

By the Committees on Appropriations; Agriculture; and Communications, Energy, and Public Utilities; and Senator Simpson

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1 A bill to be entitled
2 An act relating to building construction policies;
3 amending s. 162.12, F.S.; providing an additional
4 method for local governments to provide notices to
5 alleged code enforcement violators; amending s.
6 373.323, F.S.; revising the requirements of an
7 applicant to take the water well contractor licensure
8 examination; amending s. 377.6015, F.S.; removing a
9 provision relating to representation in the Southern
10 States Energy Compact; amending s. 377.703, F.S.;
11 requiring the Department of Agriculture and Consumer
12 Services to include in its annual report
13 recommendations for energy efficiency; expanding the
14 promotion of the development and use of renewable
15 energy resources from goals related to solar energy to
16 renewable energy in general; requiring the department
17 to cooperate with the Florida Energy Systems
18 Consortium in the development and use of renewable
19 energy resources; amending s. 377.712, F.S.;
20 authorizing the Commissioner of Agriculture to appoint
21 a member to the Southern States Energy Board;
22 authorizing the member appointed by the Governor to
23 approve proposed activities relating to furtherance of
24 the Southern States Energy Compact; amending s.
25 377.801, F.S.; conforming a cross-reference; amending
26 s. 377.802, F.S.; amending the purpose of the Florida
27 Energy and Climate Protection Act; amending s.
28 377.803, F.S.; conforming provisions to changes made
29 by the act; repealing ss. 377.806 and 377.807, F.S.,

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30 relating to the Solar Energy System Incentives Program
31 and the Energy-Efficient Appliance Rebate Program,
32 respectively; creating s. 377.815, F.S.; authorizing
33 the department to post on its website information
34 relating to alternative fueling stations or electric
35 vehicle charging stations; defining the term
36 "alternative fuel"; authorizing the owner or operator
37 of an alternative fueling station or an electric
38 vehicle charging station to report certain
39 information; amending s. 440.103, F.S.; authorizing an
40 employer to present certain documents electronically
41 or physically in order to show proof and certify to
42 the permit issuer that it has secured compensation for
43 its employees; authorizing site plans or
44 electronically transferred building permits to be
45 maintained at the worksite in their original form or
46 by electronic copy; requiring such plans or permits to
47 be open to inspection by the building official or
48 authorized representative; amending s. 514.0115, F.S.;
49 authorizing the Department of Health to grant certain
50 variances relating to public swimming pools and
51 bathing places; amending s. 514.03, F.S.; requiring
52 application for an operating permit before filing an
53 application for a building permit for a public
54 swimming pool; amending s. 514.031, F.S.; providing
55 additional requirements for obtaining a public
56 swimming pool operating permit; providing a procedure
57 for an applicant to respond to a request for
58 additional information; requiring the Department of

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59 Health to review and provide to the local enforcement
60 agency and the applicant any comments or proposed
61 modifications to information submitted in the
62 application; amending s. 553.37, F.S.; specifying
63 inspection criteria for construction or modification
64 of manufactured buildings or modules; amending s.
65 553.721, F.S.; making a technical change; amending s.
66 553.73, F.S.; authorizing an agency or local
67 government to require rooftop equipment to be
68 installed in compliance with the Florida Building Code
69 if the equipment is being replaced or removed during
70 reroofing and is not in compliance with the Florida
71 Building Code's roof-mounted mechanical units
72 requirements; providing that make-up air is not
73 required for certain range hood exhaust systems;
74 amending s. 553.74, F.S.; adding a member to the
75 Florida Building Commission as a representative of the
76 Department of Agriculture and Consumer Services'
77 Office of Energy; deleting obsolete provisions;
78 amending s. 553.77, F.S.; requiring building officials
79 to recognize and enforce certain variance orders
80 issued by the Department of Health; amending s.
81 553.775, F.S.; authorizing building officials, local
82 enforcement agencies, and the Florida Building
83 Commission to interpret the Florida Accessibility Code
84 for Building Construction; specifying procedures for
85 such interpretations; deleting provisions relating to
86 declaratory statements and interpretations of the
87 Florida Accessibility Code for Building Construction,

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88 to conform; amending s. 553.79, F.S.; prohibiting a
89 local enforcing agency from issuing a building permit
90 for a public swimming pool without proof of
91 application for an operating permit; requiring
92 issuance of an operating permit before a certificate
93 of completion or occupancy is issued; requiring the
94 local enforcing agency to review the building permit
95 application upon filing; authorizing such agency to
96 confer with the Department of Health if it doesn't
97 delay review of the application; authorizing site
98 plans or building permits to be maintained at the
99 worksite in their original form or in the form of an
100 electronic copy; requiring the permit to be open to
101 inspection; amending s. 553.80, F.S.; requiring
102 counties and municipalities to expedite building
103 construction permitting, building plans review, and
104 inspections of projects of certain public schools,
105 rather than certain public school districts; amending
106 s. 553.841, F.S.; revising education and training
107 requirements of the Florida Building Code Compliance
108 and Mitigation Program; creating s. 553.883, F.S.;
109 authorizing use of smoke alarms powered by 10-year
110 nonremovable, nonreplaceable batteries in certain
111 circumstances; requiring use of such alarms by a
112 certain date; providing an exemption; amending s.
113 553.993, F.S.; redefining the term "building energy-
114 efficiency rating system" to require consistency with
115 certain national standards for new construction and
116 existing construction; providing for oversight;

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117 amending s. 633.202, F.S.; exempting certain tents
118 from the Florida Fire Prevention Code; amending s.
119 633.212, F.S.; removing the requirement that an
120 alternate member of the Fire Code Interpretation
121 Committee provide notice to the committee in order to
122 respond to a nonbinding interpretation when a member
123 is unable to respond; amending s. 713.32, F.S.;
124 revising the payment of proceeds of an insurance
125 policy on real property; providing effective dates.
126

127 Be It Enacted by the Legislature of the State of Florida:
128

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

131 162.12 Notices.—

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

134 (a) Certified mail, and at the option of the local
135 government return receipt requested, to the address listed in
136 the tax collector's office for tax notices or to the address
137 listed in the county property appraiser's database. The local
138 government may also provide an additional notice to any other
139 address it may find for the property owner. For property owned
140 by a corporation, notices may be provided by certified mail to
141 the registered agent of the corporation. If any notice sent by
142 certified mail is not signed as received within 30 days after
143 the postmarked date of mailing, notice may be provided by
144 posting as described in subparagraphs (2) (b)1. and 2.;

145 (b) Hand delivery by the sheriff or other law enforcement

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146 officer, code inspector, or other person designated by the local
147 governing body;

148 (c) Leaving the notice at the violator's usual place of
149 residence with any person residing therein who is above 15 years
150 of age and informing such person of the contents of the notice;
151 or

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

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

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

164 2. Proof of publication shall be made as provided in ss.
165 50.041 and 50.051.

