

By the Committee on Community Affairs; and Senator Constantine

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1 A bill to be entitled

2 An act relating to energy efficiency and conservation;  
3 amending s. 163.04, F.S.; revising provisions authorizing  
4 the use of solar collectors and other energy devices;  
5 providing for the installation of solar collectors on  
6 certain condominium roofs; amending s. 163.3177, F.S.;  
7 revising requirements for the future land use element of a  
8 local comprehensive plan to include energy-efficient land  
9 use patterns; requiring that the traffic-circulation  
10 element of a local comprehensive plan incorporate  
11 transportation strategies to reduce greenhouse gas  
12 emissions; requiring each unit of local government within  
13 an urbanized area to amend the transportation element of a  
14 local comprehensive plan to incorporate transportation  
15 strategies addressing reduction in greenhouse gas  
16 emissions; requiring local governments to adopt an energy  
17 element by January, 2011, as part of a local comprehensive  
18 plan; amending s. 553.73, F.S.; expanding required codes  
19 to be included in Florida Building Code updates; amending  
20 s. 553.74., F.S.; revising requirements for selecting  
21 members of the Florida Building Commission; revising  
22 membership of the commission; amending s. 553.77, F.S.;  
23 authorizing the commission to implement recommendations  
24 relating to energy efficiency in residential and  
25 commercial buildings; creating s. 553.886, F.S.; requiring  
26 that the Florida Building Code facilitate and promote the  
27 use of certain renewable energy technologies in buildings;  
28 creating s. 553.9061, F.S.; establishing a schedule of  
29 required increases in the energy performance of buildings

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30 subject to the Florida Building Code; providing a process  
31 for implementing goals to increase energy-efficiency  
32 performance in new buildings; providing a schedule for the  
33 implementation of such goals; identifying energy-  
34 efficiency performance options and elements available to  
35 meet energy-efficiency performance requirements; providing  
36 a schedule for the review and adoption of renewable  
37 energy-efficiency goals by the commission; requiring the  
38 commission to conduct a study to evaluate the energy-  
39 efficiency rating of new buildings and appliances;  
40 requiring the commission to submit a report to the  
41 President of the Senate and the Speaker of the House of  
42 Representatives on or before a specified date; requiring  
43 the commission to conduct a study to evaluate  
44 opportunities to restructure the Florida Energy Code for  
45 Building Construction, including the integration of the  
46 Thermal Efficiency Code, the Energy Conservation Standards  
47 Act, and the Florida Building Energy-Efficiency Rating  
48 Act; requiring the commission to submit a report to the  
49 President of the Senate and the Speaker of the House of  
50 Representatives on or before a specified date; directing  
51 the Department of Community Affairs, in conjunction with  
52 the Florida Energy Affordability Council, to identify and  
53 review issues relating to the Low-Income Home Energy  
54 Assistance Program and the Weatherization Assistance  
55 Program; requiring the submission of a report to the  
56 President of the Senate and the Speaker of the House of  
57 Representatives on or before a specified date; providing  
58 for the expiration of certain study requirements;

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59           repealing s. 553.731 F.S.; relating to wind-borne debris  
60           protection requirements; providing an effective date.

61  
62 Be It Enacted by the Legislature of the State of Florida:

63  
64           Section 1. Subsection (2) of section 163.04, Florida  
65 Statutes, is amended to read:

66           163.04 Energy devices based on renewable resources.--

67           (2) A deed restriction, covenant, declaration, or similar  
68 binding agreement may not ~~No deed restrictions, covenants, or~~  
69 ~~similar binding agreements running with the land shall prohibit~~  
70 or have the effect of prohibiting solar collectors, clotheslines,  
71 or other energy devices based on renewable resources from being  
72 installed on buildings erected on the lots or parcels covered by  
73 the deed restriction, covenant, declaration, or binding agreement  
74 ~~restrictions, covenants, or binding agreements~~. A property owner  
75 may not be denied permission to install solar collectors or other  
76 energy devices ~~based on renewable resources~~ by any entity granted  
77 the power or right in any deed restriction, covenant,  
78 declaration, or similar binding agreement to approve, forbid,  
79 control, or direct alteration of property with respect to  
80 residential dwellings including condominiums. ~~not exceeding three~~  
81 ~~stories in height. For purposes of this subsection,~~ Such entity  
82 may determine the specific location where solar collectors may be  
83 installed on the roof within an orientation to the south or  
84 within 45° east or west of due south if ~~provided that~~ such  
85 determination does not impair the effective operation of the  
86 solar collectors. Solar collectors may be installed on a

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87 condominium roof that is considered a common element of the  
88 condominium association.

