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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: SENA1/C
04/30/2014 01:43 PM	.	05/02/2014 01:25 PM
	.	

Senator Simpson moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

162.12 Notices.—

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

(a) Certified mail, and at the option of the local
government return receipt requested, to the address listed in



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12 the tax collector's office for tax notices or to the address
13 listed in the county property appraiser's database. The local
14 government may also provide an additional notice to any other
15 address it may find for the property owner. For property owned
16 by a corporation, notices may be provided by certified mail to
17 the registered agent of the corporation. If any notice sent by
18 certified mail is not signed as received within 30 days after
19 the postmarked date of mailing, notice may be provided by
20 posting as described in subparagraphs (2)(b)1. and 2.;

21 (b) Hand delivery by the sheriff or other law enforcement
22 officer, code inspector, or other person designated by the local
23 governing body;

24 (c) Leaving the notice at the violator's usual place of
25 residence with any person residing therein who is above 15 years
26 of age and informing such person of the contents of the notice;
27 or

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

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

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

40 2. Proof of publication shall be made as provided in ss.



41 50.041 and 50.051.

42 (b)1. In lieu of publication as described in paragraph (a),
43 such notice may be posted at least 10 days prior to the hearing,
44 or prior to the expiration of any deadline contained in the
45 notice, in at least two locations, one of which shall be the
46 property upon which the violation is alleged to exist and the
47 other of which shall be, in the case of municipalities, at the
48 primary municipal government office, and in the case of
49 counties, at the front door of the courthouse or the main county
50 governmental center in said county.

51 2. Proof of posting shall be by affidavit of the person
52 posting the notice, which affidavit shall include a copy of the
53 notice posted and the date and places of its posting.

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

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

63 Section 2. Paragraph (b) of subsection (3) of section
64 373.323, Florida Statutes, is amended to read:

65 373.323 Licensure of water well contractors; application,
66 qualifications, and examinations; equipment identification.-

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



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

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

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

78 ~~b. A water well driller.~~

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

80 ~~d. a water well inspector employed by a governmental~~
81 agency.

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

87 a. The name and address of the owner or owners of each
88 well.

89 b. The location, primary use, and approximate depth and
90 diameter of each well that the applicant has constructed,
91 repaired, or abandoned.

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

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

98 377.6015 Department of Agriculture and Consumer Services;



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99 powers and duties.-

100 (2) The department shall:

101 ~~(c) Represent Florida in the Southern States Energy Compact~~
102 ~~pursuant to ss. 377.71-377.712.~~

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

105 377.703 Additional functions of the Department of
106 Agriculture and Consumer Services.-

107 (2) DUTIES.-The department shall perform the following
108 functions, unless as otherwise provided, consistent with the
109 development of a state energy policy:

110 (f) The department shall submit an annual report to the
111 Governor and the Legislature reflecting its activities and
112 making recommendations for ~~of~~ policies for improvement of the
113 state's response to energy supply and demand and its effect on
114 the health, safety, and welfare of the residents of this state
115 ~~people of Florida~~. The report must ~~shall~~ include a report from
116 the Florida Public Service Commission on electricity and natural
117 gas and information on energy conservation programs conducted
118 and underway in the past year and ~~shall~~ include recommendations
119 for energy efficiency and conservation programs for the state,
120 including, ~~but not limited to, the following factors:~~

121 1. Formulation of specific recommendations for improvement
122 in the efficiency of energy utilization in governmental,
123 residential, commercial, industrial, and transportation sectors.

124 2. Collection and dissemination of information relating to
125 energy efficiency and conservation.

126 3. Development and conduct of educational and training
127 programs relating to energy efficiency and conservation.



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

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

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

136 2. Aiding and promoting the commercialization of renewable
137 energy resources ~~solar energy technology~~, in cooperation with
138 the Florida Energy Systems Consortium, the Florida Solar Energy
139 Center, Enterprise Florida, Inc., and any other federal, state,
140 or local governmental agency that ~~which~~ may seek to promote
141 research, development, and the demonstration of renewable ~~solar~~
142 energy equipment and technology.

143 3. Identifying barriers to greater use of renewable energy
144 resources ~~solar energy systems~~ in this state, and developing
145 specific recommendations for overcoming identified barriers,
146 with findings and recommendations to be submitted annually in
147 the report to the Governor and Legislature required under
148 paragraph (f).

149 4. In cooperation with the Department of Environmental
150 Protection, the Department of Transportation, the Department of
151 Economic Opportunity, Enterprise Florida, Inc., the Florida
152 Energy Systems Consortium, the Florida Solar Energy Center, and
153 the Florida Solar Energy Industries Association, investigating
154 opportunities, pursuant to the national Energy Policy Act of
155 1992, the Housing and Community Development Act of 1992, and any
156 subsequent federal legislation, for renewable energy resources,



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157 ~~solar~~ electric vehicles, and other renewable ~~solar~~ energy
158 manufacturing, distribution, installation, and financing efforts
159 that ~~which will~~ enhance this state's position as the leader in
160 renewable ~~solar~~ energy research, development, and use.

161 5. Undertaking other initiatives to advance the development
162 and use of renewable energy resources in this state.

163

164 In the exercise of its responsibilities under this paragraph,
165 the department shall seek the assistance of the renewable ~~solar~~
166 energy industry in this state and other interested parties and
167 may ~~is authorized to~~ enter into contracts, retain professional
168 consulting services, and expend funds appropriated by the
169 Legislature for such purposes.

170 (i) The department shall promote energy efficiency and
171 conservation in all energy use sectors throughout the state and
172 be ~~shall constitute~~ the state agency primarily responsible for
173 this function. The Department of Management Services, in
174 consultation with the department, shall coordinate the energy
175 conservation programs of all state agencies and review and
176 comment on the energy conservation programs of all state
177 agencies.

178 Section 5. Section 377.712, Florida Statutes, is amended to
179 read:

180 377.712 Florida participation.—

181 (1) (a) The Governor shall appoint one member of the
182 Southern States Energy Board. The member or the Governor may
183 designate another person as the deputy or assistant to such
184 member.

185 (b) The Commissioner of Agriculture may appoint one member



186 of the Southern States Energy Board. The member or the
187 commissioner may designate another person as the assistant or
188 deputy to such member.

