



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

1
2 An act relating to building construction; amending s.
3 125.022, F.S.; requiring counties to attach certain
4 disclaimers and include certain permit conditions when
5 issuing development permits; amending s. 162.12, F.S.;
6 revising notice requirements in the Local Government
7 Code Enforcement Boards Act; amending s. 166.033,
8 F.S.; requiring municipalities to attach certain
9 disclaimers and include certain permit conditions when
10 issuing development permits; amending ss. 255.20 and
11 255.2575, F.S.; requiring governmental entities to
12 specify certain products associated with public works
13 projects; providing for applicability; amending s.
14 255.257, F.S.; requiring state agencies to use certain
15 building rating systems and building codes for each
16 new construction and renovation project; amending s.
17 381.0065, F.S.; specifying that certain actions
18 relating to onsite sewage treatment and removal are
19 not required if a bedroom is not added during a
20 remodeling addition or modification to a single-family
21 home; prohibiting a remodeling addition or
22 modification from certain coverage or encroachment;
23 authorizing a local health board to review specific
24 plans; requiring a review to be completed within a
25 specific time period after receipt of specific plans;
26 providing that amendments to s. 489.113(2), F.S.,
27 enacted in s. 11, ch. 2012-13, Laws of Florida, are
28 remedial and intended to clarify existing law;



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

29 providing for retroactivity; amending s. 489.127,
30 F.S.; revising civil penalties; authorizing a local
31 building department to retain 75 percent of certain
32 fines collected if it transmits 25 percent to the
33 Department of Business and Professional Regulation;
34 amending s. 489.131, F.S.; deleting legislative intent
35 referring to a local agency's enforcement of
36 regulatory laws; deleting the definitions of "minor
37 violation" and "notice of noncompliance"; deleting
38 provisions that provide for what a notice of
39 noncompliance should or should not include; deleting a
40 provision that provides for further disciplinary
41 proceedings for certain licensees; amending s.
42 489.514, F.S.; extending the date by which an
43 applicant must make application for a license to be
44 grandfathered; amending s. 489.531, F.S.; revising
45 maximum civil penalties for specified violations;
46 amending s. 553.71, F.S.; providing a definition for
47 the term "local technical amendment"; amending s.
48 553.73, F.S.; prohibiting any provision of the
49 International Residential Code relating to mandated
50 fire sprinklers from incorporation into the Florida
51 Building Code; amending s. 553.74, F.S.; revising
52 membership of the Florida Building Commission;
53 amending s. 553.79, F.S.; conforming a cross-
54 reference; authorizing a site plan to be maintained at
55 the worksite as an electronic copy; requiring the copy
56 to be open to inspection by certain officials;



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

57 | amending s. 553.842, F.S.; requiring an application
58 | for state approval of a certain product to be approved
59 | by the department after the application and related
60 | documentation are complete; amending ss. 553.901,
61 | 553.902, 553.903, 553.904, 553.905, and 553.906, F.S.;
62 | requiring the Florida Building Commission to adopt the
63 | Florida Building Code-Energy Conservation; conforming
64 | subsequent sections of the thermal efficiency code;
65 | amending s. 553.912, F.S.; requiring replacement air
66 | conditioning systems in residential applications to
67 | use energy-saving quality installation procedures;
68 | providing that certain existing heating and cooling
69 | equipment is not required to meet the minimum
70 | equipment efficiencies; amending s. 553.991, F.S.;
71 | revising the purpose of the Florida Building Energy-
72 | Efficiency Rating Act; repealing s. 553.992, F.S.,
73 | relating to the adoption of a rating system; amending
74 | s. 553.993, F.S.; providing definitions; amending s.
75 | 553.994, F.S.; providing for the applicability of
76 | building energy-efficiency rating systems; amending s.
77 | 553.995, F.S.; deleting a minimum requirement for the
78 | building energy-efficiency rating systems; revising
79 | language; deleting provisions relating to a certain
80 | interest group; deleting provisions relating to the
81 | Department of Business and Professional Regulation;
82 | amending s. 553.996, F.S.; requiring building energy-
83 | efficiency rating system providers to provide certain
84 | information; amending s. 553.997, F.S.; deleting a



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

85 | provision relating to the department; amending s.
86 | 553.998, F.S.; revising provisions relating to rating
87 | compliance; providing effective dates.
88 |

89 | Be It Enacted by the Legislature of the State of Florida:
90 |

91 | Section 1. Section 125.022, Florida Statutes, is amended
92 | to read:

93 | 125.022 Development permits.—When a county denies an
94 | application for a development permit, the county shall give
95 | written notice to the applicant. The notice must include a
96 | citation to the applicable portions of an ordinance, rule,
97 | statute, or other legal authority for the denial of the permit.
98 | As used in this section, the term "development permit" has the
99 | same meaning as in s. 163.3164. For any development permit
100 | application filed with the county after July 1, 2012, a county
101 | may not require as a condition of processing or issuing a
102 | development permit that an applicant obtain a permit or approval
103 | from any state or federal agency unless the agency has issued a
104 | final agency action that denies the federal or state permit
105 | before the county action on the local development permit.
106 | Issuance of a development permit by a county does not in any way
107 | create any rights on the part of the applicant to obtain a
108 | permit from a state or federal agency and does not create any
109 | liability on the part of the county for issuance of the permit
110 | if the applicant fails to obtain requisite approvals or fulfill
111 | the obligations imposed by a state or federal agency or
112 | undertakes actions that result in a violation of state or



ENROLLED
 CS/CS/HB 269, Engrossed 1

2013 Legislature

113 federal law. A county shall ~~may~~ attach such a disclaimer to the
 114 issuance of a development permit and shall ~~may~~ include a permit
 115 condition that all other applicable state or federal permits be
 116 obtained before commencement of the development. This section
 117 does not prohibit a county from providing information to an
 118 applicant regarding what other state or federal permits may
 119 apply.

