

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

1
2 An act relating to construction; amending s. 377.705,
3 F.S.; revising legislative findings and intent;
4 authorizing solar energy systems manufactured or sold
5 in the state to be certified by professional
6 engineers; amending s. 489.103, F.S.; revising an
7 exemption from construction contracting regulation for
8 certain public utilities; deleting responsibility of
9 the Construction Industry Licensing Board to define
10 the term "incidental to their business" for certain
11 purposes; amending s. 553.79, F.S.; prohibiting a
12 political subdivision from adopting or enforcing
13 certain building permits or other development order
14 requirement; providing construction; providing for
15 preemption of certain local laws and regulations;
16 providing for retroactive applicability; providing an
17 exception; amending s. 468.603, F.S.; revising
18 definitions; amending s. 468.609, F.S.; revising
19 eligibility requirements for the examination for
20 certification as a building code inspector or plans
21 examiner to include an internship certification
22 program; removing an eligibility condition from
23 provisions related to provisional certificates;
24 requiring the Florida Building Code Administrators and
25 Inspectors Board to establish rules; amending s.

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

26 | 468.617, F.S.; authorizing specified entities to
27 | contract for the provision of building code
28 | administrator and building official services; amending
29 | s. 553.791, F.S.; conforming provisions to changes
30 | made by the act; revising a definition; requiring
31 | local jurisdictions to reduce certain permit fees;
32 | amending ss. 471.045 and 481.222, F.S.; conforming
33 | cross-references; amending s. 553.80, F.S.;

34 | prohibiting local enforcement agencies, independent
35 | districts, and special districts from charging certain
36 | fees; amending s. 553.73, F.S.; revising requirements
37 | for updating the Florida Building Code; providing that
38 | certain amendments to the Florida Building Code are
39 | not void under certain circumstances; providing that
40 | certain technical amendments are subject to review or
41 | modification; requiring the commission to adopt and
42 | update the Florida Building Code through certain
43 | review rather than by rule; revising requirements
44 | relating to the codes used to update the Florida
45 | Building Code; specifying minimum requirements for
46 | updates to the Florida Building Code; authorizing the
47 | commission to adopt as a technical amendment any
48 | portion of specified codes; conforming provisions to
49 | changes made by the act; prohibiting the Florida
50 | Building Commission from adopting certain code

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

51 provisions or standards; amending s. 553.76, F.S.;

52 authorizing the commission to adopt the Florida

53 Building Code and amendments thereto by a specified

54 number of votes; creating s. 553.9081, F.S.; requiring

55 the Florida Building Commission to amend certain

56 provisions of the Florida Building Code; amending s.

57 633.208, F.S.; prohibiting a county, municipality,

58 special taxing district, public utility, or private

59 utility from requiring a separate water connection or

60 charging a specified water or sewage rate under

61 certain conditions; prohibiting a local government

62 from requiring a permit for painting a residence;

63 requiring the Department of Education to develop a

64 plan for specified purposes; requiring Department of

65 Education to provide the plan to the Construction

66 Industry Workforce Task Force by a specified date;

67 requiring CareerSource Florida, Inc., to develop a

68 plan for specified purposes; requiring CareerSource

69 Florida, Inc., to provide the plan to the Construction

70 Industry Workforce Taskforce by a specified date;

71 requiring the Florida Building Commission to amend

72 specified provisions of the Florida Building Code

73 related to door components; amending s. 489.516, F.S.;

74 specifying that certain provisions do not prevent a

75 certified electrical or alarm system contractor from

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

76 acting as a prime contractor under certain
 77 circumstances; providing an effective date.

78
 79 Be It Enacted by the Legislature of the State of Florida:
 80

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

83 377.705 Solar Energy Center; development of solar energy
 84 standards.—

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

87 (2) LEGISLATIVE ~~FINDINGS AND INTENT.~~—

88 ~~(a) Because of increases in the cost of conventional fuel,~~
 89 ~~certain applications of solar energy are becoming competitive,~~
 90 ~~particularly when life-cycle costs are considered. It is the~~
 91 ~~intent of the Legislature in formulating a sound and balanced~~
 92 ~~energy policy for the state to encourage the development of an~~
 93 ~~alternative energy capability in the form of incident solar~~
 94 ~~energy.~~

95 ~~(b) Toward this purpose,~~ The Legislature intends to
 96 ~~provide incentives for the production and sale of, and to set~~
 97 ~~standards for, solar energy systems. Such standards shall ensure~~
 98 that solar energy systems manufactured or sold within the state
 99 are effective and represent a high level of quality of
 100 materials, workmanship, and design.

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

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

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

104 (b) "Solar energy systems" means ~~is defined as~~ equipment
 105 which provides for the collection and use of incident solar
 106 energy for water heating, space heating or cooling, or other
 107 applications which normally require or would require a
 108 conventional source of energy such as petroleum products,
 109 natural gas, or electricity and which performs primarily with
 110 solar energy. In such other systems in which solar energy is
 111 used in a supplemental way, only those components which collect
 112 and transfer solar energy shall be included in this definition.

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

115 (a) The center shall develop and adopt ~~promulgate~~
 116 standards for solar energy systems manufactured or sold in this
 117 state based on the best currently available information and
 118 shall consult with scientists, engineers, or persons in research
 119 centers who are engaged in the construction of, experimentation
 120 with, and research of solar energy systems to properly identify
 121 the most reliable designs and types of solar energy systems.

