

By the Committee on Community Affairs; and Senator Simpson

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1 A bill to be entitled
2 An act relating to building construction; amending s.
3 162.12, F.S.; revising notice requirements in the
4 Local Government Code Enforcement Boards Act; amending
5 s. 381.0065, F.S.; specifying that certain actions
6 relating to onsite sewage treatment and removal are
7 not required if a bedroom is not added during a
8 remodeling addition or modification to a single-family
9 home; prohibiting a remodeling addition or
10 modification from certain coverage or encroachment;
11 authorizing a local health board to review specific
12 plans; requiring a review to be completed within a
13 specific time period after receipt of specific plans;
14 amending s. 489.105, F.S.; revising a definition;
15 amending s. 489.127, F.S.; revising civil penalties;
16 authorizing a local building department to retain 75
17 percent of certain fines collected if it transmits 25
18 percent to the Department of Business and Professional
19 Regulation; amending s. 489.131, F.S.; deleting
20 legislative intent referring to a local agency's
21 enforcement of regulatory laws; deleting the
22 definitions of "minor violation" and "notice of
23 noncompliance"; deleting provisions that provide for
24 what a notice of noncompliance should or should not
25 include; deleting a provision that provides for
26 further disciplinary proceedings for certain
27 licensees; amending s. 489.514, F.S.; extending the
28 date by which an applicant must make application for a
29 license to be grandfathered; amending s. 489.531,

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30 F.S.; revising a maximum civil penalty; amending s.
31 553.73, F.S.; prohibiting any provision of the
32 International Residential Code relating to mandated
33 fire sprinklers from incorporation into the Florida
34 Building Code; amending s. 553.74, F.S.; revising
35 membership of the Florida Building Commission;
36 amending s. 553.79, F.S.; authorizing a site plan to
37 be maintained at the worksite as an electronic copy;
38 requiring the copy to be open to inspection by certain
39 officials; amending s. 553.842, F.S.; requiring an
40 application for state approval of a certain product to
41 be approved by the department after the application
42 and related documentation are complete; amending ss.
43 553.901, 553.902, 553.903, 553.904, 553.905, and
44 553.906, F.S.; requiring the Florida Building
45 Commission to adopt the Florida Building Code-Energy
46 Conservation; conforming subsequent sections of the
47 thermal efficiency code; amending s. 553.912, F.S.;
48 providing that certain existing heating and cooling
49 equipment is not required to meet the minimum
50 equipment efficiencies; amending s. 553.991, F.S.;
51 revising the purpose of the Florida Building Energy-
52 Efficiency Rating Act; amending s. 553.992, F.S.;
53 requiring the department to administer statewide
54 criteria for building energy-efficiency rating
55 systems; requiring department rules to prohibit a sole
56 provider from conducting functions relating to the
57 building energy-efficiency rating system; amending s.
58 553.993, F.S.; providing definitions; amending s.

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59 553.995, F.S.; deleting a minimum requirement for the
60 building energy-efficiency rating system; revising
61 language; requiring the interest group to advise the
62 department in the adoption and administration of the
63 system; deleting a provision that requires the
64 interest group to assist in the implementation of the
65 system by performing certain acts; requiring the
66 department to approve, rather than develop, a training
67 and certification program to certify raters; providing
68 an effective date.

69
70 Be It Enacted by the Legislature of the State of Florida:

71
72 Section 1. Section 162.12, Florida Statutes, is amended to
73 read:

74 162.12 Notices.—

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

77 (a) Certified mail, return receipt requested, to the
78 address listed in the tax collector's office for tax notices, or
79 to the address listed in the county property appraiser's
80 database. The local government may also provide an additional
81 notice to any other address it may find for ~~provided by the~~
82 ~~property owner in writing to the local government for the~~
83 ~~purpose of receiving notices.~~ For property owned by a
84 corporation, notices may be provided by certified mail to the
85 registered agent of the corporation. If any notice sent by
86 certified mail is not signed as received within 30 days after
87 the postmarked date of mailing, notice may be provided by

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88 posting as described in subparagraphs (2)(b)1. and 2.;

89 (b) Hand delivery by the sheriff or other law enforcement
90 officer, code inspector, or other person designated by the local
91 governing body;

92 (c) Leaving the notice at the violator's usual place of
93 residence with any person residing therein who is above 15 years
94 of age and informing such person of the contents of the notice;
95 or

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

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

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

108 2. Proof of publication shall be made as provided in ss.
109 50.041 and 50.051.

110 (b)1. In lieu of publication as described in paragraph (a),
111 such notice may be posted at least 10 days prior to the hearing,
112 or prior to the expiration of any deadline contained in the
113 notice, in at least two locations, one of which shall be the
114 property upon which the violation is alleged to exist and the
115 other of which shall be, in the case of municipalities, at the
116 primary municipal government office, and in the case of

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117 counties, at the front door of the courthouse or the main county
118 governmental center in said county.

