



427394

CHAMBER ACTION

Senate

House

.  
.
.  
.
.

Floor: 1/RE/3R
5/2/2008 10:44 AM

1 Senator Constantine moved the following amendment:

2
3 Senate Amendment (with title amendment)

4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Subsection (2) of section 163.04, Florida
7 Statutes, is amended to read:

8 163.04 Energy devices based on renewable resources.--

9 (2) A deed restriction, covenant, declaration, or similar
10 binding agreement may not No deed restrictions, covenants, or
11 similar binding agreements running with the land shall prohibit
12 or have the effect of prohibiting solar collectors, clotheslines,
13 or other energy devices based on renewable resources from being
14 installed on buildings erected on the lots or parcels covered by
15 the deed restriction, covenant, declaration, or binding agreement
16 restrictions, covenants, or binding agreements. A property owner
17 may not be denied permission to install solar collectors or other



427394

18 energy devices ~~based on renewable resources~~ by any entity granted  
19 the power or right in any deed restriction, covenant,  
20 declaration, or similar binding agreement to approve, forbid,  
21 control, or direct alteration of property with respect to  
22 residential dwellings and within the boundaries of a condominium  
23 unit not exceeding three stories in height. ~~For purposes of this~~  
24 ~~subsection~~, Such entity may determine the specific location where  
25 solar collectors may be installed on the roof within an  
26 orientation to the south or within 45° east or west of due south  
27 if provided that such determination does not impair the effective  
28 operation of the solar collectors.

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

32 163.3177 Required and optional elements of comprehensive  
33 plan; studies and surveys.--

34 (6) In addition to the requirements of subsections (1)-(5)  
35 and (12), the comprehensive plan shall include the following  
36 elements:

37 (a) A future land use plan element designating proposed  
38 future general distribution, location, and extent of the uses of  
39 land for residential uses, commercial uses, industry,  
40 agriculture, recreation, conservation, education, public  
41 buildings and grounds, other public facilities, and other  
42 categories of the public and private uses of land. Counties are  
43 encouraged to designate rural land stewardship areas, pursuant to  
44 the provisions of paragraph (11)(d), as overlays on the future  
45 land use map. Each future land use category must be defined in  
46 terms of uses included, and must include standards to be followed  
47 in the control and distribution of population densities and



427394

48 building and structure intensities. The proposed distribution,  
49 location, and extent of the various categories of land use shall  
50 be shown on a land use map or map series which shall be  
51 supplemented by goals, policies, and measurable objectives. The  
52 future land use plan shall be based upon surveys, studies, and  
53 data regarding the area, including the amount of land required to  
54 accommodate anticipated growth; the projected population of the  
55 area; the character of undeveloped land; the availability of  
56 water supplies, public facilities, and services; the need for  
57 redevelopment, including the renewal of blighted areas and the  
58 elimination of nonconforming uses which are inconsistent with the  
59 character of the community; the compatibility of uses on lands  
60 adjacent to or closely proximate to military installations; the  
61 discouragement of urban sprawl; energy-efficient land use  
62 patterns accounting for existing and future electric power  
63 generation and transmission systems; greenhouse gas reduction  
64 strategies; and, in rural communities, the need for job creation,  
65 capital investment, and economic development that will strengthen  
66 and diversify the community's economy. The future land use plan  
67 may designate areas for future planned development use involving  
68 combinations of types of uses for which special regulations may  
69 be necessary to ensure development in accord with the principles  
70 and standards of the comprehensive plan and this act. The future  
71 land use plan element shall include criteria to be used to  
72 achieve the compatibility of adjacent or closely proximate lands  
73 with military installations. In addition, for rural communities,  
74 the amount of land designated for future planned industrial use  
75 shall be based upon surveys and studies that reflect the need for  
76 job creation, capital investment, and the necessity to strengthen  
77 and diversify the local economies, and shall not be limited



427394

78 solely by the projected population of the rural community. The  
79 future land use plan of a county may also designate areas for  
80 possible future municipal incorporation. The land use maps or map  
81 series shall generally identify and depict historic district  
82 boundaries and shall designate historically significant  
83 properties meriting protection. For coastal counties, the future  
84 land use element must include, without limitation, regulatory  
85 incentives and criteria that encourage the preservation of  
86 recreational and commercial working waterfronts as defined in s.  
87 342.07. The future land use element must clearly identify the  
88 land use categories in which public schools are an allowable use.  
89 When delineating the land use categories in which public schools  
90 are an allowable use, a local government shall include in the  
91 categories sufficient land proximate to residential development  
92 to meet the projected needs for schools in coordination with  
93 public school boards and may establish differing criteria for  
94 schools of different type or size. Each local government shall  
95 include lands contiguous to existing school sites, to the maximum  
96 extent possible, within the land use categories in which public  
97 schools are an allowable use. The failure by a local government  
98 to comply with these school siting requirements will result in  
99 the prohibition of the local government's ability to amend the  
100 local comprehensive plan, except for plan amendments described in  
101 s. 163.3187(1)(b), until the school siting requirements are met.  
102 Amendments proposed by a local government for purposes of  
103 identifying the land use categories in which public schools are  
104 an allowable use are exempt from the limitation on the frequency  
105 of plan amendments contained in s. 163.3187. The future land use  
106 element shall include criteria that encourage the location of  
107 schools proximate to urban residential areas to the extent



427394

108 possible and shall require that the local government seek to  
109 collocate public facilities, such as parks, libraries, and  
110 community centers, with schools to the extent possible and to  
111 encourage the use of elementary schools as focal points for  
112 neighborhoods. For schools serving predominantly rural counties,  
113 defined as a county with a population of 100,000 or fewer, an  
114 agricultural land use category shall be eligible for the location  
115 of public school facilities if the local comprehensive plan  
116 contains school siting criteria and the location is consistent  
117 with such criteria. Local governments required to update or amend  
118 their comprehensive plan to include criteria and address  
119 compatibility of adjacent or closely proximate lands with  
120 existing military installations in their future land use plan  
121 element shall transmit the update or amendment to the department  
122 by June 30, 2006.

123 (b) A traffic circulation element consisting of the types,  
124 locations, and extent of existing and proposed major  
125 thoroughfares and transportation routes, including bicycle and  
126 pedestrian ways. Transportation corridors, as defined in s.  
127 334.03, may be designated in the traffic circulation element  
128 pursuant to s. 337.273. If the transportation corridors are  
129 designated, the local government may adopt a transportation  
130 corridor management ordinance. The traffic circulation element  
131 shall incorporate transportation strategies to address reduction  
132 in greenhouse gas emissions from the transportation sector.

