

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 1312

INTRODUCER: Senator Perry

SUBJECT: Construction

DATE: April 14, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wiehle</u>	<u>Caldwell</u>	<u>CU</u>	<b>Favorable</b>
2.	<u>Present</u>	<u>Yeatman</u>	<u>CA</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 1312 allows manufacture and sale of solar energy systems in Florida that meet the standards established by a “recognized certifying entity,” defining that term to mean any entity that certifies equipment that collects and uses incident solar energy pursuant to standards established by the National Renewable Energy Laboratory (NREL). However, NREL does not set such standards.

Additionally, the bill:

- Requires the Department of Business and Professional Regulation (DBPR) to use \$150,000 from the surcharge assessed on building permits to fund, for the 2017-2018 fiscal year, the University of Florida School of Construction Management continuation of the Construction Industry Workforce Taskforce (CIWT).
- Prohibits local enforcement agencies from requiring payment of any additional fees, charges, or expenses associated with applying for permits if proof of licensure and insurance is provided and recorded.
- Requires the Florida Building Commission to amend the Florida Building Code-Energy Conservation to eliminate duplicative commissioning reporting requirements for HVAC and electrical systems; authorize commissioning reports to be provided by a licensed design professional, electrical engineer, or mechanical engineer; and prohibit the adoption of American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 90.1-2007 s. 9.4.1.1(g).
- Prohibits a county, municipality, special taxing district, public utility, or private utility from:
  - Requiring a separate water connection for a fire sprinkler system for a one-family or two-family dwelling if the dwelling’s original water connection can meet the needs of the sprinkler system; or
  - Except under specified circumstances, charging a water or sewer rate for a larger water meter for a one-family or two-family dwelling because of the installation of a fire

sprinkler system above that which is charged to a one-family and two-family dwelling with a base meter.

- Prohibits a local government from requiring an owner of a residence to obtain a permit to paint the residence, regardless of whether the residence is owned by a limited liability company.
- Requires the Department of Education, in conjunction with the Department of Economic Opportunity, to create a study to implement the recommendations of the CIWT dated January 20, 2017. The Department of Education must provide the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives before January 9, 2018.
- Requires CareerSource Florida, Inc., to fund construction training programs using existing federal funds awarded to the corporation for training, and to use the previous statewide Florida ReBuilds program as an implementation model for such programs.

## II. Present Situation:

### Solar Energy Systems

#### *Florida Solar Energy Center*

The Florida Statutes require that all solar energy systems<sup>1</sup> manufactured or sold in the state must meet standards established by the Florida Solar Energy Center (FSEC or center).<sup>2</sup> To accomplish this, the Florida Statutes require the FSEC to:

- Identify the most reliable designs and types of solar energy systems by consulting with people in research centers who are engaged in researching and experimenting with solar energy systems;
- Develop and promulgate standards for solar energy systems;
- Establish criteria for testing the performance of solar energy systems; and
- Maintain the necessary capability for testing or evaluating performance of solar energy systems.<sup>3</sup>

The FSEC may accept test results from other persons or entities if the tests are conducted according to the criteria established by the center and if the testing entity does not have a vested interest in the manufacture, distribution, or sale of solar energy systems.<sup>4</sup>

The FSEC also accepts standards and certifications for solar thermal products from the Solar Rating and Certification Program (SRCC) and the International Association of Plumbing and Mechanical Officials (IAPMO).<sup>5</sup>

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<sup>1</sup> The term “solar energy systems” means equipment that collects and uses incident solar energy for water heating, space heating or cooling, or other applications which normally require a conventional source of energy such as petroleum products, natural gas, or electricity, and which performs primarily with solar energy. If solar energy is used in a supplemental way, only those components that collect and transfer solar energy are included. Section 377.705(3)(b), F.S.

<sup>2</sup> Section 377.705(4), F.S.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Florida Solar Energy Center, *Testing and Certification*, <http://www.fsec.ucf.edu/En/certification-testing/index.htm>. SRCC produces solar thermal standards and certifications that are used globally. Solar Rating & Certification Corporation, *About Us – General*, <http://www.solar-rating.org/about/general.html>. IAPMO certifies solar thermal products for use in North America.

