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1 A bill to be entitled
2 An act relating to building construction policies;
3 amending s. 162.12, F.S.; providing an additional
4 method for local governments to provide notices to
5 alleged code enforcement violators; amending s.
6 373.323, F.S.; revising the requirements of an
7 applicant to take the water well contractor licensure
8 examination; amending s. 377.6015, F.S.; removing a
9 provision relating to representation in the Southern
10 States Energy Compact; amending s. 377.703, F.S.;
11 requiring the Department of Agriculture and Consumer
12 Services to include in its annual report
13 recommendations for energy efficiency; expanding the
14 promotion of the development and use of renewable
15 energy resources from goals related to solar energy to
16 renewable energy in general; requiring the department
17 to cooperate with the Florida Energy Systems
18 Consortium in the development and use of renewable
19 energy resources; amending s. 377.712, F.S.;
20 authorizing the Commissioner of Agriculture to appoint
21 a member to the Southern States Energy Board;
22 authorizing the member appointed by the Governor to
23 approve proposed activities relating to furtherance of
24 the Southern States Energy Compact; amending s.
25 377.801, F.S.; conforming a cross-reference; amending



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26 s. 377.802, F.S.; amending the purpose of the Florida
27 Energy and Climate Protection Act; amending s.
28 377.803, F.S.; conforming provisions to changes made
29 by the act; repealing ss. 377.806 and 377.807, F.S.,
30 relating to the Solar Energy System Incentives Program
31 and the Energy-Efficient Appliance Rebate Program,
32 respectively; creating s. 377.815, F.S.; authorizing
33 the department to post on its website information
34 relating to alternative fueling stations or electric
35 vehicle charging stations; defining the term
36 "alternative fuel"; authorizing the owner or operator
37 of an alternative fueling station or an electric
38 vehicle charging station to report certain
39 information; creating s. 377.816, F.S.; defining
40 terms; requiring the Office of Energy to establish a
41 program for allocating or reallocating a federally
42 qualified energy conservation bond volume limitation;
43 providing program requirements; amending s. 440.103,
44 F.S.; authorizing an employer to present certain
45 documents electronically or physically in order to
46 show proof and certify to the permit issuer that it
47 has secured compensation for its employees;
48 authorizing site plans or electronically transferred
49 building permits to be maintained at the worksite in
50 their original form or by electronic copy; requiring



51 | such plans or permits to be open to inspection by the
52 | building official or authorized representative;
53 | amending s. 514.0115, F.S.; authorizing the Department
54 | of Health to grant certain variances relating to
55 | public swimming pools and bathing places; amending s.
56 | 514.03, F.S.; requiring application for an operating
57 | permit before filing an application for a building
58 | permit for a public swimming pool; amending s.
59 | 514.031, F.S.; providing additional requirements for
60 | obtaining a public swimming pool operating permit;
61 | providing a procedure for an applicant to respond to a
62 | request for additional information; requiring the
63 | Department of Health to review and provide to the
64 | local enforcement agency and the applicant any
65 | comments or proposed modifications to information
66 | submitted in the application; amending s. 553.37,
67 | F.S.; specifying inspection criteria for construction
68 | or modification of manufactured buildings or modules;
69 | amending s. 553.721, F.S.; making a technical change;
70 | amending s. 553.73, F.S.; authorizing an agency or
71 | local government to require rooftop equipment to be
72 | installed in compliance with the Florida Building Code
73 | if the equipment is being replaced or removed during
74 | reroofing and is not in compliance with the Florida
75 | Building Code's roof-mounted mechanical units



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76 requirements; providing that make-up air is not
77 required for certain range hood exhaust systems;
78 amending s. 553.74, F.S.; adding a member to the
79 Florida Building Commission as a representative of the
80 Department of Agriculture and Consumer Services'
81 Office of Energy; deleting obsolete provisions;
82 amending s. 553.77, F.S.; requiring building officials
83 to recognize and enforce certain variance orders
84 issued by the Department of Health; amending s.
85 553.775, F.S.; authorizing building officials, local
86 enforcement agencies, and the Florida Building
87 Commission to interpret the Florida Accessibility Code
88 for Building Construction; specifying procedures for
89 such interpretations; deleting provisions relating to
90 declaratory statements and interpretations of the
91 Florida Accessibility Code for Building Construction,
92 to conform; amending s. 553.79, F.S.; prohibiting a
93 local enforcing agency from issuing a building permit
94 for a public swimming pool without proof of
95 application for an operating permit; requiring
96 issuance of an operating permit before a certificate
97 of completion or occupancy is issued; requiring the
98 local enforcing agency to review the building permit
99 application upon filing; authorizing such agency to
100 confer with the Department of Health if it doesn't



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101 | delay review of the application; authorizing site
102 | plans or building permits to be maintained at the
103 | worksite in their original form or in the form of an
104 | electronic copy; requiring the permit to be open to
105 | inspection; amending s. 553.80, F.S.; requiring
106 | counties and municipalities to expedite building
107 | construction permitting, building plans review, and
108 | inspections of projects of certain public schools,
109 | rather than certain public school districts; amending
110 | s. 553.841, F.S.; revising education and training
111 | requirements of the Florida Building Code Compliance
112 | and Mitigation Program; creating s. 553.883, F.S.;
113 | authorizing use of smoke alarms powered by 10-year
114 | nonremovable, nonreplaceable batteries in certain
115 | circumstances; requiring use of such alarms by a
116 | certain date; providing an exemption; amending s.
117 | 553.993, F.S.; redefining the term "building energy-
118 | efficiency rating system" to require consistency with
119 | certain national standards for new construction and
120 | existing construction; providing for oversight;
121 | amending s. 633.202, F.S.; exempting certain tents
122 | from the Florida Fire Prevention Code; amending s.
123 | 633.212, F.S.; removing the requirement that an
124 | alternate member of the Fire Code Interpretation
125 | Committee provide notice to the committee in order to



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126 respond to a nonbinding interpretation when a member
127 is unable to respond; providing effective dates.

128

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

130

131 Section 1. Section 162.12, Florida Statutes, is amended to
132 read:

133 162.12 Notices.—

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

136 (a) Certified mail, and at the option of the local
137 government return receipt requested, to the address listed in
138 the tax collector's office for tax notices or to the address
139 listed in the county property appraiser's database. The local
140 government may also provide an additional notice to any other
141 address it may find for the property owner. For property owned
142 by a corporation, notices may be provided by certified mail to
143 the registered agent of the corporation. If any notice sent by
144 certified mail is not signed as received within 30 days after
145 the postmarked date of mailing, notice may be provided by
146 posting as described in subparagraphs (2)(b)1. and 2.;

147 (b) Hand delivery by the sheriff or other law enforcement
148 officer, code inspector, or other person designated by the local
149 governing body;

150 (c) Leaving the notice at the violator's usual place of



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151 residence with any person residing therein who is above 15 years
152 of age and informing such person of the contents of the notice;
153 or

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

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

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

166 2. Proof of publication shall be made as provided in ss.
167 50.041 and 50.051.

