

By the Committees on Environmental Preservation and Conservation; Regulated Industries; Community Affairs; and Senator Constantine

592-06639-08

2008560c3

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 amending s. 163.3177, F.S.; revising requirements for the
6 future land use element of a local comprehensive plan to
7 include energy-efficient land use patterns and greenhouse
8 gas reduction strategies; requiring that the traffic-
9 circulation element of a local comprehensive plan
10 incorporate transportation strategies to reduce greenhouse
11 gas emissions; requiring that the land use map or map
12 series contained in the future land use element of a local
13 comprehensive plan identify and depict energy
14 conservation; requiring that the home element of a local
15 comprehensive plan include energy efficiency in the design
16 and construction of new housing and use of renewable
17 energy resources; requiring that certain counties adopt a
18 plan for ensuring affordable housing; requiring each unit
19 of local government within an urbanized area to amend the
20 transportation element of a local comprehensive plan to
21 incorporate transportation strategies addressing reduction
22 in greenhouse gas emissions; amending s. 489.105, F.S.;
23 expanding the scope of the definition of "roofing
24 contractor" to include contractors performing required
25 roof-deck attachments and any repair or replacement of
26 wood roof sheathing or fascia as needed during roof repair
27 or replacement; amending s. 553.36, F.S.; redefining the
28 term "manufactured building" for purposes of the Florida
29 Manufactured Building Act to include modular and factory-

592-06639-08

2008560c3

30 built buildings; amending s. 553.37, F.S.; requiring the
31 Department of Community Affairs to adopt rules related to
32 the inspection, construction, and modification of
33 manufactured buildings; requiring the department to
34 develop an insignia to be affixed to newly constructed
35 manufactured buildings; authorizing the department to
36 charge a fee for the insignia; providing requirements for
37 the insignia; requiring the department to develop minimum
38 criteria for a manufacturer's data plate; amending s.
39 553.381, F.S.; conforming provisions; amending s. 553.415,
40 F.S.; requiring the department to require that an insignia
41 be affixed to all newly constructed factory-built school
42 buildings; providing requirements for the manufacturer's
43 data plate; amending s. 553.71, F.S.; providing a
44 definition; amending s. 553.73, F.S.; expanding required
45 codes to be included in Florida Building Code updates;
46 expanding the list of reasons the commission may amend the
47 Florida Building Code; amending s. 553.74, F.S.; revising
48 requirements for selecting members of the Florida Building
49 Commission; revising membership of the commission;
50 deleting obsolete provisions; amending s. 553.75, F.S.;
51 authorizing the Florida Building Commission to use
52 communications media technology in conducting its meetings
53 or meetings held in conjunction with commission meetings;
54 providing for public comment at meetings of the
55 commission; amending s. 553.77, F.S.; authorizing the
56 commission to implement recommendations relating to energy
57 efficiency in residential and commercial buildings;
58 amending s. 553.775, F.S.; authorizing the commission to

592-06639-08

2008560c3

59 | render declaratory statements; amending s. 553.80, F.S.;

60 | providing that the enforcement of construction regulations

61 | relating to facilities for mental health treatment are

62 | under the jurisdiction of the Department of Children and

63 | Family Services; amending s. 553.844, F.S.; revising

64 | provisions requiring the adoption of certain mitigation

65 | techniques by the Florida Building Commission within the

66 | Florida Building Code for certain structures; amending s.

67 | 553.885, F.S.; requiring the installation of carbon

68 | monoxide detectors in certain new hospitals and nursing

69 | homes; creating s. 553.886, F.S.; requiring that the

70 | Florida Building Code facilitate and promote the use of

71 | certain renewable energy technologies in buildings;

72 | amending s. 553.901, F.S.; requiring the commission to

73 | adopt by rule a definition of the term "cost-effective";

74 | creating s. 553.9061, F.S.; establishing a schedule of

75 | required increases in the energy performance of buildings

76 | subject to the Florida Building Code; providing a process

77 | for implementing goals to increase energy-efficiency

78 | performance in new buildings; providing a schedule for the

79 | implementation of such goals; identifying energy-

80 | efficiency performance options and elements available to

81 | meet energy-efficiency performance requirements; providing

82 | a schedule for the review and adoption of renewable

83 | energy-efficiency goals by the commission; requiring the

84 | commission to conduct a study to evaluate the energy-

85 | efficiency rating of new buildings and appliances;

86 | requiring the commission to submit a report to the

87 | President of the Senate and the Speaker of the House of

592-06639-08

2008560c3

88 Representatives on or before a specified date; requiring
89 the commission to conduct a study to evaluate
90 opportunities to restructure the Florida Energy Code for
91 Building Construction, including the integration of the
92 Thermal Efficiency Code, the Energy Conservation Standards
93 Act, and the Florida Building Energy-Efficiency Rating
94 Act; requiring the commission to submit a report to the
95 President of the Senate and the Speaker of the House of
96 Representatives on or before a specified date; directing
97 the Department of Community Affairs, in conjunction with
98 the Florida Energy Affordability Council, to identify and
99 review issues relating to the Low-Income Home Energy
100 Assistance Program and the Weatherization Assistance
101 Program; requiring the submission of a report to the
102 President of the Senate and the Speaker of the House of
103 Representatives on or before a specified date; providing
104 for the expiration of certain study requirements;
105 repealing s. 553.731 F.S., relating to wind-borne debris
106 protection requirements; amending s. 718.113, F.S.;

107 authorizing the board of a condominium or a
108 multicondominium to install solar collectors,
109 clotheslines, or other energy-efficient devices on
110 association property; requiring the Florida Building
111 Commission to include certain information in its report to
112 the Legislature; providing an effective date.

113
114 Be It Enacted by the Legislature of the State of Florida:

115
116 Section 1. Subsection (2) of section 163.04, Florida

592-06639-08

2008560c3

117 Statutes, is amended to read:

118 163.04 Energy devices based on renewable resources.--

119 (2) A deed restriction, covenant, declaration, or similar
120 binding agreement may not ~~No deed restrictions, covenants, or~~
121 ~~similar binding agreements running with the land shall prohibit~~
122 ~~or have the effect of prohibiting solar collectors, clotheslines,~~
123 ~~or other energy devices based on renewable resources from being~~
124 ~~installed on buildings erected on the lots or parcels covered by~~
125 ~~the deed restriction, covenant, declaration, or binding agreement~~
126 ~~restrictions, covenants, or binding agreements.~~ A property owner
127 may not be denied permission to install solar collectors or other
128 energy devices ~~based on renewable resources~~ by any entity granted
129 the power or right in any deed restriction, covenant,
130 declaration, or similar binding agreement to approve, forbid,
131 control, or direct alteration of property with respect to
132 residential dwellings and within the boundaries of a condominium
133 unit not exceeding three stories in height. ~~For purposes of this~~
134 ~~subsection,~~ Such entity may determine the specific location where
135 solar collectors may be installed on the roof within an
136 orientation to the south or within 45° east or west of due south
137 ~~if provided that~~ such determination does not impair the effective
138 operation of the solar collectors.

