CHAPTER 2016-129

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 535

An act relating to building codes; amending s. 468.609, F.S.; revising the certification examination requirements for building code inspectors, plans examiners, and building code administrators; requiring the Florida Building Code Administrators and Inspectors Board to provide for issuance of certain provisional certificates; amending s. 489.103, F.S.; providing an exemption for certain employees who make minor repairs to existing electric water heaters and to existing electric heating, ventilating, and air-conditioning systems under specified circumstances; providing that the exemption does not limit the authority of a municipality or county to adopt or enforce certain ordinances, rules, or regulations; amending s. 489.105, F.S.; revising the definition of the term "plumbing contractor"; amending s. 489.1401, F.S.; revising legislative intent with respect to the purpose of the Florida Homeowners' Construction Recovery Fund; providing legislative intent that Division II contractors set apart funds to participate in the fund; amending s. 489.1402, F.S.; revising definitions; amending s. 489.141, F.S.; authorizing certain claimants to make a claim against the recovery fund for certain contracts entered into before a specified date; amending s. 489.1425, F.S.; revising a notification provided by contractors to certain residential property owners to state that payment from the recovery fund is limited; amending s. 489.143, F.S.; revising provisions concerning payments from the recovery fund; specifying claim amounts for certain contracts entered into on or after specified dates; providing aggregate caps for payments; amending s. 489.503, F.S.; exempting certain low-voltage landscape lighting from licensed electrical contractor installation requirements; amending s. 514.011, F.S.; defining the term "temporary pool"; amending s. 514.0115, F.S.; prohibiting a portable pool from being regulated as a public pool in certain circumstances; prohibiting a temporary pool from being regulated as a public pool; amending s. 553.77, F.S.; conforming a cross-reference; amending s. 514.031, F.S.; prohibiting a portable pool from being used as a public pool unless it is exempt under s. 514.0115, F.S.; amending s. 515.27, F.S.; revising minimum requirements for a residential swimming pool to pass final inspection and receive a certificate of completion to include specified swimming pool alarms; amending s. 553.512, F.S.; revising the membership of the Accessibility Advisory Council; amending s. 553.721, F.S.; directing the Florida Building Code Compliance and Mitigation Program to fund, from existing resources, the recommendations made by the Building Code System Uniform Implementation Evaluation Workgroup; providing a limitation; requiring that a specified amount of funds from the surcharge be used to fund certain Florida Fire Prevention Code informal interpretations; requiring the State Fire Marshal to adopt rules; amending s. 553.73, F.S.; authorizing local boards created to address specified issues to combine the appeals boards to create a single, local board;

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authorizing the local board to grant alternatives or modifications through specified procedures; providing quorum requirements; authorizing the appeal to a local administrative board of specified decisions made by a local fire official; specifying the decisions of the local building official and the local fire official which are subject to review; providing requirements for fire service access elevators and elevator lobbies in certain buildings; specifying standards for standpipes in high-rise buildings; amending s. 553.775, F.S.; revising membership on a panel that hears requests to review decisions of local building officials; amending s. 553.79, F.S.; providing grounds for disciplinary action against a plans reviewer or building code administrator; authorizing a building official to issue a permit for the construction of the foundation or any other part of a building or structure before the construction documents for the entire building or structure have been submitted; providing that the holder of such permit begins building at the holder's own risk and without assurance that a permit for the entire structure will be granted; creating s. 553.7931, F.S.; defining the term "applicable local governmental entity"; requiring the owner, lessee, or occupant of a property to register an alarm system under certain circumstances; requiring contractors and alarm system monitoring companies to provide notice to an owner, lessee, or occupant that registration of the alarm system may be required; exempting a contractor or alarm system monitoring company from specified fines and penalties; prohibiting local governmental entities from requiring notarization of an alarm system registration form; providing for preemption; amending s. 553.80, F.S.; prohibiting a local enforcement agency from charging additional fees related to the recording of a contractor's license or workers' compensation insurance; amending s. 553.842, F.S.; specifying additional approved evaluation entities; amending s. 553.844, F.S.; excluding certain work associated with the prevention of degradation of a residence from certain building permit requirements; reviving, readopting, and amending s. 553.844(4), F.S.; deleting an obsolete provision providing for expiration of requirements for the adoption of certain mitigation techniques by the Florida Building Commission within the Florida Building Code for certain structures; revising such requirements; amending s. 553.883, F.S.; exempting certain devices from certain smoke alarm battery requirements; amending s. 553.908, F.S.; providing for the amendment of portions of the Florida Building Code, Energy Conservation, related to certain buildings and dwelling units after a specified date; delaying the effective date of certain portions of the Florida Building Code, Energy Conservation, related to blower door testing; providing for the amendment of portions of the Florida Building Code, Mechanical, and Florida Building Code, Residential, related to air infiltration rates in a dwelling after a specified date; amending s. 553.998, F.S.; specifying the types of individuals from whom local enforcement agencies shall accept duct and air infiltration tests and may accept inspections; amending s. 633.202, F.S.; requiring all new high-rise and existing high-rise buildings to maintain a minimum radio signal strength for fire department communications; providing a transitory period for compliance; requiring existing apartment buildings that are not

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in compliance to initiate an application for an appropriate permit by a specified date; requiring areas of refuge to be required as determined by the Florida Building Code, Accessibility; amending s. 633.208, F.S.; authorizing fire officials to consider certain systems acceptable when identifying low-cost alternatives; amending s. 633.336, F.S.; authorizing a licensed fire protection contractor to subcontract for advanced technical services under certain circumstances; creating the Calder Sloan Swimming Pool Electrical-Safety Task Force within the commission; specifying the purpose of the task force; requiring a report to the Governor and Legislature; providing for membership; requiring the commission to provide staff, information, and other assistance to the task force; providing that members of the task force serve without compensation; providing for meetings; providing for expiration of the task force; creating the Construction Industry Workforce Task Force within the University of Florida M. E. Rinker, Sr., School of Construction Management; specifying the goals of the task force; providing for membership; requiring the school to provide assistance to the task force; providing for meetings; requiring a report to the Governor and Legislature; providing an appropriation from specified funds available to the Department of Business and Professional Regulation; providing for expiration of the task force; requiring the commission to amend the Florida Building Code to define the term "fire separation distance," to specify openings and roof overhang projection requirements, to adopt a specific energy rating index as an option for compliance, to provide for Climate Zone indices, to provide exceptions to shower lining requirements, and to provide minimum fire separation distances; requiring a restaurant, cafeteria, or similar dining facility to have sprinklers only under specified circumstances; amending ss. 125.56 and 553.79, F.S.; requiring counties and local enforcement agencies, respectively, to post all types of building permit applications on their websites; specifying the format in which completed applications must be submitted and the format in which payments, attachments, and drawings may be submitted; providing effective dates.