166 (b)1. In lieu of publication as described in paragraph (a),
167 such notice may be posted at least 10 days prior to the hearing,
168 or prior to the expiration of any deadline contained in the
169 notice, in at least two locations, one of which shall be the
170 property upon which the violation is alleged to exist and the
171 other of which shall be, in the case of municipalities, at the
172 primary municipal government office, and in the case of
173 counties, at the front door of the courthouse or the main county
174 governmental center in said county.

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175 2. Proof of posting shall be by affidavit of the person
176 posting the notice, which affidavit shall include a copy of the
177 notice posted and the date and places of its posting.

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

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

187 Section 2. Paragraph (b) of subsection (3) of section
188 373.323, Florida Statutes, is amended to read:

189 373.323 Licensure of water well contractors; application,
190 qualifications, and examinations; equipment identification.—

191 (3) An applicant who meets the following requirements shall
192 be entitled to take the water well contractor licensure
193 examination:

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

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

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

202 ~~b. A water well driller.~~

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

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204 ~~d.~~ a water well inspector employed by a governmental
205 agency.

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

211 a. The name and address of the owner or owners of each
212 well.

213 b. The location, primary use, and approximate depth and
214 diameter of each well that the applicant has constructed,
215 repaired, or abandoned.

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

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

222 377.6015 Department of Agriculture and Consumer Services;
223 powers and duties.—

224 (2) The department shall:

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

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

229 377.703 Additional functions of the Department of
230 Agriculture and Consumer Services.—

231 (2) DUTIES.—The department shall perform the following
232 functions, unless as otherwise provided, consistent with the

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233 development of a state energy policy:

234 (f) The department shall submit an annual report to the
235 Governor and the Legislature reflecting its activities and
236 making recommendations for ~~of~~ policies for improvement of the
237 state's response to energy supply and demand and its effect on
238 the health, safety, and welfare of the residents of this state
239 ~~people of Florida~~. The report must ~~shall~~ include a report from
240 the Florida Public Service Commission on electricity and natural
241 gas and information on energy conservation programs conducted
242 and underway in the past year and ~~shall~~ include recommendations
243 for energy efficiency and conservation programs for the state,
244 ~~including, but not limited to, the following factors:~~

245 1. Formulation of specific recommendations for improvement
246 in the efficiency of energy utilization in governmental,
247 residential, commercial, industrial, and transportation sectors.

248 2. Collection and dissemination of information relating to
249 energy efficiency and conservation.

250 3. Development and conduct of educational and training
251 programs relating to energy efficiency and conservation.

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

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

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

260 2. Aiding and promoting the commercialization of renewable
261 energy resources ~~solar energy technology~~, in cooperation with

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262 the Florida Energy Systems Consortium, the Florida Solar Energy
263 Center, Enterprise Florida, Inc., and any other federal, state,
264 or local governmental agency that ~~which~~ may seek to promote
265 research, development, and the demonstration of renewable solar
266 energy equipment and technology.

267 3. Identifying barriers to greater use of renewable energy
268 resources ~~solar energy systems~~ in this state, and developing
269 specific recommendations for overcoming identified barriers,
270 with findings and recommendations to be submitted annually in
271 the report to the Governor and Legislature required under
272 paragraph (f).

273 4. In cooperation with the Department of Environmental
274 Protection, the Department of Transportation, the Department of
275 Economic Opportunity, Enterprise Florida, Inc., the Florida
276 Energy Systems Consortium, the Florida Solar Energy Center, and
277 the Florida Solar Energy Industries Association, investigating
278 opportunities, pursuant to the national Energy Policy Act of
279 1992, the Housing and Community Development Act of 1992, and any
280 subsequent federal legislation, for renewable energy resources,
281 ~~solar~~ electric vehicles, and other renewable solar energy
282 manufacturing, distribution, installation, and financing efforts
283 that ~~which will~~ enhance this state's position as the leader in
284 renewable solar energy research, development, and use.

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

287
288 In the exercise of its responsibilities under this paragraph,
289 the department shall seek the assistance of the renewable solar
290 energy industry in this state and other interested parties and

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291 ~~may is authorized to~~ enter into contracts, retain professional
292 consulting services, and expend funds appropriated by the
293 Legislature for such purposes.

294 (i) The department shall promote energy efficiency and
295 conservation in all energy use sectors throughout the state and
296 ~~be shall constitute~~ the state agency primarily responsible for
297 this function. The Department of Management Services, in
298 consultation with the department, shall coordinate the energy
299 conservation programs of all state agencies and review and
300 comment on the energy conservation programs of all state
301 agencies.

302 Section 5. Section 377.712, Florida Statutes, is amended to
303 read:

304 377.712 Florida participation.—

305 (1) (a) The Governor shall appoint one member of the
306 Southern States Energy Board. The member or the Governor may
307 designate another person as the deputy or assistant to such
308 member.

309 (b) The Commissioner of Agriculture may appoint one member
310 of the Southern States Energy Board. The member or the
311 commissioner may designate another person as the assistant or
312 deputy to such member.

313 (c) ~~(b)~~ The President of the Senate shall appoint one member
314 of the Southern States Energy Board. The member or the president
315 may designate another person as the assistant or deputy to such
316 member.

317 (d) ~~(e)~~ The Speaker of the House of Representatives shall
318 appoint one member of the Southern States Energy Board. The
319 member or the speaker may designate another person as the

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320 assistant or deputy to such member.

321 (2) Any supplementary agreement entered into under s.
322 377.711(6) requiring the expenditure of funds may ~~shall~~ not
323 become effective as to Florida until the required funds are
324 appropriated by the Legislature.

