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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2017	.	
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The Committee on Community Affairs (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

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



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11 (2) LEGISLATIVE FINDINGS AND INTENT.—

12 ~~(a) Because of increases in the cost of conventional fuel,~~  
13 ~~certain applications of solar energy are becoming competitive,~~  
14 ~~particularly when life-cycle costs are considered. It is the~~  
15 ~~intent of the Legislature in formulating a sound and balanced~~  
16 ~~energy policy for the state to encourage the development of an~~  
17 ~~alternative energy capability in the form of incident solar~~  
18 ~~energy.~~

19 ~~(b) Toward this purpose,~~ The Legislature intends to provide  
20 ~~incentives for the production and sale of, and to set standards~~  
21 ~~for, solar energy systems. Such standards shall ensure that~~  
22 solar energy systems manufactured or sold within the state are  
23 effective and represent a high level of quality of materials,  
24 workmanship, and design.

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

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

28 (b) "Solar energy systems" means ~~is defined as~~ equipment  
29 which provides for the collection and use of incident solar  
30 energy for water heating, space heating or cooling, or other  
31 applications which normally require or would require a  
32 conventional source of energy such as petroleum products,  
33 natural gas, or electricity and which performs primarily with  
34 solar energy. In such other systems in which solar energy is  
35 used in a supplemental way, only those components which collect  
36 and transfer solar energy shall be included in this definition.

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

39 (a) The center shall develop and adopt ~~promulgate~~ standards



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40 for solar energy systems manufactured or sold in this state  
41 based on the best currently available information and shall  
42 consult with scientists, engineers, or persons in research  
43 centers who are engaged in the construction of, experimentation  
44 with, and research of solar energy systems to properly identify  
45 the most reliable designs and types of solar energy systems.

46 (b) The center shall establish criteria for testing  
47 performance of solar energy systems and shall maintain the  
48 necessary capability for testing or evaluating performance of  
49 solar energy systems. The center may accept results of tests on  
50 solar energy systems made by other organizations, companies, or  
51 persons if ~~when~~ such tests are conducted according to the  
52 criteria established by the center and if ~~when~~ the testing  
53 entity does not have a ~~has no~~ vested interest in the  
54 manufacture, distribution, or sale of solar energy systems.

55 (c) The center shall be entitled to receive a testing fee  
56 sufficient to cover the costs of such testing. All testing fees  
57 shall be transmitted by the center to the Chief Financial  
58 Officer to be deposited in the Solar Energy Center Testing Trust  
59 Fund, which is ~~hereby~~ created in the State Treasury, and  
60 disbursed for the payment of expenses incurred in testing solar  
61 energy systems.

62 (d) All solar energy systems manufactured or sold in the  
63 state must meet the standards established by the center and  
64 shall display accepted results of approved performance tests in  
65 a manner prescribed by the center, unless otherwise certified by  
66 an engineer licensed pursuant to chapter 471 using the standards  
67 contained in the most recent version of the Florida Building  
68 Code.



69 Section 2. Paragraph (m) is added to subsection (1) of  
70 section 471.033, Florida Statutes, to read:

71 471.033 Disciplinary proceedings.—

72 (1) The following acts constitute grounds for which the  
73 disciplinary actions in subsection (3) may be taken:

74 (m) Failing to disclose to a customer before contracting  
75 for engineering service whether the licensee maintains  
76 professional liability insurance and the policy limits if the  
77 licensee does maintain such insurance.

78 Section 3. Subsection (5) of section 489.103, Florida  
79 Statutes, is amended to read:

80 489.103 Exemptions.—This part does not apply to:

81 (5) Public utilities, including municipal gas utilities and  
82 special gas districts as defined in chapter 189,  
83 telecommunications companies as defined in s. 364.02(13), and  
84 natural gas transmission companies as defined in s. 368.103(4),  
85 on construction, maintenance, and development work performed by  
86 their employees, which work, including, but not limited to, work  
87 on bridges, roads, streets, highways, or railroads, is  
88 incidental to their business. The board shall define, by rule,  
89 the term "incidental to their business" for purposes of this  
90 subsection.

