

1 A bill to be entitled

2 An act relating to building construction; amending s.  
3 162.12, F.S.; revising the method for local  
4 governments to provide notices to alleged code  
5 enforcement violators; amending s. 373.323, F.S.;  
6 revising requirements for taking the water well  
7 contractor licensure examination; amending s. 440.103,  
8 F.S.; authorizing the use of electronic certificates  
9 of exemption, site plans, and building permits;  
10 requiring plans and permits to be open to inspection;  
11 amending s. 514.03, F.S.; requiring application for an  
12 operating permit before filing an application for a  
13 building permit for a public swimming pool; amending  
14 s. 514.031, F.S.; providing additional requirements  
15 for obtaining a public swimming pool operating permit;  
16 amending s. 553.37, F.S.; specifying inspection  
17 criteria for construction or modification of  
18 manufactured buildings or modules; amending s.  
19 553.721, F.S.; removing obsolete language; amending s.  
20 553.73, F.S.; revising the circumstances under which  
21 existing mechanical equipment is subject to certain  
22 provisions of the Florida Building Code; amending s.  
23 553.775, F.S.; authorizing building officials, local  
24 enforcement agencies, and the Florida Building  
25 Commission to interpret the Florida Accessibility Code  
26 for Building Construction; specifying procedures for

27 such interpretations; deleting provisions relating to  
28 declaratory statements and interpretations of the  
29 Florida Accessibility Code for Building Construction,  
30 to conform; amending s. 553.79, F.S.; prohibiting a  
31 local enforcing agency from issuing a building permit  
32 for a public swimming pool without proof of  
33 application for an operating permit; requiring  
34 issuance of an operating permit before a certificate  
35 of completion or occupancy is issued; authorizing use  
36 of electronic building permit plans for building code  
37 inspection and record retention; amending s. 553.841,  
38 F.S.; revising education and training requirements of  
39 the Florida Building Code Compliance and Mitigation  
40 Program; creating s. 553.883, F.S.; authorizing use of  
41 a smoke alarms powered by a specified type of battery  
42 in certain circumstances; requiring use of such alarms  
43 by a certain date; amending s. 553.993, F.S.; revising  
44 the definition of the term "building energy-efficiency  
45 rating system" to require consistency with certain  
46 national standards for new construction and existing  
47 construction; providing for oversight; amending s.  
48 633.212, F.S.; deleting a requirement that a member of  
49 the Fire Code Interpretation Committee notify the  
50 committee of an inability to respond before the  
51 alternate member may respond; providing an effective  
52 date.

53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78

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

Section 1. Paragraph (a) of subsection (1) of section 162.12, Florida Statutes, is amended to read:

162.12 Notices.—

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

(a) Certified mail, with or without return receipt requested at the option of the local government, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. The local government may also provide an additional notice to any other address it may find for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting as described in subparagraphs (2)(b)1. and 2.;

Section 2. Paragraph (b) of subsection (3) of section 373.323, Florida Statutes, is amended to read:

373.323 Licensure of water well contractors; application, qualifications, and examinations; equipment identification.—

(3) An applicant who meets the following requirements shall be entitled to take the water well contractor licensure examination:

79 (b) Has at least 2 years of experience in constructing,  
 80 repairing, or abandoning water wells. Satisfactory proof of such  
 81 experience shall be demonstrated by providing:

82 1. Evidence of the length of time the applicant has been  
 83 engaged in the business of the construction, repair, or  
 84 abandonment of water wells as a major activity, as attested to  
 85 by a letter from ~~three of the following persons:~~

86 ~~a. a water well contractor~~ and a letter from.

87 ~~b. A water well driller.~~

88 ~~c. A water well parts and equipment vendor.~~

89 ~~d. a water well inspector employed by a governmental~~  
 90 agency.

91 2. A list of at least 10 water wells that the applicant  
 92 has constructed, repaired, or abandoned within the preceding 5  
 93 years. Of these wells, at least seven must have been  
 94 constructed, as defined in s. 373.303(2), by the applicant. The  
 95 list shall also include:

96 a. The name and address of the owner or owners of each  
 97 well.