168 (b)1. In lieu of publication as described in paragraph
169 (a), such notice may be posted at least 10 days prior to the
170 hearing, or prior to the expiration of any deadline contained in
171 the notice, in at least two locations, one of which shall be the
172 property upon which the violation is alleged to exist and the
173 other of which shall be, in the case of municipalities, at the
174 primary municipal government office, and in the case of
175 counties, at the front door of the courthouse or the main county



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176 governmental center in said county.

177 2. Proof of posting shall be by affidavit of the person
178 posting the notice, which affidavit shall include a copy of the
179 notice posted and the date and places of its posting.

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

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

189 Section 2. Paragraph (b) of subsection (3) of section
190 373.323, Florida Statutes, is amended to read:

191 373.323 Licensure of water well contractors; application,
192 qualifications, and examinations; equipment identification.—

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

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

199 1. Evidence of the length of time the applicant has been
200 engaged in the business of the construction, repair, or



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201 abandonment of water wells as a major activity, as attested to
202 by a letter from ~~three of the following persons:~~

203 ~~a. a water well contractor and a letter from-~~

204 ~~b. A water well driller.~~

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

206 ~~d. a water well inspector employed by a governmental~~
207 agency.

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

213 a. The name and address of the owner or owners of each
214 well.

215 b. The location, primary use, and approximate depth and
216 diameter of each well that the applicant has constructed,
217 repaired, or abandoned.

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

220 Section 3. Paragraphs (f) through (i) of subsection (2) of
221 section 377.6015, Florida Statutes, are redesignated as
222 paragraphs (e) through (h), respectively, and present paragraph
223 (e) of that section is amended, to read:

224 377.6015 Department of Agriculture and Consumer Services;
225 powers and duties.—



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226 (2) The department shall:

227 ~~(e) Represent Florida in the Southern States Energy~~
228 ~~Compact pursuant to ss. 377.71-377.712.~~

229 Section 4. Paragraphs (f), (h), and (i) of subsection (2)
230 of section 377.703, Florida Statutes, are amended to read:

231 377.703 Additional functions of the Department of
232 Agriculture and Consumer Services.—

233 (2) DUTIES.—The department shall perform the following
234 functions, unless as otherwise provided, consistent with the
235 development of a state energy policy:

236 (f) The department shall submit an annual report to the
237 Governor and the Legislature reflecting its activities and
238 making recommendations for ~~of~~ policies for improvement of the
239 state's response to energy supply and demand and its effect on
240 the health, safety, and welfare of the residents of this state
241 ~~people of Florida~~. The report must ~~shall~~ include a report from
242 the Florida Public Service Commission on electricity and natural
243 gas and information on energy conservation programs conducted
244 and underway in the past year and ~~shall~~ include recommendations
245 for energy efficiency and conservation programs for the state,
246 including, ~~but not limited to, the following factors:~~

247 1. Formulation of specific recommendations for improvement
248 in the efficiency of energy utilization in governmental,
249 residential, commercial, industrial, and transportation sectors.

250 2. Collection and dissemination of information relating to



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251 energy efficiency and conservation.

252 3. Development and conduct of educational and training
253 programs relating to energy efficiency and conservation.

254 4. An analysis of the ways in which state agencies are
255 seeking to implement s. 377.601(2), the state energy policy, and
256 recommendations for better fulfilling this policy.

257 (h) The department shall promote the development and use
258 of renewable energy resources, in conformance with chapter 187
259 and s. 377.601, by:

260 1. Establishing goals and strategies for increasing the
261 use of renewable ~~solar~~ energy in this state.

262 2. Aiding and promoting the commercialization of renewable
263 energy resources ~~solar energy technology~~, in cooperation with
264 the Florida Energy Systems Consortium, the Florida Solar Energy
265 Center, Enterprise Florida, Inc., and any other federal, state,
266 or local governmental agency that ~~which~~ may seek to promote
267 research, development, and the demonstration of renewable ~~solar~~
268 energy equipment and technology.

269 3. Identifying barriers to greater use of renewable energy
270 resources ~~solar energy systems~~ in this state, and developing
271 specific recommendations for overcoming identified barriers,
272 with findings and recommendations to be submitted annually in
273 the report to the Governor and Legislature required under
274 paragraph (f).

275 4. In cooperation with the Department of Environmental



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276 Protection, the Department of Transportation, the Department of
277 Economic Opportunity, Enterprise Florida, Inc., the Florida
278 Energy Systems Consortium, the Florida Solar Energy Center, and
279 the Florida Solar Energy Industries Association, investigating
280 opportunities, pursuant to the national Energy Policy Act of
281 1992, the Housing and Community Development Act of 1992, and any
282 subsequent federal legislation, for renewable energy resources,
283 ~~solar~~ electric vehicles, and other renewable ~~solar~~ energy
284 manufacturing, distribution, installation, and financing efforts
285 that ~~which will~~ enhance this state's position as the leader in
286 renewable ~~solar~~ energy research, development, and use.

287 5. Undertaking other initiatives to advance the
288 development and use of renewable energy resources in this state.
289

290 In the exercise of its responsibilities under this paragraph,
291 the department shall seek the assistance of the renewable ~~solar~~
292 energy industry in this state and other interested parties and
293 may ~~is authorized to~~ enter into contracts, retain professional
294 consulting services, and expend funds appropriated by the
295 Legislature for such purposes.

296 (i) The department shall promote energy efficiency and
297 conservation in all energy use sectors throughout the state and
298 be ~~shall constitute~~ the state agency primarily responsible for
299 this function. The Department of Management Services, in
300 consultation with the department, shall coordinate the energy



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301 conservation programs of all state agencies and review and
302 comment on the energy conservation programs of all state
303 agencies.

304 Section 5. Section 377.712, Florida Statutes, is amended
305 to read:

306 377.712 Florida participation.—

307 (1) (a) The Governor shall appoint one member of the
308 Southern States Energy Board. The member or the Governor may
309 designate another person as the deputy or assistant to such
310 member.

311 (b) The Commissioner of Agriculture may appoint one member
312 of the Southern States Energy Board. The member or the
313 commissioner may designate another person as the assistant or
314 deputy to such member.

315 (c) ~~(b)~~ The President of the Senate shall appoint one
316 member of the Southern States Energy Board. The member or the
317 president may designate another person as the assistant or
318 deputy to such member.

319 (d) ~~(e)~~ The Speaker of the House of Representatives shall
320 appoint one member of the Southern States Energy Board. The
321 member or the speaker may designate another person as the
322 assistant or deputy to such member.

323 (2) Any supplementary agreement entered into under s.
324 377.711(6) requiring the expenditure of funds may ~~shall~~ not
325 become effective as to Florida until the required funds are



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326 appropriated by the Legislature.

327 (3) Departments, agencies, and officers of this state, and
328 its subdivisions are authorized to cooperate with the board in
329 the furtherance of ~~any of~~ its activities pursuant to the
330 compact, provided such proposed activities have been made known
331 to, and have the approval of, ~~either~~ the Governor or the member
332 appointed by the Governor ~~Department of Health~~.