91 Section 4. Paragraph (h) is added to subsection (3) of  
92 section 489.113, Florida Statutes, to read:

93 489.113 Qualifications for practice; restrictions.—

94 (3) A contractor shall subcontract all electrical,  
95 mechanical, plumbing, roofing, sheet metal, swimming pool, and  
96 air-conditioning work, unless such contractor holds a state  
97 certificate or registration in the respective trade category,



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98 however:

99 (h) A pool/spa contractor, as defined in s. 489.105(3)(j),  
100 (k), or (l), is not required to subcontract electrical work for  
101 the installation, replacement, disconnection, or reconnection of  
102 power wiring on the load side of the dedicated existing  
103 electrical disconnecting means, but is required to subcontract  
104 all electrical work that requires installation, removal,  
105 replacement, or upgrading of a circuit breaker. This paragraph  
106 does not apply to other contractor classifications or  
107 professions.

108 Section 5. Section 553.721, Florida Statutes, is amended to  
109 read:

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



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



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156 remittance of surcharges pursuant to chapter 120.

157 Section 6. Subsection (20) is added to section 553.73,  
158 Florida Statutes, to read:

159 553.73 Florida Building Code.—

160 (20) The Florida Building Commission may not:

161 (a) Adopt the 2016 version of the American Society of  
162 Heating, Refrigerating and Air-Conditioning Engineers Standard  
163 9.4.1.1(g).

164 (b) Adopt any provision that requires a door located in the  
165 opening between a garage and a residence to be equipped with a  
166 self-closing device.

167 Section 7. Subsection (20) is added to section 553.79,  
168 Florida Statutes, to read:

169 553.79 Permits; applications; issuance; inspections.—

170 (20) A political subdivision of this state may not adopt or  
171 enforce any ordinance or impose any building permit or other  
172 development order requirement that:

173 (a)1. Contains any building, construction, or aesthetic  
174 requirement or condition that conflicts with or impairs  
175 corporate trademarks, service marks, trade dress, logos, color  
176 patterns, design scheme insignia, image standards, or other  
177 features of corporate branding identity on real property or  
178 improvements thereon used in activities conducted under chapter  
179 526 or in carrying out business activities defined as a  
180 franchise by Federal Trade Commission regulations in 16 C.F.R.  
181 ss. 436.1, et. seq.; or

182 2. Imposes any requirement on the design, construction, or  
183 location of signage advertising the retail price of gasoline in  
184 accordance with the requirements of ss. 526.111 and 526.121



185 which prevents the signage from being clearly visible and  
186 legible to drivers of approaching motor vehicles in any lane of  
187 traffic in either direction on a roadway abutting the gas  
188 station premises and which meets height, width, and spacing  
189 standards for Series C, D, or E signs, as applicable, published  
190 in the latest edition of Standard Alphabets for Highway Signs  
191 and Pavement Markings published by the Federal Highway  
192 Administration, Office of Traffic Operations.

193 (b) This subsection does not affect any requirement for  
194 design and construction in the Florida Building Code.

195 (c) All such ordinances and requirements are hereby  
196 preempted and superseded by general law. This subsection shall  
197 apply retroactively.

198 Section 8. Subsection (2) of section 553.791, Florida  
199 Statutes, is amended to read:

200 553.791 Alternative plans review and inspection.—

201 (2) (a) Notwithstanding any other law or local government  
202 ordinance or local policy, the fee owner of a building or  
203 structure, or the fee owner's contractor upon written  
204 authorization from the fee owner, may choose to use a private  
205 provider to provide building code inspection services with  
206 regard to such building or structure and may make payment  
207 directly to the private provider for the provision of such  
208 services. All such services shall be the subject of a written  
209 contract between the private provider, or the private provider's  
210 firm, and the fee owner or the fee owner's contractor, upon  
211 written authorization of the fee owner. The fee owner may elect  
212 to use a private provider to provide plans review or required  
213 building inspections, or both. However, if the fee owner or the





214 fee owner's contractor uses a private provider to provide plans  
215 review, the local building official, in his or her discretion  
216 and pursuant to duly adopted policies of the local enforcement  
217 agency, may require the fee owner or the fee owner's contractor  
218 to use a private provider to also provide required building  
219 inspections.