133 (d) A conservation element for the conservation, use, and  
134 protection of natural resources in the area, including air,  
135 water, water recharge areas, wetlands, waterwells, estuarine  
136 marshes, soils, beaches, shores, flood plains, rivers, bays,  
137 lakes, harbors, forests, fisheries and wildlife, marine habitat,



427394

138 minerals, and other natural and environmental resources,  
139 including factors that affect energy conservation. Local  
140 governments shall assess their current, as well as projected,  
141 water needs and sources for at least a 10-year period,  
142 considering the appropriate regional water supply plan approved  
143 pursuant to s. 373.0361, or, in the absence of an approved  
144 regional water supply plan, the district water management plan  
145 approved pursuant to s. 373.036(2). This information shall be  
146 submitted to the appropriate agencies. The land use map or map  
147 series contained in the future land use element shall generally  
148 identify and depict the following:

- 149 1. Existing and planned waterwells and cones of influence  
150 where applicable.
- 151 2. Beaches and shores, including estuarine systems.
- 152 3. Rivers, bays, lakes, flood plains, and harbors.
- 153 4. Wetlands.
- 154 5. Minerals and soils.
- 155 6. Energy conservation.

156  
157 The land uses identified on such maps shall be consistent with  
158 applicable state law and rules.

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

- 161 a. The provision of housing for all current and anticipated  
162 future residents of the jurisdiction.
- 163 b. The elimination of substandard dwelling conditions.
- 164 c. The structural and aesthetic improvement of existing  
165 housing.
- 166 d. The provision of adequate sites for future housing,  
167 including affordable workforce housing as defined in s.



427394

168 380.0651(3)(j), housing for low-income, very low-income, and  
169 moderate-income families, mobile homes, and group home facilities  
170 and foster care facilities, with supporting infrastructure and  
171 public facilities.

172 e. Provision for relocation housing and identification of  
173 historically significant and other housing for purposes of  
174 conservation, rehabilitation, or replacement.

175 f. The formulation of housing implementation programs.

176 g. The creation or preservation of affordable housing to  
177 minimize the need for additional local services and avoid the  
178 concentration of affordable housing units only in specific areas  
179 of the jurisdiction.

180 h. Energy efficiency in the design and construction of new  
181 housing.

182 i. Use of renewable energy resources.

183 j. ~~h. By July 1, 2008,~~ Each county in which the gap between  
184 the buying power of a family of four and the median county home  
185 sale price exceeds \$170,000, as determined by the Florida Housing  
186 Finance Corporation, and which is not designated as an area of  
187 critical state concern shall adopt a plan for ensuring affordable  
188 workforce housing. At a minimum, the plan shall identify adequate  
189 sites for such housing. For purposes of this sub-subparagraph,  
190 the term "workforce housing" means housing that is affordable to  
191 natural persons or families whose total household income does not  
192 exceed 140 percent of the area median income, adjusted for  
193 household size.

194 k. As a precondition to receiving any state affordable  
195 housing funding or allocation for any project or program within  
196 the jurisdiction of a county that is subject to sub-subparagraph  
197 j., a county must, by July 1 of each year, provide certification



427394

198 that the county has complied with the requirements of sub-  
199 subparagraph j.

200 ~~i. Failure by a local government to comply with the~~  
201 ~~requirement in sub-subparagraph h. will result in the local~~  
202 ~~government being ineligible to receive any state housing~~  
203 ~~assistance grants until the requirement of sub-subparagraph h. is~~  
204 ~~met.~~

205

206 The goals, objectives, and policies of the housing element must  
207 be based on the data and analysis prepared on housing needs,  
208 including the affordable housing needs assessment. State and  
209 federal housing plans prepared on behalf of the local government  
210 must be consistent with the goals, objectives, and policies of  
211 the housing element. Local governments are encouraged to use  
212 utilize job training, job creation, and economic solutions to  
213 address a portion of their affordable housing concerns.

214 2. To assist local governments in housing data collection  
215 and analysis and assure uniform and consistent information  
216 regarding the state's housing needs, the state land planning  
217 agency shall conduct an affordable housing needs assessment for  
218 all local jurisdictions on a schedule that coordinates the  
219 implementation of the needs assessment with the evaluation and  
220 appraisal reports required by s. 163.3191. Each local government  
221 shall utilize the data and analysis from the needs assessment as  
222 one basis for the housing element of its local comprehensive  
223 plan. The agency shall allow a local government the option to  
224 perform its own needs assessment, if it uses the methodology  
225 established by the agency by rule.

226 (j) For each unit of local government within an urbanized  
227 area designated for purposes of s. 339.175, a transportation





427394

228 | element, which shall be prepared and adopted in lieu of the  
229 | requirements of paragraph (b) and paragraphs (7) (a), (b), (c),  
230 | and (d) and which shall address the following issues:

231 |       1. Traffic circulation, including major thoroughfares and  
232 | other routes, including bicycle and pedestrian ways.

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

235 |       3. Parking facilities.

236 |       4. Aviation, rail, seaport facilities, access to those  
237 | facilities, and intermodal terminals.

238 |       5. The availability of facilities and services to serve  
239 | existing land uses and the compatibility between future land use  
240 | and transportation elements.

241 |       6. The capability to evacuate the coastal population prior  
242 | to an impending natural disaster.

243 |       7. Airports, projected airport and aviation development,  
244 | and land use compatibility around airports.

245 |       8. An identification of land use densities, building  
246 | intensities, and transportation management programs to promote  
247 | public transportation systems in designated public transportation  
248 | corridors so as to encourage population densities sufficient to  
249 | support such systems.

250 |       9. May include transportation corridors, as defined in s.  
251 | 334.03, intended for future transportation facilities designated  
252 | pursuant to s. 337.273. If transportation corridors are  
253 | designated, the local government may adopt a transportation  
254 | corridor management ordinance.

255 |       10. The incorporation of transportation strategies to  
256 | address reduction in greenhouse gas emissions from the  
257 | transportation sector.