325 (3) Departments, agencies, and officers of this state, and
326 its subdivisions are authorized to cooperate with the board in
327 the furtherance of ~~any of~~ its activities pursuant to the
328 compact, provided such proposed activities have been made known
329 to, and have the approval of, ~~either~~ the Governor or the member
330 appointed by the Governor ~~Department of Health~~.

331 Section 6. Section 377.801, Florida Statutes, is amended to
332 read:

333 377.801 Short title.—Sections 377.801-377.804 ~~377.801-~~
334 ~~377.807~~ may be cited as the "Florida Energy and Climate
335 Protection Act."

336 Section 7. Section 377.802, Florida Statutes, is amended to
337 read:

338 377.802 Purpose.—This act is intended to provide incentives
339 for Florida's citizens, businesses, school districts, and local
340 governments to take action to diversify the state's energy
341 supplies, reduce dependence on foreign oil, and mitigate the
342 effects of climate change by providing funding for activities
343 designed to achieve these goals. The grant programs in this act
344 are intended to stimulate capital investment in and enhance the
345 market for renewable energy technologies and technologies
346 intended to diversify Florida's energy supplies, reduce
347 dependence on foreign oil, and combat or limit climate change
348 impacts. ~~This act is also intended to provide incentives for the~~

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349 ~~purchase of energy efficient appliances and rebates for solar~~
350 ~~energy equipment installations for residential and commercial~~
351 ~~buildings.~~

352 Section 8. Section 377.803, Florida Statutes, is amended to
353 read:

354 377.803 Definitions.—As used in ss. 377.801-377.804 ~~ss.~~
355 ~~377.801-377.807~~, the term:

356 (1) "Act" means the Florida Energy and Climate Protection
357 Act.

358 (2) "Department" means the Department of Agriculture and
359 Consumer Services.

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

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

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

370 ~~(6) "Solar energy system" means equipment that provides for~~
371 ~~the collection and use of incident solar energy for water~~
372 ~~heating, space heating or cooling, or other applications that~~
373 ~~would normally require a conventional source of energy such as~~
374 ~~petroleum products, natural gas, or electricity that performs~~
375 ~~primarily with solar energy. In other systems in which solar~~
376 ~~energy is used in a supplemental way, only those components that~~
377 ~~collect and transfer solar energy shall be included in this~~

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378 ~~definition.~~

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

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

383 Section 9. Sections 377.806 and 377.807, Florida Statutes,
384 are repealed.

385 Section 10. Section 377.815, Florida Statutes, is created
386 to read:

387 377.815 Alternative fueling stations and electric vehicle
388 charging stations.—The Department of Agriculture and Consumer
389 Services may post information on its website relating to
390 alternative fueling stations or electric vehicle charging
391 stations that are available for public use in this state.

392 (1) As used in this section, the term "alternative fuel"
393 means nontraditional transportation fuel, such as pure methanol,
394 ethanol, and other alcohols; blends of 85 percent or more of
395 alcohol with gasoline; natural gas and liquid fuels domestically
396 produced from natural gas; liquefied petroleum gas; coal-derived
397 liquid fuels; hydrogen; electricity; pure biodiesel; fuels,
398 other than alcohol, derived from biological materials; and P-
399 series fuels.

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

403 (a) The type of alternative fuel available;

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

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

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

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

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

413 Section 11. Section 440.103, Florida Statutes, is amended
414 to read:

415 440.103 Building permits; identification of minimum premium
416 policy.—Every employer shall, as a condition to applying for and
417 receiving a building permit, show proof and certify to the
418 permit issuer that it has secured compensation for its employees
419 under this chapter as provided in ss. 440.10 and 440.38. Such
420 proof of compensation must be evidenced by a certificate of
421 coverage issued by the carrier, a valid exemption certificate
422 approved by the department, or a copy of the employer's
423 authority to self-insure and shall be presented, electronically
424 or physically, each time the employer applies for a building
425 permit. As provided in s. 553.79(19), for the purpose of
426 inspection and record retention, site plans or building permits
427 may be maintained at the worksite in the original form or in the
428 form of an electronic copy. These plans and permits must be open
429 to inspection by the building official or a duly authorized
430 representative, as required by the Florida Building Code. As
431 provided in s. 627.413(5), each certificate of coverage must
432 show, on its face, whether or not coverage is secured under the
433 minimum premium provisions of rules adopted by rating
434 organizations licensed pursuant to s. 627.221. The words
435 "minimum premium policy" or equivalent language shall be typed,

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436 printed, stamped, or legibly handwritten.

437 Section 12. Subsection (5) of section 514.0115, Florida
438 Statutes, is amended to read:

439 514.0115 Exemptions from supervision or regulation;
440 variances.—

441 (5) The department may grant variances from any rule
442 adopted under this chapter pursuant to procedures adopted by
443 department rule. The department may also grant, pursuant to
444 procedures adopted by department rule, variances from the
445 provisions of the Florida Building Code specifically pertaining
446 to public swimming pools and bathing places when requested by
447 the pool owner or their representative to relieve hardship in
448 cases involving deviations from the Florida Building Code
449 provisions, when it is shown that the hardship was not caused
450 intentionally by the action of the applicant, where no
451 reasonable alternative exists, and the health and safety of the
452 pool patrons is not at risk.

453 Section 13. Effective October 1, 2014, section 514.03,
454 Florida Statutes, is amended to read:

455 514.03 Approval necessary to construct, develop, or modify
456 public swimming pools or public bathing places.—

457 (1) A person or public body desiring to construct, develop,
458 or modify a public swimming pool must submit an application,
459 containing the information required under s. 514.031(1)(a)1.-6.
460 to the department for an operating permit before filing an
461 application for a building permit under s. 553.79. A copy of the
462 final inspection required under s. 514.031(1)(a)5. shall be
463 submitted to the department upon receipt by the applicant. The
464 application shall be deemed incomplete pursuant to s. 120.60

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465 until such copy is submitted to the department.

466 (2) Local governments or local enforcement districts may
467 determine compliance with the general construction standards of
468 the Florida Building Code, pursuant to s. 553.80. Local
469 governments or local enforcement districts may conduct plan
470 reviews and inspections of public swimming pools and public
471 bathing places for this purpose.