189 (c) ~~(b)~~ The President of the Senate shall appoint one member
190 of the Southern States Energy Board. The member or the president
191 may designate another person as the assistant or deputy to such
192 member.

193 (d) ~~(e)~~ The Speaker of the House of Representatives shall
194 appoint one member of the Southern States Energy Board. The
195 member or the speaker may designate another person as the
196 assistant or deputy to such member.

197 (2) Any supplementary agreement entered into under s.
198 377.711(6) requiring the expenditure of funds may ~~shall~~ not
199 become effective as to Florida until the required funds are
200 appropriated by the Legislature.

201 (3) Departments, agencies, and officers of this state, and
202 its subdivisions are authorized to cooperate with the board in
203 the furtherance of ~~any of~~ its activities pursuant to the
204 compact, provided such proposed activities have been made known
205 to, and have the approval of, ~~either~~ the Governor or the member
206 appointed by the Governor ~~Department of Health~~.

207 Section 6. Section 377.801, Florida Statutes, is amended to
208 read:

209 377.801 Short title.—Sections 377.801-377.804 ~~377.801-~~
210 ~~377.807~~ may be cited as the "Florida Energy and Climate
211 Protection Act."

212 Section 7. Section 377.802, Florida Statutes, is amended to
213 read:

214 377.802 Purpose.—This act is intended to provide incentives



215 for Florida's citizens, businesses, school districts, and local
216 governments to take action to diversify the state's energy
217 supplies, reduce dependence on foreign oil, and mitigate the
218 effects of climate change by providing funding for activities
219 designed to achieve these goals. The grant programs in this act
220 are intended to stimulate capital investment in and enhance the
221 market for renewable energy technologies and technologies
222 intended to diversify Florida's energy supplies, reduce
223 dependence on foreign oil, and combat or limit climate change
224 impacts. ~~This act is also intended to provide incentives for the~~
225 ~~purchase of energy efficient appliances and rebates for solar~~
226 ~~energy equipment installations for residential and commercial~~
227 ~~buildings.~~

228 Section 8. Section 377.803, Florida Statutes, is amended to
229 read:

230 377.803 Definitions.—As used in ss. 377.801-377.804 ~~ss.~~
231 ~~377.801-377.807~~, the term:

232 (1) "Act" means the Florida Energy and Climate Protection
233 Act.

234 (2) "Department" means the Department of Agriculture and
235 Consumer Services.

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

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



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

246 ~~(6) "Solar energy system" means equipment that provides for~~
247 ~~the collection and use of incident solar energy for water~~
248 ~~heating, space heating or cooling, or other applications that~~
249 ~~would normally require a conventional source of energy such as~~
250 ~~petroleum products, natural gas, or electricity that performs~~
251 ~~primarily with solar energy. In other systems in which solar~~
252 ~~energy is used in a supplemental way, only those components that~~
253 ~~collect and transfer solar energy shall be included in this~~
254 ~~definition.~~

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

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

259 Section 9. Sections 377.806 and 377.807, Florida Statutes,
260 are repealed.

261 Section 10. Section 377.815, Florida Statutes, is created
262 to read:

263 377.815 Alternative fueling stations and electric vehicle
264 charging stations.—The Department of Agriculture and Consumer
265 Services may post information on its website relating to
266 alternative fueling stations or electric vehicle charging
267 stations that are available for public use in this state.

268 (1) As used in this section, the term "alternative fuel"
269 means nontraditional transportation fuel, such as pure methanol,
270 ethanol, and other alcohols; blends of 85 percent or more of
271 alcohol with gasoline; natural gas and liquid fuels domestically
272 produced from natural gas; liquefied petroleum gas; coal-derived



273 liquid fuels; hydrogen; electricity; pure biodiesel; fuels,
274 other than alcohol, derived from biological materials; and P-
275 series fuels.

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

279 (a) The type of alternative fuel available;

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

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

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

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

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

289 Section 11. Section 377.816, Florida Statutes, is created
290 to read:

291 377.816 Qualified energy conservation bond allocation.-

292 (1) DEFINITIONS.-As used in this section, the term:

293 (a) "Eligible issuer" means an entity that is created under
294 or pursuant to the constitution or laws of this state and that
295 is authorized by this state to issue bonds or enter into a
296 lease-purchase agreement, or any other entity in this state
297 authorized to issue qualified energy conservation bonds pursuant
298 to the Internal Revenue Code.

299 (b) "Office" means the Office of Energy within the
300 Department of Agriculture and Consumer Services.

301 (c) "Qualified energy conservation bond" means a bond



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302 described in 26 U.S.C. s. 54D(a).

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

305 (2) ALLOCATION OF STATE VOLUME LIMITATION.-

306 (a) The office shall establish an allocation program for
307 allocating or reallocating the qualified energy conservation
308 bond volume limitation provided by 26 U.S.C. s. 54D. The
309 allocation program must provide notification of all mandatory
310 allocations required or authorized pursuant to the Internal
311 Revenue Code.

312 1. All mandatory allocations pursuant to 26 U.S.C. s.
313 54D(e) (2) (A) shall be allocated to eligible issuers as provided
314 therein.

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

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

323 (c) Each eligible issuer receiving an allocation shall
324 notify the department in writing of the amount of bonds issued
325 and any other information relating to the bonds or the
326 allocation at such time and in such manner as is required by the
327 office.

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



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

336 Section 12. Section 440.103, Florida Statutes, is amended
337 to read:

338 440.103 Building permits; identification of minimum premium
339 policy.—Every employer shall, as a condition to applying for and
340 receiving a building permit, show proof and certify to the
341 permit issuer that it has secured compensation for its employees
342 under this chapter as provided in ss. 440.10 and 440.38. Such
343 proof of compensation must be evidenced by a certificate of
344 coverage issued by the carrier, a valid exemption certificate
345 approved by the department, or a copy of the employer's
346 authority to self-insure and shall be presented, electronically
347 or physically, each time the employer applies for a building
348 permit. As provided in s. 553.79(19), for the purpose of
349 inspection and record retention, site plans or building permits
350 may be maintained at the worksite in the original form or in the
351 form of an electronic copy. These plans and permits must be open
352 to inspection by the building official or a duly authorized
353 representative, as required by the Florida Building Code. As
354 provided in s. 627.413(5), each certificate of coverage must
355 show, on its face, whether or not coverage is secured under the
356 minimum premium provisions of rules adopted by rating
357 organizations licensed pursuant to s. 627.221. The words
358 "minimum premium policy" or equivalent language shall be typed,
359 printed, stamped, or legibly handwritten.



