



725694

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/24/2014	.	
	.	
	.	
	.	

The Committee on Appropriations (Galvano) recommended the following:

Senate Amendment (with title amendment)

Delete line 361

and insert:

Section 10. Section 162.12, Florida Statutes, is amended to read:

162.12 Notices.—

(1) All notices required by this part must be provided to the alleged violator by:

(a) Certified mail, and at the option of the local



725694

11 government return receipt requested, to the address listed in
12 the tax collector's office for tax notices or to the address
13 listed in the county property appraiser's database. The local
14 government may also provide an additional notice to any other
15 address it may find for the property owner. For property owned
16 by a corporation, notices may be provided by certified mail to
17 the registered agent of the corporation. If any notice sent by
18 certified mail is not signed as received within 30 days after
19 the postmarked date of mailing, notice may be provided by
20 posting as described in subparagraphs (2) (b)1. and 2.;

21 (b) Hand delivery by the sheriff or other law enforcement
22 officer, code inspector, or other person designated by the local
23 governing body;

24 (c) Leaving the notice at the violator's usual place of
25 residence with any person residing therein who is above 15 years
26 of age and informing such person of the contents of the notice;
27 or

28 (d) In the case of commercial premises, leaving the notice
29 with the manager or other person in charge.

30 (2) In addition to providing notice as set forth in
31 subsection (1), at the option of the code enforcement board or
32 the local government, notice may be served by publication or
33 posting, as follows:

34 (a)1. Such notice shall be published once during each week
35 for 4 consecutive weeks (four publications being sufficient) in
36 a newspaper of general circulation in the county where the code
37 enforcement board is located. The newspaper shall meet such
38 requirements as are prescribed under chapter 50 for legal and
39 official advertisements.



725694

40 2. Proof of publication shall be made as provided in ss.
41 50.041 and 50.051.

42 (b)1. In lieu of publication as described in paragraph (a),
43 such notice may be posted at least 10 days prior to the hearing,
44 or prior to the expiration of any deadline contained in the
45 notice, in at least two locations, one of which shall be the
46 property upon which the violation is alleged to exist and the
47 other of which shall be, in the case of municipalities, at the
48 primary municipal government office, and in the case of
49 counties, at the front door of the courthouse or the main county
50 governmental center in said county.

51 2. Proof of posting shall be by affidavit of the person
52 posting the notice, which affidavit shall include a copy of the
53 notice posted and the date and places of its posting.

54 (c) Notice by publication or posting may run concurrently
55 with, or may follow, an attempt or attempts to provide notice by
56 hand delivery or by mail as required under subsection (1).

57 (3) Evidence that an attempt has been made to hand deliver
58 or mail notice as provided in subsection (1), together with
59 proof of publication or posting as provided in subsection (2),
60 shall be sufficient to show that the notice requirements of this
61 part have been met, without regard to whether or not the alleged
62 violator actually received such notice.

63 Section 11. Paragraph (b) of subsection (3) of section
64 373.323, Florida Statutes, is amended to read:

65 373.323 Licensure of water well contractors; application,
66 qualifications, and examinations; equipment identification.—

67 (3) An applicant who meets the following requirements shall
68 be entitled to take the water well contractor licensure



725694

69 examination:

70 (b) Has at least 2 years of experience in constructing,
71 repairing, or abandoning water wells. Satisfactory proof of such
72 experience shall be demonstrated by providing:

73 1. Evidence of the length of time the applicant has been
74 engaged in the business of the construction, repair, or
75 abandonment of water wells as a major activity, as attested to
76 by a letter from ~~three of the following persons:~~

77 ~~a. a water well contractor and a letter from.~~

78 ~~b. A water well driller.~~

79 ~~c. A water well parts and equipment vendor.~~

80 ~~d. a water well inspector employed by a governmental~~
81 agency.

82 2. A list of at least 10 water wells that the applicant has
83 constructed, repaired, or abandoned within the preceding 5
84 years. Of these wells, at least seven must have been
85 constructed, as defined in s. 373.303(2), by the applicant. The
86 list shall also include:

87 a. The name and address of the owner or owners of each
88 well.

89 b. The location, primary use, and approximate depth and
90 diameter of each well that the applicant has constructed,
91 repaired, or abandoned.

92 c. The approximate date the construction, repair, or
93 abandonment of each well was completed.

