

26 provisions of the Florida Building Code; amending s.
 27 633.208, F.S.; prohibiting a county, municipality,
 28 special taxing district, public utility, or private
 29 utility from requiring a separate water connection or
 30 charging a specified water or sewage rate under
 31 certain conditions; prohibiting a local government
 32 from requiring a permit for painting a residence;
 33 requiring the Department of Education to develop a
 34 plan for specified purposes; requiring Department of
 35 Education to provide the plan to the Construction
 36 Industry Workforce Task Force by a specified date;
 37 requiring CareerSource Florida, Inc. to develop a plan
 38 for specified purposes; requiring CareerSource
 39 Florida, Inc. to provide the plan to the Construction
 40 Industry Workforce Taskforce by a specified date;
 41 requiring the Florida Building Commission to amend
 42 specified provisions of the Florida Building Code
 43 related to door components; providing an effective
 44 date.

45

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

47

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

50 377.705 Solar Energy Center; development of solar energy

51 standards.—

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

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

55 ~~(a) Because of increases in the cost of conventional fuel,~~
56 ~~certain applications of solar energy are becoming competitive,~~
57 ~~particularly when life-cycle costs are considered. It is the~~
58 ~~intent of the Legislature in formulating a sound and balanced~~
59 ~~energy policy for the state to encourage the development of an~~
60 ~~alternative energy capability in the form of incident solar~~
61 ~~energy.~~

62 ~~(b) Toward this purpose, The Legislature intends to~~
63 ~~provide incentives for the production and sale of, and to set~~
64 ~~standards for, solar energy systems. Such standards shall ensure~~
65 ~~that solar energy systems manufactured or sold within the state~~
66 ~~are effective and represent a high level of quality of~~
67 ~~materials, workmanship, and design.~~

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

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

71 (b) "Solar energy systems" means ~~is defined as~~ equipment
72 which provides for the collection and use of incident solar
73 energy for water heating, space heating or cooling, or other
74 applications which normally require or would require a
75 conventional source of energy such as petroleum products,

76 natural gas, or electricity and which performs primarily with
 77 solar energy. In such other systems in which solar energy is
 78 used in a supplemental way, only those components which collect
 79 and transfer solar energy shall be included in this definition.

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

82 (a) The center shall develop and adopt ~~promulgate~~
 83 standards for solar energy systems manufactured or sold in this
 84 state based on the best currently available information and
 85 shall consult with scientists, engineers, or persons in research
 86 centers who are engaged in the construction of, experimentation
 87 with, and research of solar energy systems to properly identify
 88 the most reliable designs and types of solar energy systems.

89 (b) The center shall establish criteria for testing
 90 performance of solar energy systems and shall maintain the
 91 necessary capability for testing or evaluating performance of
 92 solar energy systems. The center may accept results of tests on
 93 solar energy systems made by other organizations, companies, or
 94 persons if ~~when~~ such tests are conducted according to the
 95 criteria established by the center and if ~~when~~ the testing
 96 entity does not have a ~~has no~~ vested interest in the
 97 manufacture, distribution, or sale of solar energy systems.

98 (c) The center shall be entitled to receive a testing fee
 99 sufficient to cover the costs of such testing. All testing fees
 100 shall be transmitted by the center to the Chief Financial

101 Officer to be deposited in the Solar Energy Center Testing Trust
 102 Fund, which is hereby created in the State Treasury, and
 103 disbursed for the payment of expenses incurred in testing solar
 104 energy systems.

105 (d) All solar energy systems manufactured or sold in the
 106 state must meet the standards established by the center and
 107 shall display accepted results of approved performance tests in
 108 a manner prescribed by the center, unless otherwise certified by
 109 an engineer licensed pursuant to ch. 471 using the standards
 110 contained in the most recent version of the Florida Building
 111 Code.

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

114 471.033 Disciplinary proceedings.—

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

117 (m) Failing to disclose to a customer prior to contracting
 118 for engineering whether the licensee maintains professional
 119 liability insurance and the policy limits if the licensee does
 120 maintain such insurance.

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

123 489.103 Exemptions.—This part does not apply to:

124 (5) Public utilities, including municipal gas utilities
 125 and special gas districts as defined in chapter 189,



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LEGISLATIVE ACTION

Senate

House

Floor: 1/AE/2R

Floor: C

05/04/2017 01:00 PM

05/05/2017 08:15 PM

Senator Perry moved the following:

Senate Amendment (with title amendment)

Delete lines 112 - 319

and insert:

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

489.103 Exemptions.—This part does not apply to:

(5) Public utilities, including municipal gas utilities and special gas districts as defined in chapter 189,

telecommunications companies as defined in s. 364.02(13), and

natural gas transmission companies as defined in s. 368.103(4),



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12 on construction, maintenance, and development work performed by
13 their employees, ~~which work, including, but not limited to, work~~
14 ~~on bridges, roads, streets, highways, or railroads, is~~
15 ~~incidental to their business. The board shall define, by rule,~~
16 ~~the term "incidental to their business" for purposes of this~~
17 ~~subsection.~~

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

20 553.79 Permits; applications; issuance; inspections.—

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

24 1. Contains any building, construction, or aesthetic
25 requirement or condition that conflicts with or impairs
26 corporate trademarks, service marks, trade dress, logos, color
27 patterns, design scheme insignia, image standards, or other
28 features of corporate branding identity on real property or
29 improvements thereon used in activities conducted under chapter
30 526 or in carrying out business activities defined as a
31 franchise by Federal Trade Commission regulations in 16 C.F.R.
32 ss. 436.1, et. seq.; or

33 2. Imposes any requirement on the design, construction or
34 location of signage advertising the retail price of gasoline in
35 accordance with the requirements of ss. 526.111 and 526.121
36 which prevents the signage from being clearly visible and
37 legible to drivers of approaching motor vehicles from a vantage
38 point on any lane of traffic in either direction on a roadway
39 abutting the gas station premises and meets height, width, and
40 spacing standards for Series C, D, or E signs, as applicable,



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41 published in the latest edition of Standard Alphabets for
42 Highway Signs published by the United States Department of
43 Commerce, Bureau of Public Roads, Office of Highway Safety.