472 Section 14. Effective October 1, 2014, paragraph (a) of
473 subsection (1) of section 514.031, Florida Statutes, is amended,
474 present paragraphs (b) and (c) of that subsection are
475 redesignated as paragraphs (c) and (d), respectively, and a new
476 paragraph (b) is added to that subsection, to read:

477 514.031 Permit necessary to operate public swimming pool.—

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

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

486 1. A description of the structure, its appurtenances, and
487 its operation.

488 ~~2.1. A~~ description of the source or sources of water
489 supply, and the amount and quality of water available and
490 intended to be used.

491 ~~3.2. The~~ method and manner of water purification,
492 treatment, disinfection, and heating.

493 ~~4.3. The~~ safety equipment and standards to be used.

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494 5. A copy of the final inspection from the local
495 enforcement agency as defined in s. 553.71.

496 6.4. Any other pertinent information deemed necessary by
497 the department.

498 (b) The applicant shall respond to a request for additional
499 information due to an incomplete application for an operating
500 permit pursuant to s. 120.60. Upon receipt of an application,
501 whether complete or incomplete, as required in s. 514.03 and as
502 set forth under this section, the department shall review and
503 provide to the local enforcement agency and the applicant any
504 comment or proposed modifications on the information received
505 pursuant to subparagraphs 1.-6.

506 Section 15. Paragraph (c) of subsection (1) of section
507 553.37, Florida Statutes, is amended to read:

508 553.37 Rules; inspections; and insignia.—

509 (1) The Florida Building Commission shall adopt within the
510 Florida Building Code requirements for construction or
511 modification of manufactured buildings and building modules, to
512 address:

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

515 1. Observe the first building built, or with regard to
516 components, observe the first unit assembled, after
517 certification of the manufacturer, from start to finish,
518 inspecting all subsystems: electrical, plumbing, structural,
519 mechanical, or thermal.

520 2. Continue observation of the manufacturing process until
521 the approved inspection agency determines that the
522 manufacturer's quality control program, in conjunction with the

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523 application of the plans approved by the approved inspection
524 agency, will result in a building and components that meet or
525 exceed the applicable Florida Building Code requirements.

526 3. Thereafter, inspect each module produced during at least
527 one point of the manufacturing process and inspect at least 75
528 percent of the subsystems of each module: electrical, plumbing,
529 structural, mechanical, or thermal.

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

534 Section 16. Section 553.721, Florida Statutes, is amended
535 to read:

536 553.721 Surcharge.—In order for the Department of Business
537 and Professional Regulation to administer and carry out the
538 purposes of this part and related activities, there is created a
539 surcharge, to be assessed at the rate of 1.5 percent of the
540 permit fees associated with enforcement of the Florida Building
541 Code as defined by the uniform account criteria and specifically
542 the uniform account code for building permits adopted for local
543 government financial reporting pursuant to s. 218.32. The
544 minimum amount collected on any permit issued shall be \$2. The
545 unit of government responsible for collecting a permit fee
546 pursuant to s. 125.56(4) or s. 166.201 shall collect the
547 surcharge and electronically remit the funds collected to the
548 department on a quarterly calendar basis for the preceding
549 quarter and continuing each third month thereafter. The unit of
550 government shall retain 10 percent of the surcharge collected to
551 fund the participation of building departments in the national

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552 and state building code adoption processes and to provide
553 education related to enforcement of the Florida Building Code.
554 All funds remitted to the department pursuant to this section
555 shall be deposited in the Professional Regulation Trust Fund.
556 Funds collected from the surcharge shall be allocated to fund
557 the Florida Building Commission and the Florida Building Code
558 Compliance and Mitigation Program under s. 553.841. ~~Beginning in~~
559 ~~the 2013-2014 fiscal year,~~ Funds allocated to the Florida
560 Building Code Compliance and Mitigation Program shall be
561 \$925,000 each fiscal year. The funds collected from the
562 surcharge may not be used to fund research on techniques for
563 mitigation of radon in existing buildings. Funds used by the
564 department as well as funds to be transferred to the Department
565 of Health shall be as prescribed in the annual General
566 Appropriations Act. The department shall adopt rules governing
567 the collection and remittance of surcharges pursuant to chapter
568 120.

569 Section 17. Subsection (15) of section 553.73, Florida
570 Statutes, is amended, and subsection (18) is added to that
571 section, to read:

572 553.73 Florida Building Code.—

573 (15) An agency or local government may not require that
574 existing mechanical equipment located on or above the surface of
575 a roof be installed in compliance with the requirements of the
576 Florida Building Code except when ~~until~~ the equipment is being
577 ~~required to be removed or replaced or moved during reroofing and~~
578 is not in compliance with the provisions of the Florida Building
579 Code relating to roof-mounted mechanical units.

580 (18) In a single-family dwelling, make-up air is not

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581 required for range hood exhaust systems capable of exhausting:

582 (a) 400 cubic feet per minute or less; or

583 (b) More than 400 cubic feet per minute but no more than
584 800 cubic feet per minute if there are no gravity vent
585 appliances within the conditioned living space of the structure.

586 Section 18. Subsection (1) of section 553.74, Florida
587 Statutes, is amended to read:

588 553.74 Florida Building Commission.—

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

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

598 (b) One structural engineer registered to practice in this
599 state and actively engaged in the profession. The Florida
600 Engineering Society is encouraged to recommend a list of
601 candidates for consideration.

602 (c) One air-conditioning or mechanical contractor certified
603 to do business in this state and actively engaged in the
604 profession. The Florida Air Conditioning Contractors
605 Association, the Florida Refrigeration and Air Conditioning
606 Contractors Association, and the Mechanical Contractors
607 Association of Florida are encouraged to recommend a list of
608 candidates for consideration.

609 (d) One electrical contractor certified to do business in

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610 this state and actively engaged in the profession. The Florida
611 Association of Electrical Contractors ~~Association~~ and the
612 National Electrical Contractors Association, Florida Chapter,
613 are encouraged to recommend a list of candidates for
614 consideration.

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

620 (f) One general contractor certified to do business in this
621 state and actively engaged in the profession. The Associated
622 Builders and Contractors of Florida, the Florida Associated
623 General Contractors Council, and the Union Contractors
624 Association are encouraged to recommend a list of candidates for
625 consideration.

