



550330

LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 377.705, Florida Statutes, is amended to
read:

377.705 Solar Energy Center; development of solar energy
standards.—

(1) SHORT TITLE.—This act shall be known and may be cited
as the Solar Energy Standards Act of 1976.



550330

11 (2) LEGISLATIVE FINDINGS AND INTENT.—

12 ~~(a) Because of increases in the cost of conventional fuel,~~
13 ~~certain applications of solar energy are becoming competitive,~~
14 ~~particularly when life-cycle costs are considered. It is the~~
15 ~~intent of the Legislature in formulating a sound and balanced~~
16 ~~energy policy for the state to encourage the development of an~~
17 ~~alternative energy capability in the form of incident solar~~
18 ~~energy.~~

19 ~~(b) Toward this purpose,~~ The Legislature intends to provide
20 ~~incentives for the production and sale of, and to set standards~~
21 ~~for, solar energy systems. Such standards shall ensure that~~
22 solar energy systems manufactured or sold within the state are
23 effective and represent a high level of quality of materials,
24 workmanship, and design.

25 (3) DEFINITIONS.—As used in this section, the term:

26 (a) "Center" means ~~is defined as~~ the Florida Solar Energy
27 Center of the Board of Governors.

28 (b) "Solar energy systems" means ~~is defined as~~ equipment
29 which provides for the collection and use of incident solar
30 energy for water heating, space heating or cooling, or other
31 applications which normally require or would require a
32 conventional source of energy such as petroleum products,
33 natural gas, or electricity and which performs primarily with
34 solar energy. In such other systems in which solar energy is
35 used in a supplemental way, only those components which collect
36 and transfer solar energy shall be included in this definition.

37 (4) FLORIDA SOLAR ENERGY CENTER TO SET STANDARDS, REQUIRE
38 DISCLOSURE, SET TESTING FEES.—

39 (a) The center shall develop and adopt ~~promulgate~~ standards



550330

40 for solar energy systems manufactured or sold in this state
41 based on the best currently available information and shall
42 consult with scientists, engineers, or persons in research
43 centers who are engaged in the construction of, experimentation
44 with, and research of solar energy systems to properly identify
45 the most reliable designs and types of solar energy systems.

46 (b) The center shall establish criteria for testing
47 performance of solar energy systems and shall maintain the
48 necessary capability for testing or evaluating performance of
49 solar energy systems. The center may accept results of tests on
50 solar energy systems made by other organizations, companies, or
51 persons if ~~when~~ such tests are conducted according to the
52 criteria established by the center and if ~~when~~ the testing
53 entity does not have a ~~has no~~ vested interest in the
54 manufacture, distribution, or sale of solar energy systems.

55 (c) The center shall be entitled to receive a testing fee
56 sufficient to cover the costs of such testing. All testing fees
57 shall be transmitted by the center to the Chief Financial
58 Officer to be deposited in the Solar Energy Center Testing Trust
59 Fund, which is ~~hereby~~ created in the State Treasury, and
60 disbursed for the payment of expenses incurred in testing solar
61 energy systems.

62 (d) All solar energy systems manufactured or sold in the
63 state must meet the standards established by the center and
64 shall display accepted results of approved performance tests in
65 a manner prescribed by the center, unless otherwise certified by
66 an engineer licensed pursuant to chapter 471 using the standards
67 contained in the most recent version of the Florida Building
68 Code.



550330

69 Section 2. Paragraph (m) is added to subsection (1) of
70 section 471.033, Florida Statutes, to read:

71 471.033 Disciplinary proceedings.—

72 (1) The following acts constitute grounds for which the
73 disciplinary actions in subsection (3) may be taken:

74 (m) Failing to disclose to a customer before contracting
75 for engineering service whether the licensee maintains
76 professional liability insurance and the policy limits if the
77 licensee does maintain such insurance.

78 Section 3. Subsection (5) of section 489.103, Florida
79 Statutes, is amended to read:

80 489.103 Exemptions.—This part does not apply to:

81 (5) Public utilities, including municipal gas utilities and
82 special gas districts as defined in chapter 189,
83 telecommunications companies as defined in s. 364.02(13), and
84 natural gas transmission companies as defined in s. 368.103(4),
85 on construction, maintenance, and development work performed by
86 their employees, which work, including, but not limited to, work
87 on bridges, roads, streets, highways, or railroads, is
88 incidental to their business. The board shall define, by rule,
89 the term "incidental to their business" for purposes of this
90 subsection.