427394

258 Section 3. Paragraph (e) of subsection (3) of section  
259 489.105, Florida Statutes, is amended to read:

260 489.105 Definitions.--As used in this part:

261 (3) "Contractor" means the person who is qualified for, and  
262 shall only be responsible for, the project contracted for and  
263 means, except as exempted in this part, the person who, for  
264 compensation, undertakes to, submits a bid to, or does himself or  
265 herself or by others construct, repair, alter, remodel, add to,  
266 demolish, subtract from, or improve any building or structure,  
267 including related improvements to real estate, for others or for  
268 resale to others; and whose job scope is substantially similar to  
269 the job scope described in one of the subsequent paragraphs of  
270 this subsection. For the purposes of regulation under this part,  
271 "demolish" applies only to demolition of steel tanks over 50 feet  
272 in height; towers over 50 feet in height; other structures over  
273 50 feet in height, other than buildings or residences over three  
274 stories tall; and buildings or residences over three stories  
275 tall. Contractors are subdivided into two divisions, Division I,  
276 consisting of those contractors defined in paragraphs (a)-(c),  
277 and Division II, consisting of those contractors defined in  
278 paragraphs (d)-(q):

279 (e) "Roofing contractor" means a contractor whose services  
280 are unlimited in the roofing trade and who has the experience,  
281 knowledge, and skill to install, maintain, repair, alter, extend,  
282 or design, when not prohibited by law, and use materials and  
283 items used in the installation, maintenance, extension, and  
284 alteration of all kinds of roofing, waterproofing, and coating,  
285 except when coating is not represented to protect, repair,  
286 waterproof, stop leaks, or extend the life of the roof. The scope  
287 of work of a roofing contractor also includes required roof-deck



427394

288 attachments and any repair or replacement of wood roof sheathing  
289 or fascia as needed during roof repair or replacement.

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

292 553.36 Definitions.--The definitions contained in this  
293 section govern the construction of this part unless the context  
294 otherwise requires.

295 (13) "Manufactured building", "modular building," or  
296 "factory-built building" means a closed structure, building  
297 assembly, or system of subassemblies, which may include  
298 structural, electrical, plumbing, heating, ventilating, or other  
299 service systems manufactured in manufacturing facilities for  
300 installation or erection as a finished building or as part of a  
301 finished building, which shall include, but not be limited to,  
302 residential, commercial, institutional, storage, and industrial  
303 structures. The term includes buildings not intended for human  
304 habitation such as lawn storage buildings and storage sheds  
305 manufactured and assembled offsite by a manufacturer certified in  
306 conformance with this part. This part does not apply to mobile  
307 homes.

308 Section 5. Section 553.37, Florida Statutes, is amended to  
309 read:

310 553.37 Rules; inspections; and insignia.--

311 (1) The Florida Building Commission shall adopt within the  
312 Florida Building Code requirements for construction or  
313 modification of manufactured buildings and building modules, to  
314 address:

315 (a) Submittal to and approval by the department of  
316 manufacturers' drawings and specifications, including any  
317 amendments.



427394

318 (b) Submittal to and approval by the department of  
319 manufacturers' internal quality control procedures and manuals,  
320 including any amendments.

321 (c) Minimum inspection criteria. ~~Procedures and~~  
322 ~~qualifications for approval of third-party plan review and~~  
323 ~~inspection entities and of those who perform inspections and plan~~  
324 ~~reviews.~~

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

326 (a) Procedures and qualifications for approval of third-  
327 party plan review and inspection agencies and of those who  
328 perform inspections and plan reviews.

329 (b) ~~(d)~~ Investigation of consumer complaints of  
330 noncompliance of manufactured buildings with the Florida Building  
331 Code and the Florida Fire Prevention Code.

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

335 (d) ~~(f)~~ Monitoring the manufacturers', inspection agencies'  
336 entities', and plan review agencies' ~~entities'~~ compliance with  
337 this part and the Florida Building Code. Monitoring may include,  
338 but is not limited to, performing audits of plans, inspections of  
339 manufacturing facilities and observation of the manufacturing and  
340 inspection process, and onsite inspections of buildings.

341 (e) ~~(g)~~ The performance by the department of any other  
342 functions required by this part.

343 (3) ~~(2)~~ After the effective date of the Florida Building  
344 Code, no manufactured building, except as provided in subsection  
345 (12) ~~(11)~~, may be installed in this state unless it is approved  
346 and bears the insignia of approval of the department and a  
347 manufacturer's data plate. Approvals issued by the department



427394

348 | under the provisions of the prior part shall be deemed to comply  
349 | with the requirements of this part.

350 |       (4)~~(3)~~ All manufactured buildings issued and bearing  
351 | insignia of approval pursuant to subsection (3) ~~(2)~~ shall be  
352 | deemed to comply with the Florida Building Code and are exempt  
353 | from local amendments enacted by any local government.

354 |       (5)~~(4)~~ No manufactured building bearing department insignia  
355 | of approval pursuant to subsection (3) ~~(2)~~ shall be in any way  
356 | modified prior to installation, except in conformance with the  
357 | Florida Building Code.

358 |       (6)~~(5)~~ Manufactured buildings which have been issued and  
359 | bear the insignia of approval pursuant to this part upon  
360 | manufacture or first sale shall not require an additional  
361 | approval or insignia by a local government in which they are  
362 | subsequently sold or installed. Buildings or structures that meet  
363 | the definition of "open construction" are subject to permitting  
364 | by the local jurisdiction and are not required to bear insignia.

365 |       (7)~~(6)~~ If the department ~~Florida Building Commission~~  
366 | determines that the standards for construction and inspection of  
367 | manufactured buildings prescribed by statute or rule of another  
368 | state are at least equal to the Florida Building Code and that  
369 | such standards are actually enforced by such other state, it may  
370 | provide by rule that the manufactured building which has been  
371 | inspected and approved by such other state shall be deemed to  
372 | have been approved by the department and shall authorize the  
373 | affixing of the appropriate insignia of approval.

374 |       (8)~~(7)~~ The department ~~Florida Building Commission~~, by rule,  
375 | shall establish a schedule of fees to pay the cost of ~~incurred by~~  
376 | ~~the department for the work related to~~ administration and  
377 | enforcement of this part.



427394

378        ~~(9)(8)~~ The department may delegate its enforcement  
379 authority to a state department having building construction  
380 responsibilities or a local government. The department may  
381 delegate its plan review and inspection authority to one or more  
382 of the following in any combination:

383        (a) A state department having building construction  
384 responsibilities;

385        (b) A local government;

386        (c) An approved inspection agency;

387        (d) An approved plan review agency; or

388        (e) An agency of another state.

