



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. 489.103, F.S.; revising an
7 exemption from construction contracting regulation for
8 certain public utilities; deleting responsibility of
9 the Construction Industry Licensing Board to define
10 the term "incidental to their business" for certain
11 purposes; amending s. 553.79, F.S.; prohibiting a
12 political subdivision from adopting or enforcing
13 certain building permits or other development order
14 requirement; providing construction; providing for
15 preemption of certain local laws and regulations;
16 providing for retroactive applicability; providing an
17 exception; amending s. 468.603, F.S.; revising
18 definitions; amending s. 468.609, F.S.; revising
19 eligibility requirements for the examination for
20 certification as a building code inspector or plans
21 examiner to include an internship certification
22 program; removing an eligibility condition from
23 provisions related to provisional certificates;
24 requiring the Florida Building Code Administrators and
25 Inspectors Board to establish rules; amending s.



26 | 468.617, F.S.; authorizing specified entities to
27 | contract for the provision of building code
28 | administrator and building official services; amending
29 | s. 553.791, F.S.; conforming provisions to changes
30 | made by the act; revising a definition; requiring
31 | local jurisdictions to reduce certain permit fees;
32 | amending ss. 471.045 and 481.222, F.S.; conforming
33 | cross-references; amending s. 553.80, F.S.;
34 | prohibiting local enforcement agencies, independent
35 | districts, and special districts from charging certain
36 | fees; amending s. 553.73, F.S.; revising requirements
37 | for updating the Florida Building Code; providing that
38 | certain amendments to the Florida Building Code are
39 | not void under certain circumstances; providing that
40 | certain technical amendments are subject to review or
41 | modification; requiring the commission to adopt and
42 | update the Florida Building Code through certain
43 | review rather than by rule; revising requirements
44 | relating to the codes used to update the Florida
45 | Building Code; specifying minimum requirements for
46 | updates to the Florida Building Code; authorizing the
47 | commission to adopt as a technical amendment any
48 | portion of specified codes; conforming provisions to
49 | changes made by the act; prohibiting the Florida
50 | Building Commission from adopting certain code



51 provisions or standards; amending s. 553.76, F.S.;

52 authorizing the commission to adopt the Florida

53 Building Code and amendments thereto by a specified

54 number of votes; creating s. 553.9081, F.S.; requiring

55 the Florida Building Commission to amend certain

56 provisions of the Florida Building Code; amending s.

57 633.208, F.S.; prohibiting a county, municipality,

58 special taxing district, public utility, or private

59 utility from requiring a separate water connection or

60 charging a specified water or sewage rate under

61 certain conditions; prohibiting a local government

62 from requiring a permit for painting a residence;

63 requiring the Department of Education to develop a

64 plan for specified purposes; requiring Department of

65 Education to provide the plan to the Construction

66 Industry Workforce Task Force by a specified date;

67 requiring CareerSource Florida, Inc., to develop a

68 plan for specified purposes; requiring CareerSource

69 Florida, Inc., to provide the plan to the Construction

70 Industry Workforce Taskforce by a specified date;

71 requiring the Florida Building Commission to amend

72 specified provisions of the Florida Building Code

73 related to door components; amending s. 489.516, F.S.;

74 specifying that certain provisions do not prevent a

75 certified electrical or alarm system contractor from



76 acting as a prime contractor under certain
 77 circumstances; providing an effective date.

78
 79 Be It Enacted by the Legislature of the State of Florida:
 80

81 Section 1. Section 377.705, Florida Statutes, is amended
 82 to read:

83 377.705 Solar Energy Center; development of solar energy
 84 standards.—

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

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

88 ~~(a) Because of increases in the cost of conventional fuel,~~
 89 ~~certain applications of solar energy are becoming competitive,~~
 90 ~~particularly when life-cycle costs are considered. It is the~~
 91 ~~intent of the Legislature in formulating a sound and balanced~~
 92 ~~energy policy for the state to encourage the development of an~~
 93 ~~alternative energy capability in the form of incident solar~~
 94 ~~energy.~~

95 ~~(b) Toward this purpose,~~ The Legislature intends to
 96 ~~provide incentives for the production and sale of, and to set~~
 97 ~~standards for, solar energy systems. Such standards shall ensure~~
 98 that solar energy systems manufactured or sold within the state
 99 are effective and represent a high level of quality of
 100 materials, workmanship, and design.



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

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

104 (b) "Solar energy systems" means ~~is defined as~~ equipment
105 which provides for the collection and use of incident solar
106 energy for water heating, space heating or cooling, or other
107 applications which normally require or would require a
108 conventional source of energy such as petroleum products,
109 natural gas, or electricity and which performs primarily with
110 solar energy. In such other systems in which solar energy is
111 used in a supplemental way, only those components which collect
112 and transfer solar energy shall be included in this definition.

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

115 (a) The center shall develop and adopt ~~promulgate~~
116 standards for solar energy systems manufactured or sold in this
117 state based on the best currently available information and
118 shall consult with scientists, engineers, or persons in research
119 centers who are engaged in the construction of, experimentation
120 with, and research of solar energy systems to properly identify
121 the most reliable designs and types of solar energy systems.

122 (b) The center shall establish criteria for testing
123 performance of solar energy systems and shall maintain the
124 necessary capability for testing or evaluating performance of
125 solar energy systems. The center may accept results of tests on



126 solar energy systems made by other organizations, companies, or
127 persons if ~~when~~ such tests are conducted according to the
128 criteria established by the center and if ~~when~~ the testing
129 entity does not have a ~~has~~ ~~no~~ vested interest in the
130 manufacture, distribution, or sale of solar energy systems.