333 Section 6. Section 377.801, Florida Statutes, is amended
334 to read:

335 377.801 Short title.—Sections 377.801-377.804 ~~377.801-~~
336 ~~377.807~~ may be cited as the "Florida Energy and Climate
337 Protection Act."

338 Section 7. Section 377.802, Florida Statutes, is amended
339 to read:

340 377.802 Purpose.—This act is intended to provide
341 incentives for Florida's citizens, businesses, school districts,
342 and local governments to take action to diversify the state's
343 energy supplies, reduce dependence on foreign oil, and mitigate
344 the effects of climate change by providing funding for
345 activities designed to achieve these goals. The grant programs
346 in this act are intended to stimulate capital investment in and
347 enhance the market for renewable energy technologies and
348 technologies intended to diversify Florida's energy supplies,
349 reduce dependence on foreign oil, and combat or limit climate
350 change impacts. ~~This act is also intended to provide incentives~~



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351 ~~for the purchase of energy-efficient appliances and rebates for~~
352 ~~solar energy equipment installations for residential and~~
353 ~~commercial buildings.~~

354 Section 8. Section 377.803, Florida Statutes, is amended
355 to read:

356 377.803 Definitions.—As used in ss. 377.801-377.804 ~~ss.~~
357 ~~377.801-377.807~~, the term:

358 (1) "Act" means the Florida Energy and Climate Protection
359 Act.

360 (2) "Department" means the Department of Agriculture and
361 Consumer Services.

362 (3) "Person" means an individual, partnership, joint
363 venture, private or public corporation, association, firm,
364 public service company, or any other public or private entity.

365 (4) "Renewable energy" means electrical, mechanical, or
366 thermal energy produced from a method that uses one or more of
367 the following fuels or energy sources: hydrogen, biomass, as
368 defined in s. 366.91, solar energy, geothermal energy, wind
369 energy, ocean energy, waste heat, or hydroelectric power.

370 (5) "Renewable energy technology" means any technology
371 that generates or utilizes a renewable energy resource.

372 ~~(6) "Solar energy system" means equipment that provides~~
373 ~~for the collection and use of incident solar energy for water~~
374 ~~heating, space heating or cooling, or other applications that~~
375 ~~would normally require a conventional source of energy such as~~



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376 ~~petroleum products, natural gas, or electricity that performs~~
377 ~~primarily with solar energy. In other systems in which solar~~
378 ~~energy is used in a supplemental way, only those components that~~
379 ~~collect and transfer solar energy shall be included in this~~
380 ~~definition.~~

381 ~~(7) "Solar photovoltaic system" means a device that~~
382 ~~converts incident sunlight into electrical current.~~

383 ~~(8) "Solar thermal system" means a device that traps heat~~
384 ~~from incident sunlight in order to heat water.~~

385 Section 9. Sections 377.806 and 377.807, Florida Statutes,
386 are repealed.

387 Section 10. Section 377.815, Florida Statutes, is created
388 to read:

389 377.815 Alternative fueling stations and electric vehicle
390 charging stations.—The Department of Agriculture and Consumer
391 Services may post information on its website relating to
392 alternative fueling stations or electric vehicle charging
393 stations that are available for public use in this state.

394 (1) As used in this section, the term "alternative fuel"
395 means nontraditional transportation fuel, such as pure methanol,
396 ethanol, and other alcohols; blends of 85 percent or more of
397 alcohol with gasoline; natural gas and liquid fuels domestically
398 produced from natural gas; liquefied petroleum gas; coal-derived
399 liquid fuels; hydrogen; electricity; pure biodiesel; fuels,
400 other than alcohol, derived from biological materials; and P-



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401 series fuels.

402 (2) An owner or operator of an alternative fueling station
403 that is available in this state may report the following
404 information to the department:

405 (a) The type of alternative fuel available;

406 (b) The station's name, address, or location; or

407 (c) The fees or costs associated with the alternative fuel
408 that is available for purchase.

409 (3) The owner or operator of an electric vehicle charging
410 station that is available in this state may report the following
411 information to the department:

412 (a) The station's name, address, or location; or

413 (b) The fees or costs, if any, associated with the
414 electric vehicle charging services provided by the station.

415 Section 11. Section 377.816, Florida Statutes, is created
416 to read:

417 377.816 Qualified energy conservation bond allocation.—

418 (1) DEFINITIONS.—As used in this section, the term:

419 (a) "Eligible issuer" means an entity that is created
420 under or pursuant to the constitution or laws of this state and
421 that is authorized by this state to issue bonds or enter into a
422 lease-purchase agreement, or any other entity in this state
423 authorized to issue qualified energy conservation bonds pursuant
424 to the Internal Revenue Code.

425 (b) "Office" means the Office of Energy within the



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426 Department of Agriculture and Consumer Services.

427 (c) "Qualified energy conservation bond" means a bond
428 described in 26 U.S.C. s. 54D(a).

429 (d) "Qualified project" means a project eligible to be
430 financed pursuant to 26 U.S.C. s. 54D(f).

431 (2) ALLOCATION OF STATE VOLUME LIMITATION.—

432 (a) The office shall establish an allocation program for
433 allocating or reallocating the qualified energy conservation
434 bond volume limitation provided by 26 U.S.C. s. 54D. The
435 allocation program must provide notification of all mandatory
436 allocations required or authorized pursuant to the Internal
437 Revenue Code.

438 1. All mandatory allocations pursuant to 26 U.S.C. s.
439 54D(e) (2) (A) shall be allocated to eligible issuers as provided
440 therein.

441 2. An eligible issuer receiving a mandatory allocation
442 pursuant to subparagraph 1. may elect to reallocate all or any
443 portion of its allocation back to the state pursuant to 26
444 U.S.C. s. 54D(e) (2) (B).

445 (b) The office may reallocate to eligible issuers in the
446 state any allocation that was retained by the state from the
447 original federal allocation or any allocation that is waived by
448 an eligible issuer pursuant to subparagraph (a)2.

449 (c) Each eligible issuer receiving an allocation shall
450 notify the department in writing of the amount of bonds issued



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451 and any other information relating to the bonds or the
452 allocation at such time and in such manner as is required by the
453 office.

454 (d) A bond subject to the limitations provided in 26
455 U.S.C. s. 54D may not be issued in this state unless issued
456 pursuant to this section.

457 (3) INFORMATION AVAILABILITY.—The office shall determine
458 the amount of qualified energy conservation bond allocations for
459 each qualified issuer in this state under 26 U.S.C. s. 54D and
460 shall make such information available upon request to any person
461 or agency.