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

393        (10) The department shall develop an insignia to be affixed  
394 to all newly constructed buildings by the manufacturer or the  
395 inspection agency prior to the building leaving the plant. The  
396 department may charge a fee for issuing such insignias. Such  
397 insignias shall bear the department's name, the state seal, an  
398 identification number unique to that insignia, and such other  
399 information as the department may require by rule. If the  
400 ~~commission delegates its inspection authority to third-party~~  
401 ~~approved plan review agencies, manufacturers must have one, and~~  
402 ~~only one, plan review agency responsible for review of plans of a~~  
403 ~~manufactured building, module, or component at all times.~~

404        (11) The department shall by rule develop minimum criteria  
405 for manufacturer's data that must be affixed to all newly  
406 constructed buildings by the manufacturer prior to the building  
407 leaving the plant. Custom or one-of-a-kind prototype manufactured



427394

408 ~~buildings shall not be required to have state approval but must~~  
409 ~~comply with all local requirements of the governmental agency~~  
410 ~~having jurisdiction at the installation site.~~

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

413 553.381 Manufacturer certification.--

414 (1) Before manufacturing buildings to be located within  
415 this state or selling manufactured buildings within this state,  
416 whichever occurs later, a manufacturer must be certified by the  
417 department. The department shall certify a manufacturer upon  
418 receipt from the manufacturer and approval and verification by  
419 the department of the following:

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

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

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

427 (3) Certification of manufacturers under this section shall  
428 be for a period of 3 years, subject to renewal by the  
429 manufacturer. Upon application for renewal, the manufacturer must  
430 submit the information described in subsection (1) or a sworn  
431 statement that there has been no change in the status or content  
432 of that information since the manufacturer's last submittal. Fees  
433 for renewal of manufacturers' certification shall be established  
434 by the department ~~commission~~ by rule.

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

437 553.415 Factory-built school buildings.--



427394

438           (11) The department shall require that an insignia bearing  
439 the department's name and state seal and a manufacturer's data  
440 plate ~~develop a unique identification label to~~ be affixed to all  
441 newly constructed factory-built school buildings and existing  
442 factory-built school buildings which have been brought into  
443 compliance with the standards for existing "satisfactory"  
444 buildings pursuant to chapter 5 of the Uniform Code for Public  
445 Educational Facilities, and after March 1, 2002, the Florida  
446 Building Code. The department may charge a fee for issuing such  
447 insignias labels. The manufacturer's data plate ~~Such labels,~~  
448 ~~bearing the department's name and state seal,~~ shall, at a  
449 minimum, contain:

- 450           (a) The name of the manufacturer.  
451           (b) The standard plan approval number or alteration number.  
452           (c) The date of manufacture or alteration.  
453           (d) The serial or other identification number.  
454           (e) The following designed-for loads: lbs. per square foot  
455 live load; lbs. per square foot floor live load; lbs. per square  
456 foot horizontal wind load; and lbs. per square foot wind uplift  
457 load.  
458           (f) The designed-for flood zone usage.  
459           (g) The designed-for wind zone usage.  
460           (h) The designed-for enhanced hurricane protection zone  
461 usage: yes or no.

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





427394

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

469 553.71 Definitions.--As used in this part, the term:

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

473 Section 9. Paragraph (a) of subsection (6) and subsection  
474 (7) of section 553.73, Florida Statutes, are amended, and  
475 subsection (13) is added to that section, to read:

476 553.73 Florida Building Code.--

477 (6) (a) The commission, by rule adopted pursuant to ss.  
478 120.536(1) and 120.54, shall update the Florida Building Code  
479 every 3 years. When updating the Florida Building Code, the  
480 commission shall select the most current version of the  
481 International Building Code, the International Fuel Gas Code, the  
482 International Mechanical Code, the International Plumbing Code,  
483 and the International Residential Code, all of which are adopted  
484 by the International Code Council, and the National Electrical  
485 Code, which is adopted by the National Fire Protection  
486 Association, to form the foundation codes of the updated Florida  
487 Building Code, if the version has been adopted by the applicable  
488 model code entity and made available to the public at least 6  
489 months prior to its selection by the commission. The commission  
490 shall select the most current version of the International Energy  
491 Conservation Code (IECC) as a foundation code; however, the IECC  
492 shall be modified by the commission to maintain the efficiencies  
493 of the Florida Energy Efficiency Code for Building Construction  
494 adopted and amended pursuant to s. 553.901.

495 (7) Notwithstanding the provisions of subsection (3) or  
496 subsection (6), the commission may address issues identified in



427394

497 | this subsection by amending the code pursuant only to the rule  
498 | adoption procedures contained in chapter 120. Provisions of the  
499 | Florida Building Code, including those contained in referenced  
500 | standards and criteria, relating to wind resistance or the  
501 | prevention of water intrusion may not be amended pursuant to this  
502 | subsection to diminish those construction requirements; however,  
503 | the commission may, subject to conditions in this subsection,  
504 | amend the provisions to enhance those construction requirements.  
505 | Following the approval of any amendments to the Florida Building  
506 | Code by the commission and publication of the amendments on the  
507 | commission's website, authorities having jurisdiction to enforce  
508 | the Florida Building Code may enforce the amendments. The  
509 | commission may approve amendments that are needed to address:

510 |       (a) Conflicts within the updated code;

511 |       (b) Conflicts between the updated code and the Florida Fire  
512 | Prevention Code adopted pursuant to chapter 633;

513 |       (c) The omission of previously adopted Florida-specific  
514 | amendments to the updated code if such omission is not supported  
515 | by a specific recommendation of a technical advisory committee or  
516 | particular action by the commission;

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

519 |       (e) Changes to federal or state law; or-

520 |       (f) Adoption of an updated edition of the National  
521 | Electrical Code if the commission finds that delay of  
522 | implementing the updated edition causes undue hardship to  
523 | stakeholders or otherwise threatens the public health, safety,  
524 | and welfare.

525 |       (13) The general provisions of the Florida Building Code  
526 | for buildings and other structures shall not apply to commercial



427394

527 wireless communication towers when such general provisions are  
528 inconsistent with the provisions of the code controlling radio  
529 and television towers. This subsection is intended to be remedial  
530 in nature and to clarify existing law.

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

533 553.74 Florida Building Commission.--

534 (1) The Florida Building Commission is created and shall be  
535 located within the Department of Community Affairs for  
536 administrative purposes. Members shall be appointed by the  
537 Governor subject to confirmation by the Senate. The commission  
538 shall be composed of 25 ~~23~~ members, consisting of the following:

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

543 (b) One structural engineer registered to practice in this  
544 state and actively engaged in the profession. The Florida  
545 Engineering Society is encouraged to recommend a list of  
546 candidates for consideration.