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

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 part if the person:

(a) Is at least 18 years of age.

(b) Is of good moral character.

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

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

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

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

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

5. Demonstrates a combination of the completion of an approved training program in the field of building code inspection or plan review and a minimum of 2 years' experience in the field of building code inspection, plan review, fire code inspections and fire plans review of new buildings as a firesafety inspector certified under s. 633.216, or construction. The approved training portion of this requirement shall include proof of satisfactory completion of a training program that provides at least 200 hours but not more ~~of not less~~ than 300 hours of cross-training that ~~which~~ is approved by the board in the chosen category of building code inspection or plan review in the certification category sought with at least ~~not less than~~ 20 hours but not more than 30 hours of instruction in state laws, rules, and ethics relating to professional standards of practice, duties, and responsibilities of a certificateholder. The board shall coordinate with the Building Officials Association of Florida, Inc., to establish by rule the development and implementation of the training program. However, the board shall accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program; or

6. Currently holds a standard certificate issued by the board or a firesafety inspector license issued pursuant to chapter 633 and:

a. Has at least 5 years' verifiable full-time experience as an inspector or plans examiner in a standard certification category currently held or has a

minimum of 5 years' verifiable full-time experience as a firesafety inspector licensed pursuant to chapter 633.

b. Has satisfactorily completed a building code inspector or plans examiner classroom training course or program that provides at least 200 but not more than 300 hours in the certification category sought, except for one-family and two-family dwelling training programs, which must provide at least 500 but not more than 800 hours of training as prescribed by the board. The board shall establish by rule criteria for the development and implementation of classroom training courses and programs in each certification category.

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

(a) Is at least 18 years of age.

(b) Is of good moral character.

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

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

2. Demonstrates a combination of postsecondary education in the field of construction or related field, no more than 5 years of which may be applied, and experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent which totals 10 years, with at least 5 years of such total being experience in supervisory positions. In addition, the applicant must have completed training consisting of at least 20 hours, but not more than 30 hours, of instruction in state laws, rules, and ethics relating to the professional standards of practice, duties, and responsibilities of a certificateholder.

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

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

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

(d) A newly employed or hired person may perform the duties of a plans examiner or building code inspector for 120 days if a provisional certificate application has been submitted if such person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found such person qualified for a provisional certificate. Direct supervision and the determination of qualifications may also be provided by a building code administrator who holds a limited or provisional certificate in a county having a population of fewer than 75,000 and in a municipality located within such county.

Section 2. Subsection (23) is added to section 489.103, Florida Statutes, to read:

489.103 Exemptions.—This part does not apply to:

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

(a) The employee:

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

2. Does not perform any acts, other than acts authorized by this subsection, that constitute contracting.

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

4. Holds a current certificate for apartment maintenance technicians issued by the National Apartment Association and accredited by the American National Standards Institute. Requirements for obtaining such certificate must include at least:

a. One year of apartment or rental housing maintenance experience.

b. Successful completion of at least 90 hours of courses or online content that covers electrical maintenance and repair; plumbing maintenance and repair; heating, ventilating, or air-conditioning system maintenance and repair; appliance maintenance and repair; and interior and exterior maintenance and repair.

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c. Completion of all examination requirements.

(b) The equipment:

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

2. Is not being modified except to replace components necessary to return the equipment to its original condition and the partial disassembly associated with the replacement.

3. Is a type of equipment commonly installed in similar locations.

4. Is repaired with new parts that are functionally identical to the parts being replaced.

(c) An individual repair does not involve replacement parts that cost more than $1,000. An individual repair may not be so extensive as to be a functional replacement of the electric water heater or the existing electric heating, ventilating, or air-conditioning system being repaired. For purposes of this paragraph, an individual repair may not be part of a larger or major project that is divided into parts to avoid this restriction.

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

This subsection does not limit the authority of a municipality or county to adopt or enforce an ordinance, rule, or regulation requiring licensure, certification, or registration of a person employed as an apartment maintenance technician or apartment repair worker or in any position that includes any part of the scope of work described in this subsection.

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

489.105 Definitions.—As used in this part:

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

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defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(m) "Plumbing contractor" means a contractor whose services are unlimited in the plumbing trade and includes contracting business consisting of the execution of contracts requiring the experience, financial means, knowledge, and skill to install, maintain, repair, alter, extend, or, if not prohibited by law, design plumbing. A plumbing contractor may install, maintain, repair, alter, extend, or, if not prohibited by law, design the following without obtaining an additional local regulatory license, certificate, or registration: sanitary drainage or storm drainage facilities, water and sewer plants and substations, venting systems, public or private water supply systems, septic tanks, drainage and supply wells, swimming pool piping, irrigation systems, and solar heating water systems and all appurtenances, apparatus, or equipment used in connection therewith, including boilers and pressure process piping and including the installation of water, natural gas, liquefied petroleum gas and related venting, and storm and sanitary sewer lines. The scope of work of the plumbing contractor also includes the design, if not prohibited by law, and installation, maintenance, repair, alteration, or extension of air-piping, vacuum line piping, oxygen line piping, nitrous oxide piping, and all related medical gas systems; fire line standpipes and fire sprinklers if authorized by law; ink and chemical lines; fuel oil and gasoline piping and tank and pump installation, except bulk storage plants; and pneumatic control piping systems, all in a manner that complies with all plans, specifications, codes, laws, and regulations applicable. The scope of work of the plumbing contractor applies to private property and public property, including any excavation work incidental thereto, and includes the work of the specialty plumbing contractor. Such contractor shall subcontract, with a qualified contractor in the field concerned, all other work incidental to the work but which is specified as being the work of a trade other than that of a plumbing contractor. This definition does not limit the scope of work of any specialty contractor certified pursuant to s. 489.113(6)~~,~~ and does not require certification or registration under this part <u>as a category I liquefied petroleum gas dealer, LP gas installer, or specialty installer who is licensed under chapter 527 or an</u> ~~of any~~ authorized employee of a public natural gas utility or of a private natural gas utility regulated by the Public Service Commission when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater. A plumbing contractor may perform drain cleaning and clearing and install or repair rainwater catchment systems; however, a mandatory licensing requirement is not established for the performance of these specific services.

