

By Senator Constantine

22-00428-08

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1                   A bill to be entitled  
2           An act relating to energy efficiency in building  
3           construction; amending s. 553.77, F.S.; providing  
4           discretionary power to the Florida Building Commission to  
5           implement recommendations regarding cost-effective,  
6           energy-efficiency standards for construction of all new  
7           residential, commercial, and government buildings by  
8           amending the Florida Efficiency Code for Building  
9           Construction; providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13           Section 1. Section 553.77, Florida Statutes, is amended to  
14 read:

15           553.77 Specific powers of the commission.--

16           (1) The commission shall:

17           (a) Adopt and update the Florida Building Code or  
18 amendments thereto, pursuant to ss. 120.536(1) and 120.54.

19           (b) Make a continual study of the operation of the Florida  
20 Building Code and other laws relating to the design,  
21 construction, erection, alteration, modification, repair, or  
22 demolition of public or private buildings, structures, and  
23 facilities, including manufactured buildings, and code  
24 enforcement, to ascertain their effect upon the cost of building  
25 construction and determine the effectiveness of their provisions.  
26 Upon updating the Florida Building Code every 3 years, the  
27 commission shall review existing provisions of law and make  
28 recommendations to the Legislature for the next regular session  
29 of the Legislature regarding provisions of law that should be

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30 revised or repealed to ensure consistency with the Florida  
31 Building Code at the point the update goes into effect. State  
32 agencies and local jurisdictions shall provide such information  
33 as requested by the commission for evaluation of and  
34 recommendations for improving the effectiveness of the system of  
35 building code laws for reporting to the Legislature annually.  
36 Failure to comply with this or other requirements of this act  
37 must be reported to the Legislature for further action. Any  
38 proposed legislation providing for the revision or repeal of  
39 existing laws and rules relating to technical requirements  
40 applicable to building structures or facilities should expressly  
41 state that such legislation is not intended to imply any repeal  
42 or sunset of existing general or special laws governing any  
43 special district that are not specifically identified in the  
44 legislation.

45 (c) Upon written application by any substantially affected  
46 person or a local enforcement agency, issue declaratory  
47 statements pursuant to s. 120.565 relating to new technologies,  
48 techniques, and materials which have been tested where necessary  
49 and found to meet the objectives of the Florida Building Code.  
50 This paragraph does not apply to the types of products,  
51 materials, devices, or methods of construction required to be  
52 approved under paragraph (f).

53 (d) Make recommendations to, and provide assistance upon  
54 the request of, the Florida Commission on Human Relations  
55 regarding rules relating to accessibility for persons with  
56 disabilities.

57 (e) Participate with the Florida Fire Code Advisory Council  
58 created under s. 633.72, to provide assistance and

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59 | recommendations relating to firesafety code interpretations. The  
60 | administrative staff of the commission shall attend meetings of  
61 | the Florida Fire Code Advisory Council and coordinate efforts to  
62 | provide consistency between the Florida Building Code and the  
63 | Florida Fire Prevention Code and the Life Safety Code.

64 |       (f) Determine the types of products which may be approved  
65 | by the commission for statewide use and shall provide for the  
66 | evaluation and approval of such products, materials, devices, and  
67 | method of construction for statewide use. The commission may  
68 | prescribe by rule a schedule of reasonable fees to provide for  
69 | evaluation and approval of products, materials, devices, and  
70 | methods of construction. Evaluation and approval shall be by  
71 | action of the commission or delegated pursuant to s. 553.842.  
72 | This paragraph does not apply to products approved by the State  
73 | Fire Marshal.

74 |       (g) Appoint experts, consultants, technical advisers, and  
75 | advisory committees for assistance and recommendations relating  
76 | to the major areas addressed in the Florida Building Code.

77 |       (h) Establish and maintain a mutual aid program, organized  
78 | through the department, to provide an efficient supply of various  
79 | levels of code enforcement personnel, design professionals,  
80 | commercial property owners, and construction industry  
81 | individuals, to assist in the rebuilding effort in an area which  
82 | has been hit with disaster. The program shall include provisions  
83 | for:

- 84 |       1. Minimum postdisaster structural, electrical, and  
85 | plumbing inspections and procedures.
- 86 |       2. Emergency permitting and inspection procedures.
- 87 |       3. Establishing contact with emergency management personnel

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88 and other state and federal agencies.