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

228 Section 9. Paragraph (d) of subsection (7) of section  
229 553.80, Florida Statutes, is amended to read:

230 553.80 Enforcement.—

231 (7) The governing bodies of local governments may provide a  
232 schedule of reasonable fees, as authorized by s. 125.56(2) or s.  
233 166.222 and this section, for enforcing this part. These fees,  
234 and any fines or investment earnings related to the fees, shall  
235 be used solely for carrying out the local government's  
236 responsibilities in enforcing the Florida Building Code. When  
237 providing a schedule of reasonable fees, the total estimated  
238 annual revenue derived from fees, and the fines and investment  
239 earnings related to the fees, may not exceed the total estimated  
240 annual costs of allowable activities. Any unexpended balances  
241 shall be carried forward to future years for allowable  
242 activities or shall be refunded at the discretion of the local



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243 government. The basis for a fee structure for allowable  
244 activities shall relate to the level of service provided by the  
245 local government and shall include consideration for refunding  
246 fees due to reduced services based on services provided as  
247 prescribed by s. 553.791, but not provided by the local  
248 government. Fees charged shall be consistently applied.

249 (d) The local enforcement agency, independent district, or  
250 special district may not require at any time, including at the  
251 time of application for a permit, the payment of any additional  
252 fees, charges, or expenses associated with:

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

254 2. Recording or filing a license issued pursuant to this  
255 chapter; or

256 3. Providing, recording, or filing evidence of workers'  
257 compensation insurance coverage as required by chapter 440.

258 Section 10. Section 553.9081, Florida Statutes, is created  
259 to read:

260 553.9081 Florida Building Code; required amendments.—The  
261 Florida Building Commission shall amend the Florida Building  
262 Code—Energy Conservation to:

263 (1) (a) Eliminate duplicative commissioning reporting  
264 requirements for HVAC and electrical systems; and

265 (b) Authorize commissioning reports to be provided by a  
266 licensed design professional, electrical engineer, or mechanical  
267 engineer.

268 (2) Prohibit the adoption of American Society of Heating,  
269 Refrigerating and Air-Conditioning Engineers Standard  
270 9.4.1.1(g).

271 Section 11. Subsection (8) of section 633.208, Florida



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272 Statutes, is amended to read:

273 633.208 Minimum firesafety standards.—

274 (8) (a) The provisions of the Life Safety Code, as contained  
275 in the Florida Fire Prevention Code, do not apply to one-family  
276 and two-family dwellings. However, fire sprinkler protection may  
277 be permitted by local government in lieu of other fire  
278 protection-related development requirements for such structures.  
279 While local governments may adopt fire sprinkler requirements  
280 for one-family ~~one-~~ and two-family dwellings under this  
281 subsection, it is the intent of the Legislature that the  
282 economic consequences of the fire sprinkler mandate on home  
283 owners be studied before the enactment of such a requirement.  
284 After the effective date of this act, any local government that  
285 desires to adopt a fire sprinkler requirement on one-family ~~one-~~  
286 or two-family dwellings must prepare an economic cost and  
287 benefit report that analyzes the application of fire sprinklers  
288 to one-family ~~one-~~ or two-family dwellings or any proposed  
289 residential subdivision. The report must consider the tradeoffs  
290 and specific cost savings and benefits of fire sprinklers for  
291 future owners of property. The report must include an assessment  
292 of the cost savings from any reduced or eliminated impact fees  
293 if applicable, the reduction in special fire district tax,  
294 insurance fees, and other taxes or fees imposed, and the waiver  
295 of certain infrastructure requirements including the reduction  
296 of roadway widths, the reduction of water line sizes, increased  
297 fire hydrant spacing, increased dead-end roadway length, and a  
298 reduction in cul-de-sac sizes relative to the costs from fire  
299 sprinkling. A failure to prepare an economic report shall result  
300 in the invalidation of the fire sprinkler requirement to any



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301 one-family ~~one~~ or two-family dwelling or any proposed  
302 subdivision. In addition, a local jurisdiction or utility may  
303 not charge any additional fee, above what is charged to a non-  
304 fire sprinklered dwelling, on the basis that a one-family ~~one~~  
305 or two-family dwelling unit is protected by a fire sprinkler  
306 system.

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

312 2. A county, municipality, special district, public  
313 utility, or private utility may not charge a water or sewer rate  
314 to a one-family or two-family dwelling that requires a larger  
315 water meter solely due to the installation of fire sprinklers  
316 above that which is charged to a one-family and two-family  
317 dwelling with a base meter. If the installation of fire  
318 sprinklers in a one-family or two-family dwelling requires the  
319 installation of a larger water meter, only the difference in  
320 actual cost between the base water meter and the larger water  
321 meter may be charged by the water utility provider.

322 Section 12. A local government may not require an owner of  
323 a residence to obtain a permit to paint such residence,  
324 regardless of whether the residence is owned by a limited  
325 liability company.

