

By Senator Dyer

14-1217A-98

1 A bill to be entitled
2 An act relating to rulemaking authority of the
3 Department of Community Affairs (RAB); amending
4 s. 553.37, F.S.; supplementing authority to
5 adopt rules for construction of manufactured
6 buildings; amending s. 553.721, F.S.;
7 supplementing authority to adopt rules for the
8 collection of building permit surcharges;
9 amending s. 553.907, F.S.; supplementing
10 authority to adopt rules for local reporting of
11 compliance with thermal efficiency standards;
12 amending s. 553.907, F.S.; supplementing
13 authority to adopt rules for radon-resistant
14 passive building construction; amending s.
15 553.992, F.S.; supplementing authority to adopt
16 rules for the issuance of nonbinding opinions
17 concerning the use of the building energy
18 rating system; providing an effective date.

19

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

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22 Section 1. Subsection (1) of section 553.37, Florida
23 Statutes, is amended to read:

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553.37 Rules; inspections; and insignia.--

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26 (1) The department may ~~is authorized to promulgate~~
27 ~~rules, enter into contracts, and take actions do such things~~
28 ~~as may be~~ necessary and incidental to the administration of
29 its authority under pursuant to this part. In addition, the
30 department shall adopt rules in accordance with chapter 120
31 setting requirements for construction or modification of
manufactured buildings and building modules, to address:

1 (a) Submittal to and approval by the department of
2 manufacturers' drawings and specifications including any
3 amendments.

4 (b) Submittal to and approval by the department of
5 manufacturers' internal quality-control procedures and
6 manuals, including any amendments.

7 (c) Issuance, cancellation, and revocation of any
8 insignia issued by the department and procedures for auditing
9 and accounting for disposition of them.

10 (d) The performance by the department of any other
11 functions required by this part.

12 Section 2. Section 553.721, Florida Statutes, is
13 amended to read:

14 553.721 Surcharge.--In order for the Department of
15 Community Affairs to administer and carry out the purposes of
16 this part and related activities, there is hereby created a
17 surcharge, to be assessed at the rate of one-half cent per
18 square foot under-roof floor space permitted pursuant to s.
19 125.56(4) or s. 166.201. However, for additions, alterations,
20 or renovations to existing buildings, the surcharge shall be
21 computed on the basis of the square footage being added,
22 altered, or renovated. The unit of government responsible for
23 collecting a permit fee pursuant to s. 125.56(4) or s.
24 166.201 shall collect such surcharge and remit the funds
25 collected to the department on a quarterly calendar basis,
26 ~~beginning not later than October 31, 1995, for the preceding~~
27 ~~quarter, July 1, 1995, through September 30, 1995, and~~
28 ~~continuing each third month thereafter~~ and such unit of
29 government may retain an amount up to 5 percent of the
30 surcharge collected to cover costs associated with the
31 collection and remittance of such surcharge. All funds

1 remitted to the department pursuant to this subsection shall
2 be deposited in the Operating Trust Fund. ~~Prior to the~~
3 ~~remittance to the department on October 31, 1995, funds shall~~
4 ~~continue to be remitted to the Department of Health and~~
5 ~~Rehabilitative Services as provided under s. 404.056(3) for~~
6 ~~the final quarter of state fiscal year 1994-1995.~~Funds
7 collected from such surcharge shall not be used to fund
8 research on techniques for mitigation of radon in existing
9 buildings. Funds used by the department as well as funds to be
10 transferred to the Department of Health ~~and Rehabilitative~~
11 ~~Services~~ shall be as prescribed in the annual General
12 Appropriations Act. The department shall adopt rules governing
13 the collection and remittance of surcharges in accordance with
14 chapter 120.

15 Section 3. Section 553.907, Florida Statutes, is
16 amended to read:

17 553.907 Compliance.--Owners of all buildings required
18 to comply with this part, or their agents, must certify
19 compliance to the designated local enforcement agency prior to
20 receiving the permit to begin construction or renovation. If,
21 during the building construction or renovation, alterations
22 are made in the design, materials, or equipment which would
23 diminish the energy performance of the building, an amended
24 copy of the compliance certification must be submitted to the
25 local enforcement agency on or before the date of final
26 inspection by the building owner or his or her agent and must
27 be placed on the building permit. Each local enforcement
28 agency shall report to the department any information
29 concerning compliance certifications and amendments at such
30 intervals as the department designates by rule adopted in
31 accordance with chapter 120.