122 (b) The center shall establish criteria for testing
 123 performance of solar energy systems and shall maintain the
 124 necessary capability for testing or evaluating performance of
 125 solar energy systems. The center may accept results of tests on

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

126 solar energy systems made by other organizations, companies, or
 127 persons if ~~when~~ such tests are conducted according to the
 128 criteria established by the center and if ~~when~~ the testing
 129 entity does not have a ~~has~~ ~~no~~ vested interest in the
 130 manufacture, distribution, or sale of solar energy systems.

131 (c) The center shall be entitled to receive a testing fee
 132 sufficient to cover the costs of such testing. All testing fees
 133 shall be transmitted by the center to the Chief Financial
 134 Officer to be deposited in the Solar Energy Center Testing Trust
 135 Fund, which is ~~hereby~~ created in the State Treasury, and
 136 disbursed for the payment of expenses incurred in testing solar
 137 energy systems.

138 (d) All solar energy systems manufactured or sold in the
 139 state must meet the standards established by the center and
 140 shall display accepted results of approved performance tests in
 141 a manner prescribed by the center, unless otherwise certified by
 142 an engineer licensed pursuant to ch. 471 using the standards
 143 contained in the most recent version of the Florida Building
 144 Code.

145 Section 2. Subsection (5) of section 489.103, Florida
 146 Statutes, is amended to read:

147 489.103 Exemptions.—This part does not apply to:

148 (5) Public utilities, including municipal gas utilities
 149 and special gas districts as defined in chapter 189,
 150 telecommunications companies as defined in s. 364.02(13), and

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

151 natural gas transmission companies as defined in s. 368.103(4),
152 on construction, maintenance, and development work performed by
153 their employees, ~~which work, including, but not limited to, work~~
154 ~~on bridges, roads, streets, highways, or railroads, is~~
155 ~~incidental to their business. The board shall define, by rule,~~
156 ~~the term "incidental to their business" for purposes of this~~
157 ~~subsection.~~

158 Section 3. Subsection (20) is added to section 553.79,
159 Florida Statutes, to read:

160 553.79 Permits; applications; issuance; inspections.-

161 (20) (a) A political subdivision of this state may not
162 adopt or enforce any ordinance or impose any building permit or
163 other development order requirement that:

164 1. Contains any building, construction, or aesthetic
165 requirement or condition that conflicts with or impairs
166 corporate trademarks, service marks, trade dress, logos, color
167 patterns, design scheme insignia, image standards, or other
168 features of corporate branding identity on real property or
169 improvements thereon used in activities conducted under chapter
170 526 or in carrying out business activities defined as a
171 franchise by Federal Trade Commission regulations in 16 C.F.R.
172 ss. 436.1, et. seq.; or

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

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

176 which prevents the signage from being clearly visible and
 177 legible to drivers of approaching motor vehicles from a vantage
 178 point on any lane of traffic in either direction on a roadway
 179 abutting the gas station premises and meets height, width, and
 180 spacing standards for Series C, D, or E signs, as applicable,
 181 published in the latest edition of Standard Alphabets for
 182 Highway Signs published by the United States Department of
 183 Commerce, Bureau of Public Roads, Office of Highway Safety.

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

186 (c) All such ordinances and requirements are hereby
 187 preempted and superseded by general law. This subsection shall
 188 apply retroactively.

189 (d) This subsection does not apply to property located in
 190 a designated historic district.

191 Section 4. Section 468.603, Florida Statutes, is reordered
 192 and amended to read:

193 468.603 Definitions.—As used in this part:

194 (2)~~(1)~~ "Building code administrator" or "building
 195 official" means any of those employees of municipal or county
 196 governments, or any person contracted, with building
 197 construction regulation responsibilities who are charged with
 198 the responsibility for direct regulatory administration or
 199 supervision of plan review, enforcement, or inspection of
 200 building construction, erection, repair, addition, remodeling,

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

201 demolition, or alteration projects that require permitting
 202 indicating compliance with building, plumbing, mechanical,
 203 electrical, gas, fire prevention, energy, accessibility, and
 204 other construction codes as required by state law or municipal
 205 or county ordinance. This term is synonymous with "building
 206 official" as used in the ~~administrative chapter of the Standard~~
 207 ~~Building Code and the South Florida Building Code~~. One person
 208 employed or contracted by each municipal or county government as
 209 a building code administrator or building official and who is so
 210 certified under this part may be authorized to perform any plan
 211 review or inspection for which certification is required by this
 212 part, including performing any plan review or inspection as a
 213 currently designated standard certified building official under
 214 an interagency service agreement with a jurisdiction having a
 215 population of 50,000 or less.

216 (4)-(2) "Building code inspector" means any of those
 217 employees of local governments or state agencies, or any person
 218 contracted, with building construction regulation
 219 responsibilities who themselves conduct inspections of building
 220 construction, erection, repair, addition, or alteration projects
 221 that require permitting indicating compliance with building,
 222 plumbing, mechanical, electrical, gas, fire prevention, energy,
 223 accessibility, and other construction codes as required by state
 224 law or municipal or county ordinance.

225 (1)-(3) "Board" means the Florida Building Code

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

226 Administrators and Inspectors Board.

227 (7)~~(4)~~ "Department" means the Department of Business and
 228 Professional Regulation.

229 (6)~~(5)~~ "Certificate" means a certificate of qualification
 230 issued by the department as provided in this part.

