

By Senator Simpson

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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

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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
57 system; deleting a provision that requires the
58 interest group to assist in the implementation of the

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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 not
71 construct, repair, modify, abandon, or operate an onsite sewage
72 treatment and disposal system without first obtaining a permit
73 approved by the department. The department may issue permits to
74 carry out this section, but shall not make the issuance of such
75 permits contingent upon prior approval by the Department of
76 Environmental Protection, except that the issuance of a permit
77 for work seaward of the coastal construction control line
78 established under s. 161.053 shall be contingent upon receipt of
79 any required coastal construction control line permit from the
80 Department of Environmental Protection. A construction permit is
81 valid for 18 months from the issuance date and may be extended
82 by the department for one 90-day period under rules adopted by
83 the department. A repair permit is valid for 90 days from the
84 date of issuance. An operating permit must be obtained prior to
85 the use of any aerobic treatment unit or if the establishment
86 generates commercial waste. Buildings or establishments that use
87 an aerobic treatment unit or generate commercial waste shall be

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

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117 political subdivision, or any state or federal agency may not
118 authorize occupancy until the department approves the final
119 installation of the onsite sewage treatment and disposal system.
120 A municipality or political subdivision of the state may not
121 approve any change in occupancy or tenancy of a building that
122 uses an onsite sewage treatment and disposal system until the
123 department has reviewed the use of the system with the proposed
124 change, approved the change, and amended the operating permit.

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

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

141 489.127 Prohibitions; penalties.—

142 (5) Each county or municipality may, at its option,
143 designate one or more of its code enforcement officers, as
144 defined in chapter 162, to enforce, as set out in this
145 subsection, the provisions of subsection (1) and s. 489.132(1)

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146 against persons who engage in activity for which a county or
147 municipal certificate of competency or license or state
148 certification or registration is required.

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

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

- 168 1. The gravity of the violation.
- 169 2. Any actions taken by the violator to correct the
170 violation.
- 171 3. Any previous violations committed by the violator.

172 (6) Local building departments may collect outstanding
173 fines against registered or certified contractors issued by the
174 Construction Industry Licensing Board and may retain 75 ~~25~~

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175 percent of the fines they are able to collect, provided that
176 they transmit 25 ~~75~~ percent of the fines they are able to
177 collect to the department according to a procedure to be
178 determined by the department.

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

181 489.131 Applicability.—

182 (7) (a) It is the policy of the state that the purpose of
183 regulation is to protect the public by attaining compliance with
184 the policies established in law. Fines and other penalties are
185 provided in order to ensure compliance; ~~however, the collection~~
186 ~~of fines and the imposition of penalties are intended to be~~
187 ~~secondary to the primary goal of attaining compliance with state~~
188 ~~laws and local jurisdiction ordinances. It is the intent of the~~
189 ~~Legislature that a local jurisdiction agency charged with~~
190 ~~enforcing regulatory laws shall issue a notice of noncompliance~~
191 ~~as its first response to a minor violation of a regulatory law~~
192 ~~in any instance in which it is reasonable to assume that the~~
193 ~~violator was unaware of such a law or unclear as to how to~~
194 ~~comply with it. A violation of a regulatory law is a "minor~~
195 ~~violation" if it does not result in economic or physical harm to~~
196 ~~a person or adversely affect the public health, safety, or~~
197 ~~welfare or create a significant threat of such harm. A "notice~~
198 ~~of noncompliance" is a notification by the local jurisdiction~~
199 ~~agency charged with enforcing the ordinance, which is issued to~~
200 ~~the licensee that is subject to the ordinance. A notice of~~
201 ~~noncompliance should not be accompanied with a fine or other~~
202 ~~disciplinary penalty. It should identify the specific ordinance~~
203 ~~that is being violated, provide information on how to comply~~

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204 ~~with the ordinance, and specify a reasonable time for the~~
205 ~~violation to comply with the ordinance. Failure of a licensee to~~
206 ~~take action correcting the violation within a set period of time~~
207 ~~would then result in the institution of further disciplinary~~
208 ~~proceedings.~~

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

211 489.531 Prohibitions; penalties.—

212 (4) 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) against persons who
216 engage in activity for which county or municipal certification
217 is required.