547 (c) One air-conditioning or mechanical contractor certified  
548 to do business in this state and actively engaged in the  
549 profession. The Florida Air Conditioning Contractors Association,  
550 the Florida Refrigeration and Air Conditioning Contractors  
551 Association, and the Mechanical Contractors Association of  
552 Florida are encouraged to recommend a list of candidates for  
553 consideration.

554 (d) One electrical contractor certified to do business in  
555 this state and actively engaged in the profession. The Florida  
556 Electrical Contractors Association and the National Electrical



427394

557 Contractors Association, Florida Chapter, are encouraged to  
558 recommend a list of candidates for consideration.

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

564 (f) One general contractor certified to do business in this  
565 state and actively engaged in the profession. The Associated  
566 Builders and Contractors of Florida, the Florida Associated  
567 General Contractors Council, and the Union Contractors  
568 Association are encouraged to recommend a list of candidates for  
569 consideration.

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

574 (h) One roofing or sheet metal contractor certified to do  
575 business in this state and actively engaged in the profession.  
576 The Florida Roofing, Sheet Metal, and Air Conditioning  
577 Contractors Association and the Sheet Metal and Air Conditioning  
578 Contractors National Association are encouraged to recommend a  
579 list of candidates for consideration.

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

584 (j) Three members who are municipal or district codes  
585 enforcement officials, one of whom is also a fire official. The  
586 Building Officials Association of Florida and the Florida Fire



427394

587 Marshals and Inspectors Association are encouraged to recommend a  
588 list of candidates for consideration.

589 (k) One member who represents the Department of Financial  
590 Services.

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

594 (m) One member of a Florida-based organization of persons  
595 with disabilities or a nationally chartered organization of  
596 persons with disabilities with chapters in this state.

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

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

605 (p) One member who is a representative of a municipality or  
606 a charter county. The Florida League of Cities and the Florida  
607 Association of Counties are encouraged to recommend a list of  
608 candidates for consideration.

609 (q) One member of the building products manufacturing  
610 industry who is authorized to do business in this state and is  
611 actively engaged in the industry. The Florida Building Material  
612 Association, the Florida Concrete and Products Association, and  
613 the Fenestration Manufacturers Association are encouraged to  
614 recommend a list of candidates for consideration.

615 (r) One member who is a representative of the building  
616 owners and managers industry who is actively engaged in



427394

617 commercial building ownership or management. The Building Owners  
618 and Managers Association is encouraged to recommend a list of  
619 candidates for consideration.

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

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

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

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

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

634

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

639 (2) All appointments shall be for terms of 4 years, ~~except~~  
640 ~~that of the chair who shall serve at the pleasure of the~~  
641 ~~Governor.~~ Each person who is a member of the Board of Building  
642 Codes and Standards on the effective date of this act shall serve  
643 the remainder of their term as a member of the Florida Building  
644 Commission. ~~Except for the chair, newly created positions on the~~  
645 ~~Florida Building Commission shall be appointed after February 1,~~  
646 ~~1999. A vacancy shall be filled for the remainder of the~~



427394

647 ~~unexpired term.~~ Any member who shall, during his or her term,  
648 cease to meet the qualifications for original appointment,  
649 through ceasing to be a practicing member of the profession  
650 indicated or otherwise, shall thereby forfeit membership on the  
651 commission.

652 Section 11. Section 553.75, Florida Statutes, is amended to  
653 read:

654 553.75 Organization of commission; rules and regulations;  
655 meetings; staff; fiscal affairs; public comment.--

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

659 (2) The commission shall meet at the call of its chair, at  
660 the request of a majority of its membership, at the request of  
661 the department, or at such times as may be prescribed by its  
662 rules. The members shall be notified in writing of the time and  
663 place of a regular or special meeting at least 7 days in advance  
664 of the meeting. A majority of members of the commission shall  
665 constitute a quorum.

666 (3) The department shall be responsible for the provision  
667 of administrative and staff support services relating to the  
668 functions of the commission. With respect to matters within the  
669 jurisdiction of the commission, the department shall be  
670 responsible for the implementation and faithful discharge of all  
671 decisions of the commission made pursuant to its authority under  
672 the provisions of this part. The department is specifically  
673 authorized to use communications media technology in conducting  
674 meetings of the commission or any meetings held in conjunction  
675 with meetings of the commission.



427394

676       (4) Meetings of the commission shall be conducted so as to  
677 encourage participation by interested persons in attendance. At a  
678 minimum, the commission shall provide one opportunity for  
679 interested members of the public in attendance at a meeting to  
680 comment on each proposed action of the commission before a final  
681 vote is taken on any motion.

682       Section 12. Present subsection (5) of section 553.77,  
683 Florida Statutes, is renumbered as subsection (6), and a new  
684 subsection (5) is added to that section, to read:

685       553.77 Specific powers of the commission.--

686       (5) The commission may implement its recommendations  
687 delivered pursuant to subsection (2) of section 48 of chapter  
688 2007-73, Laws of Florida, by amending the Florida Energy  
689 Efficiency Code for Building Construction as provided in s.  
690 553.901.

691       Section 13. Subsection (5) of section 553.775, Florida  
692 Statutes, is amended to read:

693       553.775 Interpretations.--

694       (5) The commission may render declaratory statements in  
695 accordance with s. 120.565 relating to the provisions of the  
696 Florida Accessibility Code for Building Construction not  
697 attributable to the Americans with Disabilities Act Accessibility  
698 Guidelines. Notwithstanding the other provisions of this section,  
699 the Florida Accessibility Code for Building Construction and  
700 chapter 11 of the Florida Building Code may not be interpreted  
701 by, and are not subject to review under, any of the procedures  
702 specified in this section. This subsection has no effect upon the  
703 commission's authority to waive the Florida Accessibility Code  
704 for Building Construction as provided by s. 553.512.





427394

705 Section 14. Paragraph (g) is added to subsection (1) of  
706 section 553.80, Florida Statutes, and subsection (7) of that  
707 section is amended, to read:

708 553.80 Enforcement.--

709 (1) Except as provided in paragraphs (a)-(g) ~~(a)-(f)~~, each  
710 local government and each legally constituted enforcement  
711 district with statutory authority shall regulate building  
712 construction and, where authorized in the state agency's enabling  
713 legislation, each state agency shall enforce the Florida Building  
714 Code required by this part on all public or private buildings,  
715 structures, and facilities, unless such responsibility has been  
716 delegated to another unit of government pursuant to s. 553.79(9).