462 Section 12. Section 440.103, Florida Statutes, is amended
463 to read:

464 440.103 Building permits; identification of minimum
465 premium policy.—Every employer shall, as a condition to applying
466 for and receiving a building permit, show proof and certify to
467 the permit issuer that it has secured compensation for its
468 employees under this chapter as provided in ss. 440.10 and
469 440.38. Such proof of compensation must be evidenced by a
470 certificate of coverage issued by the carrier, a valid exemption
471 certificate approved by the department, or a copy of the
472 employer's authority to self-insure and shall be presented,
473 electronically or physically, each time the employer applies for
474 a building permit. As provided in s. 553.79(19), for the purpose
475 of inspection and record retention, site plans or building



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476 permits may be maintained at the worksite in the original form
477 or in the form of an electronic copy. These plans and permits
478 must be open to inspection by the building official or a duly
479 authorized representative, as required by the Florida Building
480 Code. As provided in s. 627.413(5), each certificate of coverage
481 must show, on its face, whether or not coverage is secured under
482 the minimum premium provisions of rules adopted by rating
483 organizations licensed pursuant to s. 627.221. The words
484 "minimum premium policy" or equivalent language shall be typed,
485 printed, stamped, or legibly handwritten.

486 Section 13. Subsection (5) of section 514.0115, Florida
487 Statutes, is amended to read:

488 514.0115 Exemptions from supervision or regulation;
489 variances.—

490 (5) The department may grant variances from any rule
491 adopted under this chapter pursuant to procedures adopted by
492 department rule. The department may also grant, pursuant to
493 procedures adopted by department rule, variances from the
494 provisions of the Florida Building Code specifically pertaining
495 to public swimming pools and bathing places when requested by
496 the pool owner or their representative to relieve hardship in
497 cases involving deviations from the Florida Building Code
498 provisions, when it is shown that the hardship was not caused
499 intentionally by the action of the applicant, where no
500 reasonable alternative exists, and the health and safety of the



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501 | pool patrons is not at risk.

502 | Section 14. Effective October 1, 2014, section 514.03,
503 | Florida Statutes, is amended to read:

504 | 514.03 Approval necessary to construct, develop, or modify
505 | public swimming pools or public bathing places.—

506 | (1) A person or public body desiring to construct,
507 | develop, or modify a public swimming pool must submit an
508 | application, containing the information required under s.
509 | 514.031(1)(a)1.-6. to the department for an operating permit
510 | before filing an application for a building permit under s.
511 | 553.79. A copy of the final inspection required under s.
512 | 514.031(1)(a)5. shall be submitted to the department upon
513 | receipt by the applicant. The application shall be deemed
514 | incomplete pursuant to s. 120.60 until such copy is submitted to
515 | the department.

516 | (2) Local governments or local enforcement districts may
517 | determine compliance with the general construction standards of
518 | the Florida Building Code, pursuant to s. 553.80. Local
519 | governments or local enforcement districts may conduct plan
520 | reviews and inspections of public swimming pools and public
521 | bathing places for this purpose.

522 | Section 15. Effective October 1, 2014, paragraph (a) of
523 | subsection (1) of section 514.031, Florida Statutes, is amended,
524 | present paragraphs (b) and (c) of that subsection are
525 | redesignated as paragraphs (c) and (d), respectively, and a new



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526 paragraph (b) is added to that subsection, to read:

527 514.031 Permit necessary to operate public swimming pool.—

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

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

536 1. A description of the structure, its appurtenances, and
537 its operation.

538 ~~2.1.~~ A description of the source or sources of water
539 supply, and the amount and quality of water available and
540 intended to be used.

541 ~~3.2.~~ The method and manner of water purification,
542 treatment, disinfection, and heating.

543 ~~4.3.~~ The safety equipment and standards to be used.

544 5. A copy of the final inspection from the local
545 enforcement agency as defined in s. 553.71.

546 ~~6.4.~~ Any other pertinent information deemed necessary by
547 the department.

548 (b) The applicant shall respond to a request for
549 additional information due to an incomplete application for an
550 operating permit pursuant to s. 120.60. Upon receipt of an



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551 application, whether complete or incomplete, as required in s.
552 514.03 and as set forth under this section, the department shall
553 review and provide to the local enforcement agency and the
554 applicant any comment or proposed modifications on the
555 information received pursuant to subparagraphs (a)1.-6.

556 Section 16. Paragraph (c) of subsection (1) of section
557 553.37, Florida Statutes, is amended to read:

558 553.37 Rules; inspections; and insignia.—

559 (1) The Florida Building Commission shall adopt within the
560 Florida Building Code requirements for construction or
561 modification of manufactured buildings and building modules, to
562 address:

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

565 1. Observe the first building built, or with regard to
566 components, observe the first unit assembled, after
567 certification of the manufacturer, from start to finish,
568 inspecting all subsystems: electrical, plumbing, structural,
569 mechanical, or thermal.

570 2. Continue observation of the manufacturing process until
571 the approved inspection agency determines that the
572 manufacturer's quality control program, in conjunction with the
573 application of the plans approved by the approved inspection
574 agency, will result in a building and components that meet or
575 exceed the applicable Florida Building Code requirements.



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576 3. Thereafter, inspect each module produced during at
577 least one point of the manufacturing process and inspect at
578 least 75 percent of the subsystems of each module: electrical,
579 plumbing, structural, mechanical, or thermal.

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

584 Section 17. Section 553.721, Florida Statutes, is amended
585 to read:

586 553.721 Surcharge.—In order for the Department of Business
587 and Professional Regulation to administer and carry out the
588 purposes of this part and related activities, there is created a
589 surcharge, to be assessed at the rate of 1.5 percent of the
590 permit fees associated with enforcement of the Florida Building
591 Code as defined by the uniform account criteria and specifically
592 the uniform account code for building permits adopted for local
593 government financial reporting pursuant to s. 218.32. The
594 minimum amount collected on any permit issued shall be \$2. The
595 unit of government responsible for collecting a permit fee
596 pursuant to s. 125.56(4) or s. 166.201 shall collect the
597 surcharge and electronically remit the funds collected to the
598 department on a quarterly calendar basis for the preceding
599 quarter and continuing each third month thereafter. The unit of
600 government shall retain 10 percent of the surcharge collected to



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601 fund the participation of building departments in the national
602 and state building code adoption processes and to provide
603 education related to enforcement of the Florida Building Code.
604 All funds remitted to the department pursuant to this section
605 shall be deposited in the Professional Regulation Trust Fund.
606 Funds collected from the surcharge shall be allocated to fund
607 the Florida Building Commission and the Florida Building Code
608 Compliance and Mitigation Program under s. 553.841. ~~Beginning in~~
609 ~~the 2013-2014 fiscal year,~~ Funds allocated to the Florida
610 Building Code Compliance and Mitigation Program shall be
611 \$925,000 each fiscal year. The funds collected from the
612 surcharge may not be used to fund research on techniques for
613 mitigation of radon in existing buildings. Funds used by the
614 department as well as funds to be transferred to the Department
615 of Health shall be as prescribed in the annual General
616 Appropriations Act. The department shall adopt rules governing
617 the collection and remittance of surcharges pursuant to chapter
618 120.