98 b. The location, primary use, and approximate depth and  
 99 diameter of each well that the applicant has constructed,  
 100 repaired, or abandoned.

101 c. The approximate date the construction, repair, or  
 102 abandonment of each well was completed.

103 Section 3. Section 440.103, Florida Statutes, is amended  
 104 to read:

105           440.103 Building permits; identification of minimum  
106 premium policy.—Every employer shall, as a condition to applying  
107 for and receiving a building permit, show proof and certify to  
108 the permit issuer that it has secured compensation for its  
109 employees under this chapter as provided in ss. 440.10 and  
110 440.38. Such proof of compensation must be evidenced by a  
111 certificate of coverage issued by the carrier, a valid exemption  
112 certificate approved by the department, or a copy of the  
113 employer's authority to self-insure and may ~~shall~~ be presented,  
114 electronically or physically, each time the employer applies for  
115 a building permit. As provided in s. 553.79(19), for the purpose  
116 of inspection and record retention, site plans or electronically  
117 transferred building permits may be maintained in the original  
118 form or an electronic copy at the worksite. These plans and  
119 permits must be open to inspection by the building official or a  
120 duly authorized representative, as required by the Florida  
121 Building Code. As provided in s. 627.413(5), each certificate of  
122 coverage must show, on its face, whether ~~or not~~ coverage is  
123 secured under the minimum premium provisions of rules adopted by  
124 rating organizations licensed pursuant to s. 627.221. The words  
125 "minimum premium policy" or equivalent language shall be typed,  
126 printed, stamped, or legibly handwritten. Under this section,  
127 proof of compensation may be submitted and retained  
128 electronically.

129           Section 4. Section 514.03, Florida Statutes, is amended to  
130 read:

131 514.03 Approval necessary to construct, develop, or modify  
 132 public swimming pools or public bathing places.-

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

137 (2) Local governments or local enforcement districts may  
 138 determine compliance with the general construction standards of  
 139 the Florida Building Code, pursuant to s. 553.80. Local  
 140 governments or local enforcement districts may conduct plan  
 141 reviews and inspections of public swimming pools and public  
 142 bathing places for this purpose.

143 Section 5. Paragraph (a) of subsection (1) of section  
 144 514.031, Florida Statutes, is amended to read:

145 514.031 Permit necessary to operate public swimming pool.-

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

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

154 1. A description of the structure, its appurtenances, and  
 155 its operation.

156 ~~2.1.~~ A description of the source or sources of water

157 supply, and the amount and quality of water available and  
 158 intended to be used.

159 ~~3.2.~~ The method and manner of water purification,  
 160 treatment, disinfection, and heating.

161 ~~4.3.~~ The safety equipment and standards to be used.

162 5. A copy of the final approval from the local enforcement  
 163 agency as defined in chapter 553.

164 ~~6.4.~~ Any other pertinent information deemed necessary by  
 165 the department.

166 Section 6. Paragraph (c) of subsection (1) of section  
 167 553.37, Florida Statutes, is amended to read:

168 553.37 Rules; inspections; and insignia.—

169 (1) The Florida Building Commission shall adopt within the  
 170 Florida Building Code requirements for construction or  
 171 modification of manufactured buildings and building modules, to  
 172 address:

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

175 1. Observe the first building built, or with regard to  
 176 components, observe the first unit assembled, after  
 177 certification of the manufacturer, from start to finish,  
 178 inspecting all subsystems: electrical, plumbing, structural,  
 179 mechanical, or thermal.

180 2. Continue observation of the manufacturing process until  
 181 the approved inspection agency determines that the  
 182 manufacturer's quality control program, in conjunction with the

183 application of the plans approved by the approved inspection  
184 agency, will result in a building and components that meet or  
185 exceed the applicable Florida Building Code requirements.

186 3. Thereafter, inspect each module produced during at  
187 least one point of the manufacturing process and inspect at  
188 least 75 percent of the subsystems of each module: electrical,  
189 plumbing, structural, mechanical, or thermal.