120 Section 2. Section 162.12, Florida Statutes, is amended to
 121 read:

122 162.12 Notices.—

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

125 (a) Certified mail, return receipt requested, to the
 126 address listed in the tax collector's office for tax notices, or
 127 to the address listed in the county property appraiser's
 128 database. The local government may also provide an additional
 129 notice to any other address it may find for ~~provided by the~~
 130 ~~property owner in writing to the local government for the~~
 131 ~~purpose of receiving notices.~~ For property owned by a
 132 corporation, notices may be provided by certified mail to the
 133 registered agent of the corporation. If any notice sent by
 134 certified mail is not signed as received within 30 days after
 135 the postmarked date of mailing, notice may be provided by
 136 posting as described in subparagraphs (2)(b)1. and 2.;

137 (b) Hand delivery by the sheriff or other law enforcement
 138 officer, code inspector, or other person designated by the local
 139 governing body;

140 (c) Leaving the notice at the violator's usual place of



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

141 residence with any person residing therein who is above 15 years
 142 of age and informing such person of the contents of the notice;
 143 or

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

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

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

156 2. Proof of publication shall be made as provided in ss.
 157 50.041 and 50.051.

158 (b)1. In lieu of publication as described in paragraph
 159 (a), such notice may be posted at least 10 days prior to the
 160 hearing, or prior to the expiration of any deadline contained in
 161 the notice, in at least two locations, one of which shall be the
 162 property upon which the violation is alleged to exist and the
 163 other of which shall be, in the case of municipalities, at the
 164 primary municipal government office, and in the case of
 165 counties, at the front door of the courthouse or the main county
 166 governmental center in said county.

167 2. Proof of posting shall be by affidavit of the person
 168 posting the notice, which affidavit shall include a copy of the



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

169 notice posted and the date and places of its posting.

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

173
 174 Evidence that an attempt has been made to hand deliver or mail
 175 notice as provided in subsection (1), together with proof of
 176 publication or posting as provided in subsection (2), shall be
 177 sufficient to show that the notice requirements of this part
 178 have been met, without regard to whether or not the alleged
 179 violator actually received such notice.

180 Section 3. Section 166.033, Florida Statutes, is amended
 181 to read:

182 166.033 Development permits.—When a municipality denies an
 183 application for a development permit, the municipality shall
 184 give written notice to the applicant. The notice must include a
 185 citation to the applicable portions of an ordinance, rule,
 186 statute, or other legal authority for the denial of the permit.
 187 As used in this section, the term "development permit" has the
 188 same meaning as in s. 163.3164. For any development permit
 189 application filed with the municipality after July 1, 2012, a
 190 municipality may not require as a condition of processing or
 191 issuing a development permit that an applicant obtain a permit
 192 or approval from any state or federal agency unless the agency
 193 has issued a final agency action that denies the federal or
 194 state permit before the municipal action on the local
 195 development permit. Issuance of a development permit by a
 196 municipality does not in any way create any right on the part of



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

197 | an applicant to obtain a permit from a state or federal agency
 198 | and does not create any liability on the part of the
 199 | municipality for issuance of the permit if the applicant fails
 200 | to obtain requisite approvals or fulfill the obligations imposed
 201 | by a state or federal agency or undertakes actions that result
 202 | in a violation of state or federal law. A municipality shall ~~may~~
 203 | attach such a disclaimer to the issuance of development permits
 204 | and shall ~~may~~ include a permit condition that all other
 205 | applicable state or federal permits be obtained before
 206 | commencement of the development. This section does not prohibit
 207 | a municipality from providing information to an applicant
 208 | regarding what other state or federal permits may apply.

209 | Section 4. Subsection (3) of section 255.20, Florida
 210 | Statutes, is amended to read:

211 | 255.20 Local bids and contracts for public construction
 212 | works; specification of state-produced lumber.—

213 | (3) (a) All county officials, boards of county
 214 | commissioners, school boards, city councils, city commissioners,
 215 | and all other public officers of state boards or commissions
 216 | that are charged with the letting of contracts for public work,
 217 | for the construction of public bridges, buildings, and other
 218 | structures must specify in the contract lumber, timber, and
 219 | other forest products produced and manufactured in this state,
 220 | if wood is a component of the public work, and if such products
 221 | are available and their price, fitness, and quality are equal.

222 | (b) This subsection does not apply:

- 223 | 1. To plywood specified for monolithic concrete forms.7
- 224 | 2. If the structural or service requirements for timber



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

225 | for a particular job cannot be supplied by native species. ~~or~~

226 | 3. If the construction is financed in whole or in part
227 | from federal funds with the requirement that there be no
228 | restrictions as to species or place of manufacture.

229 | 4. To transportation projects for which federal aid funds
230 | are available.

231 | Section 5. Subsection (4) is added to section 255.2575,
232 | Florida Statutes, to read:

233 | 255.2575 Energy-efficient and sustainable buildings.—

234 | (4) (a) All state agencies, county officials, boards of
235 | county commissioners, school boards, city councils, city
236 | commissioners, and all other public officers of state boards or
237 | commissions that are charged with the letting of contracts for
238 | public work, for the construction of public bridges, buildings,
239 | and other structures must specify in the contract lumber,
240 | timber, and other forest products produced and manufactured in
241 | this state, if wood is a component of the public work, and if
242 | such products are available and their price, fitness, and
243 | quality are equal.

244 | (b) This subsection does not apply:

245 | 1. To plywood specified for monolithic concrete forms.

246 | 2. If the structural or service requirements for timber
247 | for a particular job cannot be supplied by native species.

248 | 3. If the construction is financed in whole or in part
249 | from federal funds with the requirement that there be no
250 | restrictions as to species or place of manufacture.

251 | 4. To transportation projects for which federal aid funds
252 | are available.