94 Section 12. Section 440.103, Florida Statutes, is amended
95 to read:

96 440.103 Building permits; identification of minimum premium
97 policy.—Every employer shall, as a condition to applying for and



725694

98 receiving a building permit, show proof and certify to the
99 permit issuer that it has secured compensation for its employees
100 under this chapter as provided in ss. 440.10 and 440.38. Such
101 proof of compensation must be evidenced by a certificate of
102 coverage issued by the carrier, a valid exemption certificate
103 approved by the department, or a copy of the employer's
104 authority to self-insure and shall be presented, electronically
105 or physically, each time the employer applies for a building
106 permit. As provided in s. 553.79(19), for the purpose of
107 inspection and record retention, site plans or building permits
108 may be maintained at the worksite in the original form or in the
109 form of an electronic copy. These plans and permits must be open
110 to inspection by the building official or a duly authorized
111 representative, as required by the Florida Building Code. As
112 provided in s. 627.413(5), each certificate of coverage must
113 show, on its face, whether or not coverage is secured under the
114 minimum premium provisions of rules adopted by rating
115 organizations licensed pursuant to s. 627.221. The words
116 "minimum premium policy" or equivalent language shall be typed,
117 printed, stamped, or legibly handwritten.

118 Section 13. Subsection (5) of section 514.0115, Florida
119 Statutes, is amended to read:

120 514.0115 Exemptions from supervision or regulation;
121 variances.—

122 (5) The department may grant variances from any rule
123 adopted under this chapter pursuant to procedures adopted by
124 department rule. The department may also grant, pursuant to
125 procedures adopted by department rule, variances from the
126 provisions of the Florida Building Code specifically pertaining



725694

127 to public swimming pools and bathing places when requested by
128 the pool owner or their representative to relieve hardship in
129 cases involving deviations from the Florida Building Code
130 provisions, when it is shown that the hardship was not caused
131 intentionally by the action of the applicant, where no
132 reasonable alternative exists, and the health and safety of the
133 pool patrons is not at risk.

134 Section 14. Effective October 1, 2014, section 514.03,
135 Florida Statutes, is amended to read:

136 514.03 Approval necessary to construct, develop, or modify
137 public swimming pools or public bathing places.-

138 (1) A person or public body desiring to construct, develop,
139 or modify a public swimming pool must submit an application,
140 containing the information required under s. 514.031(1)(a)1.-5.
141 to the department for an operating permit before filing an
142 application for a building permit under s. 553.79. A copy of the
143 final inspection required under s. 514.031(1)(a)6. shall be
144 submitted to the department upon receipt by the applicant. The
145 application shall be deemed incomplete pursuant to s. 120.60
146 until such copy is submitted to the department.

147 (2) Local governments or local enforcement districts may
148 determine compliance with the general construction standards of
149 the Florida Building Code, pursuant to s. 553.80. Local
150 governments or local enforcement districts may conduct plan
151 reviews and inspections of public swimming pools and public
152 bathing places for this purpose.

153 Section 15. Effective October 1, 2014, paragraph (a) of
154 subsection (1) of section 514.031, Florida Statutes, is amended,
155 present paragraphs (b) and (c) of that subsection are



725694

156 redesignated as paragraphs (c) and (d), respectively, and a new
157 paragraph (b) is added to that subsection, to read:

158 514.031 Permit necessary to operate public swimming pool.—

159 (1) It is unlawful for any person or public body to operate
160 or continue to operate any public swimming pool without a valid
161 permit from the department, such permit to be obtained in the
162 following manner:

163 (a) Any person or public body desiring to operate any
164 public swimming pool shall file an application for an operating
165 a permit with the department, on application forms provided by
166 the department, and shall accompany such application with:

167 1. A description of the structure, its appurtenances, and
168 its operation.

169 2.1. A description of the source or sources of water
170 supply, and the amount and quality of water available and
171 intended to be used.

172 3.2. The method and manner of water purification,
173 treatment, disinfection, and heating.

174 4.3. The safety equipment and standards to be used.

175 5. A copy of the final inspection from the local
176 enforcement agency as defined in s. 553.71.

177 6.4. Any other pertinent information deemed necessary by
178 the department.

179 (b) The applicant shall respond to a request for additional
180 information due to an incomplete application for an operating
181 permit pursuant to s. 120.60. Upon receipt of an application,
182 whether complete or incomplete, as required in s. 514.03 and as
183 set forth under this section, the department shall review and
184 provide to the local enforcement agency and the applicant any



725694

185 comment or proposed modifications on the information received
186 pursuant to subparagraphs 1.-5.

187 Section 16. Paragraph (c) of subsection (1) of section
188 553.37, Florida Statutes, is amended to read:

189 553.37 Rules; inspections; and insignia.—

190 (1) The Florida Building Commission shall adopt within the
191 Florida Building Code requirements for construction or
192 modification of manufactured buildings and building modules, to
193 address:

194 (c) Minimum Inspection criteria, which shall require the
195 approved inspection agency to:

196 1. Observe the first building built, or with regard to
197 components, observe the first unit assembled, after
198 certification of the manufacturer, from start to finish,
199 inspecting all subsystems: electrical, plumbing, structural,
200 mechanical, or thermal.

201 2. Continue observation of the manufacturing process until
202 the approved inspection agency determines that the
203 manufacturer's quality control program, in conjunction with the
204 application of the plans approved by the approved inspection
205 agency, will result in a building and components that meet or
206 exceed the applicable Florida Building Code requirements.

