

By the Committee on Community Affairs; and Senator Simpson

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1 A bill to be entitled
2 An act relating to building construction; amending s.
3 162.12, F.S.; providing an additional method for local
4 governments to provide notices to alleged code
5 enforcement violators; amending s. 514.03, F.S.;
6 requiring application for an operating permit before
7 filing an application for a building permit for a
8 public swimming pool; amending s. 514.031, F.S.;
9 providing additional requirements for obtaining a
10 public swimming pool operating permit; amending s.
11 553.37, F.S.; specifying inspection criteria for
12 construction or modification of manufactured buildings
13 or modules; amending s. 553.721, F.S.; revising the
14 allocation of funds from the building permit
15 surcharge; amending s. 553.775, F.S.; authorizing
16 building officials, local enforcement agencies, and
17 the Florida Building Commission to interpret the
18 Florida Accessibility Code for Building Construction;
19 specifying procedures for such interpretations;
20 deleting provisions relating to declaratory statements
21 and interpretations of the Florida Accessibility Code
22 for Building Construction, to conform; amending s.
23 553.79, F.S.; prohibiting a local enforcing agency
24 from issuing a building permit for a public swimming
25 pool without proof of application for an operating
26 permit; requiring issuance of an operating permit
27 before a certificate of completion or occupancy is
28 issued; amending s. 553.841, F.S.; revising education
29 and training requirements of the Florida Building Code

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30 Compliance and Mitigation Program; creating s.
31 553.883, F.S.; authorizing use of smoke alarms powered
32 by 10-year nonremovable, nonreplaceable batteries in
33 certain circumstances; requiring use of such alarms by
34 a certain date; amending s. 553.993, F.S.; revising
35 the definition of the term "building energy-efficiency
36 rating system" to require consistency with certain
37 national standards for new construction and existing
38 construction; providing for oversight; amending s.
39 633.202, F.S.; exempting certain tents from the
40 Florida Fire Prevention Code; providing an effective
41 date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Section 162.12, Florida Statutes, is amended to
46 read:

47 162.12 Notices.—

48 (1) All notices required by this part must be provided to
49 the alleged violator by:

50 (a) Certified mail, and at the option of the local
51 government return receipt requested, to the address listed in
52 the tax collector's office for tax notices or to the address
53 listed in the county property appraiser's database. The local
54 government may also provide an additional notice to any other
55 address it may find for the property owner. For property owned
56 by a corporation, notices may be provided by certified mail to
57 the registered agent of the corporation. If any notice sent by
58 certified mail is not signed as received within 30 days after

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59 the postmarked date of mailing, notice may be provided by
60 posting as described in subparagraphs (2)(b)1. and 2.;

61 (b) Hand delivery by the sheriff or other law enforcement
62 officer, code inspector, or other person designated by the local
63 governing body;

64 (c) Leaving the notice at the violator's usual place of
65 residence with any person residing therein who is above 15 years
66 of age and informing such person of the contents of the notice;
67 or

68 (d) In the case of commercial premises, leaving the notice
69 with the manager or other person in charge.

70 (2) In addition to providing notice as set forth in
71 subsection (1), at the option of the code enforcement board or
72 the local government, notice may be served by publication or
73 posting, as follows:

74 (a)1. Such notice shall be published once during each week
75 for 4 consecutive weeks (four publications being sufficient) in
76 a newspaper of general circulation in the county where the code
77 enforcement board is located. The newspaper shall meet such
78 requirements as are prescribed under chapter 50 for legal and
79 official advertisements.

80 2. Proof of publication shall be made as provided in ss.
81 50.041 and 50.051.

82 (b)1. In lieu of publication as described in paragraph (a),
83 such notice may be posted at least 10 days prior to the hearing,
84 or prior to the expiration of any deadline contained in the
85 notice, in at least two locations, one of which shall be the
86 property upon which the violation is alleged to exist and the
87 other of which shall be, in the case of municipalities, at the

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88 primary municipal government office, and in the case of
89 counties, at the front door of the courthouse or the main county
90 governmental center in said county.

91 2. Proof of posting shall be by affidavit of the person
92 posting the notice, which affidavit shall include a copy of the
93 notice posted and the date and places of its posting.

94 (c) Notice by publication or posting may run concurrently
95 with, or may follow, an attempt or attempts to provide notice by
96 hand delivery or by mail as required under subsection (1).