717 (g) Construction regulations relating to secure mental  
718 health treatment facilities under the jurisdiction of the  
719 Department of Children and Family Services shall be enforced  
720 exclusively by the department in conjunction with the Agency for  
721 Health Care Administration's review authority under paragraph  
722 (c).

723

724 The governing bodies of local governments may provide a schedule  
725 of fees, as authorized by s. 125.56(2) or s. 166.222 and this  
726 section, for the enforcement of the provisions of this part. Such  
727 fees shall be used solely for carrying out the local government's  
728 responsibilities in enforcing the Florida Building Code. The  
729 authority of state enforcing agencies to set fees for enforcement  
730 shall be derived from authority existing on July 1, 1998.

731 However, nothing contained in this subsection shall operate to  
732 limit such agencies from adjusting their fee schedule in  
733 conformance with existing authority.



427394

734 (7) The governing bodies of local governments may provide a  
735 schedule of reasonable fees, as authorized by s. 125.56(2) or s.  
736 166.222 and this section, for enforcing this part. These fees,  
737 and any fines or investment earnings related to the fees, shall  
738 be used solely for carrying out the local government's  
739 responsibilities in enforcing the Florida Building Code. When  
740 providing a schedule of reasonable fees, the total estimated  
741 annual revenue derived from fees, and the fines and investment  
742 earnings related to the fees, may not exceed the total estimated  
743 annual costs of allowable activities. Any unexpended balances  
744 shall be carried forward to future years for allowable activities  
745 or shall be refunded at the discretion of the local government.  
746 The basis for a fee structure for allowable activities shall  
747 relate to the level of service provided by the local government  
748 and shall include consideration for refunding fees due to reduced  
749 services based on services provided as prescribed by s. 553.791,  
750 but not provided by the local government. Fees charged shall be  
751 consistently applied.

752 (a) As used in this subsection, the phrase "enforcing the  
753 Florida Building Code" includes the direct costs and reasonable  
754 indirect costs associated with review of building plans, building  
755 inspections, reinspections, and building permit processing;  
756 building code enforcement; and fire inspections associated with  
757 new construction. The phrase may also include training costs  
758 associated with the enforcement of the Florida Building Code and  
759 enforcement action pertaining to unlicensed contractor activity  
760 to the extent not funded by other user fees.

761 (b) The following activities may not be funded with fees  
762 adopted for enforcing the Florida Building Code:



427394

763 1. Planning and zoning or other general government  
764 activities.

765 2. Inspections of public buildings for a reduced fee or no  
766 fee.

767 3. Public information requests, community functions,  
768 boards, and any program not directly related to enforcement of  
769 the Florida Building Code.

770 4. Enforcement and implementation of any other local  
771 ordinance, excluding validly adopted local amendments to the  
772 Florida Building Code and excluding any local ordinance directly  
773 related to enforcing the Florida Building Code as defined in  
774 paragraph (a).

775 (c) A local government shall use recognized management,  
776 accounting, and oversight practices to ensure that fees, fines,  
777 and investment earnings generated under this subsection are  
778 maintained and allocated or used solely for the purposes  
779 described in paragraph (a).

780 Section 15. Subsection (17) is added to section 553.842,  
781 Florida Statutes, to read:

782 553.842 Product evaluation and approval.--

783 (17) (a) The Florida Building Commission shall review the  
784 list of evaluation entities in subsection (8) and, in the annual  
785 report required under s. 553.77, shall either recommend  
786 amendments to the list to add evaluation entities the commission  
787 determines should be authorized to perform product evaluations or  
788 shall report on the criteria adopted by rule or to be adopted by  
789 rule allowing the commission to approve evaluation entities that  
790 use the commission's product evaluation process. If the  
791 commission adopts criteria by rule, the rulemaking process must  
792 be completed by July 1, 2009.



427394

793           (b) Notwithstanding paragraph (8)(a), the International  
794 Association of Plumbing and Mechanical Officials Evaluation  
795 Services is approved as an evaluation entity until October 1,  
796 2009. If the association does not obtain permanent approval by  
797 the commission as an evaluation entity by October 1, 2009,  
798 products approved on the basis of an association evaluation must  
799 be substituted by an alternative, approved entity by December 31,  
800 2009, and on January 1, 2010, any product approval issued by the  
801 commission based on an association evaluation is void.

802           Section 16. Paragraph (b) of subsection (2) of section  
803 553.844, Florida Statutes, is amended to read:

804           553.844 Windstorm loss mitigation; requirements for roofs  
805 and opening protection.--

806           (2) The Florida Building Commission shall:

807           (b) Develop and adopt within the Florida Building Code a  
808 means to incorporate recognized mitigation techniques for site-  
809 built, single-family residential structures constructed before  
810 ~~prior to~~ the implementation of the Florida Building Code,  
811 including, but not limited to:

812           1. Prescriptive techniques for the installation of gable-  
813 end bracing;

814           2. Secondary water barriers for roofs and standards  
815 relating to secondary water barriers. The criteria may include,  
816 but need not be limited to, roof shape, slope, and composition of  
817 all elements of the roof system. The criteria may not be limited  
818 to one method or material for a secondary water barrier;

819           3. Prescriptive techniques for improvement of roof-to-wall  
820 connections. The Legislature recognizes that the cost of  
821 retrofitting existing buildings to meet the code requirements for  
822 new construction in this regard may exceed the practical benefit



427394

823 to be attained. The Legislature intends for the commission to  
824 provide for the integration of alternate, lower-cost means that  
825 may be employed to retrofit existing buildings that are not  
826 otherwise required to comply with the requirements of the Florida  
827 Building Code for new construction so that the cost of such  
828 improvements does not exceed approximately 15 percent of the cost  
829 of reroofing. Roof-to-wall connections shall not be required  
830 unless evaluation and installation of connections at gable ends  
831 or all corners can be completed for 15 percent of the cost of  
832 roof replacement. For houses that have both hip and gable roof  
833 ends, the priority shall be to retrofit the gable end roof-to-  
834 wall connections unless the width of the hip is more than 1.5  
835 times greater than the width of the gable end. Priority shall be  
836 given to connecting the corners of roofs to walls below the  
837 locations at which the spans of the roofing members are greatest;

838 4. Strengthening or correcting roof-decking attachments and  
839 fasteners during reroofing; and

840 5. Adding or strengthening opening protections.