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

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

231 553.73 Florida Building Code.—

232 (17) A provision ~~The provisions of section R313 of the most~~

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

240 Section 6. Subsection (18) is added to section 553.79,
241 Florida Statutes, to read:

242 553.79 Permits; applications; issuance; inspections.—

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

248 Section 7. Paragraph (a) of subsection (5) of section
249 553.842, Florida Statutes, is amended to read:

250 553.842 Product evaluation and approval.—

251 (5) Statewide approval of products, methods, or systems of
252 construction may be achieved by one of the following methods.
253 One of these methods must be used by the commission to approve
254 the following categories of products: panel walls, exterior
255 doors, roofing, skylights, windows, shutters, and structural
256 components as established by the commission by rule. A product
257 may not be advertised, sold, offered, provided, distributed, or
258 marketed as hurricane, windstorm, or impact protection from
259 wind-borne debris from a hurricane or windstorm unless it is
260 approved pursuant to this section or s. 553.8425. Any person who
261 advertises, sells, offers, provides, distributes, or markets a

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262 product as hurricane, windstorm, or impact protection from wind-
263 borne debris without such approval is subject to the Florida
264 Deceptive and Unfair Trade Practices Act under part II of
265 chapter 501 brought by the enforcing authority as defined in s.
266 501.203.

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

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

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

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

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

286

287 A product evaluation report or a certification mark or listing
288 of an approved certification agency which demonstrates that the
289 product or method or system of construction complies with the
290 Florida Building Code for the purpose intended is equivalent to

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

306 Section 8. Section 553.901, Florida Statutes, is amended to
307 read:

308 553.901 Purpose of thermal efficiency code.—The Department
309 of Business and Professional Regulation shall prepare a thermal
310 efficiency code to provide for a statewide uniform standard for
311 energy efficiency in the thermal design and operation of all
312 buildings statewide, consistent with energy conservation goals,
313 and to best provide for public safety, health, and general
314 welfare. The Florida Building Commission shall adopt the Florida
315 Building Code-Energy Conservation ~~Florida Energy Efficiency Code~~
316 ~~for Building Construction within the Florida Building Code~~, and
317 shall modify, revise, update, and maintain the code to implement
318 the provisions of this thermal efficiency code and amendments
319 thereto, in accordance with the procedures of chapter 120. The

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320 department shall, at least triennially, determine the most cost-
321 effective energy-saving equipment and techniques available and
322 report its determinations to the commission, which shall update
323 the code to incorporate such equipment and techniques. The
324 proposed changes shall be made available for public review and
325 comment no later than 6 months before ~~prior to~~ code
326 implementation. The term "cost-effective," as used in ~~for the~~
327 ~~purposes of this part, means shall be construed to mean~~ cost-
328 effective to the consumer.

329 Section 9. Section 553.902, Florida Statutes, is reordered
330 and amended to read:

331 553.902 Definitions.—As used in ~~For the purposes of this~~
332 ~~part, the term:~~

333 (2) ~~(1)~~ "Exempted building" means:

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

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

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

342 (d) A ~~Any~~ historical building as described in s.
343 267.021(3).

344

345 The Florida Building Commission may recommend to the Legislature
346 additional types of buildings which should be exempted from
347 compliance with the Florida Building Code-Energy Conservation
348 ~~Florida Energy Efficiency Code for Building Construction.~~

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349 (4)~~(2)~~ "HVAC" means a system of heating, ventilating, and
350 air-conditioning.

351 (6)~~(3)~~ "Renovated building" means a residential or
352 nonresidential building undergoing alteration that varies or
353 changes insulation, HVAC systems, water heating systems, or
354 exterior envelope conditions, if ~~provided~~ the estimated cost of
355 renovation exceeds 30 percent of the assessed value of the
356 structure.

