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LEGISLATIVE ACTION

Senate

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House

The Committee on Health Policy (Grimsley) 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 of verifiable full-time experience
66 as 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 40 but not more than 300 hours in the
73 certification category sought, except for one-family and two-
74 family dwelling training programs which 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 7 ~~10~~ years' combined experience as an
87 architect, engineer, plans examiner, building code inspector,
88 firesafety inspector certified under s. 633.216, registered or
89 certified contractor, or construction superintendent, with at
90 least 3 ~~5~~ years of such experience in 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, firesafety
95 inspector certified under s. 633.216, registered or certified
96 contractor, or construction superintendent which totals 7 ~~10~~
97 years, with at least 3 ~~5~~ years of such total being experience in



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

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

113 (b) No building code administrator, plans examiner, or
114 building code inspector may have a provisional certificate
115 extended beyond the specified period by renewal or otherwise.

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

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



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

134 Section 2. Paragraph (m) of subsection (3) of section
135 489.105, Florida Statutes, is amended to read:

136 489.105 Definitions.—As used in this part:

137 (3) "Contractor" means the person who is qualified for, and
138 is only responsible for, the project contracted for and means,
139 except as exempted in this part, the person who, for
140 compensation, undertakes to, submits a bid to, or does himself
141 or herself or by others construct, repair, alter, remodel, add
142 to, demolish, subtract from, or improve any building or
143 structure, including related improvements to real estate, for
144 others or for resale to others; and whose job scope is
145 substantially similar to the job scope described in one of the
146 paragraphs of this subsection. For the purposes of regulation
147 under this part, the term "demolish" applies only to demolition
148 of steel tanks more than 50 feet in height; towers more than 50
149 feet in height; other structures more than 50 feet in height;
150 and all buildings or residences. Contractors are subdivided into
151 two divisions, Division I, consisting of those contractors
152 defined in paragraphs (a)-(c), and Division II, consisting of
153 those contractors defined in paragraphs (d)-(q):

154 (m) "Plumbing contractor" means a contractor whose services
155 are unlimited in the plumbing trade and includes contracting



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156 business consisting of the execution of contracts requiring the
157 experience, financial means, knowledge, and skill to install,
158 maintain, repair, alter, extend, or, if not prohibited by law,
159 design plumbing. A plumbing contractor may install, maintain,
160 repair, alter, extend, or, if not prohibited by law, design the
161 following without obtaining an additional local regulatory
162 license, certificate, or registration: sanitary drainage or
163 storm drainage facilities, water and sewer plants and
164 substations, venting systems, public or private water supply
165 systems, septic tanks, drainage and supply wells, swimming pool
166 piping, irrigation systems, and solar heating water systems and
167 all appurtenances, apparatus, or equipment used in connection
168 therewith, including boilers and pressure process piping and
169 including the installation of water, natural gas, liquefied
170 petroleum gas and related venting, and storm and sanitary sewer
171 lines. The scope of work of the plumbing contractor also
172 includes the design, if not prohibited by law, and installation,
173 maintenance, repair, alteration, or extension of air-piping,
174 vacuum line piping, oxygen line piping, nitrous oxide piping,
175 and all related medical gas systems; fire line standpipes and
176 fire sprinklers if authorized by law; ink and chemical lines;
177 fuel oil and gasoline piping and tank and pump installation,
178 except bulk storage plants; and pneumatic control piping
179 systems, all in a manner that complies with all plans,
180 specifications, codes, laws, and regulations applicable. The
181 scope of work of the plumbing contractor applies to private
182 property and public property, including any excavation work
183 incidental thereto, and includes the work of the specialty
184 plumbing contractor. Such contractor shall subcontract, with a



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185 qualified contractor in the field concerned, all other work
186 incidental to the work but which is specified as being the work
187 of a trade other than that of a plumbing contractor. This
188 definition does not limit the scope of work of any specialty
189 contractor certified pursuant to s. 489.113(6)~~7~~ and does not
190 require certification or registration under this part for a
191 category I liquefied petroleum gas dealer, LP gas installer, or
192 specialty installer who is licensed under chapter 527 or an ~~of~~
193 ~~any~~ authorized employee of a public natural gas utility or of a
194 private natural gas utility regulated by the Public Service
195 Commission when disconnecting and reconnecting water lines in
196 the servicing or replacement of an existing water heater. A
197 plumbing contractor may perform drain cleaning and clearing and
198 install or repair rainwater catchment systems; however, a
199 mandatory licensing requirement is not established for the
200 performance of these specific services.

