

1 A bill to be entitled
2 An act relating to construction; amending s. 377.705,
3 F.S.; revising legislative findings and intent;
4 defining the term "recognized certifying entity";
5 providing applicability of certain standards and
6 criteria for solar energy systems manufactured or sold
7 in the state; providing for solar energy systems
8 manufactured or sold in the state to be certified
9 pursuant to National Renewable Energy Laboratory
10 standards; amending s. 553.79, F.S.; prohibiting a
11 political subdivision from adopting or enforcing
12 certain building permits or other development order
13 requirement; providing construction; providing for
14 preemption of certain local laws and regulations;
15 providing for retroactive applicability; amending s.
16 553.80, F.S.; prohibiting local enforcement agencies
17 from charging certain fees; creating s. 553.9081,
18 F.S.; requiring the Florida Building Commission to
19 amend certain provisions of the Florida Building Code;
20 amending s. 633.208, F.S.; prohibiting a county,
21 municipality, special taxing district, public utility,
22 or private utility from requiring a separate water
23 connection or charging a specified water or sewage
24 rate under certain conditions; prohibiting a local
25 government from requiring a permit for painting a

26 residence; requiring the Department of Education in
 27 conjunction with the Department of Economic
 28 Opportunity to create a study for specified purposes;
 29 requiring Department of Education to submit the study
 30 to the Governor and the Legislature by a specified
 31 date; requiring CareerSource Florida, Inc. to fund
 32 certain construction training programs; providing
 33 program requirements; providing an effective date.
 34

35 Be It Enacted by the Legislature of the State of Florida:
 36

37 Section 1. Section 377.705, Florida Statutes, is amended
 38 to read:

39 377.705 Solar Energy Center; development of solar energy
 40 standards.—

41 (1) SHORT TITLE.—This act shall be known and may be cited
 42 as the Solar Energy Standards Act of 1976.

43 (2) LEGISLATIVE ~~FINDINGS AND~~ INTENT.—

44 ~~(a) Because of increases in the cost of conventional fuel,~~
 45 ~~certain applications of solar energy are becoming competitive,~~
 46 ~~particularly when life-cycle costs are considered. It is the~~
 47 ~~intent of the Legislature in formulating a sound and balanced~~
 48 ~~energy policy for the state to encourage the development of an~~
 49 ~~alternative energy capability in the form of incident solar~~
 50 ~~energy.~~

51 ~~(b) Toward this purpose,~~ The Legislature intends to
52 ~~provide incentives for the production and sale of, and to set~~
53 ~~standards for, solar energy systems. Such standards shall ensure~~
54 that solar energy systems manufactured or sold within the state
55 are effective and represent a high level of quality of
56 materials, workmanship, and design.

57 (3) DEFINITIONS.—As used in this section, the term:

58 (a) "Center" means ~~is defined as~~ the Florida Solar Energy
59 Center of the Board of Governors.

60 (b) "Recognized certifying entity" means any entity that
61 certifies equipment which collects and uses incident solar
62 energy pursuant to standards established by the National
63 Renewable Energy Laboratory.

64 (c) ~~(b)~~ "Solar energy systems" means ~~is defined as~~
65 equipment which provides for the collection and use of incident
66 solar energy for water heating, space heating or cooling, or
67 other applications which normally require or would require a
68 conventional source of energy such as petroleum products,
69 natural gas, or electricity and which performs primarily with
70 solar energy. In such other systems in which solar energy is
71 used in a supplemental way, only those components which collect
72 and transfer solar energy shall be included in this definition.

73 (4) FLORIDA SOLAR ENERGY CENTER TO SET STANDARDS, REQUIRE
74 DISCLOSURE, SET TESTING FEES.—

75 (a) The center shall develop and adopt ~~promulgate~~

76 standards for solar energy systems manufactured or sold in this
77 state based on the best currently available information and
78 shall consult with scientists, engineers, or persons in research
79 centers who are engaged in the construction of, experimentation
80 with, and research of solar energy systems to properly identify
81 the most reliable designs and types of solar energy systems.
82 This paragraph does not apply to solar energy systems certified
83 pursuant to National Renewable Energy Laboratory standards.

84 (b) The center shall establish criteria for testing
85 performance of solar energy systems and shall maintain the
86 necessary capability for testing or evaluating performance of
87 solar energy systems. The center may accept results of tests on
88 solar energy systems made by other organizations, companies, or
89 persons if ~~when~~ such tests are conducted according to the
90 criteria established by the center and if ~~when~~ the testing
91 entity does not have a ~~has no~~ vested interest in the
92 manufacture, distribution, or sale of solar energy systems. This
93 paragraph does not apply to solar energy systems certified
94 pursuant to National Renewable Energy Laboratory standards.

