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CHAMBER ACTION

Senate

House

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

Floor: AD
5/2/2008 3:26 PM

Senator Constantine moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

163.04 Energy devices based on renewable resources.--

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



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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



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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



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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



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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,



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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.



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



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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





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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.



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258  
259 Section 3. Paragraph (a) of subsection (3) of section  
260 377.806, Florida Statutes, is amended to read:

261 377.806 Solar Energy System Incentives Program.--

262 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

263 (a) Eligibility requirements.--A solar thermal system  
264 qualifies for a rebate if:

265 1. The system is installed by a state-licensed solar or  
266 plumbing contractor or a roofing contractor installing standing  
267 seam hybrid thermal roofs.

268 2. The system complies with all applicable building codes  
269 as defined by the local jurisdictional authority.

270 Section 4. Paragraph (e) of subsection (3) of section  
271 489.105, Florida Statutes, is amended to read:

272 489.105 Definitions.--As used in this part:

273 (3) "Contractor" means the person who is qualified for, and  
274 shall only be responsible for, the project contracted for and  
275 means, except as exempted in this part, the person who, for  
276 compensation, undertakes to, submits a bid to, or does himself or  
277 herself or by others construct, repair, alter, remodel, add to,  
278 demolish, subtract from, or improve any building or structure,  
279 including related improvements to real estate, for others or for  
280 resale to others; and whose job scope is substantially similar to  
281 the job scope described in one of the subsequent paragraphs of  
282 this subsection. For the purposes of regulation under this part,  
283 "demolish" applies only to demolition of steel tanks over 50 feet  
284 in height; towers over 50 feet in height; other structures over  
285 50 feet in height, other than buildings or residences over three  
286 stories tall; and buildings or residences over three stories  
287 tall. Contractors are subdivided into two divisions, Division I,



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288 consisting of those contractors defined in paragraphs (a)-(c),  
289 and Division II, consisting of those contractors defined in  
290 paragraphs (d)-(q):

291 (e) "Roofing contractor" means a contractor whose services  
292 are unlimited in the roofing trade and who has the experience,  
293 knowledge, and skill to install, maintain, repair, alter, extend,  
294 or design, when not prohibited by law, and use materials and  
295 items used in the installation, maintenance, extension, and  
296 alteration of all kinds of roofing, waterproofing, and coating,  
297 except when coating is not represented to protect, repair,  
298 waterproof, stop leaks, or extend the life of the roof. The scope  
299 of work of a roofing contractor also includes required roof-deck  
300 attachments and any repair or replacement of wood roof sheathing  
301 or fascia as needed during roof repair or replacement.

302 Section 5. Subsection (13) of section 553.36, Florida  
303 Statutes, is amended to read:

304 553.36 Definitions.--The definitions contained in this  
305 section govern the construction of this part unless the context  
306 otherwise requires.

307 (13) "Manufactured building", "modular building," or  
308 "factory-built building" means a closed structure, building  
309 assembly, or system of subassemblies, which may include  
310 structural, electrical, plumbing, heating, ventilating, or other  
311 service systems manufactured in manufacturing facilities for  
312 installation or erection as a finished building or as part of a  
313 finished building, which shall include, but not be limited to,  
314 residential, commercial, institutional, storage, and industrial  
315 structures. The term includes buildings not intended for human  
316 habitation such as lawn storage buildings and storage sheds  
317 manufactured and assembled offsite by a manufacturer certified in



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318 conformance with this part. This part does not apply to mobile  
319 homes.

320 Section 6. Section 553.37, Florida Statutes, is amended to  
321 read:

322 553.37 Rules; inspections; and insignia.--

323 (1) The Florida Building Commission shall adopt within the  
324 Florida Building Code requirements for construction or  
325 modification of manufactured buildings and building modules, to  
326 address:

327 (a) Submittal to and approval by the department of  
328 manufacturers' drawings and specifications, including any  
329 amendments.

330 (b) Submittal to and approval by the department of  
331 manufacturers' internal quality control procedures and manuals,  
332 including any amendments.

333 (c) Minimum inspection criteria. ~~Procedures and~~  
334 ~~qualifications for approval of third-party plan review and~~  
335 ~~inspection entities and of those who perform inspections and plan~~  
336 ~~reviews.~~

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

338 (a) Procedures and qualifications for approval of third-  
339 party plan review and inspection agencies and of those who  
340 perform inspections and plan reviews.