139 Section 2. Paragraphs (a), (b), (d), (f), and (j) of
140 subsection (6) of section 163.3177, Florida Statutes, are amended
141 to read:

142 163.3177 Required and optional elements of comprehensive
143 plan; studies and surveys.--

144 (6) In addition to the requirements of subsections (1)-(5)
145 and (12), the comprehensive plan shall include the following

592-06639-08

2008560c3

146 elements:

147 (a) A future land use plan element designating proposed
148 future general distribution, location, and extent of the uses of
149 land for residential uses, commercial uses, industry,
150 agriculture, recreation, conservation, education, public
151 buildings and grounds, other public facilities, and other
152 categories of the public and private uses of land. Counties are
153 encouraged to designate rural land stewardship areas, pursuant to
154 the provisions of paragraph (11) (d), as overlays on the future
155 land use map. Each future land use category must be defined in
156 terms of uses included, and must include standards to be followed
157 in the control and distribution of population densities and
158 building and structure intensities. The proposed distribution,
159 location, and extent of the various categories of land use shall
160 be shown on a land use map or map series which shall be
161 supplemented by goals, policies, and measurable objectives. The
162 future land use plan shall be based upon surveys, studies, and
163 data regarding the area, including the amount of land required to
164 accommodate anticipated growth; the projected population of the
165 area; the character of undeveloped land; the availability of
166 water supplies, public facilities, and services; the need for
167 redevelopment, including the renewal of blighted areas and the
168 elimination of nonconforming uses which are inconsistent with the
169 character of the community; the compatibility of uses on lands
170 adjacent to or closely proximate to military installations; the
171 discouragement of urban sprawl; energy-efficient land use
172 patterns accounting for existing and future electric power
173 generation and transmission systems; greenhouse gas reduction
174 strategies; and, in rural communities, the need for job creation,

592-06639-08

2008560c3

175 capital investment, and economic development that will strengthen
176 and diversify the community's economy. The future land use plan
177 may designate areas for future planned development use involving
178 combinations of types of uses for which special regulations may
179 be necessary to ensure development in accord with the principles
180 and standards of the comprehensive plan and this act. The future
181 land use plan element shall include criteria to be used to
182 achieve the compatibility of adjacent or closely proximate lands
183 with military installations. In addition, for rural communities,
184 the amount of land designated for future planned industrial use
185 shall be based upon surveys and studies that reflect the need for
186 job creation, capital investment, and the necessity to strengthen
187 and diversify the local economies, and shall not be limited
188 solely by the projected population of the rural community. The
189 future land use plan of a county may also designate areas for
190 possible future municipal incorporation. The land use maps or map
191 series shall generally identify and depict historic district
192 boundaries and shall designate historically significant
193 properties meriting protection. For coastal counties, the future
194 land use element must include, without limitation, regulatory
195 incentives and criteria that encourage the preservation of
196 recreational and commercial working waterfronts as defined in s.
197 342.07. The future land use element must clearly identify the
198 land use categories in which public schools are an allowable use.
199 When delineating the land use categories in which public schools
200 are an allowable use, a local government shall include in the
201 categories sufficient land proximate to residential development
202 to meet the projected needs for schools in coordination with
203 public school boards and may establish differing criteria for

592-06639-08

2008560c3

204 schools of different type or size. Each local government shall
205 include lands contiguous to existing school sites, to the maximum
206 extent possible, within the land use categories in which public
207 schools are an allowable use. The failure by a local government
208 to comply with these school siting requirements will result in
209 the prohibition of the local government's ability to amend the
210 local comprehensive plan, except for plan amendments described in
211 s. 163.3187(1)(b), until the school siting requirements are met.
212 Amendments proposed by a local government for purposes of
213 identifying the land use categories in which public schools are
214 an allowable use are exempt from the limitation on the frequency
215 of plan amendments contained in s. 163.3187. The future land use
216 element shall include criteria that encourage the location of
217 schools proximate to urban residential areas to the extent
218 possible and shall require that the local government seek to
219 collocate public facilities, such as parks, libraries, and
220 community centers, with schools to the extent possible and to
221 encourage the use of elementary schools as focal points for
222 neighborhoods. For schools serving predominantly rural counties,
223 defined as a county with a population of 100,000 or fewer, an
224 agricultural land use category shall be eligible for the location
225 of public school facilities if the local comprehensive plan
226 contains school siting criteria and the location is consistent
227 with such criteria. Local governments required to update or amend
228 their comprehensive plan to include criteria and address
229 compatibility of adjacent or closely proximate lands with
230 existing military installations in their future land use plan
231 element shall transmit the update or amendment to the department
232 by June 30, 2006.

592-06639-08

2008560c3

233 (b) A traffic circulation element consisting of the types,
234 locations, and extent of existing and proposed major
235 thoroughfares and transportation routes, including bicycle and
236 pedestrian ways. Transportation corridors, as defined in s.
237 334.03, may be designated in the traffic circulation element
238 pursuant to s. 337.273. If the transportation corridors are
239 designated, the local government may adopt a transportation
240 corridor management ordinance. The traffic circulation element
241 shall incorporate transportation strategies to address reduction
242 in greenhouse gas emissions from the transportation sector.

243 (d) A conservation element for the conservation, use, and
244 protection of natural resources in the area, including air,
245 water, water recharge areas, wetlands, waterwells, estuarine
246 marshes, soils, beaches, shores, flood plains, rivers, bays,
247 lakes, harbors, forests, fisheries and wildlife, marine habitat,
248 minerals, and other natural and environmental resources,
249 including factors that affect energy conservation. Local
250 governments shall assess their current, as well as projected,
251 water needs and sources for at least a 10-year period,
252 considering the appropriate regional water supply plan approved
253 pursuant to s. 373.0361, or, in the absence of an approved
254 regional water supply plan, the district water management plan
255 approved pursuant to s. 373.036(2). This information shall be
256 submitted to the appropriate agencies. The land use map or map
257 series contained in the future land use element shall generally
258 identify and depict the following:

259 1. Existing and planned waterwells and cones of influence
260 where applicable.