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

630 (h) One roofing or sheet metal contractor certified to do
631 business in this state and actively engaged in the profession.
632 The Florida Roofing, Sheet Metal, and Air Conditioning
633 Contractors Association and the Sheet Metal and Air Conditioning
634 Contractors' ~~Contractors~~ National Association are encouraged to
635 recommend a list of candidates for consideration.

636 (i) One residential contractor licensed to do business in
637 this state and actively engaged in the profession. The Florida
638 Home Builders Association is encouraged to recommend a list of

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639 candidates for consideration.

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

645 (k) One member who represents the Department of Financial
646 Services.

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

650 (m) One member of a Florida-based organization of persons
651 with disabilities or a nationally chartered organization of
652 persons with disabilities with chapters in this state.

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

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

661 (p) One member who is a representative of a municipality or
662 a charter county. The Florida League of Cities and the Florida
663 Association of Counties are encouraged to recommend a list of
664 candidates for consideration.

665 (q) One member of the building products manufacturing
666 industry who is authorized to do business in this state and is
667 actively engaged in the industry. The Florida Building Material

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668 Association, the Florida Concrete and Product ~~Products~~
669 Association, and the Fenestration Manufacturers Association are
670 encouraged to recommend a list of candidates for consideration.

671 (r) One member who is a representative of the building
672 owners and managers industry who is actively engaged in
673 commercial building ownership or management. The Building Owners
674 and Managers Association is encouraged to recommend a list of
675 candidates for consideration.

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

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

680 (u) One member who is a swimming pool contractor licensed
681 to do business in this state and actively engaged in the
682 profession. The Florida Swimming Pool Association and the United
683 Pool and Spa Association are encouraged to recommend a list of
684 candidates for consideration.

685 (v) One member who is a representative of the green
686 building industry and who is a third-party commission agent, a
687 Florida board member of the United States Green Building Council
688 or Green Building Initiative, a professional who is accredited
689 under the International Green Construction Code (IGCC), or a
690 professional who is accredited under Leadership in Energy and
691 Environmental Design (LEED).

692 (w) One member who is a representative of a natural gas
693 distribution system and who is actively engaged in the
694 distribution of natural gas in this state. The Florida Natural
695 Gas Association is encouraged to recommend a list of candidates
696 for consideration.

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697 (x) One member who is a representative of the Department of
698 Agriculture and Consumer Services' Office of Energy. The
699 Commissioner of Agriculture is encouraged to recommend a list of
700 candidates for consideration.

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

702

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

707 Section 19. Subsection (7) is added to section 553.77,
708 Florida Statutes, to read:

709 553.77 Specific powers of the commission.—

710 (7) Building officials shall recognize and enforce variance
711 orders issued by the Department of Health pursuant to s.
712 514.0155(5), including any conditions attached to the granting
713 of the variance.

714 Section 20. Section 553.775, Florida Statutes, is amended
715 to read:

716 553.775 Interpretations.—

717 (1) It is the intent of the Legislature that the Florida
718 Building Code and the Florida Accessibility Code for Building
719 Construction be interpreted by building officials, local
720 enforcement agencies, and the commission in a manner that
721 protects the public safety, health, and welfare at the most
722 reasonable cost to the consumer by ensuring uniform
723 interpretations throughout the state and by providing processes
724 for resolving disputes regarding interpretations of the Florida
725 Building Code and the Florida Accessibility Code for Building

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726 Construction which are just and expeditious.

727 (2) Local enforcement agencies, local building officials,
728 state agencies, and the commission shall interpret provisions of
729 the Florida Building Code and the Florida Accessibility Code for
730 Building Construction in a manner that is consistent with
731 declaratory statements and interpretations entered by the
732 commission, except that conflicts between the Florida Fire
733 Prevention Code and the Florida Building Code shall be resolved
734 in accordance with s. 553.73(11)(c) and (d).

735 (3) The following procedures may be invoked regarding
736 interpretations of the Florida Building Code or the Florida
737 Accessibility Code for Building Construction:

738 (a) Upon written application by any substantially affected
739 person or state agency or by a local enforcement agency, the
740 commission shall issue declaratory statements pursuant to s.
741 120.565 relating to the enforcement or administration by local
742 governments of the Florida Building Code or the Florida
743 Accessibility Code for Building Construction.

744 (b) When requested in writing by any substantially affected
745 person or state agency or by a local enforcement agency, the
746 commission shall issue a declaratory statement pursuant to s.
747 120.565 relating to this part and ss. 515.25, 515.27, 515.29,
748 and 515.37. Actions of the commission are subject to judicial
749 review under s. 120.68.

750 (c) The commission shall review decisions of local building
751 officials and local enforcement agencies regarding
752 interpretations of the Florida Building Code or the Florida
753 Accessibility Code for Building Construction after the local
754 board of appeals has considered the decision, if such board

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755 exists, and if such appeals process is concluded within 25
756 business days.

757 1. The commission shall coordinate with the Building
758 Officials Association of Florida, Inc., to designate panels
759 composed of five members to hear requests to review decisions of
760 local building officials. The members must be licensed as
761 building code administrators under part XII of chapter 468 and
762 must have experience interpreting and enforcing provisions of
763 the Florida Building Code and the Florida Accessibility Code for
764 Building Construction.

765 2. Requests to review a decision of a local building
766 official interpreting provisions of the Florida Building Code or
767 the Florida Accessibility Code for Building Construction may be
768 initiated by any substantially affected person, including an
769 owner or builder subject to a decision of a local building
770 official or an association of owners or builders having members
771 who are subject to a decision of a local building official. In
772 order to initiate review, the substantially affected person must
773 file a petition with the commission. The commission shall adopt
774 a form for the petition, which shall be published on the
775 Building Code Information System. The form shall, at a minimum,
776 require the following:

777 a. The name and address of the county or municipality in
778 which provisions of the Florida Building Code or the Florida
779 Accessibility Code for Building Construction are being
780 interpreted.

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

783 c. The name, address, and telephone number of the

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784 petitioner; the name, address, and telephone number of the
785 petitioner's representative, if any; and an explanation of how
786 the petitioner's substantial interests are being affected by the
787 local interpretation of the Florida Building Code or the Florida
788 Accessibility Code for Building Construction.