201 Section 3. Subsections (2) and (3) of section 489.1401,
202 Florida Statutes, are amended to read:

203 489.1401 Legislative intent.—

204 (2) It is the intent of the Legislature that the sole
205 purpose of the Florida Homeowners' Construction Recovery Fund is
206 to compensate an ~~any~~ aggrieved claimant who contracted for the
207 construction or improvement of the homeowner's residence located
208 within this state and who has obtained a final judgment in a ~~any~~
209 court of competent jurisdiction, was awarded restitution by the
210 Construction Industry Licensing Board, or received an award in
211 arbitration against a licensee on grounds of financial
212 mismanagement or misconduct, abandoning a construction project,
213 or making a false statement with respect to a project. Such



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214 grievance must arise ~~and arising~~ directly out of a any
215 transaction conducted when the judgment debtor was licensed and
216 must involve an act performed ~~any of the activities~~ enumerated
217 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence.~~

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

221 Section 4. Paragraphs (d), (i), (k), and (l) of subsection
222 (1) of section 489.1402, Florida Statutes, are amended to read:

223 489.1402 Homeowners' Construction Recovery Fund;
224 definitions.-

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

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

229 (i) "Residence" means a single-family residence, an
230 individual residential condominium or cooperative unit, or a
231 residential building containing not more than two residential
232 units in which the owner contracting for the improvement is
233 residing or will reside 6 months or more each calendar year upon
234 completion of the improvement.

235 (k) "Same transaction" means a contract, or a any series of
236 contracts, between a claimant and a contractor or qualified
237 business, when such contract or contracts involve the same
238 property or contiguous properties and are entered into either at
239 one time or serially.

240 (l) "Valid and current license," for the purpose of s.
241 489.141(2)(d), means a any license issued pursuant to this part
242 to a licensee, including a license in an active, inactive,



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243 delinquent, or suspended status.

244 Section 5. Subsections (1) and (2) of section 489.141,
245 Florida Statutes, are amended to read:

246 489.141 Conditions for recovery; eligibility.—

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

252 (a) The claimant has received a final judgment in a court
253 of competent jurisdiction in this state or has received an award
254 in arbitration or the Construction Industry Licensing Board has
255 issued a final order directing the licensee to pay restitution
256 to the claimant. The board may waive this requirement if:

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

259 2. The claimant has sought to have assets involving the
260 transaction that gave rise to the claim removed from the
261 bankruptcy proceedings so that the matter might be heard in a
262 court of competent jurisdiction in this state and, after due
263 diligence, the claimant is precluded by action of the bankruptcy
264 court from securing a final judgment against the licensee.

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

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

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

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



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272 1. The claimant has caused to be issued a writ of execution
273 upon such judgment, and the officer executing the writ has made
274 a return showing that no personal or real property of the
275 judgment debtor or licensee liable to be levied upon in
276 satisfaction of the judgment can be found or that the amount
277 realized on the sale of the judgment debtor's or licensee's
278 property pursuant to such execution was insufficient to satisfy
279 the judgment;

280 2. If the claimant is unable to comply with subparagraph 1.
281 for a valid reason to be determined by the board, the claimant
282 has made all reasonable searches and inquiries to ascertain
283 whether the judgment debtor or licensee is possessed of real or
284 personal property or other assets subject to being sold or
285 applied in satisfaction of the judgment and by his or her search
286 has discovered no property or assets or has discovered property
287 and assets and has taken all necessary action and proceedings
288 for the application thereof to the judgment but the amount
289 thereby realized was insufficient to satisfy the judgment; and

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

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

296 (g) Any amounts recovered by the claimant from the judgment
297 debtor or licensee, or from any other source, have been applied
298 to the damages awarded by the court or the amount of restitution
299 ordered by the board.

300 (h) The claimant is not a person who is precluded by this



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301 act from making a claim for recovery.

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

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

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

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

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

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

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

319 (f) (g) The claimant has entered into a contract ~~contracted~~
320 with a licensee to perform a scope of work described in s.
321 489.105(3)(d)-(q) before July 1, 2015 ~~489.105(3)(d)-(p)~~.

322 Section 6. Subsection (1) of section 489.1425, Florida
323 Statutes, is amended to read:

324 489.1425 Duty of contractor to notify residential property
325 owner of recovery fund.—

326 (1) Each ~~Any~~ agreement or contract for repair, restoration,
327 improvement, or construction to residential real property must
328 contain a written statement explaining the consumer's rights
329 under the recovery fund, except where the value of all labor and



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330 materials does not exceed \$2,500. The written statement must be
331 substantially in the following form:

332

333 FLORIDA HOMEOWNERS' CONSTRUCTION

334 RECOVERY FUND

335

336 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE
337 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY
338 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS
339 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED
340 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A
341 CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD
342 AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

