

1 A bill to be entitled
2 An act relating to building construction; amending s.
3 381.0065, F.S.; specifying that certain actions
4 relating to onsite sewage treatment and removal are
5 not required if a bedroom is not added during a
6 remodeling addition or modification to a single-family
7 home; prohibiting a remodeling addition or
8 modification from certain coverage or encroachment;
9 authorizing a local health board to review specific
10 plans; requiring a review to be completed within a
11 specific time period after receipt of specific plans;
12 amending s. 489.127, F.S.; revising civil penalties;
13 authorizing a local building department to retain 75
14 percent of certain fines collected if it transmits 25
15 percent to the Department of Business and Professional
16 Regulation; amending s. 489.131, F.S.; deleting
17 legislative intent referring to a local agency's
18 enforcement of regulatory laws; deleting the
19 definitions of "minor violation" and "notice of
20 noncompliance"; deleting provisions that provide for
21 what a notice of noncompliance should or should not
22 include; deleting a provision that provides for
23 further disciplinary proceedings for certain
24 licensees; amending s. 489.531, F.S.; revising a
25 maximum civil penalty; amending s. 553.73, F.S.;
26 prohibiting any provision of the International
27 Residential Code relating to mandated fire sprinklers
28 from incorporation into the Florida Building Code;

29 | amending s. 553.79, F.S.; authorizing a site plan to
30 | be maintained at the worksite as an electronic copy;
31 | requiring the copy to be open to inspection by certain
32 | officials; amending s. 553.842, F.S.; requiring an
33 | application for state approval of a certain product to
34 | be approved by the department after the application
35 | and related documentation are complete; amending ss.
36 | 553.901, 553.902, 553.903, 553.904, 553.905, and
37 | 553.906, F.S.; requiring the Florida Building
38 | Commission to adopt the Florida Building Code-Energy
39 | Conservation; conforming subsequent sections of the
40 | thermal efficiency code; amending s. 553.912, F.S.;
41 | providing that certain existing heating and cooling
42 | equipment is not required to meet the minimum
43 | equipment efficiencies; amending s. 553.991, F.S.;
44 | revising the purpose of the Florida Building Energy-
45 | Efficiency Rating Act; amending s. 553.992, F.S.;
46 | requiring the department to administer statewide
47 | criteria for building energy-efficiency rating
48 | systems; requiring department rules to prohibit a sole
49 | provider from conducting functions relating to the
50 | building energy-efficiency rating system; amending s.
51 | 553.993, F.S.; providing a definition for the term
52 | "building energy-efficiency rating system"; amending
53 | s. 553.995, F.S.; deleting a minimum requirement for
54 | the building energy-efficiency rating system; revising
55 | language; requiring the interest group to advise the
56 | department in the adoption and administration of the

HB 1245

2013

57 | system; deleting a provision that requires the
58 | interest group to assist in the implementation of the
59 | system by performing certain acts; requiring the
60 | department to approve, rather than develop, a training
61 | and certification program to certify raters; providing
62 | an effective date.

63

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

65

66 | Section 1. Paragraph (aa) of subsection (4) of section
67 | 381.0065, Florida Statutes, is amended to read:

68 | 381.0065 Onsite sewage treatment and disposal systems;
69 | regulation.—

70 | (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
71 | not construct, repair, modify, abandon, or operate an onsite
72 | sewage treatment and disposal system without first obtaining a
73 | permit approved by the department. The department may issue
74 | permits to carry out this section, but shall not make the
75 | issuance of such permits contingent upon prior approval by the
76 | Department of Environmental Protection, except that the issuance
77 | of a permit for work seaward of the coastal construction control
78 | line established under s. 161.053 shall be contingent upon
79 | receipt of any required coastal construction control line permit
80 | from the Department of Environmental Protection. A construction
81 | permit is valid for 18 months from the issuance date and may be
82 | extended by the department for one 90-day period under rules
83 | adopted by the department. A repair permit is valid for 90 days
84 | from the date of issuance. An operating permit must be obtained