97 (3) Evidence that an attempt has been made to hand deliver
98 or mail notice as provided in subsection (1), together with
99 proof of publication or posting as provided in subsection (2),
100 shall be sufficient to show that the notice requirements of this
101 part have been met, without regard to whether or not the alleged
102 violator actually received such notice.

103 Section 2. Section 514.03, Florida Statutes, is amended to
104 read:

105 514.03 Approval necessary to construct, develop, or modify
106 public swimming pools or public bathing places.—

107 (1) A person or public body desiring to construct, develop,
108 or modify a public swimming pool must apply to the department
109 for an operating permit before filing an application for a
110 building permit under s. 553.79.

111 (2) Local governments or local enforcement districts may
112 determine compliance with the general construction standards of
113 the Florida Building Code, pursuant to s. 553.80. Local
114 governments or local enforcement districts may conduct plan
115 reviews and inspections of public swimming pools and public
116 bathing places for this purpose.

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117 Section 3. Paragraph (a) of subsection (1) of section
118 514.031, Florida Statutes, is amended to read:

119 514.031 Permit necessary to operate public swimming pool.—

120 (1) It is unlawful for any person or public body to operate
121 or continue to operate any public swimming pool without a valid
122 permit from the department, such permit to be obtained in the
123 following manner:

124 (a) Any person or public body desiring to operate any
125 public swimming pool shall file an application for an operating
126 ~~a~~ permit with the department, on application forms provided by
127 the department, and shall accompany such application with:

128 1. A description of the structure, its appurtenances, and
129 its operation.

130 2.1. ~~A~~ description of the source or sources of water
131 supply, and the amount and quality of water available and
132 intended to be used.

133 3.2. ~~The~~ method and manner of water purification,
134 treatment, disinfection, and heating.

135 4.3. ~~The~~ safety equipment and standards to be used.

136 5. A copy of the final inspection from the local
137 enforcement agency as defined in chapter 553.

138 6.4. Any other pertinent information deemed necessary by
139 the department.

140 Section 4. Paragraph (c) of subsection (1) of section
141 553.37, Florida Statutes, is amended to read:

142 553.37 Rules; inspections; and insignia.—

143 (1) The Florida Building Commission shall adopt within the
144 Florida Building Code requirements for construction or
145 modification of manufactured buildings and building modules, to

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146 address:

147 (c) ~~Minimum~~ Inspection criteria, which shall require the
148 approved inspection agency to:

149 1. Observe the first building built, or with regard to
150 components, observe the first unit assembled, after
151 certification from the manufacturer, from start to finish,
152 inspecting all subsystems: electrical, plumbing, structural,
153 mechanical, or thermal.

154 2. Continue observation of the manufacturing process until
155 the approved inspection agency determines that the
156 manufacturer's quality control program, in conjunction with the
157 application of the plans approved by the approved inspection
158 agency, will result in a building and components that meet or
159 exceed the applicable Florida Building Code requirements.

160 3. Inspect each module produced during at least one point
161 of the manufacturing process and inspect at least 75 percent of
162 the subsystems of each module: electrical, plumbing, structural,
163 mechanical, or thermal.

164 4. With respect to components, inspect at least 75 percent
165 of the manufactured building components and at least 20 percent
166 of the storage sheds that are not designed for human habitation
167 and that have a floor area of 720 square feet or less.

168 Section 5. Section 553.721, Florida Statutes, is amended to
169 read:

170 553.721 Surcharge.—In order for the Department of Business
171 and Professional Regulation to administer and carry out the
172 purposes of this part and related activities, there is created a
173 surcharge, to be assessed at the rate of 1.5 percent of the
174 permit fees associated with enforcement of the Florida Building

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175 Code as defined by the uniform account criteria and specifically
176 the uniform account code for building permits adopted for local
177 government financial reporting pursuant to s. 218.32. The
178 minimum amount collected on any permit issued shall be \$2. The
179 unit of government responsible for collecting a permit fee
180 pursuant to s. 125.56(4) or s. 166.201 shall collect the
181 surcharge and electronically remit the funds collected to the
182 department on a quarterly calendar basis for the preceding
183 quarter and continuing each third month thereafter. The unit of
184 government shall retain 10 percent of the surcharge collected to
185 fund the participation of building departments in the national
186 and state building code adoption processes and to provide
187 education related to enforcement of the Florida Building Code.
188 All funds remitted to the department pursuant to this section
189 shall be deposited in the Professional Regulation Trust Fund.
190 Funds collected from the surcharge shall be allocated to fund
191 the Florida Building Commission, ~~and~~ the Florida Building Code
192 Compliance and Mitigation Program under s. 553.841, and the
193 Future Builders of America program. ~~Beginning in the 2013-2014~~
194 ~~fiscal year,~~ Funds allocated to the Florida Building Code
195 Compliance and Mitigation Program shall be \$925,000 each fiscal
196 year. Beginning in the 2014-2015 fiscal year, funds allocated to
197 the Future Builders of America program shall be \$250,000 each
198 fiscal year. The funds collected from the surcharge may not be
199 used to fund research on techniques for mitigation of radon in
200 existing buildings. Funds used by the department as well as
201 funds to be transferred to the Department of Health shall be as
202 prescribed in the annual General Appropriations Act. The
203 department shall adopt rules governing the collection and