343

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

346 Section 7. Section 489.143, Florida Statutes, is amended to
347 read:

348 489.143 Payment from the fund.—

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

351 (2) A ~~Any~~ claimant who meets all of the conditions
352 prescribed in s. 489.141 may apply to the board to cause payment
353 to be made to a claimant from the recovery fund in an amount
354 equal to the judgment, award, or restitution order or \$25,000,
355 whichever is less, or an amount equal to the unsatisfied portion
356 of such person's judgment, award, or restitution order, but only
357 to the extent and amount of actual damages suffered by the
358 claimant, and only up to the maximum payment allowed for each



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359 respective Division I and Division II claim. Payment from the
360 fund for other costs related to or pursuant to civil proceedings
361 such as postjudgment interest, attorney ~~attorney's~~ fees, court
362 costs, medical damages, and punitive damages is prohibited. The
363 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
364 or a restitution order, or any portion thereof, which is not
365 expressly based on one of the grounds for recovery set forth in
366 s. 489.141.

367 (3) Beginning January 1, 2005, for each Division I contract
368 entered into after July 1, 2004, payment from the recovery fund
369 shall be subject to a \$50,000 maximum payment for each Division
370 I claim. Beginning January 1, 2016, for each Division II
371 contract entered into on or after July 1, 2015, payment from the
372 recovery fund shall be subject to a \$15,000 maximum payment for
373 each Division II claim.

374 (4)~~(3)~~ Upon receipt by a claimant under subsection (2) of
375 payment from the recovery fund, the claimant shall assign his or
376 her additional right, title, and interest in the judgment,
377 award, or restitution order, to the extent of such payment, to
378 the board, and thereupon the board shall be subrogated to the
379 right, title, and interest of the claimant; and any amount
380 subsequently recovered on the judgment, award, or restitution
381 order, to the extent of the right, title, and interest of the
382 board therein, shall be for the purpose of reimbursing the
383 recovery fund.

384 (5)~~(4)~~ Payments for claims arising out of the same
385 transaction shall be limited, in the aggregate, to the lesser of
386 the judgment, award, or restitution order or the maximum payment
387 allowed for a Division I or Division II claim, regardless of the



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388 number of claimants involved in the transaction.

389 (6)-(5) For contracts entered into before July 1, 2004,
390 payments for claims against any one licensee may shall not
391 exceed, in the aggregate, \$100,000 annually, up to a total
392 aggregate of \$250,000. For any claim approved by the board which
393 is in excess of the annual cap, the amount in excess of \$100,000
394 up to the total aggregate cap of \$250,000 is eligible for
395 payment in the next and succeeding fiscal years, but only after
396 all claims for the then-current calendar year have been paid.
397 Payments may not exceed the aggregate annual or per claimant
398 limits under law. Beginning January 1, 2005, for each Division I
399 contract entered into after July 1, 2004, payment from the
400 recovery fund is subject only to a total aggregate cap of
401 \$500,000 for each Division I licensee. Beginning January 1,
402 2016, for each Division II contract entered into on or after
403 July 1, 2015, payment from the recovery fund is subject only to
404 a total aggregate cap of \$150,000 for each Division II licensee.

405 (7)-(6) Claims shall be paid in the order filed, up to the
406 aggregate limits for each transaction and licensee and to the
407 limits of the amount appropriated to pay claims against the fund
408 for the fiscal year in which the claims were filed. Payments may
409 not exceed the total aggregate cap per license or per claimant
410 limits under this section.

411 (8)-(7) If the annual appropriation is exhausted with claims
412 pending, such claims shall be carried forward to the next fiscal
413 year. Any moneys in excess of pending claims remaining in the
414 recovery fund at the end of the fiscal year shall be paid as
415 provided in s. 468.631.

416 (9)-(8) Upon the payment of any amount from the recovery



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417 fund in settlement of a claim in satisfaction of a judgment,
418 award, or restitution order against a licensee as described in
419 s. 489.141, the license of such licensee shall be automatically
420 suspended, without further administrative action, upon the date
421 of payment from the fund. The license of such licensee may ~~shall~~
422 not be reinstated until he or she has repaid in full, plus
423 interest, the amount paid from the fund. A discharge of
424 bankruptcy does not relieve a person from the penalties and
425 disabilities provided in this section.

426 (10) ~~(9)~~ A ~~Any~~ firm, a corporation, a partnership, or an
427 association, or a ~~any~~ person acting in his or her individual
428 capacity, who aids, abets, solicits, or conspires with another
429 ~~any~~ person to knowingly present or cause to be presented a ~~any~~
430 false or fraudulent claim for the payment of a loss under this
431 act commits ~~is guilty of~~ a third-degree felony, punishable as
432 provided in s. 775.082 or s. 775.084 and by a fine of up to ~~not~~
433 ~~exceeding~~ \$30,000, unless the value of the fraud exceeds that
434 amount, ~~\$30,000~~ in which event the fine may not exceed double
435 the value of the fraud.

