

1 A bill to be entitled
2 An act relating to construction; amending s. 377.705,
3 F.S.; revising legislative findings and intent;
4 defining the term "recognized certifying entity";
5 providing applicability of certain standards and
6 criteria for solar energy systems manufactured or sold
7 in the state; providing for solar energy systems
8 manufactured or sold in the state to be certified
9 pursuant to National Renewable Energy Laboratory
10 standards; amending s. 553.721, F.S.; requiring the
11 Department of Business and Professional Regulation to
12 provide certain funds allocated to the University of
13 Florida M. E. Rinker, Sr., School of Construction
14 Management for specified purposes; amending s. 553.80,
15 F.S.; prohibiting local enforcement agencies from
16 charging certain fees; creating s. 553.9081, F.S.;
17 requiring the Florida Building Commission to amend
18 certain provisions of the Florida Building Code;
19 amending s. 633.208, F.S.; prohibiting a county,
20 municipality, special taxing district, public utility,
21 or private utility from requiring a separate water
22 connection or charging a specified water or sewage
23 rate under certain conditions; prohibiting a local
24 government from requiring a permit for painting a
25 residence; requiring the Department of Education in

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

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

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

38 377.705 Solar Energy Center; development of solar energy
 39 standards.—

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

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

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

50 ~~(b) Toward this purpose,~~ The Legislature intends to

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

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

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

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

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

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

74 (a) The center shall develop and adopt ~~promulgate~~
75 standards for solar energy systems manufactured or sold in this

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

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

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

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

106 Section 2. Section 553.721, Florida Statutes, is amended
107 to read:

108 553.721 Surcharge.—In order for the Department of Business
109 and Professional Regulation to administer and carry out the
110 purposes of this part and related activities, there is created a
111 surcharge, to be assessed at the rate of 1.5 percent of the
112 permit fees associated with enforcement of the Florida Building
113 Code as defined by the uniform account criteria and specifically
114 the uniform account code for building permits adopted for local
115 government financial reporting pursuant to s. 218.32. The
116 minimum amount collected on any permit issued shall be \$2. The
117 unit of government responsible for collecting a permit fee
118 pursuant to s. 125.56(4) or s. 166.201 shall collect the
119 surcharge and electronically remit the funds collected to the
120 department on a quarterly calendar basis for the preceding
121 quarter and continuing each third month thereafter. The unit of
122 government shall retain 10 percent of the surcharge collected to
123 fund the participation of building departments in the national
124 and state building code adoption processes and to provide
125 education related to enforcement of the Florida Building Code.

126 All funds remitted to the department pursuant to this section
127 shall be deposited in the Professional Regulation Trust Fund.
128 Funds collected from the surcharge shall be allocated to fund
129 the Florida Building Commission and the Florida Building Code
130 Compliance and Mitigation Program under s. 553.841. Funds
131 allocated to the Florida Building Code Compliance and Mitigation
132 Program shall be \$925,000 each fiscal year. The Florida Building
133 Code Compliance and Mitigation Program shall fund the
134 recommendations made by the Building Code System Uniform
135 Implementation Evaluation Workgroup, dated April 8, 2013, from
136 existing resources, not to exceed \$30,000 in the 2016-2017
137 fiscal year. The Department of Business and Professional
138 Regulation shall provide \$150,000 for fiscal year 2017-2018 from
139 surcharge funds available for the University of Florida M. E.
140 Rinker, Sr., School of Construction Management for the
141 continuation of the Construction Industry Workforce Task Force.
142 Funds collected from the surcharge shall also be used to fund
143 Florida Fire Prevention Code informal interpretations managed by
144 the State Fire Marshal and shall be limited to \$15,000 each
145 fiscal year. The State Fire Marshal shall adopt rules to address
146 the implementation and expenditure of the funds allocated to
147 fund the Florida Fire Prevention Code informal interpretations
148 under this section. The funds collected from the surcharge may
149 not be used to fund research on techniques for mitigation of
150 radon in existing buildings. Funds used by the department as

151 well as funds to be transferred to the Department of Health and
152 the State Fire Marshal shall be as prescribed in the annual
153 General Appropriations Act. The department shall adopt rules
154 governing the collection and remittance of surcharges pursuant
155 to chapter 120.

156 Section 3. Paragraph (d) of subsection (7) of section
157 553.80, Florida Statutes, is amended to read:

158 553.80 Enforcement.—

159 (7) The governing bodies of local governments may provide
160 a schedule of reasonable fees, as authorized by s. 125.56(2) or
161 s. 166.222 and this section, for enforcing this part. These
162 fees, and any fines or investment earnings related to the fees,
163 shall be used solely for carrying out the local government's
164 responsibilities in enforcing the Florida Building Code. When
165 providing a schedule of reasonable fees, the total estimated
166 annual revenue derived from fees, and the fines and investment
167 earnings related to the fees, may not exceed the total estimated
168 annual costs of allowable activities. Any unexpended balances
169 shall be carried forward to future years for allowable
170 activities or shall be refunded at the discretion of the local
171 government. The basis for a fee structure for allowable
172 activities shall relate to the level of service provided by the
173 local government and shall include consideration for refunding
174 fees due to reduced services based on services provided as
175 prescribed by s. 553.791, but not provided by the local

176 government. Fees charged shall be consistently applied.