In 2009, the Office of Program Policy Analysis & Government Accountability (OPPAGA) reported that FSEC had a 2-year backlog for testing and certifying solar energy systems, adversely affecting both manufacturers and citizens.<sup>6</sup> However, in 2011, OPPAGA reported that the FSEC had eliminated the backlog and testing times were down to 129 days due to streamlined testing procedures.<sup>7</sup>

### ***National Renewable Energy Laboratory and Incident Solar Energy***

The National Renewable Energy Laboratory conducts research on solar photovoltaics, concentrating solar power, and solar grid and systems integration.<sup>8</sup> The NREL also gives industry an opportunity to commercialize NREL-developed energy technologies and products through licensing options.<sup>9</sup> However, NREL does not publish or set standards for solar energy systems.

### **Construction Industry Workforce Taskforce Recommendations**

In 2016, the Legislature created the Construction Industry Workforce Taskforce to address the construction industry labor force shortage in the state.<sup>10</sup> The CIWT proposed a list of recommendations to remediate the shortage of construction industry workers, including recommending that the Legislature:

- Expand the definition of a Local Educational Agency (LEA), as used in apprenticeship programs in Florida, to include institutions other than public schools, such as private training organization (for profit and nonprofit), labor unions, industry trade associations, or other community based organizations.
- Create a legislative study to consider the appropriateness of moving apprenticeship programs from the Department of Education (DOE) to the Department of Economic Opportunity (DEO), and to address and clarify how current apprenticeships are funded from the state to the LEAs and what options the LEAs have in how they spend apprenticeship funding.
- Require DOE to recognize the National Center for Construction Education and Research curriculum, or other comparable national curriculum, as eligible for high school credits, college credits, and state supported scholarships (e.g., bright futures).
- Provide additional state Career and Technical Education (CTE) support to be directed towards K-12 programs so that “shop” or other construction related programs are added back into CTE programs.

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International Association of Plumbing and Mechanical Officials, *Solar Product Certification*, <http://www.iapmort.org/Pages/SolarCertification.aspx> (last visited April 10, 2017).

<sup>6</sup> OPPAGA, Report No. 09-17, Florida Solar Energy Center Conducts Research and Development; Legislature Could Direct Fee Increases and Drop Certification Requirement, p. 1 (March 2009), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0917rpt.pdf>.

<sup>7</sup> OPPAGA, Report No. 11-19, The Florida Solar Energy Center Eliminated the Backlog for Testing and Certification and Reduced its Reliance on State Funds, p. 1 (September 2011), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1119rpt.pdf>.

<sup>8</sup> National Research Energy Laboratory, *Solar Research*, <https://www.nrel.gov/solar/>.

<sup>9</sup> National Research Energy Laboratory, *Negotiable Technology Licensing*, <https://www.nrel.gov/workingwithus/licensing.html>.

<sup>10</sup> ch. 2016-129, Laws of Fla.

- Extend for 4 additional years the “sunset” timeframe for CIWT and provide funding of \$100,000 per year and a mechanism to obtain matching funds to continue to coordinate CIWT. Funding will be used to continue data collection and analysis, ongoing economic impact studies, and subsequent strategies, implementation planning, and follow up.
- Direct CareerSource Florida, Inc. (CSF) to set aside existing federal training dollars for construction training programs using the previous state-wide Florida reBuilds Initiative (FRI) as an implementation model.
- Provide funding from the existing DBPR Building Permit Surcharge trust fund that is dedicated to better code compliance through the recruitment and training of a qualified workforce.
- Allow for an alternative instructor certification process through the DOE that does not require certification through an LEA.
- Create a joint legislative audit committee to review compliance regarding use of building permit fees beyond the scope of supporting the building department activities.
- Support The Building Officials Association of America, Inc., in the development of initiatives to further opportunities for potential building code enforcement professionals.<sup>11</sup>

### ***CareerSource Florida, Inc.***

CSF is a not-for-profit corporation administratively housed within the DEO and is the principal workforce policy organization for the state. CSF designs and implements strategies that help Floridians enter, remain in, and advance in the workplace. CSF procures and disburses funds for workforce development.<sup>12</sup>

### ***Florida reBuilds Initiative***

The FRI was a program formed in 2005 to counter the growing shortage of construction workers. The former Florida Agency for Workforce Innovation (AWI) performed a survey of 50,000 employers, which identified 13,712 construction job vacancies. In order to tackle the issue, AWI sought to provide individuals with short-term, entry-level training to enable them to enter into the construction trades.<sup>13</sup>

The FRI targeted areas for training programs were:

- Air Conditioning, Refrigeration, and Heating Technology (maximum of 240 class hours);
- Carpentry (maximum of 120 class hours);
- Dry wall (maximum of 120 class hours);
- Electricity (maximum of 240 class hours);
- Masonry (maximum of 80 class hours);
- Plumbing (maximum of 180 class hours); and
- Roofing (maximum of 120 class hours).