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

362 514.0115 Exemptions from supervision or regulation;
363 variances.—

364 (5) The department may grant variances from any rule
365 adopted under this chapter pursuant to procedures adopted by
366 department rule. The department may also grant, pursuant to
367 procedures adopted by department rule, variances from the
368 provisions of the Florida Building Code specifically pertaining
369 to public swimming pools and bathing places when requested by
370 the pool owner or their representative to relieve hardship in
371 cases involving deviations from the Florida Building Code
372 provisions, when it is shown that the hardship was not caused
373 intentionally by the action of the applicant, where no
374 reasonable alternative exists, and the health and safety of the
375 pool patrons is not at risk.

376 Section 14. Effective October 1, 2014, section 514.03,
377 Florida Statutes, is amended to read:

378 514.03 Approval necessary to construct, develop, or modify
379 public swimming pools or public bathing places.—

380 (1) A person or public body desiring to construct, develop,
381 or modify a public swimming pool must submit an application,
382 containing the information required under s. 514.031(1)(a)1.-6.
383 to the department for an operating permit before filing an
384 application for a building permit under s. 553.79. A copy of the
385 final inspection required under s. 514.031(1)(a)5. shall be
386 submitted to the department upon receipt by the applicant. The
387 application shall be deemed incomplete pursuant to s. 120.60
388 until such copy is submitted to the department.



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389 (2) Local governments or local enforcement districts may
390 determine compliance with the general construction standards of
391 the Florida Building Code, pursuant to s. 553.80. Local
392 governments or local enforcement districts may conduct plan
393 reviews and inspections of public swimming pools and public
394 bathing places for this purpose.

395 Section 15. Effective October 1, 2014, paragraph (a) of
396 subsection (1) of section 514.031, Florida Statutes, is amended,
397 present paragraphs (b) and (c) of that subsection are
398 redesignated as paragraphs (c) and (d), respectively, and a new
399 paragraph (b) is added to that subsection, to read:

400 514.031 Permit necessary to operate public swimming pool.-

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

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

409 1. A description of the structure, its appurtenances, and
410 its operation.

411 ~~2.1.~~ A description of the source or sources of water
412 supply, and the amount and quality of water available and
413 intended to be used.

414 ~~3.2.~~ The method and manner of water purification,
415 treatment, disinfection, and heating.

416 ~~4.3.~~ The safety equipment and standards to be used.

417 5. A copy of the final inspection from the local



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418 enforcement agency as defined in s. 553.71.

419 6.4. Any other pertinent information deemed necessary by
420 the department.

421 (b) The applicant shall respond to a request for additional
422 information due to an incomplete application for an operating
423 permit pursuant to s. 120.60. Upon receipt of an application,
424 whether complete or incomplete, as required in s. 514.03 and as
425 set forth under this section, the department shall review and
426 provide to the local enforcement agency and the applicant any
427 comment or proposed modifications on the information received
428 pursuant to subparagraphs (a)1.-6.

429 Section 16. Paragraph (c) of subsection (1) of section
430 553.37, Florida Statutes, is amended to read:

431 553.37 Rules; inspections; and insignia.—

432 (1) The Florida Building Commission shall adopt within the
433 Florida Building Code requirements for construction or
434 modification of manufactured buildings and building modules, to
435 address:

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

438 1. Observe the first building built, or with regard to
439 components, observe the first unit assembled, after
440 certification of the manufacturer, from start to finish,
441 inspecting all subsystems: electrical, plumbing, structural,
442 mechanical, or thermal.

443 2. Continue observation of the manufacturing process until
444 the approved inspection agency determines that the
445 manufacturer's quality control program, in conjunction with the
446 application of the plans approved by the approved inspection



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447 agency, will result in a building and components that meet or
448 exceed the applicable Florida Building Code requirements.

449 3. Thereafter, inspect each module produced during at least
450 one point of the manufacturing process and inspect at least 75
451 percent of the subsystems of each module: electrical, plumbing,
452 structural, mechanical, or thermal.

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

457 Section 17. Section 553.721, Florida Statutes, is amended
458 to read:

459 553.721 Surcharge.—In order for the Department of Business
460 and Professional Regulation to administer and carry out the
461 purposes of this part and related activities, there is created a
462 surcharge, to be assessed at the rate of 1.5 percent of the
463 permit fees associated with enforcement of the Florida Building
464 Code as defined by the uniform account criteria and specifically
465 the uniform account code for building permits adopted for local
466 government financial reporting pursuant to s. 218.32. The
467 minimum amount collected on any permit issued shall be \$2. The
468 unit of government responsible for collecting a permit fee
469 pursuant to s. 125.56(4) or s. 166.201 shall collect the
470 surcharge and electronically remit the funds collected to the
471 department on a quarterly calendar basis for the preceding
472 quarter and continuing each third month thereafter. The unit of
473 government shall retain 10 percent of the surcharge collected to
474 fund the participation of building departments in the national
475 and state building code adoption processes and to provide



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476 education related to enforcement of the Florida Building Code.
477 All funds remitted to the department pursuant to this section
478 shall be deposited in the Professional Regulation Trust Fund.
479 Funds collected from the surcharge shall be allocated to fund
480 the Florida Building Commission and the Florida Building Code
481 Compliance and Mitigation Program under s. 553.841. ~~Beginning in~~
482 ~~the 2013-2014 fiscal year,~~ Funds allocated to the Florida
483 Building Code Compliance and Mitigation Program shall be
484 \$925,000 each fiscal year. The funds collected from the
485 surcharge may not be used to fund research on techniques for
486 mitigation of radon in existing buildings. Funds used by the
487 department as well as funds to be transferred to the Department
488 of Health shall be as prescribed in the annual General
489 Appropriations Act. The department shall adopt rules governing
490 the collection and remittance of surcharges pursuant to chapter
491 120.