619 Section 18. Subsection (15) of section 553.73, Florida
620 Statutes, is amended, and subsection (18) is added to that
621 section, to read:

622 553.73 Florida Building Code.—

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



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626 Florida Building Code except when ~~until~~ the equipment is being
627 ~~required to be removed or replaced~~ or moved during reroofing and
628 is not in compliance with the provisions of the Florida Building
629 Code relating to roof-mounted mechanical units.

630 (18) In a single-family dwelling, make-up air is not
631 required for range hood exhaust systems capable of exhausting:

632 (a) Four hundred cubic feet per minute or less; or
633 (b) More than 400 cubic feet per minute but no more than
634 800 cubic feet per minute if there are no gravity vent
635 appliances within the conditioned living space of the structure.

636 Section 19. Subsection (1) of section 553.74, Florida
637 Statutes, is amended to read:

638 553.74 Florida Building Commission.—

639 (1) The Florida Building Commission is created and located
640 within the Department of Business and Professional Regulation
641 for administrative purposes. Members are appointed by the
642 Governor subject to confirmation by the Senate. The commission
643 is composed of 27 ~~26~~ members, consisting of the following:

644 (a) One architect registered to practice in this state and
645 actively engaged in the profession. The American Institute of
646 Architects, Florida Section, is encouraged to recommend a list
647 of candidates for consideration.

648 (b) One structural engineer registered to practice in this
649 state and actively engaged in the profession. The Florida
650 Engineering Society is encouraged to recommend a list of



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651 candidates for consideration.

652 (c) One air-conditioning or mechanical contractor
653 certified to do business in this state and actively engaged in
654 the profession. The Florida Air Conditioning Contractors
655 Association, the Florida Refrigeration and Air Conditioning
656 Contractors Association, and the Mechanical Contractors
657 Association of Florida are encouraged to recommend a list of
658 candidates for consideration.

659 (d) One electrical contractor certified to do business in
660 this state and actively engaged in the profession. The Florida
661 Association of Electrical Contractors ~~Association~~ and the
662 National Electrical Contractors Association, Florida Chapter,
663 are encouraged to recommend a list of candidates for
664 consideration.

665 (e) One member from fire protection engineering or
666 technology who is actively engaged in the profession. The
667 Florida Chapter of the Society of Fire Protection Engineers and
668 the Florida Fire Marshals and Inspectors Association are
669 encouraged to recommend a list of candidates for consideration.

670 (f) One general contractor certified to do business in
671 this state and actively engaged in the profession. The
672 Associated Builders and Contractors of Florida, the Florida
673 Associated General Contractors Council, and the Union
674 Contractors Association are encouraged to recommend a list of
675 candidates for consideration.



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676 (g) One plumbing contractor licensed to do business in
677 this state and actively engaged in the profession. The Florida
678 Association of Plumbing, Heating, and Cooling Contractors is
679 encouraged to recommend a list of candidates for consideration.

680 (h) One roofing or sheet metal contractor certified to do
681 business in this state and actively engaged in the profession.
682 The Florida Roofing, Sheet Metal, and Air Conditioning
683 Contractors Association and the Sheet Metal and Air Conditioning
684 Contractors' ~~Contractors~~ National Association are encouraged to
685 recommend a list of candidates for consideration.

686 (i) One residential contractor licensed to do business in
687 this state and actively engaged in the profession. The Florida
688 Home Builders Association is encouraged to recommend a list of
689 candidates for consideration.

690 (j) Three members who are municipal or district codes
691 enforcement officials, one of whom is also a fire official. The
692 Building Officials Association of Florida and the Florida Fire
693 Marshals and Inspectors Association are encouraged to recommend
694 a list of candidates for consideration.

695 (k) One member who represents the Department of Financial
696 Services.

697 (l) One member who is a county codes enforcement official.
698 The Building Officials Association of Florida is encouraged to
699 recommend a list of candidates for consideration.

700 (m) One member of a Florida-based organization of persons



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701 with disabilities or a nationally chartered organization of
702 persons with disabilities with chapters in this state.

703 (n) One member of the manufactured buildings industry who
704 is licensed to do business in this state and is actively engaged
705 in the industry. The Florida Manufactured Housing Association is
706 encouraged to recommend a list of candidates for consideration.

707 (o) One mechanical or electrical engineer registered to
708 practice in this state and actively engaged in the profession.
709 The Florida Engineering Society is encouraged to recommend a
710 list of candidates for consideration.

711 (p) One member who is a representative of a municipality
712 or a charter county. The Florida League of Cities and the
713 Florida Association of Counties are encouraged to recommend a
714 list of candidates for consideration.

715 (q) One member of the building products manufacturing
716 industry who is authorized to do business in this state and is
717 actively engaged in the industry. The Florida Building Material
718 Association, the Florida Concrete and Product ~~Products~~
719 Association, and the Fenestration Manufacturers Association are
720 encouraged to recommend a list of candidates for consideration.

721 (r) One member who is a representative of the building
722 owners and managers industry who is actively engaged in
723 commercial building ownership or management. The Building Owners
724 and Managers Association is encouraged to recommend a list of
725 candidates for consideration.



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726 (s) One member who is a representative of the insurance
727 industry. The Florida Insurance Council is encouraged to
728 recommend a list of candidates for consideration.

729 (t) One member who is a representative of public
730 education.

731 (u) One member who is a swimming pool contractor licensed
732 to do business in this state and actively engaged in the
733 profession. The Florida Swimming Pool Association and the United
734 Pool and Spa Association are encouraged to recommend a list of
735 candidates for consideration.

736 (v) One member who is a representative of the green
737 building industry and who is a third-party commission agent, a
738 Florida board member of the United States Green Building Council
739 or Green Building Initiative, a professional who is accredited
740 under the International Green Construction Code (IGCC), or a
741 professional who is accredited under Leadership in Energy and
742 Environmental Design (LEED).

743 (w) One member who is a representative of a natural gas
744 distribution system and who is actively engaged in the
745 distribution of natural gas in this state. The Florida Natural
746 Gas Association is encouraged to recommend a list of candidates
747 for consideration.

748 (x) One member who is a representative of the Department
749 of Agriculture and Consumer Services' Office of Energy. The
750 Commissioner of Agriculture is encouraged to recommend a list of



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751 | candidates for consideration.

752 | (y)~~(*)~~ One member who shall be the chair.

753 |

754 | ~~Any person serving on the commission under paragraph (c) or~~
755 | ~~paragraph (h) on October 1, 2003, and who has served less than~~
756 | ~~two full terms is eligible for reappointment to the commission~~
757 | ~~regardless of whether he or she meets the new qualification.~~

758 | Section 20. Subsection (7) is added to section 553.77,
759 | Florida Statutes, to read:

760 | 553.77 Specific powers of the commission.—

761 | (7) Building officials shall recognize and enforce
762 | variance orders issued by the Department of Health pursuant to
763 | s. 514.0115(5), including any conditions attached to the
764 | granting of the variance.