231 (5)~~(6)~~ "Categories of building code inspectors" include
 232 the following:

233 (a) "Building inspector" means a person who is qualified
 234 to inspect and determine that buildings and structures are
 235 constructed in accordance with the provisions of the governing
 236 building codes and state accessibility laws.

237 (b) "Coastal construction inspector" means a person who is
 238 qualified to inspect and determine that buildings and structures
 239 are constructed to resist near-hurricane and hurricane velocity
 240 winds in accordance with the provisions of the governing
 241 building code.

242 (c) "Commercial electrical inspector" means a person who
 243 is qualified to inspect and determine the electrical safety of
 244 commercial buildings and structures by inspecting for compliance
 245 with the provisions of the National Electrical Code.

246 (h)~~(d)~~ "Residential electrical inspector" means a person
 247 who is qualified to inspect and determine the electrical safety
 248 of one and two family dwellings and accessory structures by
 249 inspecting for compliance with the applicable provisions of the
 250 governing electrical code.

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

251 (e) "Mechanical inspector" means a person who is qualified
252 to inspect and determine that the mechanical installations and
253 systems for buildings and structures are in compliance with the
254 provisions of the governing mechanical code.

255 (g)~~(f)~~ "Plumbing inspector" means a person who is
256 qualified to inspect and determine that the plumbing
257 installations and systems for buildings and structures are in
258 compliance with the provisions of the governing plumbing code.

259 (f)~~(g)~~ "One and two family dwelling inspector" means a
260 person who is qualified to inspect and determine that one and
261 two family dwellings and accessory structures are constructed in
262 accordance with the provisions of the governing building,
263 plumbing, mechanical, accessibility, and electrical codes.

264 (d)~~(h)~~ "Electrical inspector" means a person who is
265 qualified to inspect and determine the electrical safety of
266 commercial and residential buildings and accessory structures by
267 inspecting for compliance with the provisions of the National
268 Electrical Code.

269 (8)~~(7)~~ "Plans examiner" means a person who is qualified to
270 determine that plans submitted for purposes of obtaining
271 building and other permits comply with the applicable building,
272 plumbing, mechanical, electrical, gas, fire prevention, energy,
273 accessibility, and other applicable construction codes. The term
274 includes a residential plans examiner who is qualified to
275 determine that plans submitted for purposes of obtaining

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

276 | building and other permits comply with the applicable
 277 | residential building, plumbing, mechanical, electrical, gas,
 278 | energy, accessibility, and other applicable construction codes.

279 | Categories of plans examiners include:

280 | (a) Building plans examiner.

281 | (b) Plumbing plans examiner.

282 | (c) Mechanical plans examiner.

283 | (d) Electrical plans examiner.

284 | (3)-(8) "Building code enforcement official" or
 285 | "enforcement official" means a licensed building code
 286 | administrator, building code inspector, or plans examiner.

287 | Section 5. Paragraph (c) of subsection (2), paragraphs (a)
 288 | and (d) of subsection (7), and subsection (10) of section
 289 | 468.609, Florida Statutes, are amended to read:

290 | 468.609 Administration of this part; standards for
 291 | certification; additional categories of certification.—

292 | (2) A person may take the examination for certification as
 293 | a building code inspector or plans examiner pursuant to this
 294 | part if the person:

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

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

300 | 2. Demonstrates a combination of postsecondary education

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

301 in the field of construction or a related field and experience
 302 which totals 4 years, with at least 1 year of such total being
 303 experience in construction, building code inspection, or plans
 304 review;

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

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

322 5. Demonstrates a combination of the completion of an
 323 approved training program in the field of building code
 324 inspection or plan review and a minimum of 2 years' experience
 325 in the field of building code inspection, plan review, fire code

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

326 inspections and fire plans review of new buildings as a
 327 firesafety inspector certified under s. 633.216, or
 328 construction. The approved training portion of this requirement
 329 shall include proof of satisfactory completion of a training
 330 program that provides at least 200 hours but not more than 300
 331 hours of cross-training that is approved by the board in the
 332 chosen category of building code inspection or plan review in
 333 the certification category sought with at least 20 hours but not
 334 more than 30 hours of instruction in state laws, rules, and
 335 ethics relating to professional standards of practice, duties,
 336 and responsibilities of a certificateholder. The board shall
 337 coordinate with the Building Officials Association of Florida,
 338 Inc., to establish by rule the development and implementation of
 339 the training program. However, the board shall accept all
 340 classroom training offered by an approved provider if the
 341 content substantially meets the intent of the classroom
 342 component of the training program; ~~or~~

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

346 a. Has at least 5 years' verifiable full-time experience
 347 as an inspector or plans examiner in a standard certification
 348 category currently held or has a minimum of 5 years' verifiable
 349 full-time experience as a firesafety inspector licensed pursuant
 350 to chapter 633.

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

351 b. Has satisfactorily completed a building code inspector
 352 or plans examiner classroom training course or program that
 353 provides at least 200 but not more than 300 hours in the
 354 certification category sought, except for one-family and two-
 355 family dwelling training programs, which must provide at least
 356 500 but not more than 800 hours of training as prescribed by the
 357 board. The board shall establish by rule criteria for the
 358 development and implementation of classroom training courses and
 359 programs in each certification category; or

360 7.a. Has completed a 4-year internship certification
 361 program as a building code inspector or plans examiner while
 362 employed full-time by a municipality, county, or other
 363 governmental jurisdiction, under the direct supervision of a
 364 certified building official. Proof of graduation with a related
 365 vocational degree or college degree or of verifiable work
 366 experience may be exchanged for the internship experience
 367 requirement year-for-year, but may reduce the requirement to no
 368 less than 1 year.