492 Section 18. Subsection (15) of section 553.73, Florida
493 Statutes, is amended, and subsection (18) is added to that
494 section, to read:

495 553.73 Florida Building Code.—

496 (15) An agency or local government may not require that
497 existing mechanical equipment located on or above the surface of
498 a roof be installed in compliance with the requirements of the
499 Florida Building Code except when ~~until~~ the equipment is being
500 required to be removed or replaced or moved during reroofing and
501 is not in compliance with the provisions of the Florida Building
502 Code relating to roof-mounted mechanical units.

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



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505 (a) Four hundred cubic feet per minute or less; or
506 (b) More than 400 cubic feet per minute but no more than
507 800 cubic feet per minute if there are no gravity vent
508 appliances within the conditioned living space of the structure.

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

511 553.74 Florida Building Commission.—

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

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

521 (b) One structural engineer registered to practice in this
522 state and actively engaged in the profession. The Florida
523 Engineering Society is encouraged to recommend a list of
524 candidates for consideration.

525 (c) One air-conditioning or mechanical contractor certified
526 to do business in this state and actively engaged in the
527 profession. The Florida Air Conditioning Contractors
528 Association, the Florida Refrigeration and Air Conditioning
529 Contractors Association, and the Mechanical Contractors
530 Association of Florida are encouraged to recommend a list of
531 candidates for consideration.

532 (d) One electrical contractor certified to do business in
533 this state and actively engaged in the profession. The Florida



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534 Association of Electrical Contractors Association and the
535 National Electrical Contractors Association, Florida Chapter,
536 are encouraged to recommend a list of candidates for
537 consideration.

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

543 (f) One general contractor certified to do business in this
544 state and actively engaged in the profession. The Associated
545 Builders and Contractors of Florida, the Florida Associated
546 General Contractors Council, and the Union Contractors
547 Association are encouraged to recommend a list of candidates for
548 consideration.

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

553 (h) One roofing or sheet metal contractor certified to do
554 business in this state and actively engaged in the profession.
555 The Florida Roofing, Sheet Metal, and Air Conditioning
556 Contractors Association and the Sheet Metal and Air Conditioning
557 Contractors' Contractors National Association are encouraged to
558 recommend a list of candidates for consideration.

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



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

568 (k) One member who represents the Department of Financial
569 Services.

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

573 (m) One member of a Florida-based organization of persons
574 with disabilities or a nationally chartered organization of
575 persons with disabilities with chapters in this state.

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

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

584 (p) One member who is a representative of a municipality or
585 a charter county. The Florida League of Cities and the Florida
586 Association of Counties are encouraged to recommend a list of
587 candidates for consideration.

588 (q) One member of the building products manufacturing
589 industry who is authorized to do business in this state and is
590 actively engaged in the industry. The Florida Building Material
591 Association, the Florida Concrete and Product ~~Products~~



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592 Association, and the Fenestration Manufacturers Association are
593 encouraged to recommend a list of candidates for consideration.

594 (r) One member who is a representative of the building
595 owners and managers industry who is actively engaged in
596 commercial building ownership or management. The Building Owners
597 and Managers Association is encouraged to recommend a list of
598 candidates for consideration.

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

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

603 (u) One member who is a swimming pool contractor licensed
604 to do business in this state and actively engaged in the
605 profession. The Florida Swimming Pool Association and the United
606 Pool and Spa Association are encouraged to recommend a list of
607 candidates for consideration.

608 (v) One member who is a representative of the green
609 building industry and who is a third-party commission agent, a
610 Florida board member of the United States Green Building Council
611 or Green Building Initiative, a professional who is accredited
612 under the International Green Construction Code (IGCC), or a
613 professional who is accredited under Leadership in Energy and
614 Environmental Design (LEED).

615 (w) One member who is a representative of a natural gas
616 distribution system and who is actively engaged in the
617 distribution of natural gas in this state. The Florida Natural
618 Gas Association is encouraged to recommend a list of candidates
619 for consideration.

620 (x) One member who is a representative of the Department of



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621 Agriculture and Consumer Services' Office of Energy. The
622 Commissioner of Agriculture is encouraged to recommend a list of
623 candidates for consideration.

624 (y) (*) One member who shall be the chair.

625

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

630 Section 20. Subsection (7) is added to section 553.77,
631 Florida Statutes, to read:

632 553.77 Specific powers of the commission.-

633 (7) Building officials shall recognize and enforce variance
634 orders issued by the Department of Health pursuant to s.
635 514.0115(5), including any conditions attached to the granting
636 of the variance.

637 Section 21. Section 553.775, Florida Statutes, is amended
638 to read:

639 553.775 Interpretations.-

640 (1) It is the intent of the Legislature that the Florida
641 Building Code and the Florida Accessibility Code for Building
642 Construction be interpreted by building officials, local
643 enforcement agencies, and the commission in a manner that
644 protects the public safety, health, and welfare at the most
645 reasonable cost to the consumer by ensuring uniform
646 interpretations throughout the state and by providing processes
647 for resolving disputes regarding interpretations of the Florida
648 Building Code and the Florida Accessibility Code for Building
649 Construction which are just and expeditious.



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650 (2) Local enforcement agencies, local building officials,
651 state agencies, and the commission shall interpret provisions of
652 the Florida Building Code and the Florida Accessibility Code for
653 Building Construction in a manner that is consistent with
654 declaratory statements and interpretations entered by the
655 commission, except that conflicts between the Florida Fire
656 Prevention Code and the Florida Building Code shall be resolved
657 in accordance with s. 553.73(11)(c) and (d).

658 (3) The following procedures may be invoked regarding
659 interpretations of the Florida Building Code or the Florida
660 Accessibility Code for Building Construction:

661 (a) Upon written application by any substantially affected
662 person or state agency or by a local enforcement agency, the
663 commission shall issue declaratory statements pursuant to s.
664 120.565 relating to the enforcement or administration by local
665 governments of the Florida Building Code or the Florida
666 Accessibility Code for Building Construction.

667 (b) When requested in writing by any substantially affected
668 person or state agency or by a local enforcement agency, the
669 commission shall issue a declaratory statement pursuant to s.
670 120.565 relating to this part and ss. 515.25, 515.27, 515.29,
671 and 515.37. Actions of the commission are subject to judicial
672 review under s. 120.68.