841 Section 17. Subsection (1) of section 553.885, Florida  
842 Statutes, is amended to read:

843 553.885 Carbon monoxide alarm required.--

844 (1) Every building, other than a hospital, an inpatient  
845 hospice facility, or a nursing home facility licensed by the  
846 Agency for Health Care Administration, for which a building  
847 permit is issued for new construction on or after July 1, 2008,  
848 and having a fossil-fuel-burning heater or appliance, a  
849 fireplace, or an attached garage shall have an approved  
850 operational carbon monoxide alarm installed within 10 feet of  
851 each room used for sleeping purposes. For a new hospital, an  
852 inpatient hospice facility, or a nursing home facility licensed



427394

853 by the Agency for Health Care Administration, an approved  
854 operational carbon monoxide detector shall be installed inside or  
855 directly outside of each room or area within the hospital or  
856 facility were a fossil-fuel burning heater, engine, or appliance  
857 is located. This detector shall be connected to the fire-alarm  
858 system of the hospital or facility as a supervisory signal.

859 Section 18. Section 553.886, Florida Statutes, is created  
860 to read:

861 553.886 Energy-efficiency technologies.--The provisions of  
862 the Florida Building Code must facilitate and promote the use of  
863 cost-effective energy conservation, energy-demand management, and  
864 renewable energy technologies in buildings.

865 Section 19. Section 553.9061, Florida Statutes, is created  
866 to read:

867 553.9061 .-- Scheduled increases in thermal efficiency  
868 standards.--

869 (1) The purpose of this section is to establish a schedule  
870 of increases in the energy performance of buildings subject to  
871 the Florida Energy Efficiency Code for Building Construction. The  
872 Florida Building Commission shall:

873 (a) Include the necessary provisions by the 2010 edition of  
874 the Florida Energy Efficiency Code for Building Construction to  
875 increase the energy performance of new buildings by at least 20  
876 percent as compared to the energy efficiency provisions of the  
877 2007 Florida Building Code adopted October 31, 2007.

878 (b) Increase energy efficiency requirements by the 2013  
879 edition of the Florida Energy Efficiency Code for Building  
880 Construction by at least 30 percent as compared to the energy  
881 efficiency provisions of the 2007 Florida Building Code adopted  
882 October 31, 2007.



427394

883        (c) Increase energy efficiency requirements by the 2016  
884 edition of the Florida Energy Efficiency Code for Building  
885 Construction by at least 40 percent as compared to the energy  
886 efficiency provisions of the 2007 Florida Building Code adopted  
887 October 31, 2007.

888        (d) Increase energy efficiency requirements by the 2019  
889 edition of the Florida Energy Efficiency Code for Building  
890 Construction by at least 50 percent as compared to the energy  
891 efficiency provisions of the 2007 Florida Building Code adopted  
892 October 31, 2007.

893        (2) The Florida Building Commission shall identify within  
894 code support and compliance documentation the specific building  
895 options and elements available to meet the energy performance  
896 goals established in subsection (1). Energy-efficiency  
897 performance options and elements include, but are not limited to:

898            (a) Solar water heating.

899            (b) Energy-efficient appliances.

900            (c) Energy-efficient windows, doors, and skylights.

901            (d) Low solar-absorption roofs, also known as "cool roofs."

902            (e) Enhanced ceiling and wall insulation.

903            (f) Reduced-leak duct systems.

904            (g) Programmable thermostats.

905            (h) Energy-efficient lighting systems.

906        (3) The Florida Building Commission shall, prior to  
907 implementing the goals established in subsection (1), adopt by  
908 rule and implement a cost-effectiveness test for proposed  
909 increases in energy efficiency. The cost-effectiveness test shall  
910 measure cost-effectiveness and shall ensure that energy  
911 efficiency increases result in a positive net financial impact.



427394

912           Section 20. (1) The Department of Community Affairs, in  
913 conjunction with the Florida Energy Affordability Coalition,  
914 shall identify and review issues relating to the Low-Income Home  
915 Energy Assistance Program and the Weatherization Assistance  
916 Program, and identify recommendations that:

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

918           (b) Maximize available financial and energy-conservation  
919 assistance;

920           (c) Improve the quality of service to customers seeking  
921 assistance; and

922           (d) Educate customers to make informed decisions regarding  
923 energy use and conservation.

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

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

929           Section 21. Section 553.731, Florida Statutes, is repealed.

930           Section 22. The repeal of s. 553.731, Florida Statutes, by  
931 this act, does not diminish or authorize changes that diminish  
932 the provisions of the Florida Building Code relating to wind  
933 resistance or water intrusion which were adopted pursuant to  
934 chapter 2007-1, Laws of Florida.

935           Section 23. Subparagraph 6. of paragraph (a) of subsection  
936 (6) of s. 627.351, Florida Statutes, is repealed.

937           Section 24. Subsections (3), and (4) of section  
938 336.41, Florida Statutes, are renumbered as subsections (4), and  
939 (5), respectively, and a subsection (3) is added to that section,  
940 to read:





427394

941 336.41 Counties; employing labor and providing road  
942 equipment; accounting; when competitive bidding required.--

943 (3) Notwithstanding any law to the contrary, a county,  
944 municipality, or special district may not own or operate an  
945 asphalt plant or a portable or stationary concrete batch plant  
946 that has an independent mixer; however, this prohibition does not  
947 apply to any county that owns or is under contract to purchase an  
948 asphalt plant as of April 15, 2008, and that furnishes its plant-  
949 generated asphalt solely for use by local governments or  
950 companies under contract with local governments for projects  
951 within the boundaries of the county. Sale of plant-generated  
952 asphalt to private entities or local governments outside the  
953 boundaries of the county is prohibited.

954 Section 25. Subsection (6) is added to section 718.113,  
955 Florida Statutes, to read:

956 718.113 Maintenance; limitation upon improvement; display  
957 of flag; hurricane shutters.--

958 (6) Notwithstanding the provisions of this section or the  
959 governing documents of a condominium or a multicondominium  
960 association, the board of administration may, without any  
961 requirement for approval of the unit owners, install upon or  
962 within the common elements or association property solar  
963 collectors, clotheslines, or other energy-efficient devices based  
964 on renewable resources for the benefit of the unit owners.

965 Section 26. The Florida Building Commission shall submit  
966 the text of the rule required by section 19 of this act to the  
967 Legislature in its report to the 2009-2010 Legislature, and shall  
968 provide an effective date for the rule by July 1, 2009.