436 (11) ~~(10)~~ Each payment ~~All payments~~ and disbursement
437 ~~disbursements~~ from the recovery fund shall be made by the Chief
438 Financial Officer upon a voucher signed by the secretary of the
439 department or the secretary's designee.

440 Section 8. Subsection (24) is added to section 489.503,
441 Florida Statutes, to read:

442 489.503 Exemptions.—This part does not apply to:

443 (24) A person who installs low-voltage landscape lighting
444 that contains a factory-installed electrical cord with plug and
445 does not require installation, wiring, or modification to the



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446 electrical wiring of a structure.

447 Section 9. Subsections (2) through (5) of section 514.031,
448 Florida Statutes, are renumbered as subsections (3) through (6),
449 respectively, and a new subsection (2) is added to that section
450 to read:

451 514.031 Permit necessary to operate public swimming pool.—

452 (2) The department shall ensure through inspections that a
453 public swimming pool with an operating permit continues to be
454 operated and maintained in compliance with rules adopted under
455 this section, the original approved plans and specifications or
456 variances, and the Florida Building Code adopted under chapter
457 553 applicable to public pools or public bathing places. The
458 department may adopt and enforce rules to implement this
459 subsection, including provisions for closing those pools and
460 bathing places not in compliance. For purposes of this
461 subsection, the department's jurisdiction includes the pool, the
462 pool deck, the barrier as defined in s. 515.25, and the bathroom
463 facilities for pool patrons. The local enforcement agency shall
464 permit and inspect repairs or modifications required as a result
465 of the department's inspections and may take enforcement action
466 to ensure compliance. The department shall ensure that the rules
467 enforced by the local enforcement agency under this subsection
468 are not inconsistent with the Florida Building Code adopted
469 under chapter 553.

470 Section 10. Subsections (1), (2), and (5) of section
471 514.05, Florida Statutes, are amended to read:

472 514.05 Denial, suspension, or revocation of permit;
473 administrative fines.—

474 (1) The department may deny an application for an a



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475 operating permit, suspend or revoke a permit issued to any
476 person or public body, or impose an administrative fine upon the
477 failure of such person or public body to comply with the
478 provisions of this chapter, the original approved plans and
479 specifications or variances, the Florida Building Code adopted
480 under chapter 553 applicable to public pools or public bathing
481 places, or the rules adopted hereunder.

482 (2) The department may impose an administrative fine, which
483 shall not exceed \$500 for each violation, for the violation of
484 this chapter, the original approved plans and specifications or
485 variances, the Florida Building Code adopted under chapter 553
486 applicable to public pools or public bathing places, or the
487 rules adopted hereunder and for the violation of ~~any of the~~
488 ~~provisions of~~ chapter 386. Notice of intent to impose such fine
489 shall be given by the department to the alleged violator. Each
490 day that a violation continues may constitute a separate
491 violation.

492 (5) Under conditions specified by rule, the department may
493 close a public pool that is not in compliance with this chapter,
494 the original approved plans and specifications or variances, the
495 Florida Building Code adopted under chapter 553 applicable to
496 public pools or public bathing places, or the rules adopted
497 under this chapter.

498 Section 11. Section 553.721, Florida Statutes, is amended
499 to read:

500 553.721 Surcharge.—In order for the Department of Business
501 and Professional Regulation to administer and carry out the
502 purposes of this part and related activities, there is created a
503 surcharge, to be assessed at the rate of 1.5 percent of the



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504 permit fees associated with enforcement of the Florida Building
505 Code as defined by the uniform account criteria and specifically
506 the uniform account code for building permits adopted for local
507 government financial reporting pursuant to s. 218.32. The
508 minimum amount collected on any permit issued shall be \$2. The
509 unit of government responsible for collecting a permit fee
510 pursuant to s. 125.56(4) or s. 166.201 shall collect the
511 surcharge and electronically remit the funds collected to the
512 department on a quarterly calendar basis for the preceding
513 quarter and continuing each third month thereafter. The unit of
514 government shall retain 10 percent of the surcharge collected to
515 fund the participation of building departments in the national
516 and state building code adoption processes and to provide
517 education related to enforcement of the Florida Building Code.
518 All funds remitted to the department pursuant to this section
519 shall be deposited in the Professional Regulation Trust Fund.
520 Funds collected from the surcharge shall be allocated to fund
521 the Florida Building Commission and the Florida Building Code
522 Compliance and Mitigation Program under s. 553.841. Funds
523 allocated to the Florida Building Code Compliance and Mitigation
524 Program shall be \$925,000 each fiscal year. The Florida Building
525 Code Compliance and Mitigation Program shall fund the
526 recommendations made by the Building Code System Uniform
527 Implementation Evaluation Workgroup, dated April 8, 2013, from
528 existing resources, not to exceed \$30,000 in the 2015-2016
529 fiscal year. Funds collected from the surcharge shall also be
530 used to fund Florida Fire Code informal interpretations managed
531 by the State Fire Marshal and shall be limited to \$15,000 each
532 fiscal year. The funds collected from the surcharge may not be