131 (c) The center shall be entitled to receive a testing fee
132 sufficient to cover the costs of such testing. All testing fees
133 shall be transmitted by the center to the Chief Financial
134 Officer to be deposited in the Solar Energy Center Testing Trust
135 Fund, which is ~~hereby~~ created in the State Treasury, and
136 disbursed for the payment of expenses incurred in testing solar
137 energy systems.

138 (d) All solar energy systems manufactured or sold in the
139 state must meet the standards established by the center and
140 shall display accepted results of approved performance tests in
141 a manner prescribed by the center, unless otherwise certified by
142 an engineer licensed pursuant to ch. 471 using the standards
143 contained in the most recent version of the Florida Building
144 Code.

145 Section 2. Subsection (5) of section 489.103, Florida
146 Statutes, is amended to read:

147 489.103 Exemptions.—This part does not apply to:

148 (5) Public utilities, including municipal gas utilities
149 and special gas districts as defined in chapter 189,
150 telecommunications companies as defined in s. 364.02(13), and



151 natural gas transmission companies as defined in s. 368.103(4),
152 on construction, maintenance, and development work performed by
153 their employees, ~~which work, including, but not limited to, work~~
154 ~~on bridges, roads, streets, highways, or railroads, is~~
155 ~~incidental to their business. The board shall define, by rule,~~
156 ~~the term "incidental to their business" for purposes of this~~
157 ~~subsection.~~

158 Section 3. Subsection (20) is added to section 553.79,
159 Florida Statutes, to read:

160 553.79 Permits; applications; issuance; inspections.-

161 (20) (a) A political subdivision of this state may not
162 adopt or enforce any ordinance or impose any building permit or
163 other development order requirement that:

164 1. Contains any building, construction, or aesthetic
165 requirement or condition that conflicts with or impairs
166 corporate trademarks, service marks, trade dress, logos, color
167 patterns, design scheme insignia, image standards, or other
168 features of corporate branding identity on real property or
169 improvements thereon used in activities conducted under chapter
170 526 or in carrying out business activities defined as a
171 franchise by Federal Trade Commission regulations in 16 C.F.R.
172 ss. 436.1, et. seq.; or

173 2. Imposes any requirement on the design, construction or
174 location of signage advertising the retail price of gasoline in
175 accordance with the requirements of ss. 526.111 and 526.121



176 which prevents the signage from being clearly visible and
177 legible to drivers of approaching motor vehicles from a vantage
178 point on any lane of traffic in either direction on a roadway
179 abutting the gas station premises and meets height, width, and
180 spacing standards for Series C, D, or E signs, as applicable,
181 published in the latest edition of Standard Alphabets for
182 Highway Signs published by the United States Department of
183 Commerce, Bureau of Public Roads, Office of Highway Safety.

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

186 (c) All such ordinances and requirements are hereby
187 preempted and superseded by general law. This subsection shall
188 apply retroactively.

189 (d) This subsection does not apply to property located in
190 a designated historic district.

191 Section 4. Section 468.603, Florida Statutes, is reordered
192 and amended to read:

193 468.603 Definitions.—As used in this part:

194 (2)~~(1)~~ "Building code administrator" or "building
195 official" means any of those employees of municipal or county
196 governments, or any person contracted, with building
197 construction regulation responsibilities who are charged with
198 the responsibility for direct regulatory administration or
199 supervision of plan review, enforcement, or inspection of
200 building construction, erection, repair, addition, remodeling,



201 demolition, or alteration projects that require permitting
202 indicating compliance with building, plumbing, mechanical,
203 electrical, gas, fire prevention, energy, accessibility, and
204 other construction codes as required by state law or municipal
205 or county ordinance. This term is synonymous with "building
206 official" as used in the ~~administrative chapter of the Standard~~
207 ~~Building Code and the South Florida Building Code~~. One person
208 employed or contracted by each municipal or county government as
209 a building code administrator or building official and who is so
210 certified under this part may be authorized to perform any plan
211 review or inspection for which certification is required by this
212 part, including performing any plan review or inspection as a
213 currently designated standard certified building official under
214 an interagency service agreement with a jurisdiction having a
215 population of 50,000 or less.

216 (4)-(2) "Building code inspector" means any of those
217 employees of local governments or state agencies, or any person
218 contracted, with building construction regulation
219 responsibilities who themselves conduct inspections of building
220 construction, erection, repair, addition, or alteration projects
221 that require permitting indicating compliance with building,
222 plumbing, mechanical, electrical, gas, fire prevention, energy,
223 accessibility, and other construction codes as required by state
224 law or municipal or county ordinance.

225 (1)-(3) "Board" means the Florida Building Code



226 Administrators and Inspectors Board.

227 (7)~~(4)~~ "Department" means the Department of Business and
228 Professional Regulation.

229 (6)~~(5)~~ "Certificate" means a certificate of qualification
230 issued by the department as provided in this part.

231 (5)~~(6)~~ "Categories of building code inspectors" include
232 the following:

233 (a) "Building inspector" means a person who is qualified
234 to inspect and determine that buildings and structures are
235 constructed in accordance with the provisions of the governing
236 building codes and state accessibility laws.

237 (b) "Coastal construction inspector" means a person who is
238 qualified to inspect and determine that buildings and structures
239 are constructed to resist near-hurricane and hurricane velocity
240 winds in accordance with the provisions of the governing
241 building code.

242 (c) "Commercial electrical inspector" means a person who
243 is qualified to inspect and determine the electrical safety of
244 commercial buildings and structures by inspecting for compliance
245 with the provisions of the National Electrical Code.