673 (c) The commission shall review decisions of local building
674 officials and local enforcement agencies regarding
675 interpretations of the Florida Building Code or the Florida
676 Accessibility Code for Building Construction after the local
677 board of appeals has considered the decision, if such board
678 exists, and if such appeals process is concluded within 25



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679 business days.

680 1. The commission shall coordinate with the Building
681 Officials Association of Florida, Inc., to designate panels
682 composed of five members to hear requests to review decisions of
683 local building officials. The members must be licensed as
684 building code administrators under part XII of chapter 468 and
685 must have experience interpreting and enforcing provisions of
686 the Florida Building Code and the Florida Accessibility Code for
687 Building Construction.

688 2. Requests to review a decision of a local building
689 official interpreting provisions of the Florida Building Code or
690 the Florida Accessibility Code for Building Construction may be
691 initiated by any substantially affected person, including an
692 owner or builder subject to a decision of a local building
693 official or an association of owners or builders having members
694 who are subject to a decision of a local building official. In
695 order to initiate review, the substantially affected person must
696 file a petition with the commission. The commission shall adopt
697 a form for the petition, which shall be published on the
698 Building Code Information System. The form shall, at a minimum,
699 require the following:

700 a. The name and address of the county or municipality in
701 which provisions of the Florida Building Code or the Florida
702 Accessibility Code for Building Construction are being
703 interpreted.

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

706 c. The name, address, and telephone number of the
707 petitioner; the name, address, and telephone number of the



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708 petitioner's representative, if any; and an explanation of how
709 the petitioner's substantial interests are being affected by the
710 local interpretation of the Florida Building Code or the Florida
711 Accessibility Code for Building Construction.

712 d. A statement of the provisions of the Florida Building
713 Code or the Florida Accessibility Code for Building Construction
714 which are being interpreted by the local building official.

715 e. A statement of the interpretation given to provisions of
716 the Florida Building Code or the Florida Accessibility Code for
717 Building Construction by the local building official and the
718 manner in which the interpretation was rendered.

719 f. A statement of the interpretation that the petitioner
720 contends should be given to the provisions of the Florida
721 Building Code or the Florida Accessibility Code for Building
722 Construction and a statement supporting the petitioner's
723 interpretation.

724 g. Space for the local building official to respond in
725 writing. The space shall, at a minimum, require the local
726 building official to respond by providing a statement admitting
727 or denying the statements contained in the petition and a
728 statement of the interpretation of the provisions of the Florida
729 Building Code or the Florida Accessibility Code for Building
730 Construction which the local jurisdiction or the local building
731 official contends is correct, including the basis for the
732 interpretation.

733 3. The petitioner shall submit the petition to the local
734 building official, who shall place the date of receipt on the
735 petition. The local building official shall respond to the
736 petition in accordance with the form and shall return the



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737 petition along with his or her response to the petitioner within
738 5 days after receipt, exclusive of Saturdays, Sundays, and legal
739 holidays. The petitioner may file the petition with the
740 commission at any time after the local building official
741 provides a response. If no response is provided by the local
742 building official, the petitioner may file the petition with the
743 commission 10 days after submission of the petition to the local
744 building official and shall note that the local building
745 official did not respond.

746 4. Upon receipt of a petition that meets the requirements
747 of subparagraph 2., the commission shall immediately provide
748 copies of the petition to a panel, and the commission shall
749 publish the petition, including any response submitted by the
750 local building official, on the Building Code Information System
751 in a manner that allows interested persons to address the issues
752 by posting comments.

753 5. The panel shall conduct proceedings as necessary to
754 resolve the issues; shall give due regard to the petitions, the
755 response, and to comments posed on the Building Code Information
756 System; and shall issue an interpretation regarding the
757 provisions of the Florida Building Code or the Florida
758 Accessibility Code for Building Construction within 21 days
759 after the filing of the petition. The panel shall render a
760 determination based upon the Florida Building Code or the
761 Florida Accessibility Code for Building Construction or, if the
762 code is ambiguous, the intent of the code. The panel's
763 interpretation shall be provided to the commission, which shall
764 publish the interpretation on the Building Code Information
765 System and in the Florida Administrative Register. The



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766 interpretation shall be considered an interpretation entered by
767 the commission, and shall be binding upon the parties and upon
768 all jurisdictions subject to the Florida Building Code or the
769 Florida Accessibility Code for Building Construction, unless it
770 is superseded by a declaratory statement issued by the Florida
771 Building Commission or by a final order entered after an appeal
772 proceeding conducted in accordance with subparagraph 7.

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

778 7. Any substantially affected person may appeal an
779 interpretation rendered by a hearing officer panel by filing a
780 petition with the commission. Such appeals shall be initiated in
781 accordance with chapter 120 and the uniform rules of procedure
782 and must be filed within 30 days after publication of the
783 interpretation on the Building Code Information System or in the
784 Florida Administrative Register. Hearings shall be conducted
785 pursuant to chapter 120 and the uniform rules of procedure.
786 Decisions of the commission are subject to judicial review
787 pursuant to s. 120.68. The final order of the commission is
788 binding upon the parties and upon all jurisdictions subject to
789 the Florida Building Code or the Florida Accessibility Code for
790 Building Construction.

791 8. The burden of proof in any proceeding initiated in
792 accordance with subparagraph 7. is on the party who initiated
793 the appeal.

794 9. In any review proceeding initiated in accordance with



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795 this paragraph, including any proceeding initiated in accordance
796 with subparagraph 7., the fact that an owner or builder has
797 proceeded with construction may not be grounds for determining
798 an issue to be moot if the issue is one that is likely to arise
799 in the future.

800

801 This paragraph provides the exclusive remedy for addressing
802 requests to review local interpretations of the Florida Building
803 Code or the Florida Accessibility Code for Building Construction
804 and appeals from review proceedings.

805 (d) Upon written application by any substantially affected
806 person, contractor, or designer, or a group representing a
807 substantially affected person, contractor, or designer, the
808 commission shall issue or cause to be issued a formal
809 interpretation of the Florida Building Code or the Florida
810 Accessibility Code for Building Construction as prescribed by
811 paragraph (c).