Section 4. Subsections (2) and (3) of section 489.1401, Florida Statutes, are amended to read:

489.1401 Legislative intent.—

(2) It is the intent of the Legislature that the sole purpose of the Florida Homeowners' Construction Recovery Fund is to compensate <u>an</u> ~~any~~

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

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

Section 5. Paragraphs (d), (i), (k), and (l) of subsection (1) of section 489.1402, Florida Statutes, are amended to read:

489.1402 Homeowners' Construction Recovery Fund; definitions.—

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

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

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

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

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

Section 6. Subsections (1) and (2) of section 489.141, Florida Statutes, are amended to read:

489.141 Conditions for recovery; eligibility.—

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

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

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

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

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

(c) The violation was committed by a licensee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f)~~(g)~~ The claimant had entered into a contract ~~has contracted~~ with a licensee to perform a scope of work described in s. 489.105(3)(d)-(q) before July 1, 2016 ~~489.105(3)(d)-(p)~~.

Section 7. Subsection (1) of section 489.1425, Florida Statutes, is amended to read:

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

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

FLORIDA HOMEOWNERS' CONSTRUCTION
RECOVERY FUND

PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY ON A PROJECT PERFORMED

UNDER CONTRACT, WHERE THE LOSS RESULTS FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

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

Section 8. Section 489.143, Florida Statutes, is amended to read:

489.143 Payment from the fund.—

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

(2) A ~~Any~~ claimant who meets all of the conditions prescribed in s. 489.141 may apply to the board to cause payment to be made to a claimant from the recovery fund in an amount equal to the judgment, award, or restitution order or $25,000, whichever is less, or an amount equal to the unsatisfied portion of such person's judgment, award, or restitution order, but only to the extent and amount of actual damages suffered by the claimant, and only up to the maximum payment allowed for each respective Division I and Division II claim. Payment from the fund for other costs related to or pursuant to civil proceedings such as postjudgment interest, attorney ~~attorney's~~ fees, court costs, medical damages, and punitive damages is prohibited. The recovery fund is not obligated to pay a ~~any~~ judgment, an award, or a restitution order, or any portion thereof, which is not expressly based on one of the grounds for recovery set forth in s. 489.141.

(3) Beginning January 1, 2005, for each Division I contract entered into after July 1, 2004, payment from the recovery fund is ~~shall be~~ subject to a $50,000 maximum payment for each Division I claim. Beginning January 1, 2017, for each Division II contract entered into on or after July 1, 2016, payment from the recovery fund is subject to a $15,000 maximum payment for each Division II claim.

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

(5)~~(4)~~ Payments for claims arising out of the same transaction shall be limited, in the aggregate, to the lesser of the judgment, award, or restitution

order or the maximum payment allowed for a Division I or Division II claim, regardless of the number of claimants involved in the transaction.

(6)~~(5)~~ For contracts entered into before July 1, 2004, payments for claims against any one licensee may ~~shall~~ not exceed, in the aggregate, $100,000 annually, up to a total aggregate of $250,000. For any claim approved by the board which is in excess of the annual cap, the amount in excess of $100,000 up to the total aggregate cap of $250,000 is eligible for payment in the next and succeeding fiscal years, but only after all claims for the then-current calendar year have been paid. Payments may not exceed the aggregate annual or per claimant limits under law. Beginning January 1, 2005, for each Division I contract entered into after July 1, 2004, payment from the recovery fund is subject only to a total aggregate cap of $500,000 for each Division I licensee. Beginning January 1, 2017, for each Division II contract entered into on or after July 1, 2016, payment from the recovery fund is subject only to a total aggregate cap of $150,000 for each Division II licensee.

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

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

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

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

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

Section 9. Subsection (24) is added to section 489.503, Florida Statutes, to read:

489.503 Exemptions.—This part does not apply to:

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

Section 10. Subsection (6) is added to section 514.011, Florida Statutes, to read:

514.011 Definitions.—As used in this chapter:

(6) "Temporary pool" means a pool intended to be used in conjunction with a sanctioned national or international swimming or diving competition event that does not exceed 30 consecutive days of use.

Section 11. Subsection (5) of section 514.0115, Florida Statutes, is renumbered as subsection (7), and new subsections (5) and (6) are added to that section to read:

(5) A portable pool used exclusively for providing swimming lessons or related instruction in support of an established educational program sponsored or provided by a school district may not be regulated as a public pool.

(6) A temporary pool may not be regulated as a public pool.

Section 12. Subsection (7) of section 553.77, Florida Statutes, is amended to read:

553.77 Specific powers of the commission.—

(7) Building officials shall recognize and enforce variance orders issued by the Department of Health pursuant to s. 514.0115(7) ~~514.0115(5)~~, including any conditions attached to the granting of the variance.

Section 13. Subsection (5) of section 514.031, Florida Statutes, is amended to read:

514.031 Permit necessary to operate public swimming pool.—

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

Section 14. Subsection (1) of section 515.27, Florida Statutes, is amended to read:

515.27 Residential swimming pool safety feature options; penalties.—

(1) In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet at least one of the following requirements relating to pool safety features:

(a) The pool must be isolated from access to a home by an enclosure that meets the pool barrier requirements of s. 515.29;

(b) The pool must be equipped with an approved safety pool cover;

(c) All doors and windows providing direct access from the home to the pool must be equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet; ~~or~~

(d) All doors providing direct access from the home to the pool must be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor; or

(e) A swimming pool alarm that, when placed in a pool, sounds an alarm upon detection of an accidental or unauthorized entrance into the water. Such pool alarm must meet and be independently certified to ASTM Standard F2208, titled "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared alarms. For purposes of this paragraph, the term "swimming pool alarm" does not include any swimming protection alarm device designed for individual use, such as an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water.

Section 15. Subsection (2) of section 553.512, Florida Statutes, is amended to read:

553.512 Modifications and waivers; advisory council.—

(2) The Accessibility Advisory Council shall consist of the following seven members, who shall be knowledgeable in the area of accessibility for persons with disabilities. The Secretary of Business and Professional Regulation shall appoint the following: a representative from the Advocacy Center for Persons with Disabilities, Inc.; a representative from the Division of Blind Services; a representative from the Division of Vocational Rehabilitation; a representative from a statewide organization representing the physically handicapped; a representative from the hearing impaired; a representative from the Pensacola Pen Wheels Inc. Employ the Handicapped Council ~~President, Florida Council of Handicapped Organizations~~; and a representative of the Paralyzed Veterans of America. The terms for the first three council members appointed subsequent to October 1, 1991, shall be for 4 years, the terms for the next two council members appointed shall be for 3 years, and the terms for the next two members shall be for 2 years.

