

# CHAPTER 98-145

## Senate Bill No. 1700

An act relating to rulemaking authority of the Department of Community Affairs (RAB); amending s. 553.37, F.S.; supplementing authority to adopt rules for construction of manufactured buildings; amending s. 553.721, F.S.; supplementing authority to adopt rules for the collection of building permit surcharges; amending s. 553.907, F.S.; supplementing authority to adopt rules for local reporting of compliance with thermal efficiency standards; amending s. 553.907, F.S.; supplementing authority to adopt rules for radon-resistant passive building construction; amending s. 553.992, F.S.; supplementing authority to adopt rules for the issuance of nonbinding opinions concerning the use of the building energy rating system; providing an effective date.

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

Section 1. Subsection (1) of section 553.37, Florida Statutes, is amended to read:

553.37 Rules; inspections; and insignia.—

(1) The department ~~may is authorized to promulgate rules~~, enter into contracts, and ~~take actions do such things as may be necessary and incidental to the administration of its authority under pursuant to this part~~. In addition, the department shall adopt rules in accordance with chapter 120 setting requirements for construction or modification of manufactured buildings and building modules, to address:

(a) Submittal to and approval by the department of manufacturers' drawings and specifications including any amendments.

(b) Submittal to and approval by the department of manufacturers' internal quality-control procedures and manuals, including any amendments.

(c) Issuance, cancellation, and revocation of any insignia issued by the department and procedures for auditing and accounting for disposition of them.

(d) The performance by the department of any other functions required by this part.

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

553.721 Surcharge.—In order for the Department of Community Affairs to administer and carry out the purposes of this part and related activities, there is hereby created a surcharge, to be assessed at the rate of one-half cent per square foot under-roof floor space permitted pursuant to s. 125.56(4) or s. 166.201. However, for additions, alterations, or renovations to existing buildings, the surcharge shall be computed on the basis of the

square footage being added, altered, or renovated. The unit of government responsible for collecting a permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect such surcharge and remit the funds collected to the department on a quarterly calendar basis, ~~beginning not later than October 31, 1995, for the preceding quarter, July 1, 1995, through September 30, 1995, and continuing each third month thereafter;~~ and such unit of government may retain an amount up to 5 percent of the surcharge collected to cover costs associated with the collection and remittance of such surcharge. All funds remitted to the department pursuant to this subsection shall be deposited in the Operating Trust Fund. ~~Prior to the remittance to the department on October 31, 1995, funds shall continue to be remitted to the Department of Health and Rehabilitative Services as provided under s. 404.056(3) for the final quarter of state fiscal year 1994-1995.~~ Funds collected from such surcharge shall not be used to fund research on techniques for mitigation of radon in existing buildings. Funds used by the department as well as funds to be transferred to the Department of Health and Rehabilitative Services shall be as prescribed in the annual General Appropriations Act. The department shall adopt rules governing the collection and remittance of surcharges in accordance with chapter 120.

Section 3. Section 553.907, Florida Statutes, is amended to read:

553.907 Compliance.—Owners of all buildings required to comply with this part, or their agents, must certify compliance to the designated local enforcement agency prior to receiving the permit to begin construction or renovation. If, during the building construction or renovation, alterations are made in the design, materials, or equipment which would diminish the energy performance of the building, an amended copy of the compliance certification must be submitted to the local enforcement agency on or before the date of final inspection by the building owner or his or her agent and must be placed on the building permit. Each local enforcement agency shall report to the department any information concerning compliance certifications and amendments at such intervals as the department designates by rule adopted in accordance with chapter 120.

Section 4. Section 553.992, Florida Statutes, is amended to read:

553.992 Adoption of rating system.—The Department of Community Affairs shall adopt, update, and maintain a statewide uniform building energy-efficiency rating system to implement the provisions of this part and amendments thereto in accordance with the procedures of chapter 120 and shall, upon the request of any builder, designer, rater, or owner of a building, issue nonbinding interpretations, clarifications, and opinions concerning the application and use of the building energy rating system under rules that the department adopts in accordance with chapter 120.

Section 5. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 22, 1998.

Filed in Office Secretary of State May 21, 1998.