207 3. Thereafter, inspect each module produced during at least
208 one point of the manufacturing process and inspect at least 75
209 percent of the subsystems of each module: electrical, plumbing,
210 structural, mechanical, or thermal.

211 4. With respect to components, inspect at least 75 percent
212 of the manufactured building components and at least 20 percent
213 of the storage sheds that are not designed for human habitation



725694

214 and that have a floor area of 720 square feet or less.

215 Section 17. Section 553.721, Florida Statutes, is amended
216 to read:

217 553.721 Surcharge.—In order for the Department of Business
218 and Professional Regulation to administer and carry out the
219 purposes of this part and related activities, there is created a
220 surcharge, to be assessed at the rate of 1.5 percent of the
221 permit fees associated with enforcement of the Florida Building
222 Code as defined by the uniform account criteria and specifically
223 the uniform account code for building permits adopted for local
224 government financial reporting pursuant to s. 218.32. The
225 minimum amount collected on any permit issued shall be \$2. The
226 unit of government responsible for collecting a permit fee
227 pursuant to s. 125.56(4) or s. 166.201 shall collect the
228 surcharge and electronically remit the funds collected to the
229 department on a quarterly calendar basis for the preceding
230 quarter and continuing each third month thereafter. The unit of
231 government shall retain 10 percent of the surcharge collected to
232 fund the participation of building departments in the national
233 and state building code adoption processes and to provide
234 education related to enforcement of the Florida Building Code.
235 All funds remitted to the department pursuant to this section
236 shall be deposited in the Professional Regulation Trust Fund.
237 Funds collected from the surcharge shall be allocated to fund
238 the Florida Building Commission and the Florida Building Code
239 Compliance and Mitigation Program under s. 553.841. ~~Beginning in~~
240 ~~the 2013-2014 fiscal year,~~ Funds allocated to the Florida
241 Building Code Compliance and Mitigation Program shall be
242 \$925,000 each fiscal year. The funds collected from the



725694

243 surcharge may not be used to fund research on techniques for
244 mitigation of radon in existing buildings. Funds used by the
245 department as well as funds to be transferred to the Department
246 of Health shall be as prescribed in the annual General
247 Appropriations Act. The department shall adopt rules governing
248 the collection and remittance of surcharges pursuant to chapter
249 120.

250 Section 18. Subsection (15) of section 553.73, Florida
251 Statutes, is amended, and subsection (18) is added to that
252 section, to read:

253 553.73 Florida Building Code.—

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

261 (18) In a single-family dwelling, make-up air is not
262 required for range hood exhaust systems capable of exhausting:

263 (a) 400 cubic feet per minute or less; or

264 (b) More than 400 cubic feet per minute but no more than

265 800 cubic feet per minute if there are no gravity vent
266 appliances within the conditioned living space of the structure.

267 Section 19. Subsection (7) is added to section 553.77,
268 Florida Statutes, to read:

269 553.77 Specific powers of the commission.—

270 (7) Building officials shall recognize and enforce variance
271 orders issued by the Department of Health pursuant to s.



725694

272 514.0155(5)(a), including any conditions attached to the
273 granting of the variance.

274 Section 20. Section 553.775, Florida Statutes, is amended
275 to read:

276 553.775 Interpretations.—

277 (1) It is the intent of the Legislature that the Florida
278 Building Code and the Florida Accessibility Code for Building
279 Construction be interpreted by building officials, local
280 enforcement agencies, and the commission in a manner that
281 protects the public safety, health, and welfare at the most
282 reasonable cost to the consumer by ensuring uniform
283 interpretations throughout the state and by providing processes
284 for resolving disputes regarding interpretations of the Florida
285 Building Code and the Florida Accessibility Code for Building
286 Construction which are just and expeditious.

287 (2) Local enforcement agencies, local building officials,
288 state agencies, and the commission shall interpret provisions of
289 the Florida Building Code and the Florida Accessibility Code for
290 Building Construction in a manner that is consistent with
291 declaratory statements and interpretations entered by the
292 commission, except that conflicts between the Florida Fire
293 Prevention Code and the Florida Building Code shall be resolved
294 in accordance with s. 553.73(11)(c) and (d).

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

298 (a) Upon written application by any substantially affected
299 person or state agency or by a local enforcement agency, the
300 commission shall issue declaratory statements pursuant to s.



725694

301 120.565 relating to the enforcement or administration by local
302 governments of the Florida Building Code or the Florida
303 Accessibility Code for Building Construction.

304 (b) When requested in writing by any substantially affected
305 person or state agency or by a local enforcement agency, the
306 commission shall issue a declaratory statement pursuant to s.
307 120.565 relating to this part and ss. 515.25, 515.27, 515.29,
308 and 515.37. Actions of the commission are subject to judicial
309 review under s. 120.68.