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

253 Section 6. Paragraph (a) of subsection (4) of section
 254 255.257, Florida Statutes, is amended to read:

255 255.257 Energy management; buildings occupied by state
 256 agencies.—

257 (4) ADOPTION OF STANDARDS.—

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

262 Section 7. Paragraph (aa) of subsection (4) of section
 263 381.0065, Florida Statutes, is amended to read:

264 381.0065 Onsite sewage treatment and disposal systems;
 265 regulation.—

266 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
 267 not construct, repair, modify, abandon, or operate an onsite
 268 sewage treatment and disposal system without first obtaining a
 269 permit approved by the department. The department may issue
 270 permits to carry out this section, but shall not make the
 271 issuance of such permits contingent upon prior approval by the
 272 Department of Environmental Protection, except that the issuance
 273 of a permit for work seaward of the coastal construction control
 274 line established under s. 161.053 shall be contingent upon
 275 receipt of any required coastal construction control line permit
 276 from the Department of Environmental Protection. A construction
 277 permit is valid for 18 months from the issuance date and may be
 278 extended by the department for one 90-day period under rules
 279 adopted by the department. A repair permit is valid for 90 days
 280 from the date of issuance. An operating permit must be obtained



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

281 prior to the use of any aerobic treatment unit or if the
282 establishment generates commercial waste. Buildings or
283 establishments that use an aerobic treatment unit or generate
284 commercial waste shall be inspected by the department at least
285 annually to assure compliance with the terms of the operating
286 permit. The operating permit for a commercial wastewater system
287 is valid for 1 year from the date of issuance and must be
288 renewed annually. The operating permit for an aerobic treatment
289 unit is valid for 2 years from the date of issuance and must be
290 renewed every 2 years. If all information pertaining to the
291 siting, location, and installation conditions or repair of an
292 onsite sewage treatment and disposal system remains the same, a
293 construction or repair permit for the onsite sewage treatment
294 and disposal system may be transferred to another person, if the
295 transferee files, within 60 days after the transfer of
296 ownership, an amended application providing all corrected
297 information and proof of ownership of the property. There is no
298 fee associated with the processing of this supplemental
299 information. A person may not contract to construct, modify,
300 alter, repair, service, abandon, or maintain any portion of an
301 onsite sewage treatment and disposal system without being
302 registered under part III of chapter 489. A property owner who
303 personally performs construction, maintenance, or repairs to a
304 system serving his or her own owner-occupied single-family
305 residence is exempt from registration requirements for
306 performing such construction, maintenance, or repairs on that
307 residence, but is subject to all permitting requirements. A
308 municipality or political subdivision of the state may not issue



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

309 a building or plumbing permit for any building that requires the
310 use of an onsite sewage treatment and disposal system unless the
311 owner or builder has received a construction permit for such
312 system from the department. A building or structure may not be
313 occupied and a municipality, political subdivision, or any state
314 or federal agency may not authorize occupancy until the
315 department approves the final installation of the onsite sewage
316 treatment and disposal system. A municipality or political
317 subdivision of the state may not approve any change in occupancy
318 or tenancy of a building that uses an onsite sewage treatment
319 and disposal system until the department has reviewed the use of
320 the system with the proposed change, approved the change, and
321 amended the operating permit.

322 (aa) An existing-system inspection or evaluation and
323 assessment, or a modification, replacement, or upgrade of an
324 onsite sewage treatment and disposal system is not required for
325 a remodeling addition or modification to a single-family home if
326 a bedroom is not added. However, a remodeling addition or
327 modification to a single-family home may not cover any part of
328 the existing system or encroach upon a required setback or the
329 unobstructed area. To determine if a setback or the unobstructed
330 area is impacted, the local health department shall review and
331 verify a floor plan and site plan of the proposed remodeling
332 addition or modification to the home submitted by a remodeler
333 which shows the location of the system, including the distance
334 of the remodeling addition or modification to the home from the
335 onsite sewage treatment and disposal system. The local health
336 department may visit the site or otherwise determine the best



ENROLLED
 CS/CS/HB 269, Engrossed 1

2013 Legislature

337 means of verifying the information submitted. A verification of
 338 the location of a system is not an inspection or evaluation and
 339 assessment of the system. The review and verification must be
 340 completed within 7 business days after receipt by the local
 341 health department of a floor plan and site plan. If the review
 342 and verification is not completed within such time, the
 343 remodeling addition or modification to the single-family home,
 344 for the purposes of this paragraph, is approved.

345 Section 8. The amendments to s. 489.113(2), Florida
 346 Statutes, by section 11 of chapter 2012-13, Laws of Florida, are
 347 remedial in nature and intended to clarify existing law. This
 348 section applies retroactively to any action initiated or pending
 349 on or after March 23, 2012.

350 Section 9. Paragraphs (c) and (f) of subsection (5) and
 351 subsection (6) of section 489.127, Florida Statutes, are amended
 352 to read:

353 489.127 Prohibitions; penalties.—

354 (5) Each county or municipality may, at its option,
 355 designate one or more of its code enforcement officers, as
 356 defined in chapter 162, to enforce, as set out in this
 357 subsection, the provisions of subsection (1) and s. 489.132(1)
 358 against persons who engage in activity for which a county or
 359 municipal certificate of competency or license or state
 360 certification or registration is required.

361 (c) The local governing body of the county or municipality
 362 may ~~is authorized to~~ enforce codes and ordinances against
 363 unlicensed contractors under the provisions of this subsection
 364 and may enact an ordinance establishing procedures for



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

365 implementing this subsection, including a schedule of penalties
 366 to be assessed by the code enforcement officer. The maximum
 367 civil penalty which may be levied may ~~shall~~ not exceed \$2,000
 368 ~~\$500~~. Moneys collected pursuant to this subsection shall be
 369 retained locally, as provided for by local ordinance, and may be
 370 set aside in a specific fund to support future enforcement
 371 activities against unlicensed contractors.

372 (f) If the enforcement or licensing board or designated
 373 special magistrate finds that a violation exists, the
 374 enforcement or licensing board or designated special magistrate
 375 may order the violator to pay a civil penalty of not less than
 376 the amount set forth on the citation but not more than \$2,500
 377 ~~\$1,000~~ per day for each violation. In determining the amount of
 378 the penalty, the enforcement or licensing board or designated
 379 special magistrate shall consider the following factors:

- 380 1. The gravity of the violation.
- 381 2. Any actions taken by the violator to correct the
 382 violation.
- 383 3. Any previous violations committed by the violator.

384 (6) Local building departments may collect outstanding
 385 fines against registered or certified contractors issued by the
 386 Construction Industry Licensing Board and may retain 75 ~~25~~
 387 percent of the fines they are able to collect, provided that
 388 they transmit 25 ~~75~~ percent of the fines they are able to
 389 collect to the department according to a procedure to be
 390 determined by the department.

