By Senator Simpson

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1 A bill to be entitled
2 An act relating to building codes; amending s.
3 489.105, F.S.; revising the definition of the term
4 "plumbing contractor"; amending s. 514.031, F.S.;
5 requiring the Department of Health to conduct
6 inspections of certain public pools with operating
7 permits to ensure continued compliance with specified
8 criteria; authorizing the department to adopt rules;
9 specifying the department's jurisdiction for purposes
10 of inspecting certain public pools; specifying duties
11 of local enforcement agencies regarding modifications
12 and repairs made to certain public pools as a result
13 of the department's inspections; requiring the
14 department to ensure certain rules enforced by local
15 enforcement agencies comply with the Florida Building
16 Code; amending s. 514.05, F.S.; specifying that the
17 department may close certain public pools or deny,
18 suspend, or revoke operating permits for such pools if
19 the Florida Building Code is violated; specifying that
20 the department may assess an administrative fine for
21 operating permits for certain public pools if the
22 Florida Building Code is violated; amending s. 553.73,
23 F.S.; requiring the permitted installation or
24 replacement of a hot water heater to include a water-
25 level detection device; amending s. 553.79, F.S.;
26 requiring local enforcing agencies to permit and
27 inspect modifications and repairs made to certain
28 public pools and public bathing places as a result of
29 the department's inspections; amending s. 553.841,

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30 F.S.; removing provisions related to the development
31 of advanced courses with respect to the Florida
32 Building Code Compliance and Mitigation Program and
33 the accreditation of courses related to the Florida
34 Building Code; amending s. 553.842, F.S.; providing
35 that Underwriters Laboratories, LLC, is an approved
36 evaluation entity; providing an effective date.
37

38 Be It Enacted by the Legislature of the State of Florida:
39

40 Section 1. Paragraph (m) of subsection (3) of section
41 489.105, Florida Statutes, is amended to read:

42 489.105 Definitions.—As used in this part:

43 (3) "Contractor" means the person who is qualified for, and
44 is only responsible for, the project contracted for and means,
45 except as exempted in this part, the person who, for
46 compensation, undertakes to, submits a bid to, or does himself
47 or herself or by others construct, repair, alter, remodel, add
48 to, demolish, subtract from, or improve any building or
49 structure, including related improvements to real estate, for
50 others or for resale to others; and whose job scope is
51 substantially similar to the job scope described in one of the
52 paragraphs of this subsection. For the purposes of regulation
53 under this part, the term "demolish" applies only to demolition
54 of steel tanks more than 50 feet in height; towers more than 50
55 feet in height; other structures more than 50 feet in height;
56 and all buildings or residences. Contractors are subdivided into
57 two divisions, Division I, consisting of those contractors
58 defined in paragraphs (a)-(c), and Division II, consisting of

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59 those contractors defined in paragraphs (d)-(q):

60 (m) "Plumbing contractor" means a contractor whose services
61 are unlimited in the plumbing trade and includes contracting
62 business consisting of the execution of contracts requiring the
63 experience, financial means, knowledge, and skill to install,
64 maintain, repair, alter, extend, or, if not prohibited by law,
65 design plumbing. A plumbing contractor may install, maintain,
66 repair, alter, extend, or, if not prohibited by law, design the
67 following without obtaining an additional local regulatory
68 license, certificate, or registration: sanitary drainage or
69 storm drainage facilities, water and sewer plants and
70 substations, venting systems, public or private water supply
71 systems, septic tanks, drainage and supply wells, swimming pool
72 piping, irrigation systems, and solar heating water systems and
73 all appurtenances, apparatus, or equipment used in connection
74 therewith, including boilers and pressure process piping and
75 including the installation of water, natural gas, liquefied
76 petroleum gas and related venting, and storm and sanitary sewer
77 lines. The scope of work of the plumbing contractor also
78 includes the design, if not prohibited by law, and installation,
79 maintenance, repair, alteration, or extension of air-piping,
80 vacuum line piping, oxygen line piping, nitrous oxide piping,
81 and all related medical gas systems; fire line standpipes and
82 fire sprinklers if authorized by law; ink and chemical lines;
83 fuel oil and gasoline piping and tank and pump installation,
84 except bulk storage plants; and pneumatic control piping
85 systems, all in a manner that complies with all plans,
86 specifications, codes, laws, and regulations applicable. The
87 scope of work of the plumbing contractor applies to private

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88 property and public property, including any excavation work
89 incidental thereto, and includes the work of the specialty
90 plumbing contractor. Such contractor shall subcontract, with a
91 qualified contractor in the field concerned, all other work
92 incidental to the work but which is specified as being the work
93 of a trade other than that of a plumbing contractor. This
94 definition does not limit the scope of work of any specialty
95 contractor certified pursuant to s. 489.113(6), and does not
96 require certification or registration under this part of a
97 person licensed under chapter 527 or any authorized employee of
98 a public natural gas utility or of a private natural gas utility
99 regulated by the Public Service Commission when disconnecting
100 and reconnecting water lines in the servicing or replacement of
101 an existing water heater. A plumbing contractor may perform
102 drain cleaning and clearing and install or repair rainwater
103 catchment systems; however, a mandatory licensing requirement is
104 not established for the performance of these specific services.