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533 used to fund research on techniques for mitigation of radon in
534 existing buildings. Funds used by the department as well as
535 funds to be transferred to the Department of Health and the
536 State Fire Marshal shall be as prescribed in the annual General
537 Appropriations Act. The department shall adopt rules governing
538 the collection and remittance of surcharges pursuant to chapter
539 120.

540 Section 12. Subsection (11) of section 553.73, Florida
541 Statutes is amended, and subsections (19) and (20) are added to
542 that to read:

543 553.73 Florida Building Code.—

544 (11) (a) In the event of a conflict between the Florida
545 Building Code and the Florida Fire Prevention Code and the Life
546 Safety Code as applied to a specific project, the conflict shall
547 be resolved by agreement between the local building code
548 enforcement official and the local fire code enforcement
549 official in favor of the requirement of the code which offers
550 the greatest degree of lifesafety or alternatives which would
551 provide an equivalent degree of lifesafety and an equivalent
552 method of construction. Local boards created to address issues
553 arising under the Florida Building Code and the Florida Fire
554 Prevention Code may combine the appeals boards to create a
555 single, local board having jurisdiction over matters arising
556 under either or both codes.

557 (b) Any decision made by the local fire official regarding
558 application, interpretation, or enforcement of the Florida Fire
559 Prevention Code or ~~and~~ the local building official regarding
560 application, interpretation, or enforcement of the Florida
561 Building Code, or the appropriate application of either or both



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562 codes in the case of a conflict between the codes, may be
563 appealed to a local administrative board designated by the
564 municipality, county, or special district having firesafety
565 responsibilities. If the decision of the local fire official and
566 the local building official is to apply the provisions of either
567 the Florida Building Code or the Florida Fire Prevention Code
568 and the Life Safety Code, the board may not alter the decision
569 unless the board determines that the application of such code is
570 not reasonable. If the decision of the local fire official and
571 the local building official is to adopt an alternative to the
572 codes, the local administrative board shall give due regard to
573 the decision rendered by the local officials and may modify that
574 decision if the administrative board adopts a better
575 alternative, taking into consideration all relevant
576 circumstances. In any case in which the local administrative
577 board adopts alternatives to the decision rendered by the local
578 fire official and the local building official, such alternatives
579 shall provide an equivalent degree of lifesafety and an
580 equivalent method of construction as the decision rendered by
581 the local officials.

582 (c) If the local building official and the local fire
583 official are unable to agree on a resolution of the conflict
584 between the Florida Building Code and the Florida Fire
585 Prevention Code and the Life Safety Code, the local
586 administrative board shall resolve the conflict in favor of the
587 code which offers the greatest degree of lifesafety or
588 alternatives which would provide an equivalent degree of
589 lifesafety and an equivalent method of construction.

590 (d) All decisions of the local administrative board, or if



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591 none exists, the decisions of the local building official and
592 the local fire official in regard to the application,
593 enforcement, or interpretation of the Florida Fire Prevention
594 Code, or conflicts between the Florida Fire Prevention Code and
595 the Florida Building Code, are subject to review by a joint
596 committee composed of members of the Florida Building Commission
597 and the Fire Code Advisory Council. If the joint committee is
598 unable to resolve conflicts between the codes as applied to a
599 specific project, the matter shall be resolved pursuant to the
600 provisions of paragraph (1)(d). Decisions of the local
601 administrative board solely in regard to the provisions of the
602 Florida Building Code are subject to review as set forth in s.
603 553.775.

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

607 (f) All decisions of the local building official and local
608 fire official and all decisions of the administrative board
609 shall be in writing and shall be binding upon a person but do
610 not limit the authority of the State Fire Marshal or the Florida
611 Building Commission pursuant to paragraph (1)(d) and ss. 633.104
612 and 633.228. Decisions of general application shall be indexed
613 by building and fire code sections and shall be available for
614 inspection during normal business hours.