357 (5)~~(4)~~ "Local enforcement agency" means the agency of local
358 government which has the authority to make inspections of
359 buildings and to enforce the Florida Building Code. The term ~~It~~
360 includes any agency within the definition of s. 553.71(5).

361 (3)~~(5)~~ "Exterior envelope physical characteristics" means
362 the physical nature of those elements of a building which
363 enclose conditioned spaces through which energy may be
364 transferred to or from the exterior.

365 (1)~~(6)~~ "Energy performance level" means the indicator of
366 the energy-related performance of a building, including, but not
367 limited to, the levels of insulation, the amount and type of
368 glass, and the HVAC and water heating system efficiencies.

369 Section 10. Section 553.903, Florida Statutes, is amended
370 to read:

371 553.903 Applicability.—This part applies ~~shall apply~~ to all
372 new and renovated buildings in the state, except exempted
373 buildings, for which building permits are obtained after March
374 15, 1979, and to the installation or replacement of building
375 systems and components with new products for which thermal
376 efficiency standards are set by the Florida Building Code-Energy
377 Conservation ~~Florida Energy Efficiency Code for Building~~

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378 ~~Construction~~. The provisions of this part shall constitute a
379 statewide uniform code.

380 Section 11. Section 553.904, Florida Statutes, is amended
381 to read:

382 553.904 Thermal efficiency standards for new nonresidential
383 buildings.—Thermal designs and operations for new nonresidential
384 buildings for which building permits are obtained after March
385 15, 1979, must ~~shall~~ at a minimum take into account exterior
386 envelope physical characteristics, including thermal mass; HVAC,
387 service water heating, energy distribution, lighting, energy
388 managing, and auxiliary systems design and selection; and HVAC,
389 service water heating, energy distribution, lighting, energy
390 managing, and auxiliary equipment performance, and are ~~shall~~ not
391 ~~be~~ required to meet standards more stringent than the provisions
392 of the Florida Building Code-Energy Conservation ~~Florida Energy~~
393 ~~Efficiency Code for Building Construction~~.

394 Section 12. Section 553.905, Florida Statutes, is amended
395 to read:

396 553.905 Thermal efficiency standards for new residential
397 buildings.—Thermal designs and operations for new residential
398 buildings for which building permits are obtained after March
399 15, 1979, must ~~shall~~ at a minimum take into account exterior
400 envelope physical characteristics, HVAC system selection and
401 configuration, HVAC equipment performance, and service water
402 heating design and equipment selection and are ~~shall~~ not ~~be~~
403 required to meet standards more stringent than the provisions of
404 the Florida Building Code-Energy Conservation ~~Florida Energy~~
405 ~~Efficiency Code for Building Construction~~. HVAC equipment
406 mounted in an attic or a garage is ~~shall~~ not ~~be~~ required to have

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407 supplemental insulation in addition to that installed by the
408 manufacturer. All new residential buildings, except those herein
409 exempted, must ~~shall~~ have insulation in ceilings rated at R-19
410 or more, space permitting. Thermal efficiency standards do not
411 apply to a building of less than 1,000 square feet which is not
412 primarily used as a principal residence and which is constructed
413 and owned by a natural person for hunting or similar
414 recreational purposes; however, ~~no~~ such person may not build
415 more than one exempt building in any 12-month period.

416 Section 13. Section 553.906, Florida Statutes, is amended
417 to read:

418 553.906 Thermal efficiency standards for renovated
419 buildings.—Thermal designs and operations for renovated
420 buildings for which building permits are obtained after March
421 15, 1979, must ~~shall~~ take into account insulation; windows;
422 infiltration; and HVAC, service water heating, energy
423 distribution, lighting, energy managing, and auxiliary systems
424 design and equipment selection and performance. Such buildings
425 are ~~shall~~ not ~~be~~ required to meet standards more stringent than
426 the provisions of the Florida Building Code—Energy Conservation
427 ~~Florida Energy Efficiency Code for Building Construction~~. These
428 standards apply only to those portions of the structure which
429 are actually renovated.