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

817 (f) Upon written application by any substantially affected
818 person, the commission shall issue a declaratory statement
819 pursuant to s. 120.565 relating to an agency's interpretation
820 and enforcement of the specific provisions of the Florida
821 Building Code or the Florida Accessibility Code for Building
822 Construction which the agency is authorized to enforce. This
823 subsection does not provide any powers, other than advisory, to



824 the commission with respect to any decision of the State Fire
825 Marshal made pursuant to chapter 633.

826 (g) The commission may designate a commission member who
827 has demonstrated expertise in interpreting building plans to
828 attend each meeting of the advisory council created in s.
829 553.512. The commission member may vary from meeting to meeting,
830 shall serve on the council in a nonvoting capacity, and shall
831 receive per diem and expenses as provided in s. 553.74(3).

832 (h) The commission shall by rule establish an informal
833 process of rendering nonbinding interpretations of the Florida
834 Building Code and the Florida Accessibility Code for Building
835 Construction. The commission is specifically authorized to refer
836 interpretive issues to organizations that represent those
837 engaged in the construction industry. The commission shall
838 immediately implement the process before completing formal
839 rulemaking. It is the intent of the Legislature that the
840 commission create a process to refer questions to a small,
841 rotating group of individuals licensed under part XII of chapter
842 468, to which a party may pose questions regarding the
843 interpretation of code provisions. It is the intent of the
844 Legislature that the process provide for the expeditious
845 resolution of the issues presented and publication of the
846 resulting interpretation on the Building Code Information
847 System. Such interpretations shall be advisory only and
848 nonbinding on the parties and the commission.

849 (4) In order to administer this section, the commission may
850 adopt by rule and impose a fee for filing requests for
851 declaratory statements and binding and nonbinding
852 interpretations to recoup the cost of the proceedings which may



853 not exceed \$125 for each request for a nonbinding interpretation
854 and \$250 for each request for a binding review or
855 interpretation. For proceedings conducted by or in coordination
856 with a third party, the rule may provide that payment be made
857 directly to the third party, who shall remit to the department
858 that portion of the fee necessary to cover the costs of the
859 department.

860 ~~(5) The commission may render declaratory statements in~~
861 ~~accordance with s. 120.565 relating to the provisions of the~~
862 ~~Florida Accessibility Code for Building Construction not~~
863 ~~attributable to the Americans with Disabilities Act~~
864 ~~Accessibility Guidelines. Notwithstanding the other provisions~~
865 ~~of this section, the Florida Accessibility Code for Building~~
866 ~~Construction and chapter 11 of the Florida Building Code may not~~
867 ~~be interpreted by, and are not subject to review under, any of~~
868 ~~the procedures specified in this section. This subsection has no~~
869 ~~effect upon the commission's authority to waive the Florida~~
870 ~~Accessibility Code for Building Construction as provided by s.~~
871 ~~553.512.~~

872 Section 22. Effective October 1, 2014, present subsections
873 (11) through (18) of section 553.79, Florida Statutes, are
874 redesignated as subsections (12) through (19), respectively, a
875 new subsection (11) is added to that section, and present
876 subsection (18) is amended, to read:

877 553.79 Permits; applications; issuance; inspections.-

878 (11) The local enforcing agency may not issue a building
879 permit to construct, develop, or modify a public swimming pool
880 without proof of application, whether complete or incomplete,
881 for an operating permit pursuant to s. 514.031. A certificate of



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882 completion or occupancy may not be issued until such operating
883 permit is issued. The local enforcing agency shall conduct their
884 review of the building permit application upon filing and in
885 accordance with this chapter. The local enforcing agency may
886 confer with the Department of Health, if necessary, but may not
887 delay the building permit application review while awaiting
888 comment from the Department of Health.

889 ~~(19)-(18)~~ For the purpose of inspection and record
890 retention, site plans or building permits ~~for a building~~ may be
891 maintained in the original form or in the form of an electronic
892 copy at the worksite. These plans and permits must be open to
893 inspection by the building official or a duly authorized
894 representative, as required by the Florida Building Code.

895 Section 23. Paragraph (b) of subsection (6) of section
896 553.80, Florida Statutes, is amended to read:

897 553.80 Enforcement.—

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

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

904 1. Fees charged by counties and municipalities for
905 enforcement of the Florida Building Code on buildings,
906 structures, and facilities of state universities, state
907 colleges, and public school districts may not be more than the
908 actual labor and administrative costs incurred for plans review
909 and inspections to ensure compliance with the code.

910 2. Counties and municipalities shall expedite building



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911 construction permitting, building plans review, and inspections
912 of projects of state universities, state community colleges, and
913 public schools ~~school districts~~ that are subject to the Florida
914 Building Code according to guidelines established by the Florida
915 Building Commission.

916 3. A party substantially affected by an interpretation of
917 the Florida Building Code by the local government's code
918 enforcement offices may appeal the interpretation to the local
919 government's board of adjustment and appeal or to the commission
920 under s. 553.775 if no local board exists. The decision of a
921 local board is reviewable in accordance with s. 553.775.

922
923 This part may not be construed to authorize counties,
924 municipalities, or code enforcement districts to conduct any
925 permitting, plans review, or inspections not covered by the
926 Florida Building Code. Any actions by counties or municipalities
927 not in compliance with this part may be appealed to the Florida
928 Building Commission. The commission, upon a determination that
929 actions not in compliance with this part have delayed permitting
930 or construction, may suspend the authority of a county,
931 municipality, or code enforcement district to enforce the
932 Florida Building Code on the buildings, structures, or
933 facilities of a state university, state community college, or
934 public school district and provide for code enforcement at the
935 expense of the state university, state community college, or
936 public school district.

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

939 553.841 Building code compliance and mitigation program.—



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940 (1) The Legislature finds that knowledge and understanding
941 by persons licensed or employed in the design and construction
942 industries of the importance and need for complying with the
943 Florida Building Code and related laws is vital to the public
944 health, safety, and welfare of this state, especially for
945 protecting consumers and mitigating damage caused by hurricanes
946 to residents and visitors to the state. The Legislature further
947 finds that the Florida Building Code can be effective only if
948 all participants in the design and construction industries
949 maintain a thorough knowledge of the code, code compliance and
950 enforcement, duties related to consumers, and changes that
951 ~~additions thereto which~~ improve construction standards, project
952 completion, and compliance of design and construction to protect
953 against consumer harm, storm damage, and other damage.
954 Consequently, the Legislature finds that there is a need for a
955 program to provide ongoing education and outreach activities
956 concerning compliance with the Florida Building Code, the
957 Florida Fire Prevention Code, construction plan and permitting
958 requirements, construction liens, and hurricane mitigation.