119 2. Proof of posting shall be by affidavit of the person
120 posting the notice, which affidavit shall include a copy of the
121 notice posted and the date and places of its posting.

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

125

126 Evidence that an attempt has been made to hand deliver or mail
127 notice as provided in subsection (1), together with proof of
128 publication or posting as provided in subsection (2), shall be
129 sufficient to show that the notice requirements of this part
130 have been met, without regard to whether or not the alleged
131 violator actually received such notice.

132 Section 2. Paragraph (aa) of subsection (4) of section
133 381.0065, Florida Statutes, is amended to read:

134 381.0065 Onsite sewage treatment and disposal systems;
135 regulation.—

136 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
137 construct, repair, modify, abandon, or operate an onsite sewage
138 treatment and disposal system without first obtaining a permit
139 approved by the department. The department may issue permits to
140 carry out this section, but shall not make the issuance of such
141 permits contingent upon prior approval by the Department of
142 Environmental Protection, except that the issuance of a permit
143 for work seaward of the coastal construction control line
144 established under s. 161.053 shall be contingent upon receipt of
145 any required coastal construction control line permit from the

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146 Department of Environmental Protection. A construction permit is
147 valid for 18 months from the issuance date and may be extended
148 by the department for one 90-day period under rules adopted by
149 the department. A repair permit is valid for 90 days from the
150 date of issuance. An operating permit must be obtained prior to
151 the use of any aerobic treatment unit or if the establishment
152 generates commercial waste. Buildings or establishments that use
153 an aerobic treatment unit or generate commercial waste shall be
154 inspected by the department at least annually to assure
155 compliance with the terms of the operating permit. The operating
156 permit for a commercial wastewater system is valid for 1 year
157 from the date of issuance and must be renewed annually. The
158 operating permit for an aerobic treatment unit is valid for 2
159 years from the date of issuance and must be renewed every 2
160 years. If all information pertaining to the siting, location,
161 and installation conditions or repair of an onsite sewage
162 treatment and disposal system remains the same, a construction
163 or repair permit for the onsite sewage treatment and disposal
164 system may be transferred to another person, if the transferee
165 files, within 60 days after the transfer of ownership, an
166 amended application providing all corrected information and
167 proof of ownership of the property. There is no fee associated
168 with the processing of this supplemental information. A person
169 may not contract to construct, modify, alter, repair, service,
170 abandon, or maintain any portion of an onsite sewage treatment
171 and disposal system without being registered under part III of
172 chapter 489. A property owner who personally performs
173 construction, maintenance, or repairs to a system serving his or
174 her own owner-occupied single-family residence is exempt from

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175 registration requirements for performing such construction,
176 maintenance, or repairs on that residence, but is subject to all
177 permitting requirements. A municipality or political subdivision
178 of the state may not issue a building or plumbing permit for any
179 building that requires the use of an onsite sewage treatment and
180 disposal system unless the owner or builder has received a
181 construction permit for such system from the department. A
182 building or structure may not be occupied and a municipality,
183 political subdivision, or any state or federal agency may not
184 authorize occupancy until the department approves the final
185 installation of the onsite sewage treatment and disposal system.
186 A municipality or political subdivision of the state may not
187 approve any change in occupancy or tenancy of a building that
188 uses an onsite sewage treatment and disposal system until the
189 department has reviewed the use of the system with the proposed
190 change, approved the change, and amended the operating permit.

191 (aa) An existing-system inspection or evaluation, a
192 modification, replacement, or upgrade of an onsite sewage
193 treatment and disposal system, or a pump-out of an existing tank
194 is not required for a remodeling addition or modification to a
195 single-family home if a bedroom is not added. However, a
196 remodeling addition or modification may not cover any part of
197 the system or encroach upon a required setback or the
198 unobstructed area. The local health department may review a
199 floor plan and site plan that show the distance of the
200 remodeling addition or modification from the system to determine
201 if a setback or unobstructed area is impacted. The review shall
202 be completed within 5 business days after receipt of an adequate
203 floor plan and site plan.

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204 Section 3. Paragraph (m) of subsection (3) of section
205 489.105, Florida Statutes, is amended to read:

206 489.105 Definitions.—As used in this part:

207 (3) "Contractor" means the person who is qualified for, and
208 is only responsible for, the project contracted for and means,
209 except as exempted in this part, the person who, for
210 compensation, undertakes to, submits a bid to, or does himself
211 or herself or by others construct, repair, alter, remodel, add
212 to, demolish, subtract from, or improve any building or
213 structure, including related improvements to real estate, for
214 others or for resale to others; and whose job scope is
215 substantially similar to the job scope described in one of the
216 paragraphs of this subsection. For the purposes of regulation
217 under this part, the term "demolish" applies only to demolition
218 of steel tanks more than 50 feet in height; towers more than 50
219 feet in height; other structures more than 50 feet in height;
220 and all buildings or residences. Contractors are subdivided into
221 two divisions, Division I, consisting of those contractors
222 defined in paragraphs (a)-(c), and Division II, consisting of
223 those contractors defined in paragraphs (d)-(q):