391 Section 10. Paragraph (a) of subsection (7) of section
 392 489.131, Florida Statutes, is amended to read:



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

393 489.131 Applicability.—
 394 (7) (a) It is the policy of the state that the purpose of
 395 regulation is to protect the public by attaining compliance with
 396 the policies established in law. Fines and other penalties are
 397 provided in order to ensure compliance; ~~however, the collection~~
 398 ~~of fines and the imposition of penalties are intended to be~~
 399 ~~secondary to the primary goal of attaining compliance with state~~
 400 laws and local jurisdiction ordinances. ~~It is the intent of the~~
 401 ~~Legislature that a local jurisdiction agency charged with~~
 402 ~~enforcing regulatory laws shall issue a notice of noncompliance~~
 403 ~~as its first response to a minor violation of a regulatory law~~
 404 ~~in any instance in which it is reasonable to assume that the~~
 405 ~~violator was unaware of such a law or unclear as to how to~~
 406 ~~comply with it. A violation of a regulatory law is a "minor~~
 407 ~~violation" if it does not result in economic or physical harm to~~
 408 ~~a person or adversely affect the public health, safety, or~~
 409 ~~welfare or create a significant threat of such harm. A "notice~~
 410 ~~of noncompliance" is a notification by the local jurisdiction~~
 411 ~~agency charged with enforcing the ordinance, which is issued to~~
 412 ~~the licensee that is subject to the ordinance. A notice of~~
 413 ~~noncompliance should not be accompanied with a fine or other~~
 414 ~~disciplinary penalty. It should identify the specific ordinance~~
 415 ~~that is being violated, provide information on how to comply~~
 416 ~~with the ordinance, and specify a reasonable time for the~~
 417 ~~violator to comply with the ordinance. Failure of a licensee to~~
 418 ~~take action correcting the violation within a set period of time~~
 419 ~~would then result in the institution of further disciplinary~~
 420 ~~proceedings.~~



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

421 Section 11. Section 489.514, Florida Statutes, is amended
 422 to read:

423 489.514 Certification for registered contractors;
 424 grandfathering provisions.—

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

428 (a) To an applying registered electrical contractor, a
 429 certificate as an electrical contractor, as defined in s.
 430 489.505(12); ~~or~~

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

434 (c) To an applying registered electrical specialty
 435 contractor, a certificate in the matching electrical specialty
 436 contractor category, as defined in s. 489.505(19).

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

440 (a) Currently holds a valid registered local license in
 441 the category of electrical contractor, alarm system contractor,
 442 or electrical specialty contractor.

443 (b) Has, for that category, passed a written, proctored
 444 examination that the board finds to be substantially similar to
 445 the examination required to be licensed as a certified
 446 contractor under this part. For purposes of this subsection, a
 447 written, proctored examination such as that produced by the
 448 National Assessment Institute, Block and Associates, NAI/Block,



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

449 | Experior Assessments, Professional Testing, Inc., or Assessment
450 | Systems, Inc., shall be considered to be substantially similar
451 | to the examination required to be licensed as a certified
452 | contractor. The board may not impose or make any requirements
453 | regarding the nature or content of these cited examinations.

454 | (c) Has at least 5 years of experience as a contractor in
455 | that contracting category, or as an inspector or building
456 | administrator with oversight over that category, at the time of
457 | application. For contractors, only time periods in which the
458 | contractor license is active and the contractor is not on
459 | probation shall count toward the 5 years required under this
460 | subsection.

461 | (d) Has not had his or her contractor's license revoked at
462 | any time, had his or her contractor's license suspended in the
463 | last 5 years, or been assessed a fine in excess of \$500 in the
464 | last 5 years.

465 | (e) Is in compliance with the insurance and financial
466 | responsibility requirements in s. 489.515(1)(b).

467 | (3) An applicant must make application by November 1, 2015
468 | 2004, to be licensed pursuant to this section.

469 | Section 12. Paragraph (c) and (f) of subsection (4) of
470 | section 489.531, Florida Statutes, are amended to read:

471 | 489.531 Prohibitions; penalties.—

472 | (4) Each county or municipality may, at its option,
473 | designate one or more of its code enforcement officers, as
474 | defined in chapter 162, to enforce, as set out in this
475 | subsection, the provisions of subsection (1) against persons who
476 | engage in activity for which county or municipal certification



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

477 is required.

478 (c) The local governing body of the county or municipality
479 may ~~is authorized to~~ enforce codes and ordinances against
480 unlicensed contractors under the provisions of this section and
481 may enact an ordinance establishing procedures for implementing
482 this section, including a schedule of penalties to be assessed
483 by the code enforcement officers. The maximum civil penalty
484 which may be levied may ~~shall~~ not exceed \$2,000 ~~\$500~~. Moneys
485 collected pursuant to this section shall be retained locally as
486 provided for by local ordinance and may be set aside in a
487 specific fund to support future enforcement activities against
488 unlicensed contractors.

489 (f) If the enforcement or licensing board or designated
490 special magistrate finds that a violation exists, the
491 enforcement or licensing board or designated special magistrate
492 may order the violator to pay a civil penalty of not less than
493 the amount set forth on the citation but not more than \$2,500
494 ~~\$500~~ per day for each violation. In determining the amount of
495 the penalty, the enforcement or licensing board or designated
496 special magistrate shall consider the following factors:

- 497 1. The gravity of the violation.
- 498 2. Any actions taken by the violator to correct the
499 violation.
- 500 3. Any previous violations committed by the violator.

501 Section 13. Present subsections (6) through (11) of
502 section 553.71, Florida Statutes, are redesignated as
503 subsections (7) through (12), respectively, and a new subsection
504 (6) is added to that section, to read:



ENROLLED
CS/CS/HB 269, Engrossed 1

2013 Legislature

505 553.71 Definitions.—As used in this part, the term:
506 (6) "Local technical amendment" means an action by a local
507 governing authority that results in a technical change to the
508 Florida Building Code and its local enforcement.

509 Section 14. Subsection (17) of section 553.73, Florida
510 Statutes, is amended to read:

511 553.73 Florida Building Code.—

512 (17) A provision ~~The provisions of section R313 of the~~
513 ~~most current version~~ of the International Residential Code
514 relating to mandated fire sprinklers may not be incorporated
515 into the Florida Building Code as adopted by the Florida
516 Building Commission and may not be adopted as a local amendment
517 to the Florida Building Code. This subsection does not prohibit
518 the application of cost-saving incentives for residential fire
519 sprinklers that are authorized in the International Residential
520 Code upon a mutual agreement between the builder and the code
521 official. This subsection does not apply to a local government
522 that has a lawfully adopted ordinance relating to fire
523 sprinklers which has been in effect since January 1, 2010.

