



1 A bill to be entitled

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;



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;



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



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



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



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



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



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





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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.



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



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



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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



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



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:



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.~~



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,





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



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:



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:



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



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



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.



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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:



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





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



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



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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.



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.



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



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



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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



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





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.



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.~~



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



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.