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204 remittance of surcharges pursuant to chapter 120.

205 Section 6. Section 553.775, Florida Statutes, is amended to
206 read:

207 553.775 Interpretations.—

208 (1) It is the intent of the Legislature that the Florida
209 Building Code and the Florida Accessibility Code for Building
210 Construction be interpreted by building officials, local
211 enforcement agencies, and the commission in a manner that
212 protects the public safety, health, and welfare at the most
213 reasonable cost to the consumer by ensuring uniform
214 interpretations throughout the state and by providing processes
215 for resolving disputes regarding interpretations of the Florida
216 Building Code and the Florida Accessibility Code for Building
217 Construction which are just and expeditious.

218 (2) Local enforcement agencies, local building officials,
219 state agencies, and the commission shall interpret provisions of
220 the Florida Building Code and the Florida Accessibility Code for
221 Building Construction in a manner that is consistent with
222 declaratory statements and interpretations entered by the
223 commission, except that conflicts between the Florida Fire
224 Prevention Code and the Florida Building Code shall be resolved
225 in accordance with s. 553.73(11)(c) and (d).

226 (3) The following procedures may be invoked regarding
227 interpretations of the Florida Building Code or the Florida
228 Accessibility Code for Building Construction:

229 (a) Upon written application by any substantially affected
230 person or state agency or by a local enforcement agency, the
231 commission shall issue declaratory statements pursuant to s.
232 120.565 relating to the enforcement or administration by local

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233 governments of the Florida Building Code or the Florida
234 Accessibility Code for Building Construction.

235 (b) When requested in writing by any substantially affected
236 person or state agency or by a local enforcement agency, the
237 commission shall issue a declaratory statement pursuant to s.
238 120.565 relating to this part and ss. 515.25, 515.27, 515.29,
239 and 515.37. Actions of the commission are subject to judicial
240 review under s. 120.68.

241 (c) The commission shall review decisions of local building
242 officials and local enforcement agencies regarding
243 interpretations of the Florida Building Code or the Florida
244 Accessibility Code for Building Construction after the local
245 board of appeals has considered the decision, if such board
246 exists, and if such appeals process is concluded within 25
247 business days.

248 1. The commission shall coordinate with the Building
249 Officials Association of Florida, Inc., to designate panels
250 composed of five members to hear requests to review decisions of
251 local building officials. The members must be licensed as
252 building code administrators under part XII of chapter 468 and
253 must have experience interpreting and enforcing provisions of
254 the Florida Building Code and the Florida Accessibility Code for
255 Building Construction.

256 2. Requests to review a decision of a local building
257 official interpreting provisions of the Florida Building Code or
258 the Florida Accessibility Code for Building Construction may be
259 initiated by any substantially affected person, including an
260 owner or builder subject to a decision of a local building
261 official or an association of owners or builders having members

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262 who are subject to a decision of a local building official. In
263 order to initiate review, the substantially affected person must
264 file a petition with the commission. The commission shall adopt
265 a form for the petition, which shall be published on the
266 Building Code Information System. The form shall, at a minimum,
267 require the following:

268 a. The name and address of the county or municipality in
269 which provisions of the Florida Building Code or the Florida
270 Accessibility Code for Building Construction are being
271 interpreted.

272 b. The name and address of the local building official who
273 has made the interpretation being appealed.

274 c. The name, address, and telephone number of the
275 petitioner; the name, address, and telephone number of the
276 petitioner's representative, if any; and an explanation of how
277 the petitioner's substantial interests are being affected by the
278 local interpretation of the Florida Building Code or the Florida
279 Accessibility Code for Building Construction.