765 | Section 21. Section 553.775, Florida Statutes, is amended
766 | to read:

767 | 553.775 Interpretations.—

768 | (1) It is the intent of the Legislature that the Florida
769 | Building Code and the Florida Accessibility Code for Building
770 | Construction be interpreted by building officials, local
771 | enforcement agencies, and the commission in a manner that
772 | protects the public safety, health, and welfare at the most
773 | reasonable cost to the consumer by ensuring uniform
774 | interpretations throughout the state and by providing processes
775 | for resolving disputes regarding interpretations of the Florida



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776 Building Code and the Florida Accessibility Code for Building
777 Construction which are just and expeditious.

778 (2) Local enforcement agencies, local building officials,
779 state agencies, and the commission shall interpret provisions of
780 the Florida Building Code and the Florida Accessibility Code for
781 Building Construction in a manner that is consistent with
782 declaratory statements and interpretations entered by the
783 commission, except that conflicts between the Florida Fire
784 Prevention Code and the Florida Building Code shall be resolved
785 in accordance with s. 553.73(11)(c) and (d).

786 (3) The following procedures may be invoked regarding
787 interpretations of the Florida Building Code or the Florida
788 Accessibility Code for Building Construction:

789 (a) Upon written application by any substantially affected
790 person or state agency or by a local enforcement agency, the
791 commission shall issue declaratory statements pursuant to s.
792 120.565 relating to the enforcement or administration by local
793 governments of the Florida Building Code or the Florida
794 Accessibility Code for Building Construction.

795 (b) When requested in writing by any substantially
796 affected person or state agency or by a local enforcement
797 agency, the commission shall issue a declaratory statement
798 pursuant to s. 120.565 relating to this part and ss. 515.25,
799 515.27, 515.29, and 515.37. Actions of the commission are
800 subject to judicial review under s. 120.68.



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801 (c) The commission shall review decisions of local
802 building officials and local enforcement agencies regarding
803 interpretations of the Florida Building Code or the Florida
804 Accessibility Code for Building Construction after the local
805 board of appeals has considered the decision, if such board
806 exists, and if such appeals process is concluded within 25
807 business days.

808 1. The commission shall coordinate with the Building
809 Officials Association of Florida, Inc., to designate panels
810 composed of five members to hear requests to review decisions of
811 local building officials. The members must be licensed as
812 building code administrators under part XII of chapter 468 and
813 must have experience interpreting and enforcing provisions of
814 the Florida Building Code and the Florida Accessibility Code for
815 Building Construction.

816 2. Requests to review a decision of a local building
817 official interpreting provisions of the Florida Building Code or
818 the Florida Accessibility Code for Building Construction may be
819 initiated by any substantially affected person, including an
820 owner or builder subject to a decision of a local building
821 official or an association of owners or builders having members
822 who are subject to a decision of a local building official. In
823 order to initiate review, the substantially affected person must
824 file a petition with the commission. The commission shall adopt
825 a form for the petition, which shall be published on the



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826 Building Code Information System. The form shall, at a minimum,
827 require the following:

828 a. The name and address of the county or municipality in
829 which provisions of the Florida Building Code or the Florida
830 Accessibility Code for Building Construction are being
831 interpreted.

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

834 c. The name, address, and telephone number of the
835 petitioner; the name, address, and telephone number of the
836 petitioner's representative, if any; and an explanation of how
837 the petitioner's substantial interests are being affected by the
838 local interpretation of the Florida Building Code or the Florida
839 Accessibility Code for Building Construction.

840 d. A statement of the provisions of the Florida Building
841 Code or the Florida Accessibility Code for Building Construction
842 which are being interpreted by the local building official.

843 e. A statement of the interpretation given to provisions
844 of the Florida Building Code or the Florida Accessibility Code
845 for Building Construction by the local building official and the
846 manner in which the interpretation was rendered.

847 f. A statement of the interpretation that the petitioner
848 contends should be given to the provisions of the Florida
849 Building Code or the Florida Accessibility Code for Building
850 Construction and a statement supporting the petitioner's



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851 interpretation.

852 g. Space for the local building official to respond in
853 writing. The space shall, at a minimum, require the local
854 building official to respond by providing a statement admitting
855 or denying the statements contained in the petition and a
856 statement of the interpretation of the provisions of the Florida
857 Building Code or the Florida Accessibility Code for Building
858 Construction which the local jurisdiction or the local building
859 official contends is correct, including the basis for the
860 interpretation.

861 3. The petitioner shall submit the petition to the local
862 building official, who shall place the date of receipt on the
863 petition. The local building official shall respond to the
864 petition in accordance with the form and shall return the
865 petition along with his or her response to the petitioner within
866 5 days after receipt, exclusive of Saturdays, Sundays, and legal
867 holidays. The petitioner may file the petition with the
868 commission at any time after the local building official
869 provides a response. If no response is provided by the local
870 building official, the petitioner may file the petition with the
871 commission 10 days after submission of the petition to the local
872 building official and shall note that the local building
873 official did not respond.

874 4. Upon receipt of a petition that meets the requirements
875 of subparagraph 2., the commission shall immediately provide



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876 | copies of the petition to a panel, and the commission shall
877 | publish the petition, including any response submitted by the
878 | local building official, on the Building Code Information System
879 | in a manner that allows interested persons to address the issues
880 | by posting comments.

881 | 5. The panel shall conduct proceedings as necessary to
882 | resolve the issues; shall give due regard to the petitions, the
883 | response, and to comments posed on the Building Code Information
884 | System; and shall issue an interpretation regarding the
885 | provisions of the Florida Building Code or the Florida
886 | Accessibility Code for Building Construction within 21 days
887 | after the filing of the petition. The panel shall render a
888 | determination based upon the Florida Building Code or the
889 | Florida Accessibility Code for Building Construction or, if the
890 | code is ambiguous, the intent of the code. The panel's
891 | interpretation shall be provided to the commission, which shall
892 | publish the interpretation on the Building Code Information
893 | System and in the Florida Administrative Register. The
894 | interpretation shall be considered an interpretation entered by
895 | the commission, and shall be binding upon the parties and upon
896 | all jurisdictions subject to the Florida Building Code or the
897 | Florida Accessibility Code for Building Construction, unless it
898 | is superseded by a declaratory statement issued by the Florida
899 | Building Commission or by a final order entered after an appeal
900 | proceeding conducted in accordance with subparagraph 7.



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

906 7. Any substantially affected person may appeal an
907 interpretation rendered by a hearing officer panel by filing a
908 petition with the commission. Such appeals shall be initiated in
909 accordance with chapter 120 and the uniform rules of procedure
910 and must be filed within 30 days after publication of the
911 interpretation on the Building Code Information System or in the
912 Florida Administrative Register. Hearings shall be conducted
913 pursuant to chapter 120 and the uniform rules of procedure.
914 Decisions of the commission are subject to judicial review
915 pursuant to s. 120.68. The final order of the commission is
916 binding upon the parties and upon all jurisdictions subject to
917 the Florida Building Code or the Florida Accessibility Code for
918 Building Construction.

919 8. The burden of proof in any proceeding initiated in
920 accordance with subparagraph 7. is on the party who initiated
921 the appeal.