261 2. Beaches and shores, including estuarine systems.

592-06639-08

2008560c3

- 262 3. Rivers, bays, lakes, flood plains, and harbors.
263 4. Wetlands.
264 5. Minerals and soils.
265 6. Energy conservation.
266

267 The land uses identified on such maps shall be consistent with
268 applicable state law and rules.

269 (f)1. A housing element consisting of standards, plans, and
270 principles to be followed in:

271 a. The provision of housing for all current and anticipated
272 future residents of the jurisdiction.

273 b. The elimination of substandard dwelling conditions.

274 c. The structural and aesthetic improvement of existing
275 housing.

276 d. The provision of adequate sites for future housing,
277 including affordable workforce housing as defined in s.
278 380.0651(3)(j), housing for low-income, very low-income, and
279 moderate-income families, mobile homes, and group home facilities
280 and foster care facilities, with supporting infrastructure and
281 public facilities.

282 e. Provision for relocation housing and identification of
283 historically significant and other housing for purposes of
284 conservation, rehabilitation, or replacement.

285 f. The formulation of housing implementation programs.

286 g. The creation or preservation of affordable housing to
287 minimize the need for additional local services and avoid the
288 concentration of affordable housing units only in specific areas
289 of the jurisdiction.

290 h. Energy efficiency in the design and construction of new

592-06639-08

2008560c3

291 ~~housing. By July 1, 2008, each county in which the gap between~~
292 ~~the buying power of a family of four and the median county home~~
293 ~~sale price exceeds \$170,000, as determined by the Florida Housing~~
294 ~~Finance Corporation, and which is not designated as an area of~~
295 ~~critical state concern shall adopt a plan for ensuring affordable~~
296 ~~workforce housing. At a minimum, the plan shall identify adequate~~
297 ~~sites for such housing. For purposes of this sub-subparagraph,~~
298 ~~the term "workforce housing" means housing that is affordable to~~
299 ~~natural persons or families whose total household income does not~~
300 ~~exceed 140 percent of the area median income, adjusted for~~
301 ~~household size.~~

302 i. Use of renewable energy resources. ~~Failure by a local~~
303 ~~government to comply with the requirement in sub-subparagraph h.~~
304 ~~will result in the local government being ineligible to receive~~
305 ~~any state housing assistance grants until the requirement of sub-~~
306 ~~subparagraph h. is met.~~

307
308 ~~The goals, objectives, and policies of the housing element must~~
309 ~~be based on the data and analysis prepared on housing needs,~~
310 ~~including the affordable housing needs assessment. State and~~
311 ~~federal housing plans prepared on behalf of the local government~~
312 ~~must be consistent with the goals, objectives, and policies of~~
313 ~~the housing element. Local governments are encouraged to utilize~~
314 ~~job training, job creation, and economic solutions to address a~~
315 ~~portion of their affordable housing concerns.~~

316 j. By July 1, 2008, each county in which the gap between
317 the buying power of a family of four and the median county home
318 sale price exceeds \$170,000, as determined by the Florida Housing
319 Finance Corporation, and which is not designated as an area of

592-06639-08

2008560c3

320 critical state concern shall adopt a plan for ensuring affordable
321 workforce housing. At a minimum, the plan shall identify adequate
322 sites for such housing. For purposes of this sub-subparagraph,
323 the term "workforce housing" means housing that is affordable to
324 natural persons or families whose total household income does not
325 exceed 140 percent of the area median income, adjusted for
326 household size.

327 k. Failure by a local government to comply with the
328 requirement in sub-subparagraph j. will result in the local
329 government being ineligible to receive any state housing
330 assistance grants until the requirement of sub-subparagraph j. is
331 met.

332
333 The goals, objectives, and policies of the housing element must
334 be based on the data and analysis prepared on housing needs,
335 including the affordable housing needs assessment. State and
336 federal housing plans prepared on behalf of the local government
337 must be consistent with the goals, objectives, and policies of
338 the housing element. Local governments are encouraged to use job
339 training, job creation, and economic solutions to address a
340 portion of their affordable housing concerns.

341 2. To assist local governments in housing data collection
342 and analysis and assure uniform and consistent information
343 regarding the state's housing needs, the state land planning
344 agency shall conduct an affordable housing needs assessment for
345 all local jurisdictions on a schedule that coordinates the
346 implementation of the needs assessment with the evaluation and
347 appraisal reports required by s. 163.3191. Each local government
348 shall utilize the data and analysis from the needs assessment as

592-06639-08

2008560c3

349 | one basis for the housing element of its local comprehensive
350 | plan. The agency shall allow a local government the option to
351 | perform its own needs assessment, if it uses the methodology
352 | established by the agency by rule.

353 | (j) For each unit of local government within an urbanized
354 | area designated for purposes of s. 339.175, a transportation
355 | element, which shall be prepared and adopted in lieu of the
356 | requirements of paragraph (b) and paragraphs (7) (a), (b), (c),
357 | and (d) and which shall address the following issues:

358 | 1. Traffic circulation, including major thoroughfares and
359 | other routes, including bicycle and pedestrian ways.

360 | 2. All alternative modes of travel, such as public
361 | transportation, pedestrian, and bicycle travel.

362 | 3. Parking facilities.

363 | 4. Aviation, rail, seaport facilities, access to those
364 | facilities, and intermodal terminals.

365 | 5. The availability of facilities and services to serve
366 | existing land uses and the compatibility between future land use
367 | and transportation elements.

368 | 6. The capability to evacuate the coastal population prior
369 | to an impending natural disaster.

370 | 7. Airports, projected airport and aviation development,
371 | and land use compatibility around airports.

372 | 8. An identification of land use densities, building
373 | intensities, and transportation management programs to promote
374 | public transportation systems in designated public transportation
375 | corridors so as to encourage population densities sufficient to
376 | support such systems.

377 | 9. May include transportation corridors, as defined in s.

592-06639-08

2008560c3

378 334.03, intended for future transportation facilities designated
379 pursuant to s. 337.273. If transportation corridors are
380 designated, the local government may adopt a transportation
381 corridor management ordinance.

382 10. The incorporation of transportation strategies to
383 address reduction in greenhouse gas emissions from the
384 transportation sector.