246 (h)~~(d)~~ "Residential electrical inspector" means a person
247 who is qualified to inspect and determine the electrical safety
248 of one and two family dwellings and accessory structures by
249 inspecting for compliance with the applicable provisions of the
250 governing electrical code.



251 (e) "Mechanical inspector" means a person who is qualified
252 to inspect and determine that the mechanical installations and
253 systems for buildings and structures are in compliance with the
254 provisions of the governing mechanical code.

255 (g)~~(f)~~ "Plumbing inspector" means a person who is
256 qualified to inspect and determine that the plumbing
257 installations and systems for buildings and structures are in
258 compliance with the provisions of the governing plumbing code.

259 (f)~~(g)~~ "One and two family dwelling inspector" means a
260 person who is qualified to inspect and determine that one and
261 two family dwellings and accessory structures are constructed in
262 accordance with the provisions of the governing building,
263 plumbing, mechanical, accessibility, and electrical codes.

264 (d)~~(h)~~ "Electrical inspector" means a person who is
265 qualified to inspect and determine the electrical safety of
266 commercial and residential buildings and accessory structures by
267 inspecting for compliance with the provisions of the National
268 Electrical Code.

269 (8)~~(7)~~ "Plans examiner" means a person who is qualified to
270 determine that plans submitted for purposes of obtaining
271 building and other permits comply with the applicable building,
272 plumbing, mechanical, electrical, gas, fire prevention, energy,
273 accessibility, and other applicable construction codes. The term
274 includes a residential plans examiner who is qualified to
275 determine that plans submitted for purposes of obtaining



276 | building and other permits comply with the applicable
277 | residential building, plumbing, mechanical, electrical, gas,
278 | energy, accessibility, and other applicable construction codes.

279 | Categories of plans examiners include:

280 | (a) Building plans examiner.

281 | (b) Plumbing plans examiner.

282 | (c) Mechanical plans examiner.

283 | (d) Electrical plans examiner.

284 | (3)~~(8)~~ "Building code enforcement official" or

285 | "enforcement official" means a licensed building code

286 | administrator, building code inspector, or plans examiner.

287 | Section 5. Paragraph (c) of subsection (2), paragraphs (a)

288 | and (d) of subsection (7), and subsection (10) of section

289 | 468.609, Florida Statutes, are amended to read:

290 | 468.609 Administration of this part; standards for

291 | certification; additional categories of certification.—

292 | (2) A person may take the examination for certification as

293 | a building code inspector or plans examiner pursuant to this

294 | part if the person:

295 | (c) Meets eligibility requirements according to one of the

296 | following criteria:

297 | 1. Demonstrates 5 years' combined experience in the field

298 | of construction or a related field, building code inspection, or

299 | plans review corresponding to the certification category sought;

300 | 2. Demonstrates a combination of postsecondary education



301 in the field of construction or a related field and experience
302 which totals 4 years, with at least 1 year of such total being
303 experience in construction, building code inspection, or plans
304 review;

305 3. Demonstrates a combination of technical education in
306 the field of construction or a related field and experience
307 which totals 4 years, with at least 1 year of such total being
308 experience in construction, building code inspection, or plans
309 review;

310 4. Currently holds a standard certificate issued by the
311 board or a firesafety inspector license issued pursuant to
312 chapter 633, has a minimum of 3 years' verifiable full-time
313 experience in inspection or plan review, and has satisfactorily
314 completed a building code inspector or plans examiner training
315 program that provides at least 100 hours but not more than 200
316 hours of cross-training in the certification category sought.
317 The board shall establish by rule criteria for the development
318 and implementation of the training programs. The board shall
319 accept all classroom training offered by an approved provider if
320 the content substantially meets the intent of the classroom
321 component of the training program;

322 5. Demonstrates a combination of the completion of an
323 approved training program in the field of building code
324 inspection or plan review and a minimum of 2 years' experience
325 in the field of building code inspection, plan review, fire code



326 inspections and fire plans review of new buildings as a
327 firesafety inspector certified under s. 633.216, or
328 construction. The approved training portion of this requirement
329 shall include proof of satisfactory completion of a training
330 program that provides at least 200 hours but not more than 300
331 hours of cross-training that is approved by the board in the
332 chosen category of building code inspection or plan review in
333 the certification category sought with at least 20 hours but not
334 more than 30 hours of instruction in state laws, rules, and
335 ethics relating to professional standards of practice, duties,
336 and responsibilities of a certificateholder. The board shall
337 coordinate with the Building Officials Association of Florida,
338 Inc., to establish by rule the development and implementation of
339 the training program. However, the board shall accept all
340 classroom training offered by an approved provider if the
341 content substantially meets the intent of the classroom
342 component of the training program; ~~or~~

343 6. Currently holds a standard certificate issued by the
344 board or a firesafety inspector license issued pursuant to
345 chapter 633 and:

346 a. Has at least 5 years' verifiable full-time experience
347 as an inspector or plans examiner in a standard certification
348 category currently held or has a minimum of 5 years' verifiable
349 full-time experience as a firesafety inspector licensed pursuant
350 to chapter 633.