Thereafter, all council member appointments shall be for terms of 4 years. No council member shall serve more than two 4-year terms subsequent to October 1, 1991. Any member of the council may be replaced by the secretary upon three unexcused absences. Upon application made in the form provided, an individual waiver or modification may be granted by the commission so long as such modification or waiver is not in conflict with more stringent standards provided in another chapter.

Section 16. Section 553.721, Florida Statutes, is amended to read:

553.721 Surcharge.—In order for the Department of Business and Professional Regulation to administer and carry out the purposes of this part and related activities, there is created a surcharge, to be assessed at the rate of 1.5 percent of the permit fees associated with enforcement of the Florida Building Code as defined by the uniform account criteria and specifically the uniform account code for building permits adopted for local government financial reporting pursuant to s. 218.32. The minimum amount collected on any permit issued shall be $2. The unit of government responsible for collecting a permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect the surcharge and electronically remit the funds collected to the department on a quarterly calendar basis for the preceding quarter and continuing each third month thereafter. The unit of government shall retain 10 percent of the surcharge collected to fund the participation of building departments in the national and state building code adoption processes and to provide education related to enforcement of the Florida Building Code. All funds remitted to the department pursuant to this section shall be deposited in the Professional Regulation Trust Fund. Funds collected from the surcharge shall be allocated to fund the Florida Building Commission and the Florida Building Code Compliance and Mitigation Program under s. 553.841. Funds allocated to the Florida Building Code Compliance and Mitigation Program shall be $925,000 each fiscal year. <u>The Florida Building Code Compliance and Mitigation Program shall fund the recommendations made by the Building Code System Uniform Implementation Evaluation Workgroup, dated April 8, 2013, from existing resources, not to exceed $30,000 in the 2016-2017 fiscal year. Funds collected from the surcharge shall also be used to fund Florida Fire Prevention Code informal interpretations managed by the State Fire Marshal and shall be limited to $15,000 each fiscal year. The State Fire Marshal shall adopt rules to address the implementation and expenditure of the funds allocated to fund the Florida Fire Prevention Code informal interpretations under this section.</u> The funds collected from the surcharge may not be used to fund research on techniques for mitigation of radon in existing buildings. Funds used by the department as well as funds to be transferred to the Department of Health <u>and the State Fire Marshal</u> shall be as prescribed in the annual General Appropriations Act. The department shall adopt rules governing the collection and remittance of surcharges pursuant to chapter 120.

Section 17. Subsections (11) and (15) of section 553.73, Florida Statutes, are amended, and subsection (19) is added to that section, to read:

553.73 Florida Building Code.—

(11)(a) In the event of a conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as applied to a specific project, the conflict shall be resolved by agreement between the local building code enforcement official and the local fire code enforcement official in favor of the requirement of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction. Local boards created to address issues arising under the Florida Building Code or the Florida Fire Prevention Code may combine the appeals boards to create a single, local board having jurisdiction over matters arising under either code or both codes. The combined local appeals board may grant alternatives or modifications through procedures outlined in NFPA 1, Section 1.4, but may not waive the requirements of the Florida Fire Prevention Code. To meet the quorum requirement for convening the combined local appeals board, at least one member of the board who is a fire protection contractor, a fire protection design professional, a fire department operations professional, or a fire code enforcement professional must be present.

(b) Any decision made by the local fire official regarding application, interpretation, or enforcement of the Florida Fire Prevention Code or by ~~and~~ the local building official regarding application, interpretation, or enforcement of the Florida Building Code, or the appropriate application of either code or both codes in the case of a conflict between the codes, may be appealed to a local administrative board designated by the municipality, county, or special district having firesafety responsibilities. If the decision of the local fire official and the local building official is to apply the provisions of either the Florida Building Code or the Florida Fire Prevention Code and the Life Safety Code, the board may not alter the decision unless the board determines that the application of such code is not reasonable. If the decision of the local fire official and the local building official is to adopt an alternative to the codes, the local administrative board shall give due regard to the decision rendered by the local officials and may modify that decision if the administrative board adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the local administrative board adopts alternatives to the decision rendered by the local fire official and the local building official, such alternatives shall provide an equivalent degree of lifesafety and an equivalent method of construction as the decision rendered by the local officials.

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

(d) All decisions of the local administrative board~~,~~ or, if none exists, ~~the decisions of~~ the local building official and the local fire official in regard to

the application, enforcement, or interpretation of the Florida Fire Prevention Code, or conflicts between the Florida Fire Prevention Code and the Florida Building Code, are subject to review by a joint committee composed of members of the Florida Building Commission and the Fire Code Advisory Council. If the joint committee is unable to resolve conflicts between the codes as applied to a specific project, the matter shall be resolved pursuant to ~~the provisions of~~ paragraph (1)(d). Decisions of the local administrative board related solely to the Florida Building Code are subject to review as set forth in s. 553.775.

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

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

(15) An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved ~~during reroofing~~ and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

(19) The Florida Building Code shall require two fire service access elevators in all buildings with a height greater than 120 feet measured from the elevation of street-level access to the level of the highest occupiable floor. All remaining elevators, if any, shall be provided with Phase I and II emergency operations. Where a fire service access elevator is required, a 1-hour fire-rated fire service access elevator lobby with direct access from the fire service access elevator is not required if the fire service access elevator opens into an exit access corridor that is no less than 6 feet wide for its entire length and is at least 150 square feet with the exception of door openings, and has a minimum 1-hour fire rating with three-quarter hour fire and smoke rated openings; and during a fire event the fire service access elevator is pressurized and floor-to-floor smoke control is provided. However, where transient residential occupancies occur at floor levels more than 420 feet above the level of fire service access, a 1-hour fire-rated service access elevator lobby with direct access from the fire service access elevator is required. Standpipes in high-rise buildings of Florida Building Code—Building Occupancy Group R1 or R2 must be located in stairwells and are subject only to the requirements of the Florida Fire Prevention Code and NFPA 14, Standard for the Installation of Standpipes and Hose Systems, adopted by the State Fire Marshal.

Section 18. Paragraph (c) of subsection (3) of section 553.775, Florida Statutes, is amended to read:

553.775 Interpretations.—

(3) The following procedures may be invoked regarding interpretations of the Florida Building Code or the Florida Accessibility Code for Building Construction:

(c) The commission shall review decisions of local building officials and local enforcement agencies regarding interpretations of the Florida Building Code or the Florida Accessibility Code for Building Construction after the local board of appeals has considered the decision, if such board exists, and if such appeals process is concluded within 25 business days.

