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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2013	.	
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The Committee on Regulated Industries (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete lines 749 - 870
and insert:

Section 19. Section 553.991, Florida Statutes, is amended to read:

553.991 Purpose.—The purpose of this part is to identify systems ~~provide for a statewide uniform system~~ for rating the energy efficiency of buildings. It is in the interest of the state to encourage the consideration of ~~the~~ energy-efficiency rating systems ~~system~~ in the market so as to provide market rewards for energy-efficient buildings and to those persons or



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13 companies designing, building, or selling energy-efficient
14 buildings.

15 Section 20. Section 553.992, Florida Statutes, is repealed.

16 Section 21. Section 553.993, Florida Statutes, is amended
17 to read:

18 553.993 Definitions.—For purposes of this part:

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

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

30 (3) "Building energy-efficiency rating system" means a
31 whole building energy evaluation system established by the
32 Residential Energy Services Network, the Commercial Energy
33 Services Network, the Building Performance Institute, or the
34 Florida Solar Energy Center.

35 (4) ~~(3)~~ "Designer" means the architect, engineer, landscape
36 architect, builder, interior designer, or other person who
37 performs the actual design work or under whose direct
38 supervision and responsible charge the construction documents
39 are prepared.

40 (5) "Energy auditor" means a trained and certified
41 professional who conducts energy evaluations of an existing



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42 building and uses tools to identify the building's current
43 energy usage and the condition of the building and equipment.

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

48 (7) "Energy rater" means an individual certified by a
49 building energy-efficiency rating system to perform building
50 energy-efficiency ratings for the 810 building type and in the
51 rating class for which the rater is certified.

52 (8)~~(4)~~ "New building" means commercial occupancy buildings
53 permitted for construction after January 1, 1995, and
54 residential occupancy buildings permitted for construction after
55 January 1, 1994.

56 (9)~~(5)~~ "Public building" means a building comfort-
57 conditioned for occupancy that is owned or leased by the state,
58 a state agency, or a governmental subdivision, including, but
59 not limited to, a city, county, or school district.

60 Section 22. Section 553.994, Florida Statutes, is amended
61 to read:

62 553.994 Applicability.—Building energy-efficiency ~~The~~
63 rating systems ~~system shall~~ apply to all public, commercial, and
64 residential buildings in the state.

65 Section 23. Section 553.995, Florida Statutes, is amended
66 to read:

67 553.995 Energy-efficiency ratings for buildings.—

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

70 ~~(a) Provide a uniform rating scale of the efficiency of~~



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71 ~~buildings based on annual energy usage.~~

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

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

79 ~~(c)(2)~~ ~~The energy-efficiency rating system adopted by the~~
80 ~~department shall~~ Provide a means of analyzing and comparing the
81 relative energy efficiency of buildings upon the sale of new or
82 existing residential, public, or commercial buildings.

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

94 ~~(2)(a)(4)~~ ~~The department shall develop a training and~~
95 ~~certification program to certify raters. In addition to the~~
96 ~~department,~~ Ratings may be conducted by a any local government
97 or private entity if, ~~provided that~~ the appropriate persons have
98 completed the necessary training established by the applicable
99 building energy-efficiency rating system ~~and have been certified~~



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100 ~~by the department.~~

101 **(b)** The Department of Management Services shall rate state-
102 owned or state-leased buildings if, ~~provided that~~ the
103 appropriate persons have completed the necessary training
104 established by the applicable building energy-efficiency rating
105 system and ~~have been certified by the Department of Business and~~
106 ~~Professional Regulation.~~

107 **(c)** A state agency that ~~which~~ has building construction
108 regulation authority may rate its own buildings and those it is
109 responsible for, if the appropriate persons have completed the
110 necessary training established by the applicable building
111 energy-efficiency rating system and ~~have been certified by the~~
112 ~~Department of Business and Professional Regulation. The~~
113 ~~Department of Business and Professional Regulation may charge a~~
114 ~~fee not to exceed the costs for the training and certification~~
115 ~~of raters. The department shall by rule set the appropriate~~
116 ~~charges for raters to charge for energy ratings, not to exceed~~
117 ~~the actual costs.~~

118 Section 24. Section 553.996, Florida Statutes, is amended
119 to read:

120 553.996 Energy-efficiency information provided by building
121 energy-efficiency rating systems providers brochure.—A
122 prospective purchaser of real property with a building for
123 occupancy located thereon shall be provided ~~with a copy of an~~
124 information ~~brochure~~, at the time of or before ~~prior to~~ the
125 purchaser's execution of the contract for sale and purchase
126 which notifies, ~~notifying~~ the purchaser of the option for an
127 energy-efficiency rating on the building. Building energy-
128 efficiency rating system providers identified in this part shall



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129 prepare such information and make it available for distribution
130 ~~Such brochure shall be prepared, made available for~~
131 ~~distribution, and provided at no cost by the department.~~ Such
132 ~~brochure shall contain~~ information relevant to that class of
133 building must include, including, but need not be limited to:

134 (1) How to analyze the building's energy-efficiency rating.

135 (2) Comparisons to statewide averages for new and existing
136 construction of that class.

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

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

142 Section 25. Subsection (2) of section 553.997, Florida
143 Statutes, is amended to read:

144 553.997 Public buildings.—

145 (2) ~~The department, together with other~~ State agencies
146 having building construction and maintenance responsibilities,
147 shall make available energy-efficiency practices information to
148 be used by individuals involved in the design, construction,
149 retrofitting, and maintenance of buildings for state and local
150 governments.

151 Section 26. Section 553.998, Florida Statutes, is amended
152 to read:

153 553.998 Compliance.—All ratings must ~~shall~~ be determined
154 using tools and procedures developed by the systems recognized
155 under this part ~~adopted by the department by rule in accordance~~
156 ~~with chapter 120~~ and must ~~shall~~ be certified by the rater as
157 accurate and correct and in compliance with procedures of the



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158 system under which the rater is certified ~~adopted by the~~
159 ~~department by rule in accordance with chapter 120.~~

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161 ===== T I T L E A M E N D M E N T =====

162 And the title is amended as follows:

163 Delete lines 52 - 67

164 and insert:

165 Efficiency Rating Act; repealing s. 553.992, F.S.,
166 relating to the adoption of a rating system; amending
167 s. 553.993, F.S.; providing definitions; amending s.
168 553.994, F.S.; providing for the applicability of
169 building energy-efficiency rating systems; amending s.
170 553.995, F.S.; deleting a minimum requirement for the
171 building energy-efficiency rating systems; revising
172 language; deleting provisions relating to a certain
173 interest group; deleting provisions relating to the
174 Department of Business and Professional Regulation;
175 amending s. 553.996, F.S.; requiring building energy-
176 efficiency rating system providers to provide certain
177 information; amending s. 553.997, F.S.; deleting a
178 provision relating to the department; amending s.
179 553.998, F.S.; revising provisions relating to rating
180 compliance; providing