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

194 Section 7. Section 553.721, Florida Statutes, is amended  
195 to read:

196 553.721 Surcharge.—In order for the Department of Business  
197 and Professional Regulation to administer and carry out the  
198 purposes of this part and related activities, there is created a  
199 surcharge, to be assessed at the rate of 1.5 percent of the  
200 permit fees associated with enforcement of the Florida Building  
201 Code as defined by the uniform account criteria and specifically  
202 the uniform account code for building permits adopted for local  
203 government financial reporting pursuant to s. 218.32. The  
204 minimum amount collected on any permit issued shall be \$2. The  
205 unit of government responsible for collecting a permit fee  
206 pursuant to s. 125.56(4) or s. 166.201 shall collect the  
207 surcharge and electronically remit the funds collected to the  
208 department on a quarterly calendar basis for the preceding



209 quarter and continuing each third month thereafter. The unit of  
 210 government shall retain 10 percent of the surcharge collected to  
 211 fund the participation of building departments in the national  
 212 and state building code adoption processes and to provide  
 213 education related to enforcement of the Florida Building Code.  
 214 All funds remitted to the department pursuant to this section  
 215 shall be deposited in the Professional Regulation Trust Fund.  
 216 Funds collected from the surcharge shall be allocated to fund  
 217 the Florida Building Commission and the Florida Building Code  
 218 Compliance and Mitigation Program under s. 553.841. ~~Beginning in~~  
 219 ~~the 2013-2014 fiscal year,~~ Funds allocated to the Florida  
 220 Building Code Compliance and Mitigation Program shall be  
 221 \$925,000 each fiscal year. The funds collected from the  
 222 surcharge may not be used to fund research on techniques for  
 223 mitigation of radon in existing buildings. Funds used by the  
 224 department as well as funds to be transferred to the Department  
 225 of Health shall be as prescribed in the annual General  
 226 Appropriations Act. The department shall adopt rules governing  
 227 the collection and remittance of surcharges pursuant to chapter  
 228 120.

229 Section 8. Subsection (15) of section 553.73, Florida  
 230 Statutes, is amended to read:

231 553.73 Florida Building Code.—

232 (15) An agency or local government may not require that  
 233 existing mechanical equipment located on or above the surface of  
 234 a roof be installed in compliance with the requirements of the

235 Florida Building Code except when ~~until~~ the equipment is being  
 236 replaced or moved during reroofing and the equipment is not in  
 237 compliance with the provisions of the Florida Building Code  
 238 pertaining to roof mounted mechanical units ~~required to be~~  
 239 ~~removed or replaced.~~

240 Section 9. Section 553.775, Florida Statutes, is amended  
 241 to read:

242 553.775 Interpretations.—

243 (1) It is the intent of the Legislature that the Florida  
 244 Building Code and the Florida Accessibility Code for Building  
 245 Construction be interpreted by building officials, local  
 246 enforcement agencies, and the commission in a manner that  
 247 protects the public safety, health, and welfare at the most  
 248 reasonable cost to the consumer by ensuring uniform  
 249 interpretations throughout the state and by providing processes  
 250 for resolving disputes regarding interpretations of the Florida  
 251 Building Code and the Florida Accessibility Code for Building  
 252 Construction which are just and expeditious.

253 (2) Local enforcement agencies, local building officials,  
 254 state agencies, and the commission shall interpret provisions of  
 255 the Florida Building Code and the Florida Accessibility Code for  
 256 Building Construction in a manner that is consistent with  
 257 declaratory statements and interpretations entered by the  
 258 commission, except that conflicts between the Florida Fire  
 259 Prevention Code and the Florida Building Code shall be resolved  
 260 in accordance with s. 553.73(11)(c) and (d).

261 (3) The following procedures may be invoked regarding  
 262 interpretations of the Florida Building Code or the Florida  
 263 Accessibility Code for Building Construction:

264 (a) Upon written application by any substantially affected  
 265 person or state agency or by a local enforcement agency, the  
 266 commission shall issue declaratory statements pursuant to s.  
 267 120.565 relating to the enforcement or administration by local  
 268 governments of the Florida Building Code or the Florida  
 269 Accessibility Code for Building Construction.