89 Section 2. Paragraphs (a), (b), and (j) of subsection 6 of  
90 section 163.3177, Florida Statutes, are amended and paragraph (l)  
91 is added to that subsection, to read:

92 163.3177 Required and optional elements of comprehensive  
93 plan; studies and surveys.--

94 (6) In addition to the requirements of subsections (1)-(5)  
95 and (12), the comprehensive plan shall include the following  
96 elements:

97 (a) A future land use plan element designating proposed  
98 future general distribution, location, and extent of the uses of  
99 land for residential uses, commercial uses, industry,  
100 agriculture, recreation, conservation, education, public  
101 buildings and grounds, other public facilities, and other  
102 categories of the public and private uses of land. Counties are  
103 encouraged to designate rural land stewardship areas, pursuant to  
104 the provisions of paragraph (11)(d), as overlays on the future  
105 land use map. Each future land use category must be defined in  
106 terms of uses included, and must include standards to be followed  
107 in the control and distribution of population densities and  
108 building and structure intensities. The proposed distribution,  
109 location, and extent of the various categories of land use shall  
110 be shown on a land use map or map series which shall be  
111 supplemented by goals, policies, and measurable objectives. The  
112 future land use plan shall be based upon surveys, studies, and  
113 data regarding the area, including the amount of land required to  
114 accommodate anticipated growth; the projected population of the  
115 area; the character of undeveloped land; the availability of

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116 | water supplies, public facilities, and services; the need for  
117 | redevelopment, including the renewal of blighted areas and the  
118 | elimination of nonconforming uses which are inconsistent with the  
119 | character of the community; the compatibility of uses on lands  
120 | adjacent to or closely proximate to military installations; the  
121 | discouragement of urban sprawl; energy-efficient land use  
122 | patterns; and, in rural communities, the need for job creation,  
123 | capital investment, and economic development that will strengthen  
124 | and diversify the community's economy. The future land use plan  
125 | may designate areas for future planned development use involving  
126 | combinations of types of uses for which special regulations may  
127 | be necessary to ensure development in accord with the principles  
128 | and standards of the comprehensive plan and this act. The future  
129 | land use plan element shall include criteria to be used to  
130 | achieve the compatibility of adjacent or closely proximate lands  
131 | with military installations. In addition, for rural communities,  
132 | the amount of land designated for future planned industrial use  
133 | shall be based upon surveys and studies that reflect the need for  
134 | job creation, capital investment, and the necessity to strengthen  
135 | and diversify the local economies, and shall not be limited  
136 | solely by the projected population of the rural community. The  
137 | future land use plan of a county may also designate areas for  
138 | possible future municipal incorporation. The land use maps or map  
139 | series shall generally identify and depict historic district  
140 | boundaries and shall designate historically significant  
141 | properties meriting protection. For coastal counties, the future  
142 | land use element must include, without limitation, regulatory  
143 | incentives and criteria that encourage the preservation of  
144 | recreational and commercial working waterfronts as defined in s.

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145 342.07. The future land use element must clearly identify the  
146 land use categories in which public schools are an allowable use.  
147 When delineating the land use categories in which public schools  
148 are an allowable use, a local government shall include in the  
149 categories sufficient land proximate to residential development  
150 to meet the projected needs for schools in coordination with  
151 public school boards and may establish differing criteria for  
152 schools of different type or size. Each local government shall  
153 include lands contiguous to existing school sites, to the maximum  
154 extent possible, within the land use categories in which public  
155 schools are an allowable use. The failure by a local government  
156 to comply with these school siting requirements will result in  
157 the prohibition of the local government's ability to amend the  
158 local comprehensive plan, except for plan amendments described in  
159 s. 163.3187(1)(b), until the school siting requirements are met.  
160 Amendments proposed by a local government for purposes of  
161 identifying the land use categories in which public schools are  
162 an allowable use are exempt from the limitation on the frequency  
163 of plan amendments contained in s. 163.3187. The future land use  
164 element shall include criteria that encourage the location of  
165 schools proximate to urban residential areas to the extent  
166 possible and shall require that the local government seek to  
167 collocate public facilities, such as parks, libraries, and  
168 community centers, with schools to the extent possible and to  
169 encourage the use of elementary schools as focal points for  
170 neighborhoods. For schools serving predominantly rural counties,  
171 defined as a county with a population of 100,000 or fewer, an  
172 agricultural land use category shall be eligible for the location  
173 of public school facilities if the local comprehensive plan

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174 contains school siting criteria and the location is consistent  
175 with such criteria. Local governments required to update or amend  
176 their comprehensive plan to include criteria and address  
177 compatibility of adjacent or closely proximate lands with  
178 existing military installations in their future land use plan  
179 element shall transmit the update or amendment to the department  
180 by June 30, 2006.