615 (19) In other than one- and two-family detached single-
616 family dwellings, a local enforcing agency that requires a
617 permit to install or replace a hot water heater shall require
618 that a hard-wired or battery-operated water-level detection
619 device be secured to the drain pan area at a level lower than



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620 the drain connection upon installation or replacement of the hot
621 water heater. The device must include an audible alarm and, if
622 battery-operated, must have a 10-year low-battery notification
623 capability.

624 (20) The Florida Building Code may not require more than
625 one fire access elevator in buildings that are Occupancy Group
626 R-2.

627 Section 13. Subsections (6) and (11) of section 553.79,
628 Florida Statutes, are amended to read:

629 553.79 Permits; applications; issuance; inspections.-

630 (6) A permit may not be issued for any building
631 construction, erection, alteration, modification, repair, or
632 addition unless the applicant for such permit complies with the
633 requirements for plan review established by the Florida Building
634 Commission within the Florida Building Code. However, the code
635 shall set standards and criteria to authorize preliminary
636 construction before completion of all building plans review,
637 including, but not limited to, special permits for the
638 foundation only, and such standards shall take effect concurrent
639 with the first effective date of the Florida Building Code.
640 After submittal of the appropriate construction documents, the
641 building official is authorized to issue a permit for the
642 construction of foundations or any other part of a building or
643 structure before the construction documents for the whole
644 building or structure have been submitted. No other agency
645 review or approval may be required before the issuance of a
646 phased permit due to the fact that the project will need all the
647 necessary outside agencies' reviews and approvals before the
648 issuance of a master building permit. The holder of such permit



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649 for the foundation or other parts of a building or structure
650 shall proceed at the holder's own risk with the building
651 operation and without assurance that a permit for the entire
652 structure will be granted. Corrections may be required to meet
653 the requirements of the technical codes.

654 (11) (a) The local enforcing agency may not issue a building
655 permit to construct, develop, or modify a public swimming pool
656 without proof of application, whether complete or incomplete,
657 for an operating permit pursuant to s. 514.031. A certificate of
658 completion or occupancy may not be issued until such operating
659 permit is issued. The local enforcing agency shall conduct its
660 review of the building permit application upon filing and in
661 accordance with this chapter. The local enforcing agency may
662 confer with the Department of Health, if necessary, but may not
663 delay the building permit application review while awaiting
664 comment from the Department of Health.

665 (b) If the department determines under s. 514.031(2) that a
666 public pool or a public bathing place is not being operated or
667 maintained in compliance with department's rules, the original
668 approved plans and specifications or variances, and the Florida
669 Building Code, the local enforcing agency shall permit and
670 inspect the repairs or modifications required as a result of the
671 department's inspections and may take enforcement action to
672 ensure compliance.

673 Section 14. Subsections (4) and (7) of section 553.841,
674 Florida Statutes, are amended, to read:

675 553.841 Building code compliance and mitigation program.—

676 (4) In administering the Florida Building Code Compliance
677 and Mitigation Program, the department may ~~shall~~ maintain,



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678 update, develop, or cause to be developed code-related training
679 and education advanced modules designed for use by each
680 profession.

681 ~~(7) The Florida Building Commission shall provide by rule~~
682 ~~for the accreditation of courses related to the Florida Building~~
683 ~~Code by accreditors approved by the commission. The commission~~
684 ~~shall establish qualifications of accreditors and criteria for~~
685 ~~the accreditation of courses by rule. The commission may revoke~~
686 ~~the accreditation of a course by an accreditor if the~~
687 ~~accreditation is demonstrated to violate this part or the rules~~
688 ~~of the commission.~~

689 Section 15. Paragraph (a) of subsection (8) of section
690 553.842, Florida Statutes, is amended to read:

691 553.842 Product evaluation and approval.—

692 (8) The commission may adopt rules to approve the following
693 types of entities that produce information on which product
694 approvals are based. All of the following entities, including
695 engineers and architects, must comply with a nationally
696 recognized standard demonstrating independence or no conflict of
697 interest:

698 (a) Evaluation entities approved pursuant to this
699 paragraph. The commission shall specifically approve the
700 National Evaluation Service, the International Association of
701 Plumbing and Mechanical Officials Evaluation Service, the
702 International Code Council Evaluation Services, Underwriters
703 Laboratories, LLC, and the Miami-Dade County Building Code
704 Compliance Office Product Control Division. Architects and
705 engineers licensed in this state are also approved to conduct
706 product evaluations as provided in subsection (5).