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

317 1. The commission shall coordinate with the Building
318 Officials Association of Florida, Inc., to designate panels
319 composed of five members to hear requests to review decisions of
320 local building officials. The members must be licensed as
321 building code administrators under part XII of chapter 468 and
322 must have experience interpreting and enforcing provisions of
323 the Florida Building Code and the Florida Accessibility Code for
324 Building Construction.

325 2. Requests to review a decision of a local building
326 official interpreting provisions of the Florida Building Code or
327 the Florida Accessibility Code for Building Construction may be
328 initiated by any substantially affected person, including an
329 owner or builder subject to a decision of a local building



725694

330 official or an association of owners or builders having members
331 who are subject to a decision of a local building official. In
332 order to initiate review, the substantially affected person must
333 file a petition with the commission. The commission shall adopt
334 a form for the petition, which shall be published on the
335 Building Code Information System. The form shall, at a minimum,
336 require the following:

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

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

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

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

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

356 f. A statement of the interpretation that the petitioner
357 contends should be given to the provisions of the Florida
358 Building Code or the Florida Accessibility Code for Building



359 Construction and a statement supporting the petitioner's
360 interpretation.

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

370 3. The petitioner shall submit the petition to the local
371 building official, who shall place the date of receipt on the
372 petition. The local building official shall respond to the
373 petition in accordance with the form and shall return the
374 petition along with his or her response to the petitioner within
375 5 days after receipt, exclusive of Saturdays, Sundays, and legal
376 holidays. The petitioner may file the petition with the
377 commission at any time after the local building official
378 provides a response. If no response is provided by the local
379 building official, the petitioner may file the petition with the
380 commission 10 days after submission of the petition to the local
381 building official and shall note that the local building
382 official did not respond.

383 4. Upon receipt of a petition that meets the requirements
384 of subparagraph 2., the commission shall immediately provide
385 copies of the petition to a panel, and the commission shall
386 publish the petition, including any response submitted by the
387 local building official, on the Building Code Information System



725694

388 in a manner that allows interested persons to address the issues
389 by posting comments.

390 5. The panel shall conduct proceedings as necessary to
391 resolve the issues; shall give due regard to the petitions, the
392 response, and to comments posed on the Building Code Information
393 System; and shall issue an interpretation regarding the
394 provisions of the Florida Building Code or the Florida
395 Accessibility Code for Building Construction within 21 days
396 after the filing of the petition. The panel shall render a
397 determination based upon the Florida Building Code or the
398 Florida Accessibility Code for Building Construction or, if the
399 code is ambiguous, the intent of the code. The panel's
400 interpretation shall be provided to the commission, which shall
401 publish the interpretation on the Building Code Information
402 System and in the Florida Administrative Register. The
403 interpretation shall be considered an interpretation entered by
404 the commission, and shall be binding upon the parties and upon
405 all jurisdictions subject to the Florida Building Code or the
406 Florida Accessibility Code for Building Construction, unless it
407 is superseded by a declaratory statement issued by the Florida
408 Building Commission or by a final order entered after an appeal
409 proceeding conducted in accordance with subparagraph 7.

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

415 7. Any substantially affected person may appeal an
416 interpretation rendered by a hearing officer panel by filing a



725694

417 petition with the commission. Such appeals shall be initiated in
418 accordance with chapter 120 and the uniform rules of procedure
419 and must be filed within 30 days after publication of the
420 interpretation on the Building Code Information System or in the
421 Florida Administrative Register. Hearings shall be conducted
422 pursuant to chapter 120 and the uniform rules of procedure.
423 Decisions of the commission are subject to judicial review
424 pursuant to s. 120.68. The final order of the commission is
425 binding upon the parties and upon all jurisdictions subject to
426 the Florida Building Code or the Florida Accessibility Code for
427 Building Construction.

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

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

437
438 This paragraph provides the exclusive remedy for addressing
439 requests to review local interpretations of the Florida Building
440 Code or the Florida Accessibility Code for Building Construction
441 and appeals from review proceedings.

442 (d) Upon written application by any substantially affected
443 person, contractor, or designer, or a group representing a
444 substantially affected person, contractor, or designer, the
445 commission shall issue or cause to be issued a formal



725694

446 interpretation of the Florida Building Code or the Florida
447 Accessibility Code for Building Construction as prescribed by
448 paragraph (c).

449 (e) Local decisions declaring structures to be unsafe and
450 subject to repair or demolition are not subject to review under
451 this subsection and may not be appealed to the commission if the
452 local governing body finds that there is an immediate danger to
453 the health and safety of the public.

454 (f) Upon written application by any substantially affected
455 person, the commission shall issue a declaratory statement
456 pursuant to s. 120.565 relating to an agency's interpretation
457 and enforcement of the specific provisions of the Florida
458 Building Code or the Florida Accessibility Code for Building
459 Construction which the agency is authorized to enforce. This
460 subsection does not provide any powers, other than advisory, to
461 the commission with respect to any decision of the State Fire
462 Marshal made pursuant to chapter 633.