181 (b) A traffic circulation element consisting of the types,  
182 locations, and extent of existing and proposed major  
183 thoroughfares and transportation routes, including bicycle and  
184 pedestrian ways. Transportation corridors, as defined in s.  
185 334.03, may be designated in the traffic circulation element  
186 pursuant to s. 337.273. If the transportation corridors are  
187 designated, the local government may adopt a transportation  
188 corridor management ordinance. The traffic circulation element  
189 shall incorporate transportation strategies to address reduction  
190 in greenhouse gas emissions from the transportation sector.

191 (j) For each unit of local government within an urbanized  
192 area designated for purposes of s. 339.175, a transportation  
193 element, which shall be prepared and adopted in lieu of the  
194 requirements of paragraph (b) and paragraphs (7) (a), (b), (c),  
195 and (d) and which shall address the following issues:

196 1. Traffic circulation, including major thoroughfares and  
197 other routes, including bicycle and pedestrian ways.

198 2. All alternative modes of travel, such as public  
199 transportation, pedestrian, and bicycle travel.

200 3. Parking facilities.

201 4. Aviation, rail, seaport facilities, access to those  
202 facilities, and intermodal terminals.

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203           5. The availability of facilities and services to serve  
204 existing land uses and the compatibility between future land use  
205 and transportation elements.

206           6. The capability to evacuate the coastal population prior  
207 to an impending natural disaster.

208           7. Airports, projected airport and aviation development,  
209 and land use compatibility around airports.

210           8. An identification of land use densities, building  
211 intensities, and transportation management programs to promote  
212 public transportation systems in designated public transportation  
213 corridors so as to encourage population densities sufficient to  
214 support such systems.

215           9. May include transportation corridors, as defined in s.  
216 334.03, intended for future transportation facilities designated  
217 pursuant to s. 337.273. If transportation corridors are  
218 designated, the local government may adopt a transportation  
219 corridor management ordinance.

220           10. The incorporation of transportation strategies to  
221 address reduction in greenhouse gas emissions from the  
222 transportation sector.

223           (1) By January 1, 2011, an energy element consisting of  
224 existing and future electric power generation and transmission  
225 systems. Additionally, the energy element must address efforts to  
226 encourage the following:

227           1. Energy conservation;

228           2. Energy efficiency;

229           3. Use of renewable energy resources; and

230           4. Greenhouse gas reduction strategies.



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231 Section 3. Paragraph (a) of subsection (6) of section  
232 553.73, Florida Statutes, is amended to read:

233 553.73 Florida Building Code.--

234 (6) (a) The commission, by rule adopted pursuant to ss.  
235 120.536(1) and 120.54, shall update the Florida Building Code  
236 every 3 years. When updating the Florida Building Code, the  
237 commission shall select the most current version of the  
238 International Building Code, the International Fuel Gas Code, the  
239 International Mechanical Code, the International Plumbing Code,  
240 the International Energy Conservation Code, and the International  
241 Residential Code, all of which are adopted by the International  
242 Code Council, and the National Electrical Code, which is adopted  
243 by the National Fire Protection Association, to form the  
244 foundation codes of the updated Florida Building Code, if the  
245 version has been adopted by the applicable model code entity and  
246 made available to the public at least 6 months prior to its  
247 selection by the commission.

248 Section 4. Subsection (1) of section 553.74, Florida  
249 Statutes, is amended to read:

250 553.74 Florida Building Commission.--

251 (1) The Florida Building Commission is created and shall be  
252 located within the Department of Community Affairs for  
253 administrative purposes. Members shall be appointed by the  
254 Governor subject to confirmation by the Senate. The commission  
255 shall be composed of 23 members, consisting of the following:

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

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260 (b) One structural engineer registered to practice in this  
261 state and actively engaged in the profession. The Florida  
262 Engineering Society is encouraged to recommend a list of  
263 candidates for consideration.