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707 Section 16. Section 553.908, Florida Statutes, is amended
708 to read:

709 553.908 Inspection.—Before construction or renovation is
710 completed, the local enforcement agency shall inspect buildings
711 for compliance with the standards of this part. The local
712 enforcement agency shall accept duct and air infiltration tests
713 conducted in accordance with the Florida Building Code-Energy
714 Conservation by individuals certified in accordance with s.
715 553.993(5) or (7) or individuals licensed under s.
716 489.105(3)(f), (g), or (i). The local enforcement agency may
717 accept inspections in whole or in part by individuals certified
718 in accordance with s. 553.993(5) or (7) or by individuals
719 certified as energy inspectors by the International Code
720 Council, provided that the inspection complies with the Florida
721 Building Code-Energy Conservation.

722 Section 17. Present subsections (2) through (35) of section
723 633.102, Florida Statutes, are redesignated as subsections (3)
724 through (36), a new subsection (2) is added to that section and
725 present subsection (34) is amended, to read:

726 633.102 Definitions.—As used in this chapter, the term:
727 (2) "Change of occupancy" means a change in the purpose of
728 level of activity within a building which involves a change in
729 application of the requirements of the Florida Fire Prevention
730 Code.

731 ~~(34) "Use" means application, employment, that enjoyment of~~
732 ~~property which consists of its employment, occupation, exercise,~~
733 ~~or practice.~~

734 Section 18. Subsection (6) of section 633.104, Florida
735 Statutes, is amended to read:



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736 633.104 State Fire Marshal; authority; duties; rules.-
737 (6) Only the State Fire Marshal may issue, and, when
738 requested in writing by any substantially affected person or a
739 local enforcing agency, the State Fire Marshal shall issue
740 declaratory statements pursuant to s. 120.565 relating to the
741 Florida Fire Prevention Code. For the purposes of this section,
742 the term "substantially affected person" means a person who,
743 will be, or may be affected by the application of the Florida
744 Fire Prevention Code to a property or building that the person
745 owns, controls, or is, or is considering purchasing, selling,
746 designing, constructing, or altering. A petition for declaratory
747 statement is not intended to be an appeal of a decision of a
748 local fire official or an appeal of a local board reviewing a
749 decision of a local fire official.

750 Section 19. Subsections (17), (18), and (19) are added to
751 section 633.202, Florida Statutes, to read:

752 633.202 Florida Fire Prevention Code.-

753 (17) In all new high-rise and existing high-rise buildings,
754 minimum radio signal strength for fire department communications
755 shall be maintained at a level determined by the authority
756 having jurisdiction. Existing buildings may not be required to
757 comply with minimum radio strength for fire department
758 communications and two-way radio system enhancement
759 communications as required by the Florida Fire Prevention Code
760 until January 1, 2022. Existing apartment buildings may not be
761 required to comply until January 1, 2025.

762 (18) Areas of refuge shall be provided when required by the
763 Florida Building Code-Accessibility. Required portions of an
764 area of refuge shall be accessible from the space they serve by



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765 an accessible means of egress.

766 (19) Dead-end corridors within an apartment may not exceed
767 50-feet in buildings protected throughout by an approved
768 automatic supervised sprinkler system.

769 Section 20. Subsection (10) is added to section 633.216,
770 Florida Statutes, to read:

771 633.216 Inspection of buildings and equipment; orders;
772 firesafety inspection training requirements; certification;
773 disciplinary action.—The State Fire Marshal and her or his
774 agents or persons authorized to enforce laws and rules of the
775 State Fire Marshal shall, at any reasonable hour, when the State
776 Fire Marshal has reasonable cause to believe that a violation of
777 this chapter or s. 509.215, or a rule adopted thereunder, or a
778 minimum firesafety code adopted by the State Fire Marshal or a
779 local authority, may exist, inspect any and all buildings and
780 structures which are subject to the requirements of this chapter
781 or s. 509.215 and rules adopted thereunder. The authority to
782 inspect shall extend to all equipment, vehicles, and chemicals
783 which are located on or within the premises of any such building
784 or structure.

785 (10) In addition to any other requirements that may be
786 imposed by this state, fire prevention plan reviewers shall,
787 after 12 months from the effective date of this statute, be
788 certified, at a minimum, as a Fire Inspector I by the State Fire
789 Marshal. The State Fire Marshal may, by rule, determine
790 alternative educational and experience requirements, or
791 certifications, as equivalent.