HB 1245

2013

85 | prior to the use of any aerobic treatment unit or if the
86 | establishment generates commercial waste. Buildings or
87 | establishments that use an aerobic treatment unit or generate
88 | commercial waste shall be inspected by the department at least
89 | annually to assure compliance with the terms of the operating
90 | permit. The operating permit for a commercial wastewater system
91 | is valid for 1 year from the date of issuance and must be
92 | renewed annually. The operating permit for an aerobic treatment
93 | unit is valid for 2 years from the date of issuance and must be
94 | renewed every 2 years. If all information pertaining to the
95 | siting, location, and installation conditions or repair of an
96 | onsite sewage treatment and disposal system remains the same, a
97 | construction or repair permit for the onsite sewage treatment
98 | and disposal system may be transferred to another person, if the
99 | transferee files, within 60 days after the transfer of
100 | ownership, an amended application providing all corrected
101 | information and proof of ownership of the property. There is no
102 | fee associated with the processing of this supplemental
103 | information. A person may not contract to construct, modify,
104 | alter, repair, service, abandon, or maintain any portion of an
105 | onsite sewage treatment and disposal system without being
106 | registered under part III of chapter 489. A property owner who
107 | personally performs construction, maintenance, or repairs to a
108 | system serving his or her own owner-occupied single-family
109 | residence is exempt from registration requirements for
110 | performing such construction, maintenance, or repairs on that
111 | residence, but is subject to all permitting requirements. A
112 | municipality or political subdivision of the state may not issue

HB 1245

2013

113 a building or plumbing permit for any building that requires the
114 use of an onsite sewage treatment and disposal system unless the
115 owner or builder has received a construction permit for such
116 system from the department. A building or structure may not be
117 occupied and a municipality, political subdivision, or any state
118 or federal agency may not authorize occupancy until the
119 department approves the final installation of the onsite sewage
120 treatment and disposal system. A municipality or political
121 subdivision of the state may not approve any change in occupancy
122 or tenancy of a building that uses an onsite sewage treatment
123 and disposal system until the department has reviewed the use of
124 the system with the proposed change, approved the change, and
125 amended the operating permit.

126 (aa) An existing-system inspection or evaluation, a
127 modification, replacement, or upgrade of an onsite sewage
128 treatment and disposal system, or a pump-out of an existing tank
129 is not required for a remodeling addition or modification to a
130 single-family home if a bedroom is not added. However, a
131 remodeling addition or modification may not cover any part of
132 the system or encroach upon a required setback or the
133 unobstructed area. The local health department may review a
134 floor plan and site plan that show the distance of the
135 remodeling addition or modification from the system to determine
136 if a setback or unobstructed area is impacted. The review shall
137 be completed within 5 business days after receipt of an adequate
138 floor plan and site plan.

139 Section 2. Paragraphs (c) and (f) of subsection (5) and
140 subsection (6) of section 489.127, Florida Statutes, are amended

141 to read:

142 489.127 Prohibitions; penalties.—

143 (5) Each county or municipality may, at its option,
 144 designate one or more of its code enforcement officers, as
 145 defined in chapter 162, to enforce, as set out in this
 146 subsection, the provisions of subsection (1) and s. 489.132(1)
 147 against persons who engage in activity for which a county or
 148 municipal certificate of competency or license or state
 149 certification or registration is required.

150 (c) The local governing body of the county or municipality
 151 may ~~is authorized to~~ enforce codes and ordinances against
 152 unlicensed contractors under the provisions of this subsection
 153 and may enact an ordinance establishing procedures for
 154 implementing this subsection, including a schedule of penalties
 155 to be assessed by the code enforcement officer. The maximum
 156 civil penalty which may be levied may ~~shall~~ not exceed \$2,000
 157 ~~\$500~~. Moneys collected pursuant to this subsection shall be
 158 retained locally, as provided for by local ordinance, and may be
 159 set aside in a specific fund to support future enforcement
 160 activities against unlicensed contractors.