224 (m) "Plumbing contractor" means a contractor whose services
225 are unlimited in the plumbing trade and includes contracting
226 business consisting of the execution of contracts requiring the
227 experience, financial means, knowledge, and skill to install,
228 maintain, repair, alter, extend, or, if not prohibited by law,
229 design plumbing. A plumbing contractor may install, maintain,
230 repair, alter, extend, or, if not prohibited by law, design the
231 following without obtaining an additional local regulatory
232 license, certificate, or registration: sanitary drainage or

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233 storm drainage facilities, water and sewer plants and
234 substations, venting systems, public or private water supply
235 systems, septic tanks, drainage and supply wells, swimming pool
236 piping, irrigation systems, and solar heating water systems and
237 all appurtenances, apparatus, or equipment used in connection
238 therewith, including boilers and pressure process piping and
239 including the installation of water, natural gas, liquefied
240 petroleum gas and related venting, and storm and sanitary sewer
241 lines. The scope of work of the plumbing contractor also
242 includes the design, if not prohibited by law, and installation,
243 maintenance, repair, alteration, or extension of air-piping,
244 vacuum line piping, oxygen line piping, nitrous oxide piping,
245 and all related medical gas systems; fire line standpipes and
246 fire sprinklers if authorized by law; ink and chemical lines;
247 fuel oil and gasoline piping and tank and pump installation,
248 except bulk storage plants; and pneumatic control piping
249 systems, all in a manner that complies with all plans,
250 specifications, codes, laws, and regulations applicable. The
251 scope of work of the plumbing contractor applies to private
252 property and public property, including any excavation work
253 incidental thereto, and includes the work of the specialty
254 plumbing contractor. Such contractor shall subcontract, with a
255 qualified contractor in the field concerned, all other work
256 incidental to the work but which is specified as being the work
257 of a trade other than that of a plumbing contractor. This
258 definition does not limit the scope of work of any specialty
259 contractor certified pursuant to s. 489.113(6), and does not
260 require certification or registration under this part of a
261 person licensed under chapter 527 or any authorized employee of

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262 a public natural gas utility or of a private natural gas utility
263 regulated by the Public Service Commission when disconnecting
264 and reconnecting water lines in the servicing or replacement of
265 an existing water heater. A plumbing contractor may perform
266 drain cleaning and clearing and install or repair rainwater
267 catchment systems; however, a mandatory licensing requirement is
268 not established for the performance of these specific services.

269 Section 4. Paragraphs (c) and (f) of subsection (5) and
270 subsection (6) of section 489.127, Florida Statutes, are amended
271 to read:

272 489.127 Prohibitions; penalties.—

273 (5) Each county or municipality may, at its option,
274 designate one or more of its code enforcement officers, as
275 defined in chapter 162, to enforce, as set out in this
276 subsection, the provisions of subsection (1) and s. 489.132(1)
277 against persons who engage in activity for which a county or
278 municipal certificate of competency or license or state
279 certification or registration is required.

280 (c) The local governing body of the county or municipality
281 may ~~is authorized to~~ enforce codes and ordinances against
282 unlicensed contractors under the provisions of this subsection
283 and may enact an ordinance establishing procedures for
284 implementing this subsection, including a schedule of penalties
285 to be assessed by the code enforcement officer. The maximum
286 civil penalty which may be levied may ~~shall~~ not exceed \$2,000
287 ~~\$500~~. Moneys collected pursuant to this subsection shall be
288 retained locally, as provided for by local ordinance, and may be
289 set aside in a specific fund to support future enforcement
290 activities against unlicensed contractors.

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291 (f) If the enforcement or licensing board or designated
292 special magistrate finds that a violation exists, the
293 enforcement or licensing board or designated special magistrate
294 may order the violator to pay a civil penalty of not less than
295 the amount set forth on the citation but not more than \$1,500
296 ~~\$1,000~~ per day for each violation. In determining the amount of
297 the penalty, the enforcement or licensing board or designated
298 special magistrate shall consider the following factors:

299 1. The gravity of the violation.

300 2. Any actions taken by the violator to correct the
301 violation.

302 3. Any previous violations committed by the violator.

303 (6) Local building departments may collect outstanding
304 fines against registered or certified contractors issued by the
305 Construction Industry Licensing Board and may retain 75 ~~25~~
306 percent of the fines they are able to collect, provided that
307 they transmit 25 ~~75~~ percent of the fines they are able to
308 collect to the department according to a procedure to be
309 determined by the department.