177 (d) The local enforcement agency may not require the
 178 payment of any additional fees, charges, or expenses associated
 179 with:

180 1. Providing proof of licensure pursuant to chapter 489;

181 2. Recording or filing a license issued pursuant to this
 182 chapter; ~~or~~

183 3. Providing, recording, or filing evidence of workers'
 184 compensation insurance coverage as required by chapter 440; or

185 4. Applying for or pulling of permits, if proof of
 186 licensure and insurance is provided and recorded.

187 Section 4. Section 553.9081, Florida Statutes, is created
 188 to read:

189 553.9081 Florida Building Code; required amendments.—The
 190 Florida Building Commission shall amend the Florida Building
 191 Code—Energy Conservation to:

192 (1) (a) Eliminate duplicative commissioning reporting
 193 requirements for HVAC and electrical systems; and

194 (b) Authorize commissioning reports to be provided by a
 195 licensed design professional, electrical engineer, or mechanical
 196 engineer.

197 (2) Prohibit the adoption of American Society of Heating,
 198 Refrigerating and Air-Conditioning Engineers Standard

199 9.4.1.1 (g) .

200 Section 5. Subsection (8) of section 633.208, Florida

201 Statutes, is amended to read:

202 633.208 Minimum firesafety standards.—

203 (8) (a) The provisions of the Life Safety Code, as
 204 contained in the Florida Fire Prevention Code, do not apply to
 205 one-family and two-family dwellings. However, fire sprinkler
 206 protection may be permitted by local government in lieu of other
 207 fire protection-related development requirements for such
 208 structures. While local governments may adopt fire sprinkler
 209 requirements for one-family ~~one-~~ and two-family dwellings under
 210 this subsection, it is the intent of the Legislature that the
 211 economic consequences of the fire sprinkler mandate on home
 212 owners be studied before the enactment of such a requirement.
 213 After the effective date of this act, any local government that
 214 desires to adopt a fire sprinkler requirement on one-family ~~one-~~
 215 or two-family dwellings must prepare an economic cost and
 216 benefit report that analyzes the application of fire sprinklers
 217 to one-family ~~one-~~ or two-family dwellings or any proposed
 218 residential subdivision. The report must consider the tradeoffs
 219 and specific cost savings and benefits of fire sprinklers for
 220 future owners of property. The report must include an assessment
 221 of the cost savings from any reduced or eliminated impact fees
 222 if applicable, the reduction in special fire district tax,
 223 insurance fees, and other taxes or fees imposed, and the waiver
 224 of certain infrastructure requirements including the reduction
 225 of roadway widths, the reduction of water line sizes, increased

226 fire hydrant spacing, increased dead-end roadway length, and a
227 reduction in cul-de-sac sizes relative to the costs from fire
228 sprinkling. A failure to prepare an economic report shall result
229 in the invalidation of the fire sprinkler requirement to any
230 one-family ~~one~~ or two-family dwelling or any proposed
231 subdivision. In addition, a local jurisdiction or utility may
232 not charge any additional fee, above what is charged to a non-
233 fire sprinklered dwelling, on the basis that a one-family ~~one~~
234 or two-family dwelling unit is protected by a fire sprinkler
235 system.

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

241 2. A county, municipality, special district, public
242 utility, or private utility may not charge a water or sewer rate
243 to a one-family or two-family dwelling that requires a larger
244 water meter solely due to the installation of fire sprinklers
245 above that which is charged to a one-family and two-family
246 dwelling with a base meter. If the installation of fire
247 sprinklers in a one-family or two-family dwelling requires the
248 installation of a larger water meter, only the difference in
249 actual cost between the base water meter and the larger water
250 meter may be charged by the water utility provider.

251 Section 6. A local government may not require an owner of
252 a residence to obtain a permit to paint such residence,
253 regardless of whether the residence is owned by a limited
254 liability company.

255 Section 7. The Department of Education, in conjunction
256 with the Department of Economic Opportunity, shall create a
257 study to implement the recommendations of the Construction
258 Industry Workforce Task Force dated January 20, 2017. The
259 Department of Education shall provide the study to the Governor,
260 the President of the Senate, and the Speaker of the House of
261 Representatives before January 9, 2018. The study shall address
262 recommendations for:

263 (1) Expanding the definition of "local educational
264 agency," as used in apprenticeship programs, to include
265 nongovernmental entities, private training organizations,
266 industry trade associations, labor unions, or other community-
267 based organizations.

268 (2) Determining the appropriateness of transferring
269 apprenticeship programs from the Department of Education to the
270 Department of Economic Opportunity.

271 (3) Providing clarity regarding how current apprenticeship
272 programs are funded from the state to the local educational
273 agencies and what options such agencies have in how they spend
274 apprenticeship funding.

275 (4) Requiring the State Board of Education to accept the

276 curriculum developed by the National Center for Construction
277 Education and Research or other comparable national curriculum,
278 as satisfactory courses for high school credit, college credit,
279 or state-supported scholarships.

280 (5) Providing additional support to K-12 programs to
281 ensure construction-related education programs are offered
282 through existing career and technical education programs.

283 (6) Authorizing an alternative instructor certification
284 process through the Department of Education which does not
285 require certification through local educational agencies.

286 Section 8. CareerSource Florida, Inc. shall fund
287 construction training programs using existing federal funds
288 awarded to the corporation for training, and shall use the
289 previous statewide Florida ReBuilds program as a implementation
290 model for such programs.

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