351 b. Has satisfactorily completed a building code inspector
352 or plans examiner classroom training course or program that
353 provides at least 200 but not more than 300 hours in the
354 certification category sought, except for one-family and two-
355 family dwelling training programs, which must provide at least
356 500 but not more than 800 hours of training as prescribed by the
357 board. The board shall establish by rule criteria for the
358 development and implementation of classroom training courses and
359 programs in each certification category; or

360 7.a. Has completed a 4-year internship certification
361 program as a building code inspector or plans examiner while
362 employed full-time by a municipality, county, or other
363 governmental jurisdiction, under the direct supervision of a
364 certified building official. Proof of graduation with a related
365 vocational degree or college degree or of verifiable work
366 experience may be exchanged for the internship experience
367 requirement year-for-year, but may reduce the requirement to no
368 less than 1 year.

369 b. Has passed an examination administered by the
370 International Code Council in the certification category sought.
371 Such examination must be passed before beginning the internship
372 certification program.

373 c. Has passed the principles and practice examination
374 before completing the internship certification program.

375 d. Has passed a board-approved 40-hour code training



376 course in the certification category sought before completing
377 the internship certification program.

378 e. Has obtained a favorable recommendation from the
379 supervising building official after completion of the internship
380 certification program.

381 (7) (a) The board shall provide for the issuance of
382 provisional certificates valid for 1 year, as specified by board
383 rule, to any ~~newly employed or promoted~~ building code inspector
384 or plans examiner who meets the eligibility requirements
385 described in subsection (2) and any newly employed or promoted
386 building code administrator who meets the eligibility
387 requirements described in subsection (3). The provisional
388 license may be renewed by the board for just cause; however, a
389 provisional license is not valid for longer than 3 years.

390 (d) A ~~newly employed or hired~~ person may perform the
391 duties of a plans examiner or building code inspector for 120
392 days if a provisional certificate application has been submitted
393 if such person is under the direct supervision of a certified
394 building code administrator who holds a standard certification
395 and who has found such person qualified for a provisional
396 certificate. Direct supervision and the determination of
397 qualifications may also be provided by a building code
398 administrator who holds a limited or provisional certificate in
399 a county having a population of fewer than 75,000 and in a
400 municipality located within such county.



401 (10) (a) The board may by rule create categories of
402 certification in addition to those defined in s. 468.603(5) and
403 (8) ~~468.603(6) and (7)~~. Such certification categories shall not
404 be mandatory and shall not act to diminish the scope of any
405 certificate created by statute.

406 (b) The board shall by rule establish:

407 1. Reciprocity of certification with any other state that
408 requires an examination administered by the International Code
409 Council.

410 2. That an applicant for certification as a building code
411 inspector or plans examiner may apply for a provisional
412 certificate valid for the duration of the internship period.

413 3. That partial completion of an internship program may be
414 transferred between jurisdictions on a form prescribed by the
415 board.

416 4. That an applicant may apply for a standard certificate
417 on a form prescribed by the board upon successful completion of
418 an internship certification program.

419 5. That an applicant may apply for a standard certificate
420 at least 30 days and no more than 60 days before completing the
421 internship certification program.

422 6. That a building code inspector or plans examiner who
423 has standard certification may seek an additional certification
424 in another category by completing an additional nonconcurrent 1-
425 year internship program in the certification category sought and



426 passing an examination administered by the International Code
427 Council and a board-approved 40-hour code training course.

428 Section 6. Subsection (3) of section 468.617, Florida
429 Statutes, is amended to read:

430 468.617 Joint building code inspection department; other
431 arrangements.—

432 (3) Nothing in this part shall prohibit any county or
433 municipal government, school board, community college board,
434 state university, or state agency from entering into any
435 contract with any person or entity for the provision of building
436 code administrator, building official, or building code
437 inspection services regulated under this part, and
438 notwithstanding any other statutory provision, such county or
439 municipal governments may enter into contracts.

440 Section 7. Paragraphs (d) and (i) of subsection (1) and
441 subsection (2) of section 553.791, Florida Statutes, are amended
442 to read:

443 553.791 Alternative plans review and inspection.—

444 (1) As used in this section, the term:

445 (d) "Building code inspection services" means those
446 services described in s. 468.603(5) and (8) ~~468.603(6) and (7)~~
447 involving the review of building plans to determine compliance
448 with applicable codes and those inspections required by law of
449 each phase of construction for which permitting by a local
450 enforcement agency is required to determine compliance with



451 applicable codes.

452 (i) "Private provider" means a person licensed as a
453 building code administrator under part XII of chapter 468, as an
454 engineer under chapter 471, or as an architect under chapter
455 481. For purposes of performing inspections under this section
456 for additions and alterations that are limited to 1,000 square
457 feet or less to residential buildings, the term "private
458 provider" also includes a person who holds a standard
459 certificate under part XII of chapter 468.

460 (2) (a) Notwithstanding any other law or local government
461 ordinance or local policy, the fee owner of a building or
462 structure, or the fee owner's contractor upon written
463 authorization from the fee owner, may choose to use a private
464 provider to provide building code inspection services with
465 regard to such building or structure and may make payment
466 directly to the private provider for the provision of such
467 services. All such services shall be the subject of a written
468 contract between the private provider, or the private provider's
469 firm, and the fee owner or the fee owner's contractor, upon
470 written authorization of the fee owner. The fee owner may elect
471 to use a private provider to provide plans review or required
472 building inspections, or both. However, if the fee owner or the
473 fee owner's contractor uses a private provider to provide plans
474 review, the local building official, in his or her discretion
475 and pursuant to duly adopted policies of the local enforcement



476 agency, may require the fee owner or the fee owner's contractor
477 to use a private provider to also provide required building
478 inspections.

479 (b) It is the intent of the Legislature that owners and
480 contractors not be required to pay extra costs related to
481 building permitting requirements when hiring a private provider
482 for plans review and building inspections. A local jurisdiction
483 must calculate the cost savings to the local enforcement agency,
484 based on a fee owner or contractor hiring a private provider to
485 perform plans reviews and building inspections in lieu of the
486 local building official, and reduce the permit fees accordingly.