369 b. Has passed an examination administered by the
 370 International Code Council in the certification category sought.
 371 Such examination must be passed before beginning the internship
 372 certification program.

373 c. Has passed the principles and practice examination
 374 before completing the internship certification program.

375 d. Has passed a board-approved 40-hour code training

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

376 course in the certification category sought before completing
 377 the internship certification program.

378 e. Has obtained a favorable recommendation from the
 379 supervising building official after completion of the internship
 380 certification program.

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

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

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

401 (10) (a) The board may by rule create categories of
 402 certification in addition to those defined in s. 468.603(5) and
 403 (8) ~~468.603(6) and (7)~~. Such certification categories shall not
 404 be mandatory and shall not act to diminish the scope of any
 405 certificate created by statute.

406 (b) The board shall by rule establish:

407 1. Reciprocity of certification with any other state that
 408 requires an examination administered by the International Code
 409 Council.

410 2. That an applicant for certification as a building code
 411 inspector or plans examiner may apply for a provisional
 412 certificate valid for the duration of the internship period.

413 3. That partial completion of an internship program may be
 414 transferred between jurisdictions on a form prescribed by the
 415 board.

416 4. That an applicant may apply for a standard certificate
 417 on a form prescribed by the board upon successful completion of
 418 an internship certification program.

419 5. That an applicant may apply for a standard certificate
 420 at least 30 days and no more than 60 days before completing the
 421 internship certification program.

422 6. That a building code inspector or plans examiner who
 423 has standard certification may seek an additional certification
 424 in another category by completing an additional nonconcurrent 1-
 425 year internship program in the certification category sought and

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

426 | passing an examination administered by the International Code
 427 | Council and a board-approved 40-hour code training course.

428 | Section 6. Subsection (3) of section 468.617, Florida
 429 | Statutes, is amended to read:

430 | 468.617 Joint building code inspection department; other
 431 | arrangements.—

432 | (3) Nothing in this part shall prohibit any county or
 433 | municipal government, school board, community college board,
 434 | state university, or state agency from entering into any
 435 | contract with any person or entity for the provision of building
 436 | code administrator, building official, or building code
 437 | inspection services regulated under this part, and
 438 | notwithstanding any other statutory provision, such county or
 439 | municipal governments may enter into contracts.

440 | Section 7. Paragraphs (d) and (i) of subsection (1) and
 441 | subsection (2) of section 553.791, Florida Statutes, are amended
 442 | to read:

443 | 553.791 Alternative plans review and inspection.—

444 | (1) As used in this section, the term:

445 | (d) "Building code inspection services" means those
 446 | services described in s. 468.603(5) and (8) ~~468.603(6) and (7)~~
 447 | involving the review of building plans to determine compliance
 448 | with applicable codes and those inspections required by law of
 449 | each phase of construction for which permitting by a local
 450 | enforcement agency is required to determine compliance with

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

451 applicable codes.

452 (i) "Private provider" means a person licensed as a
453 building code administrator under part XII of chapter 468, as an
454 engineer under chapter 471, or as an architect under chapter
455 481. For purposes of performing inspections under this section
456 for additions and alterations that are limited to 1,000 square
457 feet or less to residential buildings, the term "private
458 provider" also includes a person who holds a standard
459 certificate under part XII of chapter 468.

460 (2) (a) Notwithstanding any other law or local government
461 ordinance or local policy, the fee owner of a building or
462 structure, or the fee owner's contractor upon written
463 authorization from the fee owner, may choose to use a private
464 provider to provide building code inspection services with
465 regard to such building or structure and may make payment
466 directly to the private provider for the provision of such
467 services. All such services shall be the subject of a written
468 contract between the private provider, or the private provider's
469 firm, and the fee owner or the fee owner's contractor, upon
470 written authorization of the fee owner. The fee owner may elect
471 to use a private provider to provide plans review or required
472 building inspections, or both. However, if the fee owner or the
473 fee owner's contractor uses a private provider to provide plans
474 review, the local building official, in his or her discretion
475 and pursuant to duly adopted policies of the local enforcement

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

476 agency, may require the fee owner or the fee owner's contractor
477 to use a private provider to also provide required building
478 inspections.

479 (b) It is the intent of the Legislature that owners and
480 contractors not be required to pay extra costs related to
481 building permitting requirements when hiring a private provider
482 for plans review and building inspections. A local jurisdiction
483 must calculate the cost savings to the local enforcement agency,
484 based on a fee owner or contractor hiring a private provider to
485 perform plans reviews and building inspections in lieu of the
486 local building official, and reduce the permit fees accordingly.

487 Section 8. Section 471.045, Florida Statutes, is amended
488 to read:

489 471.045 Professional engineers performing building code
490 inspector duties.—Notwithstanding any other provision of law, a
491 person who is currently licensed under this chapter to practice
492 as a professional engineer may provide building code inspection
493 services described in s. 468.603(5) and (8) ~~468.603(6) and (7)~~
494 to a local government or state agency upon its request, without
495 being certified by the Florida Building Code Administrators and
496 Inspectors Board under part XII of chapter 468. When performing
497 these building code inspection services, the professional
498 engineer is subject to the disciplinary guidelines of this
499 chapter and s. 468.621(1)(c)-(h). Any complaint processing,
500 investigation, and discipline that arise out of a professional

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

501 engineer's performing building code inspection services shall be
502 conducted by the Board of Professional Engineers rather than the
503 Florida Building Code Administrators and Inspectors Board. A
504 professional engineer may not perform plans review as an
505 employee of a local government upon any job that the
506 professional engineer or the professional engineer's company
507 designed.

