

	LEGISLATIVE ACTION	
Senate		House
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05/04/2017 01:00 PM		
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Senator Perry moved the following:

Senate Amendment (with title amendment)

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Delete lines 112 - 319

and insert:

Section 2. Subsection (5) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(5) Public utilities, including municipal gas utilities and special gas districts as defined in chapter 189, telecommunications companies as defined in s. 364.02(13), and natural gas transmission companies as defined in s. 368.103(4),

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on construction, maintenance, and development work performed by their employees, which work, including, but not limited to, work on bridges, roads, streets, highways, or railroads, is incidental to their business. The board shall define, by rule, the term "incidental to their business" for purposes of this subsection.

Section 3. Subsection (20) is added to section 553.79, Florida Statutes, to read:

553.79 Permits; applications; issuance; inspections.-

- (20) (a) A political subdivision of this state may not adopt or enforce any ordinance or impose any building permit or other development order requirement that:
- 1. Contains any building, construction, or aesthetic requirement or condition that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or improvements thereon used in activities conducted under chapter 526 or in carrying out business activities defined as a franchise by Federal Trade Commission regulations in 16 C.F.R. ss. 436.1, et. seq.; or
- 2. Imposes any requirement on the design, construction or location of signage advertising the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121 which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable,

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published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety.

- (b) This subsection does not affect any requirement for design and construction in the Florida Building Code.
- (c) All such ordinances and requirements are hereby preempted and superseded by general law. This subsection shall apply retroactively.
- (d) This subsection does not apply to property located in a designated historic district.

Section 4. Subsection (2) of section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.-

(2) (a) Notwithstanding any other law or local government ordinance or local policy, the fee owner of a building or structure, or the fee owner's contractor upon written authorization from the fee owner, may choose to use a private provider to provide building code inspection services with regard to such building or structure and may make payment directly to the private provider for the provision of such services. All such services shall be the subject of a written contract between the private provider, or the private provider's firm, and the fee owner or the fee owner's contractor, upon written authorization of the fee owner. The fee owner may elect to use a private provider to provide plans review or required building inspections, or both. However, if the fee owner or the fee owner's contractor uses a private provider to provide plans review, the local building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement

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agency, may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections.

(b) It is the intent of the Legislature that owners and contractors not be required to pay extra costs related to building permitting requirements when hiring a private provider for plans review and building inspections. A local jurisdiction must calculate the cost savings to the local enforcement agency, based on a fee owner or contractor hiring a private provider to perform plans reviews and building inspections in lieu of the local building official, and reduce the permit fees accordingly.

Section 5. Paragraph (d) of subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.-

(7) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of the local government. The basis for a fee structure for allowable activities shall relate to the level of service provided by the local government and shall include consideration for refunding

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fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged shall be consistently applied.

- (d) The local enforcement agency, independent district, or special district may not require at any time, including at the time of application for a permit, the payment of any additional fees, charges, or expenses associated with:
 - 1. Providing proof of licensure pursuant to chapter 489;
- 2. Recording or filing a license issued pursuant to this chapter; or
- 3. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440.

Section 6. Subsection (3) of section 553.73, Florida Statutes, is amended, paragraph (d) is added to subsection (4) of that section, subsections (7) and (8) and paragraphs (a) and (b) of subsection (9) of that section are amended, and subsection (20) is added to that section, to read:

553.73 Florida Building Code. -

- (3) The commission shall use the International Codes published by the International Code Council, the National Electric Code (NFPA 70), or other nationally adopted model codes and standards for updates to needed to develop the base code in Florida to form the foundation for the Florida Building Code. The Florida Building commission may approve technical amendments to the code as provided in, subject to subsections (8) and (9), after the amendments have been subject to all of the following conditions:
- (a) The proposed amendment must have has been published on the commission's website for a minimum of 45 days and all the



associated documentation must have has been made available to any interested party before any consideration by a technical advisory committee. +

- (b) In order for a technical advisory committee to make a favorable recommendation to the commission, the proposal must receive a two-thirds three-fourths vote of the members present at the technical advisory committee meeting. and At least half of the regular members must be present in order to conduct a meeting. +
- (c) After the technical advisory committee has considered and recommended consideration and a recommendation for approval of any proposed amendment, the proposal must be published on the commission's website for at least 45 days before any consideration by the commission.; and
- (d) A proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120.

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The commission shall incorporate within sections of the Florida Building Code provisions that which address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

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> (d) A technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government pursuant to this subsection is not rendered void when the code is updated if the technical amendment is necessary to protect or provide for more efficient

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use of water resources as provided in s. 373.621. However, any such technical amendment carried forward into the next edition of the code pursuant to this paragraph is subject to review or modification as provided in this part.