341 (b) ~~(d)~~ Investigation of consumer complaints of  
342 noncompliance of manufactured buildings with the Florida Building  
343 Code and the Florida Fire Prevention Code.

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



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347        (d)~~(f)~~ Monitoring the manufacturers', inspection agencies'  
348 ~~entities'~~, and plan review agencies' ~~entities'~~ compliance with  
349 this part and the Florida Building Code. Monitoring may include,  
350 but is not limited to, performing audits of plans, inspections of  
351 manufacturing facilities and observation of the manufacturing and  
352 inspection process, and onsite inspections of buildings.

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

355        (3)~~(2)~~ After the effective date of the Florida Building  
356 Code, no manufactured building, except as provided in subsection  
357 (12) ~~(11)~~, may be installed in this state unless it is approved  
358 and bears the insignia of approval of the department and a  
359 manufacturer's data plate. Approvals issued by the department  
360 under the provisions of the prior part shall be deemed to comply  
361 with the requirements of this part.

362        (4)~~(3)~~ All manufactured buildings issued and bearing  
363 insignia of approval pursuant to subsection (3) ~~(2)~~ shall be  
364 deemed to comply with the Florida Building Code and are exempt  
365 from local amendments enacted by any local government.

366        (5)~~(4)~~ No manufactured building bearing department insignia  
367 of approval pursuant to subsection (3) ~~(2)~~ shall be in any way  
368 modified prior to installation, except in conformance with the  
369 Florida Building Code.

370        (6)~~(5)~~ Manufactured buildings which have been issued and  
371 bear the insignia of approval pursuant to this part upon  
372 manufacture or first sale shall not require an additional  
373 approval or insignia by a local government in which they are  
374 subsequently sold or installed. Buildings or structures that meet  
375 the definition of "open construction" are subject to permitting  
376 by the local jurisdiction and are not required to bear insignia.



377        ~~(7)(6)~~ If the department ~~Florida Building Commission~~  
378 determines that the standards for construction and inspection of  
379 manufactured buildings prescribed by statute or rule of another  
380 state are at least equal to the Florida Building Code and that  
381 such standards are actually enforced by such other state, it may  
382 provide by rule that the manufactured building which has been  
383 inspected and approved by such other state shall be deemed to  
384 have been approved by the department and shall authorize the  
385 affixing of the appropriate insignia of approval.

386        ~~(8)(7)~~ The department ~~Florida Building Commission~~, by rule,  
387 shall establish a schedule of fees to pay the cost of incurred by  
388 ~~the department for the work related to~~ administration and  
389 enforcement of this part.

390        ~~(9)(8)~~ The department may delegate its enforcement  
391 authority to a state department having building construction  
392 responsibilities or a local government. The department may  
393 delegate its plan review and inspection authority to one or more  
394 of the following in any combination:

395        (a) A state department having building construction  
396 responsibilities; i ~~T~~

397        (b) A local government; i ~~T~~

398        (c) An approved inspection agency; i ~~T~~

399        (d) An approved plan review agency; i ~~T~~ or

400        (e) An agency of another state.

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

405        (10) The department shall develop an insignia to be affixed  
406 to all newly constructed buildings by the manufacturer or the



407 inspection agency prior to the building leaving the plant. The  
408 department may charge a fee for issuing such insignias. Such  
409 insignias shall bear the department's name, the state seal, an  
410 identification number unique to that insignia, and such other  
411 information as the department may require by rule. If the  
412 ~~commission delegates its inspection authority to third party~~  
413 ~~approved plan review agencies, manufacturers must have one, and~~  
414 ~~only one, plan review agency responsible for review of plans of a~~  
415 ~~manufactured building, module, or component at all times.~~

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

423 Section 7. Subsections (1) and (3) of section 553.381,  
424 Florida Statutes, are amended to read:

425 553.381 Manufacturer certification.--

426 (1) Before manufacturing buildings to be located within  
427 this state or selling manufactured buildings within this state,  
428 whichever occurs later, a manufacturer must be certified by the  
429 department. The department shall certify a manufacturer upon  
430 receipt from the manufacturer and approval and verification by  
431 the department of the following:

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

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



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

439 (3) Certification of manufacturers under this section shall  
440 be for a period of 3 years, subject to renewal by the  
441 manufacturer. Upon application for renewal, the manufacturer must  
442 submit the information described in subsection (1) or a sworn  
443 statement that there has been no change in the status or content  
444 of that information since the manufacturer's last submittal. Fees  
445 for renewal of manufacturers' certification shall be established  
446 by the department ~~commission~~ by rule.

