

By Senator Perry

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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 the Department of Education to submit the
29 study to the Governor and the Legislature by a

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30 specified date; requiring CareerSource Florida, Inc.,
31 to fund certain construction training programs;
32 providing program requirements; providing an effective
33 date.

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

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

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

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

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

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

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

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

58 (a) "Center" means ~~is defined as~~ the Florida Solar Energy

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59 Center of the Board of Governors.

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

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

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

75 (a) The center shall develop and adopt ~~promulgate~~ standards
76 for solar energy systems manufactured or sold in this state
77 based on the best currently available information and shall
78 consult with scientists, engineers, or persons in research
79 centers who are engaged in the construction of, experimentation
80 with, and research of solar energy systems to properly identify
81 the most reliable designs and types of solar energy systems.
82 This paragraph does not apply to solar energy systems certified
83 pursuant to National Renewable Energy Laboratory standards.

84 (b) The center shall establish criteria for testing
85 performance of solar energy systems and shall maintain the
86 necessary capability for testing or evaluating performance of
87 solar energy systems. The center may accept results of tests on

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88 solar energy systems made by other organizations, companies, or
89 persons if ~~when~~ such tests are conducted according to the
90 criteria established by the center and if ~~when~~ the testing
91 entity does not have a ~~has no~~ vested interest in the
92 manufacture, distribution, or sale of solar energy systems. This
93 paragraph does not apply to solar energy systems certified
94 pursuant to National Renewable Energy Laboratory standards.

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

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

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

109 553.721 Surcharge.—In order for the Department of Business
110 and Professional Regulation to administer and carry out the
111 purposes of this part and related activities, there is created a
112 surcharge, to be assessed at the rate of 1.5 percent of the
113 permit fees associated with enforcement of the Florida Building
114 Code as defined by the uniform account criteria and specifically
115 the uniform account code for building permits adopted for local
116 government financial reporting pursuant to s. 218.32. The

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117 minimum amount collected on any permit issued shall be \$2. The
118 unit of government responsible for collecting a permit fee
119 pursuant to s. 125.56(4) or s. 166.201 shall collect the
120 surcharge and electronically remit the funds collected to the
121 department on a quarterly calendar basis for the preceding
122 quarter and continuing each third month thereafter. The unit of
123 government shall retain 10 percent of the surcharge collected to
124 fund the participation of building departments in the national
125 and state building code adoption processes and to provide
126 education related to enforcement of the Florida Building Code.
127 All funds remitted to the department pursuant to this section
128 shall be deposited in the Professional Regulation Trust Fund.
129 Funds collected from the surcharge shall be allocated to fund
130 the Florida Building Commission and the Florida Building Code
131 Compliance and Mitigation Program under s. 553.841. Funds
132 allocated to the Florida Building Code Compliance and Mitigation
133 Program shall be \$925,000 each fiscal year. The Florida Building
134 Code Compliance and Mitigation Program shall fund the
135 recommendations made by the Building Code System Uniform
136 Implementation Evaluation Workgroup, dated April 8, 2013, from
137 existing resources, not to exceed \$30,000 in the 2016-2017
138 fiscal year. The department shall provide \$150,000 for the
139 fiscal year 2017-2018 from surcharge funds available to the
140 University of Florida M. E. Rinker, Sr., School of Construction
141 Management for the continuation of the Construction Industry
142 Workforce Task Force. Funds collected from the surcharge shall
143 also be used to fund Florida Fire Prevention Code informal
144 interpretations managed by the State Fire Marshal and shall be
145 limited to \$15,000 each fiscal year. The State Fire Marshal

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146 shall adopt rules to address the implementation and expenditure
147 of the funds allocated to fund the Florida Fire Prevention Code
148 informal interpretations under this section. The funds collected
149 from the surcharge may not be used to fund research on
150 techniques for mitigation of radon in existing buildings. Funds
151 used by the department as well as funds to be transferred to the
152 Department of Health and the State Fire Marshal shall be as
153 prescribed in the annual General Appropriations Act. The
154 department shall adopt rules governing the collection and
155 remittance of surcharges pursuant 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 a
160 schedule of reasonable fees, as authorized by s. 125.56(2) or s.
161 166.222 and this section, for enforcing this part. These fees,
162 and any fines or investment earnings related to the fees, shall
163 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

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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 permits, if proof of licensure and
 186 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; and

197 (2) Prohibit the adoption of American Society of Heating,
 198 Refrigerating and Air-Conditioning Engineers Standard 90.1-2007
 199 s. 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 contained

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204 in the Florida Fire Prevention Code, do not apply to one-family
205 and two-family dwellings. However, fire sprinkler protection may
206 be permitted by local government in lieu of other fire
207 protection-related development requirements for such structures.
208 While local governments may adopt fire sprinkler requirements
209 for one-family ~~one~~ and two-family dwellings under this
210 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-

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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 a
252 residence to obtain a permit to paint such residence, regardless
253 of whether the residence is owned by a limited liability
254 company.

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

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262 for:

263 (1) Expanding the definition of the term "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 ensure
281 construction-related education programs are offered through
282 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.

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