1. The commission shall coordinate with the Building Officials Association of Florida, Inc., to designate a panel ~~panels~~ composed of seven ~~five~~ members to hear requests to review decisions of local building officials. Five ~~The~~ members must be licensed as building code administrators under part XII of chapter 468, one member must be licensed as an architect under chapter 481, and one member must be licensed as an engineer under chapter 471. Each member ~~and~~ must have experience interpreting or ~~and~~ enforcing provisions of the Florida Building Code and the Florida Accessibility Code for Building Construction.

2. Requests to review a decision of a local building official interpreting provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction may be initiated by any substantially affected person, including an owner or builder subject to a decision of a local building official or an association of owners or builders having members who are subject to a decision of a local building official. In order to initiate review, the substantially affected person must file a petition with the commission. The commission shall adopt a form for the petition, which shall be published on the Building Code Information System. The form shall, at a minimum, require the following:

a. The name and address of the county or municipality in which provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction are being interpreted.

b. The name and address of the local building official who has made the interpretation being appealed.

c. The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any; and an explanation of how the petitioner's substantial interests are being affected by the local interpretation of the Florida Building Code or the Florida Accessibility Code for Building Construction.

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d. A statement of the provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction which are being interpreted by the local building official.

e. A statement of the interpretation given to provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction by the local building official and the manner in which the interpretation was rendered.

f. A statement of the interpretation that the petitioner contends should be given to the provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction and a statement supporting the petitioner's interpretation.

g. Space for the local building official to respond in writing. The space shall, at a minimum, require the local building official to respond by providing a statement admitting or denying the statements contained in the petition and a statement of the interpretation of the provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction which the local jurisdiction or the local building official contends is correct, including the basis for the interpretation.

3. The petitioner shall submit the petition to the local building official, who shall place the date of receipt on the petition. The local building official shall respond to the petition in accordance with the form and shall return the petition along with his or her response to the petitioner within 5 days after receipt, exclusive of Saturdays, Sundays, and legal holidays. The petitioner may file the petition with the commission at any time after the local building official provides a response. If no response is provided by the local building official, the petitioner may file the petition with the commission 10 days after submission of the petition to the local building official and shall note that the local building official did not respond.

4. Upon receipt of a petition that meets the requirements of subparagraph 2., the commission shall immediately provide copies of the petition to the ~~a~~ panel, and the commission shall publish the petition, including any response submitted by the local building official, on the Building Code Information System in a manner that allows interested persons to address the issues by posting comments.

5. The panel shall conduct proceedings as necessary to resolve the issues; shall give due regard to the petitions, the response, and to comments posed on the Building Code Information System; and shall issue an interpretation regarding the provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction within 21 days after the filing of the petition. The panel shall render a determination based upon the Florida Building Code or the Florida Accessibility Code for Building Construction or, if the code is ambiguous, the intent of the code. The panel's interpretation shall be provided to the commission, which shall publish the interpretation on the Building Code Information System and in the Florida

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Administrative Register. The interpretation shall be considered an interpretation entered by the commission, and shall be binding upon the parties and upon all jurisdictions subject to the Florida Building Code or the Florida Accessibility Code for Building Construction, unless it is superseded by a declaratory statement issued by the Florida Building Commission or by a final order entered after an appeal proceeding conducted in accordance with subparagraph 7.

6. It is the intent of the Legislature that review proceedings be completed within 21 days after the date that a petition seeking review is filed with the commission, and the time periods set forth in this paragraph may be waived only upon consent of all parties.

7. Any substantially affected person may appeal an interpretation rendered by the ~~a hearing officer~~ panel by filing a petition with the commission. Such appeals shall be initiated in accordance with chapter 120 and the uniform rules of procedure and must be filed within 30 days after publication of the interpretation on the Building Code Information System or in the Florida Administrative Register. Hearings shall be conducted pursuant to chapter 120 and the uniform rules of procedure. Decisions of the commission are subject to judicial review pursuant to s. 120.68. The final order of the commission is binding upon the parties and upon all jurisdictions subject to the Florida Building Code or the Florida Accessibility Code for Building Construction.

8. The burden of proof in any proceeding initiated in accordance with subparagraph 7. is on the party who initiated the appeal.

9. In any review proceeding initiated in accordance with this paragraph, including any proceeding initiated in accordance with subparagraph 7., the fact that an owner or builder has proceeded with construction may not be grounds for determining an issue to be moot if the issue is one that is likely to arise in the future.

This paragraph provides the exclusive remedy for addressing requests to review local interpretations of the Florida Building Code or the Florida Accessibility Code for Building Construction and appeals from review proceedings.

Section 19. Subsections (1) and (6) of section 553.79, Florida Statutes, are amended to read:

553.79 Permits; applications; issuance; inspections.—

(1) After the effective date of the Florida Building Code adopted as herein provided, it shall be unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building within this state without first obtaining a permit therefor from the appropriate enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local enforcing

agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the Florida Building Code. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. A plans reviewer or building code administrator who is responsible for issuing a denial, revocation, or modification request but fails to provide to the permit applicant a reason for denying, revoking, or requesting a modification, based on compliance with the Florida Building Code or local ordinance, is subject to disciplinary action against his or her license pursuant to s. 468.621(1)(j). Installation, replacement, removal, or metering of any load management control device is exempt from and shall not be subject to the permit process and fees otherwise required by this section.

(6) A permit may not be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit complies with the requirements for plan review established by the Florida Building Commission within the Florida Building Code. However, the code shall set standards and criteria to authorize preliminary construction before completion of all building plans review, including, but not limited to, special permits for the foundation only, and such standards shall take effect concurrent with the first effective date of the Florida Building Code. After submittal of the appropriate construction documents, the building official may issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the entire building or structure have been submitted. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk and without assurance that a permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes.

Section 20. Section 553.7931, Florida Statutes, is created to read:

553.7931 Alarm system registrations.—

(1) As used in this section, the term "applicable local governmental entity" means the local enforcement agency or local law enforcement agency responsible for the administration of alarm system registration in a jurisdiction.

(a) The owner, lessee, or occupant, or an authorized representative thereof, of a property must register his or her alarm system with the

applicable local governmental entity if such entity requires registration of alarm systems.