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

46 (c) All such ordinances and requirements are hereby
47 preempted and superseded by general law. This subsection shall
48 apply retroactively.

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

51 Section 4. Section 468.603, Florida Statutes, is reordered
52 and amended to read:

53 468.603 Definitions.—As used in this part:

54 (2)~~(1)~~ "Building code administrator" or "building official"
55 means any of those employees of municipal or county governments,
56 or any person contracted, with building construction regulation
57 responsibilities who are charged with the responsibility for
58 direct regulatory administration or supervision of plan review,
59 enforcement, or inspection of building construction, erection,
60 repair, addition, remodeling, demolition, or alteration projects
61 that require permitting indicating compliance with building,
62 plumbing, mechanical, electrical, gas, fire prevention, energy,
63 accessibility, and other construction codes as required by state
64 law or municipal or county ordinance. This term is synonymous
65 with "building official" as used in the ~~administrative chapter~~
66 ~~of the Standard Building Code and the South Florida Building~~
67 Code. One person employed or contracted by each municipal or
68 county government as a building code administrator or building
69 official and who is so certified under this part may be



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70 authorized to perform any plan review or inspection for which
71 certification is required by this part, including performing any
72 plan review or inspection as a currently designated standard
73 certified building official under an interagency service
74 agreement with a jurisdiction having a population of 50,000 or
75 less.

76 ~~(4)~~~~(2)~~ "Building code inspector" means any of those
77 employees of local governments or state agencies, or any person
78 contracted, with building construction regulation
79 responsibilities who themselves conduct inspections of building
80 construction, erection, repair, addition, or alteration projects
81 that require permitting indicating compliance with building,
82 plumbing, mechanical, electrical, gas, fire prevention, energy,
83 accessibility, and other construction codes as required by state
84 law or municipal or county ordinance.

85 ~~(1)~~~~(3)~~ "Board" means the Florida Building Code
86 Administrators and Inspectors Board.

87 ~~(7)~~~~(4)~~ "Department" means the Department of Business and
88 Professional Regulation.

89 ~~(6)~~~~(5)~~ "Certificate" means a certificate of qualification
90 issued by the department as provided in this part.

91 ~~(5)~~~~(6)~~ "Categories of building code inspectors" include the
92 following:

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

97 (b) "Coastal construction inspector" means a person who is
98 qualified to inspect and determine that buildings and structures



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99 are constructed to resist near-hurricane and hurricane velocity
100 winds in accordance with the provisions of the governing
101 building code.

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

106 ~~(h)~~ (h) "Residential electrical inspector" means a person
107 who is qualified to inspect and determine the electrical safety
108 of one and two family dwellings and accessory structures by
109 inspecting for compliance with the applicable provisions of the
110 governing electrical code.

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

115 ~~(g)~~ (g) "Plumbing inspector" means a person who is qualified
116 to inspect and determine that the plumbing installations and
117 systems for buildings and structures are in compliance with the
118 provisions of the governing plumbing code.

119 ~~(f)~~ (f) "One and two family dwelling inspector" means a
120 person who is qualified to inspect and determine that one and
121 two family dwellings and accessory structures are constructed in
122 accordance with the provisions of the governing building,
123 plumbing, mechanical, accessibility, and electrical codes.

124 ~~(d)~~ (d) "Electrical inspector" means a person who is
125 qualified to inspect and determine the electrical safety of
126 commercial and residential buildings and accessory structures by
127 inspecting for compliance with the provisions of the National



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128 Electrical Code.

129 ~~(8)~~⁽⁷⁾ "Plans examiner" means a person who is qualified to
130 determine that plans submitted for purposes of obtaining
131 building and other permits comply with the applicable building,
132 plumbing, mechanical, electrical, gas, fire prevention, energy,
133 accessibility, and other applicable construction codes. The term
134 includes a residential plans examiner who is qualified to
135 determine that plans submitted for purposes of obtaining
136 building and other permits comply with the applicable
137 residential building, plumbing, mechanical, electrical, gas,
138 energy, accessibility, and other applicable construction codes.

139 Categories of plans examiners include:

- 140 (a) Building plans examiner.
- 141 (b) Plumbing plans examiner.
- 142 (c) Mechanical plans examiner.
- 143 (d) Electrical plans examiner.

144 ~~(3)~~⁽⁸⁾ "Building code enforcement official" or "enforcement
145 official" means a licensed building code administrator, building
146 code inspector, or plans examiner.