280 d. A statement of the provisions of the Florida Building
281 Code or the Florida Accessibility Code for Building Construction
282 which are being interpreted by the local building official.

283 e. A statement of the interpretation given to provisions of
284 the Florida Building Code or the Florida Accessibility Code for
285 Building Construction by the local building official and the
286 manner in which the interpretation was rendered.

287 f. A statement of the interpretation that the petitioner
288 contends should be given to the provisions of the Florida
289 Building Code or the Florida Accessibility Code for Building
290 Construction and a statement supporting the petitioner's

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291 interpretation.

292 g. Space for the local building official to respond in
293 writing. The space shall, at a minimum, require the local
294 building official to respond by providing a statement admitting
295 or denying the statements contained in the petition and a
296 statement of the interpretation of the provisions of the Florida
297 Building Code or the Florida Accessibility Code for Building
298 Construction which the local jurisdiction or the local building
299 official contends is correct, including the basis for the
300 interpretation.

301 3. The petitioner shall submit the petition to the local
302 building official, who shall place the date of receipt on the
303 petition. The local building official shall respond to the
304 petition in accordance with the form and shall return the
305 petition along with his or her response to the petitioner within
306 5 days after receipt, exclusive of Saturdays, Sundays, and legal
307 holidays. The petitioner may file the petition with the
308 commission at any time after the local building official
309 provides a response. If no response is provided by the local
310 building official, the petitioner may file the petition with the
311 commission 10 days after submission of the petition to the local
312 building official and shall note that the local building
313 official did not respond.

314 4. Upon receipt of a petition that meets the requirements
315 of subparagraph 2., the commission shall immediately provide
316 copies of the petition to a panel, and the commission shall
317 publish the petition, including any response submitted by the
318 local building official, on the Building Code Information System
319 in a manner that allows interested persons to address the issues

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320 by posting comments.

321 5. The panel shall conduct proceedings as necessary to
322 resolve the issues; shall give due regard to the petitions, the
323 response, and to comments posed on the Building Code Information
324 System; and shall issue an interpretation regarding the
325 provisions of the Florida Building Code or the Florida
326 Accessibility Code for Building Construction within 21 days
327 after the filing of the petition. The panel shall render a
328 determination based upon the Florida Building Code or the
329 Florida Accessibility Code for Building Construction or, if the
330 code is ambiguous, the intent of the code. The panel's
331 interpretation shall be provided to the commission, which shall
332 publish the interpretation on the Building Code Information
333 System and in the Florida Administrative Register. The
334 interpretation shall be considered an interpretation entered by
335 the commission, and shall be binding upon the parties and upon
336 all jurisdictions subject to the Florida Building Code or the
337 Florida Accessibility Code for Building Construction, unless it
338 is superseded by a declaratory statement issued by the Florida
339 Building Commission or by a final order entered after an appeal
340 proceeding conducted in accordance with subparagraph 7.

341 6. It is the intent of the Legislature that review
342 proceedings be completed within 21 days after the date that a
343 petition seeking review is filed with the commission, and the
344 time periods set forth in this paragraph may be waived only upon
345 consent of all parties.

346 7. Any substantially affected person may appeal an
347 interpretation rendered by a hearing officer panel by filing a
348 petition with the commission. Such appeals shall be initiated in

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349 accordance with chapter 120 and the uniform rules of procedure
350 and must be filed within 30 days after publication of the
351 interpretation on the Building Code Information System or in the
352 Florida Administrative Register. Hearings shall be conducted
353 pursuant to chapter 120 and the uniform rules of procedure.
354 Decisions of the commission are subject to judicial review
355 pursuant to s. 120.68. The final order of the commission is
356 binding upon the parties and upon all jurisdictions subject to
357 the Florida Building Code or the Florida Accessibility Code for
358 Building Construction.

359 8. The burden of proof in any proceeding initiated in
360 accordance with subparagraph 7. is on the party who initiated
361 the appeal.

362 9. In any review proceeding initiated in accordance with
363 this paragraph, including any proceeding initiated in accordance
364 with subparagraph 7., the fact that an owner or builder has
365 proceeded with construction may not be grounds for determining
366 an issue to be moot if the issue is one that is likely to arise
367 in the future.

368
369 This paragraph provides the exclusive remedy for addressing
370 requests to review local interpretations of the Florida Building
371 Code or the Florida Accessibility Code for Building Construction
372 and appeals from review proceedings.