91 Section 4. Paragraph (h) is added to subsection (3) of
92 section 489.113, Florida Statutes, to read:

93 489.113 Qualifications for practice; restrictions.—

94 (3) A contractor shall subcontract all electrical,
95 mechanical, plumbing, roofing, sheet metal, swimming pool, and
96 air-conditioning work, unless such contractor holds a state
97 certificate or registration in the respective trade category,



98 however:

99 (h) A pool/spa contractor, as defined in s. 489.105(3)(j),
100 (k), or (l), is not required to subcontract electrical work for
101 the installation, replacement, disconnection, or reconnection of
102 power wiring on the load side of the dedicated existing
103 electrical disconnecting means, but is required to subcontract
104 all electrical work that requires installation, removal,
105 replacement, or upgrading of a circuit breaker. This paragraph
106 does not apply to other contractor classifications or
107 professions.

108 Section 5. Section 553.721, Florida Statutes, is amended to
109 read:

110 553.721 Surcharge.—In order for the Department of Business
111 and Professional Regulation to administer and carry out the
112 purposes of this part and related activities, there is created a
113 surcharge, to be assessed at the rate of 1.5 percent of the
114 permit fees associated with enforcement of the Florida Building
115 Code as defined by the uniform account criteria and specifically
116 the uniform account code for building permits adopted for local
117 government financial reporting pursuant to s. 218.32. The
118 minimum amount collected on any permit issued shall be \$2. The
119 unit of government responsible for collecting a permit fee
120 pursuant to s. 125.56(4) or s. 166.201 shall collect the
121 surcharge and electronically remit the funds collected to the
122 department on a quarterly calendar basis for the preceding
123 quarter and continuing each third month thereafter. The unit of
124 government shall retain 10 percent of the surcharge collected to
125 fund the participation of building departments in the national
126 and state building code adoption processes and to provide



550330

127 education related to enforcement of the Florida Building Code.
128 All funds remitted to the department pursuant to this section
129 shall be deposited in the Professional Regulation Trust Fund.
130 Funds collected from the surcharge shall be allocated to fund
131 the Florida Building Commission and the Florida Building Code
132 Compliance and Mitigation Program under s. 553.841. Funds
133 allocated to the Florida Building Code Compliance and Mitigation
134 Program shall be \$925,000 each fiscal year. The Florida Building
135 Code Compliance and Mitigation Program shall fund the
136 recommendations made by the Building Code System Uniform
137 Implementation Evaluation Workgroup, dated April 8, 2013, from
138 existing resources, not to exceed \$30,000 in the 2016-2017
139 fiscal year. The department shall provide \$150,000 for the
140 fiscal year 2017-2018 from surcharge funds available to the
141 University of Florida M. E. Rinker, Sr., School of Construction
142 Management for the continuation of the Construction Industry
143 Workforce Task Force. Funds collected from the surcharge shall
144 also be used to fund Florida Fire Prevention Code informal
145 interpretations managed by the State Fire Marshal and shall be
146 limited to \$15,000 each fiscal year. The State Fire Marshal
147 shall adopt rules to address the implementation and expenditure
148 of the funds allocated to fund the Florida Fire Prevention Code
149 informal interpretations under this section. The funds collected
150 from the surcharge may not be used to fund research on
151 techniques for mitigation of radon in existing buildings. Funds
152 used by the department as well as funds to be transferred to the
153 Department of Health and the State Fire Marshal shall be as
154 prescribed in the annual General Appropriations Act. The
155 department shall adopt rules governing the collection and



550330

156 remittance of surcharges pursuant to chapter 120.

157 Section 6. Subsection (20) is added to section 553.73,
158 Florida Statutes, to read:

159 553.73 Florida Building Code.—

160 (20) The Florida Building Commission may not:

161 (a) Adopt the 2016 version of the American Society of
162 Heating, Refrigerating and Air-Conditioning Engineers Standard
163 9.4.1.1(g).