385 Section 3. Paragraph (e) of subsection (3) of section
386 489.105, Florida Statutes, is amended to read:

387 489.105 Definitions.--As used in this part:

388 (3) "Contractor" means the person who is qualified for, and
389 shall only be responsible for, the project contracted for and
390 means, except as exempted in this part, the person who, for
391 compensation, undertakes to, submits a bid to, or does himself or
392 herself or by others construct, repair, alter, remodel, add to,
393 demolish, subtract from, or improve any building or structure,
394 including related improvements to real estate, for others or for
395 resale to others; and whose job scope is substantially similar to
396 the job scope described in one of the subsequent paragraphs of
397 this subsection. For the purposes of regulation under this part,
398 "demolish" applies only to demolition of steel tanks over 50 feet
399 in height; towers over 50 feet in height; other structures over
400 50 feet in height, other than buildings or residences over three
401 stories tall; and buildings or residences over three stories
402 tall. Contractors are subdivided into two divisions, Division I,
403 consisting of those contractors defined in paragraphs (a)-(c),
404 and Division II, consisting of those contractors defined in
405 paragraphs (d)-(q):

406 (e) "Roofing contractor" means a contractor whose services

592-06639-08

2008560c3

407 are unlimited in the roofing trade and who has the experience,
408 knowledge, and skill to install, maintain, repair, alter, extend,
409 or design, when not prohibited by law, and use materials and
410 items used in the installation, maintenance, extension, and
411 alteration of all kinds of roofing, waterproofing, and coating,
412 except when coating is not represented to protect, repair,
413 waterproof, stop leaks, or extend the life of the roof. The scope
414 of work of a roofing contractor also includes required roof-deck
415 attachments and any repair or replacement of wood roof sheathing
416 or fascia as needed during roof repair or replacement.

417 Section 4. Subsection (13) of section 553.36, Florida
418 Statutes, is amended to read:

419 553.36 Definitions.--The definitions contained in this
420 section govern the construction of this part unless the context
421 otherwise requires.

422 (13) "Manufactured building" means a modular or factory-
423 built building that is a closed structure, building assembly, or
424 system of subassemblies, which may include structural,
425 electrical, plumbing, heating, ventilating, or other service
426 systems manufactured in manufacturing facilities for installation
427 or erection as a finished building or as part of a finished
428 building, which shall include, but not be limited to,
429 residential, commercial, institutional, storage, and industrial
430 structures. The term includes buildings not intended for human
431 habitation such as lawn storage buildings and storage sheds
432 manufactured and assembled offsite by a manufacturer certified in
433 conformance with this part. This part does not apply to mobile
434 homes.

435 Section 5. Section 553.37, Florida Statutes, is amended to

592-06639-08

2008560c3

436 read:

437 553.37 Rules; inspections; and insignia.--

438 (1) The Florida Building Commission shall adopt within the
439 Florida Building Code requirements for construction or
440 modification of manufactured buildings and building modules, to
441 address:

442 (a) Submittal to and approval by the department of
443 manufacturers' drawings and specifications, including any
444 amendments.

445 (b) Submittal to and approval by the department of
446 manufacturers' internal quality control procedures and manuals,
447 including any amendments.

448 (c) Minimum inspection criteria. ~~Procedures and~~
449 ~~qualifications for approval of third-party plan review and~~
450 ~~inspection entities and of those who perform inspections and plan~~
451 ~~reviews.~~

452 (2) The department shall adopt rules to address:

453 (a) Procedures and qualifications for approval of third-
454 party plan review and inspection agencies and of those who
455 perform inspections and plan reviews.

456 (b) ~~(d)~~ Investigation of consumer complaints of
457 noncompliance of manufactured buildings with the Florida Building
458 Code and the Florida Fire Prevention Code.

459 (c) ~~(e)~~ Issuance, cancellation, and revocation of any
460 insignia issued by the department and procedures for auditing and
461 accounting for disposition of them.

462 (d) ~~(f)~~ Monitoring the manufacturers', inspection agencies'
463 ~~entities'~~, and plan review agencies' ~~entities'~~ compliance with
464 this part and the Florida Building Code. Monitoring may include,

592-06639-08

2008560c3

465 | but is not limited to, performing audits of plans, inspections of
466 | manufacturing facilities and observation of the manufacturing and
467 | inspection process, and onsite inspections of buildings.

468 | ~~(e)(g)~~ The performance by the department of any other
469 | functions required by this part.

470 | ~~(3)(2)~~ After the effective date of the Florida Building
471 | Code, no manufactured building, except as provided in subsection
472 | ~~(12)~~ ~~(11)~~, may be installed in this state unless it is approved
473 | and bears the insignia of approval of the department and a
474 | manufacturer's data plate. Approvals issued by the department
475 | under the provisions of the prior part shall be deemed to comply
476 | with the requirements of this part.

477 | ~~(4)(3)~~ All manufactured buildings issued and bearing
478 | insignia of approval pursuant to subsection (2) shall be deemed
479 | to comply with the Florida Building Code and are exempt from
480 | local amendments enacted by any local government.

481 | ~~(5)(4)~~ No manufactured building bearing department insignia
482 | of approval pursuant to subsection (2) shall be in any way
483 | modified prior to installation, except in conformance with the
484 | Florida Building Code.

485 | ~~(6)(5)~~ Manufactured buildings which have been issued and
486 | bear the insignia of approval pursuant to this part upon
487 | manufacture or first sale shall not require an additional
488 | approval or insignia by a local government in which they are
489 | subsequently sold or installed. Buildings or structures that meet
490 | the definition of "open construction" are subject to permitting
491 | by the local jurisdiction and are not required to bear insignia.

492 | ~~(7)(6)~~ If the department ~~Florida Building Commission~~
493 | determines that the standards for construction and inspection of

592-06639-08

2008560c3

494 manufactured buildings prescribed by statute or rule of another
495 state are at least equal to the Florida Building Code and that
496 such standards are actually enforced by such other state, it may
497 provide by rule that the manufactured building which has been
498 inspected and approved by such other state shall be deemed to
499 have been approved by the department and shall authorize the
500 affixing of the appropriate insignia of approval.

501 ~~(8)(7)~~ The department ~~Florida Building Commission~~, by rule,
502 shall establish a schedule of fees to pay the cost of incurred by
503 ~~the department for the work related to~~ administration and
504 enforcement of this part.

505 ~~(9)(8)~~ The department may delegate its enforcement
506 authority to a state department having building construction
507 responsibilities or a local government. The department may
508 delegate its plan review and inspection authority to one or more
509 of the following in any combination:

510 (a) A state department having building construction
511 responsibilities;T

512 (b) A local government;T

513 (c) An approved inspection agency;T

514 (d) An approved plan review agency;T or

515 (e) An agency of another state.

