

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Ahern offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

162.12 Notices.—

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

(a) Certified mail, return receipt requested, to the address listed in the tax collector's office for tax notices, or to the address listed in the county property appraiser's database. The local government may also provide an additional notice to any other address it may find for ~~provided by the property owner in writing to the local government for the purpose of receiving notices.~~ For property owned by a

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17 corporation, notices may be provided by certified mail to the
18 registered agent of the corporation. If any notice sent by
19 certified mail is not signed as received within 30 days after
20 the postmarked date of mailing, notice may be provided by
21 posting as described in subparagraphs (2) (b)1. and 2.;

22 (b) Hand delivery by the sheriff or other law enforcement
23 officer, code inspector, or other person designated by the local
24 governing body;

25 (c) Leaving the notice at the violator's usual place of
26 residence with any person residing therein who is above 15 years
27 of age and informing such person of the contents of the notice;
28 or

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

31 (2) In addition to providing notice as set forth in
32 subsection (1), at the option of the code enforcement board or
33 the local government, notice may ~~also~~ be served by publication
34 or posting, as follows:

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

41 2. Proof of publication shall be made as provided in ss.
42 50.041 and 50.051.

43 (b)1. In lieu of publication as described in paragraph
44 (a), such notice may be posted at least 10 days prior to the

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45 hearing, or prior to the expiration of any deadline contained in
46 the notice, in at least two locations, one of which shall be the
47 property upon which the violation is alleged to exist and the
48 other of which shall be, in the case of municipalities, at the
49 primary municipal government office, and in the case of
50 counties, at the front door of the courthouse or the main county
51 governmental center in said county.

52 2. Proof of posting shall be by affidavit of the person
53 posting the notice, which affidavit shall include a copy of the
54 notice posted and the date and places of its posting.

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

58
59 Evidence that an attempt has been made to hand deliver
60 or mail notice as provided in subsection (1), together
61 with proof of publication or posting as provided in
62 subsection (2), shall be sufficient to show that the
63 notice requirements of this part have been met,
64 without regard to whether or not the alleged violator
65 actually received such notice.

66 Section 2. Subsection (3) of section 255.20, Florida
67 Statutes, is amended to read:

68 255.20 Local bids and contracts for public construction
69 works; specification of state-produced lumber.-

70 (3)(a) All county officials, boards of county
71 commissioners, school boards, city councils, city commissioners,
72 and all other public officers of state boards or commissions

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73 that are charged with the letting of contracts for public work,
74 for the construction of public bridges, buildings, and other
75 structures must specify in the contract lumber, timber, and
76 other forest products produced and manufactured in this state if
77 wood is a component of the public work and if such products are
78 available and their price, fitness, and quality are equal.

79 (b) This subsection does not apply:

80 1. To plywood specified for monolithic concrete forms.

81 2. If the structural or service requirements for timber
82 for a particular job cannot be supplied by native species.

83 3. If the construction is financed in whole or in part
84 from federal funds with the requirement that there be no
85 restrictions as to species or place of manufacture.

86 4. To transportation projects for which federal aid funds
87 are available.

88 Section 3. Subsection (4) is added to section 255.2575,
89 Florida Statutes, to read:

90 255.2575 Energy-efficient and sustainable buildings.—

91 (4) (a) All state agencies, county officials, boards of
92 county commissioners, school boards, city councils, city
93 commissioners, and all other public officers of state boards or
94 commissions that are charged with the letting of contracts for
95 public work, for the construction of public bridges, buildings,
96 and other structures must specify in the contract lumber,
97 timber, and other forest products produced and manufactured in
98 this state if wood is a component of the public work and if such
99 products are available and their price, fitness, and quality are
100 equal.

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101 (b) This subsection does not apply:

102 1. To plywood specified for monolithic concrete forms.

103 2. If the structural or service requirements for timber
104 for a particular job cannot be supplied by native species.

105 3. If the construction is financed in whole or in part
106 from federal funds with the requirement that there be no
107 restrictions as to species or place of manufacture.

108 4. To transportation projects for which federal aid funds
109 are available.

110 Section 4. Paragraph (a) of subsection (4) of section
111 255.257, Florida Statutes, is amended to read:

112 255.257 Energy management; buildings occupied by state
113 agencies.—

114 (4) ADOPTION OF STANDARDS.—

115 (a) Each ~~All~~ state agency ~~agencies~~ shall use ~~adopt~~ a
116 sustainable building rating system or ~~use~~ a national model green
117 building code for each ~~all~~ new building ~~buildings~~ and renovation
118 ~~renovations~~ to an existing building ~~buildings~~.

119 Section 5. Paragraph (aa) of subsection (4) of section
120 381.0065, Florida Statutes, is amended to read:

121 381.0065 Onsite sewage treatment and disposal systems;
122 regulation.—

123 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
124 not construct, repair, modify, abandon, or operate an onsite
125 sewage treatment and disposal system without first obtaining a
126 permit approved by the department. The department may issue
127 permits to carry out this section, but shall not make the
128 issuance of such permits contingent upon prior approval by the

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129 Department of Environmental Protection, except that the issuance
130 of a permit for work seaward of the coastal construction control
131 line established under s. 161.053 shall be contingent upon
132 receipt of any required coastal construction control line permit
133 from the Department of Environmental Protection. A construction
134 permit is valid for 18 months from the issuance date and may be
135 extended by the department for one 90-day period under rules
136 adopted by the department. A repair permit is valid for 90 days
137 from the date of issuance. An operating permit must be obtained
138 prior to the use of any aerobic treatment unit or if the
139 establishment generates commercial waste. Buildings or
140 establishments that use an aerobic treatment unit or generate
141 commercial waste shall be inspected by the department at least
142 annually to assure compliance with the terms of the operating
143 permit. The operating permit for a commercial wastewater system
144 is valid for 1 year from the date of issuance and must be
145 renewed annually. The operating permit for an aerobic treatment
146 unit is valid for 2 years from the date of issuance and must be
147 renewed every 2 years. If all information pertaining to the
148 siting, location, and installation conditions or repair of an
149 onsite sewage treatment and disposal system remains the same, a
150 construction or repair permit for the onsite sewage treatment
151 and disposal system may be transferred to another person, if the
152 transferee files, within 60 days after the transfer of
153 ownership, an amended application providing all corrected
154 information and proof of ownership of the property. There is no
155 fee associated with the processing of this supplemental
156 information. A person may not contract to construct, modify,