508 Section 9. Section 481.222, Florida Statutes, is amended
509 to read:

510 481.222 Architects performing building code inspection
511 services.—Notwithstanding any other provision of law, a person
512 who is currently licensed to practice as an architect under this
513 part may provide building code inspection services described in
514 s. 468.603(5) and (8) ~~468.603(6) and (7)~~ to a local government
515 or state agency upon its request, without being certified by the
516 Florida Building Code Administrators and Inspectors Board under
517 part XII of chapter 468. With respect to the performance of such
518 building code inspection services, the architect is subject to
519 the disciplinary guidelines of this part and s. 468.621(1)(c)-
520 (h). Any complaint processing, investigation, and discipline
521 that arise out of an architect's performance of building code
522 inspection services shall be conducted by the Board of
523 Architecture and Interior Design rather than the Florida
524 Building Code Administrators and Inspectors Board. An architect
525 may not perform plans review as an employee of a local

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

526 government upon any job that the architect or the architect's
 527 company designed.

528 Section 10. Paragraph (d) of subsection (7) of section
 529 553.80, Florida Statutes, is amended to read:

530 553.80 Enforcement.—

531 (7) The governing bodies of local governments may provide
 532 a schedule of reasonable fees, as authorized by s. 125.56(2) or
 533 s. 166.222 and this section, for enforcing this part. These
 534 fees, and any fines or investment earnings related to the fees,
 535 shall be used solely for carrying out the local government's
 536 responsibilities in enforcing the Florida Building Code. When
 537 providing a schedule of reasonable fees, the total estimated
 538 annual revenue derived from fees, and the fines and investment
 539 earnings related to the fees, may not exceed the total estimated
 540 annual costs of allowable activities. Any unexpended balances
 541 shall be carried forward to future years for allowable
 542 activities or shall be refunded at the discretion of the local
 543 government. The basis for a fee structure for allowable
 544 activities shall relate to the level of service provided by the
 545 local government and shall include consideration for refunding
 546 fees due to reduced services based on services provided as
 547 prescribed by s. 553.791, but not provided by the local
 548 government. Fees charged shall be consistently applied.

549 (d) The local enforcement agency, independent district, or
 550 special district may not require at any time, including at the

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

551 time of application for a permit, the payment of any additional
 552 fees, charges, or expenses associated with:

- 553 1. Providing proof of licensure pursuant to chapter 489;
 554 2. Recording or filing a license issued pursuant to this
 555 chapter; or
 556 3. Providing, recording, or filing evidence of workers'
 557 compensation insurance coverage as required by chapter 440.

558 Section 11. Subsection (3) of section 553.73, Florida
 559 Statutes, is amended, paragraph (d) is added to subsection (4)
 560 of that section, subsections (7) and (8) and paragraphs (a) and
 561 (b) of subsection (9) of that section are amended, and
 562 subsection (20) is added to that section, to read:

563 553.73 Florida Building Code.—

564 (3) The commission shall use the International Codes
 565 published by the International Code Council, the National
 566 Electric Code (NFPA 70), or other nationally adopted model codes
 567 and standards for updates to ~~needed to develop the base code in~~
 568 ~~Florida to form the foundation for~~ the Florida Building Code.
 569 The ~~Florida Building~~ commission may approve technical amendments
 570 to the code as provided in, ~~subject to~~ subsections (8) and (9),
 571 ~~after the amendments have been~~ subject to all of the following
 572 conditions:

573 (a) The proposed amendment must have ~~has~~ been published on
 574 the commission's website for a minimum of 45 days and all the
 575 associated documentation must have ~~has~~ been made available to

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

576 any interested party before ~~any~~ consideration by a technical
 577 advisory committee.~~†~~

578 (b) In order for a technical advisory committee to make a
 579 favorable recommendation to the commission, the proposal must
 580 receive a two-thirds ~~three-fourths~~ vote of the members present
 581 at the ~~technical advisory committee~~ meeting. ~~and~~ At least half
 582 of the regular members must be present in order to conduct a
 583 meeting.~~†~~

584 (c) After the technical advisory committee has considered
 585 and recommended ~~consideration and a recommendation for~~ approval
 586 of any proposed amendment, the proposal must be published on the
 587 commission's website for at least 45 days before ~~any~~
 588 consideration by the commission.~~†~~ ~~and~~

589 (d) A proposal may be modified by the commission based on
 590 public testimony and evidence from a public hearing held in
 591 accordance with chapter 120.

592
 593 The commission shall incorporate within ~~sections of~~ the Florida
 594 Building Code provisions that ~~which~~ address regional and local
 595 concerns and variations. The commission shall make every effort
 596 to minimize conflicts between the Florida Building Code, the
 597 Florida Fire Prevention Code, and the Life Safety Code.

598 (4)

599 (d) A technical amendment to the Florida Building Code
 600 related to water conservation practices or design criteria

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

601 adopted by a local government pursuant to this subsection is not
 602 rendered void when the code is updated if the technical
 603 amendment is necessary to protect or provide for more efficient
 604 use of water resources as provided in s. 373.621. However, any
 605 such technical amendment carried forward into the next edition
 606 of the code pursuant to this paragraph is subject to review or
 607 modification as provided in this part.