164 (b) Adopt any provision that requires a door located in the
165 opening between a garage and a residence to be equipped with a
166 self-closing device.

167 Section 7. Subsection (20) is added to section 553.79,
168 Florida Statutes, to read:

169 553.79 Permits; applications; issuance; inspections.—

170 (20) A political subdivision of this state may not adopt or
171 enforce any ordinance or impose any building permit or other
172 development order requirement that:

173 (a)1. Contains any building, construction, or aesthetic
174 requirement or condition that conflicts with or impairs
175 corporate trademarks, service marks, trade dress, logos, color
176 patterns, design scheme insignia, image standards, or other
177 features of corporate branding identity on real property or
178 improvements thereon used in activities conducted under chapter
179 526 or in carrying out business activities defined as a
180 franchise by Federal Trade Commission regulations in 16 C.F.R.
181 ss. 436.1, et. seq.; or

182 2. Imposes any requirement on the design, construction, or
183 location of signage advertising the retail price of gasoline in
184 accordance with the requirements of ss. 526.111 and 526.121



550330

185 which prevents the signage from being clearly visible and
186 legible to drivers of approaching motor vehicles in any lane of
187 traffic in either direction on a roadway abutting the gas
188 station premises and which meets height, width, and spacing
189 standards for Series C, D, or E signs, as applicable, published
190 in the latest edition of Standard Alphabets for Highway Signs
191 and Pavement Markings published by the Federal Highway
192 Administration, Office of Traffic Operations.

193 (b) This subsection does not affect any requirement for
194 design and construction in the Florida Building Code.

195 (c) All such ordinances and requirements are hereby
196 preempted and superseded by general law. This subsection shall
197 apply retroactively.

198 Section 8. Subsection (2) of section 553.791, Florida
199 Statutes, is amended to read:

200 553.791 Alternative plans review and inspection.—

201 (2) (a) Notwithstanding any other law or local government
202 ordinance or local policy, the fee owner of a building or
203 structure, or the fee owner's contractor upon written
204 authorization from the fee owner, may choose to use a private
205 provider to provide building code inspection services with
206 regard to such building or structure and may make payment
207 directly to the private provider for the provision of such
208 services. All such services shall be the subject of a written
209 contract between the private provider, or the private provider's
210 firm, and the fee owner or the fee owner's contractor, upon
211 written authorization of the fee owner. The fee owner may elect
212 to use a private provider to provide plans review or required
213 building inspections, or both. However, if the fee owner or the



214 fee owner's contractor uses a private provider to provide plans
215 review, the local building official, in his or her discretion
216 and pursuant to duly adopted policies of the local enforcement
217 agency, may require the fee owner or the fee owner's contractor
218 to use a private provider to also provide required building
219 inspections.

220 (b) It is the intent of the Legislature that owners and
221 contractors not be required to pay extra costs related to
222 building permitting requirements when hiring a private provider
223 for plans reviews and building inspections. A local jurisdiction
224 must calculate the cost savings to the local enforcement agency,
225 based on a fee owner or contractor hiring a private provider to
226 perform plans reviews and building inspections in lieu of the
227 local building official, and reduce the permit fees accordingly.

228 Section 9. Paragraph (d) of subsection (7) of section
229 553.80, Florida Statutes, is amended to read:

230 553.80 Enforcement.—

231 (7) The governing bodies of local governments may provide a
232 schedule of reasonable fees, as authorized by s. 125.56(2) or s.
233 166.222 and this section, for enforcing this part. These fees,
234 and any fines or investment earnings related to the fees, shall
235 be used solely for carrying out the local government's
236 responsibilities in enforcing the Florida Building Code. When
237 providing a schedule of reasonable fees, the total estimated
238 annual revenue derived from fees, and the fines and investment
239 earnings related to the fees, may not exceed the total estimated
240 annual costs of allowable activities. Any unexpended balances
241 shall be carried forward to future years for allowable
242 activities or shall be refunded at the discretion of the local



550330

243 government. The basis for a fee structure for allowable
244 activities shall relate to the level of service provided by the
245 local government and shall include consideration for refunding
246 fees due to reduced services based on services provided as
247 prescribed by s. 553.791, but not provided by the local
248 government. Fees charged shall be consistently applied.