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157 | alter, repair, service, abandon, or maintain any portion of an
158 | onsite sewage treatment and disposal system without being
159 | registered under part III of chapter 489. A property owner who
160 | personally performs construction, maintenance, or repairs to a
161 | system serving his or her own owner-occupied single-family
162 | residence is exempt from registration requirements for
163 | performing such construction, maintenance, or repairs on that
164 | residence, but is subject to all permitting requirements. A
165 | municipality or political subdivision of the state may not issue
166 | a building or plumbing permit for any building that requires the
167 | use of an onsite sewage treatment and disposal system unless the
168 | owner or builder has received a construction permit for such
169 | system from the department. A building or structure may not be
170 | occupied and a municipality, political subdivision, or any state
171 | or federal agency may not authorize occupancy until the
172 | department approves the final installation of the onsite sewage
173 | treatment and disposal system. A municipality or political
174 | subdivision of the state may not approve any change in occupancy
175 | or tenancy of a building that uses an onsite sewage treatment
176 | and disposal system until the department has reviewed the use of
177 | the system with the proposed change, approved the change, and
178 | amended the operating permit.

179 | (aa) An existing-system inspection or evaluation and
180 | assessment or a modification, replacement, or upgrade of an
181 | onsite sewage treatment and disposal system is not required for
182 | a remodeling addition or modification to a single-family home if
183 | a bedroom is not added. However, a remodeling addition or
184 | modification to a single-family home may not cover any part of

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185 the existing system or encroach upon a required setback or the
186 unobstructed area. To determine whether a setback or the
187 unobstructed area is impacted, the local health department shall
188 review and verify a floor plan and site plan of the proposed
189 remodeling addition or modification to the home submitted by a
190 remodeler that shows the location of the system, including the
191 distance of the remodeling addition or modification to the home
192 from the onsite sewage treatment and disposal system. The local
193 health department may visit the site or otherwise determine the
194 best means of verifying the information submitted. A
195 verification of the location of a system is not an inspection or
196 evaluation and assessment of the system. The review and
197 verification must be completed within 7 business days after
198 receipt by the local health department of a floor plan and site
199 plan. If the review and verification is not completed within
200 such time, the remodeling addition or modification to the
201 single-family home, for the purposes of this paragraph, is
202 approved.

203 Section 6. The amendments made by section 11 of chapter
204 2012-13, Laws of Florida, to s. 489.113(2), Florida Statutes,
205 were remedial in nature and intended to clarify existing law.
206 This section applies retroactively to any action initiated or
207 pending on or after March 23, 2012.

208 Section 7. Paragraphs (c) and (f) of subsection (5) and
209 subsection (6) of section 489.127, Florida Statutes, are amended
210 to read:

211 489.127 Prohibitions; penalties.—

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212 (5) Each county or municipality may, at its option,
213 designate one or more of its code enforcement officers, as
214 defined in chapter 162, to enforce, as set out in this
215 subsection, the provisions of subsection (1) and s. 489.132(1)
216 against persons who engage in activity for which a county or
217 municipal certificate of competency or license or state
218 certification or registration is required.

219 (c) The local governing body of the county or municipality
220 ~~may is authorized to~~ enforce codes and ordinances against
221 unlicensed contractors under ~~the provisions of~~ this subsection
222 and may enact an ordinance establishing procedures for
223 implementing this subsection, including a schedule of penalties
224 to be assessed by the code enforcement officer. The maximum
225 civil penalty that ~~which~~ may be levied may ~~shall~~ not exceed
226 \$2,000 ~~\$500~~. Moneys collected pursuant to this subsection shall
227 be retained locally, as provided for by local ordinance, and may
228 be set aside in a specific fund to support future enforcement
229 activities against unlicensed contractors.

230 (f) If the enforcement or licensing board or designated
231 special magistrate finds that a violation exists, the
232 enforcement or licensing board or designated special magistrate
233 may order the violator to pay a civil penalty of not less than
234 the amount set forth on the citation but not more than \$2,500
235 ~~\$1,000~~ per day for each violation. In determining the amount of
236 the penalty, the enforcement or licensing board or designated
237 special magistrate shall consider the following factors:

238 1. The gravity of the violation.

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239 2. Any actions taken by the violator to correct the
240 violation.

241 3. Any previous violations committed by the violator.

242 (6) Local building departments may collect outstanding
243 fines against registered or certified contractors issued by the
244 Construction Industry Licensing Board and may retain 75 ~~25~~
245 percent of the fines they are able to collect, provided that
246 they transmit 25 ~~75~~ percent of the fines they are able to
247 collect to the department according to a procedure to be
248 determined by the department.