270 (b) When requested in writing by any substantially  
 271 affected person or state agency or by a local enforcement  
 272 agency, the commission shall issue a declaratory statement  
 273 pursuant to s. 120.565 relating to this part and ss. 515.25,  
 274 515.27, 515.29, and 515.37. Actions of the commission are  
 275 subject to judicial review under s. 120.68.

276 (c) The commission shall review decisions of local  
 277 building officials and local enforcement agencies regarding  
 278 interpretations of the Florida Building Code or the Florida  
 279 Accessibility Code for Building Construction after the local  
 280 board of appeals has considered the decision, if such board  
 281 exists, and if such appeals process is concluded within 25  
 282 business days.

283 1. The commission shall coordinate with the Building  
 284 Officials Association of Florida, Inc., to designate panels  
 285 composed of five members to hear requests to review decisions of  
 286 local building officials. The members must be licensed as

287 building code administrators under part XII of chapter 468 and  
288 must have experience interpreting and enforcing provisions of  
289 the Florida Building Code and the Florida Accessibility Code for  
290 Building Construction.

291 2. Requests to review a decision of a local building  
292 official interpreting provisions of the Florida Building Code or  
293 the Florida Accessibility Code for Building Construction may be  
294 initiated by any substantially affected person, including an  
295 owner or builder subject to a decision of a local building  
296 official or an association of owners or builders having members  
297 who are subject to a decision of a local building official. In  
298 order to initiate review, the substantially affected person must  
299 file a petition with the commission. The commission shall adopt  
300 a form for the petition, which shall be published on the  
301 Building Code Information System. The form shall, at a minimum,  
302 require the following:

303 a. The name and address of the county or municipality in  
304 which provisions of the Florida Building Code or the Florida  
305 Accessibility Code for Building Construction are being  
306 interpreted.

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

309 c. The name, address, and telephone number of the  
310 petitioner; the name, address, and telephone number of the  
311 petitioner's representative, if any; and an explanation of how  
312 the petitioner's substantial interests are being affected by the

313 local interpretation of the Florida Building Code or the Florida  
314 Accessibility Code for Building Construction.

315 d. A statement of the provisions of the Florida Building  
316 Code or the Florida Accessibility Code for Building Construction  
317 which are being interpreted by the local building official.

318 e. A statement of the interpretation given to provisions  
319 of the Florida Building Code or the Florida Accessibility Code  
320 for Building Construction by the local building official and the  
321 manner in which the interpretation was rendered.

322 f. A statement of the interpretation that the petitioner  
323 contends should be given to the provisions of the Florida  
324 Building Code or the Florida Accessibility Code for Building  
325 Construction and a statement supporting the petitioner's  
326 interpretation.

327 g. Space for the local building official to respond in  
328 writing. The space shall, at a minimum, require the local  
329 building official to respond by providing a statement admitting  
330 or denying the statements contained in the petition and a  
331 statement of the interpretation of the provisions of the Florida  
332 Building Code or the Florida Accessibility Code for Building  
333 Construction which the local jurisdiction or the local building  
334 official contends is correct, including the basis for the  
335 interpretation.

336 3. The petitioner shall submit the petition to the local  
337 building official, who shall place the date of receipt on the  
338 petition. The local building official shall respond to the

339 petition in accordance with the form and shall return the  
 340 petition along with his or her response to the petitioner within  
 341 5 days after receipt, exclusive of Saturdays, Sundays, and legal  
 342 holidays. The petitioner may file the petition with the  
 343 commission at any time after the local building official  
 344 provides a response. If no response is provided by the local  
 345 building official, the petitioner may file the petition with the  
 346 commission 10 days after submission of the petition to the local  
 347 building official and shall note that the local building  
 348 official did not respond.

349 4. Upon receipt of a petition that meets the requirements  
 350 of subparagraph 2., the commission shall immediately provide  
 351 copies of the petition to a panel, and the commission shall  
 352 publish the petition, including any response submitted by the  
 353 local building official, on the Building Code Information System  
 354 in a manner that allows interested persons to address the issues  
 355 by posting comments.