(7) (a) The commission, by rule adopted pursuant to ss. $\frac{120.536(1)}{120.54}$ and $\frac{120.54}{120.54}$ shall adopt an updated update the Florida Building Code every 3 years through review of. When updating the Florida Building Code, the commission shall select the most current updates version of the International Building Code, the International Fuel Gas Code, International Existing Building Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are copyrighted and published by adopted by the International Code Council, and the National Electrical Code, which is copyrighted and published adopted by the National Fire Protection Association. At a minimum, the commission shall adopt any updates to such codes or any other code necessary to maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development, to form the foundation codes of the updated Florida Building Code, if the version has been adopted by the applicable model code entity. The commission shall also review and adopt updates based on select the most current version of the International Energy Conservation Code (IECC) as a foundation code; however, the IECC shall be modified by the commission shall to maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901. The commission shall adopt



updated codes by rule.

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- (b) Codes regarding noise contour lines shall be reviewed annually, and the most current federal guidelines shall be adopted.
- (c) The commission may adopt as a technical amendment to the Florida Building Code modify any portion of the foundation codes identified in paragraph (a), but only as needed to accommodate the specific needs of this state. Standards or criteria adopted from these referenced by the codes shall be incorporated by reference to the specific provisions adopted. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be set forth in the Florida Building Code. The commission may approve technical amendments to the updated Florida Building Code after the amendments have been subject to the conditions set forth in paragraphs (3)(a)-(d). Amendments that to the foundation codes which are adopted in accordance with this subsection shall be clearly marked in printed versions of the Florida Building Code so that the fact that the provisions are Florida-specific amendments to the foundation codes is readily apparent.
- (d) The commission shall further consider the commission's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments and shall incorporate such interpretations, statements, decisions, and amendments into the updated Florida Building Code only to the extent that they are needed to modify the foundation codes to accommodate the specific needs of the state. A change made by an institute or standards organization to any standard

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or criterion that is adopted by reference in the Florida Building Code does not become effective statewide until it has been adopted by the commission. Furthermore, the edition of the Florida Building Code which is in effect on the date of application for any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit.

- (e) A rule updating the Florida Building Code in accordance with this subsection shall take effect no sooner than 6 months after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.
- (f) Provisions of the Florida Building Code foundation codes, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be modified to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, modify the provisions to enhance those construction requirements.
- (g) Amendments or modifications to the foundation code pursuant to this subsection shall remain effective only until the effective date of a new edition of the Florida Building Code every third year. Amendments or modifications related to state agency regulations which are adopted and integrated into an edition of the Florida Building Code shall be carried forward into the next edition of the code, subject to modification as provided in this part. Amendments or modifications related to the wind-resistance design of buildings and structures within

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the high-velocity hurricane zone of Miami-Dade and Broward Counties which are adopted to an edition of the Florida Building Code do not expire and shall be carried forward into the next edition of the code, subject to review or modification as provided in this part. If amendments that expire pursuant to this paragraph are resubmitted through the Florida Building commission code adoption process, the amendments must specifically address whether:

- 1. The provisions contained in the proposed amendment are addressed in the applicable international code.
- 2. The amendment demonstrates by evidence or data that the geographical jurisdiction of Florida exhibits a need to strengthen the foundation code beyond the needs or regional variations addressed by the foundation code, and why the proposed amendment applies to this state.
- 3. The proposed amendment was submitted or attempted to be included in the foundation codes to avoid resubmission to the Florida Building Code amendment process.

If the proposed amendment has been addressed in the international code in a substantially equivalent manner, the Florida Building commission may not include the proposed amendment in the foundation Code.

(8) Notwithstanding the provisions of subsection (3) or subsection (7), the commission may address issues identified in this subsection by amending the code pursuant only to the rule adoption procedures contained in chapter 120. Provisions of Updates to the Florida Building Code, including provisions those contained in referenced standards and criteria which relate τ

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relating to wind resistance or the prevention of water intrusion, may not be amended pursuant to this subsection to diminish those standards construction requirements; however, the commission may, subject to conditions in this subsection, amend the Florida Building Code the provisions to enhance such standards those construction requirements. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments. The commission may approve amendments that are needed to address:

- (a) Conflicts within the updated code;
- (b) Conflicts between the updated code and the Florida Fire Prevention Code adopted pursuant to chapter 633;
- (c) Unintended results from the integration of previously adopted Florida-specific amendments with the model code;
 - (d) Equivalency of standards;
- (e) Changes to or inconsistencies with federal or state law; or
- (f) Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.
- (9) (a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:
- 1. Is needed in order to accommodate the specific needs of this state.

