



465200

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2013	.	
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The Committee on Community Affairs (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 459 - 535
and insert:

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

553.992 Adoption of rating system criteria.—The Department of Business and Professional Regulation shall adopt, update, ~~and~~ maintain, and administer a statewide criteria for a uniform building energy-efficiency rating system to implement the provisions of this part and amendments thereto in accordance with the procedures of chapter 120 and shall, upon the request



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13 of any builder, designer, rater, or owner of a building, issue
14 nonbinding interpretations, clarifications, and opinions
15 concerning the application and use of the building energy-
16 efficiency ~~energy~~ rating system under rules that the department
17 adopts in accordance with chapter 120. Department rules must
18 prohibit a sole provider from conducting functions relating to
19 the building energy-efficiency rating system, including energy
20 rating, energy testing, certification of energy raters, and
21 training.

22 Section 17. Section 553.993, Florida Statutes, is amended
23 to read:

24 553.993 Definitions.—For purposes of this part:

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

27 (2) "Builder" means the primary contractor who possesses
28 the requisite skill, knowledge, and experience, and has the
29 responsibility, to supervise, direct, manage, and control the
30 contracting activities of the business organization with which
31 she or he is connected and who has the responsibility to
32 supervise, direct, manage, and control the construction work on
33 a job for which she or he has obtained the building permit.
34 Construction work includes, but is not limited to, foundation,
35 framing, wiring, plumbing, and finishing work.

36 (3) "Building energy-efficiency rating system" means a
37 whole building energy evaluation system established by the
38 Residential Energy Services Network, the Commercial Energy
39 Services Network, the Building Performance Institute, or the
40 Florida Solar Energy Center, or a nationally recognized rating
41 system approved by the department.



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42 (4)~~(3)~~ "Designer" means the architect, engineer, landscape
43 architect, builder, interior designer, or other person who
44 performs the actual design work or under whose direct
45 supervision and responsible charge the construction documents
46 are prepared.

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

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

55 (7) "Energy rater" means an individual certified by this
56 state to perform building energy-efficiency ratings for the
57 building type and in the rating class for which the rater is
58 certified.

59 (8)~~(4)~~ "New building" means commercial occupancy buildings
60 permitted for construction after January 1, 1995, and
61 residential occupancy buildings permitted for construction after
62 January 1, 1994.

63 (9)~~(5)~~ "Public building" means a building comfort-
64 conditioned for occupancy that is owned or leased by the state,
65 a state agency, or a governmental subdivision, including, but
66 not limited to, a city, county, or school district.

67 Section 18. Section 553.995, Florida Statutes, is amended
68 to read:

69 553.995 Energy-efficiency ratings for buildings.-

70 (1) The building energy-efficiency rating system must ~~shall~~



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71 at a minimum:

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

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

76 ~~(b)(c)~~ Be compatible with standard federal rating systems
77 and state building codes and standards, where applicable, and
78 shall satisfy the requirements of s. 553.9085 with respect to
79 residential buildings and s. 255.256 with respect to state
80 buildings.

81 (2) Building ~~The~~ energy-efficiency rating systems ~~system~~
82 adopted by the department must ~~shall~~ provide a means of
83 analyzing ~~and comparing~~ the relative energy efficiency of
84 buildings upon the sale of new or existing residential, public,
85 or commercial buildings.

86 (3) The department shall establish a voluntary working
87 group of persons interested in the building energy-efficiency
88 rating system or energy efficiency, including, but not limited
89 to, such persons as electrical engineers, mechanical engineers,
90 architects, public utilities, energy raters, and builders. The
91 interest group shall advise the department in the adoption,
92 administration, and oversight ~~development~~ of the building
93 energy-efficiency rating system ~~and shall assist the department~~
94 ~~in the implementation of the rating system by coordinating~~
95 ~~educational programs for designers, builders, businesses, and~~
96 ~~other interested persons to assist compliance and to facilitate~~
97 ~~incorporation of the rating system into existing practices.~~

98 (4) The department shall approve ~~develop~~ a training and
99 certification program to certify raters. In addition to the



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100 department, ratings may be conducted by any local government or
101 private entity, provided that the appropriate persons have
102 completed the necessary training and have been certified by the
103 department. The Department of Management Services shall rate
104 state-owned or state-leased buildings, if ~~provided that~~ the
105 appropriate persons have completed the necessary training and
106 have been certified by the Department of Business and
107 Professional Regulation. A state agency that ~~which~~ has building
108 construction regulation authority may rate its own buildings and
109 those it is responsible for, if the appropriate persons have
110 completed the necessary training and have been certified by the
111 Department of Business and Professional Regulation. The
112 Department of Business and Professional Regulation may charge a
113 fee not to exceed the costs for the training and certification
114 of raters. The department shall by rule set the appropriate
115 charges for raters to charge for energy ratings, not to exceed
116 the actual costs.

117
118 ===== T I T L E A M E N D M E N T =====

119 And the title is amended as follows:

120 Delete lines 51 - 52

121 and insert:

122 553.993, F.S.; providing definitions; amending