922 9. In any review proceeding initiated in accordance with
923 this paragraph, including any proceeding initiated in accordance
924 with subparagraph 7., the fact that an owner or builder has
925 proceeded with construction may not be grounds for determining



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926 an issue to be moot if the issue is one that is likely to arise
927 in the future.

928
929 This paragraph provides the exclusive remedy for addressing
930 requests to review local interpretations of the Florida Building
931 Code or the Florida Accessibility Code for Building Construction
932 and appeals from review proceedings.

933 (d) Upon written application by any substantially affected
934 person, contractor, or designer, or a group representing a
935 substantially affected person, contractor, or designer, the
936 commission shall issue or cause to be issued a formal
937 interpretation of the Florida Building Code or the Florida
938 Accessibility Code for Building Construction as prescribed by
939 paragraph (c).

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

945 (f) Upon written application by any substantially affected
946 person, the commission shall issue a declaratory statement
947 pursuant to s. 120.565 relating to an agency's interpretation
948 and enforcement of the specific provisions of the Florida
949 Building Code or the Florida Accessibility Code for Building
950 Construction which the agency is authorized to enforce. This



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951 subsection does not provide any powers, other than advisory, to
952 the commission with respect to any decision of the State Fire
953 Marshal made pursuant to chapter 633.

954 (g) The commission may designate a commission member who
955 has demonstrated expertise in interpreting building plans to
956 attend each meeting of the advisory council created in s.
957 553.512. The commission member may vary from meeting to meeting,
958 shall serve on the council in a nonvoting capacity, and shall
959 receive per diem and expenses as provided in s. 553.74(3).

960 (h) The commission shall by rule establish an informal
961 process of rendering nonbinding interpretations of the Florida
962 Building Code and the Florida Accessibility Code for Building
963 Construction. The commission is specifically authorized to refer
964 interpretive issues to organizations that represent those
965 engaged in the construction industry. The commission shall
966 immediately implement the process before completing formal
967 rulemaking. It is the intent of the Legislature that the
968 commission create a process to refer questions to a small,
969 rotating group of individuals licensed under part XII of chapter
970 468, to which a party may pose questions regarding the
971 interpretation of code provisions. It is the intent of the
972 Legislature that the process provide for the expeditious
973 resolution of the issues presented and publication of the
974 resulting interpretation on the Building Code Information
975 System. Such interpretations shall be advisory only and



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976 nonbinding on the parties and the commission.

977 (4) In order to administer this section, the commission
978 may adopt by rule and impose a fee for filing requests for
979 declaratory statements and binding and nonbinding
980 interpretations to recoup the cost of the proceedings which may
981 not exceed \$125 for each request for a nonbinding interpretation
982 and \$250 for each request for a binding review or
983 interpretation. For proceedings conducted by or in coordination
984 with a third party, the rule may provide that payment be made
985 directly to the third party, who shall remit to the department
986 that portion of the fee necessary to cover the costs of the
987 department.

988 ~~(5) The commission may render declaratory statements in~~
989 ~~accordance with s. 120.565 relating to the provisions of the~~
990 ~~Florida Accessibility Code for Building Construction not~~
991 ~~attributable to the Americans with Disabilities Act~~
992 ~~Accessibility Guidelines. Notwithstanding the other provisions~~
993 ~~of this section, the Florida Accessibility Code for Building~~
994 ~~Construction and chapter 11 of the Florida Building Code may not~~
995 ~~be interpreted by, and are not subject to review under, any of~~
996 ~~the procedures specified in this section. This subsection has no~~
997 ~~effect upon the commission's authority to waive the Florida~~
998 ~~Accessibility Code for Building Construction as provided by s.~~
999 ~~553.512.~~

1000 Section 22. Effective October 1, 2014, present subsections



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1001 (11) through (18) of section 553.79, Florida Statutes, are
1002 redesignated as subsections (12) through (19), respectively, a
1003 new subsection (11) is added to that section, and present
1004 subsection (18) is amended, to read:

1005 553.79 Permits; applications; issuance; inspections.—

1006 (11) The local enforcing agency may not issue a building
1007 permit to construct, develop, or modify a public swimming pool
1008 without proof of application, whether complete or incomplete,
1009 for an operating permit pursuant to s. 514.031. A certificate of
1010 completion or occupancy may not be issued until such operating
1011 permit is issued. The local enforcing agency shall conduct their
1012 review of the building permit application upon filing and in
1013 accordance with this chapter. The local enforcing agency may
1014 confer with the Department of Health, if necessary, but may not
1015 delay the building permit application review while awaiting
1016 comment from the Department of Health.

1017 (19)-(18) For the purpose of inspection and record
1018 retention, site plans or building permits ~~for a building~~ may be
1019 maintained in the original form or in the form of an electronic
1020 copy at the worksite. These plans and permits must be open to
1021 inspection by the building official or a duly authorized
1022 representative, as required by the Florida Building Code.

1023 Section 23. Paragraph (b) of subsection (6) of section
1024 553.80, Florida Statutes, is amended to read:

1025 553.80 Enforcement.—



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1026 (6) Notwithstanding any other law, state universities,
1027 community colleges, and public school districts shall be subject
1028 to enforcement of the Florida Building Code under this part.

1029 (b) If a state university, state community college, or
1030 public school district elects to use a local government's code
1031 enforcement offices:

1032 1. Fees charged by counties and municipalities for
1033 enforcement of the Florida Building Code on buildings,
1034 structures, and facilities of state universities, state
1035 colleges, and public school districts may not be more than the
1036 actual labor and administrative costs incurred for plans review
1037 and inspections to ensure compliance with the code.

1038 2. Counties and municipalities shall expedite building
1039 construction permitting, building plans review, and inspections
1040 of projects of state universities, state community colleges, and
1041 public schools ~~school districts~~ that are subject to the Florida
1042 Building Code according to guidelines established by the Florida
1043 Building Commission.

1044 3. A party substantially affected by an interpretation of
1045 the Florida Building Code by the local government's code
1046 enforcement offices may appeal the interpretation to the local
1047 government's board of adjustment and appeal or to the commission
1048 under s. 553.775 if no local board exists. The decision of a
1049 local board is reviewable in accordance with s. 553.775.

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1051 This part may not be construed to authorize counties,
1052 municipalities, or code enforcement districts to conduct any
1053 permitting, plans review, or inspections not covered by the
1054 Florida Building Code. Any actions by counties or municipalities
1055 not in compliance with this part may be appealed to the Florida
1056 Building Commission. The commission, upon a determination that
1057 actions not in compliance with this part have delayed permitting
1058 or construction, may suspend the authority of a county,
1059 municipality, or code enforcement district to enforce the
1060 Florida Building Code on the buildings, structures, or
1061 facilities of a state university, state community college, or
1062 public school district and provide for code enforcement at the
1063 expense of the state university, state community college, or
1064 public school district.