516 ~~(9)~~ ~~If the commission delegates its inspection authority to~~
517 ~~third-party approved inspection agencies, manufacturers must have~~
518 ~~one, and only one, inspection agency responsible for inspection~~
519 ~~of a manufactured building, module, or component at all times.~~

520 (10) The department shall develop an insignia to be affixed
521 to all newly constructed buildings by the manufacturer or the
522 inspection agency prior to the building leaving the plant. The

592-06639-08

2008560c3

523 department may charge a fee for issuing such insignias. Such
524 insignias shall bear the department's name, the state seal, an
525 identification number unique to that insignia, and such other
526 information as the department may require by rule. ~~If the~~
527 ~~commission delegates its inspection authority to third party~~
528 ~~approved plan review agencies, manufacturers must have one, and~~
529 ~~only one, plan review agency responsible for review of plans of a~~
530 ~~manufactured building, module, or component at all times.~~

531 (11) The department shall by rule develop minimum criteria
532 for manufacturer's data that must be affixed to all newly
533 constructed buildings by the manufacturer prior to the building
534 leaving the plant. ~~Custom or one-of-a-kind prototype manufactured~~
535 ~~buildings shall not be required to have state approval but must~~
536 ~~comply with all local requirements of the governmental agency~~
537 ~~having jurisdiction at the installation site.~~

538 Section 6. Subsections (1) and (3) of section 553.381,
539 Florida Statutes, are amended to read:

540 553.381 Manufacturer certification.--

541 (1) Before manufacturing buildings to be located within
542 this state or selling manufactured buildings within this state,
543 whichever occurs later, a manufacturer must be certified by the
544 department. The department shall certify a manufacturer upon
545 receipt from the manufacturer and approval and verification by
546 the department of the following:

547 (a) The manufacturer's internal quality control procedures
548 and manuals, including any amendments;

549 (b) Evidence that the manufacturer has product liability
550 insurance for the safety and welfare of the public in amounts
551 determined by rule of the department ~~commission~~; and

592-06639-08

2008560c3

552 (c) The fee established by the department ~~commission~~ under
553 s. 553.37(8) ~~s. 553.37(7)~~.

554 (3) Certification of manufacturers under this section shall
555 be for a period of 3 years, subject to renewal by the
556 manufacturer. Upon application for renewal, the manufacturer must
557 submit the information described in subsection (1) or a sworn
558 statement that there has been no change in the status or content
559 of that information since the manufacturer's last submittal. Fees
560 for renewal of manufacturers' certification shall be established
561 by the department ~~commission~~ by rule.

562 Section 7. Subsections (11) and (12) of section 553.415,
563 Florida Statutes, are amended to read:

564 553.415 Factory-built school buildings.--

565 (11) The department shall require that an insignia bearing
566 the department's name and state seal and a manufacturer's data
567 plate ~~develop a unique identification label to~~ be affixed to all
568 newly constructed factory-built school buildings and existing
569 factory-built school buildings which have been brought into
570 compliance with the standards for existing "satisfactory"
571 buildings pursuant to chapter 5 of the Uniform Code for Public
572 Educational Facilities, and after March 1, 2002, the Florida
573 Building Code. The department may charge a fee for issuing such
574 insignias labels. The manufacturer's data plate ~~Such labels,~~
575 ~~bearing the department's name and state seal,~~ shall, at a
576 minimum, contain:

- 577 (a) The name of the manufacturer.
578 (b) The standard plan approval number or alteration number.
579 (c) The date of manufacture or alteration.
580 (d) The serial or other identification number.

592-06639-08

2008560c3

581 (e) The following designed-for loads: lbs. per square foot
582 live load; lbs. per square foot floor live load; lbs. per square
583 foot horizontal wind load; and lbs. per square foot wind uplift
584 load.

585 (f) The designed-for flood zone usage.

586 (g) The designed-for wind zone usage.

587 (h) The designed-for enhanced hurricane protection zone
588 usage: yes or no.

589 (12) Such insignia and data plate ~~identification label~~
590 shall be permanently affixed by the manufacturer in the case of
591 newly constructed factory-built school buildings, or by the
592 department or its designee in the case of an existing factory-
593 built building altered to comply with provisions of s. 1013.20.

594 Section 8. Subsection (11) is added to section 553.71,
595 Florida Statutes, to read:

596 553.71 Definitions.--As used in this part, the term:

597 (11) "Temporary" includes, but is not limited to, buildings
598 identified by, but not designated as permanent structures on, an
599 approved development order.

600 Section 9. Paragraph (a) of subsection (6) and subsection
601 (7) of section 553.73, Florida Statutes, are amended to read:

602 553.73 Florida Building Code.--

603 (6) (a) The commission, by rule adopted pursuant to ss.
604 120.536(1) and 120.54, shall update the Florida Building Code
605 every 3 years. When updating the Florida Building Code, the
606 commission shall select the most current version of the
607 International Building Code, the International Fuel Gas Code, the
608 International Mechanical Code, the International Plumbing Code,
609 and the International Residential Code, all of which are adopted

592-06639-08

2008560c3

610 | by the International Code Council, and the National Electrical
611 | Code, which is adopted by the National Fire Protection
612 | Association, to form the foundation codes of the updated Florida
613 | Building Code, if the version has been adopted by the applicable
614 | model code entity and made available to the public at least 6
615 | months prior to its selection by the commission. The commission
616 | may select the most current version of the International Energy
617 | Conservation Code as a foundation code if the code is modified by
618 | the commission to maintain the compliance methods and policies,
619 | without diminishing the building component efficiencies, of the
620 | Florida Energy Efficiency Code for Building Construction adopted
621 | and amended pursuant to this part.