789 d. A statement of the provisions of the Florida Building
790 Code or the Florida Accessibility Code for Building Construction
791 which are being interpreted by the local building official.

792 e. A statement of the interpretation given to provisions of
793 the Florida Building Code or the Florida Accessibility Code for
794 Building Construction by the local building official and the
795 manner in which the interpretation was rendered.

796 f. A statement of the interpretation that the petitioner
797 contends should be given to the provisions of the Florida
798 Building Code or the Florida Accessibility Code for Building
799 Construction and a statement supporting the petitioner's
800 interpretation.

801 g. Space for the local building official to respond in
802 writing. The space shall, at a minimum, require the local
803 building official to respond by providing a statement admitting
804 or denying the statements contained in the petition and a
805 statement of the interpretation of the provisions of the Florida
806 Building Code or the Florida Accessibility Code for Building
807 Construction which the local jurisdiction or the local building
808 official contends is correct, including the basis for the
809 interpretation.

810 3. The petitioner shall submit the petition to the local
811 building official, who shall place the date of receipt on the
812 petition. The local building official shall respond to the

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813 petition in accordance with the form and shall return the
814 petition along with his or her response to the petitioner within
815 5 days after receipt, exclusive of Saturdays, Sundays, and legal
816 holidays. The petitioner may file the petition with the
817 commission at any time after the local building official
818 provides a response. If no response is provided by the local
819 building official, the petitioner may file the petition with the
820 commission 10 days after submission of the petition to the local
821 building official and shall note that the local building
822 official did not respond.

823 4. Upon receipt of a petition that meets the requirements
824 of subparagraph 2., the commission shall immediately provide
825 copies of the petition to a panel, and the commission shall
826 publish the petition, including any response submitted by the
827 local building official, on the Building Code Information System
828 in a manner that allows interested persons to address the issues
829 by posting comments.

830 5. The panel shall conduct proceedings as necessary to
831 resolve the issues; shall give due regard to the petitions, the
832 response, and to comments posed on the Building Code Information
833 System; and shall issue an interpretation regarding the
834 provisions of the Florida Building Code or the Florida
835 Accessibility Code for Building Construction within 21 days
836 after the filing of the petition. The panel shall render a
837 determination based upon the Florida Building Code or the
838 Florida Accessibility Code for Building Construction or, if the
839 code is ambiguous, the intent of the code. The panel's
840 interpretation shall be provided to the commission, which shall
841 publish the interpretation on the Building Code Information

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842 System and in the Florida Administrative Register. The
843 interpretation shall be considered an interpretation entered by
844 the commission, and shall be binding upon the parties and upon
845 all jurisdictions subject to the Florida Building Code or the
846 Florida Accessibility Code for Building Construction, unless it
847 is superseded by a declaratory statement issued by the Florida
848 Building Commission or by a final order entered after an appeal
849 proceeding conducted in accordance with subparagraph 7.

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

855 7. Any substantially affected person may appeal an
856 interpretation rendered by a hearing officer panel by filing a
857 petition with the commission. Such appeals shall be initiated in
858 accordance with chapter 120 and the uniform rules of procedure
859 and must be filed within 30 days after publication of the
860 interpretation on the Building Code Information System or in the
861 Florida Administrative Register. Hearings shall be conducted
862 pursuant to chapter 120 and the uniform rules of procedure.
863 Decisions of the commission are subject to judicial review
864 pursuant to s. 120.68. The final order of the commission is
865 binding upon the parties and upon all jurisdictions subject to
866 the Florida Building Code or the Florida Accessibility Code for
867 Building Construction.

868 8. The burden of proof in any proceeding initiated in
869 accordance with subparagraph 7. is on the party who initiated
870 the appeal.

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871 9. In any review proceeding initiated in accordance with
872 this paragraph, including any proceeding initiated in accordance
873 with subparagraph 7., the fact that an owner or builder has
874 proceeded with construction may not be grounds for determining
875 an issue to be moot if the issue is one that is likely to arise
876 in the future.

877
878 This paragraph provides the exclusive remedy for addressing
879 requests to review local interpretations of the Florida Building
880 Code or the Florida Accessibility Code for Building Construction
881 and appeals from review proceedings.

882 (d) Upon written application by any substantially affected
883 person, contractor, or designer, or a group representing a
884 substantially affected person, contractor, or designer, the
885 commission shall issue or cause to be issued a formal
886 interpretation of the Florida Building Code or the Florida
887 Accessibility Code for Building Construction as prescribed by
888 paragraph (c).

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

894 (f) Upon written application by any substantially affected
895 person, the commission shall issue a declaratory statement
896 pursuant to s. 120.565 relating to an agency's interpretation
897 and enforcement of the specific provisions of the Florida
898 Building Code or the Florida Accessibility Code for Building
899 Construction which the agency is authorized to enforce. This

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900 subsection does not provide any powers, other than advisory, to
901 the commission with respect to any decision of the State Fire
902 Marshal made pursuant to chapter 633.

903 (g) The commission may designate a commission member who
904 has demonstrated expertise in interpreting building plans to
905 attend each meeting of the advisory council created in s.
906 553.512. The commission member may vary from meeting to meeting,
907 shall serve on the council in a nonvoting capacity, and shall
908 receive per diem and expenses as provided in s. 553.74(3).

909 (h) The commission shall by rule establish an informal
910 process of rendering nonbinding interpretations of the Florida
911 Building Code and the Florida Accessibility Code for Building
912 Construction. The commission is specifically authorized to refer
913 interpretive issues to organizations that represent those
914 engaged in the construction industry. The commission shall
915 immediately implement the process before completing formal
916 rulemaking. It is the intent of the Legislature that the
917 commission create a process to refer questions to a small,
918 rotating group of individuals licensed under part XII of chapter
919 468, to which a party may pose questions regarding the
920 interpretation of code provisions. It is the intent of the
921 Legislature that the process provide for the expeditious
922 resolution of the issues presented and publication of the
923 resulting interpretation on the Building Code Information
924 System. Such interpretations shall be advisory only and
925 nonbinding on the parties and the commission.