249 Section 8. Paragraph (a) of subsection (7) of section
250 489.131, Florida Statutes, is amended to read:

251 489.131 Applicability.—

252 (7) (a) It is the policy of the state that the purpose of
253 regulation is to protect the public by attaining compliance with
254 the policies established in law. Fines and other penalties are
255 provided in order to ensure compliance; ~~however, the collection~~
256 ~~of fines and the imposition of penalties are intended to be~~
257 ~~secondary to the primary goal of attaining compliance with state~~
258 ~~laws and local jurisdiction ordinances. It is the intent of the~~
259 ~~Legislature that a local jurisdiction agency charged with~~
260 ~~enforcing regulatory laws shall issue a notice of noncompliance~~
261 ~~as its first response to a minor violation of a regulatory law~~
262 ~~in any instance in which it is reasonable to assume that the~~
263 ~~violator was unaware of such a law or unclear as to how to~~
264 ~~comply with it. A violation of a regulatory law is a "minor~~
265 ~~violation" if it does not result in economic or physical harm to~~
266 ~~a person or adversely affect the public health, safety, or~~

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267 ~~welfare or create a significant threat of such harm. A "notice~~
268 ~~of noncompliance" is a notification by the local jurisdiction~~
269 ~~agency charged with enforcing the ordinance, which is issued to~~
270 ~~the licensee that is subject to the ordinance. A notice of~~
271 ~~noncompliance should not be accompanied with a fine or other~~
272 ~~disciplinary penalty. It should identify the specific ordinance~~
273 ~~that is being violated, provide information on how to comply~~
274 ~~with the ordinance, and specify a reasonable time for the~~
275 ~~violation to comply with the ordinance. Failure of a licensee to~~
276 ~~take action correcting the violation within a set period of time~~
277 ~~would then result in the institution of further disciplinary~~
278 ~~proceedings.~~

279 Section 9. Section 489.514, Florida Statutes, is amended
280 to read:

281 489.514 Certification for registered contractors;
282 grandfathering provisions.—

283 (1) The board shall, upon receipt of a completed
284 application, appropriate fee, and proof of compliance with the
285 provisions of this section, issue:

286 (a) To an applying registered electrical contractor, a
287 certificate as an electrical contractor, as defined in s.
288 489.505(12); ~~or~~

289 (b) To an applying registered alarm system contractor, a
290 certificate in the matching alarm system contractor category, as
291 defined in s. 489.505(2) (a) or (b); or

292 (c) To an applying registered electrical specialty
293 contractor, a certificate in the matching electrical specialty
294 contractor category, as defined in s. 489.505(19).

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295 (2) Any contractor registered under this part who makes
296 application under this section to the board shall meet each of
297 the following requirements for certification:

298 (a) Currently holds a valid registered local license in
299 the category of electrical contractor, alarm system contractor,
300 or electrical specialty contractor.

301 (b) Has, for that category, passed a written, proctored
302 examination that the board finds to be substantially similar to
303 the examination required to be licensed as a certified
304 contractor under this part. For purposes of this subsection, a
305 written, proctored examination such as that produced by the
306 National Assessment Institute, Block and Associates, NAI/Block,
307 Experior Assessments, Professional Testing, Inc., or Assessment
308 Systems, Inc., shall be considered to be substantially similar
309 to the examination required to be licensed as a certified
310 contractor. The board may not impose or make any requirements
311 regarding the nature or content of these cited examinations.

312 (c) Has at least 5 years of experience as a contractor in
313 that contracting category, or as an inspector or building
314 administrator with oversight over that category, at the time of
315 application. For contractors, only time periods in which the
316 contractor license is active and the contractor is not on
317 probation shall count toward the 5 years required under this
318 subsection.

319 (d) Has not had his or her contractor's license revoked at
320 any time, had his or her contractor's license suspended in the
321 last 5 years, or been assessed a fine in excess of \$500 in the
322 last 5 years.

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323 (e) Is in compliance with the insurance and financial
324 responsibility requirements in s. 489.515(1)(b).

325 (3) An applicant must make application by November 1, 2015
326 2004, to be licensed pursuant to this section.

327 Section 10. Paragraphs (c) and (f) of subsection (4) of
328 section 489.531, Florida Statutes, are amended to read:

329 489.531 Prohibitions; penalties.—

330 (4) Each county or municipality may, at its option,
331 designate one or more of its code enforcement officers, as
332 defined in chapter 162, to enforce, as set out in this
333 subsection, ~~the provisions of~~ subsection (1) against persons who
334 engage in activity for which county or municipal certification
335 is required.

336 (c) The local governing body of the county or municipality
337 ~~may is authorized to~~ enforce codes and ordinances against
338 unlicensed contractors under ~~the provisions of~~ this section and
339 may enact an ordinance establishing procedures for implementing
340 this section, including a schedule of penalties to be assessed
341 by the code enforcement officers. The maximum civil penalty that
342 ~~which~~ may be levied may shall not exceed \$2,000 ~~\$500~~. Moneys
343 collected pursuant to this section shall be retained locally as
344 provided for by local ordinance and may be set aside in a
345 specific fund to support future enforcement activities against
346 unlicensed contractors.

347 (f) If the enforcement or licensing board or designated
348 special magistrate finds that a violation exists, the
349 enforcement or licensing board or designated special magistrate
350 may order the violator to pay a civil penalty of not less than

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351 the amount set forth on the citation but not more than \$2,500
352 ~~\$500~~ per day for each violation. In determining the amount of
353 the penalty, the enforcement or licensing board or designated
354 special magistrate shall consider the following factors:

- 355 1. The gravity of the violation.
356 2. Any actions taken by the violator to correct the
357 violation.
358 3. Any previous violations committed by the violator.

359 Section 11. Subsections (6) through (11) of section
360 553.71, Florida Statutes, are renumbered as subsections (7)
361 through (12), respectively, and a new subsection (6) is added to
362 that section to read:

363 553.71 Definitions.—As used in this part, the term:

364 (6) "Local technical amendment" means an action by a local
365 governing authority that results in a technical change to the
366 Florida Building Code and its local enforcement.