1065 Section 24. Subsections (1) and (2) of section 553.841,
1066 Florida Statutes, are amended to read:

1067 553.841 Building code compliance and mitigation program.—

1068 (1) The Legislature finds that knowledge and understanding
1069 by persons licensed or employed in the design and construction
1070 industries of the importance and need for complying with the
1071 Florida Building Code and related laws is vital to the public
1072 health, safety, and welfare of this state, especially for
1073 protecting consumers and mitigating damage caused by hurricanes
1074 to residents and visitors to the state. The Legislature further
1075 finds that the Florida Building Code can be effective only if



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1076 all participants in the design and construction industries
1077 maintain a thorough knowledge of the code, code compliance and
1078 enforcement, duties related to consumers, and changes that
1079 ~~additions thereto which~~ improve construction standards, project
1080 completion, and compliance of design and construction to protect
1081 against consumer harm, storm damage, and other damage.

1082 Consequently, the Legislature finds that there is a need for a
1083 program to provide ongoing education and outreach activities
1084 concerning compliance with the Florida Building Code, the
1085 Florida Fire Prevention Code, construction plan and permitting
1086 requirements, construction liens, and hurricane mitigation.

1087 (2) The Department of Business and Professional Regulation
1088 shall administer a program, designated as the Florida Building
1089 Code Compliance and Mitigation Program, to develop, coordinate,
1090 and maintain education and outreach to persons required to
1091 comply with the Florida Building Code and related provisions as
1092 specified in subsection (1) and ensure consistent education,
1093 training, and communication of the code's requirements,
1094 including, but not limited to, methods for design and
1095 construction compliance and mitigation of storm-related damage.
1096 The program shall also operate a clearinghouse through which
1097 design, construction, and building code enforcement licensees,
1098 suppliers, and consumers in this state may find others in order
1099 to exchange information relating to mitigation and facilitate
1100 repairs in the aftermath of a natural disaster.



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1101 Section 25. Section 553.883, Florida Statutes, is created
1102 to read:

1103 553.883 Smoke alarms in one-family and two-family
1104 dwelling and townhomes.—One-family and two-family dwelling and
1105 townhomes undergoing a repair, or a level 1 alteration as
1106 defined in the Florida Building Code, may use smoke alarms
1107 powered by 10-year nonremovable, nonreplaceable batteries in
1108 lieu of retrofitting such dwelling with smoke alarms powered by
1109 the dwelling's electrical system. Effective January 1, 2015, a
1110 battery-powered smoke alarm that is newly installed or replaces
1111 an existing battery-powered smoke alarm must be powered by a
1112 nonremovable, nonreplaceable battery that powers the alarm for
1113 at least 10 years. The battery requirements of this section do
1114 not apply to a fire alarm, smoke detector, smoke alarm, or
1115 ancillary component that is electronically connected as a part
1116 of a centrally monitored or supervised alarm system.

1117 Section 26. Subsection (3) of section 553.993, Florida
1118 Statutes, is amended to read:

1119 553.993 Definitions.—For purposes of this part:

1120 (3) "Building energy-efficiency rating system" means a
1121 whole building energy evaluation system that provides a reliable
1122 and scientifically-based analysis of a building's energy
1123 consumption or energy features and allows a comparison to
1124 similar building types in similar climate zones where
1125 applicable. Specifically, the rating system shall use standard



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1126 calculations, formulas, and scoring methods; be applicable
1127 nationally; compare a building to a clearly defined and
1128 researched baseline or benchmark; require qualified
1129 professionals to conduct the rating or assessment; and provide a
1130 labeling and recognition program with specific criteria or
1131 levels. Residential program benchmarks for new construction must
1132 be consistent with national building standards. Residential
1133 building program benchmarks for existing construction must be
1134 consistent with national home energy rating standards. The
1135 building energy-efficiency rating system shall require at least
1136 one level of oversight performed by an organized and balanced
1137 group of professionals with subject matter expertise in energy
1138 efficiency, energy rating, and evaluation methods ~~established by~~
1139 ~~the Residential Energy Services Network, the Commercial Energy~~
1140 ~~Services Network, the Building Performance Institute, or the~~
1141 ~~Florida Solar Energy Center.~~

1142 Section 27. Subsection (15) of section 633.202, Florida
1143 Statutes, is amended to read:

1144 633.202 Florida Fire Prevention Code.—

1145 (15) ~~(a)~~ For one-story or two-story structures that are
1146 less than 10,000 square feet, whose occupancy is defined in the
1147 Florida Building Code and the Florida Fire Prevention Code as
1148 business or mercantile, a fire official shall enforce the wall
1149 fire-rating provisions for occupancy separation as defined in
1150 the Florida Building Code.



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1151 | (16) (a) ~~(b)~~ A structure, located on property that is
1152 | classified for ad valorem purposes as agricultural, which is
1153 | part of a farming or ranching operation, in which the occupancy
1154 | is limited by the property owner to no more than 35 persons, and
1155 | which is not used by the public for direct sales or as an
1156 | educational outreach facility, is exempt from the Florida Fire
1157 | Prevention Code, including the national codes and Life Safety
1158 | Code incorporated by reference. This paragraph does not include
1159 | structures used for residential or assembly occupancies, as
1160 | defined in the Florida Fire Prevention Code.

1161 | (b) A tent up to 30 feet by 30 feet is exempt from the
1162 | Florida Fire Prevention Code, including the national codes
1163 | incorporated by reference.

1164 | Section 28. Subsection (1) of section 633.212, Florida
1165 | Statutes, is amended to read:

1166 | 633.212 Legislative intent; informal interpretations of
1167 | the Florida Fire Prevention Code.—It is the intent of the
1168 | Legislature that the Florida Fire Prevention Code be interpreted
1169 | by fire officials and local enforcement agencies in a manner
1170 | that reasonably and cost-effectively protects the public safety,
1171 | health, and welfare; ensures uniform interpretations throughout
1172 | this state; and provides just and expeditious processes for
1173 | resolving disputes regarding such interpretations. It is the
1174 | further intent of the Legislature that such processes provide
1175 | for the expeditious resolution of the issues presented and that



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1176 the resulting interpretation of such issues be published on the
1177 website of the division.

1178 (1) The division shall by rule establish an informal
1179 process of rendering nonbinding interpretations of the Florida
1180 Fire Prevention Code. The division may contract with and refer
1181 interpretive issues to a third party, selected based upon cost
1182 effectiveness, quality of services to be performed, and other
1183 performance-based criteria, which has experience in interpreting
1184 and enforcing the Florida Fire Prevention Code. It is the intent
1185 of the Legislature that the division establish a Fire Code
1186 Interpretation Committee composed of seven persons and seven
1187 alternates, equally representing each area of the state, to
1188 which a party can pose questions regarding the interpretation of
1189 the Florida Fire Prevention Code provisions. The alternate
1190 member may respond to a nonbinding interpretation if a ~~the~~
1191 ~~member notifies the Fire Code Interpretation Committee that he~~
1192 ~~or she~~ is unable to respond.

1193 Section 29. Except as otherwise provided in this act, this
1194 act shall take effect July 1, 2014.