447 Section 8. Subsections (11) and (12) of section 553.415,  
448 Florida Statutes, are amended to read:

449 553.415 Factory-built school buildings.--

450 (11) The department shall require that an insignia bearing  
451 the department's name and state seal and a manufacturer's data  
452 plate ~~develop a unique identification label to~~ be affixed to all  
453 newly constructed factory-built school buildings and existing  
454 factory-built school buildings which have been brought into  
455 compliance with the standards for existing "satisfactory"  
456 buildings pursuant to chapter 5 of the Uniform Code for Public  
457 Educational Facilities, and after March 1, 2002, the Florida  
458 Building Code. The department may charge a fee for issuing such  
459 insignias labels. The manufacturer's data plate ~~Such labels,~~  
460 ~~bearing the department's name and state seal,~~ shall, at a  
461 minimum, contain:

- 462 (a) The name of the manufacturer.  
463 (b) The standard plan approval number or alteration number.  
464 (c) The date of manufacture or alteration.  
465 (d) The serial or other identification number.





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466 (e) The following designed-for loads: lbs. per square foot  
467 live load; lbs. per square foot floor live load; lbs. per square  
468 foot horizontal wind load; and lbs. per square foot wind uplift  
469 load.

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

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

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

474 (12) Such insignia and data plate identification label  
475 shall be permanently affixed by the manufacturer in the case of  
476 newly constructed factory-built school buildings, or by the  
477 department or its designee in the case of an existing factory-  
478 built building altered to comply with provisions of s. 1013.20.

479 Section 9. Subsection (11) is added to section 553.71,  
480 Florida Statutes, to read:

481 553.71 Definitions.--As used in this part, the term:

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

485 Section 10. Paragraph (a) of subsection (6) and subsection  
486 (7) of section 553.73, Florida Statutes, are amended, and  
487 subsection (13) is added to that section, to read:

488 553.73 Florida Building Code.--

489 (6) (a) The commission, by rule adopted pursuant to ss.  
490 120.536(1) and 120.54, shall update the Florida Building Code  
491 every 3 years. When updating the Florida Building Code, the  
492 commission shall select the most current version of the  
493 International Building Code, the International Fuel Gas Code, the  
494 International Mechanical Code, the International Plumbing Code,  
495 and the International Residential Code, all of which are adopted



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496 by the International Code Council, and the National Electrical  
497 Code, which is adopted by the National Fire Protection  
498 Association, to form the foundation codes of the updated Florida  
499 Building Code, if the version has been adopted by the applicable  
500 model code entity and made available to the public at least 6  
501 months prior to its selection by the commission. The commission  
502 shall select the most current version of the International Energy  
503 Conservation Code (IECC) as a foundation code; however, the IECC  
504 shall be modified by the commission to maintain the efficiencies  
505 of the Florida Energy Efficiency Code for Building Construction  
506 adopted and amended pursuant to s. 553.901.

507 (7) Notwithstanding the provisions of subsection (3) or  
508 subsection (6), the commission may address issues identified in  
509 this subsection by amending the code pursuant only to the rule  
510 adoption procedures contained in chapter 120. Provisions of the  
511 Florida Building Code, including those contained in referenced  
512 standards and criteria, relating to wind resistance or the  
513 prevention of water intrusion may not be amended pursuant to this  
514 subsection to diminish those construction requirements; however,  
515 the commission may, subject to conditions in this subsection,  
516 amend the provisions to enhance those construction requirements.  
517 Following the approval of any amendments to the Florida Building  
518 Code by the commission and publication of the amendments on the  
519 commission's website, authorities having jurisdiction to enforce  
520 the Florida Building Code may enforce the amendments. The  
521 commission may approve amendments that are needed to address:

522 (a) Conflicts within the updated code;

523 (b) Conflicts between the updated code and the Florida Fire  
524 Prevention Code adopted pursuant to chapter 633;



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

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

531 (e) Changes to federal or state law; or-

532 (f) Adoption of an updated edition of the National  
533 Electrical Code if the commission finds that delay of  
534 implementing the updated edition causes undue hardship to  
535 stakeholders or otherwise threatens the public health, safety,  
536 and welfare.