147 Section 5. Paragraph (c) of subsection (2), paragraphs (a)
148 and (d) of subsection (7), and subsection (10) of section
149 468.609, Florida Statutes, are amended to read:

150 468.609 Administration of this part; standards for
151 certification; additional categories of certification.—

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

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



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- 157 1. Demonstrates 5 years' combined experience in the field
158 of construction or a related field, building code inspection, or
159 plans review corresponding to the certification category sought;
160 2. Demonstrates a combination of postsecondary education in
161 the field of construction or a related field and experience
162 which totals 4 years, with at least 1 year of such total being
163 experience in construction, building code inspection, or plans
164 review;
165 3. Demonstrates a combination of technical education in the
166 field of construction or a related field and experience which
167 totals 4 years, with at least 1 year of such total being
168 experience in construction, building code inspection, or plans
169 review;
170 4. Currently holds a standard certificate issued by the
171 board or a firesafety inspector license issued pursuant to
172 chapter 633, has a minimum of 3 years' verifiable full-time
173 experience in inspection or plan review, and has satisfactorily
174 completed a building code inspector or plans examiner training
175 program that provides at least 100 hours but not more than 200
176 hours of cross-training in the certification category sought.
177 The board shall establish by rule criteria for the development
178 and implementation of the training programs. The board shall
179 accept all classroom training offered by an approved provider if
180 the content substantially meets the intent of the classroom
181 component of the training program;
182 5. Demonstrates a combination of the completion of an
183 approved training program in the field of building code
184 inspection or plan review and a minimum of 2 years' experience
185 in the field of building code inspection, plan review, fire code



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186 inspections and fire plans review of new buildings as a
187 firesafety inspector certified under s. 633.216, or
188 construction. The approved training portion of this requirement
189 shall include proof of satisfactory completion of a training
190 program that provides at least 200 hours but not more than 300
191 hours of cross-training that is approved by the board in the
192 chosen category of building code inspection or plan review in
193 the certification category sought with at least 20 hours but not
194 more than 30 hours of instruction in state laws, rules, and
195 ethics relating to professional standards of practice, duties,
196 and responsibilities of a certificateholder. The board shall
197 coordinate with the Building Officials Association of Florida,
198 Inc., to establish by rule the development and implementation of
199 the training program. However, the board shall accept all
200 classroom training offered by an approved provider if the
201 content substantially meets the intent of the classroom
202 component of the training program; ~~or~~

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

206 a. Has at least 5 years' verifiable full-time experience as
207 an inspector or plans examiner in a standard certification
208 category currently held or has a minimum of 5 years' verifiable
209 full-time experience as a firesafety inspector licensed pursuant
210 to chapter 633.

211 b. Has satisfactorily completed a building code inspector
212 or plans examiner classroom training course or program that
213 provides at least 200 but not more than 300 hours in the
214 certification category sought, except for one-family and two-



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215 family dwelling training programs, which must provide at least
216 500 but not more than 800 hours of training as prescribed by the
217 board. The board shall establish by rule criteria for the
218 development and implementation of classroom training courses and
219 programs in each certification category; or

220 7.a. Has completed a 4-year internship certification
221 program as a building code inspector or plans examiner while
222 employed full-time by a municipality, county, or other
223 governmental jurisdiction, under the direct supervision of a
224 certified building official. Proof of graduation with a related
225 vocational degree or college degree or of verifiable work
226 experience may be exchanged for the internship experience
227 requirement year-for-year, but may reduce the requirement to no
228 less than 1 year.

229 b. Has passed an examination administered by the
230 International Code Council in the certification category sought.
231 Such examination must be passed before beginning the internship
232 certification program.

233 c. Has passed the principles and practice examination
234 before completing the internship certification program.

235 d. Has passed a board-approved 40-hour code training course
236 in the certification category sought before completing the
237 internship certification program.

238 e. Has obtained a favorable recommendation from the
239 supervising building official after completion of the internship
240 certification program.

241 (7) (a) The board shall provide for the issuance of
242 provisional certificates valid for 1 year, as specified by board
243 rule, to any ~~newly employed or promoted~~ building code inspector



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244 or plans examiner who meets the eligibility requirements
245 described in subsection (2) and any newly employed or promoted
246 building code administrator who meets the eligibility
247 requirements described in subsection (3). The provisional
248 license may be renewed by the board for just cause; however, a
249 provisional license is not valid for longer than 3 years.

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

261 (10) (a) The board may by rule create categories of
262 certification in addition to those defined in s. 468.603(5) and
263 (8) ~~468.603(6) and (7)~~. Such certification categories shall not
264 be mandatory and shall not act to diminish the scope of any
265 certificate created by statute.

266 (b) The board shall by rule establish:

267 1. Reciprocity of certification with any other state that
268 requires an examination administered by the International Code
269 Council.

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



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273 3. That partial completion of an internship program may be
274 transferred between jurisdictions on a form prescribed by the
275 board.

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

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

282 6. That a building code inspector or plans examiner who has
283 standard certification may seek an additional certification in
284 another category by completing an additional nonconcurrent 1-
285 year internship program in the certification category sought and
286 passing an examination administered by the International Code
287 Council and a board-approved 40-hour code training course.

288 Section 6. Subsection (3) of section 468.617, Florida
289 Statutes, is amended to read:

290 468.617 Joint building code inspection department; other
291 arrangements.—

292 (3) Nothing in this part shall prohibit any county or
293 municipal government, school board, community college board,
294 state university, or state agency from entering into any
295 contract with any person or entity for the provision of building
296 code administrator, building official, or building code
297 inspection services regulated under this part, and
298 notwithstanding any other statutory provision, such county or
299 municipal governments may enter into contracts.

300 Section 7. Paragraphs (d) and (i) of subsection (1) and
301 subsection (2) of section 553.791, Florida Statutes, are amended



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302 to read:

303 553.791 Alternative plans review and inspection.—

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

305 (d) "Building code inspection services" means those
306 services described in s. 468.603(5) and (8) ~~468.603(6)~~ and ~~(7)~~
307 involving the review of building plans to determine compliance
308 with applicable codes and those inspections required by law of
309 each phase of construction for which permitting by a local
310 enforcement agency is required to determine compliance with
311 applicable codes.