608 (7) (a) The commission, ~~by rule adopted pursuant to ss.~~
 609 ~~120.536(1) and 120.54,~~ shall adopt an updated ~~update the~~ Florida
 610 Building Code every 3 years through review of. ~~When updating the~~
 611 ~~Florida Building Code, the commission shall select the most~~
 612 ~~current~~ updates ~~version~~ of the International Building Code, the
 613 International Fuel Gas Code, International Existing Building
 614 Code, the International Mechanical Code, the International
 615 Plumbing Code, and the International Residential Code, all of
 616 which are copyrighted and published by ~~adopted~~ by the
 617 International Code Council, and the National Electrical Code,
 618 which is copyrighted and published ~~adopted~~ by the National Fire
 619 Protection Association. At a minimum, the commission shall adopt
 620 any updates to such codes or any other code necessary to
 621 maintain eligibility for federal funding and discounts from the
 622 National Flood Insurance Program, the Federal Emergency
 623 Management Agency, and the United States Department of Housing
 624 and Urban Development, ~~to form the foundation codes of the~~
 625 ~~updated Florida Building Code, if the version has been adopted~~

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

626 ~~by the applicable model code entity.~~ The commission shall also
627 review and adopt updates based on select the most current
628 ~~version of~~ the International Energy Conservation Code (IECC) ~~as~~
629 ~~a foundation code;~~ however, ~~the IECC shall be modified by the~~
630 commission shall ~~to~~ maintain the efficiencies of the Florida
631 Energy Efficiency Code for Building Construction adopted and
632 amended pursuant to s. 553.901. The commission shall adopt
633 updated codes by rule.

634 (b) Codes regarding noise contour lines shall be reviewed
635 annually, and the most current federal guidelines shall be
636 adopted.

637 (c) The commission may adopt as a technical amendment to
638 the Florida Building Code ~~modify~~ any portion of the ~~foundation~~
639 codes identified in paragraph (a), but only as needed to
640 accommodate the specific needs of this state. Standards or
641 criteria adopted from these ~~referenced by the~~ codes shall be
642 incorporated by reference to the specific provisions adopted. If
643 a referenced standard or criterion requires amplification or
644 modification to be appropriate for use in this state, only the
645 amplification or modification shall be set forth in the Florida
646 Building Code. The commission may approve technical amendments
647 to the updated Florida Building Code after the amendments have
648 been subject to the conditions set forth in paragraphs (3)(a)-
649 (d). Amendments that ~~to the foundation codes which~~ are adopted
650 in accordance with this subsection shall be clearly marked in

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

651 printed versions of the Florida Building Code so that the fact
652 that the provisions are ~~Florida-specific~~ amendments to the
653 ~~foundation codes~~ is readily apparent.

654 (d) The commission shall further consider the commission's
655 own interpretations, declaratory statements, appellate
656 decisions, and approved statewide and local technical amendments
657 and shall incorporate such interpretations, statements,
658 decisions, and amendments into the updated Florida Building Code
659 only to the extent that they are needed to ~~modify the foundation~~
660 ~~codes~~ to accommodate the specific needs of the state. A change
661 made by an institute or standards organization to any standard
662 or criterion that is adopted by reference in the Florida
663 Building Code does not become effective statewide until it has
664 been adopted by the commission. Furthermore, the edition of the
665 Florida Building Code which is in effect on the date of
666 application for any permit authorized by the code governs the
667 permitted work for the life of the permit and any extension
668 granted to the permit.

669 (e) A rule updating the Florida Building Code in
670 accordance with this subsection shall take effect no sooner than
671 6 months after publication of the updated code. Any amendment to
672 the Florida Building Code which is adopted upon a finding by the
673 commission that the amendment is necessary to protect the public
674 from immediate threat of harm takes effect immediately.

675 (f) Provisions of the Florida Building Code ~~foundation~~

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

676 ~~codes~~, including those contained in referenced standards and
677 criteria, relating to wind resistance or the prevention of water
678 intrusion may not be modified to diminish those construction
679 requirements; however, the commission may, subject to conditions
680 in this subsection, modify the provisions to enhance those
681 construction requirements.

682 ~~(g) Amendments or modifications to the foundation code~~
683 ~~pursuant to this subsection shall remain effective only until~~
684 ~~the effective date of a new edition of the Florida Building Code~~
685 ~~every third year. Amendments or modifications related to state~~
686 ~~agency regulations which are adopted and integrated into an~~
687 ~~edition of the Florida Building Code shall be carried forward~~
688 ~~into the next edition of the code, subject to modification as~~
689 ~~provided in this part. Amendments or modifications related to~~
690 ~~the wind resistance design of buildings and structures within~~
691 ~~the high-velocity hurricane zone of Miami-Dade and Broward~~
692 ~~Counties which are adopted to an edition of the Florida Building~~
693 ~~Code do not expire and shall be carried forward into the next~~
694 ~~edition of the code, subject to review or modification as~~
695 ~~provided in this part. If amendments that expire pursuant to~~
696 ~~this paragraph are resubmitted through the Florida Building~~
697 ~~commission code adoption process, the amendments must~~
698 ~~specifically address whether:~~

699 ~~1. The provisions contained in the proposed amendment are~~
700 ~~addressed in the applicable international code.~~

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

701 ~~2. The amendment demonstrates by evidence or data that the~~
702 ~~geographical jurisdiction of Florida exhibits a need to~~
703 ~~strengthen the foundation code beyond the needs or regional~~
704 ~~variations addressed by the foundation code, and why the~~
705 ~~proposed amendment applies to this state.~~