537 (13) The general provisions of the Florida Building Code  
538 for buildings and other structures shall not apply to commercial  
539 wireless communication towers when such general provisions are  
540 inconsistent with the provisions of the code controlling radio  
541 and television towers. This subsection is intended to be remedial  
542 in nature and to clarify existing law.

543 Section 11. Subsections (1) and (2) of section 553.74,  
544 Florida Statutes, are amended to read:

545 553.74 Florida Building Commission.--

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

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



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555 (b) One structural engineer registered to practice in this  
556 state and actively engaged in the profession. The Florida  
557 Engineering Society is encouraged to recommend a list of  
558 candidates for consideration.

559 (c) One air-conditioning or mechanical contractor certified  
560 to do business in this state and actively engaged in the  
561 profession. The Florida Air Conditioning Contractors Association,  
562 the Florida Refrigeration and Air Conditioning Contractors  
563 Association, and the Mechanical Contractors Association of  
564 Florida are encouraged to recommend a list of candidates for  
565 consideration.

566 (d) One electrical contractor certified to do business in  
567 this state and actively engaged in the profession. The Florida  
568 Electrical Contractors Association and the National Electrical  
569 Contractors Association, Florida Chapter, are encouraged to  
570 recommend a list of candidates for consideration.

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

576 (f) One general contractor certified to do business in this  
577 state and actively engaged in the profession. The Associated  
578 Builders and Contractors of Florida, the Florida Associated  
579 General Contractors Council, and the Union Contractors  
580 Association are encouraged to recommend a list of candidates for  
581 consideration.

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



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

586 (h) One roofing or sheet metal contractor certified to do  
587 business in this state and actively engaged in the profession.  
588 The Florida Roofing, Sheet Metal, and Air Conditioning  
589 Contractors Association and the Sheet Metal and Air Conditioning  
590 Contractors National Association are encouraged to recommend a  
591 list of candidates for consideration.

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

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

601 (k) One member who represents the Department of Financial  
602 Services.

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

606 (m) One member of a Florida-based organization of persons  
607 with disabilities or a nationally chartered organization of  
608 persons with disabilities with chapters in this state.

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



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

617 (p) One member who is a representative of a municipality or  
618 a charter county. The Florida League of Cities and the Florida  
619 Association of Counties are encouraged to recommend a list of  
620 candidates for consideration.

621 (q) One member of the building products manufacturing  
622 industry who is authorized to do business in this state and is  
623 actively engaged in the industry. The Florida Building Material  
624 Association, the Florida Concrete and Products Association, and  
625 the Fenestration Manufacturers Association are encouraged to  
626 recommend a list of candidates for consideration.

627 (r) One member who is a representative of the building  
628 owners and managers industry who is actively engaged in  
629 commercial building ownership or management. The Building Owners  
630 and Managers Association is encouraged to recommend a list of  
631 candidates for consideration.

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

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

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

641 (v) One member who is a representative of the green  
642 building industry and who is a third-party commission agent, a



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643 Florida board member of the United States Green Building Council  
644 or Green Building Initiative, or a LEED-accredited professional.

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

646

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

651 (2) All appointments shall be for terms of 4 years, ~~except~~  
652 ~~that of the chair who shall serve at the pleasure of the~~  
653 ~~Governor.~~ Each person who is a member of the Board of Building  
654 Codes and Standards on the effective date of this act shall serve  
655 the remainder of their term as a member of the Florida Building  
656 Commission. ~~Except for the chair, newly created positions on the~~  
657 ~~Florida Building Commission shall be appointed after February 1,~~  
658 ~~1999. A vacancy shall be filled for the remainder of the~~  
659 ~~unexpired term.~~ Any member who shall, during his or her term,  
660 cease to meet the qualifications for original appointment,  
661 through ceasing to be a practicing member of the profession  
662 indicated or otherwise, shall thereby forfeit membership on the  
663 commission.

664 Section 12. Section 553.75, Florida Statutes, is amended to  
665 read:

666 553.75 Organization of commission; rules and regulations;  
667 meetings; staff; fiscal affairs; public comment.--

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

671 (2) The commission shall meet at the call of its chair, at  
672 the request of a majority of its membership, at the request of



673 the department, or at such times as may be prescribed by its  
674 rules. The members shall be notified in writing of the time and  
675 place of a regular or special meeting at least 7 days in advance  
676 of the meeting. A majority of members of the commission shall  
677 constitute a quorum.