95 (c) The center shall be entitled to receive a testing fee
96 sufficient to cover the costs of such testing. All testing fees
97 shall be transmitted by the center to the Chief Financial
98 Officer to be deposited in the Solar Energy Center Testing Trust
99 Fund, which is ~~hereby~~ created in the State Treasury, and
100 disbursed for the payment of expenses incurred in testing solar

101 energy systems.

102 (d) All solar energy systems manufactured or sold in the
103 state must meet the standards established by the center or by a
104 recognized certifying entity ~~and shall display accepted results~~
105 ~~of approved performance tests in a manner prescribed by the~~
106 ~~center.~~

107 Section 2. Subsection (20) is added to section 553.79,
108 Florida Statutes, to read:

109 553.79 Permits; applications; issuance; inspections.—

110 (20) A political subdivision of this state may not adopt
111 or enforce any ordinance or impose any building permit or other
112 development order requirement that:

113 (a)1. Contains any building, construction, or aesthetic
114 requirement or condition that conflicts with or impairs
115 corporate trademarks, service marks, trade dress, logos, color
116 patterns, design scheme insignia, image standards, or other
117 features of corporate branding identity on real property or
118 improvements thereon used in activities conducted under chapter
119 526 or in carrying out business activities defined as a
120 franchise by Federal Trade Commission regulations in 16 C.F.R.
121 ss. 436.1, et. seq.; or

122 2. Imposes any requirement on the design, construction or
123 location of signage advertising the retail price of gasoline in
124 accordance with the requirements of ss. 526.111 and 526.121
125 which prevents the signage from being clearly visible and

126 | legible to drivers of approaching motor vehicles from a vantage
127 | point on any lane of traffic in either direction on a roadway
128 | abutting the gas station premises and meets height, width, and
129 | spacing standards for Series C, D, or E signs, as applicable,
130 | published in the latest edition of Standard Alphabets for
131 | Highway Signs published by the United States Department of
132 | Commerce, Bureau of Public Roads, Office of Highway Safety.

133 | (b) This subsection does not affect any requirement for
134 | design and construction in the Florida Building Code.

135 | (c) All such ordinances and requirements are hereby
136 | preempted and superseded by general law. This subsection shall
137 | apply retroactively.

138 | Section 3. Paragraph (d) of subsection (7) of section
139 | 553.80, Florida Statutes, is amended to read:

140 | 553.80 Enforcement.—

141 | (7) The governing bodies of local governments may provide
142 | a schedule of reasonable fees, as authorized by s. 125.56(2) or
143 | s. 166.222 and this section, for enforcing this part. These
144 | fees, and any fines or investment earnings related to the fees,
145 | shall be used solely for carrying out the local government's
146 | responsibilities in enforcing the Florida Building Code. When
147 | providing a schedule of reasonable fees, the total estimated
148 | annual revenue derived from fees, and the fines and investment
149 | earnings related to the fees, may not exceed the total estimated
150 | annual costs of allowable activities. Any unexpended balances

151 shall be carried forward to future years for allowable
 152 activities or shall be refunded at the discretion of the local
 153 government. The basis for a fee structure for allowable
 154 activities shall relate to the level of service provided by the
 155 local government and shall include consideration for refunding
 156 fees due to reduced services based on services provided as
 157 prescribed by s. 553.791, but not provided by the local
 158 government. Fees charged shall be consistently applied.

159 (d) The local enforcement agency may not require the
 160 payment of any additional fees, charges, or expenses associated
 161 with:

- 162 1. Providing proof of licensure pursuant to chapter 489;
- 163 2. Recording or filing a license issued pursuant to this
 164 chapter; ~~or~~
- 165 3. Providing, recording, or filing evidence of workers'
 166 compensation insurance coverage as required by chapter 440; or
- 167 4. Applying for or pulling of permits, if proof of
 168 licensure and insurance is provided and recorded.

169 Section 4. Section 553.9081, Florida Statutes, is created
 170 to read:

171 553.9081 Florida Building Code; required amendments.—The
 172 Florida Building Commission shall amend the Florida Building
 173 Code—Energy Conservation to:

- 174 (1) (a) Eliminate duplicative commissioning reporting
 175 requirements for HVAC and electrical systems; and

176 (b) Authorize commissioning reports to be provided by a
 177 licensed design professional, electrical engineer, or mechanical
 178 engineer.

179 (2) Prohibit the adoption of American Society of Heating,
 180 Refrigerating and Air-Conditioning Engineers Standard
 181 9.4.1.1(g).