706 ~~3. The proposed amendment was submitted or attempted to be~~
707 ~~included in the foundation codes to avoid resubmission to the~~
708 ~~Florida Building Code amendment process.~~

709
710 ~~If the proposed amendment has been addressed in the~~
711 ~~international code in a substantially equivalent manner, the~~
712 ~~Florida Building commission may not include the proposed~~
713 ~~amendment in the foundation Code.~~

714 (8) Notwithstanding ~~the provisions of~~ subsection (3) or
715 subsection (7), the commission may address issues identified in
716 this subsection by amending the code pursuant ~~only~~ to the rule
717 adoption procedures ~~contained~~ in chapter 120. ~~Provisions of~~
718 Updates to the Florida Building Code, including provisions those
719 contained in referenced standards and criteria which relate,
720 ~~relating~~ to wind resistance or the prevention of water
721 intrusion, may not be amended pursuant to this subsection to
722 diminish those standards ~~construction requirements~~; however, the
723 commission may, ~~subject to conditions in this subsection,~~ amend
724 the Florida Building Code the provisions to enhance such
725 standards ~~those construction requirements~~. Following the

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

726 approval of any amendments to the Florida Building Code by the
 727 commission and publication of the amendments on the commission's
 728 website, authorities having jurisdiction to enforce the Florida
 729 Building Code may enforce the amendments. The commission may
 730 approve amendments that are needed to address:

- 731 (a) Conflicts within the updated code;
- 732 (b) Conflicts between the updated code and the Florida
 733 Fire Prevention Code adopted pursuant to chapter 633;
- 734 (c) Unintended results from the integration of previously
 735 adopted ~~Florida-specific~~ amendments with the model code;
- 736 (d) Equivalency of standards;
- 737 (e) Changes to or inconsistencies with federal or state
 738 law; or
- 739 (f) Adoption of an updated edition of the National
 740 Electrical Code if the commission finds that delay of
 741 implementing the updated edition causes undue hardship to
 742 stakeholders or otherwise threatens the public health, safety,
 743 and welfare.

- 744 (9) (a) The commission may approve technical amendments to
 745 the Florida Building Code once each year for statewide or
 746 regional application upon a finding that the amendment:
 - 747 1. Is needed in order to accommodate the specific needs of
 748 this state.
 - 749 2. Has a reasonable and substantial connection with the
 750 health, safety, and welfare of the general public.

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

751 3. Strengthens or improves the Florida Building Code, or
 752 in the case of innovation or new technology, will provide
 753 equivalent or better products or methods or systems of
 754 construction.

755 4. Does not discriminate against materials, products,
 756 methods, or systems of construction of demonstrated
 757 capabilities.

758 5. Does not degrade the effectiveness of the Florida
 759 Building Code.

760

761 The Florida Building Commission may approve technical amendments
 762 to the code once each year to incorporate into the Florida
 763 Building Code its own interpretations of the code which are
 764 embodied in its opinions, final orders, declaratory statements,
 765 and interpretations of hearing officer panels under s.

766 553.775(3)(c), but only to the extent that the incorporation of
 767 interpretations is needed to modify the code ~~foundation codes~~ to
 768 accommodate the specific needs of this state. Amendments
 769 approved under this paragraph shall be adopted by rule after the
 770 amendments have been subjected to subsection (3).

771 (b) A proposed amendment must include a fiscal impact
 772 statement that documents the costs and benefits of the proposed
 773 amendment. Criteria for the fiscal impact statement shall be
 774 established by rule by the commission and shall include the
 775 impact to local government relative to enforcement, the impact

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

776 to property and building owners, and the impact to industry,
777 relative to the cost of compliance. The amendment must
778 demonstrate by evidence or data that the state's geographical
779 jurisdiction exhibits a need to strengthen the ~~foundation~~ code
780 beyond the needs or regional variations addressed by the
781 ~~foundation~~ code and why the proposed amendment applies to this
782 state.

783 (20) The Florida Building Commission may not:

784 (a) Adopt the 2016 version of the American Society of
785 Heating, Refrigerating and Air-Conditioning Engineers Standard
786 9.4.1.1(g).

787 (b) Adopt any provision that requires a door located in
788 the opening between a garage and a single-family residence to be
789 equipped with a self-closing device.

790 Section 12. Subsection (2) of section 553.76, Florida
791 Statutes, is amended to read:

792 553.76 General powers of the commission.—The commission is
793 authorized to:

794 (2) Issue memoranda of procedure for its internal
795 management and control. The commission may adopt rules related
796 to its consensus-based decisionmaking process, including, but
797 not limited to, super majority voting requirements ~~for~~
798 ~~commission actions relating to the adoption of the Florida~~
799 ~~Building Code or amendments to the code.~~ However, the commission
800 must adopt the Florida Building Code, and amendments thereto, by

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

801 at least a two-thirds vote of the members present at a meeting.

802 Section 13. Section 553.9081, Florida Statutes, is created
803 to read:

804 553.9081 Florida Building Code; required amendments.—The
805 Florida Building Commission shall amend the Florida Building
806 Code—Energy Conservation to:

807 (1) (a) Eliminate duplicative commissioning reporting
808 requirements for HVAC and electrical systems; and

809 (b) Authorize commissioning reports to be provided by a
810 licensed design professional, electrical engineer, or mechanical
811 engineer.