310 Section 5. Paragraph (a) of subsection (7) of section
311 489.131, Florida Statutes, is amended to read:

312 489.131 Applicability.—

313 (7) (a) It is the policy of the state that the purpose of
314 regulation is to protect the public by attaining compliance with
315 the policies established in law. Fines and other penalties are
316 provided in order to ensure compliance; ~~however, the collection~~
317 ~~of fines and the imposition of penalties are intended to be~~
318 ~~secondary to the primary goal of attaining compliance with state~~
319 ~~laws and local jurisdiction ordinances. It is the intent of the~~

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320 ~~Legislature that a local jurisdiction agency charged with~~
321 ~~enforcing regulatory laws shall issue a notice of noncompliance~~
322 ~~as its first response to a minor violation of a regulatory law~~
323 ~~in any instance in which it is reasonable to assume that the~~
324 ~~violator was unaware of such a law or unclear as to how to~~
325 ~~comply with it. A violation of a regulatory law is a "minor~~
326 ~~violation" if it does not result in economic or physical harm to~~
327 ~~a person or adversely affect the public health, safety, or~~
328 ~~welfare or create a significant threat of such harm. A "notice~~
329 ~~of noncompliance" is a notification by the local jurisdiction~~
330 ~~agency charged with enforcing the ordinance, which is issued to~~
331 ~~the licensee that is subject to the ordinance. A notice of~~
332 ~~noncompliance should not be accompanied with a fine or other~~
333 ~~disciplinary penalty. It should identify the specific ordinance~~
334 ~~that is being violated, provide information on how to comply~~
335 ~~with the ordinance, and specify a reasonable time for the~~
336 ~~violator to comply with the ordinance. Failure of a licensee to~~
337 ~~take action correcting the violation within a set period of time~~
338 ~~would then result in the institution of further disciplinary~~
339 ~~proceedings.~~

340 Section 6. Section 489.514, Florida Statutes, is amended to
341 read:

342 489.514 Certification for registered contractors;
343 grandfathering provisions.—

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

347 (a) To an applying registered electrical contractor, a
348 certificate as an electrical contractor, as defined in s.

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349 489.505(12); ~~or~~

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

353 (c) To an applying registered electrical specialty
354 contractor, a certificate in the matching electrical specialty
355 contractor category, as defined in s. 489.505(19).

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

359 (a) Currently holds a valid registered local license in the
360 category of electrical contractor, alarm system contractor, or
361 electrical specialty contractor.

362 (b) Has, for that category, passed a written, proctored
363 examination that the board finds to be substantially similar to
364 the examination required to be licensed as a certified
365 contractor under this part. For purposes of this subsection, a
366 written, proctored examination such as that produced by the
367 National Assessment Institute, Block and Associates, NAI/Block,
368 Experior Assessments, Professional Testing, Inc., or Assessment
369 Systems, Inc., shall be considered to be substantially similar
370 to the examination required to be licensed as a certified
371 contractor. The board may not impose or make any requirements
372 regarding the nature or content of these cited examinations.

373 (c) Has at least 5 years of experience as a contractor in
374 that contracting category, or as an inspector or building
375 administrator with oversight over that category, at the time of
376 application. For contractors, only time periods in which the
377 contractor license is active and the contractor is not on

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378 probation ~~shall~~ count toward the 5 years required under this
379 subsection.

380 (d) Has not had his or her contractor's license revoked at
381 any time, had his or her contractor's license suspended in the
382 last 5 years, or been assessed a fine in excess of \$500 in the
383 last 5 years.

384 (e) Is in compliance with the insurance and financial
385 responsibility requirements in s. 489.515(1)(b).

386 (3) An applicant must make application by November 1, 2015
387 ~~2004~~, to be licensed pursuant to this section.

388 Section 7. Paragraph (c) of subsection (4) of section
389 489.531, Florida Statutes, is amended to read:

390 489.531 Prohibitions; penalties.—

391 (4) Each county or municipality may, at its option,
392 designate one or more of its code enforcement officers, as
393 defined in chapter 162, to enforce, as set out in this
394 subsection, the provisions of subsection (1) against persons who
395 engage in activity for which county or municipal certification
396 is required.

397 (c) The local governing body of the county or municipality
398 may ~~is authorized to~~ enforce codes and ordinances against
399 unlicensed contractors under the provisions of this section and
400 may enact an ordinance establishing procedures for implementing
401 this section, including a schedule of penalties to be assessed
402 by the code enforcement officers. The maximum civil penalty
403 which may be levied may ~~shall~~ not exceed \$2,000 ~~\$500~~. Moneys
404 collected pursuant to this section shall be retained locally as
405 provided for by local ordinance and may be set aside in a
406 specific fund to support future enforcement activities against

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407 unlicensed contractors.

408 Section 8. Subsection (17) of section 553.73, Florida
409 Statutes, is amended to read:

410 553.73 Florida Building Code.—

411 (17) A provision ~~The provisions of section R313 of the most~~
412 ~~current version~~ of the International Residential Code relating
413 to mandated fire sprinklers may not be incorporated into the
414 Florida Building Code as adopted by the Florida Building
415 Commission and may not be adopted as a local amendment to the
416 Florida Building Code. This subsection does not prohibit the
417 application of cost-saving incentives for residential fire
418 sprinklers that are authorized in the International Residential
419 Code upon a mutual agreement between the builder and the code
420 official. This subsection does not apply to a local government
421 that has a lawfully adopted ordinance relating to fire
422 sprinklers which has been in effect since January 1, 2010.