356 5. The panel shall conduct proceedings as necessary to  
 357 resolve the issues; shall give due regard to the petitions, the  
 358 response, and to comments posed on the Building Code Information  
 359 System; and shall issue an interpretation regarding the  
 360 provisions of the Florida Building Code or the Florida  
 361 Accessibility Code for Building Construction within 21 days  
 362 after the filing of the petition. The panel shall render a  
 363 determination based upon the Florida Building Code or the  
 364 Florida Accessibility Code for Building Construction or, if the

365 code is ambiguous, the intent of the code. The panel's  
366 interpretation shall be provided to the commission, which shall  
367 publish the interpretation on the Building Code Information  
368 System and in the Florida Administrative Register. The  
369 interpretation shall be considered an interpretation entered by  
370 the commission, and shall be binding upon the parties and upon  
371 all jurisdictions subject to the Florida Building Code or the  
372 Florida Accessibility Code for Building Construction, unless it  
373 is superseded by a declaratory statement issued by the Florida  
374 Building Commission or by a final order entered after an appeal  
375 proceeding conducted in accordance with subparagraph 7.

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

381 7. Any substantially affected person may appeal an  
382 interpretation rendered by a hearing officer panel by filing a  
383 petition with the commission. Such appeals shall be initiated in  
384 accordance with chapter 120 and the uniform rules of procedure  
385 and must be filed within 30 days after publication of the  
386 interpretation on the Building Code Information System or in the  
387 Florida Administrative Register. Hearings shall be conducted  
388 pursuant to chapter 120 and the uniform rules of procedure.  
389 Decisions of the commission are subject to judicial review  
390 pursuant to s. 120.68. The final order of the commission is

391 binding upon the parties and upon all jurisdictions subject to  
 392 the Florida Building Code or the Florida Accessibility Code for  
 393 Building Construction.

394 8. The burden of proof in any proceeding initiated in  
 395 accordance with subparagraph 7. is on the party who initiated  
 396 the appeal.

397 9. In any review proceeding initiated in accordance with  
 398 this paragraph, including any proceeding initiated in accordance  
 399 with subparagraph 7., the fact that an owner or builder has  
 400 proceeded with construction may not be grounds for determining  
 401 an issue to be moot if the issue is one that is likely to arise  
 402 in the future.

403  
 404 This paragraph provides the exclusive remedy for addressing  
 405 requests to review local interpretations of the Florida Building  
 406 Code or the Florida Accessibility Code for Building Construction  
 407 and appeals from review proceedings.

408 (d) Upon written application by any substantially affected  
 409 person, contractor, or designer, or a group representing a  
 410 substantially affected person, contractor, or designer, the  
 411 commission shall issue or cause to be issued a formal  
 412 interpretation of the Florida Building Code or the Florida  
 413 Accessibility Code for Building Construction as prescribed by  
 414 paragraph (c).

415 (e) Local decisions declaring structures to be unsafe and  
 416 subject to repair or demolition are not subject to review under



417 | this subsection and may not be appealed to the commission if the  
418 | local governing body finds that there is an immediate danger to  
419 | the health and safety of the public.

420 |       (f) Upon written application by any substantially affected  
421 | person, the commission shall issue a declaratory statement  
422 | pursuant to s. 120.565 relating to an agency's interpretation  
423 | and enforcement of the specific provisions of the Florida  
424 | Building Code or the Florida Accessibility Code for Building  
425 | Construction which the agency is authorized to enforce. This  
426 | subsection does not provide any powers, other than advisory, to  
427 | the commission with respect to any decision of the State Fire  
428 | Marshal made pursuant to chapter 633.

429 |       (g) The commission may designate a commission member who  
430 | has demonstrated expertise in interpreting building plans to  
431 | attend each meeting of the advisory council created in s.  
432 | 553.512. The commission member may vary from meeting to meeting,  
433 | shall serve on the council in a nonvoting capacity, and shall  
434 | receive per diem and expenses as provided in s. 553.74(3).