161 (f) If the enforcement or licensing board or designated
 162 special magistrate finds that a violation exists, the
 163 enforcement or licensing board or designated special magistrate
 164 may order the violator to pay a civil penalty of not less than
 165 the amount set forth on the citation but not more than \$1,500
 166 ~~\$1,000~~ per day for each violation. In determining the amount of
 167 the penalty, the enforcement or licensing board or designated
 168 special magistrate shall consider the following factors:

- 169 1. The gravity of the violation.
 170 2. Any actions taken by the violator to correct the
 171 violation.
 172 3. Any previous violations committed by the violator.
 173 (6) Local building departments may collect outstanding
 174 fines against registered or certified contractors issued by the
 175 Construction Industry Licensing Board and may retain 75 ~~25~~
 176 percent of the fines they are able to collect, provided that
 177 they transmit 25 ~~75~~ percent of the fines they are able to
 178 collect to the department according to a procedure to be
 179 determined by the department.

180 Section 3. Paragraph (a) of subsection (7) of section
 181 489.131, Florida Statutes, is amended to read:

182 489.131 Applicability.—

183 (7) (a) It is the policy of the state that the purpose of
 184 regulation is to protect the public by attaining compliance with
 185 the policies established in law. Fines and other penalties are
 186 provided in order to ensure compliance; ~~however, the collection~~
 187 ~~of fines and the imposition of penalties are intended to be~~
 188 ~~secondary to the primary goal of attaining compliance with state~~
 189 ~~laws and local jurisdiction ordinances. It is the intent of the~~
 190 ~~Legislature that a local jurisdiction agency charged with~~
 191 ~~enforcing regulatory laws shall issue a notice of noncompliance~~
 192 ~~as its first response to a minor violation of a regulatory law~~
 193 ~~in any instance in which it is reasonable to assume that the~~
 194 ~~violator was unaware of such a law or unclear as to how to~~
 195 ~~comply with it. A violation of a regulatory law is a "minor~~
 196 ~~violation" if it does not result in economic or physical harm to~~

197 | ~~a person or adversely affect the public health, safety, or~~
 198 | ~~welfare or create a significant threat of such harm. A "notice~~
 199 | ~~of noncompliance" is a notification by the local jurisdiction~~
 200 | ~~agency charged with enforcing the ordinance, which is issued to~~
 201 | ~~the licensee that is subject to the ordinance. A notice of~~
 202 | ~~noncompliance should not be accompanied with a fine or other~~
 203 | ~~disciplinary penalty. It should identify the specific ordinance~~
 204 | ~~that is being violated, provide information on how to comply~~
 205 | ~~with the ordinance, and specify a reasonable time for the~~
 206 | ~~violation to comply with the ordinance. Failure of a licensee to~~
 207 | ~~take action correcting the violation within a set period of time~~
 208 | ~~would then result in the institution of further disciplinary~~
 209 | ~~proceedings.~~

210 | Section 4. Paragraph (c) of subsection (4) of section
 211 | 489.531, Florida Statutes, is amended to read:

212 | 489.531 Prohibitions; penalties.—

213 | (4) Each county or municipality may, at its option,
 214 | designate one or more of its code enforcement officers, as
 215 | defined in chapter 162, to enforce, as set out in this
 216 | subsection, the provisions of subsection (1) against persons who
 217 | engage in activity for which county or municipal certification
 218 | 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 section and
 222 | may enact an ordinance establishing procedures for implementing
 223 | this section, including a schedule of penalties to be assessed
 224 | by the code enforcement officers. The maximum civil penalty

HB 1245

2013

225 | which may be levied may shall not exceed \$2,000 ~~\$500~~. Moneys
226 | collected pursuant to this section shall be retained locally as
227 | provided for by local ordinance and may be set aside in a
228 | specific fund to support future enforcement activities against
229 | unlicensed contractors.