264 (c) One air-conditioning or mechanical contractor certified  
265 to do business in this state and actively engaged in the  
266 profession. The Florida Air Conditioning Contractors Association  
267 and the Florida Refrigeration and Air Conditioning Contractors  
268 Association are encouraged to recommend a list of candidates for  
269 consideration.

270 (d) One electrical contractor certified to do business in  
271 this state and actively engaged in the profession. The Florida  
272 Electrical Contractors Association is encouraged to recommend a  
273 list of candidates for consideration.

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

279 (f) One general contractor certified to do business in this  
280 state and actively engaged in the profession. The Associated  
281 Builders and Contractors of Florida and the Florida Associated  
282 General Contractors Council are encouraged to recommend a list of  
283 candidates for consideration.

284 (g) One plumbing contractor licensed to do business in this  
285 state and actively engaged in the profession. The Florida  
286 Association of Plumbing, Heating, and Cooling Contractors is  
287 encouraged to recommend a list of candidates for consideration.

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288 (h) One roofing or sheet metal contractor certified to do  
289 business in this state and actively engaged in the profession.  
290 The Florida Roofing, Sheet Metal and Air Conditioning Contractors  
291 Association is encouraged to recommend a list of candidates for  
292 consideration.

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

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

302 (k) One member who represents the Department of Financial  
303 Services.

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

307 (m) One member of a Florida-based organization of persons  
308 with disabilities or a nationally chartered organization of  
309 persons with disabilities with chapters in this state.

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

314 (o) One mechanical or electrical engineer registered to  
315 practice in this state and actively engaged in the profession.

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316 The Florida Engineering Society is encouraged to recommend a list  
317 of candidates for consideration.

318 (p) One member who is a representative of a municipality or  
319 a charter county. The Florida League of Cities and Florida  
320 Association of Counties are encouraged to recommend a list of  
321 candidates for consideration.

322 (q) One member of the building products manufacturing  
323 industry who is authorized to do business in this state and is  
324 actively engaged in the industry. The Florida Building Material  
325 Association, Florida Concrete and Products Association, and  
326 Fenestration Manufacturers Association are encouraged to  
327 recommend a list of candidates for consideration.

328 (r) One member who is a representative of the building  
329 owners and managers industry who is actively engaged in  
330 commercial building ownership or management. The Building Owners  
331 and Managers Association is encouraged to recommend a list of  
332 candidates for consideration.

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

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

337 (u) One member who is a swimming pool contractor licensed  
338 to do business in this state and actively engaged in the  
339 profession. The Florida Swimming Pool Association is encouraged  
340 to recommend a list of candidates for consideration ~~who shall be~~  
341 ~~the chair.~~

342  
343 One of the 23 members shall be designated the chair of the  
344 commission. Any person serving on the commission under paragraph

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345 (c) or paragraph (h) on October 1, 2003, and who has served less  
346 than two full terms is eligible for reappointment to the  
347 commission regardless of whether he or she meets the new  
348 qualification.

349 Section 5. Present subsection (5) of section 553.77,  
350 Florida Statutes, is renumbered as subsection (6), and a new  
351 subsection (5) is added to that section, to read:

352 553.77 Specific powers of the commission.--

353 (5) The commission may implement its recommendations  
354 delivered pursuant to subsection (2) of section 48 of chapter  
355 2007-73, Laws of Florida, by amending the Florida Energy  
356 Efficiency Code for Building Construction as provided in s.  
357 553.901.

358 Section 6. Section 553.886, Florida Statutes, is created to  
359 read:

360 553.886 Energy-efficiency technologies.--The provisions of  
361 the Florida Building Code must facilitate and promote the use of  
362 cost-effective energy conservation, energy-demand management, and  
363 renewable energy technologies in buildings.