959 (2) The Department of Business and Professional Regulation
960 shall administer a program, designated as the Florida Building
961 Code Compliance and Mitigation Program, to develop, coordinate,
962 and maintain education and outreach to persons required to
963 comply with the Florida Building Code and related provisions as
964 specified in subsection (1) and ensure consistent education,
965 training, and communication of the code's requirements,
966 including, but not limited to, methods for design and
967 construction compliance and mitigation of storm-related damage.
968 The program shall also operate a clearinghouse through which



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969 design, construction, and building code enforcement licensees,
970 suppliers, and consumers in this state may find others in order
971 to exchange information relating to mitigation and facilitate
972 repairs in the aftermath of a natural disaster.

973 Section 25. Section 553.883, Florida Statutes, is created
974 to read:

975 553.883 Smoke alarms in one-family and two-family dwellings
976 and townhomes.—One-family and two-family dwellings and townhomes
977 undergoing a repair, or a level 1 alteration as defined in the
978 Florida Building Code, may use smoke alarms powered by 10-year
979 nonremovable, nonreplaceable batteries in lieu of retrofitting
980 such dwelling with smoke alarms powered by the dwelling's
981 electrical system. Effective January 1, 2015, a battery-powered
982 smoke alarm that is newly installed or replaces an existing
983 battery-powered smoke alarm must be powered by a nonremovable,
984 nonreplaceable battery that powers the alarm for at least 10
985 years. The battery requirements of this section do not apply to
986 a fire alarm, smoke detector, smoke alarm, or ancillary
987 component that is electronically connected as a part of a
988 centrally monitored or supervised alarm system.

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

991 553.993 Definitions.—For purposes of this part:

992 (3) "Building energy-efficiency rating system" means a
993 whole building energy evaluation system that provides a reliable
994 and scientifically-based analysis of a building's energy
995 consumption or energy features and allows a comparison to
996 similar building types in similar climate zones where
997 applicable. Specifically, the rating system shall use standard



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998 calculations, formulas, and scoring methods; be applicable
999 nationally; compare a building to a clearly defined and
1000 researched baseline or benchmark; require qualified
1001 professionals to conduct the rating or assessment; and provide a
1002 labeling and recognition program with specific criteria or
1003 levels. Residential program benchmarks for new construction must
1004 be consistent with national building standards. Residential
1005 building program benchmarks for existing construction must be
1006 consistent with national home energy rating standards. The
1007 building energy-efficiency rating system shall require at least
1008 one level of oversight performed by an organized and balanced
1009 group of professionals with subject matter expertise in energy
1010 efficiency, energy rating, and evaluation methods established by
1011 ~~the Residential Energy Services Network, the Commercial Energy~~
1012 ~~Services Network, the Building Performance Institute, or the~~
1013 ~~Florida Solar Energy Center.~~

1014 Section 27. Subsection (15) of section 633.202, Florida
1015 Statutes, is amended to read:

1016 633.202 Florida Fire Prevention Code.-

1017 (15)(a) For one-story or two-story structures that are less
1018 than 10,000 square feet, whose occupancy is defined in the
1019 Florida Building Code and the Florida Fire Prevention Code as
1020 business or mercantile, a fire official shall enforce the wall
1021 fire-rating provisions for occupancy separation as defined in
1022 the Florida Building Code.

1023 (16)(a)(b) A structure, located on property that is
1024 classified for ad valorem purposes as agricultural, which is
1025 part of a farming or ranching operation, in which the occupancy
1026 is limited by the property owner to no more than 35 persons, and



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1027 which is not used by the public for direct sales or as an
1028 educational outreach facility, is exempt from the Florida Fire
1029 Prevention Code, including the national codes and Life Safety
1030 Code incorporated by reference. This paragraph does not include
1031 structures used for residential or assembly occupancies, as
1032 defined in the Florida Fire Prevention Code.

1033 (b) A tent up to 30 feet by 30 feet is exempt from the
1034 Florida Fire Prevention Code, including the national codes
1035 incorporated by reference.

1036 Section 28. Subsection (1) of section 633.212, Florida
1037 Statutes, is amended to read:

1038 633.212 Legislative intent; informal interpretations of the
1039 Florida Fire Prevention Code.—It is the intent of the
1040 Legislature that the Florida Fire Prevention Code be interpreted
1041 by fire officials and local enforcement agencies in a manner
1042 that reasonably and cost-effectively protects the public safety,
1043 health, and welfare; ensures uniform interpretations throughout
1044 this state; and provides just and expeditious processes for
1045 resolving disputes regarding such interpretations. It is the
1046 further intent of the Legislature that such processes provide
1047 for the expeditious resolution of the issues presented and that
1048 the resulting interpretation of such issues be published on the
1049 website of the division.

1050 (1) The division shall by rule establish an informal
1051 process of rendering nonbinding interpretations of the Florida
1052 Fire Prevention Code. The division may contract with and refer
1053 interpretive issues to a third party, selected based upon cost
1054 effectiveness, quality of services to be performed, and other
1055 performance-based criteria, which has experience in interpreting



1056 and enforcing the Florida Fire Prevention Code. It is the intent
1057 of the Legislature that the division establish a Fire Code
1058 Interpretation Committee composed of seven persons and seven
1059 alternates, equally representing each area of the state, to
1060 which a party can pose questions regarding the interpretation of
1061 the Florida Fire Prevention Code provisions. The alternate
1062 member may respond to a nonbinding interpretation if a ~~the~~
1063 member ~~notifies the Fire Code Interpretation Committee that he~~
1064 ~~or she~~ is unable to respond.