230 | Section 5. Subsection (17) of section 553.73, Florida
231 | Statutes, is amended to read:

232 | 553.73 Florida Building Code.—

233 | (17) A provision ~~The provisions of section R313 of the~~
234 | ~~most current version~~ of the International Residential Code
235 | relating to mandated fire sprinklers may not be incorporated
236 | into the Florida Building Code as adopted by the Florida
237 | Building Commission and may not be adopted as a local amendment
238 | to the Florida Building Code. This subsection does not apply to
239 | a local government that has a lawfully adopted ordinance
240 | relating to fire sprinklers which has been in effect since
241 | January 1, 2010.

242 | Section 6. Subsection (18) is added to section 553.79,
243 | Florida Statutes, to read:

244 | 553.79 Permits; applications; issuance; inspections.—

245 | (18) For the purpose of inspection and record retention,
246 | site plans for a building may be maintained in the form of an
247 | electronic copy at the worksite. These plans must be open to
248 | inspection by the building official or a duly authorized
249 | representative, as required by the Florida Building Code.

250 | Section 7. Paragraph (a) of subsection (5) of section
251 | 553.842, Florida Statutes, is amended to read:

252 | 553.842 Product evaluation and approval.—

HB 1245

2013

253 (5) Statewide approval of products, methods, or systems of
254 construction may be achieved by one of the following methods.
255 One of these methods must be used by the commission to approve
256 the following categories of products: panel walls, exterior
257 doors, roofing, skylights, windows, shutters, and structural
258 components as established by the commission by rule. A product
259 may not be advertised, sold, offered, provided, distributed, or
260 marketed as hurricane, windstorm, or impact protection from
261 wind-borne debris from a hurricane or windstorm unless it is
262 approved pursuant to this section or s. 553.8425. Any person who
263 advertises, sells, offers, provides, distributes, or markets a
264 product as hurricane, windstorm, or impact protection from wind-
265 borne debris without such approval is subject to the Florida
266 Deceptive and Unfair Trade Practices Act under part II of
267 chapter 501 brought by the enforcing authority as defined in s.
268 501.203.

269 (a) Products for which the code establishes standardized
270 testing or comparative or rational analysis methods shall be
271 approved by submittal and validation of one of the following
272 reports or listings indicating that the product or method or
273 system of construction was in compliance with the Florida
274 Building Code and that the product or method or system of
275 construction is, for the purpose intended, at least equivalent
276 to that required by the Florida Building Code:

- 277 1. A certification mark or listing of an approved
278 certification agency, which may be used only for products for
279 which the code designates standardized testing;
- 280 2. A test report from an approved testing laboratory;

HB 1245

2013

281 3. A product evaluation report based upon testing or
282 comparative or rational analysis, or a combination thereof, from
283 an approved product evaluation entity; or

284 4. A product evaluation report based upon testing or
285 comparative or rational analysis, or a combination thereof,
286 developed and signed and sealed by a professional engineer or
287 architect, licensed in this state.

288

289 A product evaluation report or a certification mark or listing
290 of an approved certification agency which demonstrates that the
291 product or method or system of construction complies with the
292 Florida Building Code for the purpose intended is equivalent to
293 a test report and test procedure referenced in the Florida
294 Building Code. An application for state approval of a product
295 under subparagraph 1. or 3. must be approved by the department
296 after the commission staff or a designee verifies that the
297 application and related documentation are complete. This
298 verification must be completed within 10 business days after
299 receipt of the application. Upon approval by the department, the
300 product shall be immediately added to the list of state-approved
301 products maintained under subsection (13). Approvals by the
302 department shall be reviewed and ratified by the commission's
303 program oversight committee except for a showing of good cause
304 that a review by the full commission is necessary. The
305 commission shall adopt rules providing means to cure
306 deficiencies identified within submittals for products approved
307 under this paragraph.