678 (3) The department shall be responsible for the provision  
679 of administrative and staff support services relating to the  
680 functions of the commission. With respect to matters within the  
681 jurisdiction of the commission, the department shall be  
682 responsible for the implementation and faithful discharge of all  
683 decisions of the commission made pursuant to its authority under  
684 the provisions of this part. The department is specifically  
685 authorized to use communications media technology in conducting  
686 meetings of the commission or any meetings held in conjunction  
687 with meetings of the commission.

688 (4) Meetings of the commission shall be conducted so as to  
689 encourage participation by interested persons in attendance. At a  
690 minimum, the commission shall provide one opportunity for  
691 interested members of the public in attendance at a meeting to  
692 comment on each proposed action of the commission before a final  
693 vote is taken on any motion.

694 Section 13. Present subsection (5) of section 553.77,  
695 Florida Statutes, is renumbered as subsection (6), and a new  
696 subsection (5) is added to that section, to read:

697 553.77 Specific powers of the commission.--

698 (5) The commission may implement its recommendations  
699 delivered pursuant to subsection (2) of section 48 of chapter  
700 2007-73, Laws of Florida, by amending the Florida Energy  
701 Efficiency Code for Building Construction as provided in s.  
702 553.901.





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703 Section 14. Subsection (5) of section 553.775, Florida  
704 Statutes, is amended to read:

705 553.775 Interpretations.--

706 (5) The commission may render declaratory statements in  
707 accordance with s. 120.565 relating to the provisions of the  
708 Florida Accessibility Code for Building Construction not  
709 attributable to the Americans with Disabilities Act Accessibility  
710 Guidelines. Notwithstanding the other provisions of this section,  
711 the Florida Accessibility Code for Building Construction and  
712 chapter 11 of the Florida Building Code may not be interpreted  
713 by, and are not subject to review under, any of the procedures  
714 specified in this section. This subsection has no effect upon the  
715 commission's authority to waive the Florida Accessibility Code  
716 for Building Construction as provided by s. 553.512.

717 Section 15. Paragraph (g) is added to subsection (1) of  
718 section 553.80, Florida Statutes, and subsection (7) of that  
719 section is amended, to read:

720 553.80 Enforcement.--

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

729 (g) Construction regulations relating to secure mental  
730 health treatment facilities under the jurisdiction of the  
731 Department of Children and Family Services shall be enforced  
732 exclusively by the department in conjunction with the Agency for



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733 Health Care Administration's review authority under paragraph  
734 (c).

735

736 The governing bodies of local governments may provide a schedule  
737 of fees, as authorized by s. 125.56(2) or s. 166.222 and this  
738 section, for the enforcement of the provisions of this part. Such  
739 fees shall be used solely for carrying out the local government's  
740 responsibilities in enforcing the Florida Building Code. The  
741 authority of state enforcing agencies to set fees for enforcement  
742 shall be derived from authority existing on July 1, 1998.  
743 However, nothing contained in this subsection shall operate to  
744 limit such agencies from adjusting their fee schedule in  
745 conformance with existing authority.

746 (7) The governing bodies of local governments may provide a  
747 schedule of reasonable fees, as authorized by s. 125.56(2) or s.  
748 166.222 and this section, for enforcing this part. These fees,  
749 and any fines or investment earnings related to the fees, shall  
750 be used solely for carrying out the local government's  
751 responsibilities in enforcing the Florida Building Code. When  
752 providing a schedule of reasonable fees, the total estimated  
753 annual revenue derived from fees, and the fines and investment  
754 earnings related to the fees, may not exceed the total estimated  
755 annual costs of allowable activities. Any unexpended balances  
756 shall be carried forward to future years for allowable activities  
757 or shall be refunded at the discretion of the local government.  
758 The basis for a fee structure for allowable activities shall  
759 relate to the level of service provided by the local government  
760 and shall include consideration for refunding fees due to reduced  
761 services based on services provided as prescribed by s. 553.791,



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762 but not provided by the local government. Fees charged shall be  
763 consistently applied.

764 (a) As used in this subsection, the phrase "enforcing the  
765 Florida Building Code" includes the direct costs and reasonable  
766 indirect costs associated with review of building plans, building  
767 inspections, reinspections, and building permit processing;  
768 building code enforcement; and fire inspections associated with  
769 new construction. The phrase may also include training costs  
770 associated with the enforcement of the Florida Building Code and  
771 enforcement action pertaining to unlicensed contractor activity  
772 to the extent not funded by other user fees.

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

775 1. Planning and zoning or other general government  
776 activities.