487 Section 8. Section 471.045, Florida Statutes, is amended
488 to read:

489 471.045 Professional engineers performing building code
490 inspector duties.—Notwithstanding any other provision of law, a
491 person who is currently licensed under this chapter to practice
492 as a professional engineer may provide building code inspection
493 services described in s. 468.603(5) and (8) ~~468.603(6) and (7)~~
494 to a local government or state agency upon its request, without
495 being certified by the Florida Building Code Administrators and
496 Inspectors Board under part XII of chapter 468. When performing
497 these building code inspection services, the professional
498 engineer is subject to the disciplinary guidelines of this
499 chapter and s. 468.621(1)(c)-(h). Any complaint processing,
500 investigation, and discipline that arise out of a professional



501 engineer's performing building code inspection services shall be
502 conducted by the Board of Professional Engineers rather than the
503 Florida Building Code Administrators and Inspectors Board. A
504 professional engineer may not perform plans review as an
505 employee of a local government upon any job that the
506 professional engineer or the professional engineer's company
507 designed.

508 Section 9. Section 481.222, Florida Statutes, is amended
509 to read:

510 481.222 Architects performing building code inspection
511 services.—Notwithstanding any other provision of law, a person
512 who is currently licensed to practice as an architect under this
513 part may provide building code inspection services described in
514 s. 468.603(5) and (8) ~~468.603(6) and (7)~~ to a local government
515 or state agency upon its request, without being certified by the
516 Florida Building Code Administrators and Inspectors Board under
517 part XII of chapter 468. With respect to the performance of such
518 building code inspection services, the architect is subject to
519 the disciplinary guidelines of this part and s. 468.621(1)(c)-
520 (h). Any complaint processing, investigation, and discipline
521 that arise out of an architect's performance of building code
522 inspection services shall be conducted by the Board of
523 Architecture and Interior Design rather than the Florida
524 Building Code Administrators and Inspectors Board. An architect
525 may not perform plans review as an employee of a local



526 government upon any job that the architect or the architect's
527 company designed.

528 Section 10. Paragraph (d) of subsection (7) of section
529 553.80, Florida Statutes, is amended to read:

530 553.80 Enforcement.—

531 (7) The governing bodies of local governments may provide
532 a schedule of reasonable fees, as authorized by s. 125.56(2) or
533 s. 166.222 and this section, for enforcing this part. These
534 fees, and any fines or investment earnings related to the fees,
535 shall be used solely for carrying out the local government's
536 responsibilities in enforcing the Florida Building Code. When
537 providing a schedule of reasonable fees, the total estimated
538 annual revenue derived from fees, and the fines and investment
539 earnings related to the fees, may not exceed the total estimated
540 annual costs of allowable activities. Any unexpended balances
541 shall be carried forward to future years for allowable
542 activities or shall be refunded at the discretion of the local
543 government. The basis for a fee structure for allowable
544 activities shall relate to the level of service provided by the
545 local government and shall include consideration for refunding
546 fees due to reduced services based on services provided as
547 prescribed by s. 553.791, but not provided by the local
548 government. Fees charged shall be consistently applied.

549 (d) The local enforcement agency, independent district, or
550 special district may not require at any time, including at the



551 time of application for a permit, the payment of any additional
552 fees, charges, or expenses associated with:

- 553 1. Providing proof of licensure pursuant to chapter 489;
554 2. Recording or filing a license issued pursuant to this
555 chapter; or
556 3. Providing, recording, or filing evidence of workers'
557 compensation insurance coverage as required by chapter 440.

558 Section 11. Subsection (3) of section 553.73, Florida
559 Statutes, is amended, paragraph (d) is added to subsection (4)
560 of that section, subsections (7) and (8) and paragraphs (a) and
561 (b) of subsection (9) of that section are amended, and
562 subsection (20) is added to that section, to read:

563 553.73 Florida Building Code.—

564 (3) The commission shall use the International Codes
565 published by the International Code Council, the National
566 Electric Code (NFPA 70), or other nationally adopted model codes
567 and standards for updates to ~~needed to develop the base code in~~
568 ~~Florida to form the foundation for~~ the Florida Building Code.
569 The ~~Florida Building~~ commission may approve technical amendments
570 to the code as provided in, ~~subject to~~ subsections (8) and (9),
571 ~~after the amendments have been~~ subject to all of the following
572 conditions:

573 (a) The proposed amendment must have ~~has~~ been published on
574 the commission's website for a minimum of 45 days and all the
575 associated documentation must have ~~has~~ been made available to



576 any interested party before ~~any~~ consideration by a technical
577 advisory committee.~~†~~

578 (b) In order for a technical advisory committee to make a
579 favorable recommendation to the commission, the proposal must
580 receive a two-thirds ~~three-fourths~~ vote of the members present
581 at the ~~technical advisory committee~~ meeting. ~~and~~ At least half
582 of the regular members must be present in order to conduct a
583 meeting.~~†~~

584 (c) After the technical advisory committee has considered
585 and recommended ~~consideration and a recommendation for~~ approval
586 of any proposed amendment, the proposal must be published on the
587 commission's website for at least 45 days before ~~any~~
588 consideration by the commission.~~†~~ ~~and~~

589 (d) A proposal may be modified by the commission based on
590 public testimony and evidence from a public hearing held in
591 accordance with chapter 120.