308 Section 8. Section 553.901, Florida Statutes, is amended

309 to read:

310 553.901 Purpose of thermal efficiency code.—The Department
 311 of Business and Professional Regulation shall prepare a thermal
 312 efficiency code to provide for a statewide uniform standard for
 313 energy efficiency in the thermal design and operation of all
 314 buildings statewide, consistent with energy conservation goals,
 315 and to best provide for public safety, health, and general
 316 welfare. The Florida Building Commission shall adopt the Florida
 317 Building Code-Energy Conservation ~~Florida Energy Efficiency Code~~
 318 ~~for Building Construction within the Florida Building Code~~, and
 319 shall modify, revise, update, and maintain the code to implement
 320 the provisions of this thermal efficiency code and amendments
 321 thereto, in accordance with the procedures of chapter 120. The
 322 department shall, at least triennially, determine the most cost-
 323 effective energy-saving equipment and techniques available and
 324 report its determinations to the commission, which shall update
 325 the code to incorporate such equipment and techniques. The
 326 proposed changes shall be made available for public review and
 327 comment no later than 6 months before ~~prior to~~ code
 328 implementation. The term "cost-effective," as used in ~~for the~~
 329 ~~purposes of this part~~, means ~~shall be construed to mean~~ cost-
 330 effective to the consumer.

331 Section 9. Section 553.902, Florida Statutes, is reordered
 332 and amended to read:

333 553.902 Definitions.—As used in ~~For the purposes of this~~
 334 part, the term:

335 (1)(6) "Energy performance level" means the indicator of
 336 the energy-related performance of a building, including, but not

HB 1245

2013

337 limited to, the levels of insulation, the amount and type of
338 glass, and the HVAC and water heating system efficiencies.

339 (2)~~(1)~~ "Exempted building" means:

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

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

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

348 (d) A ~~Any~~ historical building as described in s.
349 267.021(3).

350

351 The Florida Building Commission may recommend to the Legislature
352 additional types of buildings which should be exempted from
353 compliance with the Florida Building Code-Energy Conservation
354 ~~Florida Energy Efficiency Code for Building Construction~~.

355 (3)~~(5)~~ "Exterior envelope physical characteristics" means
356 the physical nature of those elements of a building which
357 enclose conditioned spaces through which energy may be
358 transferred to or from the exterior.

359 (4)~~(2)~~ "HVAC" means a system of heating, ventilating, and
360 air-conditioning.

361 (5)~~(4)~~ "Local enforcement agency" means the agency of
362 local government which has the authority to make inspections of
363 buildings and to enforce the Florida Building Code. The term ~~It~~
364 includes any agency within the definition of s. 553.71(5).

365 ~~(6)-(3)~~ "Renovated building" means a residential or
 366 nonresidential building undergoing alteration that varies or
 367 changes insulation, HVAC systems, water heating systems, or
 368 exterior envelope conditions, if ~~provided~~ the estimated cost of
 369 renovation exceeds 30 percent of the assessed value of the
 370 structure.

371 Section 10. Section 553.903, Florida Statutes, is amended
 372 to read:

373 553.903 Applicability.—This part applies ~~shall apply~~ to
 374 all new and renovated buildings in the state, except exempted
 375 buildings, for which building permits are obtained after March
 376 15, 1979, and to the installation or replacement of building
 377 systems and components with new products for which thermal
 378 efficiency standards are set by the Florida Building Code-Energy
 379 Conservation ~~Florida Energy Efficiency Code for Building~~
 380 ~~Construction~~. The provisions of this part shall constitute a
 381 statewide uniform code.

382 Section 11. Section 553.904, Florida Statutes, is amended
 383 to read:

384 553.904 Thermal efficiency standards for new
 385 nonresidential buildings.—Thermal designs and operations for new
 386 nonresidential buildings for which building permits are obtained
 387 after March 15, 1979, must ~~shall~~ at a minimum take into account
 388 exterior envelope physical characteristics, including thermal
 389 mass; HVAC, service water heating, energy distribution,
 390 lighting, energy managing, and auxiliary systems design and
 391 selection; and HVAC, service water heating, energy distribution,
 392 lighting, energy managing, and auxiliary equipment performance,

HB 1245

2013

393 | and are ~~shall~~ not be required to meet standards more stringent
394 | than the provisions of the Florida Building Code-Energy
395 | Conservation ~~Florida Energy Efficiency Code for Building~~
396 | ~~Construction~~.

