

## New Legislation Regarding Solar Energy System Certification (HB 1021)

The 2017 Florida Legislature, through HB 1021, amended the Solar Energy Standards Act of 1976 that governs the certification of solar energy systems manufactured or sold in Florida.

### Some Frequently Asked Questions:

**Q.** How does HB 1021 specify the certification of solar energy systems that are sold or manufactured in the State of Florida?

**A.** HB 1021 specifies solar energy system certification as follows:

“(d) All solar energy systems manufactured or sold in the state must meet the standards established by the center and shall display accepted results of approved performance tests in a manner prescribed by the center, unless otherwise certified by an engineer licensed pursuant to ch. 471 using the standards contained in the most recent version of the Florida Building code.”

HB 1021 defines the ‘center’ to mean “the Florida Solar Energy Center of the Board of Governors.”

Chapter 471 (F.S.) specifies the manner by which licensed Florida engineers are authorized to submit design documents to local code enforcement jurisdictions for permitting as follows:

**471.0195 Florida Building Code training for engineers.**—All licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code shall take continuing education courses and submit proof to the board, at such times and in such manner as established by the board by rule, that the licensee has completed any specialized or advanced courses on any portion of the Florida Building Code applicable to the licensee’s area of practice. The board shall record reported continuing education courses on a system easily accessed by code enforcement jurisdictions for evaluation when determining license status for purposes of processing design documents. Local jurisdictions shall be responsible for notifying the board when design documents are submitted for building construction permits by persons who are not in compliance with this section. The board shall take appropriate action as provided by its rules when such noncompliance is determined to exist.  
*History.*—*s. 38, ch. 2000-356; s. 23, ch. 2002-299; s. 12, ch. 2009-195.*

**Q.** Has the Board of Professional Engineers established any continuing education courses or standards specific to photovoltaic (PV) solar energy system design as may be required for licensed Florida engineers to become authorized to submit PV system design documents to local code enforcement officials?

**A.** No, neither specific continuing education requirements nor standards specific to the design of PV systems have been established by the Board of Professional Engineers. However, FAC 61G15-33.003, the implementing rule for Chapter 471 F.S., does provide general requirements for the design of power systems. (<https://www.flrules.org/gateway/ruleNo.asp?id=61G15-33.003>)

**Q.** Will the Florida Solar Energy Center (FSEC) PV System Design Certification continue to be accepted by local authorities having jurisdiction for the permitting of solar PV systems?

**A.** Yes, the Florida Legislature first established authority for solar energy standards in 1976 (Chapter 76-246, Laws of Florida). The Florida Solar Energy Center was directed to set standards for solar energy systems manufactured or sold in the state. The only mandate in that law was that the Center “develop and adopt” standards. Solar energy systems that met the standards were authorized to display the results of approved performance tests. The legislature amended the statute in 1978 to require that all solar energy systems manufactured or sold in the state meet the standards established by the Center. (Chapter 78-309, Laws of Florida).

This has not changed – HB 1021 explicitly recognizes FSEC certification as the principle means of solar energy system certification in Florida but provides an exception for certification by a licensed Florida engineer. Both qualified solar and electrical contractors and licensed engineers may access the FSEC Photovoltaic Certification Portal (<https://scp.fsec.ucf.edu/>) for both manual and express PV system design certification.

The amendments to Section 377.705, Florida Statute, found in HB 1021 do not relieve FSEC from the legislative mandate to develop and adopt standards for solar energy systems, nor does it remove the authority of FSEC to test and certify solar energy systems. It does provide an exception for solar energy system certification by allowing Florida Licensed Professional Engineers to certify a solar energy system using the standards contained in the most recent version of the Florida Building Code.

One significant procedure that has not changed is the method of assuring compliance with solar energy standards. The law remains silent on that issue. Enforcement of Florida’s Solar Energy Standards Act has always fallen to the local authority having jurisdiction over the solar energy system installation. City and county building departments are responsible for establishing the procedure for permitting and inspection of solar energy systems installed within their jurisdiction.