312 (i) "Private provider" means a person licensed as a
313 building code administrator under part XII of chapter 468, as an
314 engineer under chapter 471, or as an architect under chapter
315 481. For purposes of performing inspections under this section
316 for additions and alterations that are limited to 1,000 square
317 feet or less to residential buildings, the term "private
318 provider" also includes a person who holds a standard
319 certificate under part XII of chapter 468.

320 (2) (a) Notwithstanding any other law or local government
321 ordinance or local policy, the fee owner of a building or
322 structure, or the fee owner's contractor upon written
323 authorization from the fee owner, may choose to use a private
324 provider to provide building code inspection services with
325 regard to such building or structure and may make payment
326 directly to the private provider for the provision of such
327 services. All such services shall be the subject of a written
328 contract between the private provider, or the private provider's
329 firm, and the fee owner or the fee owner's contractor, upon
330 written authorization of the fee owner. The fee owner may elect



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331 to use a private provider to provide plans review or required
332 building inspections, or both. However, if the fee owner or the
333 fee owner's contractor uses a private provider to provide plans
334 review, the local building official, in his or her discretion
335 and pursuant to duly adopted policies of the local enforcement
336 agency, may require the fee owner or the fee owner's contractor
337 to use a private provider to also provide required building
338 inspections.

339 (b) It is the intent of the Legislature that owners and
340 contractors not be required to pay extra costs related to
341 building permitting requirements when hiring a private provider
342 for plans review and building inspections. A local jurisdiction
343 must calculate the cost savings to the local enforcement agency,
344 based on a fee owner or contractor hiring a private provider to
345 perform plans reviews and building inspections in lieu of the
346 local building official, and reduce the permit fees accordingly.

347 Section 8. Section 471.045, Florida Statutes, is amended to
348 read:

349 471.045 Professional engineers performing building code
350 inspector duties.—Notwithstanding any other provision of law, a
351 person who is currently licensed under this chapter to practice
352 as a professional engineer may provide building code inspection
353 services described in s. 468.603(5) and (8) ~~468.603(6) and (7)~~
354 to a local government or state agency upon its request, without
355 being certified by the Florida Building Code Administrators and
356 Inspectors Board under part XII of chapter 468. When performing
357 these building code inspection services, the professional
358 engineer is subject to the disciplinary guidelines of this
359 chapter and s. 468.621(1)(c)-(h). Any complaint processing,



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360 investigation, and discipline that arise out of a professional
361 engineer's performing building code inspection services shall be
362 conducted by the Board of Professional Engineers rather than the
363 Florida Building Code Administrators and Inspectors Board. A
364 professional engineer may not perform plans review as an
365 employee of a local government upon any job that the
366 professional engineer or the professional engineer's company
367 designed.

368 Section 9. Section 481.222, Florida Statutes, is amended to
369 read:

370 481.222 Architects performing building code inspection
371 services.—Notwithstanding any other provision of law, a person
372 who is currently licensed to practice as an architect under this
373 part may provide building code inspection services described in
374 s. 468.603(5) and (8) ~~468.603(6) and (7)~~ to a local government
375 or state agency upon its request, without being certified by the
376 Florida Building Code Administrators and Inspectors Board under
377 part XII of chapter 468. With respect to the performance of such
378 building code inspection services, the architect is subject to
379 the disciplinary guidelines of this part and s. 468.621(1)(c)-
380 (h). Any complaint processing, investigation, and discipline
381 that arise out of an architect's performance of building code
382 inspection services shall be conducted by the Board of
383 Architecture and Interior Design rather than the Florida
384 Building Code Administrators and Inspectors Board. An architect
385 may not perform plans review as an employee of a local
386 government upon any job that the architect or the architect's
387 company designed.

388 Section 10. Paragraph (d) of subsection (7) of section



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389 553.80, Florida Statutes, is amended to read:

390 553.80 Enforcement.—

391 (7) The governing bodies of local governments may provide a
392 schedule of reasonable fees, as authorized by s. 125.56(2) or s.
393 166.222 and this section, for enforcing this part. These fees,
394 and any fines or investment earnings related to the fees, shall
395 be used solely for carrying out the local government's
396 responsibilities in enforcing the Florida Building Code. When
397 providing a schedule of reasonable fees, the total estimated
398 annual revenue derived from fees, and the fines and investment
399 earnings related to the fees, may not exceed the total estimated
400 annual costs of allowable activities. Any unexpended balances
401 shall be carried forward to future years for allowable
402 activities or shall be refunded at the discretion of the local
403 government. The basis for a fee structure for allowable
404 activities shall relate to the level of service provided by the
405 local government and shall include consideration for refunding
406 fees due to reduced services based on services provided as
407 prescribed by s. 553.791, but not provided by the local
408 government. Fees charged shall be consistently applied.

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

- 413 1. Providing proof of licensure pursuant to chapter 489;
- 414 2. Recording or filing a license issued pursuant to this
415 chapter; or
- 416 3. Providing, recording, or filing evidence of workers'
417 compensation insurance coverage as required by chapter 440.