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<sup>11</sup> University of Florida, Florida Construction Workforce Taskforce 9-10 (January 27, 2017), <http://www.cce.ufl.edu/projects/current-projects/construction-workforce-taskforce/reports/>.

<sup>12</sup> Section 445.004, F.S.

<sup>13</sup> Florida Division of Emergency Management, *Lt. Governor Jennings Unveils Florida Rebuilds Initiative to Assist with Labor Shortage and Hurricane Recovery* (December 13, 2005), available at [http://www.floridadisaster.org/eoc/eoc\\_Activations/Wilma05/Reports/FLRebuilds.pdf/](http://www.floridadisaster.org/eoc/eoc_Activations/Wilma05/Reports/FLRebuilds.pdf/).

Participants were eligible for FRI programs if they were 18 years of age, a United States citizen, and willing to commit to attend the full program. If an eligible participant registered for the program, they were entered into a database run by a regional workforce made available to educational providers. Once the educational provider recruited enough eligible participants and was authorized by AWI to begin the program, the participants were enrolled in classes lasting up to 8 weeks.

The educational providers were reimbursed \$9 per class hour, up to the maximum hours identified per program area. Regional workforce boards were paid \$25 per participant in an approved program and \$250 per participant who was placed on a job site within 90 days of the program completion.<sup>14</sup>

### **The Florida Building Code and the Florida Building Commission**

In 1974, Florida adopted a state minimum building code law requiring all local governments to adopt and enforce a building code that would ensure minimum standards for public health and safety. Four separate model codes were available that local governments could consider and adopt. In that system, the state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes as they desired.<sup>15</sup>

In 1996, a study commission was appointed to review the system of local codes created by the 1974 law and to make recommendations for modernizing the entire system. The 1998 Legislature adopted the study commission recommendations for a single state building code and an enhanced oversight role for the state in local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Code), and that first edition replaced all local codes on March 1, 2002. In 2004, for the second edition of the Code, the state adopted the International Code Council I-Codes. All subsequent Codes have been adopted utilizing the International Code Council I-Codes as the foundation code.<sup>16</sup> The most recent Code is the fifth edition which is referred to as the 2014 Code. The 2014 Code went into effect June 30, 2015. The sixth edition of the Florida Building Code is tentatively expected to go into effect on December 31, 2017.<sup>17</sup>

The Florida Building Commission (FBC) was statutorily created to implement the Code. The FBC, which is housed within DBPR, is a 27-member technical body responsible for the development, maintenance, and interpretation of the Code. The FBC also approves products for statewide acceptance. Members are appointed by the Governor and confirmed by the Senate and

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<sup>14</sup> Florida Agency for Workforce Innovation, *Florida Rebuilds Program Operations*, available at [http://floridajobs.org/pdg/Memos/FIReBuildsProgOp\\_Atchmnt\\_121305.pdf/](http://floridajobs.org/pdg/Memos/FIReBuildsProgOp_Atchmnt_121305.pdf/).

<sup>15</sup> DBPR, [http://www.floridabuilding.org/fbc/information/building\\_commission.htm](http://www.floridabuilding.org/fbc/information/building_commission.htm) (last visited on Apr. 12, 2017).

<sup>16</sup> The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to “construct safe, sustainable, affordable and resilient structures.” The ICC publishes I-Codes: a complete set of model comprehensive, coordinated building safety and fire prevention codes, for all aspects of construction, that have been developed by ICC members. All fifty states have adopted the I-Codes.