367 Section 12. Subsection (17) of section 553.73, Florida
368 Statutes, is amended to read:

369 553.73 Florida Building Code.—

370 (17) A provision ~~The provisions of section R313 of the~~
371 ~~most current version~~ of the International Residential Code
372 relating to mandated fire sprinklers may not be incorporated
373 into the Florida Building Code as adopted by the Florida
374 Building Commission and may not be adopted as a local amendment
375 to the Florida Building Code. This subsection does not prohibit
376 the application of cost-saving incentives for residential fire
377 sprinklers that are authorized in the International Residential
378 Code upon a mutual agreement between the builder and the code

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379 official. This subsection does not apply to a local government
380 that has a lawfully adopted ordinance relating to fire
381 sprinklers which has been in effect since January 1, 2010.

382 Section 13. Subsection (1) of section 553.74, Florida
383 Statutes, is amended to read:

384 553.74 Florida Building Commission.—

385 (1) The Florida Building Commission is created and located
386 within the Department of Business and Professional Regulation
387 for administrative purposes. Members are ~~shall be~~ appointed by
388 the Governor subject to confirmation by the Senate. The
389 commission is ~~shall be~~ composed of 26 ~~25~~ members, consisting of
390 the following:

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

395 (b) One structural engineer registered to practice in this
396 state and actively engaged in the profession. The Florida
397 Engineering Society is encouraged to recommend a list of
398 candidates for consideration.

399 (c) One air-conditioning or mechanical contractor
400 certified to do business in this state and actively engaged in
401 the profession. The Florida Air Conditioning Contractors
402 Association, the Florida Refrigeration and Air Conditioning
403 Contractors Association, and the Mechanical Contractors
404 Association of Florida are encouraged to recommend a list of
405 candidates for consideration.

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406 (d) One electrical contractor certified to do business in
407 this state and actively engaged in the profession. The Florida
408 Electrical Contractors Association and the National Electrical
409 Contractors Association, Florida Chapter, are encouraged to
410 recommend a list of candidates for consideration.

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

416 (f) One general contractor certified to do business in
417 this state and actively engaged in the profession. The
418 Associated Builders and Contractors of Florida, the Florida
419 Associated General Contractors Council, and the Union
420 Contractors Association are encouraged to recommend a list of
421 candidates for consideration.

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

426 (h) One roofing or sheet metal contractor certified to do
427 business in this state and actively engaged in the profession.
428 The Florida Roofing, Sheet Metal, and Air Conditioning
429 Contractors Association and the Sheet Metal and Air Conditioning
430 Contractors National Association are encouraged to recommend a
431 list of candidates for consideration.

432 (i) One residential contractor licensed to do business in
433 this state and actively engaged in the profession. The Florida

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434 Home Builders Association is encouraged to recommend a list of
435 candidates for consideration.

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

441 (k) One member who represents the Department of Financial
442 Services.

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

446 (m) One member of a Florida-based organization of persons
447 with disabilities or a nationally chartered organization of
448 persons with disabilities with chapters in this state.

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

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

457 (p) One member who is a representative of a municipality
458 or a charter county. The Florida League of Cities and the
459 Florida Association of Counties are encouraged to recommend a
460 list of candidates for consideration.

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461 (q) One member of the building products manufacturing
462 industry who is authorized to do business in this state and is
463 actively engaged in the industry. The Florida Building Material
464 Association, the Florida Concrete and Products Association, and
465 the Fenestration Manufacturers Association are encouraged to
466 recommend a list of candidates for consideration.

467 (r) One member who is a representative of the building
468 owners and managers industry who is actively engaged in
469 commercial building ownership or management. The Building Owners
470 and Managers Association is encouraged to recommend a list of
471 candidates for consideration.

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

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

477 (u) One member who is a swimming pool contractor licensed
478 to do business in this state and actively engaged in the
479 profession. The Florida Swimming Pool Association and the United
480 Pool and Spa Association are encouraged to recommend a list of
481 candidates for consideration.

482 (v) One member who is a representative of the green
483 building industry and who is a third-party commission agent, a
484 Florida board member of the United States Green Building Council
485 or Green Building Initiative, a professional who is accredited
486 under the International Green Construction Code (IGCC), or a
487 professional who is accredited under Leadership in Energy and
488 Environmental Design (LEED).

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489 (w) One member who is a representative of a natural gas
490 distribution system and who is actively engaged in the
491 distribution of natural gas in this state. The Florida Natural
492 Gas Association is encouraged to recommend a list of candidates
493 for consideration.

494 (x)~~(w)~~ One member who shall be the chair.

495

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

500 Section 14. Paragraph (a) of subsection (5) of section
501 553.79, Florida Statutes, is amended, and subsection (18) is
502 added to that section, to read:

503 553.79 Permits; applications; issuance; inspections.-

504 (5) (a) The enforcing agency shall require a special
505 inspector to perform structural inspections on a threshold
506 building pursuant to a structural inspection plan prepared by
507 the engineer or architect of record. The structural inspection
508 plan must be submitted to and approved by the enforcing agency
509 prior to the issuance of a building permit for the construction
510 of a threshold building. The purpose of the structural
511 inspection plan is to provide specific inspection procedures and
512 schedules so that the building can be adequately inspected for
513 compliance with the permitted documents. The special inspector
514 may not serve as a surrogate in carrying out the
515 responsibilities of the building official, the architect, or the
516 engineer of record. The contractor's contractual or statutory

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517 obligations are not relieved by any action of the special
518 inspector. The special inspector shall determine that a
519 professional engineer who specializes in shoring design has
520 inspected the shoring and reshoring for conformance with the
521 shoring and reshoring plans submitted to the enforcing agency. A
522 fee simple title owner of a building, which does not meet the
523 minimum size, height, occupancy, occupancy classification, or
524 number-of-stories criteria which would result in classification
525 as a threshold building under s. 553.71(12) ~~553.71(11)~~, may
526 designate such building as a threshold building, subject to more
527 than the minimum number of inspections required by the Florida
528 Building Code.

529 (18) For the purpose of inspection and record retention,
530 site plans for a building may be maintained in the form of an
531 electronic copy at the worksite. These plans must be open to
532 inspection by the building official or a duly authorized
533 representative, as required by the Florida Building Code.