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418 Section 11. Subsection (3) of section 553.73, Florida
419 Statutes, is amended, paragraph (d) is added to subsection (4)
420 of that section, subsections (7) and (8) and paragraphs (a) and
421 (b) of subsection (9) of that section are amended, and
422 subsection (20) is added to that section, to read:

423 553.73 Florida Building Code.-

424 (3) The commission shall use the International Codes
425 published by the International Code Council, the National
426 Electric Code (NFPA 70), or other nationally adopted model codes
427 and standards **for updates to** ~~needed to develop the base code in~~
428 ~~Florida to form the foundation for~~ **the Florida Building Code.**
429 ~~The Florida Building~~ commission may approve technical amendments
430 to the code as provided in, ~~subject to~~ subsections (8) and (9),
431 ~~after the amendments have been~~ subject to all of the following
432 conditions:

433 (a) The proposed amendment must have ~~has~~ been published on
434 the commission's website for a minimum of 45 days and all the
435 associated documentation must have ~~has~~ been made available to
436 any interested party before ~~any~~ consideration by a technical
437 advisory committee.†

438 (b) In order for a technical advisory committee to make a
439 favorable recommendation to the commission, the proposal must
440 receive a **two-thirds** ~~three-fourths~~ vote of the members present
441 at the ~~technical advisory committee~~ meeting. ~~and~~ At least half
442 of the regular members must be present in order to conduct a
443 meeting.†

444 (c) After the technical advisory committee has considered
445 and recommended ~~consideration and a recommendation for approval~~
446 of any proposed amendment, the proposal must be published on the



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447 commission's website for at least 45 days before any
448 consideration by the commission. ~~and~~

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

452
453 The commission shall incorporate within ~~sections of~~ the Florida
454 Building Code provisions that ~~which~~ address regional and local
455 concerns and variations. The commission shall make every effort
456 to minimize conflicts between the Florida Building Code, the
457 Florida Fire Prevention Code, and the Life Safety Code.

458 (4)

459 (d) A technical amendment to the Florida Building Code
460 related to water conservation practices or design criteria
461 adopted by a local government pursuant to this subsection is not
462 rendered void when the code is updated if the technical
463 amendment is necessary to protect or provide for more efficient
464 use of water resources as provided in s. 373.621. However, any
465 such technical amendment carried forward into the next edition
466 of the code pursuant to this paragraph is subject to review or
467 modification as provided in this part.

468 (7) (a) The commission, ~~by rule adopted pursuant to ss.~~
469 ~~120.536(1) and 120.54,~~ shall adopt an updated ~~update the~~ Florida
470 Building Code every 3 years through review of. ~~When updating the~~
471 ~~Florida Building Code,~~ ~~the commission shall select the most~~
472 ~~current updates~~ ~~version~~ of the International Building Code, the
473 International Fuel Gas Code, International Existing Building
474 Code, the International Mechanical Code, the International
475 Plumbing Code, and the International Residential Code, all of



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476 which are copyrighted and published by ~~adopted~~ by the
477 International Code Council, and the National Electrical Code,
478 which is copyrighted and published ~~adopted~~ by the National Fire
479 Protection Association. At a minimum, the commission shall adopt
480 any updates to such codes or any other code necessary to
481 maintain eligibility for federal funding and discounts from the
482 National Flood Insurance Program, the Federal Emergency
483 Management Agency, and the United States Department of Housing
484 and Urban Development, ~~to form the foundation codes of the~~
485 ~~updated Florida Building Code, if the version has been adopted~~
486 ~~by the applicable model code entity.~~ The commission shall also
487 review and adopt updates based on select the most current
488 ~~version of the International Energy Conservation Code (IECC) as~~
489 ~~a foundation code; however, the IECC shall be modified by the~~
490 commission shall ~~to~~ maintain the efficiencies of the Florida
491 Energy Efficiency Code for Building Construction adopted and
492 amended pursuant to s. 553.901. The commission shall adopt
493 updated codes by rule.

494 (b) Codes regarding noise contour lines shall be reviewed
495 annually, and the most current federal guidelines shall be
496 adopted.

497 (c) The commission may adopt as a technical amendment to
498 the Florida Building Code modify any portion of the foundation
499 codes identified in paragraph (a), but only as needed to
500 accommodate the specific needs of this state. Standards or
501 criteria adopted from these referenced by the codes shall be
502 incorporated by reference to the specific provisions adopted. If
503 a referenced standard or criterion requires amplification or
504 modification to be appropriate for use in this state, only the



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505 amplification or modification shall be set forth in the Florida
506 Building Code. The commission may approve technical amendments
507 to the updated Florida Building Code after the amendments have
508 been subject to the conditions set forth in paragraphs (3)(a)-
509 (d). Amendments that ~~to the foundation codes which~~ are adopted
510 in accordance with this subsection shall be clearly marked in
511 printed versions of the Florida Building Code so that the fact
512 that the provisions are ~~Florida-specific~~ amendments ~~to the~~
513 ~~foundation codes~~ is readily apparent.

514 (d) The commission shall further consider the commission's
515 own interpretations, declaratory statements, appellate
516 decisions, and approved statewide and local technical amendments
517 and shall incorporate such interpretations, statements,
518 decisions, and amendments into the updated Florida Building Code
519 only to the extent that they are needed to ~~modify the foundation~~
520 ~~codes~~ to accommodate the specific needs of the state. A change
521 made by an institute or standards organization to any standard
522 or criterion that is adopted by reference in the Florida
523 Building Code does not become effective statewide until it has
524 been adopted by the commission. Furthermore, the edition of the
525 Florida Building Code which is in effect on the date of
526 application for any permit authorized by the code governs the
527 permitted work for the life of the permit and any extension
528 granted to the permit.

529 (e) A rule updating the Florida Building Code in accordance
530 with this subsection shall take effect no sooner than 6 months
531 after publication of the updated code. Any amendment to the
532 Florida Building Code which is adopted upon a finding by the
533 commission that the amendment is necessary to protect the public



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534 from immediate threat of harm takes effect immediately.