524 Section 15. Subsection (1) of section 553.74, Florida
525 Statutes, is amended to read:

526 553.74 Florida Building Commission.—

527 (1) The Florida Building Commission is created and located
528 within the Department of Business and Professional Regulation
529 for administrative purposes. Members are ~~shall be~~ appointed by
530 the Governor subject to confirmation by the Senate. The
531 commission is ~~shall be~~ composed of 26 ~~25~~ members, consisting of
532 the following:



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

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

537 (b) One structural engineer registered to practice in this
538 state and actively engaged in the profession. The Florida
539 Engineering Society is encouraged to recommend a list of
540 candidates for consideration.

541 (c) One air-conditioning or mechanical contractor
542 certified to do business in this state and actively engaged in
543 the profession. The Florida Air Conditioning Contractors
544 Association, the Florida Refrigeration and Air Conditioning
545 Contractors Association, and the Mechanical Contractors
546 Association of Florida are encouraged to recommend a list of
547 candidates for consideration.

548 (d) One electrical contractor certified to do business in
549 this state and actively engaged in the profession. The Florida
550 Electrical Contractors Association and the National Electrical
551 Contractors Association, Florida Chapter, are encouraged to
552 recommend a list of candidates for consideration.

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

558 (f) One general contractor certified to do business in
559 this state and actively engaged in the profession. The
560 Associated Builders and Contractors of Florida, the Florida



ENROLLED
CS/CS/HB 269, Engrossed 1

2013 Legislature

561 Associated General Contractors Council, and the Union
562 Contractors Association are encouraged to recommend a list of
563 candidates for consideration.

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

568 (h) One roofing or sheet metal contractor certified to do
569 business in this state and actively engaged in the profession.
570 The Florida Roofing, Sheet Metal, and Air Conditioning
571 Contractors Association and the Sheet Metal and Air Conditioning
572 Contractors National Association are encouraged to recommend a
573 list of candidates for consideration.

574 (i) One residential contractor licensed to do business in
575 this state and actively engaged in the profession. The Florida
576 Home Builders Association is encouraged to recommend a list of
577 candidates for consideration.

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

583 (k) One member who represents the Department of Financial
584 Services.

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

588 (m) One member of a Florida-based organization of persons



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

589 with disabilities or a nationally chartered organization of
590 persons with disabilities with chapters in this state.

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

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

599 (p) One member who is a representative of a municipality
600 or a charter county. The Florida League of Cities and the
601 Florida Association of Counties are encouraged to recommend a
602 list of candidates for consideration.

603 (q) One member of the building products manufacturing
604 industry who is authorized to do business in this state and is
605 actively engaged in the industry. The Florida Building Material
606 Association, the Florida Concrete and Products Association, and
607 the Fenestration Manufacturers Association are encouraged to
608 recommend a list of candidates for consideration.

609 (r) One member who is a representative of the building
610 owners and managers industry who is actively engaged in
611 commercial building ownership or management. The Building Owners
612 and Managers Association is encouraged to recommend a list of
613 candidates for consideration.

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



ENROLLED
CS/CS/HB 269, Engrossed 1

2013 Legislature

617 (t) One member who is a representative of public
618 education.

619 (u) One member who is a swimming pool contractor licensed
620 to do business in this state and actively engaged in the
621 profession. The Florida Swimming Pool Association and the United
622 Pool and Spa Association are encouraged to recommend a list of
623 candidates for consideration.

624 (v) One member who is a representative of the green
625 building industry and who is a third-party commission agent, a
626 Florida board member of the United States Green Building Council
627 or Green Building Initiative, a professional who is accredited
628 under the International Green Construction Code (IGCC), or a
629 professional who is accredited under Leadership in Energy and
630 Environmental Design (LEED).

631 (w) One member who is a representative of a natural gas
632 distribution system and who is actively engaged in the
633 distribution of natural gas in this state. The Florida Natural
634 Gas Association is encouraged to recommend a list of candidates
635 for consideration.

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

637
638 Any person serving on the commission under paragraph (c) or
639 paragraph (h) on October 1, 2003, and who has served less than
640 two full terms is eligible for reappointment to the commission
641 regardless of whether he or she meets the new qualification.

642 Section 16. Paragraph (a) of subsection (5) of section
643 553.79, Florida Statutes, is amended, and subsection (18) is
644 added to that section, to read:



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

645 | 553.79 Permits; applications; issuance; inspections.—
646 | (5) (a) The enforcing agency shall require a special
647 | inspector to perform structural inspections on a threshold
648 | building pursuant to a structural inspection plan prepared by
649 | the engineer or architect of record. The structural inspection
650 | plan must be submitted to and approved by the enforcing agency
651 | before ~~prior to~~ the issuance of a building permit for the
652 | construction of a threshold building. The purpose of the
653 | structural inspection plan is to provide specific inspection
654 | procedures and schedules so that the building can be adequately
655 | inspected for compliance with the permitted documents. The
656 | special inspector may not serve as a surrogate in carrying out
657 | the responsibilities of the building official, the architect, or
658 | the engineer of record. The contractor's contractual or
659 | statutory obligations are not relieved by any action of the
660 | special inspector. The special inspector shall determine that a
661 | professional engineer who specializes in shoring design has
662 | inspected the shoring and reshoring for conformance with the
663 | shoring and reshoring plans submitted to the enforcing agency. A
664 | fee simple title owner of a building, which does not meet the
665 | minimum size, height, occupancy, occupancy classification, or
666 | number-of-stories criteria which would result in classification
667 | as a threshold building under s. 553.71(12) ~~553.71(11)~~, may
668 | designate such building as a threshold building, subject to more
669 | than the minimum number of inspections required by the Florida
670 | Building Code.

671 | (18) For the purpose of inspection and record retention,
672 | site plans for a building may be maintained in the form of an



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

673 electronic copy at the worksite. These plans must be open to
674 inspection by the building official or a duly authorized
675 representative, as required by the Florida Building Code.