969 Section 27. This act shall take effect July 1, 2008.  
970



427394

971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to building code standards; amending s.  
163.04, F.S.; revising provisions authorizing the use of  
solar collectors and other energy devices; amending s.  
163.3177, F.S.; revising requirements for the future land  
use element of a local comprehensive plan to include  
energy-efficient land use patterns and greenhouse gas  
reduction strategies; requiring that the traffic-  
circulation element of a local comprehensive plan  
incorporate transportation strategies to reduce greenhouse  
gas emissions; requiring that the land use map or map  
series contained in the future land use element of a local  
comprehensive plan identify and depict energy  
conservation; requiring that the home element of a local  
comprehensive plan include energy efficiency in the design  
and construction of new housing and use of renewable  
energy resources; providing that certain counties may not  
receive state affordable housing funds under certain  
circumstances; requiring each unit of local government  
within an urbanized area to amend the transportation  
element of a local comprehensive plan to incorporate  
transportation strategies addressing reduction in  
greenhouse gas emissions; amending s. 489.105, F.S.;  
expanding the scope of the definition of "roofing  
contractor" to include contractors performing required



427394

1001 | roof-deck attachments and any repair or replacement of  
1002 | wood roof sheathing or fascia as needed during roof repair  
1003 | or replacement; amending s. 553.36, F.S.; redefining the  
1004 | term "manufactured building" for purposes of the Florida  
1005 | Manufactured Building Act to include modular and factory-  
1006 | built buildings; amending s. 553.37, F.S.; requiring the  
1007 | Department of Community Affairs to adopt rules related to  
1008 | the inspection, construction, and modification of  
1009 | manufactured buildings; requiring the department to  
1010 | develop an insignia to be affixed to newly constructed  
1011 | manufactured buildings; authorizing the department to  
1012 | charge a fee for the insignia; providing requirements for  
1013 | the insignia; requiring the department to develop minimum  
1014 | criteria for a manufacturer's data plate; amending s.  
1015 | 553.381, F.S.; conforming provisions; amending s. 553.415,  
1016 | F.S.; requiring the department to require that an insignia  
1017 | be affixed to all newly constructed factory-built school  
1018 | buildings; providing requirements for the manufacturer's  
1019 | data plate; amending s. 553.71, F.S.; providing a  
1020 | definition; amending s. 553.73, F.S.; expanding required  
1021 | codes to be included in Florida Building Code updates;  
1022 | expanding the list of reasons the commission may amend the  
1023 | Florida Building Code; providing requirements for the  
1024 | retroactive application of parts of the Florida Building  
1025 | Code to commercial wireless communications towers;  
1026 | amending s. 553.74, F.S.; revising requirements for  
1027 | selecting members of the Florida Building Commission;  
1028 | revising membership of the commission; deleting obsolete  
1029 | provisions; amending s. 553.75, F.S.; authorizing the  
1030 | Florida Building Commission to use communications media



427394

1031 technology in conducting its meetings or meetings held in  
1032 conjunction with commission meetings; providing for public  
1033 comment at meetings of the commission; amending s. 553.77,  
1034 F.S.; authorizing the commission to implement  
1035 recommendations relating to energy efficiency in  
1036 residential and commercial buildings; amending s. 553.775,  
1037 F.S.; authorizing the commission to render declaratory  
1038 statements; amending s. 553.80, F.S.; providing that the  
1039 enforcement of construction regulations relating to secure  
1040 mental health treatment facilities under the jurisdiction  
1041 of the Department of Children and Family Services shall be  
1042 enforced exclusively by the department in conjunction with  
1043 the review authority of the Agency for Health Care  
1044 Administration; requiring that the basis for a fee  
1045 structure for allowable activities include consideration  
1046 for refunding fees due to reduced services based on  
1047 certain services; amending s. 553.842, F.S.; requiring the  
1048 commission to review the list of product evaluation  
1049 entities; providing reporting requirements; providing for  
1050 rulemaking; designating an entity as an approved  
1051 production evaluation entity until October 1, 2009;  
1052 providing criteria for substitution of approved products  
1053 under certain conditions; providing for the expiration of  
1054 certain product approvals; amending s. 553.844, F.S.;  
1055 revising provisions requiring the adoption of certain  
1056 mitigation techniques by the Florida Building Commission  
1057 within the Florida Building Code for certain structures;  
1058 amending s. 553.885, F.S.; requiring the installation of  
1059 carbon monoxide detectors in certain new hospitals,  
1060 hospice and nursing homes facilities; creating s. 553.886,



427394

1061 F.S.; requiring that the Florida Building Code facilitate  
1062 and promote the use of certain renewable energy  
1063 technologies in buildings; creating s. 553.9061, F.S.;  
1064 establishing a schedule of required increases in the  
1065 energy performance of buildings subject to the Florida  
1066 Building Code; providing a process for implementing goals  
1067 to increase energy-efficiency performance in new  
1068 buildings; providing a schedule for the implementation of  
1069 such goals; identifying energy-efficiency performance  
1070 options and elements available to meet energy-efficiency  
1071 performance requirements; requiring the commission to  
1072 adopt by rule a definition of the term "cost-effectiveness  
1073 test"; providing that the commission implement a cost-  
1074 effectiveness test; providing requirements for the test;  
1075 directing the Department of Community Affairs, in  
1076 conjunction with the Florida Energy Affordability Council,  
1077 to identify and review issues relating to the Low-Income  
1078 Home Energy Assistance Program and the Weatherization  
1079 Assistance Program; requiring the submission of a report  
1080 to the President of the Senate and the Speaker of the  
1081 House of Representatives on or before a specified date;  
1082 providing for the expiration of certain study  
1083 requirements; repealing s. 553.731, F.S., relating to  
1084 wind-borne debris protection requirements; providing for  
1085 construction and interpretation of the repeal; repealing  
1086 s. 627.351(6)(a)6., F.S.; providing requirements for  
1087 certain properties to meet building code plus requirements  
1088 as a condition of eligibility for coverage by Citizens  
1089 Property Insurance Corporation; amending s. 336.41, F.S.;  
1090 providing that a county, municipality, or special district



427394

1091 | may not own or operate an asphalt plant or a portable or  
1092 | stationary concrete batch plant having an independent  
1093 | mixer; amending s. 718.113, F.S.; authorizing the board of  
1094 | a condominium or a multicondominium to install solar  
1095 | collectors, clotheslines, or other energy-efficient  
1096 | devices on association property; requiring the Florida  
1097 | Building Commission to include certain information in its  
1098 | report to the Legislature; providing an effective date.