105 Section 2. Subsections (2) through (5) of section 514.031,
106 Florida Statutes, are redesignated as subsections (3) through
107 (6), respectively, and a new subsection (2) is added to that
108 section, to read:

109 514.031 Permit necessary to operate public swimming pool.—

110 (2) The department shall ensure through inspections that a
111 public swimming pool with an operating permit continues to be
112 operated and maintained in compliance with rules adopted under
113 this section, the original approved plans and specifications or
114 variances, and the Florida Building Code adopted under chapter
115 553 applicable to public pools or public bathing places. The
116 department may adopt and enforce rules to implement this

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117 subsection, including provisions for closing those pools and
118 bathing places not in compliance. For purposes of this
119 subsection, the department's jurisdiction includes the pool, the
120 pool deck, the barrier as defined in s. 515.25, and the bathroom
121 facilities for pool patrons. The local enforcement agency shall
122 permit and inspect repairs or modifications required as a result
123 of the department's inspections and may take enforcement action
124 to ensure compliance. The department shall ensure that the rules
125 enforced by the local enforcement agency under this subsection
126 are not inconsistent with the Florida Building Code adopted
127 under chapter 553.

128 Section 3. Subsections (1), (2), and (5) of section 514.05,
129 Florida Statutes, are amended to read:

130 514.05 Denial, suspension, or revocation of permit;
131 administrative fines.—

132 (1) The department may deny an application for an a
133 operating permit, suspend or revoke a permit issued to any
134 person or public body, or impose an administrative fine upon the
135 failure of such person or public body to comply with the
136 provisions of this chapter, the Florida Building Code adopted
137 under chapter 553 applicable to public pools or public bathing
138 places, or the rules adopted hereunder.

139 (2) The department may impose an administrative fine, which
140 shall not exceed \$500 for each violation, for the violation of
141 this chapter, the Florida Building Code adopted under chapter
142 553 applicable to public pools or public bathing places, or the
143 rules adopted hereunder and for the violation of ~~any of the~~
144 ~~provisions of~~ chapter 386. Notice of intent to impose such fine
145 shall be given by the department to the alleged violator. Each

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146 day that a violation continues may constitute a separate
147 violation.

148 (5) Under conditions specified by rule, the department may
149 close a public pool that is not in compliance with this chapter,
150 the Florida Building Code adopted under chapter 553 applicable
151 to public pools or public bathing places, or the rules adopted
152 under this chapter.

153 Section 4. Subsection (19) is added to section 553.73,
154 Florida Statutes, to read:

155 553.73 Florida Building Code.—

156 (19) A local enforcing agency that requires a permit to
157 install or replace a hot water heater shall require that a hard-
158 wired or battery-operated water-level detection device be
159 secured to the drain pan area at a level lower than the drain
160 connection upon installation or replacement of the hot water
161 heater. The device must include an audible alarm and, if
162 battery-operated, must have a 10-year low-battery notification
163 capability.

164 Section 5. Subsection (11) of section 553.79, Florida
165 Statutes, is amended to read:

166 553.79 Permits; applications; issuance; inspections.—

167 (11) (a) The local enforcing agency may not issue a building
168 permit to construct, develop, or modify a public swimming pool
169 without proof of application, whether complete or incomplete,
170 for an operating permit pursuant to s. 514.031. A certificate of
171 completion or occupancy may not be issued until such operating
172 permit is issued. The local enforcing agency shall conduct its
173 review of the building permit application upon filing and in
174 accordance with this chapter. The local enforcing agency may

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175 confer with the Department of Health, if necessary, but may not
176 delay the building permit application review while awaiting
177 comment from the Department of Health.

178 (b) If the department determines under s. 514.031(2) that a
179 public pool or a public bathing place is not being operated or
180 maintained in compliance with department rules, the original
181 approved plans and specifications or variances, and the Florida
182 Building Code, the local enforcing agency shall permit and
183 inspect the repairs or modifications required as a result of the
184 department's inspections and may take enforcement action to
185 ensure compliance.

186 Section 6. Subsections (4) and (7) of section 553.841,
187 Florida Statutes, are amended to read:

188 553.841 Building code compliance and mitigation program.—

189 ~~(4) In administering the Florida Building Code Compliance~~
190 ~~and Mitigation Program, the department shall maintain, update,~~
191 ~~develop, or cause to be developed advanced modules designed for~~
192 ~~use by each profession.~~

193 ~~(7) The Florida Building Commission shall provide by rule~~
194 ~~for the accreditation of courses related to the Florida Building~~
195 ~~Code by accreditors approved by the commission. The commission~~
196 ~~shall establish qualifications of accreditors and criteria for~~
197 ~~the accreditation of courses by rule. The commission may revoke~~
198 ~~the accreditation of a course by an accreditor if the~~
199 ~~accreditation is demonstrated to violate this part or the rules~~
200 ~~of the commission.~~

201 Section 7. Paragraph (a) of subsection (8) of section
202 553.842, Florida Statutes, is amended to read:

203 553.842 Product evaluation and approval.—

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204 (8) The commission may adopt rules to approve the following
205 types of entities that produce information on which product
206 approvals are based. All of the following entities, including
207 engineers and architects, must comply with a nationally
208 recognized standard demonstrating independence or no conflict of
209 interest:

210 (a) Evaluation entities approved pursuant to this
211 paragraph. The commission shall specifically approve the
212 National Evaluation Service, the International Association of
213 Plumbing and Mechanical Officials Evaluation Service, the
214 International Code Council Evaluation Services, Underwriters
215 Laboratories, LLC, and the Miami-Dade County Building Code
216 Compliance Office Product Control Division. Architects and
217 engineers licensed in this state are also approved to conduct
218 product evaluations as provided in subsection (5).

219 Section 8. This act shall take effect July 1, 2015.