535 (f) Provisions of the Florida Building Code foundation
536 ~~codes~~, including those contained in referenced standards and
537 criteria, relating to wind resistance or the prevention of water
538 intrusion may not be modified to diminish those construction
539 requirements; however, the commission may, subject to conditions
540 in this subsection, modify the provisions to enhance those
541 construction requirements.

542 ~~(g) Amendments or modifications to the foundation code~~
543 ~~pursuant to this subsection shall remain effective only until~~
544 ~~the effective date of a new edition of the Florida Building Code~~
545 ~~every third year. Amendments or modifications related to state~~
546 ~~agency regulations which are adopted and integrated into an~~
547 ~~edition of the Florida Building Code shall be carried forward~~
548 ~~into the next edition of the code, subject to modification as~~
549 ~~provided in this part. Amendments or modifications related to~~
550 ~~the wind resistance design of buildings and structures within~~
551 ~~the high-velocity hurricane zone of Miami Dade and Broward~~
552 ~~Counties which are adopted to an edition of the Florida Building~~
553 ~~Code do not expire and shall be carried forward into the next~~
554 ~~edition of the code, subject to review or modification as~~
555 ~~provided in this part. If amendments that expire pursuant to~~
556 ~~this paragraph are resubmitted through the Florida Building~~
557 ~~commission code adoption process, the amendments must~~
558 ~~specifically address whether:~~

559 1. ~~The provisions contained in the proposed amendment are~~
560 ~~addressed in the applicable international code.~~

561 2. ~~The amendment demonstrates by evidence or data that the~~
562 ~~geographical jurisdiction of Florida exhibits a need to~~



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563 ~~strengthen the foundation code beyond the needs or regional~~
564 ~~variations addressed by the foundation code, and why the~~
565 ~~proposed amendment applies to this state.~~

566 ~~3. The proposed amendment was submitted or attempted to be~~
567 ~~included in the foundation codes to avoid resubmission to the~~
568 ~~Florida Building Code amendment process.~~

569
570 ~~If the proposed amendment has been addressed in the~~
571 ~~international code in a substantially equivalent manner, the~~
572 ~~Florida Building commission may not include the proposed~~
573 ~~amendment in the foundation Code.~~

574 ~~(8) Notwithstanding the provisions of subsection (3) or~~
575 ~~subsection (7), the commission may address issues identified in~~
576 ~~this subsection by amending the code pursuant only to the rule~~
577 ~~adoption procedures contained in chapter 120. Provisions of~~
578 ~~Updates to the Florida Building Code, including provisions those~~
579 ~~contained in referenced standards and criteria which relate,~~
580 ~~relating to wind resistance or the prevention of water~~
581 ~~intrusion, may not be amended pursuant to this subsection to~~
582 ~~diminish those standards construction requirements; however, the~~
583 ~~commission may, subject to conditions in this subsection, amend~~
584 ~~the Florida Building Code the provisions to enhance such~~
585 ~~standards those construction requirements. Following the~~
586 ~~approval of any amendments to the Florida Building Code by the~~
587 ~~commission and publication of the amendments on the commission's~~
588 ~~website, authorities having jurisdiction to enforce the Florida~~
589 ~~Building Code may enforce the amendments. The commission may~~
590 ~~approve amendments that are needed to address:~~

591 (a) Conflicts within the updated code;



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592 (b) Conflicts between the updated code and the Florida Fire
593 Prevention Code adopted pursuant to chapter 633;

594 (c) Unintended results from the integration of previously
595 adopted ~~Florida-specific~~ amendments with the model code;

596 (d) Equivalency of standards;

597 (e) Changes to or inconsistencies with federal or state
598 law; or

599 (f) Adoption of an updated edition of the National
600 Electrical Code if the commission finds that delay of
601 implementing the updated edition causes undue hardship to
602 stakeholders or otherwise threatens the public health, safety,
603 and welfare.

604 (9) (a) The commission may approve technical amendments to
605 the Florida Building Code once each year for statewide or
606 regional application upon a finding that the amendment:

607 1. Is needed in order to accommodate the specific needs of
608 this state.

609 2. Has a reasonable and substantial connection with the
610 health, safety, and welfare of the general public.

611 3. Strengthens or improves the Florida Building Code, or in
612 the case of innovation or new technology, will provide
613 equivalent or better products or methods or systems of
614 construction.

615 4. Does not discriminate against materials, products,
616 methods, or systems of construction of demonstrated
617 capabilities.

618 5. Does not degrade the effectiveness of the Florida
619 Building Code.

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621 The Florida Building Commission may approve technical amendments
622 to the code once each year to incorporate into the Florida
623 Building Code its own interpretations of the code which are
624 embodied in its opinions, final orders, declaratory statements,
625 and interpretations of hearing officer panels under s.
626 553.775(3)(c), but only to the extent that the incorporation of
627 interpretations is needed to modify the code ~~foundation codes~~ to
628 accommodate the specific needs of this state. Amendments
629 approved under this paragraph shall be adopted by rule after the
630 amendments have been subjected to subsection (3).

631 (b) A proposed amendment must include a fiscal impact
632 statement that documents the costs and benefits of the proposed
633 amendment. Criteria for the fiscal impact statement shall be
634 established by rule by the commission and shall include the
635 impact to local government relative to enforcement, the impact
636 to property and building owners, and the impact to industry,
637 relative to the cost of compliance. The amendment must
638 demonstrate by evidence or data that the state's geographical
639 jurisdiction exhibits a need to strengthen the ~~foundation~~ code
640 beyond the needs or regional variations addressed by the
641 ~~foundation~~ code and why the proposed amendment applies to this
642 state.