435 |       (h) The commission shall by rule establish an informal  
436 | process of rendering nonbinding interpretations of the Florida  
437 | Building Code and the Florida Accessibility Code for Building  
438 | Construction. The commission is specifically authorized to refer  
439 | interpretive issues to organizations that represent those  
440 | engaged in the construction industry. The commission shall  
441 | immediately implement the process before completing formal  
442 | rulemaking. It is the intent of the Legislature that the

443 commission create a process to refer questions to a small,  
444 rotating group of individuals licensed under part XII of chapter  
445 468, to which a party may pose questions regarding the  
446 interpretation of code provisions. It is the intent of the  
447 Legislature that the process provide for the expeditious  
448 resolution of the issues presented and publication of the  
449 resulting interpretation on the Building Code Information  
450 System. Such interpretations shall be advisory only and  
451 nonbinding on the parties and the commission.

452 (4) In order to administer this section, the commission  
453 may adopt by rule and impose a fee for filing requests for  
454 declaratory statements and binding and nonbinding  
455 interpretations to recoup the cost of the proceedings which may  
456 not exceed \$125 for each request for a nonbinding interpretation  
457 and \$250 for each request for a binding review or  
458 interpretation. For proceedings conducted by or in coordination  
459 with a third party, the rule may provide that payment be made  
460 directly to the third party, who shall remit to the department  
461 that portion of the fee necessary to cover the costs of the  
462 department.

463 ~~(5) The commission may render declaratory statements in~~  
464 ~~accordance with s. 120.565 relating to the provisions of the~~  
465 ~~Florida Accessibility Code for Building Construction not~~  
466 ~~attributable to the Americans with Disabilities Act~~  
467 ~~Accessibility Guidelines. Notwithstanding the other provisions~~  
468 ~~of this section, the Florida Accessibility Code for Building~~

469 ~~Construction and chapter 11 of the Florida Building Code may not~~  
470 ~~be interpreted by, and are not subject to review under, any of~~  
471 ~~the procedures specified in this section. This subsection has no~~  
472 ~~effect upon the commission's authority to waive the Florida~~  
473 ~~Accessibility Code for Building Construction as provided by s.~~  
474 ~~553.512.~~

475 Section 10. Subsections (11) through (18) of section  
476 553.79, Florida Statutes, are renumbered as subsections (12)  
477 through (19), respectively, present subsection (18) is amended,  
478 and a new subsection (11) is added to that section, to read:

479 553.79 Permits; applications; issuance; inspections.—

480 (11) The local enforcing agency may not issue a building  
481 permit to construct, develop, or modify a public swimming pool  
482 without proof of application for an operating permit under s.  
483 514.031. A certificate of completion or occupancy shall not be  
484 issued until such operating permit is issued.

485 ~~(19)(18)~~ For the purpose of inspection and record  
486 retention, site plans or electronically transferred building  
487 permits for a building may be maintained in the original form or  
488 ~~of~~ an electronic copy at the worksite. These plans and permits  
489 must be open to inspection by the building official or a duly  
490 authorized representative, as required by the Florida Building  
491 Code.

492 Section 11. Subsections (1) and (2) of section 553.841,  
493 Florida Statutes, are amended to read:

494 553.841 Building code compliance and mitigation program.—

495 (1) The Legislature finds that knowledge and understanding  
496 by persons licensed or employed in the design and construction  
497 industries of the importance and need for complying with the  
498 Florida Building Code and related laws is vital to the public  
499 health, safety, and welfare of this state, especially for  
500 protecting consumers and mitigating damage caused by hurricanes  
501 to residents and visitors to the state. The Legislature further  
502 finds that the Florida Building Code can be effective only if  
503 all participants in the design and construction industries  
504 maintain a thorough knowledge of the code, code compliance and  
505 enforcement, duties related to consumers, and changes that  
506 ~~additions thereto which~~ improve construction standards, project  
507 completion, and compliance of design and construction to protect  
508 against consumer harm, storm damage, and other damage.  
509 Consequently, the Legislature finds that there is a need for a  
510 program to provide ongoing education and outreach activities  
511 concerning compliance with the Florida Building Code, the  
512 Florida Fire Prevention Code, construction plan and permitting  
513 requirements, construction liens, and hurricane mitigation.