676 Section 17. Paragraph (a) of subsection (5) of section
677 553.842, Florida Statutes, is amended to read:

678 553.842 Product evaluation and approval.—

679 (5) Statewide approval of products, methods, or systems of
680 construction may be achieved by one of the following methods.
681 One of these methods must be used by the commission to approve
682 the following categories of products: panel walls, exterior
683 doors, roofing, skylights, windows, shutters, impact protective
684 systems, and structural components as established by the
685 commission by rule. A product may not be advertised, sold,
686 offered, provided, distributed, or marketed as hurricane,
687 windstorm, or impact protection from wind-borne debris from a
688 hurricane or windstorm unless it is approved pursuant to this
689 section or s. 553.8425. Any person who advertises, sells,
690 offers, provides, distributes, or markets a product as
691 hurricane, windstorm, or impact protection from wind-borne
692 debris without such approval is subject to the Florida Deceptive
693 and Unfair Trade Practices Act under part II of chapter 501
694 brought by the enforcing authority as defined in s. 501.203.

695 (a) Products for which the code establishes standardized
696 testing or comparative or rational analysis methods shall be
697 approved by submittal and validation of one of the following
698 reports or listings indicating that the product or method or
699 system of construction was in compliance with the Florida
700 Building Code and that the product or method or system of



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

701 construction is, for the purpose intended, at least equivalent
 702 to that required by the Florida Building Code:

- 703 1. A certification mark or listing of an approved
- 704 certification agency, which may be used only for products for
- 705 which the code designates standardized testing;
- 706 2. A test report from an approved testing laboratory;
- 707 3. A product evaluation report based upon testing or
- 708 comparative or rational analysis, or a combination thereof, from
- 709 an approved product evaluation entity; or
- 710 4. A product evaluation report based upon testing or
- 711 comparative or rational analysis, or a combination thereof,
- 712 developed and signed and sealed by a professional engineer or
- 713 architect, licensed in this state.

714

715 A product evaluation report or a certification mark or listing
 716 of an approved certification agency which demonstrates that the
 717 product or method or system of construction complies with the
 718 Florida Building Code for the purpose intended is equivalent to
 719 a test report and test procedure referenced in the Florida
 720 Building Code. An application for state approval of a product
 721 under subparagraph 1. or 3. must be approved by the department
 722 after the commission staff or a designee verifies that the
 723 application and related documentation are complete. This
 724 verification must be completed within 10 business days after
 725 receipt of the application. Upon approval by the department, the
 726 product shall be immediately added to the list of state-approved
 727 products maintained under subsection (13). Approvals by the
 728 department shall be reviewed and ratified by the commission's



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

729 program oversight committee except for a showing of good cause
730 that a review by the full commission is necessary. The
731 commission shall adopt rules providing means to cure
732 deficiencies identified within submittals for products approved
733 under this paragraph.

734 Section 18. Section 553.901, Florida Statutes, is amended
735 to read:

736 553.901 Purpose of thermal efficiency code.—The Department
737 of Business and Professional Regulation shall prepare a thermal
738 efficiency code to provide for a statewide uniform standard for
739 energy efficiency in the thermal design and operation of all
740 buildings statewide, consistent with energy conservation goals,
741 and to best provide for public safety, health, and general
742 welfare. The Florida Building Commission shall adopt the Florida
743 Building Code-Energy Conservation ~~Florida Energy Efficiency Code~~
744 ~~for Building Construction within the Florida Building Code~~, and
745 shall modify, revise, update, and maintain the code to implement
746 the provisions of this thermal efficiency code and amendments
747 thereto, in accordance with the procedures of chapter 120. The
748 department shall, at least triennially, determine the most cost-
749 effective energy-saving equipment and techniques available and
750 report its determinations to the commission, which shall update
751 the code to incorporate such equipment and techniques. The
752 proposed changes shall be made available for public review and
753 comment no later than 6 months before ~~prior to~~ code
754 implementation. The term "cost-effective," as used in for the
755 ~~purposes of this part, means shall be construed to mean~~ cost-
756 effective to the consumer.



ENROLLED
CS/CS/HB 269, Engrossed 1

2013 Legislature

757 Section 19. Section 553.902, Florida Statutes, is
758 reordered and amended to read:
759 553.902 Definitions.—As used in ~~For the purposes of this~~
760 part, the term:

761 (2)~~(1)~~ "Exempted building" means:

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

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

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

770 (d) A ~~Any~~ historical building as described in s.
771 267.021(3).

772
773 The Florida Building Commission may recommend to the Legislature
774 additional types of buildings which should be exempted from
775 compliance with the Florida Building Code-Energy Conservation
776 ~~Florida Energy Efficiency Code for Building Construction~~.

777 (4)~~(2)~~ "HVAC" means a system of heating, ventilating, and
778 air-conditioning.

779 (6)~~(3)~~ "Renovated building" means a residential or
780 nonresidential building undergoing alteration that varies or
781 changes insulation, HVAC systems, water heating systems, or
782 exterior envelope conditions, if ~~provided~~ the estimated cost of
783 renovation exceeds 30 percent of the assessed value of the
784 structure.



ENROLLED
CS/CS/HB 269, Engrossed 1

2013 Legislature

785 | ~~(5)-(4)~~ "Local enforcement agency" means the agency of
786 | local government which has the authority to make inspections of
787 | buildings and to enforce the Florida Building Code. The term ~~It~~
788 | includes any agency within the definition of s. 553.71(5).

789 | ~~(3)-(5)~~ "Exterior envelope physical characteristics" means
790 | the physical nature of those elements of a building which
791 | enclose conditioned spaces through which energy may be
792 | transferred to or from the exterior.

793 | ~~(1)-(6)~~ "Energy performance level" means the indicator of
794 | the energy-related performance of a building, including, but not
795 | limited to, the levels of insulation, the amount and type of
796 | glass, and the HVAC and water heating system efficiencies.

797 | Section 20. Section 553.903, Florida Statutes, is amended
798 | to read:

799 | 553.903 Applicability.—This part applies ~~shall apply~~ to
800 | all new and renovated buildings in the state, except exempted
801 | buildings, for which building permits are obtained after March
802 | 15, 1979, and to the installation or replacement of building
803 | systems and components with new products for which thermal
804 | efficiency standards are set by the Florida Building Code—Energy
805 | Conservation ~~Florida Energy Efficiency Code for Building~~
806 | ~~Construction~~. The provisions of this part shall constitute a
807 | statewide uniform code.

