

1 A bill to be entitled
2 An act relating to building codes; amending s.
3 468.609, F.S.; revising the certification examination
4 requirements for building code inspectors, plans
5 examiners, and building code administrators; requiring
6 the Florida Building Code Administrators and
7 Inspectors Board to provide for issuance of certain
8 provisional certificates; amending s. 489.105, F.S.;
9 revising the definition of the term "plumbing
10 contractor"; amending s. 489.1401, F.S.; revising
11 legislative intent with respect to the purpose of the
12 Florida Homeowners' Construction Recovery Fund;
13 providing legislative intent that Division II
14 contractors set apart funds to participate in the
15 fund; amending s. 489.1402, F.S.; revising
16 definitions; amending s. 489.141, F.S.; prohibiting
17 certain claimants from making a claim against the
18 recovery fund for certain contracts entered into
19 before a specified date; amending s. 489.1425, F.S.;
20 revising a notification provided by contractors to
21 certain residential property owners to state that
22 payment from the recovery fund is limited; amending s.
23 489.143, F.S.; revising provisions concerning payments
24 from the recovery fund; specifying claim amounts for
25 certain contracts entered into before or after
26 specified dates; providing aggregate caps for

27 | payments; amending s. 489.503, F.S.; exempting certain
28 | low-voltage landscape lighting from licensed
29 | electrical contractor installation requirements;
30 | amending s. 514.031, F.S.; requiring the Department of
31 | Health to conduct inspections of certain public pools
32 | with operating permits to ensure continued compliance
33 | with specified criteria; authorizing the department to
34 | adopt rules; specifying the department's jurisdiction
35 | for purposes of inspecting certain public pools;
36 | specifying duties of local enforcement agencies
37 | regarding modifications and repairs made to certain
38 | public pools as a result of the department's
39 | inspections; requiring the department to ensure
40 | certain rules enforced by local enforcement agencies
41 | comply with the Florida Building Code; amending s.
42 | 514.05, F.S.; specifying that the department may deny,
43 | suspend, or revoke operating permits for certain
44 | pools and bathing places if certain plans, variances,
45 | or requirements of the Florida Building Code are
46 | violated; specifying that the department may assess an
47 | administrative fine for violations by certain public
48 | pools and bathing places if certain plans, variances,
49 | or requirements of the Florida Building Code are
50 | violated; amending s. 553.721, F.S.; directing the
51 | Florida Building Code Compliance and Mitigation
52 | Program to fund from existing resources the

53 recommendations made by the Building Code System
54 Uniform Implementation Evaluation Workgroup; providing
55 a limitation; requiring that a specified amount of
56 funds from the surcharge be used to fund certain
57 Florida Fire Code informal interpretations; amending
58 s. 553.73, F.S.; requiring the permitted installation
59 or replacement of a water heater in a conditioned or
60 attic space to include a water leak detection device;
61 amending s. 553.79, F.S.; authorizing a building
62 official to issue a permit for the construction of the
63 foundation or any other part of a building or
64 structure before the construction documents for the
65 whole building or structure have been submitted;
66 providing that the holder of such permit shall begin
67 building at the holder's own risk with the building
68 operation and without assurance that a permit for the
69 entire structure will be granted; requiring local
70 enforcing agencies to permit and inspect modifications
71 and repairs made to certain public pools and public
72 bathing places as a result of the department's
73 inspections; amending s. 553.841, F.S.; removing
74 provisions related to the development of advanced
75 courses with respect to the Florida Building Code
76 Compliance and Mitigation Program and the
77 accreditation of courses related to the Florida
78 Building Code; amending s. 553.842, F.S.; providing

79 that Underwriters Laboratories, LLC, is an approved
80 evaluation entity; amending s. 553.908, F.S.;
81 requiring local enforcement agencies to accept duct
82 and air infiltration tests conducted in accordance
83 with certain guidelines by specified individuals;
84 providing an effective date.