89 (i) Maintain a list of interested parties for noticing  
90 rulemaking workshops and hearings, disseminating information on  
91 code adoption, revisions, amendments, and all other such actions  
92 which are the responsibility of the commission.

93 (j) Coordinate with the state and local governments,  
94 industry, and other affected stakeholders in the examination of  
95 legislative provisions and make recommendations to fulfill the  
96 responsibility to develop a consistent, single code.

97 (k) Provide technical assistance to local building  
98 departments in order to implement policies, procedures, and  
99 practices which would produce the most cost-effective property  
100 insurance ratings.

101 (l) Develop recommendations for local governments to use  
102 when pursuing partial or full privatization of building  
103 department functions. The recommendations shall include, but not  
104 be limited to, provisions relating to equivalency of service,  
105 conflict of interest, requirements for competency, liability,  
106 insurance, and long-term accountability.

107 (2) For educational and public information purposes, the  
108 commission shall develop and publish an informational and  
109 explanatory document which contains descriptions of the roles and  
110 responsibilities of the licensed design professional, residential  
111 designer, contractor, and local building and fire code officials.  
112 The State Fire Marshal shall be responsible for developing and  
113 specifying roles and responsibilities for fire code officials.  
114 Such document may also contain descriptions of roles and  
115 responsibilities of other participants involved in the building  
116 codes system.

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117 (3) The commission may provide by rule for plans review and  
118 approval of prototype buildings owned by public and private  
119 entities to be replicated throughout the state. The rule must  
120 allow for review and approval of plans and changes to approved  
121 plans for prototype buildings to be performed by a public or  
122 private entity with oversight by the commission. The department  
123 may charge reasonable fees to cover the administrative costs of  
124 the program. Such approved plans or prototype buildings shall be  
125 exempt from further review required by s. 553.79(2), except  
126 changes to the prototype design, site plans, and other site-  
127 related items. Changes to an approved plan may be approved by the  
128 local building department or by the public or private entity that  
129 approved the plan. As provided in s. 553.73, prototype buildings  
130 are exempt from any locally adopted amendment to any part of the  
131 Florida Building Code. Construction or erection of such prototype  
132 buildings is subject to local permitting and inspections pursuant  
133 to this part.

134 (4) The commission may produce and distribute a commentary  
135 document to accompany the Florida Building Code. The commentary  
136 must be limited in effect to providing technical assistance and  
137 must not have the effect of binding interpretations of the code  
138 document itself.

139 (5) The commission may implement its recommendations  
140 delivered pursuant to subsection (2) of section 48 of chapter  
141 2007-73, Laws of Florida, by amending the Florida Energy  
142 Efficiency Code for Building Construction as provided in s.  
143 553.901.

144 (6)~~(5)~~ A member of the Florida Building Commission may  
145 abstain from voting in any matter before the commission which

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146 would inure to the commissioner's special private gain or loss,  
147 which the commissioner knows would inure to the special private  
148 gain or loss of any principal by whom he or she is retained or to  
149 the parent organization or subsidiary of a corporate principal by  
150 which he or she is retained, or which he or she knows would inure  
151 to the special private gain or loss of a relative or business  
152 associate of the commissioner. A commissioner shall abstain from  
153 voting under the foregoing circumstances if the matter is before  
154 the commission under ss. 120.569, 120.60, and 120.80. The  
155 commissioner shall, before the vote is taken, publicly state to  
156 the assembly the nature of the commissioner's interest in the  
157 matter from which he or she is abstaining from voting and, within  
158 15 days after the vote occurs, disclose the nature of his other  
159 interest as a public record in a memorandum filed with the person  
160 responsible for recording the minutes of the meeting, who shall  
161 incorporate the memorandum in the minutes.

162 Section 2. This act shall take effect July 1, 2008.