<sup>17</sup> 6<sup>th</sup> Edition (2017) FBC Code Update Development Tasks, available at [http://www.floridabuilding.org/fbc/thecode/2017\\_Code\\_Development/Timelines/FBC\\_WorkplanOption1-2015.pdf](http://www.floridabuilding.org/fbc/thecode/2017_Code_Development/Timelines/FBC_WorkplanOption1-2015.pdf) (last visited Apr. 12, 2017).

include design professionals, contractors, and government experts in the various disciplines covered by the Code.<sup>18</sup>

The Code defines “building commissioning” to mean that selected building systems have been designed, installed, and function according to the owner’s project requirements, construction documents, and the minimum requirements of the Code.<sup>19</sup> Commissioning reports are performed by registered design professionals. A registered design professional is anyone licensed in Florida as an architect, landscape architect, professional engineer, or a land surveyor and mapper.<sup>20</sup>

Section C408 of the 5<sup>th</sup> edition of the Code (Energy Conservation) requires a commercial building to receive a commissioning report prior to receiving a passing mechanical final inspection. Heating, ventilation, air conditioning, and the lighting systems are tested in the report. The commissioning report includes:

- A commission plan which includes:
  - A description of the activities to accomplish in the report including the personnel intended to accomplish the activities;
  - A listing of the equipment, appliances, or systems to be tested, and a description of the tests to be performed;
  - The functions to be tested;
  - Conditions under which the test will be performed; and
  - Measurable criteria for performance.
- A preliminary report of tests and results which must identify:
  - Deficiencies found during testing that have not been corrected; and
  - Tests that cannot be performed because of climate conditions and the conditions required to perform the tests.
- A final report which includes:
  - Test results;
  - Disposition of deficiencies found during testing; and
  - A test procedure used for repeatable testing outcomes.<sup>21</sup>

#### ***American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard***

The American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) is a society founded in 1894 that focuses on improving building systems, energy efficiency, indoor air quality, and refrigeration through research publishing, continuing education and standards.<sup>22</sup>

The ASHRAE energy conservation standard for buildings that are not low-rise residential buildings is Standard 90.1-2016 (Standard 90). Section 9.4.1.1(g) of Standard 90 provides that the general lighting power in an enclosed area of a building must automatically reduce by 50 percent within 20 minutes of all occupants leaving the area.<sup>23</sup>

<sup>18</sup> DBPR, <http://www.myfloridalicense.com/dbpr/bcs/buildingcomm.html> (last visited on Apr. 12, 2017).

<sup>19</sup> Section C202 of the 5<sup>th</sup> edition of the Florida Building Code (Energy Conservation).

<sup>20</sup> Section 725.08(4), F.S.

<sup>21</sup> Section C408 of the 5<sup>th</sup> edition of the Florida Building Code (Energy Conservation).

<sup>22</sup> ASHRAE, <https://www.ashrae.org/about-ashrae> (last visited on Apr. 12, 2017).

<sup>23</sup> ASHRAE, *Standard 90.1-2016: Energy Standards for Buildings Except Low-Rise Residential Buildings*, [https://ashrae.iwrapper.com/ViewOnline/Standard\\_90.1-2016\\_\(IP\)](https://ashrae.iwrapper.com/ViewOnline/Standard_90.1-2016_(IP)), (last visited Apr. 12, 2017).

The most current version of the Code adopted the 2010 version of Standard 90.<sup>24</sup> However, the 2010 version of Standard 90 does not include Section 9.4.1.1(g).<sup>25</sup> The draft of the sixth edition of the Code (2017) does contain provisions that adopt this requirement.<sup>26</sup>

### **Local Government Fees**

Section 553.80, F.S., provides that, except for construction regarding correctional and mental health facilities, elevators, storage facilities, educational institutions, and toll collection facilities, each local government and each legally constituted enforcement district with statutory authority shall regulate building construction. Section 553.80(7), F.S., authorizes local governments to provide a schedule of consistent reasonable fees to be used solely for carrying out the local government responsibilities in enforcing the Code. The basis for the fee structure must relate to the level of service provided by the local government.

Local governments have created fee schedules to be submitted by contractors at the time of application for a building permit. These fees include inspection fees, plan examination fees, site examination fees, building permit fees (based on square footage of the building), and various administrative fees including re-permitting fees, time extension fees, re-inspection fees, and licensing fees.