592
593 The commission shall incorporate within ~~sections of~~ the Florida
594 Building Code provisions that ~~which~~ address regional and local
595 concerns and variations. The commission shall make every effort
596 to minimize conflicts between the Florida Building Code, the
597 Florida Fire Prevention Code, and the Life Safety Code.

598 (4)

599 (d) A technical amendment to the Florida Building Code
600 related to water conservation practices or design criteria



601 adopted by a local government pursuant to this subsection is not
602 rendered void when the code is updated if the technical
603 amendment is necessary to protect or provide for more efficient
604 use of water resources as provided in s. 373.621. However, any
605 such technical amendment carried forward into the next edition
606 of the code pursuant to this paragraph is subject to review or
607 modification as provided in this part.

608 (7) (a) ~~The commission, by rule adopted pursuant to ss.~~
609 ~~120.536(1) and 120.54,~~ shall adopt an updated ~~update the~~ Florida
610 Building Code every 3 years through review of. ~~When updating the~~
611 ~~Florida Building Code, the commission shall select the most~~
612 ~~current~~ updates ~~version~~ of the International Building Code, the
613 International Fuel Gas Code, International Existing Building
614 Code, the International Mechanical Code, the International
615 Plumbing Code, and the International Residential Code, all of
616 which are copyrighted and published by ~~adopted~~ by the
617 International Code Council, and the National Electrical Code,
618 which is copyrighted and published ~~adopted~~ by the National Fire
619 Protection Association. At a minimum, the commission shall adopt
620 any updates to such codes or any other code necessary to
621 maintain eligibility for federal funding and discounts from the
622 National Flood Insurance Program, the Federal Emergency
623 Management Agency, and the United States Department of Housing
624 and Urban Development, ~~to form the foundation codes of the~~
625 ~~updated Florida Building Code, if the version has been adopted~~



626 ~~by the applicable model code entity.~~ The commission shall also
627 review and adopt updates based on select the most current
628 ~~version of~~ the International Energy Conservation Code (IECC) ~~as~~
629 ~~a foundation code; however, the IECC shall be modified by the~~
630 commission shall ~~to~~ maintain the efficiencies of the Florida
631 Energy Efficiency Code for Building Construction adopted and
632 amended pursuant to s. 553.901. The commission shall adopt
633 updated codes by rule.

634 (b) Codes regarding noise contour lines shall be reviewed
635 annually, and the most current federal guidelines shall be
636 adopted.

637 (c) The commission may adopt as a technical amendment to
638 the Florida Building Code ~~modify~~ any portion of the ~~foundation~~
639 codes identified in paragraph (a), but only as needed to
640 accommodate the specific needs of this state. Standards or
641 criteria adopted from these ~~referenced by the~~ codes shall be
642 incorporated by reference to the specific provisions adopted. If
643 a referenced standard or criterion requires amplification or
644 modification to be appropriate for use in this state, only the
645 amplification or modification shall be set forth in the Florida
646 Building Code. The commission may approve technical amendments
647 to the updated Florida Building Code after the amendments have
648 been subject to the conditions set forth in paragraphs (3)(a)-
649 (d). Amendments that ~~to the foundation codes which~~ are adopted
650 in accordance with this subsection shall be clearly marked in



651 printed versions of the Florida Building Code so that the fact
652 that the provisions are ~~Florida-specific~~ amendments ~~to the~~
653 ~~foundation codes~~ is readily apparent.

654 (d) The commission shall further consider the commission's
655 own interpretations, declaratory statements, appellate
656 decisions, and approved statewide and local technical amendments
657 and shall incorporate such interpretations, statements,
658 decisions, and amendments into the updated Florida Building Code
659 only to the extent that they are needed to ~~modify the foundation~~
660 ~~codes~~ to accommodate the specific needs of the state. A change
661 made by an institute or standards organization to any standard
662 or criterion that is adopted by reference in the Florida
663 Building Code does not become effective statewide until it has
664 been adopted by the commission. Furthermore, the edition of the
665 Florida Building Code which is in effect on the date of
666 application for any permit authorized by the code governs the
667 permitted work for the life of the permit and any extension
668 granted to the permit.

669 (e) A rule updating the Florida Building Code in
670 accordance with this subsection shall take effect no sooner than
671 6 months after publication of the updated code. Any amendment to
672 the Florida Building Code which is adopted upon a finding by the
673 commission that the amendment is necessary to protect the public
674 from immediate threat of harm takes effect immediately.

675 (f) Provisions of the Florida Building Code ~~foundation~~



676 ~~codes~~, including those contained in referenced standards and
677 criteria, relating to wind resistance or the prevention of water
678 intrusion may not be modified to diminish those construction
679 requirements; however, the commission may, subject to conditions
680 in this subsection, modify the provisions to enhance those
681 construction requirements.