792 Section 21. This act shall take effect July 1, 2015.

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794 ===== T I T L E A M E N D M E N T =====

795 And the title is amended as follows:

796 Delete everything before the enacting clause

797 and insert:

798 A bill to be entitled

799 An act relating to building codes; amending s.
800 468.609, F.S.; revising the certification examination
801 requirements for building code inspectors, plans
802 examiners, and building code administrators; requiring
803 the Florida Building Code Administrators and
804 Inspectors Board to provide for issuance of certain
805 provisional certificates; amending s. 489.105, F.S.;
806 revising the term "plumbing contractor"; amending s.
807 489.1401, F.S.; revising legislative intent with
808 respect to the purpose of the Florida Homeowners'
809 Construction Recovery Fund; providing legislative
810 intent that Division II contractors set apart funds to
811 participate in the fund; amending s. 489.1402, F.S.;
812 revising terms; amending s. 489.141, F.S.; prohibiting
813 certain claimants from making a claim against the
814 recovery fund for certain contracts entered into
815 before a specified date; amending s. 489.1425, F.S.;
816 revising a notification provided by contractors to
817 certain residential property owners to state that
818 payment from the recovery fund is limited; amending s.
819 489.143, F.S.; revising provisions concerning payments
820 from the recovery fund; specifying claim amounts for
821 certain contracts entered into before or after
822 specified dates; providing aggregate caps for



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823 payments; amending s. 489.503, F.S.; exempting certain
824 low-voltage landscape lighting from licensed
825 electrical contractor installation requirements;
826 amending s. 514.031, F.S.; requiring the Department of
827 Health to conduct inspections of certain public pools
828 with operating permits to ensure continued compliance
829 with specified criteria; authorizing the department to
830 adopt rules; specifying the department's jurisdiction
831 for purposes of inspecting certain public pools;
832 specifying duties of local enforcement agencies
833 regarding modifications and repairs made to certain
834 public pools as a result of the department's
835 inspections; requiring the department to ensure that
836 certain rules enforced by local enforcement agencies
837 comply with the Florida Building Code; amending s.
838 514.05, F.S.; specifying that the department may deny,
839 suspend, or revoke operating permits for certain pools
840 and bathing places if certain plans, variances, or
841 requirements of the Florida Building Code are
842 violated; specifying that the department may assess an
843 administrative fine for violations by certain public
844 pools and bathing places if certain plans, variances,
845 or requirements of the Florida Building Code are
846 violated; amending s. 553.721, F.S.; directing the
847 Florida Building Code Compliance and Mitigation
848 Program to fund, from existing resources, the
849 recommendations made by the Building Code System
850 Uniform Implementation Evaluation Workgroup; providing
851 a limitation; requiring that a specified amount of



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852 funds from the surcharge be used to fund certain
853 Florida Fire Code informal interpretations; amending
854 s. 553.73, F.S.; authorizing local boards created to
855 address specified issues to combine the appeals boards
856 to create a single, local board; authorizing the
857 appeal to a local administrative board of specified
858 decisions made by a local fire official; specifying
859 the decisions of the local building official and the
860 local fire official which are subject to review;
861 requiring the permitted installation or replacement of
862 a water heater in a conditioned or attic space to
863 include a water leak detection device; prohibiting the
864 Florida Building Code from requiring more than one
865 fire access elevator in certain buildings; amending s.
866 553.79, F.S.; authorizing a building official to issue
867 a permit for the construction of the foundation or any
868 other part of a building or structure before the
869 construction documents for the whole building or
870 structure have been submitted; providing that the
871 holder of such permit shall begin building at the
872 holder's own risk with the building operation and
873 without assurance that a permit for the entire
874 structure will be granted; requiring local enforcing
875 agencies to permit and inspect modifications and
876 repairs made to certain public pools and public
877 bathing places as a result of the department's
878 inspections; amending s. 553.841, F.S.; authorizing
879 the department to maintain, update, develop or cause
880 to be developed code-related training and education;



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881 removing provisions related to the development of
882 advanced courses with respect to the Florida Building
883 Code Compliance and Mitigation Program and the
884 accreditation of courses related to the Florida
885 Building Code; amending s. 553.842, F.S.; providing
886 that Underwriters Laboratories, LLC, is an approved
887 evaluation entity; amending s. 553.908, F.S.;
888 requiring local enforcement agencies to accept duct
889 and air infiltration tests conducted in accordance
890 with certain guidelines by specified individuals;
891 amending s. 633.102, F.S.; revising terms; amending s.
892 633.104, F.S.; defining a term; clarifying intent;
893 amending s. 633.202, F.S.; requiring all new high-rise
894 and existing high-rise buildings to maintain a minimum
895 radio signal strength for fire department
896 communications; providing a transitory period for
897 compliance; requiring areas of refuge to be required
898 as determined by the Florida Building Code-
899 Accessibility; prohibiting dead-end corridors within
900 an apartment from exceeding a specified footage in
901 specified buildings; amending s. 633.216, F.S.;
902 requiring fire prevention plan reviewers to be
903 certified by a specified date; authorizing the State
904 Fire Marshal to determine alternative educational and
905 experience requirements or certifications; providing
906 an effective date.