514 (2) The Department of Business and Professional Regulation  
515 shall administer a program, designated as the Florida Building  
516 Code Compliance and Mitigation Program, to develop, coordinate,  
517 and maintain education and outreach to persons required to  
518 comply with the Florida Building Code and related provisions as  
519 specified in subsection (1) and ensure consistent education,  
520 training, and communication of the code's requirements,

521 including, but not limited to, methods for design and  
522 construction compliance and mitigation of storm-related damage.  
523 The program shall also operate a clearinghouse through which  
524 design, construction, and building code enforcement licensees,  
525 suppliers, and consumers in this state may find others in order  
526 to exchange information relating to mitigation and facilitate  
527 repairs in the aftermath of a natural disaster.

528 Section 12. Section 553.883, Florida Statutes, is created  
529 to read:

530 553.883 Smoke alarms in one-family and two-family  
531 dwelling and townhomes.—A one-family and two-family dwelling  
532 and townhome undergoing a repair, or a level 1 alteration as  
533 defined in the Florida Building Code, may use a smoke alarm  
534 powered by a 10-year nonremovable, nonreplaceable battery in  
535 lieu of retrofitting such dwelling with a smoke alarm powered by  
536 the dwelling's electrical system. Effective January 1, 2015, a  
537 battery-powered smoke alarm that is newly installed or replaces  
538 an existing battery-powered smoke alarm must be powered by a  
539 nonremovable, nonreplaceable battery that powers the alarm for  
540 at least 10 years.

541 Section 13. Subsection (3) of section 553.993, Florida  
542 Statutes, is amended to read:

543 553.993 Definitions.—For purposes of this part:

544 (3) "Building energy-efficiency rating system" means a  
545 whole building energy evaluation system that provides a reliable  
546 and scientifically-based analysis of a building's energy

547 consumption or energy features and allows comparison to similar  
548 building types in similar climate zones where applicable.  
549 Specifically, the rating system shall use standard calculations,  
550 formulas, and scoring methods; be applicable nationally; compare  
551 a building to a clearly defined and researched baseline or  
552 benchmark; require qualified professionals to conduct the rating  
553 or assessment; and provide a labeling and recognition program  
554 with specific criteria or levels. Residential program benchmarks  
555 for new construction shall be consistent with national building  
556 standards. Residential building program benchmarks for existing  
557 construction shall be consistent with national home energy  
558 rating standards. The building energy-efficiency rating system  
559 shall require at least one level of oversight performed by an  
560 organized and balanced group of professionals with subject  
561 matter expertise in energy efficiency, energy rating, and  
562 evaluation methods established by the Residential Energy  
563 ~~Services Network, the Commercial Energy Services Network, the~~  
564 ~~Building Performance Institute, or the Florida Solar Energy~~  
565 ~~Center.~~

566 Section 14. Subsection (1) of section 633.212, Florida  
567 Statutes, is amended to read:

568 633.212 Legislative intent; informal interpretations of  
569 the Florida Fire Prevention Code.—It is the intent of the  
570 Legislature that the Florida Fire Prevention Code be interpreted  
571 by fire officials and local enforcement agencies in a manner  
572 that reasonably and cost-effectively protects the public safety,

573 health, and welfare; ensures uniform interpretations throughout  
574 this state; and provides just and expeditious processes for  
575 resolving disputes regarding such interpretations. It is the  
576 further intent of the Legislature that such processes provide  
577 for the expeditious resolution of the issues presented and that  
578 the resulting interpretation of such issues be published on the  
579 website of the division.

580 (1) The division shall by rule establish an informal  
581 process of rendering nonbinding interpretations of the Florida  
582 Fire Prevention Code. The division may contract with and refer  
583 interpretive issues to a third party, selected based upon cost  
584 effectiveness, quality of services to be performed, and other  
585 performance-based criteria, which has experience in interpreting  
586 and enforcing the Florida Fire Prevention Code. It is the intent  
587 of the Legislature that the division establish a Fire Code  
588 Interpretation Committee composed of seven persons and seven  
589 alternates, equally representing each area of the state, to  
590 which a party can pose questions regarding the interpretation of  
591 the Florida Fire Prevention Code provisions. The alternate  
592 member may respond to a nonbinding interpretation if the member  
593 ~~notifies the Fire Code Interpretation Committee that he or she~~  
594 is unable to respond.

595 Section 15. This act shall take effect July 1, 2014.