682 ~~(g) Amendments or modifications to the foundation code~~
683 ~~pursuant to this subsection shall remain effective only until~~
684 ~~the effective date of a new edition of the Florida Building Code~~
685 ~~every third year. Amendments or modifications related to state~~
686 ~~agency regulations which are adopted and integrated into an~~
687 ~~edition of the Florida Building Code shall be carried forward~~
688 ~~into the next edition of the code, subject to modification as~~
689 ~~provided in this part. Amendments or modifications related to~~
690 ~~the wind-resistance design of buildings and structures within~~
691 ~~the high-velocity hurricane zone of Miami-Dade and Broward~~
692 ~~Counties which are adopted to an edition of the Florida Building~~
693 ~~Code do not expire and shall be carried forward into the next~~
694 ~~edition of the code, subject to review or modification as~~
695 ~~provided in this part. If amendments that expire pursuant to~~
696 ~~this paragraph are resubmitted through the Florida Building~~
697 ~~commission code adoption process, the amendments must~~
698 ~~specifically address whether:~~

699 ~~1. The provisions contained in the proposed amendment are~~
700 ~~addressed in the applicable international code.~~



701 ~~2. The amendment demonstrates by evidence or data that the~~
702 ~~geographical jurisdiction of Florida exhibits a need to~~
703 ~~strengthen the foundation code beyond the needs or regional~~
704 ~~variations addressed by the foundation code, and why the~~
705 ~~proposed amendment applies to this state.~~

706 ~~3. The proposed amendment was submitted or attempted to be~~
707 ~~included in the foundation codes to avoid resubmission to the~~
708 ~~Florida Building Code amendment process.~~

709
710 ~~If the proposed amendment has been addressed in the~~
711 ~~international code in a substantially equivalent manner, the~~
712 ~~Florida Building commission may not include the proposed~~
713 ~~amendment in the foundation Code.~~

714 (8) Notwithstanding ~~the provisions of~~ subsection (3) or
715 subsection (7), the commission may address issues identified in
716 this subsection by amending the code pursuant ~~only~~ to the rule
717 adoption procedures ~~contained~~ in chapter 120. ~~Provisions of~~
718 Updates to the Florida Building Code, including provisions those
719 contained in referenced standards and criteria which relate,
720 ~~relating~~ to wind resistance or the prevention of water
721 intrusion, may not be amended pursuant to this subsection to
722 diminish those standards ~~construction requirements~~; however, the
723 commission may, ~~subject to conditions in this subsection,~~ amend
724 the Florida Building Code the provisions to enhance such
725 standards ~~those construction requirements~~. Following the



726 approval of any amendments to the Florida Building Code by the
727 commission and publication of the amendments on the commission's
728 website, authorities having jurisdiction to enforce the Florida
729 Building Code may enforce the amendments. The commission may
730 approve amendments that are needed to address:

731 (a) Conflicts within the updated code;

732 (b) Conflicts between the updated code and the Florida
733 Fire Prevention Code adopted pursuant to chapter 633;

734 (c) Unintended results from the integration of previously
735 adopted ~~Florida-specific~~ amendments with the model code;

736 (d) Equivalency of standards;

737 (e) Changes to or inconsistencies with federal or state
738 law; or

739 (f) Adoption of an updated edition of the National
740 Electrical Code if the commission finds that delay of
741 implementing the updated edition causes undue hardship to
742 stakeholders or otherwise threatens the public health, safety,
743 and welfare.

744 (9) (a) The commission may approve technical amendments to
745 the Florida Building Code once each year for statewide or
746 regional application upon a finding that the amendment:

747 1. Is needed in order to accommodate the specific needs of
748 this state.

749 2. Has a reasonable and substantial connection with the
750 health, safety, and welfare of the general public.



751 3. Strengthens or improves the Florida Building Code, or
752 in the case of innovation or new technology, will provide
753 equivalent or better products or methods or systems of
754 construction.

755 4. Does not discriminate against materials, products,
756 methods, or systems of construction of demonstrated
757 capabilities.

758 5. Does not degrade the effectiveness of the Florida
759 Building Code.

760

761 The Florida Building Commission may approve technical amendments
762 to the code once each year to incorporate into the Florida
763 Building Code its own interpretations of the code which are
764 embodied in its opinions, final orders, declaratory statements,
765 and interpretations of hearing officer panels under s.

766 553.775(3)(c), but only to the extent that the incorporation of
767 interpretations is needed to modify the code ~~foundation codes~~ to
768 accommodate the specific needs of this state. Amendments
769 approved under this paragraph shall be adopted by rule after the
770 amendments have been subjected to subsection (3).

771 (b) A proposed amendment must include a fiscal impact
772 statement that documents the costs and benefits of the proposed
773 amendment. Criteria for the fiscal impact statement shall be
774 established by rule by the commission and shall include the
775 impact to local government relative to enforcement, the impact



776 to property and building owners, and the impact to industry,
777 relative to the cost of compliance. The amendment must
778 demonstrate by evidence or data that the state's geographical
779 jurisdiction exhibits a need to strengthen the ~~foundation~~ code
780 beyond the needs or regional variations addressed by the
781 ~~foundation~~ code and why the proposed amendment applies to this
782 state.

783 (20) The Florida Building Commission may not:

784 (a) Adopt the 2016 version of the American Society of
785 Heating, Refrigerating and Air-Conditioning Engineers Standard
786 9.4.1.1(g).

787 (b) Adopt any provision that requires a door located in
788 the opening between a garage and a single-family residence to be
789 equipped with a self-closing device.

790 Section 12. Subsection (2) of section 553.76, Florida
791 Statutes, is amended to read:

792 553.76 General powers of the commission.—The commission is
793 authorized to:

794 (2) Issue memoranda of procedure for its internal
795 management and control. The commission may adopt rules related
796 to its consensus-based decisionmaking process, including, but
797 not limited to, super majority voting requirements ~~for~~
798 ~~commission actions relating to the adoption of the Florida~~
799 ~~Building Code or amendments to the code.~~ However, the commission
800 must adopt the Florida Building Code, and amendments thereto, by



801 at least a two-thirds vote of the members present at a meeting.