326 Section 13. The Department of Education, in conjunction  
327 with the Department of Economic Opportunity, shall develop a  
328 plan to implement the recommendations of the Construction  
329 Industry Workforce Task Force Report dated January 20, 2017. The



330 Department of Education shall provide the plan to the  
331 Construction Industry Workforce Task Force on or before July 1,  
332 2018.

333 Section 14. CareerSource Florida, Inc., shall develop and  
334 submit a plan to the Construction Industry Workforce Task Force  
335 on the potential opportunities for training programs to  
336 implement the recommendations of the Construction Industry  
337 Workforce Task Force Report dated January 20, 2017, using  
338 existing federal funds awarded to the corporation and using the  
339 previous statewide Florida ReBuilds program as an implementation  
340 model for such programs. CareerSource Florida, Inc., shall  
341 provide the plan to the Construction Industry Workforce Task  
342 Force on or before July 1, 2018.

343 Section 15. The Florida Building Commission shall adopt an  
344 amendment to the Florida Building Code-Residential, relating to  
345 door components, to provide that, regarding substitution of door  
346 components, such components must either:

- 347 (1) Comply with ANSI/WMA 100; or  
348 (2) Be evaluated by an approved product evaluation entity,  
349 certification agency, testing laboratory, or engineer and may be  
350 interchangeable in exterior door assemblies if the components  
351 provide equal or greater structural performance as demonstrated  
352 by accepted engineering practices.

353 Section 16. This act shall take effect July 1, 2017.

354  
355 ===== T I T L E A M E N D M E N T =====

356 And the title is amended as follows:

357 Delete everything before the enacting clause  
358 and insert:



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359                                   A bill to be entitled  
360           An act relating to construction; amending s. 377.705,  
361           F.S.; revising legislative findings and intent;  
362           authorizing solar energy systems manufactured or sold  
363           in the state to be certified by professional  
364           engineers; amending s. 471.033, F.S.; prohibiting  
365           professional engineers from contracting with customers  
366           without disclosing whether they maintain certain  
367           insurance; amending s. 489.103, F.S.; revising an  
368           exemption from construction contracting regulation for  
369           certain public utilities; deleting responsibility of  
370           the Construction Industry Licensing Board to define  
371           the term "incidental to their business" for certain  
372           purposes; amending s. 489.113, F.S.; providing that  
373           specified pool/spa contractors are not required to  
374           subcontract certain work relating to power wiring;  
375           requiring such contractors to subcontract all work  
376           requiring the installation, removal, replacement, or  
377           upgrading of a circuit breaker; providing  
378           applicability; amending s. 553.721, F.S.; requiring  
379           the Department of Business and Professional Regulation  
380           to provide certain funds allocated to the University  
381           of Florida M. E. Rinker, Sr., School of Construction  
382           Management for specified purposes; amending s. 553.73,  
383           F.S.; prohibiting the Florida Building Commission from  
384           adopting certain provisions into the Florida Building  
385           Code; amending s. 553.79, F.S.; prohibiting a  
386           political subdivision from adopting or enforcing  
387           certain building permits or other development order



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388 requirements; providing construction; providing for  
389 preemption of certain local laws and regulations;  
390 providing for retroactive applicability; amending s.  
391 553.791, F.S.; providing legislative intent; requiring  
392 local jurisdictions to reduce certain permit fees;  
393 amending s. 553.80, F.S.; prohibiting local  
394 enforcement agencies, independent districts, and  
395 special districts from charging certain fees; creating  
396 s. 553.9081, F.S.; requiring the Florida Building  
397 Commission to amend certain provisions of the Florida  
398 Building Code; amending s. 633.208, F.S.; prohibiting  
399 a county, municipality, special taxing district,  
400 public utility, or private utility from requiring a  
401 separate water connection or charging a specified  
402 water or sewage rate under certain conditions;  
403 prohibiting a local government from requiring a permit  
404 for painting a residence; requiring the Department of  
405 Education to develop a plan for specified purposes;  
406 requiring the department to provide the plan to the  
407 Construction Industry Workforce Task Force by a  
408 specified date; requiring CareerSource Florida, Inc.,  
409 to develop a plan for specified purposes; requiring  
410 CareerSource Florida, Inc., to provide the plan to the  
411 Construction Industry Workforce Task Force by a  
412 specified date; requiring the Florida Building  
413 Commission to amend specified provisions of the  
414 Florida Building Code related to door components;  
415 providing an effective date.