85
86 Be It Enacted by the Legislature of the State of Florida:

87
88 Section 1. Subsections (2), (3), and (7) of section
89 468.609, Florida Statutes, are amended to read:

90 468.609 Administration of this part; standards for
91 certification; additional categories of certification.—

92 (2) A person may take the examination for certification as
93 a building code inspector or plans examiner pursuant to this
94 part if the person:

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

96 (b) Is of good moral character.

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

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

102 2. Demonstrates a combination of postsecondary education
103 in the field of construction or a related field and experience
104 which totals 4 years, with at least 1 year of such total being

105 | experience in construction, building code inspection, or plans
106 | review;

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

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

124 | 5. Demonstrates a combination of the completion of an
125 | approved training program in the field of building code
126 | inspection or plan review and a minimum of 2 years' experience
127 | in the field of building code inspection, plan review, fire code
128 | inspections, and fire plans review of new buildings as a
129 | firesafety inspector certified under s. 633.216, or
130 | construction. The approved training portion of this requirement

131 shall include proof of satisfactory completion of a training
132 program that provides at least 200 hours but not more ~~of not~~
133 ~~less~~ than 300 hours of cross-training which is approved by the
134 board in the chosen category of building code inspection or plan
135 review in the certification category sought with at least ~~not~~
136 ~~less than~~ 20 hours but not more than 30 hours of instruction in
137 state laws, rules, and ethics relating to professional standards
138 of practice, duties, and responsibilities of a
139 certificateholder. The board shall coordinate with the Building
140 Officials Association of Florida, Inc., to establish by rule the
141 development and implementation of the training program. However,
142 the board shall accept all classroom training offered by an
143 approved provider if the content substantially meets the intent
144 of the classroom component of the training program; or

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

148 a. Has at least 5 years of verifiable full-time experience
149 as an inspector or plans examiner in a standard certification
150 category currently held or has a minimum of 5 years' verifiable
151 full-time experience as a firesafety inspector licensed pursuant
152 to chapter 633; and

153 b. Satisfactorily completes a building code inspector or
154 plans examiner classroom training course or program that
155 provides at least 40 but not more than 300 hours in the
156 certification category sought, except for one-family and two-

157 family dwelling training programs which are required to provide
158 at least 500 but not more than 800 hours of training as
159 prescribed by the board. The board shall establish by rule
160 criteria for the development and implementation of classroom
161 training courses and programs in each certification category.

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

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

166 (b) Is of good moral character.

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

169 1. Demonstrates 7 ~~10~~ years' combined experience as an
170 architect, engineer, plans examiner, building code inspector,
171 firesafety inspector certified under s. 633.216, registered or
172 certified contractor, or construction superintendent, with at
173 least 3 ~~5~~ years of such experience in supervisory positions; or

174 2. Demonstrates a combination of postsecondary education
175 in the field of construction or related field, no more than 5
176 years of which may be applied, and experience as an architect,
177 engineer, plans examiner, building code inspector, firesafety
178 inspector certified under s. 633.216, registered or certified
179 contractor, or construction superintendent which totals 7 ~~10~~
180 years, with at least 3 ~~5~~ years of such total being experience in
181 supervisory positions. In addition, the applicant must have
182 completed training consisting of at least 20 hours but not more

183 than 30 hours of instruction in state laws, rules, and ethics
184 relating to professional standards of practice, duties, and
185 responsibilities of a certificateholder.

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

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

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

206 (d) A newly employed or hired person may perform the
207 duties of a plans examiner or building code inspector for 120
208 days if a provisional certificate application has been submitted

209 | if such person is under the direct supervision of a certified
210 | building code administrator who holds a standard certification
211 | and who has found such person qualified for a provisional
212 | certificate. Direct supervision and the determination of
213 | qualifications may also be provided by a building code
214 | administrator who holds a limited or provisional certificate in
215 | a county having a population of fewer than 75,000 and in a
216 | municipality located within such county.