802 Section 13. Section 553.9081, Florida Statutes, is created
803 to read:

804 553.9081 Florida Building Code; required amendments.—The
805 Florida Building Commission shall amend the Florida Building
806 Code—Energy Conservation to:

807 (1) (a) Eliminate duplicative commissioning reporting
808 requirements for HVAC and electrical systems; and

809 (b) Authorize commissioning reports to be provided by a
810 licensed design professional, electrical engineer, or mechanical
811 engineer.

812 (2) Prohibit the adoption of American Society of Heating,
813 Refrigerating and Air-Conditioning Engineers Standard
814 9.4.1.1(g) .

815 Section 14. Subsection (8) of section 633.208, Florida
816 Statutes, is amended to read:

817 633.208 Minimum firesafety standards.—

818 (8) (a) The provisions of the Life Safety Code, as
819 contained in the Florida Fire Prevention Code, do not apply to
820 one-family and two-family dwellings. However, fire sprinkler
821 protection may be permitted by local government in lieu of other
822 fire protection-related development requirements for such
823 structures. While local governments may adopt fire sprinkler
824 requirements for one-family ~~one-~~ and two-family dwellings under
825 this subsection, it is the intent of the Legislature that the



826 economic consequences of the fire sprinkler mandate on home
827 owners be studied before the enactment of such a requirement.
828 After the effective date of this act, any local government that
829 desires to adopt a fire sprinkler requirement on one-family ~~one-~~
830 or two-family dwellings must prepare an economic cost and
831 benefit report that analyzes the application of fire sprinklers
832 to one-family ~~one-~~ or two-family dwellings or any proposed
833 residential subdivision. The report must consider the tradeoffs
834 and specific cost savings and benefits of fire sprinklers for
835 future owners of property. The report must include an assessment
836 of the cost savings from any reduced or eliminated impact fees
837 if applicable, the reduction in special fire district tax,
838 insurance fees, and other taxes or fees imposed, and the waiver
839 of certain infrastructure requirements including the reduction
840 of roadway widths, the reduction of water line sizes, increased
841 fire hydrant spacing, increased dead-end roadway length, and a
842 reduction in cul-de-sac sizes relative to the costs from fire
843 sprinkling. A failure to prepare an economic report shall result
844 in the invalidation of the fire sprinkler requirement to any
845 one-family ~~one-~~ or two-family dwelling or any proposed
846 subdivision. In addition, a local jurisdiction or utility may
847 not charge any additional fee, above what is charged to a non-
848 fire sprinklered dwelling, on the basis that a one-family ~~one-~~
849 or two-family dwelling unit is protected by a fire sprinkler
850 system.



851 (b)1. A county, municipality, special taxing district,
852 public utility, or private utility may not require an impact fee
853 or payment for a separate water connection for a one-family or
854 two-family dwelling fire sprinkler system if the capacity
855 required is hydraulically available at the property line. The
856 accountholder of the one-family or two-family dwelling must
857 notify the county, municipality, special district, public
858 utility, or private utility of the installation of the separate
859 water connection in the applicable permit. The separate water
860 connection may only be used for one-family or two-family
861 dwelling fire sprinkler systems and if used for other purposes,
862 full base and volume charges may be applied.

863 2. A county, municipality, special district, public
864 utility, or private utility may not charge a water or sewer rate
865 to a one-family or two-family dwelling that requires a larger
866 water meter solely due to the installation of fire sprinklers
867 above that which is charged to a one-family and two-family
868 dwelling with a base meter. If the installation of fire
869 sprinklers in a one-family or two-family dwelling requires the
870 installation of a larger water meter, only the difference in
871 actual cost between the base water meter and the larger water
872 meter may be charged by the water utility provider.

873 Section 15. A local government may not require an owner of
874 a residence to obtain a permit to paint such residence,
875 regardless of whether the residence is owned by a limited



876 liability company.

877 Section 16. The Department of Education, in conjunction
878 with the Department of Economic Opportunity, shall develop a
879 plan to implement the recommendations of the Construction
880 Industry Workforce Task Force Report dated January 20, 2017. The
881 Department of Education shall provide the plan to the
882 Construction Industry Workforce Task Force on or before July 1,
883 2018.

884 Section 17. CareerSource Florida, Inc., shall develop and
885 submit a plan to the Construction Industry Workforce Taskforce
886 of the potential opportunities for training programs to
887 implement the recommendations of the Construction Industry
888 Workforce Taskforce Report dated January 20, 2017, using
889 existing federal funds awarded to the corporation and using the
890 previous statewide Florida ReBuilds program as an implementation
891 model for such programs. CareerSource Florida, Inc., shall
892 provide the plan to the Construction Industry Workforce
893 Taskforce on or before July 1, 2018.

894 Section 18. The Florida Building Commission shall adopt an
895 amendment to the Florida Building Code-Residential, relating to
896 Door Components, to provide that, relating to substitution of
897 door components, such components must either:

898 (1) Comply with ANSI/WMA 100; or

899 (2) Be evaluated by an approved product evaluation entity,
900 certification agency, testing laboratory, or engineer and may be



901 interchangeable in exterior door assemblies if the components
902 provide equal or greater structural performance as demonstrated
903 by accepted engineering practices.

904 Section 19. Present subsection (5) of section 489.516,
905 Florida Statutes, is renumbered as subsection (6), and a new
906 subsection (5) is added to that section, to read:

907 489.516 Qualifications to practice; restrictions;
908 prerequisites.—

909 (5) This part does not prevent any certified electrical or
910 alarm system contractor from acting as a prime contractor when
911 the majority of the work to be performed under the contract is
912 within the scope of his or her license or from subcontracting to
913 other licensed contractors any remaining work that is part of
914 the project contracted.

915 Section 20. This act shall take effect July 1, 2017.