423 Section 9. Subsection (1) of section 553.74, Florida
424 Statutes, is amended to read:

425 553.74 Florida Building Commission.—

426 (1) The Florida Building Commission is created and located
427 within the Department of Business and Professional Regulation
428 for administrative purposes. Members are ~~shall be~~ appointed by
429 the Governor subject to confirmation by the Senate. The
430 commission is ~~shall be~~ composed of 26 ~~25~~ members, consisting of
431 the following:

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

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436 (b) One structural engineer registered to practice in this
437 state and actively engaged in the profession. The Florida
438 Engineering Society is encouraged to recommend a list of
439 candidates for consideration.

440 (c) One air-conditioning or mechanical contractor certified
441 to do business in this state and actively engaged in the
442 profession. The Florida Air Conditioning Contractors
443 Association, the Florida Refrigeration and Air Conditioning
444 Contractors Association, and the Mechanical Contractors
445 Association of Florida are encouraged to recommend a list of
446 candidates for consideration.

447 (d) One electrical contractor certified to do business in
448 this state and actively engaged in the profession. The Florida
449 Electrical Contractors Association and the National Electrical
450 Contractors Association, Florida Chapter, are encouraged to
451 recommend a list of candidates for consideration.

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

457 (f) One general contractor certified to do business in this
458 state and actively engaged in the profession. The Associated
459 Builders and Contractors of Florida, the Florida Associated
460 General Contractors Council, and the Union Contractors
461 Association are encouraged to recommend a list of candidates for
462 consideration.

463 (g) One plumbing contractor licensed to do business in this
464 state and actively engaged in the profession. The Florida

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465 Association of Plumbing, Heating, and Cooling Contractors is
466 encouraged to recommend a list of candidates for consideration.

467 (h) One roofing or sheet metal contractor certified to do
468 business in this state and actively engaged in the profession.
469 The Florida Roofing, Sheet Metal, and Air Conditioning
470 Contractors Association and the Sheet Metal and Air Conditioning
471 Contractors National Association are encouraged to recommend a
472 list of candidates for consideration.

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

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

482 (k) One member who represents the Department of Financial
483 Services.

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

487 (m) One member of a Florida-based organization of persons
488 with disabilities or a nationally chartered organization of
489 persons with disabilities with chapters in this state.

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

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

498 (p) One member who is a representative of a municipality or
499 a charter county. The Florida League of Cities and the Florida
500 Association of Counties are encouraged to recommend a list of
501 candidates for consideration.

502 (q) One member of the building products manufacturing
503 industry who is authorized to do business in this state and is
504 actively engaged in the industry. The Florida Building Material
505 Association, the Florida Concrete and Products Association, and
506 the Fenestration Manufacturers Association are encouraged to
507 recommend a list of candidates for consideration.

508 (r) One member who is a representative of the building
509 owners and managers industry who is actively engaged in
510 commercial building ownership or management. The Building Owners
511 and Managers Association is encouraged to recommend a list of
512 candidates for consideration.

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

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

517 (u) One member who is a swimming pool contractor licensed
518 to do business in this state and actively engaged in the
519 profession. The Florida Swimming Pool Association and the United
520 Pool and Spa Association are encouraged to recommend a list of
521 candidates for consideration.

522 (v) One member who is a representative of the green

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523 building industry and who is a third-party commission agent, a
524 Florida board member of the United States Green Building Council
525 or Green Building Initiative, a professional who is accredited
526 under the International Green Construction Code (IGCC), or a
527 professional who is accredited under Leadership in Energy and
528 Environmental Design (LEED).

529 (w) One member who is a representative of a natural gas
530 distribution system and who is actively engaged in the
531 distribution of natural gas in this state. The Florida Natural
532 Gas Association is encouraged to recommend a list of candidates
533 for consideration.

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

535

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

540 Section 10. Subsection (18) is added to section 553.79,
541 Florida Statutes, to read:

542 553.79 Permits; applications; issuance; inspections.—

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

548 Section 11. Paragraph (a) of subsection (5) of section
549 553.842, Florida Statutes, is amended to read:

550 553.842 Product evaluation and approval.—

551 (5) Statewide approval of products, methods, or systems of

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552 construction may be achieved by one of the following methods.
553 One of these methods must be used by the commission to approve
554 the following categories of products: panel walls, exterior
555 doors, roofing, skylights, windows, shutters, and structural
556 components as established by the commission by rule. A product
557 may not be advertised, sold, offered, provided, distributed, or
558 marketed as hurricane, windstorm, or impact protection from
559 wind-borne debris from a hurricane or windstorm unless it is
560 approved pursuant to this section or s. 553.8425. Any person who
561 advertises, sells, offers, provides, distributes, or markets a
562 product as hurricane, windstorm, or impact protection from wind-
563 borne debris without such approval is subject to the Florida
564 Deceptive and Unfair Trade Practices Act under part II of
565 chapter 501 brought by the enforcing authority as defined in s.
566 501.203.