249 (d) The local enforcement agency, independent district, or
250 special district may not require at any time, including at the
251 time of application for a permit, the payment of any additional
252 fees, charges, or expenses associated with:

- 253 1. Providing proof of licensure pursuant to chapter 489;
254 2. Recording or filing a license issued pursuant to this
255 chapter; or
256 3. Providing, recording, or filing evidence of workers'
257 compensation insurance coverage as required by chapter 440.

258 Section 10. Section 553.9081, Florida Statutes, is created
259 to read:

260 553.9081 Florida Building Code; required amendments.—The
261 Florida Building Commission shall amend the Florida Building
262 Code—Energy Conservation to:

263 (1) (a) Eliminate duplicative commissioning reporting
264 requirements for HVAC and electrical systems; and

265 (b) Authorize commissioning reports to be provided by a
266 licensed design professional, electrical engineer, or mechanical
267 engineer.

268 (2) Prohibit the adoption of American Society of Heating,
269 Refrigerating and Air-Conditioning Engineers Standard
270 9.4.1.1(g).

271 Section 11. Subsection (8) of section 633.208, Florida



550330

272 Statutes, is amended to read:

273 633.208 Minimum firesafety standards.—

274 (8) (a) The provisions of the Life Safety Code, as contained
275 in the Florida Fire Prevention Code, do not apply to one-family
276 and two-family dwellings. However, fire sprinkler protection may
277 be permitted by local government in lieu of other fire
278 protection-related development requirements for such structures.
279 While local governments may adopt fire sprinkler requirements
280 for one-family ~~one-~~ and two-family dwellings under this
281 subsection, it is the intent of the Legislature that the
282 economic consequences of the fire sprinkler mandate on home
283 owners be studied before the enactment of such a requirement.
284 After the effective date of this act, any local government that
285 desires to adopt a fire sprinkler requirement on one-family ~~one-~~
286 or two-family dwellings must prepare an economic cost and
287 benefit report that analyzes the application of fire sprinklers
288 to one-family ~~one-~~ or two-family dwellings or any proposed
289 residential subdivision. The report must consider the tradeoffs
290 and specific cost savings and benefits of fire sprinklers for
291 future owners of property. The report must include an assessment
292 of the cost savings from any reduced or eliminated impact fees
293 if applicable, the reduction in special fire district tax,
294 insurance fees, and other taxes or fees imposed, and the waiver
295 of certain infrastructure requirements including the reduction
296 of roadway widths, the reduction of water line sizes, increased
297 fire hydrant spacing, increased dead-end roadway length, and a
298 reduction in cul-de-sac sizes relative to the costs from fire
299 sprinkling. A failure to prepare an economic report shall result
300 in the invalidation of the fire sprinkler requirement to any



301 one-family ~~one~~ or two-family dwelling or any proposed
302 subdivision. In addition, a local jurisdiction or utility may
303 not charge any additional fee, above what is charged to a non-
304 fire sprinklered dwelling, on the basis that a one-family ~~one~~
305 or two-family dwelling unit is protected by a fire sprinkler
306 system.

307 (b)1. A county, municipality, special taxing district,
308 public utility, or private utility may not require a separate
309 water connection for a one-family or two-family dwelling fire
310 sprinkler system if the hydraulic design has proven the existing
311 connection is capable of supplying the needed hydraulic demand.

312 2. A county, municipality, special district, public
313 utility, or private utility may not charge a water or sewer rate
314 to a one-family or two-family dwelling that requires a larger
315 water meter solely due to the installation of fire sprinklers
316 above that which is charged to a one-family and two-family
317 dwelling with a base meter. If the installation of fire
318 sprinklers in a one-family or two-family dwelling requires the
319 installation of a larger water meter, only the difference in
320 actual cost between the base water meter and the larger water
321 meter may be charged by the water utility provider.

322 Section 12. A local government may not require an owner of
323 a residence to obtain a permit to paint such residence,
324 regardless of whether the residence is owned by a limited
325 liability company.