643 (20) The Florida Building Commission may not:

644 (a) Adopt the 2016 version of the American Society of
645 Heating, Refrigerating and Air-Conditioning Engineers Standard
646 9.4.1.1(g).

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



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

652 553.76 General powers of the commission.—The commission is
653 authorized to:

654 (2) Issue memoranda of procedure for its internal
655 management and control. The commission may adopt rules related
656 to its consensus-based decisionmaking process, including, but
657 not limited to, super majority voting requirements ~~for~~
658 ~~commission actions relating to the adoption of the Florida~~
659 ~~Building Code or amendments to the code.~~ However, the commission
660 must adopt the Florida Building Code, and amendments thereto, by
661 at least a two-thirds vote of the members present at a meeting.

662 Section 13. Section 553.9081, Florida Statutes, is created
663 to read:

664 553.9081 Florida Building Code; required amendments.—The
665 Florida Building Commission shall amend the Florida Building
666 Code-Energy Conservation to:

667 (1) (a) Eliminate duplicative commissioning reporting
668 requirements for HVAC and electrical systems; and

669 (b) Authorize commissioning reports to be provided by a
670 licensed design professional, electrical engineer, or mechanical
671 engineer.

672 (2) Prohibit the adoption of American Society of Heating,
673 Refrigerating and Air-Conditioning Engineers Standard
674 9.4.1.1(g).

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

677 633.208 Minimum firesafety standards.—

678 (8) (a) The provisions of the Life Safety Code, as contained



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679 in the Florida Fire Prevention Code, do not apply to one-family
680 and two-family dwellings. However, fire sprinkler protection may
681 be permitted by local government in lieu of other fire
682 protection-related development requirements for such structures.
683 While local governments may adopt fire sprinkler requirements
684 for one-family ~~one-~~ and two-family dwellings under this
685 subsection, it is the intent of the Legislature that the
686 economic consequences of the fire sprinkler mandate on home
687 owners be studied before the enactment of such a requirement.
688 After the effective date of this act, any local government that
689 desires to adopt a fire sprinkler requirement on one-family ~~one-~~
690 or two-family dwellings must prepare an economic cost and
691 benefit report that analyzes the application of fire sprinklers
692 to one-family ~~one-~~ or two-family dwellings or any proposed
693 residential subdivision. The report must consider the tradeoffs
694 and specific cost savings and benefits of fire sprinklers for
695 future owners of property. The report must include an assessment
696 of the cost savings from any reduced or eliminated impact fees
697 if applicable, the reduction in special fire district tax,
698 insurance fees, and other taxes or fees imposed, and the waiver
699 of certain infrastructure requirements including the reduction
700 of roadway widths, the reduction of water line sizes, increased
701 fire hydrant spacing, increased dead-end roadway length, and a
702 reduction in cul-de-sac sizes relative to the costs from fire
703 sprinkling. A failure to prepare an economic report shall result
704 in the invalidation of the fire sprinkler requirement to any
705 one-family ~~one-~~ or two-family dwelling or any proposed
706 subdivision. In addition, a local jurisdiction or utility may
707 not charge any additional fee, above what is charged to a non-



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708 fire sprinklered dwelling, on the basis that a one-family one-
709 or two-family dwelling unit is protected by a fire sprinkler
710 system.

711 (b)1. A county, municipality, special taxing district,
712 public utility, or private utility may not require an impact fee
713 or payment for a separate water connection for a one-family or
714 two-family dwelling fire sprinkler system if the capacity
715 required is hydraulically available at the property line. The
716 accountholder of the one-family or two-family dwelling must
717 notify the county, municipality, special district, public
718 utility, or private utility of the installation of the separate
719 water connection in the applicable permit. The separate water
720 connection may only be used for one-family or two-family
721 dwelling fire sprinkler systems and if used for other purposes,
722 full base and volume charges may be applied.

723 2. A county, municipality, special district, public
724 utility, or private utility may not charge a water or sewer rate
725 to a one-family or two-family dwelling that requires a larger
726 water meter solely due to the installation of fire sprinklers
727 above that which is charged to a one-family and two-family
728 dwelling with a base meter. If the installation of fire
729 sprinklers in a one-family or two-family dwelling requires the
730 installation of a larger water meter, only the difference in
731 actual cost between the base water meter and the larger water
732 meter may be charged by the water utility provider.

733 Section 15. A local government may not require an owner of
734 a residence to obtain a permit to paint such residence,
735 regardless of whether the residence is owned by a limited
736 liability company.



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737 **Section 16.** The Department of Education, in conjunction
738 with the Department of Economic Opportunity, shall develop a
739 plan to implement the recommendations of the Construction
740 Industry Workforce Task Force Report dated January 20, 2017. The
741 Department of Education shall provide the plan to the
742 Construction Industry Workforce Task Force on or before July 1,
743 2018.

744 **Section 17.** CareerSource Florida, Inc., shall develop and
745 submit a plan to the Construction Industry Workforce Taskforce
746 of the potential opportunities for training programs to
747 implement the recommendations of the Construction Industry
748 Workforce Taskforce Report dated January 20, 2017, using
749 existing federal funds awarded to the corporation and using the
750 previous statewide Florida ReBuilds program as an implementation
751 model for such programs. CareerSource Florida, Inc., shall
752 provide the plan to the Construction Industry Workforce
753 Taskforce on or before July 1, 2018.