Local governments may not require additional fees for:

- Providing proof of licensure pursuant to ch. 489, F.S.;
- Recording or filing a license issued; and
- Providing, recording, or filing evidence of workers' compensation insurance coverage required by ch. 440, F.S.<sup>27</sup>

### **Fire Prevention and Control**

Florida's fire prevention and control law, ch. 633, F.S., designates the Chief Financial Officer as the State Fire Marshal. The State Fire Marshal, through the Division of State Fire Marshal within the Department of Financial Services, is charged with enforcing the provisions of ch. 633, F.S., and all other applicable laws relating to fire safety and has the responsibility to minimize the loss of life and property in this state due to fire.<sup>28</sup>

One of the duties of the State Fire Marshal is to adopt by rule the Florida Fire Prevention Code (FFPC), which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings,

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<sup>24</sup> Section C405.7 of the 5<sup>th</sup> edition of the Florida Building Code (Energy Conservation).

<sup>25</sup> ASHRAE, *Standard 90.1-2010: Energy Standards for Buildings Except Low-Rise Residential Buildings*, [http://www.usailighting.com/stuff/contentmgr/files/1/b90ce247855d0f17438484c003877338/misc/ashrae\\_90\\_1\\_2010.pdf](http://www.usailighting.com/stuff/contentmgr/files/1/b90ce247855d0f17438484c003877338/misc/ashrae_90_1_2010.pdf), (last visited April 12, 2017).

<sup>26</sup> Department of Business and Professional Regulation, Bill Analysis for HB 1021, (Similar to SB 1312), dated March 28, 2017.

<sup>27</sup> Section 553.80(7), F.S.

<sup>28</sup> Section 633.104, F.S.

structures, and facilities and the enforcement of such fire safety laws and rules, at ch. 69A-60, F.A.C. The State Fire Marshal adopts a new edition of the FFPC every 3 years.<sup>29</sup>

State law requires all municipalities, counties, and special districts with fire safety responsibilities to enforce the FFPC as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Code. These local enforcing authorities may adopt more stringent fire safety standards, subject to certain requirements in s. 633.208, F.S., but may not enact fire safety ordinances that conflict with ch. 633, F.S., or any other state law.<sup>30</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 377.705, F.S., on the Florida Solar Energy Center. The bill defines “recognized certifying entity” to mean any entity that certifies equipment that collects and uses incident solar energy pursuant to standards established by NREL. It exempts solar energy systems certified pursuant to NREL standards from the requirements, standards, and criteria for the performance of solar energy systems developed by FSEC. It allows manufacture and sale of solar energy systems in this state that meet the standards established by a recognized certifying entity. However, NREL does not set standards.

**Section 2** amends s. 553.721, F.S., on the surcharge assessed on building permits at the rate of 1.5 percent of the permit fees. The surcharge is for DBPR’s use in administering and enforcing the Florida Building Code. The bill requires DBPR to fund \$150,000 in the 2017-2018 fiscal year to the University of Florida School of Construction Management for the continuation of the CIWT.

**Section 3** amends s. 553.80, F.S., on building code enforcement to prohibit local enforcement agencies from requiring payment of any additional fees, charges, or expenses associated with applying for permits if proof of licensure and insurance is provided and recorded.

**Section 4** creates s. 553.9081, F.S., to require the Florida Building Commission to amend the Florida Building Code-Energy Conservation to:

- Eliminate duplicative commissioning reporting requirements for HVAC and electrical systems;
- Authorize commissioning reports to be provided by a licensed design professional, electrical engineer, or mechanical engineer; and
- Prohibit the adoption of American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 90.1-2007 s. 9.4.1.1(g).

**Section 5** amends s. 633.208, F.S., on minimum firesafety standards. The bill prohibits a county, municipality, special taxing district, public utility, or private utility from:

- Requiring a separate water connection for a fire sprinkler system for a one-family or two-family dwelling if the dwelling’s original water connection can meet the needs of the sprinkler system; and

<sup>29</sup> Section 633.202, F.S.

<sup>30</sup> Sections 633.108, 633.208, and 633.214(4), F.S.



- Charging a water or sewer rate for a larger water meter for a one-family or two-family dwelling because of the installation of a fire sprinkler system above that which is charged to a one-family and two-family dwelling with a base meter. However, if the installation of fire sprinklers in a one-family or two-family dwelling requires the installation of a larger water meter, only the difference in actual cost between the base water meter and the larger water meter may be charged by the water utility provider.

**Section 6** prohibits a local government from requiring an owner of a residence to obtain a permit to paint the residence, regardless of whether the residence is owned by a limited liability company.