463 (g) The commission may designate a commission member who
464 has demonstrated expertise in interpreting building plans to
465 attend each meeting of the advisory council created in s.
466 553.512. The commission member may vary from meeting to meeting,
467 shall serve on the council in a nonvoting capacity, and shall
468 receive per diem and expenses as provided in s. 553.74(3).

469 (h) The commission shall by rule establish an informal
470 process of rendering nonbinding interpretations of the Florida
471 Building Code and the Florida Accessibility Code for Building
472 Construction. The commission is specifically authorized to refer
473 interpretive issues to organizations that represent those
474 engaged in the construction industry. The commission shall



725694

475 immediately implement the process before completing formal
476 rulemaking. It is the intent of the Legislature that the
477 commission create a process to refer questions to a small,
478 rotating group of individuals licensed under part XII of chapter
479 468, to which a party may pose questions regarding the
480 interpretation of code provisions. It is the intent of the
481 Legislature that the process provide for the expeditious
482 resolution of the issues presented and publication of the
483 resulting interpretation on the Building Code Information
484 System. Such interpretations shall be advisory only and
485 nonbinding on the parties and the commission.

486 (4) In order to administer this section, the commission may
487 adopt by rule and impose a fee for filing requests for
488 declaratory statements and binding and nonbinding
489 interpretations to recoup the cost of the proceedings which may
490 not exceed \$125 for each request for a nonbinding interpretation
491 and \$250 for each request for a binding review or
492 interpretation. For proceedings conducted by or in coordination
493 with a third party, the rule may provide that payment be made
494 directly to the third party, who shall remit to the department
495 that portion of the fee necessary to cover the costs of the
496 department.

497 ~~(5) The commission may render declaratory statements in~~
498 ~~accordance with s. 120.565 relating to the provisions of the~~
499 ~~Florida Accessibility Code for Building Construction not~~
500 ~~attributable to the Americans with Disabilities Act~~
501 ~~Accessibility Guidelines. Notwithstanding the other provisions~~
502 ~~of this section, the Florida Accessibility Code for Building~~
503 ~~Construction and chapter 11 of the Florida Building Code may not~~



725694

504 ~~be interpreted by, and are not subject to review under, any of~~
505 ~~the procedures specified in this section. This subsection has no~~
506 ~~effect upon the commission's authority to waive the Florida~~
507 ~~Accessibility Code for Building Construction as provided by s.~~
508 ~~553.512.~~

509 Section 21. Effective October 1, 2014, present subsections
510 (11) through (18) of section 553.79, Florida Statutes, are
511 redesignated as subsections (12) through (19), respectively, a
512 new subsection (11) is added to that section, and present
513 subsection (18) is amended, to read:

514 553.79 Permits; applications; issuance; inspections.-

515 (11) The local enforcing agency may not issue a building
516 permit to construct, develop, or modify a public swimming pool
517 without proof of application, whether complete or incomplete,
518 for an operating permit pursuant to s. 514.031. A certificate of
519 completion or occupancy may not be issued until such operating
520 permit is issued. The local enforcing agency shall conduct their
521 review of the building permit application upon filing and in
522 accordance with this chapter. The local enforcing agency may
523 confer with the Department of Health, if necessary, but may not
524 delay the building permit application review while awaiting
525 comment from the Department of Health.

526 (19)~~(18)~~ For the purpose of inspection and record
527 retention, site plans or building permits ~~for a building~~ may be
528 maintained in the original form or in the form of an electronic
529 copy at the worksite. These plans and permits must be open to
530 inspection by the building official or a duly authorized
531 representative, as required by the Florida Building Code.

532 Section 22. Paragraph (b) of subsection (6) of section



725694

533 553.80, Florida Statutes, is amended to read:

534 553.80 Enforcement.—

535 (6) Notwithstanding any other law, state universities,
536 community colleges, and public school districts shall be subject
537 to enforcement of the Florida Building Code under this part.

538 (b) If a state university, state community college, or
539 public school district elects to use a local government's code
540 enforcement offices:

541 1. Fees charged by counties and municipalities for
542 enforcement of the Florida Building Code on buildings,
543 structures, and facilities of state universities, state
544 colleges, and public school districts may not be more than the
545 actual labor and administrative costs incurred for plans review
546 and inspections to ensure compliance with the code.

547 2. Counties and municipalities shall expedite building
548 construction permitting, building plans review, and inspections
549 of projects of state universities, state community colleges, and
550 public schools ~~school districts~~ that are subject to the Florida
551 Building Code according to guidelines established by the Florida
552 Building Commission.

553 3. A party substantially affected by an interpretation of
554 the Florida Building Code by the local government's code
555 enforcement offices may appeal the interpretation to the local
556 government's board of adjustment and appeal or to the commission
557 under s. 553.775 if no local board exists. The decision of a
558 local board is reviewable in accordance with s. 553.775.