567 (a) Products for which the code establishes standardized
568 testing or comparative or rational analysis methods shall be
569 approved by submittal and validation of one of the following
570 reports or listings indicating that the product or method or
571 system of construction was in compliance with the Florida
572 Building Code and that the product or method or system of
573 construction is, for the purpose intended, at least equivalent
574 to that required by the Florida Building Code:

- 575 1. A certification mark or listing of an approved
576 certification agency, which may be used only for products for
577 which the code designates standardized testing;
- 578 2. A test report from an approved testing laboratory;
- 579 3. A product evaluation report based upon testing or
580 comparative or rational analysis, or a combination thereof, from

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581 an approved product evaluation entity; or

582 4. A product evaluation report based upon testing or
583 comparative or rational analysis, or a combination thereof,
584 developed and signed and sealed by a professional engineer or
585 architect, licensed in this state.

586

587 A product evaluation report or a certification mark or listing
588 of an approved certification agency which demonstrates that the
589 product or method or system of construction complies with the
590 Florida Building Code for the purpose intended is equivalent to
591 a test report and test procedure referenced in the Florida
592 Building Code. An application for state approval of a product
593 under subparagraph 1. or 3. must be approved by the department
594 after the commission staff or a designee verifies that the
595 application and related documentation are complete. This
596 verification must be completed within 10 business days after
597 receipt of the application. Upon approval by the department, the
598 product shall be immediately added to the list of state-approved
599 products maintained under subsection (13). Approvals by the
600 department shall be reviewed and ratified by the commission's
601 program oversight committee except for a showing of good cause
602 that a review by the full commission is necessary. The
603 commission shall adopt rules providing means to cure
604 deficiencies identified within submittals for products approved
605 under this paragraph.

606 Section 12. Section 553.901, Florida Statutes, is amended
607 to read:

608 553.901 Purpose of thermal efficiency code.—The Department
609 of Business and Professional Regulation shall prepare a thermal

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610 efficiency code to provide for a statewide uniform standard for
 611 energy efficiency in the thermal design and operation of all
 612 buildings statewide, consistent with energy conservation goals,
 613 and to best provide for public safety, health, and general
 614 welfare. The Florida Building Commission shall adopt the Florida
 615 Building Code-Energy Conservation ~~Florida Energy Efficiency Code~~
 616 ~~for Building Construction within the Florida Building Code~~, and
 617 shall modify, revise, update, and maintain the code to implement
 618 the provisions of this thermal efficiency code and amendments
 619 thereto, in accordance with the procedures of chapter 120. The
 620 department shall, at least triennially, determine the most cost-
 621 effective energy-saving equipment and techniques available and
 622 report its determinations to the commission, which shall update
 623 the code to incorporate such equipment and techniques. The
 624 proposed changes shall be made available for public review and
 625 comment no later than 6 months before ~~prior to~~ code
 626 implementation. The term "cost-effective," as used in ~~for the~~
 627 ~~purposes of this part~~, means ~~shall be construed to mean~~ cost-
 628 effective to the consumer.

629 Section 13. Section 553.902, Florida Statutes, is reordered
 630 and amended to read:

631 553.902 Definitions.—As used in ~~For the purposes of this~~
 632 ~~part~~, the term:

633 (2) ~~(1)~~ "Exempted building" means:

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

637 (b) A ~~Any~~ building that ~~which~~ is neither heated nor cooled
 638 by a mechanical system designed to control or modify the indoor

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639 temperature and powered by electricity or fossil fuels.

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

642 (d) A ~~Any~~ historical building as described in s.
643 267.021(3).

644

645 The Florida Building Commission may recommend to the Legislature
646 additional types of buildings which should be exempted from
647 compliance with the Florida Building Code-Energy Conservation
648 ~~Florida Energy Efficiency Code for Building Construction~~.

649 (4) ~~(2)~~ "HVAC" means a system of heating, ventilating, and
650 air-conditioning.

651 (6) ~~(3)~~ "Renovated building" means a residential or
652 nonresidential building undergoing alteration that varies or
653 changes insulation, HVAC systems, water heating systems, or
654 exterior envelope conditions, if provided the estimated cost of
655 renovation exceeds 30 percent of the assessed value of the
656 structure.

657 (5) ~~(4)~~ "Local enforcement agency" means the agency of local
658 government which has the authority to make inspections of
659 buildings and to enforce the Florida Building Code. The term ~~it~~
660 includes any agency within the definition of s. 553.71(5).

661 (3) ~~(5)~~ "Exterior envelope physical characteristics" means
662 the physical nature of those elements of a building which
663 enclose conditioned spaces through which energy may be
664 transferred to or from the exterior.