397 | Section 12. Section 553.905, Florida Statutes, is amended
398 | to read:

399 | 553.905 Thermal efficiency standards for new residential
400 | buildings.—Thermal designs and operations for new residential
401 | buildings for which building permits are obtained after March
402 | 15, 1979, must ~~shall~~ at a minimum take into account exterior
403 | envelope physical characteristics, HVAC system selection and
404 | configuration, HVAC equipment performance, and service water
405 | heating design and equipment selection and are ~~shall~~ not be
406 | required to meet standards more stringent than the provisions of
407 | the Florida Building Code-Energy Conservation ~~Florida Energy~~
408 | ~~Efficiency Code for Building Construction~~. HVAC equipment
409 | mounted in an attic or a garage is ~~shall~~ not be required to have
410 | supplemental insulation in addition to that installed by the
411 | manufacturer. All new residential buildings, except those herein
412 | exempted, must ~~shall~~ have insulation in ceilings rated at R-19
413 | or more, space permitting. Thermal efficiency standards do not
414 | apply to a building of less than 1,000 square feet which is not
415 | primarily used as a principal residence and which is constructed
416 | and owned by a natural person for hunting or similar
417 | recreational purposes; however, ~~no~~ such person may not build
418 | more than one exempt building in any 12-month period.

419 | Section 13. Section 553.906, Florida Statutes, is amended
420 | to read:

HB 1245

2013

421 553.906 Thermal efficiency standards for renovated
422 buildings.—Thermal designs and operations for renovated
423 buildings for which building permits are obtained after March
424 15, 1979, must ~~shall~~ take into account insulation; windows;
425 infiltration; and HVAC, service water heating, energy
426 distribution, lighting, energy managing, and auxiliary systems
427 design and equipment selection and performance. Such buildings
428 are ~~shall~~ not ~~be~~ required to meet standards more stringent than
429 the provisions of the Florida Building Code-Energy Conservation
430 ~~Florida Energy Efficiency Code for Building Construction~~. These
431 standards apply only to those portions of the structure which
432 are actually renovated.

433 Section 14. Section 553.912, Florida Statutes, is amended
434 to read:

435 553.912 Air conditioners.—All air conditioners that are
436 sold or installed in the state must ~~shall~~ meet the minimum
437 efficiency ratings of the Florida Energy Efficiency Code for
438 Building Construction. These efficiency ratings must ~~shall~~ be
439 minimums and may be updated in the Florida Building Code-Energy
440 Conservation ~~Florida Energy Efficiency Code for Building~~
441 ~~Construction~~ by the department in accordance with s. 553.901,
442 following its determination that more cost-effective energy-
443 saving equipment and techniques are available. It is the intent
444 of the Legislature that all replacement air-conditioning systems
445 be installed using energy-saving, quality installation
446 procedures, including, but not limited to, equipment sizing
447 analysis and duct inspection. Notwithstanding this section,
448 existing heating and cooling equipment in residential

HB 1245

2013

449 applications need not meet the minimum equipment efficiencies,
450 except to preserve the original approval or listing of the
451 equipment.

452 Section 15. Section 553.991, Florida Statutes, is amended
453 to read:

454 553.991 Purpose.—The purpose of this part is to provide
455 for a statewide oversight of uniform system for rating systems
456 for the energy efficiency of buildings. It is in the interest of
457 the state to encourage energy efficiency ~~the consideration of~~
458 ~~the energy efficiency rating system~~ in the market so as to
459 provide market rewards for energy-efficient buildings and to
460 those persons or companies designing, building, or selling
461 energy-efficient buildings.