622 | (7) Notwithstanding the provisions of subsection (3) or
623 | subsection (6), the commission may address issues identified in
624 | this subsection by amending the code pursuant only to the rule
625 | adoption procedures contained in chapter 120. Provisions of the
626 | Florida Building Code, including those contained in referenced
627 | standards and criteria, relating to wind resistance or the
628 | prevention of water intrusion may not be amended pursuant to this
629 | subsection to diminish those construction requirements; however,
630 | the commission may, subject to conditions in this subsection,
631 | amend the provisions to enhance those construction requirements.
632 | Following the approval of any amendments to the Florida Building
633 | Code by the commission and publication of the amendments on the
634 | commission's website, authorities having jurisdiction to enforce
635 | the Florida Building Code may enforce the amendments. The
636 | commission may approve amendments that are needed to address:

- 637 | (a) Conflicts within the updated code;
638 | (b) Conflicts between the updated code and the Florida Fire

592-06639-08

2008560c3

639 Prevention Code adopted pursuant to chapter 633;

640 (c) The omission of previously adopted Florida-specific
641 amendments to the updated code if such omission is not supported
642 by a specific recommendation of a technical advisory committee or
643 particular action by the commission;

644 (d) Unintended results from the integration of previously
645 adopted Florida-specific amendments with the model code; ~~or~~

646 (e) Changes to federal or state law; or.

647 (f) Adoption of an updated edition of the National
648 Electrical Code if the commission finds that delay of
649 implementing the updated edition causes undue hardship to
650 stakeholders or otherwise threatens the public health, safety,
651 and welfare.

652 Section 10. Subsections (1) and (2) of section 553.74,
653 Florida Statutes, are amended to read:

654 553.74 Florida Building Commission.--

655 (1) The Florida Building Commission is created and shall be
656 located within the Department of Community Affairs for
657 administrative purposes. Members shall be appointed by the
658 Governor subject to confirmation by the Senate. The commission
659 shall be composed of 23 members, consisting of the following:

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

664 (b) One structural engineer registered to practice in this
665 state and actively engaged in the profession. The Florida
666 Engineering Society is encouraged to recommend a list of
667 candidates for consideration.

592-06639-08

2008560c3

668 (c) One air-conditioning or mechanical contractor certified
669 to do business in this state and actively engaged in the
670 profession. The Florida Air Conditioning Contractors Association,
671 the Florida Refrigeration and Air Conditioning Contractors
672 Association, and the Mechanical Contractors Association of
673 Florida are encouraged to recommend a list of candidates for
674 consideration.

675 (d) One electrical contractor certified to do business in
676 this state and actively engaged in the profession. The Florida
677 Electrical Contractors Association and the National Electrical
678 Contractors Association, Florida Chapter, are encouraged to
679 recommend a list of candidates for consideration.

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

685 (f) One general contractor certified to do business in this
686 state and actively engaged in the profession. The Associated
687 Builders and Contractors of Florida, the Florida Associated
688 General Contractors Council, and the Union Contractors
689 Association are encouraged to recommend a list of candidates for
690 consideration.

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

695 (h) One roofing or sheet metal contractor certified to do
696 business in this state and actively engaged in the profession.

592-06639-08

2008560c3

697 The Florida Roofing, Sheet Metal, and Air Conditioning
698 Contractors Association and the Sheet Metal and Air Conditioning
699 Contractors National Association are encouraged to recommend a
700 list of candidates for consideration.

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

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

710 (k) One member who represents the Department of Financial
711 Services.

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

715 (m) One member of a Florida-based organization of persons
716 with disabilities or a nationally chartered organization of
717 persons with disabilities with chapters in this state.

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

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

592-06639-08

2008560c3

726 (p) One member who is a representative of a municipality or
727 a charter county. The Florida League of Cities and the Florida
728 Association of Counties are encouraged to recommend a list of
729 candidates for consideration.

730 (q) One member of the building products manufacturing
731 industry who is authorized to do business in this state and is
732 actively engaged in the industry. The Florida Building Material
733 Association, the Florida Concrete and Products Association, and
734 the Fenestration Manufacturers Association are encouraged to
735 recommend a list of candidates for consideration.

736 (r) One member who is a representative of the building
737 owners and managers industry who is actively engaged in
738 commercial building ownership or management. The Building Owners
739 and Managers Association is encouraged to recommend a list of
740 candidates for consideration.

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

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

745 (u) One member who is a swimming pool contractor licensed
746 to do business in this state and actively engaged in the
747 profession. The Florida Swimming Pool Association and the United
748 Pool and Spa Association are encouraged to recommend a list of
749 candidates for consideration ~~shall be the chair.~~

750 (v) One member who is a representative of the green
751 building industry and who is a third-party commission agent, a
752 Florida board member of the United States Green Building Council
753 or Green Building Initiative, or a LEED-accredited professional.

754 (w) One member who shall be the chair.

592-06639-08

2008560c3

755
756 Any person serving on the commission under paragraph (c) or
757 paragraph (h) on October 1, 2003, and who has served less than
758 two full terms is eligible for reappointment to the commission
759 regardless of whether he or she meets the new qualification.

760 (2) All appointments shall be for terms of 4 years, ~~except~~
761 ~~that of the chair who shall serve at the pleasure of the~~
762 ~~Governor.~~ Each person who is a member of the Board of Building
763 Codes and Standards on the effective date of this act shall serve
764 the remainder of their term as a member of the Florida Building
765 Commission. ~~Except for the chair, newly created positions on the~~
766 ~~Florida Building Commission shall be appointed after February 1,~~
767 ~~1999. A vacancy shall be filled for the remainder of the~~
768 ~~unexpired term.~~ Any member who shall, during his or her term,
769 cease to meet the qualifications for original appointment,
770 through ceasing to be a practicing member of the profession
771 indicated or otherwise, shall thereby forfeit membership on the
772 commission.

773 Section 11. Section 553.75, Florida Statutes, is amended to
774 read:

775 553.75 Organization of commission; rules and regulations;
776 meetings; staff; fiscal affairs; public comment.--

777 (1) The commission shall meet on call of the secretary. The
778 commission shall annually elect from its appointive members such
779 officers as it may choose.

780 (2) The commission shall meet at the call of its chair, at
781 the request of a majority of its membership, at the request of
782 the department, or at such times as may be prescribed by its
783 rules. The members shall be notified in writing of the time and

592-06639-08

2008560c3

784 | place of a regular or special meeting at least 7 days in advance
785 | of the meeting. A majority of members of the commission shall
786 | constitute a quorum.

787 | (3) The department shall be responsible for the provision
788 | of administrative and staff support services relating to the
789 | functions of the commission. With respect to matters within the
790 | jurisdiction of the commission, the department shall be
791 | responsible for the implementation and faithful discharge of all
792 | decisions of the commission made pursuant to its authority under
793 | the provisions of this part. The department is specifically
794 | authorized to use communications media technology in conducting
795 | meetings of the commission or any meetings held in conjunction
796 | with meetings of the commission.