665 (1) ~~(6)~~ "Energy performance level" means the indicator of
666 the energy-related performance of a building, including, but not
667 limited to, the levels of insulation, the amount and type of

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668 glass, and the HVAC and water heating system efficiencies.

669 Section 14. Section 553.903, Florida Statutes, is amended
670 to read:

671 553.903 Applicability.—This part applies ~~shall apply~~ to all
672 new and renovated buildings in the state, except exempted
673 buildings, for which building permits are obtained after March
674 15, 1979, and to the installation or replacement of building
675 systems and components with new products for which thermal
676 efficiency standards are set by the Florida Building Code-Energy
677 Conservation ~~Florida Energy Efficiency Code for Building~~
678 ~~Construction~~. The provisions of this part shall constitute a
679 statewide uniform code.

680 Section 15. Section 553.904, Florida Statutes, is amended
681 to read:

682 553.904 Thermal efficiency standards for new nonresidential
683 buildings.—Thermal designs and operations for new nonresidential
684 buildings for which building permits are obtained after March
685 15, 1979, must ~~shall~~ at a minimum take into account exterior
686 envelope physical characteristics, including thermal mass; HVAC,
687 service water heating, energy distribution, lighting, energy
688 managing, and auxiliary systems design and selection; and HVAC,
689 service water heating, energy distribution, lighting, energy
690 managing, and auxiliary equipment performance, and are ~~shall~~ not
691 ~~be~~ required to meet standards more stringent than the provisions
692 of the Florida Building Code-Energy Conservation ~~Florida Energy~~
693 ~~Efficiency Code for Building Construction~~.

694 Section 16. Section 553.905, Florida Statutes, is amended
695 to read:

696 553.905 Thermal efficiency standards for new residential

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697 buildings.—Thermal designs and operations for new residential
698 buildings for which building permits are obtained after March
699 15, 1979, must ~~shall~~ at a minimum take into account exterior
700 envelope physical characteristics, HVAC system selection and
701 configuration, HVAC equipment performance, and service water
702 heating design and equipment selection and are ~~shall~~ not ~~be~~
703 required to meet standards more stringent than the provisions of
704 the Florida Building Code-Energy Conservation ~~Florida Energy~~
705 ~~Efficiency Code for Building Construction~~. HVAC equipment
706 mounted in an attic or a garage is ~~shall~~ not ~~be~~ required to have
707 supplemental insulation in addition to that installed by the
708 manufacturer. All new residential buildings, except those herein
709 exempted, must ~~shall~~ have insulation in ceilings rated at R-19
710 or more, space permitting. Thermal efficiency standards do not
711 apply to a building of less than 1,000 square feet which is not
712 primarily used as a principal residence and which is constructed
713 and owned by a natural person for hunting or similar
714 recreational purposes; however, ~~no~~ such person may not build
715 more than one exempt building in any 12-month period.

716 Section 17. Section 553.906, Florida Statutes, is amended
717 to read:

718 553.906 Thermal efficiency standards for renovated
719 buildings.—Thermal designs and operations for renovated
720 buildings for which building permits are obtained after March
721 15, 1979, must ~~shall~~ take into account insulation; windows;
722 infiltration; and HVAC, service water heating, energy
723 distribution, lighting, energy managing, and auxiliary systems
724 design and equipment selection and performance. Such buildings
725 are ~~shall~~ not ~~be~~ required to meet standards more stringent than

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726 the provisions of the Florida Building Code-Energy Conservation
727 ~~Florida Energy Efficiency Code for Building Construction~~. These
728 standards apply only to those portions of the structure which
729 are actually renovated.

730 Section 18. Section 553.912, Florida Statutes, is amended
731 to read:

732 553.912 Air conditioners.—All air conditioners that are
733 sold or installed in the state must ~~shall~~ meet the minimum
734 efficiency ratings of the Florida Energy Efficiency Code for
735 Building Construction. These efficiency ratings must ~~shall~~ be
736 minimums and may be updated in the Florida Building Code-Energy
737 Conservation ~~Florida Energy Efficiency Code for Building~~
738 ~~Construction~~ by the department in accordance with s. 553.901,
739 following its determination that more cost-effective energy-
740 saving equipment and techniques are available. It is the intent
741 of the Legislature that all replacement air-conditioning systems
742 be installed using energy-saving, quality installation
743 procedures, including, but not limited to, equipment sizing
744 analysis and duct inspection. Notwithstanding this section,
745 existing heating and cooling equipment in residential
746 applications need not meet the minimum equipment efficiencies,
747 except to preserve the original approval or listing of the
748 equipment.

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

751 553.991 Purpose.—The purpose of this part is to provide for
752 a statewide oversight of uniform system for rating systems for
753 the energy efficiency of buildings. It is in the interest of the
754 state to encourage energy efficiency ~~the consideration of the~~

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755 ~~energy-efficiency rating system~~ in the market so as to provide
756 market rewards for energy-efficient buildings and to those
757 persons or companies designing, building, or selling energy-
758 efficient buildings.