462 Section 16. Section 553.992, Florida Statutes, is amended
463 to read:

464 553.992 Adoption of rating system.—The Department of
465 Business and Professional Regulation shall adopt, update, ~~and~~
466 maintain, and administer a statewide criteria for a uniform
467 building energy-efficiency rating system to implement the
468 provisions of this part and amendments thereto in accordance
469 with the procedures of chapter 120 and shall, upon the request
470 of any builder, designer, rater, or owner of a building, issue
471 nonbinding interpretations, clarifications, and opinions
472 concerning the application and use of the building energy-
473 efficiency ~~energy~~ rating system under rules that the department
474 adopts in accordance with chapter 120. Department rules must
475 prohibit a sole provider from conducting functions relating to
476 the building energy-efficiency rating system, including energy

477 rating, energy testing, certification of energy raters, and
 478 training.

479 Section 17. Present subsections (3) through (5) of section
 480 553.993, Florida Statutes, are redesignated as subsections (4)
 481 through (6), respectively, and a new subsection (3) is added to
 482 that section to read:

483 553.993 Definitions.—For purposes of this part:

484 (3) "Building energy-efficiency rating system" means a
 485 whole building energy evaluation system established by the
 486 Residential Energy Services Network, Commercial Energy Services
 487 Network, Building Performance Institute, or Florida Solar Energy
 488 Center, or a nationally recognized rating system approved by the
 489 department.

490 Section 18. Section 553.995, Florida Statutes, is amended
 491 to read:

492 553.995 Energy-efficiency ratings for buildings.—

493 (1) The building energy-efficiency rating system must
 494 ~~shall~~ at a minimum:

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

497 (a) ~~(b)~~ Take into account local climate conditions,
 498 construction practices, and building use.

499 (b) ~~(c)~~ Be compatible with standard federal rating systems
 500 and state building codes and standards, where applicable, and
 501 shall satisfy the requirements of s. 553.9085 with respect to
 502 residential buildings and s. 255.256 with respect to state
 503 buildings.

504 (2) Building ~~The~~ energy-efficiency rating systems ~~system~~

HB 1245

2013

505 | adopted by the department must ~~shall~~ provide a means of
506 | analyzing ~~and comparing~~ the relative energy efficiency of
507 | buildings upon the sale of new or existing residential, public,
508 | or commercial buildings.

509 | (3) The department shall establish a voluntary working
510 | group of persons interested in the building energy-efficiency
511 | rating system or energy efficiency, including, but not limited
512 | to, such persons as electrical engineers, mechanical engineers,
513 | architects, public utilities, and builders. The interest group
514 | shall advise the department in the adoption and administration
515 | ~~development~~ of the building energy-efficiency rating system ~~and~~
516 | ~~shall assist the department in the implementation of the rating~~
517 | ~~system by coordinating educational programs for designers,~~
518 | ~~builders, businesses, and other interested persons to assist~~
519 | ~~compliance and to facilitate incorporation of the rating system~~
520 | ~~into existing practices.~~

521 | (4) The department shall approve ~~develop~~ a training and
522 | certification program to certify raters. In addition to the
523 | department, ratings may be conducted by any local government or
524 | private entity, provided that the appropriate persons have
525 | completed the necessary training and have been certified by the
526 | department. The Department of Management Services shall rate
527 | state-owned or state-leased buildings, if ~~provided that~~ the
528 | appropriate persons have completed the necessary training and
529 | have been certified by the Department of Business and
530 | Professional Regulation. A state agency that ~~which~~ has building
531 | construction regulation authority may rate its own buildings and
532 | those it is responsible for, if the appropriate persons have

HB 1245

2013

533 | completed the necessary training and have been certified by the
534 | Department of Business and Professional Regulation. The
535 | Department of Business and Professional Regulation may charge a
536 | fee not to exceed the costs for the training and certification
537 | of raters. The department shall by rule set the appropriate
538 | charges for raters to charge for energy ratings, not to exceed
539 | the actual costs.

540 | Section 19. This act shall take effect July 1, 2013.