777 2. Inspections of public buildings for a reduced fee or no  
778 fee.

779 3. Public information requests, community functions,  
780 boards, and any program not directly related to enforcement of  
781 the Florida Building Code.

782 4. Enforcement and implementation of any other local  
783 ordinance, excluding validly adopted local amendments to the  
784 Florida Building Code and excluding any local ordinance directly  
785 related to enforcing the Florida Building Code as defined in  
786 paragraph (a).

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



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792 Section 16. Subsection (17) is added to section 553.842,  
793 Florida Statutes, to read:

794 553.842 Product evaluation and approval.--

795 (17) (a) The Florida Building Commission shall review the  
796 list of evaluation entities in subsection (8) and, in the annual  
797 report required under s. 553.77, shall either recommend  
798 amendments to the list to add evaluation entities the commission  
799 determines should be authorized to perform product evaluations or  
800 shall report on the criteria adopted by rule or to be adopted by  
801 rule allowing the commission to approve evaluation entities that  
802 use the commission's product evaluation process. If the  
803 commission adopts criteria by rule, the rulemaking process must  
804 be completed by July 1, 2009.

805 (b) Notwithstanding paragraph (8) (a), the International  
806 Association of Plumbing and Mechanical Officials Evaluation  
807 Services is approved as an evaluation entity until October 1,  
808 2009. If the association does not obtain permanent approval by  
809 the commission as an evaluation entity by October 1, 2009,  
810 products approved on the basis of an association evaluation must  
811 be substituted by an alternative, approved entity by December 31,  
812 2009, and on January 1, 2010, any product approval issued by the  
813 commission based on an association evaluation is void.

814 Section 17. Paragraph (b) of subsection (2) of section  
815 553.844, Florida Statutes, is amended to read:

816 553.844 Windstorm loss mitigation; requirements for roofs  
817 and opening protection.--

818 (2) The Florida Building Commission shall:

819 (b) Develop and adopt within the Florida Building Code a  
820 means to incorporate recognized mitigation techniques for site-  
821 built, single-family residential structures constructed before



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822 ~~prior to~~ the implementation of the Florida Building Code,  
823 including, but not limited to:

824 1. Prescriptive techniques for the installation of gable-  
825 end bracing;

826 2. Secondary water barriers for roofs and standards  
827 relating to secondary water barriers. The criteria may include,  
828 but need not be limited to, roof shape, slope, and composition of  
829 all elements of the roof system. The criteria may not be limited  
830 to one method or material for a secondary water barrier;

831 3. Prescriptive techniques for improvement of roof-to-wall  
832 connections. The Legislature recognizes that the cost of  
833 retrofitting existing buildings to meet the code requirements for  
834 new construction in this regard may exceed the practical benefit  
835 to be attained. The Legislature intends for the commission to  
836 provide for the integration of alternate, lower-cost means that  
837 may be employed to retrofit existing buildings that are not  
838 otherwise required to comply with the requirements of the Florida  
839 Building Code for new construction so that the cost of such  
840 improvements does not exceed approximately 15 percent of the cost  
841 of reroofing. Roof-to-wall connections shall not be required  
842 unless evaluation and installation of connections at gable ends  
843 or all corners can be completed for 15 percent of the cost of  
844 roof replacement. For houses that have both hip and gable roof  
845 ends, the priority shall be to retrofit the gable end roof-to-  
846 wall connections unless the width of the hip is more than 1.5  
847 times greater than the width of the gable end. Priority shall be  
848 given to connecting the corners of roofs to walls below the  
849 locations at which the spans of the roofing members are greatest;

850 4. Strengthening or correcting roof-decking attachments and  
851 fasteners during reroofing; and



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852 5. Adding or strengthening opening protections.

853 Section 18. Subsection (1) of section 553.885, Florida  
854 Statutes, is amended to read:

855 553.885 Carbon monoxide alarm required.--

856 (1) Every building, other than a hospital, an inpatient  
857 hospice facility, or a nursing home facility licensed by the  
858 Agency for Health Care Administration, for which a building  
859 permit is issued for new construction on or after July 1, 2008,  
860 and having a fossil-fuel-burning heater or appliance, a  
861 fireplace, or an attached garage shall have an approved  
862 operational carbon monoxide alarm installed within 10 feet of  
863 each room used for sleeping purposes. For a new hospital, an  
864 inpatient hospice facility, or a nursing home facility licensed  
865 by the Agency for Health Care Administration, an approved  
866 operational carbon monoxide detector shall be installed inside or  
867 directly outside of each room or area within the hospital or  
868 facility were a fossil-fuel burning heater, engine, or appliance  
869 is located. This detector shall be connected to the fire-alarm  
870 system of the hospital or facility as a supervisory signal.

