

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           authorizing solar energy systems manufactured or sold  
5           in the state to be certified by professional  
6           engineers; amending s. 471.033, F.S.; prohibiting  
7           professional engineers from contracting with customers  
8           without disclosing whether they maintain certain  
9           insurance; amending s. 489.103, F.S.; revising an  
10          exemption from construction contracting regulation for  
11          certain public utilities; deleting responsibility of  
12          the Construction Industry Licensing Board to define  
13          the term "incidental to their business" for certain  
14          purposes; amending s. 553.79, F.S.; prohibiting a  
15          political subdivision from adopting or enforcing  
16          certain building permits or other development order  
17          requirement; providing construction; providing for  
18          preemption of certain local laws and regulations;  
19          providing for retroactive applicability; amending s.  
20          553.791, F.S.; requiring local jurisdictions to reduce  
21          certain permit fees; amending s. 553.80, F.S.;  
22          prohibiting local enforcement agencies, independent  
23          districts, and special districts from charging certain  
24          fees; creating s. 553.9081, F.S.; requiring the  
25          Florida Building Commission to amend certain

26 provisions of the Florida Building Code; amending s.  
27 633.208, F.S.; prohibiting a county, municipality,  
28 special taxing district, public utility, or private  
29 utility from requiring a separate water connection or  
30 charging a specified water or sewage rate under  
31 certain conditions; prohibiting a local government  
32 from requiring a permit for painting a residence;  
33 requiring the Department of Education to develop a  
34 plan for specified purposes; requiring Department of  
35 Education to provide the plan to the Construction  
36 Industry Workforce Task Force by a specified date;  
37 requiring CareerSource Florida, Inc. to develop a plan  
38 for specified purposes; requiring CareerSource  
39 Florida, Inc. to provide the plan to the Construction  
40 Industry Workforce Taskforce by a specified date;  
41 requiring the Florida Building Commission to amend  
42 specified provisions of the Florida Building Code  
43 related to door components; providing an effective  
44 date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. Section 377.705, Florida Statutes, is amended  
49 to read:

50 377.705 Solar Energy Center; development of solar energy

51 standards.—

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

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

55 ~~(a) Because of increases in the cost of conventional fuel,~~  
56 ~~certain applications of solar energy are becoming competitive,~~  
57 ~~particularly when life-cycle costs are considered. It is the~~  
58 ~~intent of the Legislature in formulating a sound and balanced~~  
59 ~~energy policy for the state to encourage the development of an~~  
60 ~~alternative energy capability in the form of incident solar~~  
61 ~~energy.~~

62 ~~(b) Toward this purpose,~~ The Legislature intends to  
63 ~~provide incentives for the production and sale of, and to set~~  
64 ~~standards for, solar energy systems. Such standards shall ensure~~  
65 that solar energy systems manufactured or sold within the state  
66 are effective and represent a high level of quality of  
67 materials, workmanship, and design.

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

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

71 (b) "Solar energy systems" means ~~is defined as~~ equipment  
72 which provides for the collection and use of incident solar  
73 energy for water heating, space heating or cooling, or other  
74 applications which normally require or would require a  
75 conventional source of energy such as petroleum products,

76 | natural gas, or electricity and which performs primarily with  
77 | solar energy. In such other systems in which solar energy is  
78 | used in a supplemental way, only those components which collect  
79 | and transfer solar energy shall be included in this definition.

80 | (4) FLORIDA SOLAR ENERGY CENTER TO SET STANDARDS, REQUIRE  
81 | DISCLOSURE, SET TESTING FEES.—

82 | (a) The center shall develop and adopt ~~promulgate~~  
83 | standards for solar energy systems manufactured or sold in this  
84 | state based on the best currently available information and  
85 | shall consult with scientists, engineers, or persons in research  
86 | centers who are engaged in the construction of, experimentation  
87 | with, and research of solar energy systems to properly identify  
88 | the most reliable designs and types of solar energy systems.