373 (d) Upon written application by any substantially affected
374 person, contractor, or designer, or a group representing a
375 substantially affected person, contractor, or designer, the
376 commission shall issue or cause to be issued a formal
377 interpretation of the Florida Building Code or the Florida

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378 Accessibility Code for Building Construction as prescribed by
379 paragraph (c).

380 (e) Local decisions declaring structures to be unsafe and
381 subject to repair or demolition are not subject to review under
382 this subsection and may not be appealed to the commission if the
383 local governing body finds that there is an immediate danger to
384 the health and safety of the public.

385 (f) Upon written application by any substantially affected
386 person, the commission shall issue a declaratory statement
387 pursuant to s. 120.565 relating to an agency's interpretation
388 and enforcement of the specific provisions of the Florida
389 Building Code or the Florida Accessibility Code for Building
390 Construction which the agency is authorized to enforce. This
391 subsection does not provide any powers, other than advisory, to
392 the commission with respect to any decision of the State Fire
393 Marshal made pursuant to chapter 633.

394 (g) The commission may designate a commission member who
395 has demonstrated expertise in interpreting building plans to
396 attend each meeting of the advisory council created in s.
397 553.512. The commission member may vary from meeting to meeting,
398 shall serve on the council in a nonvoting capacity, and shall
399 receive per diem and expenses as provided in s. 553.74(3).

400 (h) The commission shall by rule establish an informal
401 process of rendering nonbinding interpretations of the Florida
402 Building Code and the Florida Accessibility Code for Building
403 Construction. The commission is specifically authorized to refer
404 interpretive issues to organizations that represent those
405 engaged in the construction industry. The commission shall
406 immediately implement the process before completing formal

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407 rulemaking. It is the intent of the Legislature that the
408 commission create a process to refer questions to a small,
409 rotating group of individuals licensed under part XII of chapter
410 468, to which a party may pose questions regarding the
411 interpretation of code provisions. It is the intent of the
412 Legislature that the process provide for the expeditious
413 resolution of the issues presented and publication of the
414 resulting interpretation on the Building Code Information
415 System. Such interpretations shall be advisory only and
416 nonbinding on the parties and the commission.

417 (4) In order to administer this section, the commission may
418 adopt by rule and impose a fee for filing requests for
419 declaratory statements and binding and nonbinding
420 interpretations to recoup the cost of the proceedings which may
421 not exceed \$125 for each request for a nonbinding interpretation
422 and \$250 for each request for a binding review or
423 interpretation. For proceedings conducted by or in coordination
424 with a third party, the rule may provide that payment be made
425 directly to the third party, who shall remit to the department
426 that portion of the fee necessary to cover the costs of the
427 department.

428 ~~(5) The commission may render declaratory statements in~~
429 ~~accordance with s. 120.565 relating to the provisions of the~~
430 ~~Florida Accessibility Code for Building Construction not~~
431 ~~attributable to the Americans with Disabilities Act~~
432 ~~Accessibility Guidelines. Notwithstanding the other provisions~~
433 ~~of this section, the Florida Accessibility Code for Building~~
434 ~~Construction and chapter 11 of the Florida Building Code may not~~
435 ~~be interpreted by, and are not subject to review under, any of~~

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436 ~~the procedures specified in this section. This subsection has no~~
437 ~~effect upon the commission's authority to waive the Florida~~
438 ~~Accessibility Code for Building Construction as provided by s.~~
439 ~~553.512.~~

440 Section 7. Present subsections (11) through (18) of section
441 553.79, Florida Statutes, are redesignated as subsections (12)
442 through (19), respectively, and a new subsection (11) is added
443 to that section, to read:

444 553.79 Permits; applications; issuance; inspections.—

445 (11) The local enforcing agency may not issue a building
446 permit to construct, develop, or modify a public swimming pool
447 without proof of application for an operating permit under s.
448 514.031. A certificate of completion or occupancy may not be
449 issued until such operating permit is issued.

450 Section 8. Subsections (1) and (2) of section 553.841,
451 Florida Statutes, are amended to read:

452 553.841 Building code compliance and mitigation program.—

453 (1) The Legislature finds that knowledge and understanding
454 by persons licensed or employed in the design and construction
455 industries of the importance and need for complying with the
456 Florida Building Code and related laws is vital to the public
457 health, safety, and welfare of this state, especially for
458 protecting consumers and mitigating damage caused by hurricanes
459 to residents and visitors to the state. The Legislature further
460 finds that the Florida Building Code can be effective only if
461 all participants in the design and construction industries
462 maintain a thorough knowledge of the code, code compliance and
463 enforcement, duties related to consumers, and changes that
464 ~~additions thereto which~~ improve construction standards, project

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465 completion, and compliance of design and construction to protect
466 against consumer harm, storm damage, and other damage.
467 Consequently, the Legislature finds that there is a need for a
468 program to provide ongoing education and outreach activities
469 concerning compliance with the Florida Building Code, the
470 Florida Fire Prevention Code, construction plan and permitting
471 requirements, construction liens, and hurricane mitigation.