754 **Section 18.** The Florida Building Commission shall adopt an
755 amendment to the Florida Building Code-Residential, relating to
756 Door Components, to provide that, relating to substitution of
757 door components, such components must either:

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

764 Section 19. Present subsection (5) of section 489.516,
765 Florida Statutes, is renumbered as subsection (6), and a new



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766 subsection (5) is added to that section, to read:

767 489.516 Qualifications to practice; restrictions;
768 prerequisites.-

769 (5) This part does not prevent any certified electrical or
770 alarm system contractor from acting as a prime contractor when
771 the majority of the work to be performed under the contract is
772 within the scope of his or her license or from subcontracting to
773 other licensed contractors any remaining work that is part of
774 the project contracted.

775

776 ===== T I T L E A M E N D M E N T =====

777 And the title is amended as follows:

778 Delete lines 6 - 43

779 and insert:

780 engineers; amending s. 489.103, F.S.; revising an
781 exemption from construction contracting regulation for
782 certain public utilities; deleting responsibility of
783 the Construction Industry Licensing Board to define
784 the term "incidental to their business" for certain
785 purposes; amending s. 553.79, F.S.; prohibiting a
786 political subdivision from adopting or enforcing
787 certain building permits or other development order
788 requirement; providing construction; providing for
789 preemption of certain local laws and regulations;
790 providing for retroactive applicability; providing an
791 exception; amending s. 468.603, F.S.; revising
792 definitions; amending s. 468.609, F.S.; revising
793 eligibility requirements for the examination for
794 certification as a building code inspector or plans



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795 examiner to include an internship certification
796 program; removing an eligibility condition from
797 provisions related to provisional certificates;
798 requiring the Florida Building Code Administrators and
799 Inspectors Board to establish rules; amending s.
800 468.617, F.S.; authorizing specified entities to
801 contract for the provision of building code
802 administrator and building official services; amending
803 s. 553.791, F.S.; conforming provisions to changes
804 made by the act; revising a definition; requiring
805 local jurisdictions to reduce certain permit fees;
806 amending ss. 471.045 and 481.222, F.S.; conforming
807 cross-references; amending s. 553.80, F.S.;
808 prohibiting local enforcement agencies, independent
809 districts, and special districts from charging certain
810 fees; amending s. 553.73, F.S.; revising requirements
811 for updating the Florida Building Code; providing that
812 certain amendments to the Florida Building Code are
813 not void under certain circumstances; providing that
814 certain technical amendments are subject to review or
815 modification; requiring the commission to adopt and
816 update the Florida Building Code through certain
817 review rather than by rule; revising requirements
818 relating to the codes used to update the Florida
819 Building Code; specifying minimum requirements for
820 updates to the Florida Building Code; authorizing the
821 commission to adopt as a technical amendment any
822 portion of specified codes; conforming provisions to
823 changes made by the act; prohibiting the Florida



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824 Building Commission from adopting certain code
825 provisions or standards; amending s. 553.76, F.S.;
826 authorizing the commission to adopt the Florida
827 Building Code and amendments thereto by a specified
828 number of votes; creating s. 553.9081, F.S.; requiring
829 the Florida Building Commission to amend certain
830 provisions of the Florida Building Code; amending s.
831 633.208, F.S.; prohibiting a county, municipality,
832 special taxing district, public utility, or private
833 utility from requiring a separate water connection or
834 charging a specified water or sewage rate under
835 certain conditions; prohibiting a local government
836 from requiring a permit for painting a residence;
837 requiring the Department of Education to develop a
838 plan for specified purposes; requiring Department of
839 Education to provide the plan to the Construction
840 Industry Workforce Task Force by a specified date;
841 requiring CareerSource Florida, Inc., to develop a
842 plan for specified purposes; requiring CareerSource
843 Florida, Inc., to provide the plan to the Construction
844 Industry Workforce Taskforce by a specified date;
845 requiring the Florida Building Commission to amend
846 specified provisions of the Florida Building Code
847 related to door components; amending s. 489.516, F.S.;
848 specifying that certain provisions do not prevent a
849 certified electrical or alarm system contractor from
850 acting as a prime contractor under certain
851 circumstances; providing an effective

1 A bill to be entitled
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. 471.033, F.S.; prohibiting
7 professional engineers from contracting with customers
8 without disclosing whether they maintain certain
9 insurance; amending s. 489.103, F.S.; revising an
10 exemption from construction contracting regulation for
11 certain public utilities; deleting responsibility of
12 the Construction Industry Licensing Board to define
13 the term "incidental to their business" for certain
14 purposes; amending s. 553.79, F.S.; prohibiting a
15 political subdivision from adopting or enforcing
16 certain building permits or other development order
17 requirement; providing construction; providing for
18 preemption of certain local laws and regulations;
19 providing for retroactive applicability; amending s.
20 553.791, F.S.; requiring local jurisdictions to reduce
21 certain permit fees; amending s. 553.80, F.S.;
22 prohibiting local enforcement agencies, independent
23 districts, and special districts from charging certain
24 fees; creating s. 553.9081, F.S.; requiring the
25 Florida Building Commission to amend certain

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 302 of the potential opportunities for training programs to
 303 implement the recommendations of the Construction Industry
 304 Workforce Taskforce Report dated January 20, 2017, using
 305 existing federal funds awarded to the corporation and using the
 306 previous statewide Florida ReBuilds program as an implementation
 307 model for such programs. CareerSource Florida, Inc., shall
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 312 Door Components, to provide that, relating to substitution of
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- 314 (1) Comply with ANSI/WMA 100; or
- 315 (2) Be evaluated by an approved product evaluation entity,
 316 certification agency, testing laboratory, or engineer and may be
 317 interchangeable in exterior door assemblies if the components
 318 provide equal or greater structural performance as demonstrated
 319 by accepted engineering practices.

320 **Section 13. This act shall take effect July 1, 2017.**