89 | (b) The center shall establish criteria for testing  
90 | performance of solar energy systems and shall maintain the  
91 | necessary capability for testing or evaluating performance of  
92 | solar energy systems. The center may accept results of tests on  
93 | solar energy systems made by other organizations, companies, or  
94 | persons if ~~when~~ such tests are conducted according to the  
95 | criteria established by the center and if ~~when~~ the testing  
96 | entity does not have a ~~has no~~ vested interest in the  
97 | manufacture, distribution, or sale of solar energy systems.

98 | (c) The center shall be entitled to receive a testing fee  
99 | sufficient to cover the costs of such testing. All testing fees  
100 | shall be transmitted by the center to the Chief Financial

101 Officer to be deposited in the Solar Energy Center Testing Trust  
102 Fund, which is ~~hereby~~ created in the State Treasury, and  
103 disbursed for the payment of expenses incurred in testing solar  
104 energy systems.

105 (d) All solar energy systems manufactured or sold in the  
106 state must meet the standards established by the center and  
107 shall display accepted results of approved performance tests in  
108 a manner prescribed by the center, unless otherwise certified by  
109 an engineer licensed pursuant to ch. 471 using the standards  
110 contained in the most recent version of the Florida Building  
111 Code.

112 Section 2. Paragraph (m) is added to subsection (1) of  
113 section 471.033, Florida Statutes, to read:

114 471.033 Disciplinary proceedings.—

115 (1) The following acts constitute grounds for which the  
116 disciplinary actions in subsection (3) may be taken:

117 (m) Failing to disclose to a customer prior to contracting  
118 for engineering whether the licensee maintains professional  
119 liability insurance and the policy limits if the licensee does  
120 maintain such insurance.

121 Section 3. Subsection (5) of section 489.103, Florida  
122 Statutes, is amended to read:

123 489.103 Exemptions.—This part does not apply to:

124 (5) Public utilities, including municipal gas utilities  
125 and special gas districts as defined in chapter 189,

126 telecommunications companies as defined in s. 364.02(13), and  
127 natural gas transmission companies as defined in s. 368.103(4),  
128 on construction, maintenance, and development work performed by  
129 their employees, ~~which work, including, but not limited to, work~~  
130 ~~on bridges, roads, streets, highways, or railroads, is~~  
131 ~~incidental to their business. The board shall define, by rule,~~  
132 ~~the term "incidental to their business" for purposes of this~~  
133 ~~subsection.~~

134 Section 4. Subsection (20) is added to section 553.79,  
135 Florida Statutes, to read:

136 553.79 Permits; applications; issuance; inspections.—

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

140 (a)1. Contains any building, construction, or aesthetic  
141 requirement or condition that conflicts with or impairs  
142 corporate trademarks, service marks, trade dress, logos, color  
143 patterns, design scheme insignia, image standards, or other  
144 features of corporate branding identity on real property or  
145 improvements thereon used in activities conducted under chapter  
146 526 or in carrying out business activities defined as a  
147 franchise by Federal Trade Commission regulations in 16 C.F.R.  
148 ss. 436.1, et. seq.; or

149 2. Imposes any requirement on the design, construction or  
150 location of signage advertising the retail price of gasoline in

151 accordance with the requirements of ss. 526.111 and 526.121  
152 which prevents the signage from being clearly visible and  
153 legible to drivers of approaching motor vehicles from a vantage  
154 point on any lane of traffic in either direction on a roadway  
155 abutting the gas station premises and meets height, width, and  
156 spacing standards for Series C, D, or E signs, as applicable,  
157 published in the latest edition of Standard Alphabets for  
158 Highway Signs published by the United States Department of  
159 Commerce, Bureau of Public Roads, Office of Highway Safety.

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

162 (c) All such ordinances and requirements are hereby  
163 preempted and superseded by general law. This subsection shall  
164 apply retroactively.