812 (2) Prohibit the adoption of American Society of Heating,
813 Refrigerating and Air-Conditioning Engineers Standard
814 9.4.1.1 (g) .

815 Section 14. Subsection (8) of section 633.208, Florida
816 Statutes, is amended to read:

817 633.208 Minimum firesafety standards.—

818 (8) (a) The provisions of the Life Safety Code, as
819 contained in the Florida Fire Prevention Code, do not apply to
820 one-family and two-family dwellings. However, fire sprinkler
821 protection may be permitted by local government in lieu of other
822 fire protection-related development requirements for such
823 structures. While local governments may adopt fire sprinkler
824 requirements for one-family ~~one-~~ and two-family dwellings under
825 this subsection, it is the intent of the Legislature that the

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

826 economic consequences of the fire sprinkler mandate on home
827 owners be studied before the enactment of such a requirement.
828 After the effective date of this act, any local government that
829 desires to adopt a fire sprinkler requirement on one-family ~~one-~~
830 or two-family dwellings must prepare an economic cost and
831 benefit report that analyzes the application of fire sprinklers
832 to one-family ~~one-~~ or two-family dwellings or any proposed
833 residential subdivision. The report must consider the tradeoffs
834 and specific cost savings and benefits of fire sprinklers for
835 future owners of property. The report must include an assessment
836 of the cost savings from any reduced or eliminated impact fees
837 if applicable, the reduction in special fire district tax,
838 insurance fees, and other taxes or fees imposed, and the waiver
839 of certain infrastructure requirements including the reduction
840 of roadway widths, the reduction of water line sizes, increased
841 fire hydrant spacing, increased dead-end roadway length, and a
842 reduction in cul-de-sac sizes relative to the costs from fire
843 sprinkling. A failure to prepare an economic report shall result
844 in the invalidation of the fire sprinkler requirement to any
845 one-family ~~one-~~ or two-family dwelling or any proposed
846 subdivision. In addition, a local jurisdiction or utility may
847 not charge any additional fee, above what is charged to a non-
848 fire sprinklered dwelling, on the basis that a one-family ~~one-~~
849 or two-family dwelling unit is protected by a fire sprinkler
850 system.

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

851 (b)1. A county, municipality, special taxing district,
852 public utility, or private utility may not require an impact fee
853 or payment for a separate water connection for a one-family or
854 two-family dwelling fire sprinkler system if the capacity
855 required is hydraulically available at the property line. The
856 accountholder of the one-family or two-family dwelling must
857 notify the county, municipality, special district, public
858 utility, or private utility of the installation of the separate
859 water connection in the applicable permit. The separate water
860 connection may only be used for one-family or two-family
861 dwelling fire sprinkler systems and if used for other purposes,
862 full base and volume charges may be applied.

863 2. A county, municipality, special district, public
864 utility, or private utility may not charge a water or sewer rate
865 to a one-family or two-family dwelling that requires a larger
866 water meter solely due to the installation of fire sprinklers
867 above that which is charged to a one-family and two-family
868 dwelling with a base meter. If the installation of fire
869 sprinklers in a one-family or two-family dwelling requires the
870 installation of a larger water meter, only the difference in
871 actual cost between the base water meter and the larger water
872 meter may be charged by the water utility provider.

873 Section 15. A local government may not require an owner of
874 a residence to obtain a permit to paint such residence,
875 regardless of whether the residence is owned by a limited

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

876 liability company.

877 Section 16. The Department of Education, in conjunction
878 with the Department of Economic Opportunity, shall develop a
879 plan to implement the recommendations of the Construction
880 Industry Workforce Task Force Report dated January 20, 2017. The
881 Department of Education shall provide the plan to the
882 Construction Industry Workforce Task Force on or before July 1,
883 2018.

884 Section 17. CareerSource Florida, Inc., shall develop and
885 submit a plan to the Construction Industry Workforce Taskforce
886 of the potential opportunities for training programs to
887 implement the recommendations of the Construction Industry
888 Workforce Taskforce Report dated January 20, 2017, using
889 existing federal funds awarded to the corporation and using the
890 previous statewide Florida ReBuilds program as an implementation
891 model for such programs. CareerSource Florida, Inc., shall
892 provide the plan to the Construction Industry Workforce
893 Taskforce on or before July 1, 2018.

894 Section 18. The Florida Building Commission shall adopt an
895 amendment to the Florida Building Code-Residential, relating to
896 Door Components, to provide that, relating to substitution of
897 door components, such components must either:

898 (1) Comply with ANSI/WMA 100; or

899 (2) Be evaluated by an approved product evaluation entity,
900 certification agency, testing laboratory, or engineer and may be

ENROLLED

CS/CS/HB 1021, Engrossed 1

2017 Legislature

901 interchangeable in exterior door assemblies if the components
 902 provide equal or greater structural performance as demonstrated
 903 by accepted engineering practices.

904 Section 19. Present subsection (5) of section 489.516,
 905 Florida Statutes, is renumbered as subsection (6), and a new
 906 subsection (5) is added to that section, to read:

907 489.516 Qualifications to practice; restrictions;
 908 prerequisites.—

909 (5) This part does not prevent any certified electrical or
 910 alarm system contractor from acting as a prime contractor when
 911 the majority of the work to be performed under the contract is
 912 within the scope of his or her license or from subcontracting to
 913 other licensed contractors any remaining work that is part of
 914 the project contracted.

915 Section 20. This act shall take effect July 1, 2017.