534 Section 15. Subsection (5) of section 553.842, Florida
535 Statutes, is amended to read:

536 553.842 Product evaluation and approval.—

537 (5) Statewide approval of products, methods, or systems of
538 construction may be achieved by one of the following methods.
539 One of these methods must be used by the commission to approve
540 the following categories of products: panel walls, exterior
541 doors, roofing, skylights, windows, shutters, impact protective
542 systems, and structural components as established by the
543 commission by rule. A product may not be advertised, sold,
544 offered, provided, distributed, or marketed as hurricane,

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545 windstorm, or impact protection from wind-borne debris from a
546 hurricane or windstorm unless it is approved pursuant to this
547 section or s. 553.8425. Any person who advertises, sells,
548 offers, provides, distributes, or markets a product as
549 hurricane, windstorm, or impact protection from wind-borne
550 debris without such approval is subject to the Florida Deceptive
551 and Unfair Trade Practices Act under part II of chapter 501
552 brought by the enforcing authority as defined in s. 501.203.

553 (a) Products for which the code establishes standardized
554 testing or comparative or rational analysis methods shall be
555 approved by submittal and validation of one of the following
556 reports or listings indicating that the product or method or
557 system of construction was in compliance with the Florida
558 Building Code and that the product or method or system of
559 construction is, for the purpose intended, at least equivalent
560 to that required by the Florida Building Code:

561 1. A certification mark or listing of an approved
562 certification agency, which may be used only for products for
563 which the code designates standardized testing;

564 2. A test report from an approved testing laboratory;

565 3. A product evaluation report based upon testing or
566 comparative or rational analysis, or a combination thereof, from
567 an approved product evaluation entity; or

568 4. A product evaluation report based upon testing or
569 comparative or rational analysis, or a combination thereof,
570 developed and signed and sealed by a professional engineer or
571 architect, licensed in this state.

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573 A product evaluation report or a certification mark or listing
574 of an approved certification agency which demonstrates that the
575 product or method or system of construction complies with the
576 Florida Building Code for the purpose intended is equivalent to
577 a test report and test procedure referenced in the Florida
578 Building Code. An application for state approval of a product
579 under subparagraph 1. or subparagraph 3. must be approved by the
580 department after the commission staff or a designee verifies
581 that the application and related documentation are complete.
582 This verification must be completed within 10 business days
583 after receipt of the application. Upon approval by the
584 department, the product shall be immediately added to the list
585 of state-approved products maintained under subsection (13).
586 Approvals by the department shall be reviewed and ratified by
587 the commission's program oversight committee except for a
588 showing of good cause that a review by the full commission is
589 necessary. The commission shall adopt rules providing means to
590 cure deficiencies identified within submittals for products
591 approved under this paragraph.

592 (b) Products, methods, or systems of construction for
593 which there are no specific standardized testing or comparative
594 or rational analysis methods established in the code may be
595 approved by submittal and validation of one of the following:

596 1. A product evaluation report based upon testing or
597 comparative or rational analysis, or a combination thereof, from
598 an approved product evaluation entity indicating that the
599 product or method or system of construction was in compliance
600 with the intent of the Florida Building Code and that the

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601 product or method or system of construction is, for the purpose
602 intended, at least equivalent to that required by the Florida
603 Building Code; or

604 2. A product evaluation report based upon testing or
605 comparative or rational analysis, or a combination thereof,
606 developed and signed and sealed by a professional engineer or
607 architect, licensed in this state, who certifies that the
608 product or method or system of construction is, for the purpose
609 intended, at least equivalent to that required by the Florida
610 Building Code.

611 Section 16. Section 553.901, Florida Statutes, is amended
612 to read:

613 553.901 Purpose of thermal efficiency code.—The Department
614 of Business and Professional Regulation shall prepare a thermal
615 efficiency code to provide for a statewide uniform standard for
616 energy efficiency in the thermal design and operation of all
617 buildings statewide, consistent with energy conservation goals,
618 and to best provide for public safety, health, and general
619 welfare. The Florida Building Commission shall adopt the Florida
620 ~~Energy Efficiency Code for Building Code-Energy Conservation~~
621 ~~Construction within the Florida Building Code~~, and shall modify,
622 revise, update, and maintain the code to implement the
623 provisions of this thermal efficiency code and amendments
624 thereto, in accordance with the procedures of chapter 120. The
625 department shall, at least triennially, determine the most cost-
626 effective energy-saving equipment and techniques available and
627 report its determinations to the commission, which shall update
628 the code to incorporate such equipment and techniques. The

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629 proposed changes shall be made available for public review and
630 comment no later than 6 months before ~~prior to~~ code
631 implementation. The term "cost-effective," as used in ~~for the~~
632 ~~purposes of~~ this part, means ~~shall be construed to mean~~ cost-
633 effective to the consumer.

634 Section 17. Section 553.902, Florida Statutes, is amended
635 to read:

636 553.902 Definitions. As used in ~~For the purposes of~~ this
637 part, the term:

638 (1) ~~(6)~~ "Energy performance level" means the indicator of
639 the energy-related performance of a building, including, but not
640 limited to, the levels of insulation, the amount and type of
641 glass, and the HVAC and water heating system efficiencies.

642 (2) ~~(1)~~ "Exempted building" means:

643 (a) A ~~Any~~ building or portion thereof whose peak design
644 rate of energy usage for all purposes is less than 1 watt (3.4
645 Btu per hour) per square foot of floor area for all purposes.

646 (b) A ~~Any~~ building that ~~which~~ is neither heated nor cooled
647 by a mechanical system designed to control or modify the indoor
648 temperature and powered by electricity or fossil fuels.

649 (c) A ~~Any~~ building for which federal mandatory standards
650 preempt state energy codes.

651 (d) A ~~Any~~ historical building as described in s.
652 267.021(3).