871 Section 19. Section 553.886, Florida Statutes, is created  
872 to read:

873 553.886 Energy-efficiency technologies.--The provisions of  
874 the Florida Building Code must facilitate and promote the use of  
875 cost-effective energy conservation, energy-demand management, and  
876 renewable energy technologies in buildings.

877 Section 20. Section 553.9061, Florida Statutes, is created  
878 to read:

879 553.9061 Scheduled increases in thermal efficiency  
880 standards.--



881       (1) The purpose of this section is to establish a schedule  
882 of increases in the energy performance of buildings subject to  
883 the Florida Energy Efficiency Code for Building Construction. The  
884 Florida Building Commission shall:

885       (a) Include the necessary provisions by the 2010 edition of  
886 the Florida Energy Efficiency Code for Building Construction to  
887 increase the energy performance of new buildings by at least 20  
888 percent as compared to the energy efficiency provisions of the  
889 2007 Florida Building Code adopted October 31, 2007.

890       (b) Increase energy efficiency requirements by the 2013  
891 edition of the Florida Energy Efficiency Code for Building  
892 Construction by at least 30 percent as compared to the energy  
893 efficiency provisions of the 2007 Florida Building Code adopted  
894 October 31, 2007.

895       (c) Increase energy efficiency requirements by the 2016  
896 edition of the Florida Energy Efficiency Code for Building  
897 Construction by at least 40 percent as compared to the energy  
898 efficiency provisions of the 2007 Florida Building Code adopted  
899 October 31, 2007.

900       (d) Increase energy efficiency requirements by the 2019  
901 edition of the Florida Energy Efficiency Code for Building  
902 Construction by at least 50 percent as compared to the energy  
903 efficiency provisions of the 2007 Florida Building Code adopted  
904 October 31, 2007.

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

910       (a) Solar water heating.



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911 (b) Energy-efficient appliances.

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

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

914 (e) Enhanced ceiling and wall insulation.

915 (f) Reduced-leak duct systems.

916 (g) Programmable thermostats.

917 (h) Energy-efficient lighting systems.

918 (3) The Florida Building Commission shall, prior to  
919 implementing the goals established in subsection (1), adopt by  
920 rule and implement a cost-effectiveness test for proposed  
921 increases in energy efficiency. The cost-effectiveness test shall  
922 measure cost-effectiveness and shall ensure that energy  
923 efficiency increases result in a positive net financial impact.

924 Section 21. (1) The Department of Community Affairs, in  
925 conjunction with the Florida Energy Affordability Coalition,  
926 shall identify and review issues relating to the Low-Income Home  
927 Energy Assistance Program and the Weatherization Assistance  
928 Program, and identify recommendations that:

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

930 (b) Maximize available financial and energy-conservation  
931 assistance;

932 (c) Improve the quality of service to customers seeking  
933 assistance; and

934 (d) Educate customers to make informed decisions regarding  
935 energy use and conservation.

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

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





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941 Section 22. Section 553.731, Florida Statutes, is repealed.

942 Section 23. The repeal of s. 553.731, Florida Statutes, by  
943 this act, does not diminish or authorize changes that diminish  
944 the provisions of the Florida Building Code relating to wind  
945 resistance or water intrusion which were adopted pursuant to  
946 chapter 2007-1, Laws of Florida.

947 Section 24. Subparagraph 6. of paragraph (a) of subsection  
948 (6) of s. 627.351, Florida Statutes, is repealed.

949 Section 25. Subsections (3), and (4) of section  
950 336.41, Florida Statutes, are renumbered as subsections (4), and  
951 (5), respectively, and a subsection (3) is added to that section,  
952 to read:

953 336.41 Counties; employing labor and providing road  
954 equipment; accounting; when competitive bidding required.--

955 (3) Notwithstanding any law to the contrary, a county,  
956 municipality, or special district may not own or operate an  
957 asphalt plant or a portable or stationary concrete batch plant  
958 that has an independent mixer; however, this prohibition does not  
959 apply to any county that owns or is under contract to purchase an  
960 asphalt plant as of April 15, 2008, and that furnishes its plant-  
961 generated asphalt solely for use by local governments or  
962 companies under contract with local governments for projects  
963 within the boundaries of the county. Sale of plant-generated  
964 asphalt to private entities or local governments outside the  
965 boundaries of the county is prohibited.