364 Section 7. Section 553.9061, Florida Statutes, is created  
365 to read:

366 553.9061 Scheduled increases in thermal efficiency  
367 standards.--

368 (1) This section establishes a schedule of required  
369 increases in the energy-efficiency performance of buildings that  
370 are subject to the requirements for energy efficiency as  
371 contained in the current edition of the Florida Building Code.  
372 The Florida Building Commission shall implement the following  
373 energy-efficiency goals using the triennial code-adoption process

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374 established for updates to the Florida Building Code in s.  
375 553.73:

376 (a) Include requirements in the 2010 edition of the Florida  
377 Building Code to increase the energy-efficiency performance of  
378 new buildings by at least 20 percent as compared to the  
379 performance achieved as a result of the implementation of the  
380 energy-efficiency provisions contained in the current edition of  
381 the Florida Building Code;

382 (b) Include requirements in the 2013 edition of the Florida  
383 Building Code to increase the energy-efficiency performance of  
384 new buildings by at least 30 percent as compared to the  
385 performance achieved as a result of the implementation of the  
386 energy-efficiency provisions contained in the current edition of  
387 the Florida Building Code;

388 (c) Include requirements in the 2016 edition of the Florida  
389 Building Code to increase the energy-efficiency performance of  
390 new buildings by at least 40 percent as compared to the  
391 performance achieved as a result of the implementation of the  
392 energy-efficiency provisions contained in the current edition of  
393 the Florida Building Code; and

394 (d) Include requirements in the 2019 edition of the Florida  
395 Building Code to increase the energy-efficiency performance of  
396 new buildings by at least 50 percent as compared to the  
397 performance achieved as a result of the implementation of the  
398 energy-efficiency provisions contained in the current edition of  
399 the Florida Building Code.

400 (2) The commission shall identify in any code-support and  
401 compliance documentation the specific building options and  
402 elements available to meet the energy-efficiency performance

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403 requirements required under subsection (1). Energy-efficiency  
404 performance options and elements include, but are not limited to:

405 (a) Solar water heating;

406 (b) Energy-efficient appliances;

407 (c) Energy-efficient windows, doors, and skylights;

408 (d) Low solar-absorption roofs, also known as "cool roofs";

409 (e) Enhanced ceiling and wall insulation;

410 (f) Reduced-leak duct systems;

411 (g) Programmable thermostats; and

412 (h) Energy-efficient lighting systems.

413 (3) The Florida Energy Commission shall review the energy-  
414 efficiency goals established in subsection (1) at least once  
415 every 3 years, and such review must be completed before the  
416 triennial code-adoption process established in s. 553.73.

417 Section 8. (1) The Florida Building Commission shall  
418 conduct a study to evaluate the energy-efficiency rating of new  
419 buildings and appliances. The study must include a review of the  
420 current energy-efficiency ratings and consumer labeling  
421 requirements contained in chapter 553, Florida Statutes. The  
422 commission shall submit a written report of its study to the  
423 President of the Senate and the Speaker of the House of  
424 Representatives on or before February 1, 2009. The report must  
425 contain the commission's recommendations regarding the  
426 strengthening and integration of energy-efficiency ratings and  
427 labeling requirements.

428 (2) The provisions of this section expire July 1, 2009.

429 Section 9. (1) The Florida Building Commission shall  
430 conduct a study to evaluate opportunities to restructure the  
431 Florida Energy Efficiency Code for Building Construction to

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432 achieve long-range improvements to building energy performance.  
433 During such study, the commission shall address the integration  
434 of the Thermal Efficiency Code established in part V of chapter  
435 553, Florida Statutes, the Energy Conservation Standards Act  
436 established in part VI of chapter 553, Florida Statutes, and the  
437 Florida Building Energy-Efficiency Rating Act established in part  
438 VIII of chapter 553, Florida Statutes.

439 (2) The commission shall submit a report containing  
440 specific recommendations on the integration of the code and acts  
441 identified in subsection (1) to the President of the Senate and  
442 the Speaker of the House of Representatives on or before February  
443 1, 2009.

444 (3) The provisions of this section expire July 1, 2009.

445 Section 10. (1) The Department of Community Affairs, in  
446 conjunction with the Florida Energy Affordability Coalition,  
447 shall identify and review issues relating to the Low-Income Home  
448 Energy Assistance Program and the Weatherization Assistance  
449 Program, and identify recommendations that:

450 (a) Support customer health, safety, and well-being;

451 (b) Maximize available financial and energy-conservation  
452 assistance;

453 (c) Improve the quality of service to customers seeking  
454 assistance; and

455 (d) Educate customers to make informed decisions regarding  
456 energy use and conservation.

457 (2) On or before January 1, 2009, the department shall  
458 report its findings and any recommended statutory changes  
459 required to implement such findings to the President of the  
460 Senate and the Speaker of the House of Representatives.



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461 |       (3) The provisions of this section expire July 1, 2009.  
462 |       Section 11. Section 553.731, Florida Statutes, is repealed.  
463 |       Section 12. This act shall take effect July 1, 2008.