217 | Section 2. Paragraph (m) of subsection (3) of section
218 | 489.105, Florida Statutes, is amended to read:

219 | 489.105 Definitions.—As used in this part:

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

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

237 (m) "Plumbing contractor" means a contractor whose
238 services are unlimited in the plumbing trade and includes
239 contracting business consisting of the execution of contracts
240 requiring the experience, financial means, knowledge, and skill
241 to install, maintain, repair, alter, extend, or, if not
242 prohibited by law, design plumbing. A plumbing contractor may
243 install, maintain, repair, alter, extend, or, if not prohibited
244 by law, design the following without obtaining an additional
245 local regulatory license, certificate, or registration: sanitary
246 drainage or storm drainage facilities, water and sewer plants
247 and substations, venting systems, public or private water supply
248 systems, septic tanks, drainage and supply wells, swimming pool
249 piping, irrigation systems, and solar heating water systems and
250 all appurtenances, apparatus, or equipment used in connection
251 therewith, including boilers and pressure process piping and
252 including the installation of water, natural gas, liquefied
253 petroleum gas and related venting, and storm and sanitary sewer
254 lines. The scope of work of the plumbing contractor also
255 includes the design, if not prohibited by law, and installation,
256 maintenance, repair, alteration, or extension of air-piping,
257 vacuum line piping, oxygen line piping, nitrous oxide piping,
258 and all related medical gas systems; fire line standpipes and
259 fire sprinklers if authorized by law; ink and chemical lines;
260 fuel oil and gasoline piping and tank and pump installation,

261 | except bulk storage plants; and pneumatic control piping
262 | systems, all in a manner that complies with all plans,
263 | specifications, codes, laws, and regulations applicable. The
264 | scope of work of the plumbing contractor applies to private
265 | property and public property, including any excavation work
266 | incidental thereto, and includes the work of the specialty
267 | plumbing contractor. Such contractor shall subcontract, with a
268 | qualified contractor in the field concerned, all other work
269 | incidental to the work but which is specified as being the work
270 | of a trade other than that of a plumbing contractor. This
271 | definition does not limit the scope of work of any specialty
272 | contractor certified pursuant to s. 489.113(6)~~7~~ and does not
273 | require certification or registration under this part for a
274 | category I liquefied petroleum gas dealer, LP gas installer, or
275 | specialty installer who is licensed under chapter 527 or an ~~of~~
276 | any authorized employee of a public natural gas utility or of a
277 | private natural gas utility regulated by the Public Service
278 | Commission when disconnecting and reconnecting water lines in
279 | the servicing or replacement of an existing water heater. A
280 | plumbing contractor may perform drain cleaning and clearing and
281 | install or repair rainwater catchment systems; however, a
282 | mandatory licensing requirement is not established for the
283 | performance of these specific services.

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

286 | 489.1401 Legislative intent.—

287 (2) It is the intent of the Legislature that the sole
 288 purpose of the Florida Homeowners' Construction Recovery Fund is
 289 to compensate an ~~any~~ aggrieved claimant who contracted for the
 290 construction or improvement of the homeowner's residence located
 291 within this state and who has obtained a final judgment in a ~~any~~
 292 court of competent jurisdiction, was awarded restitution by the
 293 Construction Industry Licensing Board, or received an award in
 294 arbitration against a licensee on grounds of financial
 295 mismanagement or misconduct, abandoning a construction project,
 296 or making a false statement with respect to a project. Such
 297 grievance must arise ~~and arising~~ directly out of a ~~any~~
 298 transaction conducted when the judgment debtor was licensed and
 299 must involve an act ~~performed any of the activities~~ enumerated
 300 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence~~.