(b)1. A contractor as defined in s. 553.793 or an alarm system monitoring company that installs a monitored alarm system shall provide written notice, on paper or electronically, to an owner, lessee, or occupant, or an authorized representative thereof, before activating or reactivating an alarm system, that the applicable local governmental entity may require the registration of the alarm system.

2. An alarm system monitoring company that activates an alarm system installed by an owner, lessee, or occupant, or authorized representative thereof, shall provide verbal notice to the owner, lessee, or occupant, or authorized representative thereof, before activating or reactivating an alarm system, that the applicable local governmental entity may require the registration of the alarm system.

(2) A contractor or alarm system monitoring company is not liable for civil penalties and fines assessed or imposed by the applicable local governmental entity for failing to register an alarm system, for dispatch to an unregistered user, or for excessive false alarms not attributed to alarm system monitoring company error or improper installation by the contractor or alarm system monitoring company.

(3) A municipality, county, district, or other local governmental entity may not require that an alarm system registration form be notarized before an alarm system may be registered.

(4) A municipality, county, district, or other local governmental entity may not adopt or maintain in effect any ordinance or rule regarding alarm system registration that is inconsistent with this section.

Section 21. Paragraph (d) is added to subsection (7) of section 553.80, Florida Statutes, to read:

553.80 Enforcement.—

(7) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of the local government. The basis for a fee structure for allowable activities shall relate to the level of service provided by the local government and shall include consideration for refunding fees due to reduced services based on services

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provided as prescribed by s. 553.791, but not provided by the local government. Fees charged shall be consistently applied.

(d) The local enforcement agency may not require the payment of any additional fees, charges, or expenses associated with:

1. Providing proof of licensure pursuant to chapter 489;

2. Recording or filing a license issued pursuant to this chapter; or

3. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440.

Section 22. Paragraph (a) of subsection (8) of section 553.842, Florida Statutes, is amended to read:

553.842 Product evaluation and approval.—

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

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

Section 23. Paragraph (c) of subsection (3) of section 553.844, Florida Statutes is amended, and subsection (4) of that section is revived, readopted, and amended, to read:

553.844 Windstorm loss mitigation; requirements for roofs and opening protection.—

(3) The Legislature finds that the integration of these specifically identified mitigation measures is critical to addressing the serious problem facing the state from damage caused by windstorms and that delay in the adoption and implementation constitutes a threat to the health, safety, and welfare of the state. Accordingly, the Florida Building Commission shall develop and adopt these measures by October 1, 2007, by rule separate from the Florida Building Code, which take immediate effect and shall incorporate such requirements into the next edition of the Florida Building Code. Such rules shall require or otherwise clarify that for site-built, single-family residential structures:

(c) Any activity requiring a building permit, not including roof covering replacement or repair work associated with the prevention of degradation of the residence, that is applied for on or after July 1, 2008, and for which the estimated cost is $50,000 or more, must include provision of opening protections as required within the Florida Building Code for new construction for a building that is located in the wind-borne debris region as defined in s. 1609.2 of the International Building Code (2006) and that has an insured value of $750,000 or more, or, if the building is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of $750,000 or more.

(4) Notwithstanding the provisions of this section, exposed mechanical equipment or appliances fastened to a roof or installed on the ground in compliance with the code using rated stands, platforms, curbs, slabs, walls, or other means are deemed to comply with the wind resistance requirements of the 2007 Florida Building Code, as amended. Further support or enclosure of such mechanical equipment or appliances is not required by a state or local official having authority to enforce the Florida Building Code. ~~This subsection expires on the effective date of the 2013 Florida Building Code.~~

Section 24. Section 553.883, Florida Statutes, is amended to read:

553.883 Smoke alarms in one-family and two-family dwellings and townhomes.—One-family and two-family dwellings and townhomes undergoing a repair, or a level 1 alteration as defined in the Florida Building Code, may use smoke alarms powered by 10-year nonremovable, nonreplaceable batteries in lieu of retrofitting such dwelling with smoke alarms powered by the dwelling's electrical system. ~~Effective January 1, 2015,~~ A battery-powered smoke alarm that is newly installed or replaces an existing battery-powered smoke alarm as a result of a level 1 alteration must be powered by a nonremovable, nonreplaceable battery that powers the alarm for at least 10 years. The battery requirements of this section do not apply to a fire alarm, smoke detector, smoke alarm, or ancillary component that is electronically connected as a part of a centrally monitored or supervised alarm system; that uses a low-power, radio frequency wireless communication signal; or that contains multiple sensors, such as a smoke alarm combined with a carbon monoxide alarm or other multi-sensor devices, and is approved and listed by a nationally recognized testing laboratory.

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

553.908 Inspection.—Before construction or renovation is completed, the local enforcement agency shall inspect buildings for compliance with the standards of this part. Notwithstanding any other provision of the code or law, effective July 1, 2016, section R402.4.1.2 of the Florida Building Code, 5th Edition (2014) Energy Conservation, which became effective on June 30, 2015, shall increase the building's or dwelling unit's maximum tested air leakage measure from "not exceeding 5 air changes per hour" to "not exceeding 7 air changes per hour" in Climate Zones 1 and 2. The mandatory blower door testing for residential buildings or dwelling units as contained in

section R402.4.1.2 of the Florida Building Code, 5th Edition (2014) Energy Conservation, shall not take effect until July 1, 2017, and shall not apply to construction permitted before July 1, 2017. Additionally, section M401.2 of the Florida Building Code, 5th Edition (2014) Mechanical, and section R303.4 of the Florida Building Code, 5th Edition (2014) Residential, which became effective on June 30, 2015, shall not require mandatory mechanical ventilation unless the air infiltration rate in a dwelling is less than 3 air changes per hour when tested with a blower door at a pressure of 0.2-inch water column (50 Pascals) in accordance with section R402.4.1.2 of the Florida Building Code, 5th Edition (2014) Energy Conservation.

Section 26. Section 553.998, Florida Statutes, is amended to read:

553.998 Compliance.—All ratings must be determined using tools and procedures developed by the systems recognized under this part and must be certified by the rater as accurate and correct and in compliance with procedures of the system under which the rater is certified. The local enforcement agency shall accept duct and air infiltration tests conducted in accordance with the Florida Building Code, 5th Edition (2014) Energy Conservation, by individuals as defined in s. 553.993(5) or (7) or individuals licensed as set forth in s. 489.105(3)(f), (g), or (i). The local enforcement agency may accept inspections in whole or in part by individuals as defined in s. 553.993(5) or (7).