808 | Section 21. Section 553.904, Florida Statutes, is amended
809 | to read:

810 | 553.904 Thermal efficiency standards for new
811 | nonresidential buildings.—Thermal designs and operations for new
812 | nonresidential buildings for which building permits are obtained



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

813 after March 15, 1979, must ~~shall~~ at a minimum take into account
 814 exterior envelope physical characteristics, including thermal
 815 mass; HVAC, service water heating, energy distribution,
 816 lighting, energy managing, and auxiliary systems design and
 817 selection; and HVAC, service water heating, energy distribution,
 818 lighting, energy managing, and auxiliary equipment performance,
 819 and are ~~shall~~ not be required to meet standards more stringent
 820 than the provisions of the Florida Building Code-Energy
 821 Conservation ~~Florida Energy Efficiency Code for Building~~
 822 ~~Construction~~.

823 Section 22. Section 553.905, Florida Statutes, is amended
 824 to read:

825 553.905 Thermal efficiency standards for new residential
 826 buildings.—Thermal designs and operations for new residential
 827 buildings for which building permits are obtained after March
 828 15, 1979, must ~~shall~~ at a minimum take into account exterior
 829 envelope physical characteristics, HVAC system selection and
 830 configuration, HVAC equipment performance, and service water
 831 heating design and equipment selection and are ~~shall~~ not be
 832 required to meet standards more stringent than the provisions of
 833 the Florida Building Code-Energy Conservation ~~Florida Energy~~
 834 ~~Efficiency Code for Building Construction~~. HVAC equipment
 835 mounted in an attic or a garage is ~~shall~~ not be required to have
 836 supplemental insulation in addition to that installed by the
 837 manufacturer. All new residential buildings, except those herein
 838 exempted, must ~~shall~~ have insulation in ceilings rated at R-19
 839 or more, space permitting. Thermal efficiency standards do not
 840 apply to a building of less than 1,000 square feet which is not



ENROLLED
CS/CS/HB 269, Engrossed 1

2013 Legislature

841 primarily used as a principal residence and which is constructed
842 and owned by a natural person for hunting or similar
843 recreational purposes; however, ~~no~~ such person may not build
844 more than one exempt building in any 12-month period.

845 Section 23. Section 553.906, Florida Statutes, is amended
846 to read:

847 553.906 Thermal efficiency standards for renovated
848 buildings.—Thermal designs and operations for renovated
849 buildings for which building permits are obtained after March
850 15, 1979, must ~~shall~~ take into account insulation; windows;
851 infiltration; and HVAC, service water heating, energy
852 distribution, lighting, energy managing, and auxiliary systems
853 design and equipment selection and performance. Such buildings
854 are ~~shall~~ not ~~be~~ required to meet standards more stringent than
855 the provisions of the Florida Building Code-Energy Conservation
856 ~~Florida Energy Efficiency Code for Building Construction~~. These
857 standards apply only to those portions of the structure which
858 are actually renovated.

859 Section 24. Section 553.912, Florida Statutes, is amended
860 to read:

861 553.912 Air conditioners.—All air conditioners that are
862 sold or installed in the state must ~~shall~~ meet the minimum
863 efficiency ratings of the Florida Building Code-Energy
864 Conservation ~~Energy Efficiency Code for Building Construction~~.
865 These efficiency ratings must ~~shall~~ be minimums and may be
866 updated in the Florida Building Code-Energy Conservation ~~Florida~~
867 ~~Energy Efficiency Code for Building Construction~~ by the
868 department in accordance with s. 553.901, following its



ENROLLED
 CS/CS/HB 269, Engrossed 1

2013 Legislature

869 determination that more cost-effective energy-saving equipment
 870 and techniques are available. It is the intent of the
 871 Legislature that all replacement air-conditioning systems in
 872 residential applications be installed using energy-saving,
 873 quality installation procedures, including, but not limited to,
 874 equipment sizing analysis and duct inspection. Notwithstanding
 875 this section, existing heating and cooling equipment in
 876 residential applications need not meet the minimum equipment
 877 efficiencies, including system sizing and duct sealing.

878 Section 25. Section 553.991, Florida Statutes, is amended
 879 to read:

880 553.991 Purpose.—The purpose of this part is to identify
 881 systems ~~provide for a statewide uniform system~~ for rating the
 882 energy efficiency of buildings. It is in the interest of the
 883 state to encourage the consideration of ~~the~~ energy-efficiency
 884 rating systems ~~system~~ in the market so as to provide market
 885 rewards for energy-efficient buildings and to those persons or
 886 companies designing, building, or selling energy-efficient
 887 buildings.

888 Section 26. Section 553.992, Florida Statutes, is
 889 repealed.

890 Section 27. Section 553.993, Florida Statutes, is amended
 891 to read:

892 553.993 Definitions.—For purposes of this part:

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

895 (2) "Builder" means the primary contractor who possesses
 896 the requisite skill, knowledge, and experience, and has the



ENROLLED
CS/CS/HB 269, Engrossed 1

2013 Legislature

897 responsibility, to supervise, direct, manage, and control the
898 contracting activities of the business organization with which
899 she or he is connected and who has the responsibility to
900 supervise, direct, manage, and control the construction work on
901 a job for which she or he has obtained the building permit.
902 Construction work includes, but is not limited to, foundation,
903 framing, wiring, plumbing, and finishing work.

904 (3) "Building energy-efficiency rating system" means a
905 whole building energy evaluation system established by the
906 Residential Energy Services Network, the Commercial Energy
907 Services Network, the Building Performance Institute, or the
908 Florida Solar Energy Center.

909 (4)~~(3)~~ "Designer" means the architect, engineer, landscape
910 architect, builder, interior designer, or other person who
911 performs the actual design work or under whose direct
912 supervision and responsible charge the construction documents
913 are prepared.

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

918 (6) "Energy-efficiency rating" means an unbiased
919 indication of a building's relative energy efficiency based on
920 consistent inspection procedures, operating assumptions, climate
921 data, and calculation methods.