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

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

306 489.1402 Homeowners' Construction Recovery Fund;
 307 definitions.—

308 (1) The following definitions apply to ss. 489.140-
 309 489.144:

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

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

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

324 (l) "Valid and current license," for the purpose of s.
 325 489.141(2) (d), means a ~~any~~ license issued pursuant to this part
 326 to a licensee, including a license in an active, inactive,
 327 delinquent, or suspended status.

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

330 489.141 Conditions for recovery; eligibility.—

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

336 (a) The claimant has received a final judgment in a court
 337 of competent jurisdiction in this state or has received an award
 338 in arbitration or the Construction Industry Licensing Board has

339 issued a final order directing the licensee to pay restitution
340 to the claimant. The board may waive this requirement if:

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

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

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

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

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

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

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

364 2. If the claimant is unable to comply with subparagraph

365 1. for a valid reason to be determined by the board, the
 366 claimant has made all reasonable searches and inquiries to
 367 ascertain whether the judgment debtor or licensee is possessed
 368 of real or personal property or other assets subject to being
 369 sold or applied in satisfaction of the judgment and by his or
 370 her search has discovered no property or assets or has
 371 discovered property and assets and has taken all necessary
 372 action and proceedings for the application thereof to the
 373 judgment but the amount thereby realized was insufficient to
 374 satisfy the judgment; and

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

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

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

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

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

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

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

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

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

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

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

404 (f)(g) The claimant has entered into a contract ~~contracted~~
 405 with a licensee to perform a scope of work described in s.
 406 489.105(3)(d)-(q) before July 1, 2015 ~~489.105(3)(d)-(p).~~

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

409 489.1425 Duty of contractor to notify residential property
 410 owner of recovery fund.—

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

417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442

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 7. 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

443 claimant, and only up to the maximum payment allowed for each
444 respective Division I and Division II claim. Payment from the
445 fund for other costs related to or pursuant to civil proceedings
446 such as postjudgment interest, attorney ~~attorney's~~ fees, court
447 costs, medical damages, and punitive damages is prohibited. The
448 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
449 or a restitution order, or any portion thereof, which is not
450 expressly based on one of the grounds for recovery set forth in
451 s. 489.141.

452 (3) Beginning January 1, 2005, for each Division I
453 contract entered into after July 1, 2004, payment from the
454 recovery fund shall be subject to a \$50,000 maximum payment for
455 each Division I claim. Beginning January 1, 2016, for each
456 Division II contract entered into on or after July 1, 2015,
457 payment from the recovery fund shall be subject to a \$15,000
458 maximum payment for each Division II claim.

459 (4)~~(3)~~ Upon receipt by a claimant under subsection (2) of
460 payment from the recovery fund, the claimant shall assign his or
461 her additional right, title, and interest in the judgment,
462 award, or restitution order, to the extent of such payment, to
463 the board, and thereupon the board shall be subrogated to the
464 right, title, and interest of the claimant; and any amount
465 subsequently recovered on the judgment, award, or restitution
466 order, to the extent of the right, title, and interest of the
467 board therein, shall be for the purpose of reimbursing the
468 recovery fund.

469 (5)~~(4)~~ Payments for claims arising out of the same
470 transaction shall be limited, in the aggregate, to the lesser of
471 the judgment, award, or restitution order or the maximum payment
472 allowed for a Division I or Division II claim, regardless of the
473 number of claimants involved in the transaction.

474 (6)~~(5)~~ For contracts entered into before July 1, 2004,
475 payments for claims against any one licensee may ~~shall~~ not
476 exceed, in the aggregate, \$100,000 annually, up to a total
477 aggregate of \$250,000. For any claim approved by the board which
478 is in excess of the annual cap, the amount in excess of \$100,000
479 up to the total aggregate cap of \$250,000 is eligible for
480 payment in the next and succeeding fiscal years, but only after
481 all claims for the then-current calendar year have been paid.
482 Payments may not exceed the aggregate annual or per claimant
483 limits under law. Beginning January 1, 2005, for each Division I
484 contract entered into after July 1, 2004, payment from the
485 recovery fund is subject only to a total aggregate cap of
486 \$500,000 for each Division I licensee. Beginning January 1,
487 2016, for each Division II contract entered into on or after
488 July 1, 2015, payment from the recovery fund is subject only to
489 a total aggregate cap of \$150,000 for each Division II licensee.