653
654 The Florida Building Commission may recommend to the Legislature
655 additional types of buildings that ~~which~~ should be exempted from

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656 compliance with the Florida ~~Energy Efficiency Code for Building~~
657 Code-Energy Conservation Construction.

658 ~~(3)-(5)~~ "Exterior envelope physical characteristics" means
659 the physical nature of those elements of a building which
660 enclose conditioned spaces through which energy may be
661 transferred to or from the exterior.

662 ~~(4)-(2)~~ "HVAC" means a system of heating, ventilating, and
663 air-conditioning.

664 ~~(5)-(4)~~ "Local enforcement agency" means the agency of
665 local government which has the authority to make inspections of
666 buildings and to enforce the Florida Building Code. The term ~~it~~
667 includes any agency within the definition of s. 553.71(5).

668 ~~(6)-(3)~~ "Renovated building" means a residential or
669 nonresidential building undergoing alteration that varies or
670 changes insulation, HVAC systems, water heating systems, or
671 exterior envelope conditions if, ~~provided~~ the estimated cost of
672 renovation exceeds 30 percent of the assessed value of the
673 structure.

674 Section 18. Section 553.903, Florida Statutes, is amended
675 to read:

676 553.903 Applicability.—This part applies ~~shall apply~~ to
677 all new and renovated buildings in the state, except exempted
678 buildings, for which building permits are obtained after March
679 15, 1979, and to the installation or replacement of building
680 systems and components with new products for which thermal
681 efficiency standards are set by the Florida ~~Energy Efficiency~~
682 ~~Code for Building~~ Code-Energy Conservation Construction. The

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683 provisions of this part shall constitute a statewide uniform
684 code.

685 Section 19. Section 553.904, Florida Statutes, is amended
686 to read:

687 553.904 Thermal efficiency standards for new
688 nonresidential buildings.—Thermal designs and operations for new
689 nonresidential buildings for which building permits are obtained
690 after March 15, 1979, must ~~shall~~ at a minimum take into account
691 exterior envelope physical characteristics, including thermal
692 mass; HVAC, service water heating, energy distribution,
693 lighting, energy managing, and auxiliary systems design and
694 selection; and HVAC, service water heating, energy distribution,
695 lighting, energy managing, and auxiliary equipment performance
696 and are ~~shall~~ not be required to meet standards more stringent
697 than the provisions of the Florida ~~Energy Efficiency Code for~~
698 Building Code-Energy Conservation Construction.

699 Section 20. Section 553.905, Florida Statutes, is amended
700 to read:

701 553.905 Thermal efficiency standards for new residential
702 buildings.—Thermal designs and operations for new residential
703 buildings for which building permits are obtained after March
704 15, 1979, must ~~shall~~ at a minimum take into account exterior
705 envelope physical characteristics, HVAC system selection and
706 configuration, HVAC equipment performance, and service water
707 heating design and equipment selection and are ~~shall~~ not be
708 required to meet standards more stringent than the provisions of
709 the Florida ~~Energy Efficiency Code for~~ Building Code-Energy
710 Conservation Construction. HVAC equipment mounted in an attic or

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711 a garage is ~~shall~~ not be required to have supplemental
712 insulation in addition to that installed by the manufacturer.
713 All new residential buildings, except those herein exempted,
714 must ~~shall~~ have insulation in ceilings rated at R-19 or more,
715 space permitting. Thermal efficiency standards do not apply to a
716 building of less than 1,000 square feet that ~~which~~ is not
717 primarily used as a principal residence and that ~~which~~ is
718 constructed and owned by a natural person for hunting or similar
719 recreational purposes; however, ~~no~~ such person may not build
720 more than one exempt building in any 12-month period.

721 Section 21. Section 553.906, Florida Statutes, is amended
722 to read:

723 553.906 Thermal efficiency standards for renovated
724 buildings.—Thermal designs and operations for renovated
725 buildings for which building permits are obtained after March
726 15, 1979, must ~~shall~~ take into account insulation; windows;
727 infiltration; and HVAC, service water heating, energy
728 distribution, lighting, energy managing, and auxiliary systems
729 design and equipment selection and performance. Such buildings
730 are ~~shall~~ not be required to meet standards more stringent than
731 the provisions of the Florida ~~Energy Efficiency Code for~~
732 Building Code-Energy Conservation Construction. These standards
733 apply only to those portions of the structure that ~~which~~ are
734 actually renovated.

735 Section 22. Section 553.912, Florida Statutes, is amended
736 to read:

737 553.912 Air conditioners.—All air conditioners that are
738 sold or installed in the state must ~~shall~~ meet the minimum

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739 efficiency ratings of the Florida ~~Energy Efficiency Code for~~
740 Building Code-Energy Conservation Construction. These efficiency
741 ratings must ~~shall~~ be minimums and may be updated in the Florida
742 ~~Energy Efficiency Code for Building~~ Code-Energy Conservation
743 ~~Construction~~ by the department in accordance with s. 553.901,
744 following its determination that more cost-effective energy-
745 saving equipment and techniques are available. It is the intent
746 of the Legislature that all replacement air-conditioning systems
747 in residential applications be installed using energy-saving,
748 quality installation procedures, including, but not limited to,
749 equipment sizing analysis and duct inspection. Notwithstanding
750 this section, existing heating and cooling equipment in
751 residential applications need not meet the minimum equipment
752 efficiencies, including system sizing and duct sealing.

753 Section 23. Section 553.991, Florida Statutes, is amended
754 to read:

755 553.991 Purpose.—The purpose of this part is to identify
756 systems ~~provide for a statewide uniform system~~ for rating the
757 energy efficiency of buildings. It is in the interest of the
758 state to encourage the consideration of ~~the~~ energy-efficiency
759 rating systems ~~system~~ in the market so as to provide market
760 rewards for energy-efficient buildings and to those persons or
761 companies designing, building, or selling energy-efficient
762 buildings.