759 Section 20. Section 553.992, Florida Statutes, is amended
760 to read:

761 553.992 Adoption of rating system criteria.—The Department
762 of Business and Professional Regulation shall adopt, update, ~~and~~
763 maintain, and administer a statewide criteria for a ~~uniform~~
764 building energy-efficiency rating system to implement the
765 provisions of this part and amendments thereto in accordance
766 with the procedures of chapter 120 and shall, upon the request
767 of any builder, designer, rater, or owner of a building, issue
768 nonbinding interpretations, clarifications, and opinions
769 concerning the application and use of the building energy-
770 efficiency ~~energy~~ rating system under rules that the department
771 adopts in accordance with chapter 120. Department rules must
772 prohibit a sole provider from conducting functions relating to
773 the building energy-efficiency rating system, including energy
774 rating, energy testing, certification of energy raters, and
775 training.

776 Section 21. Section 553.993, Florida Statutes, is amended
777 to read:

778 553.993 Definitions.—For purposes of this part:

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

781 (2) "Builder" means the primary contractor who possesses
782 the requisite skill, knowledge, and experience, and has the
783 responsibility, to supervise, direct, manage, and control the

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784 contracting activities of the business organization with which
785 she or he is connected and who has the responsibility to
786 supervise, direct, manage, and control the construction work on
787 a job for which she or he has obtained the building permit.
788 Construction work includes, but is not limited to, foundation,
789 framing, wiring, plumbing, and finishing work.

790 (3) "Building energy-efficiency rating system" means a
791 whole building energy evaluation system established by the
792 Residential Energy Services Network, the Commercial Energy
793 Services Network, the Building Performance Institute, or the
794 Florida Solar Energy Center, or a nationally recognized rating
795 system approved by the department.

796 (4)~~(3)~~ "Designer" means the architect, engineer, landscape
797 architect, builder, interior designer, or other person who
798 performs the actual design work or under whose direct
799 supervision and responsible charge the construction documents
800 are prepared.

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

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

809 (7) "Energy rater" means an individual certified by this
810 state to perform building energy-efficiency ratings for the
811 building type and in the rating class for which the rater is
812 certified.

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813 (8)~~(4)~~ "New building" means commercial occupancy buildings
814 permitted for construction after January 1, 1995, and
815 residential occupancy buildings permitted for construction after
816 January 1, 1994.

817 (9)~~(5)~~ "Public building" means a building comfort-
818 conditioned for occupancy that is owned or leased by the state,
819 a state agency, or a governmental subdivision, including, but
820 not limited to, a city, county, or school district.

821 Section 22. Section 553.995, Florida Statutes, is amended
822 to read:

823 553.995 Energy-efficiency ratings for buildings.—

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

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

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

830 (b)~~(c)~~ Be compatible with standard federal rating systems
831 and state building codes and standards, where applicable, and
832 shall satisfy the requirements of s. 553.9085 with respect to
833 residential buildings and s. 255.256 with respect to state
834 buildings.

835 (2) Building ~~The~~ energy-efficiency rating systems ~~system~~
836 adopted by the department must ~~shall~~ provide a means of
837 analyzing ~~and comparing~~ the relative energy efficiency of
838 buildings upon the sale of new or existing residential, public,
839 or commercial buildings.

840 (3) The department shall establish a voluntary working
841 group of persons interested in the building energy-efficiency

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842 rating system or energy efficiency, including, but not limited
843 to, such persons as electrical engineers, mechanical engineers,
844 architects, public utilities, energy raters, and builders. The
845 interest group shall advise the department in the adoption,
846 administration, and oversight ~~development~~ of the building
847 ~~energy-efficiency rating system and shall assist the department~~
848 ~~in the implementation of the rating system by coordinating~~
849 ~~educational programs for designers, builders, businesses, and~~
850 ~~other interested persons to assist compliance and to facilitate~~
851 ~~incorporation of the rating system into existing practices.~~

852 (4) The department shall approve ~~develop~~ a training and
853 certification program to certify raters. In addition to the
854 department, ratings may be conducted by any local government or
855 private entity, provided that the appropriate persons have
856 completed the necessary training and have been certified by the
857 department. The Department of Management Services shall rate
858 state-owned or state-leased buildings, if ~~provided that~~ the
859 appropriate persons have completed the necessary training and
860 have been certified by the Department of Business and
861 Professional Regulation. A state agency that ~~which~~ has building
862 construction regulation authority may rate its own buildings and
863 those it is responsible for, if the appropriate persons have
864 completed the necessary training and have been certified by the
865 Department of Business and Professional Regulation. The
866 Department of Business and Professional Regulation may charge a
867 fee not to exceed the costs for the training and certification
868 of raters. The department shall by rule set the appropriate
869 charges for raters to charge for energy ratings, not to exceed
870 the actual costs.

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Section 23. This act shall take effect July 1, 2013.