797 | (4) Meetings of the commission shall be conducted so as to
798 | encourage participation by interested persons in attendance. At a
799 | minimum, the commission shall provide one opportunity for
800 | interested members of the public in attendance at a meeting to
801 | comment on each proposed action of the commission before a final
802 | vote is taken on any motion.

803 | Section 12. Present subsection (5) of section 553.77,
804 | Florida Statutes, is renumbered as subsection (6), and a new
805 | subsection (5) is added to that section, to read:

806 | 553.77 Specific powers of the commission.--

807 | (5) The commission may implement its recommendations
808 | delivered pursuant to subsection (2) of section 48 of chapter
809 | 2007-73, Laws of Florida, by amending the Florida Energy
810 | Efficiency Code for Building Construction as provided in s.
811 | 553.901.

812 | Section 13. Subsection (5) of section 553.775, Florida

592-06639-08

2008560c3

813 Statutes, is amended to read:

814 553.775 Interpretations.--

815 (5) The commission may render declaratory statements in
816 accordance with s. 120.565 relating to the provisions of the
817 Florida Accessibility Code for Building Construction not
818 attributable to the Americans with Disabilities Act Accessibility
819 Guidelines. Notwithstanding the other provisions of this section,
820 the Florida Accessibility Code for Building Construction and
821 chapter 11 of the Florida Building Code may not be interpreted
822 by, and are not subject to review under, any of the procedures
823 specified in this section. This subsection has no effect upon the
824 commission's authority to waive the Florida Accessibility Code
825 for Building Construction as provided by s. 553.512.

826 Section 14. Paragraph (a) of subsection (1) of section
827 553.80, Florida Statutes, is amended to read:

828 553.80 Enforcement.--

829 (1) Except as provided in paragraphs (a)-(f), each local
830 government and each legally constituted enforcement district with
831 statutory authority shall regulate building construction and,
832 where authorized in the state agency's enabling legislation, each
833 state agency shall enforce the Florida Building Code required by
834 this part on all public or private buildings, structures, and
835 facilities, unless such responsibility has been delegated to
836 another unit of government pursuant to s. 553.79(9).

837 (a) Construction regulations relating to correctional
838 facilities under the jurisdiction of the Department of
839 Corrections or ~~and~~ the Department of Juvenile Justice and secure
840 mental health treatment facilities under the jurisdiction of the
841 Department of Children and Family Services shall ~~are to~~ be

592-06639-08

2008560c3

842 | enforced exclusively by those departments.

843 |

844 | The governing bodies of local governments may provide a schedule
845 | of fees, as authorized by s. 125.56(2) or s. 166.222 and this
846 | section, for the enforcement of the provisions of this part. Such
847 | fees shall be used solely for carrying out the local government's
848 | responsibilities in enforcing the Florida Building Code. The
849 | authority of state enforcing agencies to set fees for enforcement
850 | shall be derived from authority existing on July 1, 1998.

851 | However, nothing contained in this subsection shall operate to
852 | limit such agencies from adjusting their fee schedule in
853 | conformance with existing authority.

854 | Section 15. Paragraph (b) of subsection (2) of section
855 | 553.844, Florida Statutes, is amended to read:

856 | 553.844 Windstorm loss mitigation; requirements for roofs
857 | and opening protection.--

858 | (2) The Florida Building Commission shall:

859 | (b) Develop and adopt within the Florida Building Code a
860 | means to incorporate recognized mitigation techniques for site-
861 | built, single-family residential structures constructed before
862 | ~~prior to~~ the implementation of the Florida Building Code,
863 | including, but not limited to:

864 | 1. Prescriptive techniques for the installation of gable-
865 | end bracing;

866 | 2. Secondary water barriers for roofs and standards
867 | relating to secondary water barriers. The criteria may include,
868 | but need not be limited to, roof shape, slope, and composition of
869 | all elements of the roof system. The criteria may not be limited
870 | to one method or material for a secondary water barrier;

592-06639-08

2008560c3

871 3. Prescriptive techniques for improvement of roof-to-wall
872 connections. The Legislature recognizes that the cost of
873 retrofitting existing buildings to meet the code requirements for
874 new construction in this regard may exceed the practical benefit
875 to be attained. The Legislature intends for the commission to
876 provide for the integration of alternate, lower-cost means that
877 may be employed to retrofit existing buildings that are not
878 otherwise required to comply with the requirements of the Florida
879 Building Code for new construction so that the cost of such
880 improvements does not exceed approximately 15 percent of the cost
881 of reroofing. For houses that have both hip and gable roof ends,
882 the priority shall be to retrofit the gable end roof-to-wall
883 connections unless the width of the hip is more than 1.5 times
884 greater than the width of the gable end. Priority shall be given
885 to connecting the corners of roofs to walls below the locations
886 at which the spans of the roofing members are greatest;

887 4. Strengthening or correcting roof-decking attachments and
888 fasteners during reroofing; and

889 5. Adding or strengthening opening protections.

890 Section 16. Subsection (1) of section 553.885, Florida
891 Statutes, is amended to read:

892 553.885 Carbon monoxide alarm required.--

893 (1) Every building for which a building permit is issued
894 for new construction on or after July 1, 2008, and having a
895 fossil-fuel-burning heater or appliance, a fireplace, or an
896 attached garage shall have an approved operational carbon
897 monoxide alarm installed within 10 feet of each room used for
898 sleeping purposes. In lieu of this requirement, for a new
899 hospital or nursing home facility licensed by the Agency for

592-06639-08

2008560c3

900 Health Care Administration, an operational carbon monoxide
901 detector shall be installed inside or directly outside of each
902 room or area within the building where a fossil-fuel-burning
903 heater, engine, or appliance is located. This detector shall be
904 connected to the fire alarm system of the facility as a
905 supervisory signal.

906 Section 17. Section 553.886, Florida Statutes, is created
907 to read:

908 553.886 Energy-efficiency technologies.--The provisions of
909 the Florida Building Code must facilitate and promote the use of
910 cost-effective energy conservation, energy-demand management, and
911 renewable energy technologies in buildings.