1065 Section 29. Except as otherwise provided in this act, this
1066 act shall take effect July 1, 2014.

1067
1068 ===== T I T L E A M E N D M E N T =====

1069 And the title is amended as follows:

1070 Delete everything before the enacting clause
1071 and insert:

1072 A bill to be entitled
1073 An act relating to building construction policies;
1074 amending s. 162.12, F.S.; providing an additional
1075 method for local governments to provide notices to
1076 alleged code enforcement violators; amending s.
1077 373.323, F.S.; revising the requirements of an
1078 applicant to take the water well contractor licensure
1079 examination; amending s. 377.6015, F.S.; removing a
1080 provision relating to representation in the Southern
1081 States Energy Compact; amending s. 377.703, F.S.;
1082 requiring the Department of Agriculture and Consumer
1083 Services to include in its annual report
1084 recommendations for energy efficiency; expanding the



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1085 promotion of the development and use of renewable
1086 energy resources from goals related to solar energy to
1087 renewable energy in general; requiring the department
1088 to cooperate with the Florida Energy Systems
1089 Consortium in the development and use of renewable
1090 energy resources; amending s. 377.712, F.S.;
1091 authorizing the Commissioner of Agriculture to appoint
1092 a member to the Southern States Energy Board;
1093 authorizing the member appointed by the Governor to
1094 approve proposed activities relating to furtherance of
1095 the Southern States Energy Compact; amending s.
1096 377.801, F.S.; conforming a cross-reference; amending
1097 s. 377.802, F.S.; amending the purpose of the Florida
1098 Energy and Climate Protection Act; amending s.
1099 377.803, F.S.; conforming provisions to changes made
1100 by the act; repealing ss. 377.806 and 377.807, F.S.,
1101 relating to the Solar Energy System Incentives Program
1102 and the Energy-Efficient Appliance Rebate Program,
1103 respectively; creating s. 377.815, F.S.; authorizing
1104 the department to post on its website information
1105 relating to alternative fueling stations or electric
1106 vehicle charging stations; defining the term
1107 "alternative fuel"; authorizing the owner or operator
1108 of an alternative fueling station or an electric
1109 vehicle charging station to report certain
1110 information; creating s. 377.816, F.S.; defining
1111 terms; requiring the Office of Energy to establish a
1112 program for allocating or reallocating a federally
1113 qualified energy conservation bond volume limitation;



1114 providing program requirements; amending s. 440.103,
1115 F.S.; authorizing an employer to present certain
1116 documents electronically or physically in order to
1117 show proof and certify to the permit issuer that it
1118 has secured compensation for its employees;
1119 authorizing site plans or electronically transferred
1120 building permits to be maintained at the worksite in
1121 their original form or by electronic copy; requiring
1122 such plans or permits to be open to inspection by the
1123 building official or authorized representative;
1124 amending s. 514.0115, F.S.; authorizing the Department
1125 of Health to grant certain variances relating to
1126 public swimming pools and bathing places; amending s.
1127 514.03, F.S.; requiring application for an operating
1128 permit before filing an application for a building
1129 permit for a public swimming pool; amending s.
1130 514.031, F.S.; providing additional requirements for
1131 obtaining a public swimming pool operating permit;
1132 providing a procedure for an applicant to respond to a
1133 request for additional information; requiring the
1134 Department of Health to review and provide to the
1135 local enforcement agency and the applicant any
1136 comments or proposed modifications to information
1137 submitted in the application; amending s. 553.37,
1138 F.S.; specifying inspection criteria for construction
1139 or modification of manufactured buildings or modules;
1140 amending s. 553.721, F.S.; making a technical change;
1141 amending s. 553.73, F.S.; authorizing an agency or
1142 local government to require rooftop equipment to be



1143 installed in compliance with the Florida Building Code
1144 if the equipment is being replaced or removed during
1145 reroofing and is not in compliance with the Florida
1146 Building Code's roof-mounted mechanical units
1147 requirements; providing that make-up air is not
1148 required for certain range hood exhaust systems;
1149 amending s. 553.74, F.S.; adding a member to the
1150 Florida Building Commission as a representative of the
1151 Department of Agriculture and Consumer Services'
1152 Office of Energy; deleting obsolete provisions;
1153 amending s. 553.77, F.S.; requiring building officials
1154 to recognize and enforce certain variance orders
1155 issued by the Department of Health; amending s.
1156 553.775, F.S.; authorizing building officials, local
1157 enforcement agencies, and the Florida Building
1158 Commission to interpret the Florida Accessibility Code
1159 for Building Construction; specifying procedures for
1160 such interpretations; deleting provisions relating to
1161 declaratory statements and interpretations of the
1162 Florida Accessibility Code for Building Construction,
1163 to conform; amending s. 553.79, F.S.; prohibiting a
1164 local enforcing agency from issuing a building permit
1165 for a public swimming pool without proof of
1166 application for an operating permit; requiring
1167 issuance of an operating permit before a certificate
1168 of completion or occupancy is issued; requiring the
1169 local enforcing agency to review the building permit
1170 application upon filing; authorizing such agency to
1171 confer with the Department of Health if it doesn't



1172 delay review of the application; authorizing site
1173 plans or building permits to be maintained at the
1174 worksite in their original form or in the form of an
1175 electronic copy; requiring the permit to be open to
1176 inspection; amending s. 553.80, F.S.; requiring
1177 counties and municipalities to expedite building
1178 construction permitting, building plans review, and
1179 inspections of projects of certain public schools,
1180 rather than certain public school districts; amending
1181 s. 553.841, F.S.; revising education and training
1182 requirements of the Florida Building Code Compliance
1183 and Mitigation Program; creating s. 553.883, F.S.;
1184 authorizing use of smoke alarms powered by 10-year
1185 nonremovable, nonreplaceable batteries in certain
1186 circumstances; requiring use of such alarms by a
1187 certain date; providing an exemption; amending s.
1188 553.993, F.S.; redefining the term "building energy-
1189 efficiency rating system" to require consistency with
1190 certain national standards for new construction and
1191 existing construction; providing for oversight;
1192 amending s. 633.202, F.S.; exempting certain tents
1193 from the Florida Fire Prevention Code; amending s.
1194 633.212, F.S.; removing the requirement that an
1195 alternate member of the Fire Code Interpretation
1196 Committee provide notice to the committee in order to
1197 respond to a nonbinding interpretation when a member
1198 is unable to respond; providing effective dates.