559

560 This part may not be construed to authorize counties,
561 municipalities, or code enforcement districts to conduct any



725694

562 permitting, plans review, or inspections not covered by the
563 Florida Building Code. Any actions by counties or municipalities
564 not in compliance with this part may be appealed to the Florida
565 Building Commission. The commission, upon a determination that
566 actions not in compliance with this part have delayed permitting
567 or construction, may suspend the authority of a county,
568 municipality, or code enforcement district to enforce the
569 Florida Building Code on the buildings, structures, or
570 facilities of a state university, state community college, or
571 public school district and provide for code enforcement at the
572 expense of the state university, state community college, or
573 public school district.

574 Section 23. Subsections (1) and (2) of section 553.841,
575 Florida Statutes, are amended to read:

576 553.841 Building code compliance and mitigation program.—

577 (1) The Legislature finds that knowledge and understanding
578 by persons licensed or employed in the design and construction
579 industries of the importance and need for complying with the
580 Florida Building Code and related laws is vital to the public
581 health, safety, and welfare of this state, especially for
582 protecting consumers and mitigating damage caused by hurricanes
583 to residents and visitors to the state. The Legislature further
584 finds that the Florida Building Code can be effective only if
585 all participants in the design and construction industries
586 maintain a thorough knowledge of the code, code compliance and
587 enforcement, duties related to consumers, and changes that
588 additions thereto which improve construction standards, project
589 completion, and compliance of design and construction to protect
590 against consumer harm, storm damage, and other damage.



725694

591 Consequently, the Legislature finds that there is a need for a
592 program to provide ongoing education and outreach activities
593 concerning compliance with the Florida Building Code, the
594 Florida Fire Prevention Code, construction plan and permitting
595 requirements, construction liens, and hurricane mitigation.

596 (2) The Department of Business and Professional Regulation
597 shall administer a program, designated as the Florida Building
598 Code Compliance and Mitigation Program, to develop, coordinate,
599 and maintain education and outreach to persons required to
600 comply with the Florida Building Code and related provisions as
601 specified in subsection (1) and ensure consistent education,
602 training, and communication of the code's requirements,
603 including, but not limited to, methods for design and
604 construction compliance and mitigation of storm-related damage.
605 The program shall also operate a clearinghouse through which
606 design, construction, and building code enforcement licensees,
607 suppliers, and consumers in this state may find others in order
608 to exchange information relating to mitigation and facilitate
609 repairs in the aftermath of a natural disaster.

610 Section 24. Section 553.883, Florida Statutes, is created
611 to read:

612 553.883 Smoke alarms in one-family and two-family dwellings
613 and townhomes.—One-family and two-family dwellings and townhomes
614 undergoing a repair, or a level 1 alteration as defined in the
615 Florida Building Code, may use smoke alarms powered by 10-year
616 nonremovable, nonreplaceable batteries in lieu of retrofitting
617 such dwelling with smoke alarms powered by the dwelling's
618 electrical system. Effective January 1, 2015, a battery-powered
619 smoke alarm that is newly installed or replaces an existing



725694

620 battery-powered smoke alarm must be powered by a nonremovable,
621 nonreplaceable battery that powers the alarm for at least 10
622 years. All fire alarms, smoke detectors, smoke alarms, and
623 ancillary components that are electronically connected to a
624 system as part of a UL Listed centrally-monitored fire alarm
625 station are exempt from the battery requirements of this
626 section.

627 Section 25. Subsection (3) of section 553.993, Florida
628 Statutes, is amended to read:

629 553.993 Definitions.—For purposes of this part:

630 (3) "Building energy-efficiency rating system" means a
631 whole building energy evaluation system that provides a reliable
632 and scientifically-based analysis of a building's energy
633 consumption or energy features and allows a comparison to
634 similar building types in similar climate zones where
635 applicable. Specifically, the rating system shall use standard
636 calculations, formulas, and scoring methods; be applicable
637 nationally; compare a building to a clearly defined and
638 researched baseline or benchmark; require qualified
639 professionals to conduct the rating or assessment; and provide a
640 labeling and recognition program with specific criteria or
641 levels. Residential program benchmarks for new construction must
642 be consistent with national building standards. Residential
643 building program benchmarks for existing construction must be
644 consistent with national home energy rating standards. The
645 building energy-efficiency rating system shall require at least
646 one level of oversight performed by an organized and balanced
647 group of professionals with subject matter expertise in energy
648 efficiency, energy rating, and evaluation methods established by



725694

649 ~~the Residential Energy Services Network, the Commercial Energy~~
650 ~~Services Network, the Building Performance Institute, or the~~
651 ~~Florida Solar Energy Center.~~

652 Section 26. Subsection (15) of section 633.202, Florida
653 Statutes, is amended to read:

654 633.202 Florida Fire Prevention Code.—

655 (15) ~~(a)~~ For one-story or two-story structures that are less
656 than 10,000 square feet, whose occupancy is defined in the
657 Florida Building Code and the Florida Fire Prevention Code as
658 business or mercantile, a fire official shall enforce the wall
659 fire-rating provisions for occupancy separation as defined in
660 the Florida Building Code.