326 Section 13. The Department of Education, in conjunction
327 with the Department of Economic Opportunity, shall develop a
328 plan to implement the recommendations of the Construction
329 Industry Workforce Task Force Report dated January 20, 2017. The



330 Department of Education shall provide the plan to the
331 Construction Industry Workforce Task Force on or before July 1,
332 2018.

333 Section 14. CareerSource Florida, Inc., shall develop and
334 submit a plan to the Construction Industry Workforce Task Force
335 on the potential opportunities for training programs to
336 implement the recommendations of the Construction Industry
337 Workforce Task Force Report dated January 20, 2017, using
338 existing federal funds awarded to the corporation and using the
339 previous statewide Florida ReBuilds program as an implementation
340 model for such programs. CareerSource Florida, Inc., shall
341 provide the plan to the Construction Industry Workforce Task
342 Force on or before July 1, 2018.

343 Section 15. The Florida Building Commission shall adopt an
344 amendment to the Florida Building Code-Residential, relating to
345 door components, to provide that, regarding substitution of door
346 components, such components must either:

- 347 (1) Comply with ANSI/WMA 100; or
348 (2) Be evaluated by an approved product evaluation entity,
349 certification agency, testing laboratory, or engineer and may be
350 interchangeable in exterior door assemblies if the components
351 provide equal or greater structural performance as demonstrated
352 by accepted engineering practices.

353 Section 16. This act shall take effect July 1, 2017.

354
355 ===== T I T L E A M E N D M E N T =====

356 And the title is amended as follows:

357 Delete everything before the enacting clause
358 and insert:



550330

359 A bill to be entitled
360 An act relating to construction; amending s. 377.705,
361 F.S.; revising legislative findings and intent;
362 authorizing solar energy systems manufactured or sold
363 in the state to be certified by professional
364 engineers; amending s. 471.033, F.S.; prohibiting
365 professional engineers from contracting with customers
366 without disclosing whether they maintain certain
367 insurance; amending s. 489.103, F.S.; revising an
368 exemption from construction contracting regulation for
369 certain public utilities; deleting responsibility of
370 the Construction Industry Licensing Board to define
371 the term "incidental to their business" for certain
372 purposes; amending s. 489.113, F.S.; providing that
373 specified pool/spa contractors are not required to
374 subcontract certain work relating to power wiring;
375 requiring such contractors to subcontract all work
376 requiring the installation, removal, replacement, or
377 upgrading of a circuit breaker; providing
378 applicability; amending s. 553.721, F.S.; requiring
379 the Department of Business and Professional Regulation
380 to provide certain funds allocated to the University
381 of Florida M. E. Rinker, Sr., School of Construction
382 Management for specified purposes; amending s. 553.73,
383 F.S.; prohibiting the Florida Building Commission from
384 adopting certain provisions into the Florida Building
385 Code; amending s. 553.79, F.S.; prohibiting a
386 political subdivision from adopting or enforcing
387 certain building permits or other development order



550330

388 requirements; providing construction; providing for
389 preemption of certain local laws and regulations;
390 providing for retroactive applicability; amending s.
391 553.791, F.S.; providing legislative intent; requiring
392 local jurisdictions to reduce certain permit fees;
393 amending s. 553.80, F.S.; prohibiting local
394 enforcement agencies, independent districts, and
395 special districts from charging certain fees; creating
396 s. 553.9081, F.S.; requiring the Florida Building
397 Commission to amend certain provisions of the Florida
398 Building Code; amending s. 633.208, F.S.; prohibiting
399 a county, municipality, special taxing district,
400 public utility, or private utility from requiring a
401 separate water connection or charging a specified
402 water or sewage rate under certain conditions;
403 prohibiting a local government from requiring a permit
404 for painting a residence; requiring the Department of
405 Education to develop a plan for specified purposes;
406 requiring the department to provide the plan to the
407 Construction Industry Workforce Task Force by a
408 specified date; requiring CareerSource Florida, Inc.,
409 to develop a plan for specified purposes; requiring
410 CareerSource Florida, Inc., to provide the plan to the
411 Construction Industry Workforce Task Force by a
412 specified date; requiring the Florida Building
413 Commission to amend specified provisions of the
414 Florida Building Code related to door components;
415 providing an effective date.