490 (7)~~(6)~~ Claims shall be paid in the order filed, up to the
491 aggregate limits for each transaction and licensee and to the
492 limits of the amount appropriated to pay claims against the fund
493 ~~for the fiscal year in which the claims were filed.~~ Payments may
494 not exceed the total aggregate cap per license or per claimant

495 limits under this section.

496 (8)-(7) If the annual appropriation is exhausted with
 497 claims pending, such claims shall be carried forward to the next
 498 fiscal year. Any moneys in excess of pending claims remaining in
 499 the recovery fund at the end of the fiscal year shall be paid as
 500 provided in s. 468.631.

501 (9)-(8) Upon the payment of any amount from the recovery
 502 fund in settlement of a claim in satisfaction of a judgment,
 503 award, or restitution order against a licensee as described in
 504 s. 489.141, the license of such licensee shall be automatically
 505 suspended, without further administrative action, upon the date
 506 of payment from the fund. The license of such licensee may ~~shall~~
 507 not be reinstated until he or she has repaid in full, plus
 508 interest, the amount paid from the fund. A discharge of
 509 bankruptcy does not relieve a person from the penalties and
 510 disabilities provided in this section.

511 (10)-(9) A ~~Any~~ firm, a corporation, a partnership, or an
 512 association, or a ~~any~~ person acting in his or her individual
 513 capacity, who aids, abets, solicits, or conspires with another
 514 ~~any~~ person to knowingly present or cause to be presented a ~~any~~
 515 false or fraudulent claim for the payment of a loss under this
 516 act commits ~~is guilty of~~ a third-degree felony, punishable as
 517 provided in s. 775.082 or s. 775.084 and by a fine of up to ~~not~~
 518 ~~exceeding~~ \$30,000, unless the value of the fraud exceeds that
 519 amount, ~~\$30,000~~ in which event the fine may not exceed double
 520 the value of the fraud.

521 (11)-(10) Each payment ~~All payments~~ and disbursement
 522 ~~disbursements~~ from the recovery fund shall be made by the Chief
 523 Financial Officer upon a voucher signed by the secretary of the
 524 department or the secretary's designee.

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

527 489.503 Exemptions.—This part does not apply to:

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

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

536 514.031 Permit necessary to operate public swimming pool.—

537 (2) The department shall ensure through inspections that a
 538 public swimming pool with an operating permit continues to be
 539 operated and maintained in compliance with rules adopted under
 540 this section, the original approved plans and specifications or
 541 variances, and the Florida Building Code adopted under chapter
 542 553 applicable to public pools or public bathing places. The
 543 department may adopt and enforce rules to implement this
 544 subsection, including provisions for closing those pools and
 545 bathing places not in compliance. For purposes of this
 546 subsection, the department's jurisdiction includes the pool, the

547 pool deck, the barrier as defined in s. 515.25, and the bathroom
548 facilities for pool patrons. The local enforcement agency shall
549 permit and inspect repairs or modifications required as a result
550 of the department's inspections and may take enforcement action
551 to ensure compliance. The department shall ensure that the rules
552 enforced by the local enforcement agency under this subsection
553 are not inconsistent with the Florida Building Code adopted
554 under chapter 553.

555 Section 10. Subsections (1), (2), and (5) of section
556 514.05, Florida Statutes, are amended to read:

557 514.05 Denial, suspension, or revocation of permit;
558 administrative fines.—

559 (1) The department may deny an application for an a
560 operating permit, suspend or revoke a permit issued to any
561 person or public body, or impose an administrative fine upon the
562 failure of such person or public body to comply with the
563 provisions of this chapter, the original approved plans and
564 specifications or variances, the Florida Building Code adopted
565 under chapter 553 applicable to public pools or public bathing
566 places, or the rules adopted hereunder.