165 Section 5. Subsection (2) of section 553.791, Florida  
166 Statutes, is amended to read:

167 553.791 Alternative plans review and inspection.—

168 (2)(a) Notwithstanding any other law or local government  
169 ordinance or local policy, the fee owner of a building or  
170 structure, or the fee owner's contractor upon written  
171 authorization from the fee owner, may choose to use a private  
172 provider to provide building code inspection services with  
173 regard to such building or structure and may make payment  
174 directly to the private provider for the provision of such  
175 services. All such services shall be the subject of a written

176 contract between the private provider, or the private provider's  
177 firm, and the fee owner or the fee owner's contractor, upon  
178 written authorization of the fee owner. The fee owner may elect  
179 to use a private provider to provide plans review or required  
180 building inspections, or both. However, if the fee owner or the  
181 fee owner's contractor uses a private provider to provide plans  
182 review, the local building official, in his or her discretion  
183 and pursuant to duly adopted policies of the local enforcement  
184 agency, may require the fee owner or the fee owner's contractor  
185 to use a private provider to also provide required building  
186 inspections.

187 (b) It is the intent of the Legislature that owners and  
188 contractors not be required to pay extra costs related to  
189 building permitting requirements when hiring a private provider  
190 for plans review and building inspections. A local jurisdiction  
191 must calculate the cost savings to the local enforcement agency,  
192 based on a fee owner or contractor hiring a private provider to  
193 perform plans reviews and building inspections in lieu of the  
194 local building official, and reduce the permit fees accordingly.

195 Section 6. Paragraph (d) of subsection (7) of section  
196 553.80, Florida Statutes, is amended to read:

197 553.80 Enforcement.—

198 (7) The governing bodies of local governments may provide  
199 a schedule of reasonable fees, as authorized by s. 125.56(2) or  
200 s. 166.222 and this section, for enforcing this part. These



201 fees, and any fines or investment earnings related to the fees,  
202 shall be used solely for carrying out the local government's  
203 responsibilities in enforcing the Florida Building Code. When  
204 providing a schedule of reasonable fees, the total estimated  
205 annual revenue derived from fees, and the fines and investment  
206 earnings related to the fees, may not exceed the total estimated  
207 annual costs of allowable activities. Any unexpended balances  
208 shall be carried forward to future years for allowable  
209 activities or shall be refunded at the discretion of the local  
210 government. The basis for a fee structure for allowable  
211 activities shall relate to the level of service provided by the  
212 local government and shall include consideration for refunding  
213 fees due to reduced services based on services provided as  
214 prescribed by s. 553.791, but not provided by the local  
215 government. Fees charged shall be consistently applied.

216 (d) The local enforcement agency, independent district, or  
217 special district may not require at any time, including at the  
218 time of application for a permit, the payment of any additional  
219 fees, charges, or expenses associated with:

- 220 1. Providing proof of licensure pursuant to chapter 489;
- 221 2. Recording or filing a license issued pursuant to this  
222 chapter; or
- 223 3. Providing, recording, or filing evidence of workers'  
224 compensation insurance coverage as required by chapter 440.

225 Section 7. Section 553.9081, Florida Statutes, is created

226 to read:

227 553.9081 Florida Building Code; required amendments.—The  
 228 Florida Building Commission shall amend the Florida Building  
 229 Code—Energy Conservation to:

230 (1) (a) Eliminate duplicative commissioning reporting  
 231 requirements for HVAC and electrical systems; and

232 (b) Authorize commissioning reports to be provided by a  
 233 licensed design professional, electrical engineer, or mechanical  
 234 engineer.

235 (2) Prohibit the adoption of American Society of Heating,  
 236 Refrigerating and Air-Conditioning Engineers Standard  
 237 9.4.1.1 (g) .

238 Section 8. Subsection (8) of section 633.208, Florida  
 239 Statutes, is amended to read:

240 633.208 Minimum firesafety standards.—

241 (8) (a) The provisions of the Life Safety Code, as  
 242 contained in the Florida Fire Prevention Code, do not apply to  
 243 one-family and two-family dwellings. However, fire sprinkler  
 244 protection may be permitted by local government in lieu of other  
 245 fire protection-related development requirements for such  
 246 structures. While local governments may adopt fire sprinkler  
 247 requirements for one-family ~~one-~~ and two-family dwellings under  
 248 this subsection, it is the intent of the Legislature that the  
 249 economic consequences of the fire sprinkler mandate on home  
 250 owners be studied before the enactment of such a requirement.