922 (7) "Energy rater" means an individual certified by a
923 building energy-efficiency rating system to perform building
924 energy-efficiency ratings for the building type and in the



925 rating class for which the rater is certified.

926 ~~(8)(4)~~ "New building" means commercial occupancy buildings
927 permitted for construction after January 1, 1995, and
928 residential occupancy buildings permitted for construction after
929 January 1, 1994.

930 ~~(9)(5)~~ "Public building" means a building comfort-
931 conditioned for occupancy that is owned or leased by the state,
932 a state agency, or a governmental subdivision, including, but
933 not limited to, a city, county, or school district.

934 Section 28. Section 553.994, Florida Statutes, is amended
935 to read:

936 553.994 Applicability.—Building energy-efficiency ~~The~~
937 rating systems ~~system shall~~ apply to all public, commercial, and
938 residential buildings in the state.

939 Section 29. Section 553.995, Florida Statutes, is amended
940 to read:

941 553.995 Energy-efficiency ratings for buildings.—

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

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

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

948 ~~(b)(e)~~ Be compatible with standard federal rating systems
949 and state building codes and standards, where applicable, and
950 shall satisfy the requirements of s. 553.9085 with respect to
951 residential buildings and s. 255.256 with respect to state
952 buildings.



ENROLLED

CS/CS/HB 269, Engrossed 1

2013 Legislature

953 | ~~(c)(2) The energy efficiency rating system adopted by the~~
954 | ~~department shall~~ Provide a means of analyzing ~~and comparing~~ the
955 | relative energy efficiency of buildings upon the sale of new or
956 | existing residential, public, or commercial buildings.

957 | ~~(3) The department shall establish a voluntary working~~
958 | ~~group of persons interested in the energy efficiency rating~~
959 | ~~system or energy efficiency, including, but not limited to, such~~
960 | ~~persons as electrical engineers, mechanical engineers,~~
961 | ~~architects, public utilities, and builders. The interest group~~
962 | ~~shall advise the department in the development of the energy-~~
963 | ~~efficiency rating system and shall assist the department in the~~
964 | ~~implementation of the rating system by coordinating educational~~
965 | ~~programs for designers, builders, businesses, and other~~
966 | ~~interested persons to assist compliance and to facilitate~~
967 | ~~incorporation of the rating system into existing practices.~~

968 | ~~(2)(a)(4) The department shall develop a training and~~
969 | ~~certification program to certify raters. In addition to the~~
970 | ~~department,~~ Ratings may be conducted by a ~~any~~ local government
971 | or private entity if, ~~provided that~~ the appropriate persons have
972 | completed the necessary training established by the applicable
973 | building energy-efficiency rating system ~~and have been certified~~
974 | ~~by the department.~~

975 | (b) The Department of Management Services shall rate
976 | state-owned or state-leased buildings if, ~~provided that~~ the
977 | appropriate persons have completed the necessary training
978 | established by the applicable building energy-efficiency rating
979 | system ~~and have been certified by the Department of Business and~~
980 | ~~Professional Regulation.~~



ENROLLED
 CS/CS/HB 269, Engrossed 1

2013 Legislature

981 (c) A state agency that ~~which~~ has building construction
 982 regulation authority may rate its own buildings and those it is
 983 responsible for, if the appropriate persons have completed the
 984 necessary training established by the applicable building
 985 energy-efficiency rating system ~~and have been certified by the~~
 986 ~~Department of Business and Professional Regulation. The~~
 987 ~~Department of Business and Professional Regulation may charge a~~
 988 ~~fee not to exceed the costs for the training and certification~~
 989 ~~of raters. The department shall by rule set the appropriate~~
 990 ~~charges for raters to charge for energy ratings, not to exceed~~
 991 ~~the actual costs.~~

992 Section 30. Section 553.996, Florida Statutes, is amended
 993 to read:

994 553.996 Energy-efficiency information provided by building
 995 energy-efficiency rating systems providers brochure.—A
 996 prospective purchaser of real property with a building for
 997 occupancy located thereon shall be provided ~~with a copy of an~~
 998 ~~information brochure~~, at the time of or before ~~prior to~~ the
 999 purchaser's execution of the contract for sale and purchase
 1000 which notifies, ~~notifying~~ the purchaser of the option for an
 1001 energy-efficiency rating on the building. Building energy-
 1002 efficiency rating system providers identified in this part shall
 1003 prepare such information and make it available for distribution
 1004 ~~Such brochure shall be prepared, made available for~~
 1005 ~~distribution, and provided at no cost by the department. Such~~
 1006 ~~brochure shall contain~~ information relevant to that class of
 1007 building must include, ~~including~~, but need not be limited to:

1008 (1) How to analyze the building's energy-efficiency



ENROLLED
CS/CS/HB 269, Engrossed 1

2013 Legislature

1009 rating.
1010 (2) Comparisons to statewide averages for new and existing
1011 construction of that class.

1012 (3) Information concerning methods to improve the
1013 building's energy-efficiency rating.

1014 (4) A notice to residential purchasers that the energy-
1015 efficiency rating may qualify the purchaser for an energy-
1016 efficient mortgage from lending institutions.

1017 Section 31. Subsection (2) of section 553.997, Florida
1018 Statutes, is amended to read:

1019 553.997 Public buildings.—

1020 (2) ~~The department, together with other~~ State agencies
1021 having building construction and maintenance responsibilities,
1022 shall make available energy-efficiency practices information to
1023 be used by individuals involved in the design, construction,
1024 retrofitting, and maintenance of buildings for state and local
1025 governments.

1026 Section 32. Section 553.998, Florida Statutes, is amended
1027 to read:

1028 553.998 Compliance.—All ratings must ~~shall~~ be determined
1029 using tools and procedures developed by the systems recognized
1030 under this part ~~adopted by the department by rule in accordance~~
1031 ~~with chapter 120~~ and must ~~shall~~ be certified by the rater as
1032 accurate and correct and in compliance with procedures of the
1033 system under which the rater is certified ~~adopted by the~~
1034 ~~department by rule in accordance with chapter 120.~~

1035 Section 33. Except as otherwise explicitly stated
1036 elsewhere, this act shall take effect July 1, 2013.