912 Section 18. Section 553.901, Florida Statutes, is amended
913 to read:

914 553.901 Purpose of thermal efficiency code.--The Department
915 of Community Affairs shall prepare a thermal efficiency code to
916 provide for a statewide uniform standard for energy efficiency in
917 the thermal design and operation of all buildings statewide,
918 consistent with energy conservation goals, and to best provide
919 for public safety, health, and general welfare. The Florida
920 Building Commission shall adopt the Florida Energy Efficiency
921 Code for Building Construction within the Florida Building Code,
922 and shall modify, revise, update, and maintain the code to
923 implement the provisions of this thermal efficiency code and
924 amendments thereto, in accordance with the procedures of chapter
925 120. The department shall, at least triennially, determine the
926 most cost-effective energy-saving equipment and techniques
927 available and report its determinations to the commission, which
928 shall update the code to incorporate such equipment and

592-06639-08

2008560c3

929 techniques. The proposed changes shall be made available for
930 public review and comment no later than 6 months prior to code
931 implementation. Before adoption of any additional amendments to
932 the Florida Energy Efficiency Code for Building Construction, the
933 commission shall adopt by rule a definition of the term "cost-
934 effective," for the purposes of this part, which shall include
935 the criteria and measures to be used by the commission to
936 evaluate proposed amendments ~~shall be construed to mean cost-~~
937 ~~effective to the consumer.~~

938 Section 19. Section 553.9061, Florida Statutes, is created
939 to read:

940 553.9061 Scheduled increases in thermal efficiency
941 standards.--

942 (1) This section establishes a schedule of required
943 increases in the energy-efficiency performance of buildings that
944 are subject to the requirements for energy efficiency as
945 contained in the current edition of the Florida Building Code.
946 The Florida Building Commission shall implement the following
947 energy-efficiency goals using the triennial code-adoption process
948 established for updates to the Florida Building Code in s.
949 553.73:

950 (a) Include requirements in the 2010 edition of the Florida
951 Building Code to increase the energy-efficiency performance of
952 new buildings by at least 20 percent as compared to the
953 performance achieved as a result of the implementation of the
954 energy-efficiency provisions contained in the 2004 edition of the
955 Florida Building Code, as amended on May 22, 2007;

956 (b) Include requirements in the 2013 edition of the Florida
957 Building Code to increase the energy-efficiency performance of

592-06639-08

2008560c3

958 new buildings by at least 30 percent as compared to the
959 performance achieved as a result of the implementation of the
960 energy-efficiency provisions contained in the 2004 edition of the
961 Florida Building Code, as amended on May 22, 2007;

962 (c) Include requirements in the 2016 edition of the Florida
963 Building Code to increase the energy-efficiency performance of
964 new buildings by at least 40 percent as compared to the
965 performance achieved as a result of the implementation of the
966 energy-efficiency provisions contained in the 2004 edition of the
967 Florida Building Code, as amended on May 22, 2007; and

968 (d) Include requirements in the 2019 edition of the Florida
969 Building Code to increase the energy-efficiency performance of
970 new buildings by at least 50 percent as compared to the
971 performance achieved as a result of the implementation of the
972 energy-efficiency provisions contained in the 2004 edition of the
973 Florida Building Code, as amended on May 22, 2007.

974 (2) The commission shall identify in any code-support and
975 compliance documentation the specific building options and
976 elements available to meet the energy-efficiency performance
977 requirements under subsection (1). Energy-efficiency performance
978 options and elements include, but are not limited to:

979 (a) Solar water heating;

980 (b) Energy-efficient appliances;

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

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

983 (e) Enhanced ceiling and wall insulation;

984 (f) Reduced-leak duct systems;

985 (g) Programmable thermostats; and

986 (h) Energy-efficient lighting systems.

592-06639-08

2008560c3

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

991 Section 20. (1) The Florida Building Commission shall
992 conduct a study to evaluate the energy-efficiency rating of new
993 buildings and appliances. The study must include a review of the
994 current energy-efficiency ratings and consumer labeling
995 requirements specified in chapter 553, Florida Statutes. The
996 commission shall submit a written report of its study to the
997 President of the Senate and the Speaker of the House of
998 Representatives on or before February 1, 2009. The report must
999 contain the commission's recommendations regarding the
1000 strengthening and integration of energy-efficiency ratings and
1001 labeling requirements.

1002 (2) The provisions of this section expire July 1, 2009.

1003 Section 21. (1) The Florida Building Commission shall
1004 conduct a study to evaluate opportunities to restructure the
1005 Florida Energy Efficiency Code for Building Construction to
1006 achieve long-range improvements to building energy performance.
1007 During such study, the commission shall address the integration
1008 of the Thermal Efficiency Code established in part V of chapter
1009 553, Florida Statutes, the Energy Conservation Standards Act
1010 established in part VI of chapter 553, Florida Statutes, and the
1011 Florida Building Energy-Efficiency Rating Act established in part
1012 VIII of chapter 553, Florida Statutes.

1013 (2) The commission shall submit a report containing
1014 specific recommendations on the integration of the code and acts
1015 identified in subsection (1) to the President of the Senate and

592-06639-08

2008560c3

1016 the Speaker of the House of Representatives on or before February
1017 1, 2009.

1018 (3) The provisions of this section expire July 1, 2009.

1019 Section 22. (1) The Department of Community Affairs, in
1020 conjunction with the Florida Energy Affordability Coalition,
1021 shall identify and review issues relating to the Low-Income Home
1022 Energy Assistance Program and the Weatherization Assistance
1023 Program, and identify recommendations that:

1024 (a) Support customer health, safety, and well-being;

1025 (b) Maximize available financial and energy-conservation
1026 assistance;

1027 (c) Improve the quality of service to customers seeking
1028 assistance; and

1029 (d) Educate customers to make informed decisions regarding
1030 energy use and conservation.

1031 (2) On or before January 1, 2009, the department shall
1032 report its findings and any recommended statutory changes
1033 required to implement such findings to the President of the
1034 Senate and the Speaker of the House of Representatives.

1035 (3) The provisions of this section expire July 1, 2009.

1036 Section 23. Section 553.731, Florida Statutes, is repealed.

1037 Section 24. Subsection (6) is added to section 718.113,
1038 Florida Statutes, to read:

1039 718.113 Maintenance; limitation upon improvement; display
1040 of flag; hurricane shutters.--

1041 (6) Notwithstanding the provisions of this section or the
1042 governing documents of a condominium or a multicondominium
1043 association, the board of administration may, without any
1044 requirement for approval of the unit owners, install upon or

592-06639-08

2008560c3

1045 within the common elements or association property solar
1046 collectors, clotheslines, or other energy-efficient devices based
1047 on renewable resources for the benefit of the unit owners.

1048 Section 25. The Florida Building Commission shall submit
1049 the text of the rule required by section 18 of this act to the
1050 Legislature in its report to the 2009-2010 Legislature, and shall
1051 provide an effective date for the rule by July 1, 2009.

1052 Section 26. This act shall take effect July 1, 2008.