661 (16) (a) ~~(b)~~ A structure, located on property that is
662 classified for ad valorem purposes as agricultural, which is
663 part of a farming or ranching operation, in which the occupancy
664 is limited by the property owner to no more than 35 persons, and
665 which is not used by the public for direct sales or as an
666 educational outreach facility, is exempt from the Florida Fire
667 Prevention Code, including the national codes and Life Safety
668 Code incorporated by reference. This paragraph does not include
669 structures used for residential or assembly occupancies, as
670 defined in the Florida Fire Prevention Code.

671 (b) A tent up to 30 feet by 30 feet is exempt from the
672 Florida Fire Prevention Code, including the national codes
673 incorporated by reference.

674 Section 27. Subsection (1) of section 633.212, Florida
675 Statutes, is amended to read:

676 633.212 Legislative intent; informal interpretations of the
677 Florida Fire Prevention Code.—It is the intent of the



725694

678 Legislature that the Florida Fire Prevention Code be interpreted
679 by fire officials and local enforcement agencies in a manner
680 that reasonably and cost-effectively protects the public safety,
681 health, and welfare; ensures uniform interpretations throughout
682 this state; and provides just and expeditious processes for
683 resolving disputes regarding such interpretations. It is the
684 further intent of the Legislature that such processes provide
685 for the expeditious resolution of the issues presented and that
686 the resulting interpretation of such issues be published on the
687 website of the division.

688 (1) The division shall by rule establish an informal
689 process of rendering nonbinding interpretations of the Florida
690 Fire Prevention Code. The division may contract with and refer
691 interpretive issues to a third party, selected based upon cost
692 effectiveness, quality of services to be performed, and other
693 performance-based criteria, which has experience in interpreting
694 and enforcing the Florida Fire Prevention Code. It is the intent
695 of the Legislature that the division establish a Fire Code
696 Interpretation Committee composed of seven persons and seven
697 alternates, equally representing each area of the state, to
698 which a party can pose questions regarding the interpretation of
699 the Florida Fire Prevention Code provisions. The alternate
700 member may respond to a nonbinding interpretation if a ~~the~~
701 ~~member notifies the Fire Code Interpretation Committee that he~~
702 ~~or she~~ is unable to respond.

703 Section 28. Section 713.32, Florida Statutes, is amended to
704 read:

705 713.32 Insurance proceeds liable for demands.—The proceeds
706 of any insurance that by the terms of the policy contract are



725694

707 payable to the owner of improved real property or a lienor and
708 actually received or to be received by him or her because of the
709 damage, destruction, or removal by fire or other casualty of an
710 improvement on which lienors have furnished labor or services or
711 materials shall, after the owner or lienor, as the case may be,
712 has been reimbursed therefrom for any premiums paid by him or
713 her, be liable to liens or demands for payment provided by this
714 part to the same extent and in the same manner, order of
715 priority, and conditions as the real property or payments under
716 a direct contract would have been, if the improvement had not
717 been so damaged, destroyed, or removed. The insurer may only pay
718 the proceeds of the policy of insurance to the insured named in
719 the policy or to an entity that the owner and the insurer have
720 explicitly agreed to in writing before payment and thereupon any
721 liability of the insurer under this part shall cease. The named
722 insured who receives any proceeds of the policy shall be deemed
723 a trustee of the proceeds, and the proceeds shall be deemed
724 trust funds for the purposes designated by this section for a
725 period of 1 year from the date of receipt of the proceeds. This
726 section shall not apply to that part of the proceeds of any
727 policy of insurance payable to a person, including a mortgagee,
728 who holds a lien perfected before the recording of the notice of
729 commencement or recommencement.

730 Section 29. Except as otherwise provided in this act, this
731 act shall take effect July 1, 2014.

732
733 ===== T I T L E A M E N D M E N T =====

734 And the title is amended as follows:

735 Delete lines 2 - 37



725694

736 and insert:

737 An act relating to building construction policies;
738 amending s. 377.6015, F.S.; removing a provision
739 relating to representation in the Southern States
740 Energy Compact; amending s. 377.703, F.S.; requiring
741 the Department of Agriculture and Consumer Services to
742 include in its annual report recommendations for
743 energy efficiency; expanding the promotion of the
744 development and use of renewable energy resources from
745 goals related to solar energy to renewable energy in
746 general; requiring the department to cooperate with
747 the Florida Energy Systems Consortium in the
748 development and use of renewable energy resources;
749 amending s. 377.712, F.S.; authorizing the
750 Commissioner of Agriculture to appoint a member to the
751 Southern States Energy Board; authorizing the
752 department to approve proposed activities relating to
753 furtherance of the Southern States Energy Compact;
754 amending s. 377.801, F.S.; conforming a cross-
755 reference; amending s. 377.802, F.S.; amending the
756 purpose of the Florida Energy and Climate Protection
757 Act; amending s. 377.803, F.S.; conforming provisions
758 to changes made by the act; creating s. 377.815, F.S.;
759 authorizing the department to post on its website
760 information relating to alternative fueling stations
761 or electric vehicle charging stations; defining the
762 term "alternative fuel"; authorizing the owner or
763 operator of an alternative fueling station or an
764 electric vehicle charging station to report certain