472 (2) The Department of Business and Professional Regulation
473 shall administer a program, designated as the Florida Building
474 Code Compliance and Mitigation Program, to develop, coordinate,
475 and maintain education and outreach to persons required to
476 comply with the Florida Building Code and related provisions as
477 specified in subsection (1) and ensure consistent education,
478 training, and communication of the code's requirements,
479 including, but not limited to, methods for design and
480 construction compliance and mitigation of storm-related damage.
481 The program shall also operate a clearinghouse through which
482 design, construction, and building code enforcement licensees,
483 suppliers, and consumers in this state may find others in order
484 to exchange information relating to mitigation and facilitate
485 repairs in the aftermath of a natural disaster.

486 Section 9. Section 553.883, Florida Statutes, is created to
487 read:

488 553.883 Smoke alarms in one-family and two-family dwellings
489 and townhomes.—One-family and two-family dwellings and townhomes
490 undergoing a repair, or a level 1 alteration as defined in the
491 Florida Building Code, Existing Building, may use smoke alarms
492 powered by 10-year nonremovable, nonreplaceable batteries in
493 lieu of retrofitting such dwelling with smoke alarms powered by

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494 the dwelling's electrical system. Effective January 1, 2015, a
495 battery-powered smoke alarm that is newly installed or replaces
496 an existing battery-powered smoke alarm must be powered by a
497 nonremovable, nonreplaceable battery that powers the alarm for
498 at least 10 years.

499 Section 10. Subsection (3) of section 553.993, Florida
500 Statutes, is amended to read:

501 553.993 Definitions.—For purposes of this part:

502 (3) "Building energy-efficiency rating system" means a
503 whole building energy evaluation system that provides a reliable
504 and scientifically-based analysis of a building's energy
505 consumption or energy features and allows a comparison to
506 similar building types in similar climate zones where
507 applicable. Specifically, the rating system shall use standard
508 calculations, formulas, and scoring methods; be applicable
509 nationally; compare a building to a clearly defined and
510 researched baseline or benchmark; require qualified
511 professionals to conduct the rating or assessment; and provide a
512 labeling and recognition program with specific criteria or
513 levels. Residential program benchmarks for new construction must
514 be consistent with national building standards. Residential
515 building program benchmarks for existing construction must be
516 consistent with national home energy rating standards. The
517 building energy-efficiency rating system shall require at least
518 one level of oversight performed by an organized and balanced
519 group of professionals with subject matter expertise in energy
520 efficiency, energy rating, and evaluation methods established by
521 ~~the Residential Energy Services Network, the Commercial Energy~~
522 ~~Services Network, the Building Performance Institute, or the~~

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523 ~~Florida Solar Energy Center.~~

524 Section 11. Subsection (15) of section 633.202, Florida
525 Statutes, is amended to read:

526 633.202 Florida Fire Prevention Code.—

527 (15) ~~(a)~~ For one-story or two-story structures that are less
528 than 10,000 square feet, whose occupancy is defined in the
529 Florida Building Code and the Florida Fire Prevention Code as
530 business or mercantile, a fire official shall enforce the wall
531 fire-rating provisions for occupancy separation as defined in
532 the Florida Building Code.

533 (16) (a) ~~(b)~~ A structure, located on property that is
534 classified for ad valorem purposes as agricultural, which is
535 part of a farming or ranching operation, in which the occupancy
536 is limited by the property owner to no more than 35 persons, and
537 which is not used by the public for direct sales or as an
538 educational outreach facility, is exempt from the Florida Fire
539 Prevention Code, including the national codes and Life Safety
540 Code incorporated by reference. This paragraph does not include
541 structures used for residential or assembly occupancies, as
542 defined in the Florida Fire Prevention Code.

543 (b) A tent up to 30 feet by 30 feet is exempt from the
544 Florida Fire Prevention Code, including the national codes
545 incorporated by reference.

546 Section 12. This act shall take effect July 1, 2014.