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

633.202 Florida Fire Prevention Code.—

(17) The authority having jurisdiction shall determine the minimum radio signal strength for fire department communications in all new high-rise and existing high-rise buildings. Existing buildings are not required to comply with minimum radio strength for fire department communications and two-way radio system enhancement communications as required by the Florida Fire Prevention Code until January 1, 2022. However, by December 31, 2019, an existing building that is not in compliance with the requirements for minimum radio strength for fire department communications must apply for an appropriate permit for the required installation with the local government agency having jurisdiction and must demonstrate that the building will become compliant by January 1, 2022. Existing apartment buildings are not required to comply until January 1, 2025. However, existing apartment buildings are required to apply for the appropriate permit for the required communications installation by December 31, 2022.

(18) Areas of refuge shall be provided if required by the Florida Building Code, Accessibility. Required portions of an area of refuge shall be accessible from the space they serve by an accessible means of egress.

Section 28. Subsection (5) of section 633.208, Florida Statutes, is amended to read:

633.208 Minimum firesafety standards.—

(5) With regard to existing buildings, the Legislature recognizes that it is not always practical to apply any or all of the provisions of the Florida Fire Prevention Code and that physical limitations may require disproportionate effort or expense with little increase in fire or life safety. Before ~~Prior to~~ applying the minimum firesafety code to an existing building, the local fire official shall determine whether ~~that~~ a threat to lifesafety or property exists. If a threat to lifesafety or property exists, the fire official shall apply the applicable firesafety code for existing buildings to the extent practical to ensure ~~assure~~ a reasonable degree of lifesafety and safety of property or ~~the fire official~~ shall fashion a reasonable alternative that ~~which~~ affords an equivalent degree of lifesafety and safety of property. The local fire official may consider the fire safety evaluation systems found in NFPA 101A, Guide on Alternative Solutions to Life Safety, adopted by the State Fire Marshal, as acceptable systems for the identification of low-cost, reasonable alternatives. It is acceptable to use the Fire Safety Evaluation System for Board and Care Facilities using prompt evacuation capabilities parameter values on existing residential high-rise buildings. The decision of the local fire official may be appealed to the local administrative board described in s. 553.73.

Section 29. Section 633.336, Florida Statutes, is amended to read:

633.336 Contracting without certificate prohibited; violations; penalty.

(1) It is unlawful for any organization or individual to engage in the business of layout, fabrication, installation, inspection, alteration, repair, or service of a fire protection system, other than a preengineered system, act in the capacity of a fire protection contractor, or advertise itself as being a fire protection contractor without having been duly certified and holding a valid and existing certificate, except as hereinafter provided. The holder of a certificate used to qualify an organization must be a full-time employee of the qualified organization or business. A certificateholder who is employed by more than one fire protection contractor during the same time is deemed not to be a full-time employee of either contractor. The State Fire Marshal shall revoke, for a period determined by the State Fire Marshal, the certificate of a certificateholder who allows the use of the certificate to qualify a company of which the certificateholder is not a full-time employee. A contractor who maintains more than one place of business must employ a certificateholder at each location. This subsection does not prohibit an employee acting on behalf of governmental entities from inspecting and enforcing firesafety codes, provided such employee is certified under s. 633.216.

(2) A fire protection contractor certified under this chapter may not:

(a) Enter into a written or oral agreement to authorize, or otherwise knowingly allow, a contractor who is not certified under this chapter to

engage in the business of, or act in the capacity of, a fire protection contractor.

(b) Apply for or obtain a construction permit for fire protection work unless the fire protection contractor or the business organization qualified by the fire protection contractor has contracted to conduct the work specified in the application for the permit.

(3) The Legislature recognizes that special expertise is required for fire pump control panels and maintenance of electric and diesel pump drivers and that it is not economically feasible for all contractors to employ these experts full-time whose work may be limited. It is therefore deemed acceptable for a fire protection contractor licensed under this chapter to subcontract with companies providing advanced technical services for the installation, servicing, and maintenance of fire pump control panels and pump drivers. To ensure the integrity of the system and to protect the interests of the property owner, those providing technical support services for fire pump control panels and pump drivers must be under contract with a licensed fire protection contractor.

(4)~~(3)~~ A person who violates any provision of this act or commits any of the acts constituting cause for disciplinary action as herein set forth commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5)~~(4)~~ In addition to the penalties provided in subsection (4) ~~(3)~~, a fire protection contractor certified under this chapter who violates any provision of this section or who commits any act constituting cause for disciplinary action is subject to suspension or revocation of the certificate and administrative fines pursuant to s. 633.338.

Section 30. The Calder Sloan Swimming Pool Electrical-Safety Task Force.—There is established within the Florida Building Commission the Calder Sloan Swimming Pool Electrical-Safety Task Force.

(1) The purpose of the task force is to study standards for grounding, bonding, lighting, wiring, and all electrical aspects for safety in and around public and private swimming pools, especially with regard to minimizing risks of electrocutions linked to swimming pools. The task force shall submit a report of its findings, including recommended revisions to state law, if any, to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2016.

(2) The task force shall consist of the swimming pool and electrical technical advisory committees of the Florida Building Commission.

(3) The task force shall be chaired by the swimming pool contractor appointed to the Florida Building Commission pursuant to s. 553.74, Florida Statutes.

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

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

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

(7) This section expires December 31, 2016.

Section 31. Construction Industry Workforce Task Force.—

(1) The Construction Industry Workforce Task Force is created within the University of Florida M. E. Rinker, Sr., School of Construction Management. The goals of the task force are to:

(a) Address the critical shortage of individuals trained in building construction and inspection.

(b) Develop a consensus path for training the next generation of construction workers in the state.

(c) Determine the causes for the current shortage of a trained construction industry work force and address the impact of the shortages on the recovery of the real estate market.

(d) Review current methods and resources available for construction training.

(e) Review the state of construction training available in K-12 schools.

(f) Address training issues relating to building code inspectors to increase the number of qualified inspectors.

(2) The task force shall consist of 22 members. Except as otherwise specified, each member shall be chosen by the association that he or she represents, as follows:

(a) A member of the House of Representatives appointed by the Speaker of the House of Representatives.

(b) A member of the Senate appointed by the President of the Senate.

(c) A member representing the Florida Associated General Contractors Council.

(d) A member representing the Associated Builders and Contractors of Florida.

(e) A member representing the Florida Home Builders Association.

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(f) A member representing the Florida Fire Sprinkler Association.

(g) A member representing the Florida Roofing, Sheet Metal and Air Conditioning Contractors Association.