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- 302 2. Has a reasonable and substantial connection with the 303 health, safety, and welfare of the general public.
 - 3. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
 - 4. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
 - 5. Does not degrade the effectiveness of the Florida Building Code.

The Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions, final orders, declaratory statements, and interpretations of hearing officer panels under s. 553.775(3)(c), but only to the extent that the incorporation of interpretations is needed to modify the code foundation codes to accommodate the specific needs of this state. Amendments approved under this paragraph shall be adopted by rule after the amendments have been subjected to subsection (3).

(b) A proposed amendment must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, and the impact to industry, relative to the cost of compliance. The amendment must

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demonstrate by evidence or data that the state's geographical jurisdiction exhibits a need to strengthen the foundation code beyond the needs or regional variations addressed by the foundation code and why the proposed amendment applies to this state. (20) The Florida Building Commission may not: (a) Adopt the 2016 version of the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 9.4.1.1(g). (b) Adopt any provision that requires a door located in the opening between a garage and a single-family residence to be equipped with a self-closing device. Section 7. Subsection (2) of section 553.76, Florida Statutes, is amended to read: 553.76 General powers of the commission.—The commission is authorized to: (2) Issue memoranda of procedure for its internal management and control. The commission may adopt rules related to its consensus-based decisionmaking process, including, but not limited to, super majority voting requirements for commission actions relating to the adoption of the Florida Building Code or amendments to the code. However, the commission

at least a two-thirds vote of the members present at a meeting. Section 8. Section 553.9081, Florida Statutes, is created to read:

must adopt the Florida Building Code, and amendments thereto, by

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



(1) (a) Eliminate duplicative commissioning reporting 361 requirements for HVAC and electrical systems; and 362 (b) Authorize commissioning reports to be provided by a 363 licensed design professional, electrical engineer, or mechanical 364 engineer. 365 (2) Prohibit the adoption of American Society of Heating, 366 Refrigerating and Air-Conditioning Engineers Standard 367 9.4.1.1(g). Section 9. Subsection (8) of section 633.208, Florida 368 369 Statutes, is amended to read: 370 633.208 Minimum firesafety standards.-371 (8) (a) The provisions of the Life Safety Code, as contained 372 in the Florida Fire Prevention Code, do not apply to one-family 373 and two-family dwellings. However, fire sprinkler protection may 374 be permitted by local government in lieu of other fire 375 protection-related development requirements for such structures. 376 While local governments may adopt fire sprinkler requirements 377 for one-family one- and two-family dwellings under this 378 subsection, it is the intent of the Legislature that the 379 economic consequences of the fire sprinkler mandate on home 380 owners be studied before the enactment of such a requirement. 381 After the effective date of this act, any local government that 382 desires to adopt a fire sprinkler requirement on one-family one-383 or two-family dwellings must prepare an economic cost and 384 benefit report that analyzes the application of fire sprinklers 385 to one-family one- or two-family dwellings or any proposed 386 residential subdivision. The report must consider the tradeoffs 387 and specific cost savings and benefits of fire sprinklers for 388 future owners of property. The report must include an assessment

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of the cost savings from any reduced or eliminated impact fees if applicable, the reduction in special fire district tax, insurance fees, and other taxes or fees imposed, and the waiver of certain infrastructure requirements including the reduction of roadway widths, the reduction of water line sizes, increased fire hydrant spacing, increased dead-end roadway length, and a reduction in cul-de-sac sizes relative to the costs from fire sprinkling. A failure to prepare an economic report shall result in the invalidation of the fire sprinkler requirement to any one-family one- or two-family dwelling or any proposed subdivision. In addition, a local jurisdiction or utility may not charge any additional fee, above what is charged to a nonfire sprinklered dwelling, on the basis that a one-family oneor two-family dwelling unit is protected by a fire sprinkler system.

(b) 1. A county, municipality, special taxing district, public utility, or private utility may not require an impact fee or payment for a separate water connection for a one-family or two-family dwelling fire sprinkler system if the capacity required is hydraulically available at the property line. The accountholder of the one-family or two-family dwelling must notify the county, municipality, special district, public utility, or private utility of the installation of the separate water connection in the applicable permit. The separate water connection may only be used for one-family or two-family dwelling fire sprinkler systems and if used for other purposes, full base and volume charges may be applied.