926 (4) In order to administer this section, the commission may
927 adopt by rule and impose a fee for filing requests for
928 declaratory statements and binding and nonbinding

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929 interpretations to recoup the cost of the proceedings which may
930 not exceed \$125 for each request for a nonbinding interpretation
931 and \$250 for each request for a binding review or
932 interpretation. For proceedings conducted by or in coordination
933 with a third party, the rule may provide that payment be made
934 directly to the third party, who shall remit to the department
935 that portion of the fee necessary to cover the costs of the
936 department.

937 ~~(5) The commission may render declaratory statements in~~
938 ~~accordance with s. 120.565 relating to the provisions of the~~
939 ~~Florida Accessibility Code for Building Construction not~~
940 ~~attributable to the Americans with Disabilities Act~~
941 ~~Accessibility Guidelines. Notwithstanding the other provisions~~
942 ~~of this section, the Florida Accessibility Code for Building~~
943 ~~Construction and chapter 11 of the Florida Building Code may not~~
944 ~~be interpreted by, and are not subject to review under, any of~~
945 ~~the procedures specified in this section. This subsection has no~~
946 ~~effect upon the commission's authority to waive the Florida~~
947 ~~Accessibility Code for Building Construction as provided by s.~~
948 ~~553.512.~~

949 Section 21. Effective October 1, 2014, present subsections
950 (11) through (18) of section 553.79, Florida Statutes, are
951 redesignated as subsections (12) through (19), respectively, a
952 new subsection (11) is added to that section, and present
953 subsection (18) is amended, to read:

954 553.79 Permits; applications; issuance; inspections.—

955 (11) The local enforcing agency may not issue a building
956 permit to construct, develop, or modify a public swimming pool
957 without proof of application, whether complete or incomplete,

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958 for an operating permit pursuant to s. 514.031. A certificate of
959 completion or occupancy may not be issued until such operating
960 permit is issued. The local enforcing agency shall conduct their
961 review of the building permit application upon filing and in
962 accordance with this chapter. The local enforcing agency may
963 confer with the Department of Health, if necessary, but may not
964 delay the building permit application review while awaiting
965 comment from the Department of Health.

966 (19)~~(18)~~ For the purpose of inspection and record
967 retention, site plans or building permits ~~for a building~~ may be
968 maintained in the original form or in the form of an electronic
969 copy at the worksite. These plans and permits must be open to
970 inspection by the building official or a duly authorized
971 representative, as required by the Florida Building Code.

972 Section 22. Paragraph (b) of subsection (6) of section
973 553.80, Florida Statutes, is amended to read:

974 553.80 Enforcement.—

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

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

981 1. Fees charged by counties and municipalities for
982 enforcement of the Florida Building Code on buildings,
983 structures, and facilities of state universities, state
984 colleges, and public school districts may not be more than the
985 actual labor and administrative costs incurred for plans review
986 and inspections to ensure compliance with the code.

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987 2. Counties and municipalities shall expedite building
988 construction permitting, building plans review, and inspections
989 of projects of state universities, state community colleges, and
990 public schools ~~school districts~~ that are subject to the Florida
991 Building Code according to guidelines established by the Florida
992 Building Commission.

993 3. A party substantially affected by an interpretation of
994 the Florida Building Code by the local government's code
995 enforcement offices may appeal the interpretation to the local
996 government's board of adjustment and appeal or to the commission
997 under s. 553.775 if no local board exists. The decision of a
998 local board is reviewable in accordance with s. 553.775.

999
1000 This part may not be construed to authorize counties,
1001 municipalities, or code enforcement districts to conduct any
1002 permitting, plans review, or inspections not covered by the
1003 Florida Building Code. Any actions by counties or municipalities
1004 not in compliance with this part may be appealed to the Florida
1005 Building Commission. The commission, upon a determination that
1006 actions not in compliance with this part have delayed permitting
1007 or construction, may suspend the authority of a county,
1008 municipality, or code enforcement district to enforce the
1009 Florida Building Code on the buildings, structures, or
1010 facilities of a state university, state community college, or
1011 public school district and provide for code enforcement at the
1012 expense of the state university, state community college, or
1013 public school district.

1014 Section 23. Subsections (1) and (2) of section 553.841,
1015 Florida Statutes, are amended to read:

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1016 553.841 Building code compliance and mitigation program.—

1017 (1) The Legislature finds that knowledge and understanding
1018 by persons licensed or employed in the design and construction
1019 industries of the importance and need for complying with the
1020 Florida Building Code and related laws is vital to the public
1021 health, safety, and welfare of this state, especially for
1022 protecting consumers and mitigating damage caused by hurricanes
1023 to residents and visitors to the state. The Legislature further
1024 finds that the Florida Building Code can be effective only if
1025 all participants in the design and construction industries
1026 maintain a thorough knowledge of the code, code compliance and
1027 enforcement, duties related to consumers, and changes that
1028 ~~additions thereto which~~ improve construction standards, project
1029 completion, and compliance of design and construction to protect
1030 against consumer harm, storm damage, and other damage.

1031 Consequently, the Legislature finds that there is a need for a
1032 program to provide ongoing education and outreach activities
1033 concerning compliance with the Florida Building Code, the
1034 Florida Fire Prevention Code, construction plan and permitting
1035 requirements, construction liens, and hurricane mitigation.

1036 (2) The Department of Business and Professional Regulation
1037 shall administer a program, designated as the Florida Building
1038 Code Compliance and Mitigation Program, to develop, coordinate,
1039 and maintain education and outreach to persons required to
1040 comply with the Florida Building Code and related provisions as
1041 specified in subsection (1) and ensure consistent education,
1042 training, and communication of the code's requirements,
1043 including, but not limited to, methods for design and
1044 construction compliance and mitigation of storm-related damage.

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1045 The program shall also operate a clearinghouse through which
1046 design, construction, and building code enforcement licensees,
1047 suppliers, and consumers in this state may find others in order
1048 to exchange information relating to mitigation and facilitate
1049 repairs in the aftermath of a natural disaster.