(h) A member representing the Florida Refrigeration and Air Conditioning Contractors Association.

(i) A member representing the Florida Plumbing-Heating-Cooling Contractors Association.

(j) A member representing the Florida Swimming Pool Association.

(k) A member representing the National Utility Contractors Association of Florida.

(l) A member representing the Florida Concrete and Products Association.

(m) A member representing the Alarm Association of Florida.

(n) A member representing the Independent Electrical Contractors.

(o) A member representing the Florida Building and Construction Trades Council within the Florida AFL-CIO.

(p) A member representing the Building Officials Association of Florida.

(q) A member representing the Asphalt Contractors Association of Florida.

(r) A member representing the American Fire Sprinkler Association-Florida Chapter.

(s) A member representing the Florida Carpenters Regional Council.

(t) A member representing the National Electrical Contractors Association-Florida Chapter.

(u) A member representing the Florida Electrical Workers Association.

(v) The chair of the Florida Building Commission.

(3) The task force shall elect a chair from among its members.

(4) The University of Florida M. E. Rinker, Sr., School of Construction Management shall provide such assistance as is reasonably necessary to assist the task force in carrying out its responsibilities.

(5) The task force shall meet as often as necessary to fulfill its responsibilities but not fewer than three times. The first meeting must be held no later than September 1, 2016. Meetings may be conducted by conference call, teleconferencing, or similar technology.

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(6) The task force shall submit a final report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2017.

(7) The Department of Business and Professional Regulation shall provide $50,000 from funds available for the Florida Building Code Compliance and Mitigation Program under s. 553.841(5), Florida Statutes, to the University of Florida M. E. Rinker, Sr., School of Construction Management for purposes of implementing this section.

(8) This section expires July 1, 2017.

Section 32. The Florida Building Commission shall define the term "fire separation distance" in Chapter 2, Definitions, of the Florida Building Code, 5th Edition (2014) Residential, as follows:

"FIRE SEPARATION DISTANCE. The distance measured from the building face to one of the following:
1. To the closest interior lot line;
2. To the centerline of a street, an alley, or a public way;
3. To an imaginary line between two buildings on the lot; or
4. To an imaginary line between two buildings when the exterior wall of one building is located on a zero lot line.

The distance shall be measured at a right angle from the face of the wall."

Section 33. The Florida Building Commission shall amend the Florida Building Code, 5th Edition (2014) Residential, to allow openings and roof overhang projections on the exterior wall of a building located on a zero lot line, when the building exterior wall is separated from an adjacent building exterior wall by a distance of 6 feet or more and the roof overhang projection is separated from an adjacent building projection by a distance of 4 feet or more, with 1-hour fire-resistive construction on the underside of the overhang required, unless the separation between projections is 6 feet or more.

Section 34. The Florida Building Commission shall adopt into the Florida Building Code, 5th Edition (2014) Energy Conservation, the following:

"Section 406 relating to the Alternative Performance Path, Energy Rating Index of the 2015 International Energy Conservation Code (IECC) may be used except as follows for Table R406.4 as an option for demonstrating compliance with the Florida Building Code, Energy Conservation. TABLE R406.4 MAXIMUM ENERGY RATING INDEX shall reflect the following energy rating index: for Climate Zone 1, an index of 58; for Climate Zone 2, an index of 58. The Florida Building Commission shall continue its current adoption process of the 2015 IECC and determine by October 1, 2016,

whether onsite renewable power generation may be used for compliance. The commission must also determine whether onsite renewable power generation may be used for a period longer than three years but not more than six consecutive years."

Section 35. The Florida Building Commission shall adopt into the Florida Building Code, 5th Edition (2014) Residential, the following, which shall become effective on July 1, 2016:

"Notwithstanding any other provision of code or law, the section setting forth shower lining requirements will include the following exceptions:

1. Floor surfaces under showerheads provided for rinsing laid directly on the ground.

2. Shower compartments in which the finished shower drain is depressed a minimum of 2 inches (51 mm) below the surrounding finished floor on the first floor level and the shower recess is poured integrally with the adjoining floor."

Section 36. The Florida Building Commission shall amend the Florida Building Code, 5th Edition (2014) Residential, to provide that the minimum fire separation distance for non-fire resistant rated exterior walls shall be 3 feet or greater and non-fire resistant rated projections shall have a minimum fire separation distance of 3 feet or greater. Projections within 2 feet and less than 3 feet shall include a 1-hour fire-resistance rate on the underside. Projections less than 2 feet are not permitted. Penetrations of the exterior wall within less than 3 feet shall comply with Dwelling Unit Rated Penetration. Penetrations 3 feet or greater are not required to have a fire-resistance rating. Openings in walls shall be unlimited with a fire separation distance of 3 feet or greater.

Section 37. Notwithstanding any law, rule, or regulation to the contrary, a restaurant, cafeteria, or similar dining facility, including an associated commercial kitchen, is required to have sprinklers only if it has a fire area occupancy load of 200 patrons or more.

Section 38. Effective October 1, 2017, subsection (4) of section 125.56, Florida Statutes, is amended to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(4)(a) After adoption of the Florida Building Code by the Florida Building Commission or the Florida Fire Prevention Code by the State Fire Marshal, or amendment of the building code or the fire code as herein provided, it shall be unlawful for any person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building within the

territory embraced by the terms of this act without first obtaining a permit therefor from the appropriate board of county commissioners, or from such persons as may by resolution be directed to issue such permits, upon the payment of such reasonable fees as shall be set forth in the schedule of fees adopted by the board; the board is hereby empowered to revoke any such permit upon a determination by the board that the construction, erection, alteration, repair, securing, or demolition of the building for which the permit was issued is in violation of or not in conformity with the building code or the fire code.

(b) A county that issues building permits shall post each type of building permit application on its website. Completed applications must be able to be submitted electronically to the county building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the permit application may be submitted in person in a nonelectronic format, at the discretion of the building official.

Section 39. Effective October 1, 2017, subsection (1) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(1)(a) After the effective date of the Florida Building Code adopted as herein provided, it shall be unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building within this state without first obtaining a permit therefor from the appropriate enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the Florida Building Code. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. Installation, replacement, removal, or metering of any load management control device is exempt from and shall not be subject to the permit process and fees otherwise required by this section.

(b) A local enforcement agency shall post each type of building permit application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the permit application may be submitted in person in a nonelectronic format, at the discretion of the building official.

Section 40. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2016.

Approved by the Governor March 25, 2016.

Filed in Office Secretary of State March 25, 2016.

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