567 (2) The department may impose an administrative fine,
568 which shall not exceed \$500 for each violation, for the
569 violation of this chapter, the original approved plans and
570 specifications or variances, the Florida Building Code adopted
571 under chapter 553 applicable to public pools or public bathing
572 places, or the rules adopted hereunder and for the violation of

573 ~~any of the provisions of~~ chapter 386. Notice of intent to impose
574 such fine shall be given by the department to the alleged
575 violator. Each day that a violation continues may constitute a
576 separate violation.

577 (5) Under conditions specified by rule, the department may
578 close a public pool that is not in compliance with this chapter,
579 the original approved plans and specifications or variances, the
580 Florida Building Code adopted under chapter 553 applicable to
581 public pools or public bathing places, or the rules adopted
582 under this chapter.

583 Section 11. Section 553.721, Florida Statutes, is amended
584 to read:

585 553.721 Surcharge.—In order for the Department of Business
586 and Professional Regulation to administer and carry out the
587 purposes of this part and related activities, there is created a
588 surcharge, to be assessed at the rate of 1.5 percent of the
589 permit fees associated with enforcement of the Florida Building
590 Code as defined by the uniform account criteria and specifically
591 the uniform account code for building permits adopted for local
592 government financial reporting pursuant to s. 218.32. The
593 minimum amount collected on any permit issued shall be \$2. The
594 unit of government responsible for collecting a permit fee
595 pursuant to s. 125.56(4) or s. 166.201 shall collect the
596 surcharge and electronically remit the funds collected to the
597 department on a quarterly calendar basis for the preceding
598 quarter and continuing each third month thereafter. The unit of

599 government shall retain 10 percent of the surcharge collected to
600 fund the participation of building departments in the national
601 and state building code adoption processes and to provide
602 education related to enforcement of the Florida Building Code.
603 All funds remitted to the department pursuant to this section
604 shall be deposited in the Professional Regulation Trust Fund.
605 Funds collected from the surcharge shall be allocated to fund
606 the Florida Building Commission and the Florida Building Code
607 Compliance and Mitigation Program under s. 553.841. Funds
608 allocated to the Florida Building Code Compliance and Mitigation
609 Program shall be \$925,000 each fiscal year. The Florida Building
610 Code Compliance and Mitigation Program shall fund the
611 recommendations made by the Building Code System Uniform
612 Implementation Evaluation Workgroup, dated April 8, 2013, from
613 existing resources, not to exceed \$30,000 in the 2015-2016
614 fiscal year. Funds collected from the surcharge shall also be
615 used to fund Florida Fire Code informal interpretations managed
616 by the State Fire Marshal and shall be limited to \$15,000 each
617 fiscal year. The funds collected from the surcharge may not be
618 used to fund research on techniques for mitigation of radon in
619 existing buildings. Funds used by the department as well as
620 funds to be transferred to the Department of Health and the
621 State Fire Marshal shall be as prescribed in the annual General
622 Appropriations Act. The department shall adopt rules governing
623 the collection and remittance of surcharges pursuant to chapter
624 120.

625 Section 12. Subsection (19) is added to section 553.73,
626 Florida Statutes, to read:

627 553.73 Florida Building Code.—

628 (19) A local enforcing agency that requires a permit to
629 install or replace a water heater in a conditioned or attic
630 space shall require that a hard-wired or battery-operated water
631 leak detection device be secured to the drain pan area at a
632 level lower than the drain connection upon installation or
633 replacement of the water heater. The device must include an
634 audible alarm and, if battery-operated, must have a 10-year low-
635 battery notification capability.