1050 Section 24. Section 553.883, Florida Statutes, is created
1051 to read:

1052 553.883 Smoke alarms in one-family and two-family dwellings
1053 and townhomes.—One-family and two-family dwellings and townhomes
1054 undergoing a repair, or a level 1 alteration as defined in the
1055 Florida Building Code, may use smoke alarms powered by 10-year
1056 nonremovable, nonreplaceable batteries in lieu of retrofitting
1057 such dwelling with smoke alarms powered by the dwelling's
1058 electrical system. Effective January 1, 2015, a battery-powered
1059 smoke alarm that is newly installed or replaces an existing
1060 battery-powered smoke alarm must be powered by a nonremovable,
1061 nonreplaceable battery that powers the alarm for at least 10
1062 years. All fire alarms, smoke detectors, smoke alarms, and
1063 ancillary components that are electronically connected to a
1064 system as part of a UL Listed centrally-monitored fire alarm
1065 station are exempt from the battery requirements of this
1066 section.

1067 Section 25. Subsection (3) of section 553.993, Florida
1068 Statutes, is amended to read:

1069 553.993 Definitions.—For purposes of this part:

1070 (3) "Building energy-efficiency rating system" means a
1071 whole building energy evaluation system that provides a reliable
1072 and scientifically-based analysis of a building's energy
1073 consumption or energy features and allows a comparison to

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1074 similar building types in similar climate zones where
1075 applicable. Specifically, the rating system shall use standard
1076 calculations, formulas, and scoring methods; be applicable
1077 nationally; compare a building to a clearly defined and
1078 researched baseline or benchmark; require qualified
1079 professionals to conduct the rating or assessment; and provide a
1080 labeling and recognition program with specific criteria or
1081 levels. Residential program benchmarks for new construction must
1082 be consistent with national building standards. Residential
1083 building program benchmarks for existing construction must be
1084 consistent with national home energy rating standards. The
1085 building energy-efficiency rating system shall require at least
1086 one level of oversight performed by an organized and balanced
1087 group of professionals with subject matter expertise in energy
1088 efficiency, energy rating, and evaluation methods established by
1089 ~~the Residential Energy Services Network, the Commercial Energy~~
1090 ~~Services Network, the Building Performance Institute, or the~~
1091 ~~Florida Solar Energy Center.~~

1092 Section 26. Subsection (15) of section 633.202, Florida
1093 Statutes, is amended to read:

1094 633.202 Florida Fire Prevention Code.—

1095 (15) ~~(a)~~ For one-story or two-story structures that are less
1096 than 10,000 square feet, whose occupancy is defined in the
1097 Florida Building Code and the Florida Fire Prevention Code as
1098 business or mercantile, a fire official shall enforce the wall
1099 fire-rating provisions for occupancy separation as defined in
1100 the Florida Building Code.

1101 (16) (a) ~~(b)~~ A structure, located on property that is
1102 classified for ad valorem purposes as agricultural, which is

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1103 part of a farming or ranching operation, in which the occupancy
1104 is limited by the property owner to no more than 35 persons, and
1105 which is not used by the public for direct sales or as an
1106 educational outreach facility, is exempt from the Florida Fire
1107 Prevention Code, including the national codes and Life Safety
1108 Code incorporated by reference. This paragraph does not include
1109 structures used for residential or assembly occupancies, as
1110 defined in the Florida Fire Prevention Code.

1111 (b) A tent up to 30 feet by 30 feet is exempt from the
1112 Florida Fire Prevention Code, including the national codes
1113 incorporated by reference.

1114 Section 27. Subsection (1) of section 633.212, Florida
1115 Statutes, is amended to read:

1116 633.212 Legislative intent; informal interpretations of the
1117 Florida Fire Prevention Code.—It is the intent of the
1118 Legislature that the Florida Fire Prevention Code be interpreted
1119 by fire officials and local enforcement agencies in a manner
1120 that reasonably and cost-effectively protects the public safety,
1121 health, and welfare; ensures uniform interpretations throughout
1122 this state; and provides just and expeditious processes for
1123 resolving disputes regarding such interpretations. It is the
1124 further intent of the Legislature that such processes provide
1125 for the expeditious resolution of the issues presented and that
1126 the resulting interpretation of such issues be published on the
1127 website of the division.

1128 (1) The division shall by rule establish an informal
1129 process of rendering nonbinding interpretations of the Florida
1130 Fire Prevention Code. The division may contract with and refer
1131 interpretive issues to a third party, selected based upon cost

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1132 effectiveness, quality of services to be performed, and other
1133 performance-based criteria, which has experience in interpreting
1134 and enforcing the Florida Fire Prevention Code. It is the intent
1135 of the Legislature that the division establish a Fire Code
1136 Interpretation Committee composed of seven persons and seven
1137 alternates, equally representing each area of the state, to
1138 which a party can pose questions regarding the interpretation of
1139 the Florida Fire Prevention Code provisions. The alternate
1140 member may respond to a nonbinding interpretation if a the
1141 member ~~notifies the Fire Code Interpretation Committee that he~~
1142 ~~or she~~ is unable to respond.

1143 Section 28. Section 713.32, Florida Statutes, is amended to
1144 read:

1145 713.32 Insurance proceeds liable for demands.—The proceeds
1146 of any insurance that by the terms of the policy contract are
1147 payable to the owner of improved real property or a lienor and
1148 actually received or to be received by him or her because of the
1149 damage, destruction, or removal by fire or other casualty of an
1150 improvement on which lienors have furnished labor or services or
1151 materials shall, after the owner or lienor, as the case may be,
1152 has been reimbursed therefrom for any premiums paid by him or
1153 her, be liable to liens or demands for payment provided by this
1154 part to the same extent and in the same manner, order of
1155 priority, and conditions as the real property or payments under
1156 a direct contract would have been, if the improvement had not
1157 been so damaged, destroyed, or removed. The insurer may only pay
1158 the proceeds of the policy of insurance to the insured named in
1159 the policy or to an entity that the owner and the insurer have
1160 explicitly agreed to in writing before payment and thereupon any

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1161 liability of the insurer under this part shall cease. The named
1162 insured who receives any proceeds of the policy shall be deemed
1163 a trustee of the proceeds, and the proceeds shall be deemed
1164 trust funds for the purposes designated by this section for a
1165 period of 1 year from the date of receipt of the proceeds. This
1166 section shall not apply to that part of the proceeds of any
1167 policy of insurance payable to a person, including a mortgagee,
1168 who holds a lien perfected before the recording of the notice of
1169 commencement or recommencement.

1170 Section 29. Except as otherwise provided in this act, this
1171 act shall take effect July 1, 2014.