2. A county, municipality, special district, public utility, or private utility may not charge a water or sewer rate

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to a one-family or two-family dwelling that requires a larger water meter solely due to the installation of fire sprinklers above that which is charged to a one-family and two-family dwelling with a base meter. 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 10. A local government may not require an owner of a residence to obtain a permit to paint such residence, regardless of whether the residence is owned by a limited liability company. Section 11. The Department of Education, in conjunction with the Department of Economic Opportunity, shall develop a plan to implement the recommendations of the Construction Industry Workforce Task Force Report dated January 20, 2017. The Department of Education shall provide the plan to the Construction Industry Workforce Task Force on or before July 1, 2018. Section 12. CareerSource Florida, Inc., shall develop and submit a plan to the Construction Industry Workforce Taskforce of the potential opportunities for training programs to implement the recommendations of the Construction Industry Workforce Taskforce Report dated January 20, 2017, using existing federal funds awarded to the corporation and using the previous statewide Florida ReBuilds program as an implementation model for such programs. CareerSource Florida, Inc., shall provide the plan to the Construction Industry Workforce Taskforce on or before July 1, 2018.



447 Section 13. The Florida Building Commission shall adopt an amendment to the Florida Building Code-Residential, relating to 448 449 Door Components, to provide that, relating to substitution of 450 door components, such components must either: 451 (1) Comply with ANSI/WMA 100; or 452 (2) Be evaluated by an approved product evaluation entity, 453 certification agency, testing laboratory, or engineer and may be 454 interchangeable in exterior door assemblies if the components 455 provide equal or greater structural performance as demonstrated 456 by accepted engineering practices. 457 Section 14. Present subsection (5) of section 489.516, 458 Florida Statutes, is renumbered as subsection (6), and a new 459 subsection (5) is added to that section, to read: 460 489.516 Qualifications to practice; restrictions; 461 prerequisites.-462 (5) This part does not prevent any certified electrical or 463 alarm system contractor from acting as a prime contractor when 464 the majority of the work to be performed under the contract is 465 within the scope of his or her license or from subcontracting to 466 other licensed contractors any remaining work that is part of 467 the project contracted. 468 469 ======= T I T L E A M E N D M E N T ========= 470 And the title is amended as follows: 471 Delete lines 6 - 43 472 and insert: 473 engineers; amending s. 489.103, F.S.; revising an 474 exemption from construction contracting regulation for

certain public utilities; deleting responsibility of

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the Construction Industry Licensing Board to define the term "incidental to their business" for certain purposes; amending s. 553.79, F.S.; prohibiting a political subdivision from adopting or enforcing certain building permits or other development order requirement; providing construction; providing for preemption of certain local laws and regulations; providing for retroactive applicability; providing an exception; amending s. 553.791, F.S.; requiring local jurisdictions to reduce certain permit fees; amending s. 553.80, F.S.; prohibiting local enforcement agencies, independent districts, and special districts from charging certain fees; amending s. 553.73, F.S.; revising requirements for updating the Florida Building Code; providing that certain amendments to the Florida Building Code are not void under certain circumstances; providing that certain technical amendments are subject to review or modification; requiring the commission to adopt and update the Florida Building Code through certain review rather than by rule; revising requirements relating to the codes used to update the Florida Building Code; specifying minimum requirements for updates to the Florida Building Code; authorizing the commission to adopt as a technical amendment any portion of specified codes; conforming provisions to changes made by the act; prohibiting the Florida Building Commission from adopting certain code provisions or standards; amending s. 553.76, F.S.; authorizing the

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commission to adopt the Florida Building Code and amendments thereto by a specified number of votes; creating s. 553.9081, F.S.; requiring the Florida Building Commission to amend certain provisions of the Florida Building Code; amending s. 633.208, F.S.; prohibiting a county, municipality, special taxing district, public utility, or private utility from requiring a separate water connection or charging a specified water or sewage rate under certain conditions; prohibiting a local government from requiring a permit for painting a residence; requiring the Department of Education to develop a plan for specified purposes; requiring Department of Education to provide the plan to the Construction Industry Workforce Task Force by a specified date; requiring CareerSource Florida, Inc., to develop a plan for specified purposes; requiring CareerSource Florida, Inc., to provide the plan to the Construction Industry Workforce Taskforce by a specified date; requiring the Florida Building Commission to amend specified provisions of the Florida Building Code related to door components; amending s. 489.516, F.S.; specifying that certain provisions do not prevent a certified electrical or alarm system contractor from acting as a prime contractor under certain circumstances; providing an effective