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

638 553.79 Permits; applications; issuance; inspections.—

639 (6) A permit may not be issued for any building
640 construction, erection, alteration, modification, repair, or
641 addition unless the applicant for such permit complies with the
642 requirements for plan review established by the Florida Building
643 Commission within the Florida Building Code. However, the code
644 shall set standards and criteria to authorize preliminary
645 construction before completion of all building plans review,
646 including, but not limited to, special permits for the
647 foundation only, and such standards shall take effect concurrent
648 with the first effective date of the Florida Building Code.
649 After submittal of the appropriate construction documents, the
650 building official is authorized to issue a permit for the

651 construction of foundations or any other part of a building or
652 structure before the construction documents for the whole
653 building or structure have been submitted. No other agency
654 review or approval may be required before the issuance of a
655 phased permit due to the fact that the project will need all the
656 necessary outside agencies' reviews and approvals before the
657 issuance of a master building permit. The holder of such permit
658 for the foundation or other parts of a building or structure
659 shall proceed at the holder's own risk with the building
660 operation and without assurance that a permit for the entire
661 structure will be granted. Corrections may be required to meet
662 the requirements of the technical codes.

663 (11) (a) The local enforcing agency may not issue a
664 building permit to construct, develop, or modify a public
665 swimming pool without proof of application, whether complete or
666 incomplete, for an operating permit pursuant to s. 514.031. A
667 certificate of completion or occupancy may not be issued until
668 such operating permit is issued. The local enforcing agency
669 shall conduct its review of the building permit application upon
670 filing and in accordance with this chapter. The local enforcing
671 agency may confer with the Department of Health, if necessary,
672 but may not delay the building permit application review while
673 awaiting comment from the Department of Health.

674 (b) If the department determines under s. 514.031(2) that
675 a public pool or a public bathing place is not being operated or
676 maintained in compliance with department's rules, the original

677 approved plans and specifications or variances, and the Florida
678 Building Code, the local enforcing agency shall permit and
679 inspect the repairs or modifications required as a result of the
680 department's inspections and may take enforcement action to
681 ensure compliance.

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

684 553.841 Building code compliance and mitigation program.—

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

689 ~~(7) The Florida Building Commission shall provide by rule~~
690 ~~for the accreditation of courses related to the Florida Building~~
691 ~~Code by accreditors approved by the commission. The commission~~
692 ~~shall establish qualifications of accreditors and criteria for~~
693 ~~the accreditation of courses by rule. The commission may revoke~~
694 ~~the accreditation of a course by an accreditor if the~~
695 ~~accreditation is demonstrated to violate this part or the rules~~
696 ~~of the commission.~~

697 Section 15. Paragraph (a) of subsection (8) of section
698 553.842, Florida Statutes, is amended to read:

699 553.842 Product evaluation and approval.—

700 (8) The commission may adopt rules to approve the
701 following types of entities that produce information on which
702 product approvals are based. All of the following entities,

703 including engineers and architects, must comply with a
704 nationally recognized standard demonstrating independence or no
705 conflict of interest:

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

715 Section 16. Section 553.908, Florida Statutes, is amended
716 to read:

717 553.908 Inspection.—Before construction or renovation is
718 completed, the local enforcement agency shall inspect buildings
719 for compliance with the standards of this part. The local
720 enforcement agency shall accept duct and air infiltration tests
721 conducted in accordance with the Florida Building Code-Energy
722 Conservation by individuals certified as set forth in s.
723 553.993(5) or (7) or individuals licensed under s.
724 489.105(3)(f), (g), or (i) who perform duct testing. The local
725 enforcement agency may accept inspections in whole or in part by
726 individuals certified in accordance with s. 553.993(5) or (7) or
727 by individuals certified as energy inspectors by the
728 International Code Council, provided that the inspection

CS/HB 915

2015

729 | complies with the Florida Building Code-Energy Conservation.

730 | Section 17. This act shall take effect July 1, 2015.