**Section 7** requires the Department of Education, in conjunction with the Department of Economic Opportunity, to create a study on how to implement the recommendations of the Construction Industry Workforce Task Force dated January 20, 2017. The Department of Education must provide the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives before January 9, 2018. The study must address:

- Expanding the definition of “local education agency,” as used in apprenticeship programs, to include nongovernmental entities, private training organizations, industry trade organizations, labor unions, or other community-based organizations;
- Determining the appropriateness of transferring apprenticeship programs from the Department of Education to the Department of Economic Opportunity;
- Providing clarity on how current apprenticeship programs are funded from the state to the local educational agencies and what options such agencies have in how they spend apprenticeship funding;
- Requiring the State Board of Education to accept the curriculum developed by the National Center for Construction Education and Research or other comparable national curriculum, as satisfactory courses for high school credit, college credit, or state-supported scholarships;
- Providing additional support to K-12 programs to ensure construction-related education programs are offered through existing career and technical education programs; and
- Authorizing an alternative instructor certification process through the Department of Education which does not require certification through local educational agencies.

**Section 8** requires CareerSource Florida, Inc., to fund construction training programs using existing federal funds awarded to the corporation for training, and to use the previous statewide Florida ReBuilds program as an implementation model for such programs.

**Section 9** provides that the bill takes effect July 1, 2017.

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

None.

##### B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may reduce certain permitting fees contractors pay to pull permits. Additionally, homeowners may pay less for water meters, and there may be an increase in the purchase of fire sprinkler systems for residential dwellings.

C. Government Sector Impact:

The DBPR indicates that the amount of additional fees collected by local jurisdictions associated with applying for building permits may be reduced.<sup>31</sup> However, any reduction in fees is indeterminate and may vary from jurisdiction to jurisdiction.<sup>32</sup>

The Department of Education, in conjunction with the Department of Economic Opportunity, is directed to create a study on how to implement the recommendations of the CIWT. It is anticipated that the study can be completed within existing resources.

The bill provides that CareerSource Florida, Inc., fund construction training programs from existing federal funds. CareerSource Florida receives \$3 million annually in federal training dollars through the Incumbent Worker Training Program. However, CareerSource Florida's federal funds are currently directed to meet shortfalls in career fields other than construction. Redirecting the federal funds for construction training purpose could leave Florida's current need for training programs in other career fields with deficiencies.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill references NREL standards for certifying solar energy systems. NREL has not produced such standards. The bill may need to be amended to reflect another current standard or to remove the reference.

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<sup>31</sup> Department of Business and Professional Regulation, Bill Analysis for HB1021, (Similar to SB 1312), at p. 4, dated March 28, 2017.

<sup>32</sup> *Id.*

The bill provides that a local jurisdiction may not require a contractor to pay additional fees for obtaining permits if the contractor's proof of licensure and insurance has been provided and recorded. It is unclear if the bill intends to prohibit local jurisdictions from charging any permit fees to contractors who have provided and recorded their license and insurance or if it intends to prohibit local jurisdictions from charging fees in addition to regular permit fees to contractors who have previously recorded their license and insurance.

The DBPR noted that their staff were unable to find any duplicative commissioning requirements in the current Florida Building Code, 5th edition (2014), or the draft Florida Building Code, 6th Edition 2017.<sup>33</sup> Additionally, DBPR noted that the reference in section 4 of the bill to ASHRAE s. 9.4.1.1(g) should more properly be ASHRAE Standard 90.1-2013 s. 9.4.1.1(g).<sup>34</sup> Finally, the DBPR noted that Title III of the Energy Conservation and Protection Act requires that all state building codes meet certain energy conservation requirements.<sup>35</sup> Last year, the Florida Building Commission received certification by the Department of Energy that the commercial provisions of the draft 6th Edition, Florida Building Code (2017), Energy Conservation, met those requirements.<sup>36</sup> The draft Florida Building Code, 6th Edition (2017), Energy Conservation, may lose federal certification if the provisions incorporating ASHRAE 90.1, Section 9.4.1.1(g), are removed.<sup>37</sup> If the federal certification is lost, the effective date of the Florida Building Code, 6th Edition (2017), could be delayed by 6 months or more.<sup>38</sup>

### VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 377.705, 553.721, 553.80, and 633.208.

The bill creates section 553.9081 of the Florida Statutes.

### IX. Additional Information:

#### A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

#### B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>33</sup> *Id.* at 6.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*