763 Section 24. Section 553.992, Florida Statutes, is
764 repealed.

765 Section 25. Section 553.993, Florida Statutes, is amended
766 to read:

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767 553.993 Definitions.—For purposes of this part:

768 (1) "Acquisition" means to gain the sole or partial use of
769 a building through a purchase agreement.

770 (2) "Builder" means the primary contractor who possesses
771 the requisite skill, knowledge, and experience, and has the
772 responsibility, to supervise, direct, manage, and control the
773 contracting activities of the business organization with which
774 she or he is connected and who has the responsibility to
775 supervise, direct, manage, and control the construction work on
776 a job for which she or he has obtained the building permit.
777 Construction work includes, but is not limited to, foundation,
778 framing, wiring, plumbing, and finishing work.

779 (3) "Building energy-efficiency rating system" means a
780 whole building energy evaluation system established by the
781 Residential Energy Services Network, the Commercial Energy
782 Services Network, the Building Performance Institute, or the
783 Florida Solar Energy Center.

784 (4) ~~(3)~~ "Designer" means the architect, engineer, landscape
785 architect, builder, interior designer, or other person who
786 performs the actual design work or under whose direct
787 supervision and responsible charge the construction documents
788 are prepared.

789 (5) "Energy auditor" means a trained and certified
790 professional who conducts energy evaluations of an existing
791 building and uses tools to identify the building's current
792 energy usage and the condition of the building and equipment.

793 (6) "Energy-efficiency rating" means an unbiased
794 indication of a building's relative energy efficiency based on

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795 consistent inspection procedures, operating assumptions, climate
796 data, and calculation methods.

797 (7) "Energy rater" means an individual certified by a
798 building energy-efficiency rating system to perform building
799 energy-efficiency ratings for the building type and in the
800 rating class for which the rater is certified.

801 (8)(4) "New building" means commercial occupancy buildings
802 permitted for construction after January 1, 1995, and
803 residential occupancy buildings permitted for construction after
804 January 1, 1994.

805 (9)(5) "Public building" means a building comfort-
806 conditioned for occupancy that is owned or leased by the state,
807 a state agency, or a governmental subdivision, including, but
808 not limited to, a city, county, or school district.

809 Section 26. Section 553.994, Florida Statutes, is amended
810 to read:

811 553.994 Applicability. Building energy-efficiency ~~The~~
812 ~~rating systems system shall~~ apply to all public, commercial, and
813 residential buildings in the state.

814 Section 27. Section 553.995, Florida Statutes, is amended
815 to read:

816 553.995 Energy-efficiency ratings for buildings.—

817 (1) Building ~~The~~ energy-efficiency rating systems must,
818 ~~system shall~~ at a minimum:

819 ~~(a) Provide a uniform rating scale of the efficiency of~~
820 ~~buildings based on annual energy usage.~~

821 (a)(b) Take into account local climate conditions,
822 construction practices, and building use.

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823 ~~(b)(e)~~ Be compatible with standard federal rating systems
824 and state building codes and standards, where applicable, and
825 must ~~shall~~ satisfy the requirements of s. 553.9085 with respect
826 to residential buildings and s. 255.256 with respect to state
827 buildings.

828 ~~(c)(2)~~ ~~The energy-efficiency rating system adopted by the~~
829 ~~department shall~~ Provide a means of analyzing and ~~comparing~~ the
830 relative energy efficiency of buildings upon the sale of new or
831 existing residential, public, or commercial buildings.

832 ~~(3)~~ ~~The department shall establish a voluntary working~~
833 ~~group of persons interested in the energy-efficiency rating~~
834 ~~system or energy efficiency, including, but not limited to, such~~
835 ~~persons as electrical engineers, mechanical engineers,~~
836 ~~architects, public utilities, and builders. The interest group~~
837 ~~shall advise the department in the development of the energy-~~
838 ~~efficiency rating system and shall assist the department in the~~
839 ~~implementation of the rating system by coordinating educational~~
840 ~~programs for designers, builders, businesses, and other~~
841 ~~interested persons to assist compliance and to facilitate~~
842 ~~incorporation of the rating system into existing practices.~~

843 ~~(2)(a)(4)~~ ~~The department shall develop a training and~~
844 ~~certification program to certify raters. In addition to the~~
845 ~~department,~~ Ratings may be conducted by a ~~any~~ local government
846 or private entity if, ~~provided that~~ the appropriate persons have
847 completed the necessary training established by the applicable
848 building energy-efficiency rating system ~~and have been certified~~
849 ~~by the department.~~

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850 **(b)** The Department of Management Services shall rate
851 state-owned or state-leased buildings ~~if, provided that~~ the
852 appropriate persons have completed the necessary training
853 established by the applicable building energy-efficiency rating
854 system and have been certified by the Department of Business and
855 Professional Regulation.

856 **(c)** A state agency that ~~which~~ has building construction
857 regulation authority may rate its own buildings and those it is
858 responsible for, if the appropriate persons have completed the
859 necessary training established by the applicable building
860 energy-efficiency rating system and have been certified by the
861 Department of Business and Professional Regulation. The
862 Department of Business and Professional Regulation may charge a
863 fee not to exceed the costs for the training and certification
864 of raters. The department shall by rule set the appropriate
865 charges for raters to charge for energy ratings, not to exceed
866 the actual costs.