725694

765 information; amending s. 553.74, F.S.; adding a member
766 to the Florida Building Commission as a representative
767 of the Department of Agriculture and Consumer
768 Services' Office of Energy; deleting obsolete
769 provisions; repealing ss. 377.806 and 377.807, F.S.,
770 relating to the Solar Energy System Incentives Program
771 and the Energy-Efficient Appliance Rebate Program,
772 respectively; amending s. 162.12, F.S.; providing an
773 additional method for local governments to provide
774 notices to alleged code enforcement violators;
775 amending s. 373.323, F.S.; revising the requirements
776 of an applicant to take the water well contractor
777 licensure examination; amending s. 440.103, F.S.;
778 authorizing an employer to present certain documents
779 electronically or physically in order to show proof
780 and certify to the permit issuer that it has secured
781 compensation for its employees; authorizing site plans
782 or electronically transferred building permits to be
783 maintained at the worksite in their original form or
784 by electronic copy; requiring such plans or permits to
785 be open to inspection by the building official or
786 authorized representative; amending s. 514.0115, F.S.;
787 authorizing the Department of Health to grant certain
788 variances relating to public swimming pools and
789 bathing places; amending s. 514.03, F.S.; requiring
790 application for an operating permit before filing an
791 application for a building permit for a public
792 swimming pool; amending s. 514.031, F.S.; providing
793 additional requirements for obtaining a public



725694

794 swimming pool operating permit; providing a procedure
795 for an applicant to respond to a request for
796 additional information; requiring the Department of
797 Health to review and provide to the local enforcement
798 agency and the applicant any comments or proposed
799 modifications to information submitted in the
800 application; amending s. 553.37, F.S.; specifying
801 inspection criteria for construction or modification
802 of manufactured buildings or modules; amending s.
803 553.721, F.S.; making a technical change; amending s.
804 553.73, F.S.; authorizing an agency or local
805 government to require rooftop equipment to be
806 installed in compliance with the Florida Building Code
807 if the equipment is being replaced or removed during
808 reroofing and is not in compliance with the Florida
809 Building Code's roof-mounted mechanical units
810 requirements; providing that make-up air is not
811 required for certain range hood exhaust systems;
812 amending s. 553.77, F.S.; requiring building officials
813 to recognize and enforce certain variance orders
814 issued by the Department of Health; amending s.
815 553.775, F.S.; authorizing building officials, local
816 enforcement agencies, and the Florida Building
817 Commission to interpret the Florida Accessibility Code
818 for Building Construction; specifying procedures for
819 such interpretations; deleting provisions relating to
820 declaratory statements and interpretations of the
821 Florida Accessibility Code for Building Construction,
822 to conform; amending s. 553.79, F.S.; prohibiting a



725694

823 local enforcing agency from issuing a building permit
824 for a public swimming pool without proof of
825 application for an operating permit; requiring
826 issuance of an operating permit before a certificate
827 of completion or occupancy is issued; requiring the
828 local enforcing agency to review the building permit
829 application upon filing; authorizing such agency to
830 confer with the Department of Health if it doesn't
831 delay review of the application; authorizing site
832 plans or building permits to be maintained at the
833 worksite in their original form or in the form of an
834 electronic copy; requiring the permit to be open to
835 inspection; amending s. 553.80, F.S.; requiring
836 counties and municipalities to expedite building
837 construction permitting, building plans review, and
838 inspections of projects of certain public schools,
839 rather than certain public school districts; amending
840 s. 553.841, F.S.; revising education and training
841 requirements of the Florida Building Code Compliance
842 and Mitigation Program; creating s. 553.883, F.S.;
843 authorizing use of smoke alarms powered by 10-year
844 nonremovable, nonreplaceable batteries in certain
845 circumstances; requiring use of such alarms by a
846 certain date; providing an exemption; amending s.
847 553.993, F.S.; revising the definition of the term
848 "building energy-efficiency rating system" to require
849 consistency with certain national standards for new
850 construction and existing construction; providing for
851 oversight; amending s. 633.202, F.S.; exempting



725694

852 certain tents from the Florida Fire Prevention Code;
853 amending s. 633.212, F.S.; removing the requirement
854 that an alternate member of the Fire Code
855 Interpretation Committee provide notice to the
856 committee in order to respond to a nonbinding
857 interpretation when a member is unable to respond;
858 amending s. 713.32, F.S.; revising the payment of
859 proceeds of an insurance policy on real property;
860 providing effective dates.