251 After the effective date of this act, any local government that  
252 desires to adopt a fire sprinkler requirement on one-family ~~one-~~  
253 or two-family dwellings must prepare an economic cost and  
254 benefit report that analyzes the application of fire sprinklers  
255 to one-family ~~one-~~ or two-family dwellings or any proposed  
256 residential subdivision. The report must consider the tradeoffs  
257 and specific cost savings and benefits of fire sprinklers for  
258 future owners of property. The report must include an assessment  
259 of the cost savings from any reduced or eliminated impact fees  
260 if applicable, the reduction in special fire district tax,  
261 insurance fees, and other taxes or fees imposed, and the waiver  
262 of certain infrastructure requirements including the reduction  
263 of roadway widths, the reduction of water line sizes, increased  
264 fire hydrant spacing, increased dead-end roadway length, and a  
265 reduction in cul-de-sac sizes relative to the costs from fire  
266 sprinkling. A failure to prepare an economic report shall result  
267 in the invalidation of the fire sprinkler requirement to any  
268 one-family ~~one-~~ or two-family dwelling or any proposed  
269 subdivision. In addition, a local jurisdiction or utility may  
270 not charge any additional fee, above what is charged to a non-  
271 fire sprinklered dwelling, on the basis that a one-family ~~one-~~  
272 or two-family dwelling unit is protected by a fire sprinkler  
273 system.

274 (b)1. A county, municipality, special taxing district,  
275 public utility, or private utility may not require a separate

276 water connection for a one-family or two-family dwelling fire  
277 sprinkler system if the hydraulic design has proven the existing  
278 connection is capable of supplying the needed hydraulic demand.

279 2. A county, municipality, special district, public  
280 utility, or private utility may not charge a water or sewer rate  
281 to a one-family or two-family dwelling that requires a larger  
282 water meter solely due to the installation of fire sprinklers  
283 above that which is charged to a one-family and two-family  
284 dwelling with a base meter. If the installation of fire  
285 sprinklers in a one-family or two-family dwelling requires the  
286 installation of a larger water meter, only the difference in  
287 actual cost between the base water meter and the larger water  
288 meter may be charged by the water utility provider.

289 Section 9. A local government may not require an owner of  
290 a residence to obtain a permit to paint such residence,  
291 regardless of whether the residence is owned by a limited  
292 liability company.

293 Section 10. The Department of Education, in conjunction  
294 with the Department of Economic Opportunity, shall develop a  
295 plan to implement the recommendations of the Construction  
296 Industry Workforce Task Force Report dated January 20, 2017. The  
297 Department of Education shall provide the plan to the  
298 Construction Industry Workforce Task Force on or before July 1,  
299 2018.

300 Section 11. CareerSource Florida, Inc., shall develop and

301 submit a plan to the Construction Industry Workforce Taskforce  
302 of the potential opportunities for training programs to  
303 implement the recommendations of the Construction Industry  
304 Workforce Taskforce Report dated January 20, 2017, using  
305 existing federal funds awarded to the corporation and using the  
306 previous statewide Florida ReBuilds program as an implementation  
307 model for such programs. CareerSource Florida, Inc., shall  
308 provide the plan to the Construction Industry Workforce  
309 Taskforce on or before July 1, 2018.

310 Section 12. The Florida Building Commission shall adopt an  
311 amendment to the Florida Building Code-Residential, relating to  
312 Door Components, to provide that, relating to substitution of  
313 door components, such components must either:

- 314 (1) Comply with ANSI/WMA 100; or  
315 (2) Be evaluated by an approved product evaluation entity,  
316 certification agency, testing laboratory, or engineer and may be  
317 interchangeable in exterior door assemblies if the components  
318 provide equal or greater structural performance as demonstrated  
319 by accepted engineering practices.

320 Section 13. This act shall take effect July 1, 2017.