430 Section 14. Section 553.912, Florida Statutes, is amended
431 to read:

432 553.912 Air conditioners.—All air conditioners that are
433 sold or installed in the state must ~~shall~~ meet the minimum
434 efficiency ratings of the Florida Energy Efficiency Code for
435 Building Construction. These efficiency ratings must ~~shall~~ be

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

449 Section 15. Section 553.991, Florida Statutes, is amended
450 to read:

451 553.991 Purpose.—The purpose of this part is to provide for
452 a statewide oversight of uniform system for rating systems for
453 the energy efficiency of buildings. It is in the interest of the
454 state to encourage energy efficiency ~~the consideration of the~~
455 ~~energy efficiency rating system~~ in the market so as to provide
456 market rewards for energy-efficient buildings and to those
457 persons or companies designing, building, or selling energy-
458 efficient buildings.

459 Section 16. Section 553.992, Florida Statutes, is amended
460 to read:

461 553.992 Adoption of rating system.—The Department of
462 Business and Professional Regulation shall adopt, update, ~~and~~
463 maintain, and administer a statewide criteria for a uniform
464 building energy-efficiency rating system to implement the

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465 provisions of this part and amendments thereto in accordance
466 with the procedures of chapter 120 and shall, upon the request
467 of any builder, designer, rater, or owner of a building, issue
468 nonbinding interpretations, clarifications, and opinions
469 concerning the application and use of the building energy-
470 efficiency ~~energy~~ rating system under rules that the department
471 adopts in accordance with chapter 120. Department rules must
472 prohibit a sole provider from conducting functions relating to
473 the building energy-efficiency rating system, including energy
474 rating, energy testing, certification of energy raters, and
475 training.

476 Section 17. Present subsections (3) through (5) of section
477 553.993, Florida Statutes, are redesignated as subsections (4)
478 through (6), respectively, and a new subsection (3) is added to
479 that section to read:

480 553.993 Definitions.—For purposes of this part:

481 (3) "Building energy-efficiency rating system" means a
482 whole building energy evaluation system established by the
483 Residential Energy Services Network, Commercial Energy Services
484 Network, or Building Performance Institute, or a nationally
485 recognized rating system approved by the department.

486 Section 18. Section 553.995, Florida Statutes, is amended
487 to read:

488 553.995 Energy-efficiency ratings for buildings.—

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

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

493 (a) ~~(b)~~ Take into account local climate conditions,

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494 construction practices, and building use.

495 ~~(b)-(c)~~ Be compatible with standard federal rating systems
496 and state building codes and standards, where applicable, and
497 shall satisfy the requirements of s. 553.9085 with respect to
498 residential buildings and s. 255.256 with respect to state
499 buildings.

500 (2) Building ~~The~~ energy-efficiency rating systems ~~system~~
501 adopted by the department must ~~shall~~ provide a means of
502 analyzing ~~and comparing~~ the relative energy efficiency of
503 buildings upon the sale of new or existing residential, public,
504 or commercial buildings.

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

517 (4) The department shall approve ~~develop~~ a training and
518 certification program to certify raters. In addition to the
519 department, ratings may be conducted by any local government or
520 private entity, provided that the appropriate persons have
521 completed the necessary training and have been certified by the
522 department. The Department of Management Services shall rate

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523 state-owned or state-leased buildings, if ~~provided that~~ the
524 appropriate persons have completed the necessary training and
525 have been certified by the Department of Business and
526 Professional Regulation. A state agency that ~~which~~ has building
527 construction regulation authority may rate its own buildings and
528 those it is responsible for, if the appropriate persons have
529 completed the necessary training and have been certified by the
530 Department of Business and Professional Regulation. The
531 Department of Business and Professional Regulation may charge a
532 fee not to exceed the costs for the training and certification
533 of raters. The department shall by rule set the appropriate
534 charges for raters to charge for energy ratings, not to exceed
535 the actual costs.

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