182 Section 5. Subsection (8) of section 633.208, Florida
 183 Statutes, is amended to read:

184 633.208 Minimum firesafety standards.—

185 (8) (a) The provisions of the Life Safety Code, as
 186 contained in the Florida Fire Prevention Code, do not apply to
 187 one-family and two-family dwellings. However, fire sprinkler
 188 protection may be permitted by local government in lieu of other
 189 fire protection-related development requirements for such
 190 structures. While local governments may adopt fire sprinkler
 191 requirements for one-family ~~one-~~ and two-family dwellings under
 192 this subsection, it is the intent of the Legislature that the
 193 economic consequences of the fire sprinkler mandate on home
 194 owners be studied before the enactment of such a requirement.
 195 After the effective date of this act, any local government that
 196 desires to adopt a fire sprinkler requirement on one-family ~~one-~~
 197 or two-family dwellings must prepare an economic cost and
 198 benefit report that analyzes the application of fire sprinklers
 199 to one-family ~~one-~~ or two-family dwellings or any proposed
 200 residential subdivision. The report must consider the tradeoffs

201 and specific cost savings and benefits of fire sprinklers for
202 future owners of property. The report must include an assessment
203 of the cost savings from any reduced or eliminated impact fees
204 if applicable, the reduction in special fire district tax,
205 insurance fees, and other taxes or fees imposed, and the waiver
206 of certain infrastructure requirements including the reduction
207 of roadway widths, the reduction of water line sizes, increased
208 fire hydrant spacing, increased dead-end roadway length, and a
209 reduction in cul-de-sac sizes relative to the costs from fire
210 sprinkling. A failure to prepare an economic report shall result
211 in the invalidation of the fire sprinkler requirement to any
212 one-family ~~one-~~ or two-family dwelling or any proposed
213 subdivision. In addition, a local jurisdiction or utility may
214 not charge any additional fee, above what is charged to a non-
215 fire sprinklered dwelling, on the basis that a one-family ~~one-~~
216 or two-family dwelling unit is protected by a fire sprinkler
217 system.

218 (b)1. A county, municipality, special taxing district,
219 public utility, or private utility may not require a separate
220 water connection for a one-family or two-family dwelling fire
221 sprinkler system if the hydraulic design has proven the existing
222 connection is capable of supplying the needed hydraulic demand.

223 2. A county, municipality, special district, public
224 utility, or private utility may not charge a water or sewer rate
225 to a one-family or two-family dwelling that requires a larger

226 water meter solely due to the installation of fire sprinklers
227 above that which is charged to a one-family and two-family
228 dwelling with a base meter. If the installation of fire
229 sprinklers in a one-family or two-family dwelling requires the
230 installation of a larger water meter, only the difference in
231 actual cost between the base water meter and the larger water
232 meter may be charged by the water utility provider.

233 Section 6. A local government may not require an owner of
234 a residence to obtain a permit to paint such residence,
235 regardless of whether the residence is owned by a limited
236 liability company.

237 Section 7. The Department of Education, in conjunction
238 with the Department of Economic Opportunity, shall create a
239 study to implement the recommendations of the Construction
240 Industry Workforce Task Force dated January 20, 2017. The
241 Department of Education shall provide the study to the Governor,
242 the President of the Senate, and the Speaker of the House of
243 Representatives before January 9, 2018. The study shall address
244 recommendations for:

245 (1) Expanding the definition of "local educational
246 agency," as used in apprenticeship programs, to include
247 nongovernmental entities, private training organizations,
248 industry trade associations, labor unions, or other community-
249 based organizations.

250 (2) Determining the appropriateness of transferring

251 apprenticeship programs from the Department of Education to the
252 Department of Economic Opportunity.

253 (3) Providing clarity regarding how current apprenticeship
254 programs are funded from the state to the local educational
255 agencies and what options such agencies have in how they spend
256 apprenticeship funding.

257 (4) Requiring the State Board of Education to accept the
258 curriculum developed by the National Center for Construction
259 Education and Research or other comparable national curriculum,
260 as satisfactory courses for high school credit, college credit,
261 or state-supported scholarships.

262 (5) Providing additional support to K-12 programs to
263 ensure construction-related education programs are offered
264 through existing career and technical education programs.

265 (6) Authorizing an alternative instructor certification
266 process through the Department of Education which does not
267 require certification through local educational agencies.

268 Section 8. CareerSource Florida, Inc. shall fund
269 construction training programs using existing federal funds
270 awarded to the corporation for training, and shall use the
271 previous statewide Florida ReBuilds program as a implementation
272 model for such programs.

273 Section 9. This act shall take effect July 1, 2017.