867 Section 28. Section 553.996, Florida Statutes, is amended
868 to read:

869 553.996 Energy-efficiency information provided by building
870 energy-efficiency rating systems providers brochure.—A
871 prospective purchaser of real property with a building for
872 occupancy located thereon shall be provided ~~with a copy of an~~
873 information ~~brochure~~, at the time of or before ~~prior to~~ the
874 purchaser's execution of the contract for sale and purchase that
875 notifies, notifying the purchaser of the option for an energy-
876 efficiency rating on the building. Building energy-efficiency
877 rating system providers identified in this part shall prepare

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878 such information and make it ~~Such brochure shall be prepared,~~
879 ~~made~~ available for distribution, ~~and provided at no cost by the~~
880 ~~department.~~ Such ~~brochure shall contain~~ information relevant to
881 that class of building must include, including, but need not be
882 limited to:

883 (1) How to analyze the building's energy-efficiency
884 rating.

885 (2) Comparisons to statewide averages for new and existing
886 construction of that class.

887 (3) Information concerning methods to improve the
888 building's energy-efficiency rating.

889 (4) A notice to residential purchasers that the energy-
890 efficiency rating may qualify the purchaser for an energy-
891 efficient mortgage from lending institutions.

892 Section 29. Subsection (2) of section 553.997, Florida
893 Statutes, is amended to read:

894 553.997 Public buildings.—

895 (2) ~~The department, together with other~~ State agencies
896 with having building construction and maintenance
897 responsibilities, shall make available energy-efficiency
898 practices information to be used by individuals involved in the
899 design, construction, retrofitting, and maintenance of buildings
900 for state and local governments.

901 Section 30. Section 553.998, Florida Statutes, is amended
902 to read:

903 553.998 Compliance.—All ratings must ~~shall~~ be determined
904 using tools and procedures developed by the systems recognized
905 under this part ~~adopted by the department by rule in accordance~~

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906 ~~with chapter 120 and must shall~~ be certified by the rater as
907 accurate and correct and in compliance with procedures of the
908 system under which the rater is certified ~~adopted by the~~
909 ~~department by rule in accordance with chapter 120.~~

910 Section 31. This act shall take effect July 1, 2013.

911 -----
912 -----

913 **T I T L E A M E N D M E N T**

914 Remove everything before the enacting clause and insert:

915 A bill to be entitled

916 An act relating to building construction; amending s.
917 162.12, F.S.; revising notice requirements in the
918 Local Government Code Enforcement Boards Act; amending
919 ss. 255.20 and 255.2575, F.S.; requiring governmental
920 entities to specify certain products associated with
921 public works projects; providing for applicability;
922 amending s. 255.257, F.S.; requiring state agencies to
923 use certain building rating systems and building codes
924 for each new construction and renovation project;
925 amending s. 381.0065, F.S.; specifying that certain
926 actions relating to onsite sewage treatment and
927 removal are not required if a bedroom is not added
928 during a remodeling addition or modification to a
929 single-family home; prohibiting a remodeling addition
930 or modification from certain coverage or encroachment;
931 authorizing a local health board to review specific
932 plans; requiring a review to be completed within a
933 specific time period after receipt of specific plans;

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934 providing legislative intent with respect to the
935 applicability of certain amendments to s. 489.113(2),
936 F.S.; providing for retroactive effect; amending s.
937 489.127, F.S.; revising civil penalties; authorizing a
938 local building department to retain 75 percent of
939 certain fines collected if it transmits 25 percent to
940 the Department of Business and Professional
941 Regulation; amending s. 489.131, F.S.; deleting
942 legislative intent referring to a local agency's
943 enforcement of regulatory laws; deleting the
944 definitions of "minor violation" and "notice of
945 noncompliance"; deleting provisions that provide for
946 what a notice of noncompliance should or should not
947 include; deleting a provision that provides for
948 further disciplinary proceedings for certain
949 licensees; amending s. 489.514, F.S.; extending the
950 date by which an applicant must make application for a
951 license to be grandfathered; amending s. 489.531,
952 F.S.; revising maximum civil penalties for specified
953 violations; amending s. 553.71, F.S.; providing a
954 definition for the term "local technical amendment";
955 amending s. 553.73, F.S.; prohibiting any provision of
956 the International Residential Code relating to
957 mandated fire sprinklers from incorporation into the
958 Florida Building Code; amending s. 553.74, F.S.;
959 revising membership of the Florida Building
960 Commission; amending s. 553.79, F.S.; conforming a
961 cross-reference; authorizing a site plan to be

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962 maintained at the worksite as an electronic copy;
963 requiring the copy to be open to inspection by certain
964 officials; amending s. 553.842, F.S.; requiring an
965 application for state approval of a certain product to
966 be approved by the department after the application
967 and related documentation are complete; amending ss.
968 553.901, 553.902, 553.903, 553.904, 553.905, and
969 553.906, F.S.; requiring the Florida Building
970 Commission to adopt the Florida Building Code-Energy
971 Conservation; conforming subsequent sections of the
972 thermal efficiency code; amending s. 553.912, F.S.;
973 requiring replacement air conditioning systems in
974 residential applications to use energy-saving quality
975 installation procedures; providing that certain
976 existing heating and cooling equipment is not required
977 to meet the minimum equipment efficiencies; amending
978 s. 553.991, F.S.; revising the purpose of the Florida
979 Building Energy-Efficiency Rating Act; repealing s.
980 553.992, F.S., relating to the adoption of a rating
981 system; amending s. 553.993, F.S.; providing
982 definitions; amending s. 553.994, F.S.; providing for
983 the applicability of building energy-efficiency rating
984 systems; amending s. 553.995, F.S.; deleting a minimum
985 requirement for the building energy-efficiency rating
986 systems; revising language; deleting provisions
987 relating to a certain interest group; deleting
988 provisions relating to the Department of Business and
989 Professional Regulation; amending s. 553.996, F.S.;

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990 requiring building energy-efficiency rating system
991 providers to provide certain information; amending s.
992 553.997, F.S.; deleting a requirement that the
993 department participate in making certain energy-
994 efficiency practices information available together
995 with certain state agencies; amending s. 553.998,
996 F.S.; revising provisions relating to the
997 certification of energy efficiency ratings for
998 compliance; providing an effective date.