966 Section 26. Subsection (6) is added to section 718.113,  
967 Florida Statutes, to read:

968 718.113 Maintenance; limitation upon improvement; display  
969 of flag; hurricane shutters.--



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970       (6) Notwithstanding the provisions of this section or the  
 971 governing documents of a condominium or a multicondominium  
 972 association, the board of administration may, without any  
 973 requirement for approval of the unit owners, install upon or  
 974 within the common elements or association property solar  
 975 collectors, clotheslines, or other energy-efficient devices based  
 976 on renewable resources for the benefit of the unit owners.

977       Section 27. The Florida Building Commission shall submit  
 978 the text of the rule required by section 19 of this act to the  
 979 Legislature in its report to the 2009-2010 Legislature, and shall  
 980 provide an effective date for the rule by July 1, 2009.

981       Section 28. This act shall take effect July 1, 2008.

982  
 983

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

985 And the title is amended as follows:

986       Delete everything before the enacting clause  
 987 and insert:

988                               A bill to be entitled  
 989       An act relating to building code standards; amending s.  
 990       163.04, F.S.; revising provisions authorizing the use of  
 991       solar collectors and other energy devices; amending s.  
 992       163.3177, F.S.; revising requirements for the future land  
 993       use element of a local comprehensive plan to include  
 994       energy-efficient land use patterns and greenhouse gas  
 995       reduction strategies; requiring that the traffic-  
 996       circulation element of a local comprehensive plan  
 997       incorporate transportation strategies to reduce greenhouse  
 998       gas emissions; requiring that the land use map or map  
 999       series contained in the future land use element of a local



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1000 comprehensive plan identify and depict energy  
1001 conservation; requiring that the home element of a local  
1002 comprehensive plan include energy efficiency in the design  
1003 and construction of new housing and use of renewable  
1004 energy resources; providing that certain counties may not  
1005 receive state affordable housing funds under certain  
1006 circumstances; requiring each unit of local government  
1007 within an urbanized area to amend the transportation  
1008 element of a local comprehensive plan to incorporate  
1009 transportation strategies addressing reduction in  
1010 greenhouse gas emissions; amending s. 377.806, F.S.;  
1011 revising eligibility requirements for rebates under the  
1012 Solar Energy System Incentives Program; amending s.  
1013 489.105, F.S.; expanding the scope of the definition of  
1014 "roofing contractor" to include contractors performing  
1015 required roof-deck attachments and any repair or  
1016 replacement of wood roof sheathing or fascia as needed  
1017 during roof repair or replacement; amending s. 553.36,  
1018 F.S.; redefining the term "manufactured building" for  
1019 purposes of the Florida Manufactured Building Act to  
1020 include modular and factory-built buildings; amending s.  
1021 553.37, F.S.; requiring the Department of Community  
1022 Affairs to adopt rules related to the inspection,  
1023 construction, and modification of manufactured buildings;  
1024 requiring the department to develop an insignia to be  
1025 affixed to newly constructed manufactured buildings;  
1026 authorizing the department to charge a fee for the  
1027 insignia; providing requirements for the insignia;  
1028 requiring the department to develop minimum criteria for a  
1029 manufacturer's data plate; amending s. 553.381, F.S.;



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1030 conforming provisions; amending s. 553.415, F.S.;

1031 requiring the department to require that an insignia be

1032 affixed to all newly constructed factory-built school

1033 buildings; providing requirements for the manufacturer's

1034 data plate; amending s. 553.71, F.S.; providing a

1035 definition; amending s. 553.73, F.S.; expanding required

1036 codes to be included in Florida Building Code updates;

1037 expanding the list of reasons the commission may amend the

1038 Florida Building Code; providing requirements for the

1039 retroactive application of parts of the Florida Building

1040 Code to commercial wireless communications towers;

1041 amending s. 553.74, F.S.; revising requirements for

1042 selecting members of the Florida Building Commission;

1043 revising membership of the commission; deleting obsolete

1044 provisions; amending s. 553.75, F.S.; authorizing the

1045 Florida Building Commission to use communications media

1046 technology in conducting its meetings or meetings held in

1047 conjunction with commission meetings; providing for public

1048 comment at meetings of the commission; amending s. 553.77,

1049 F.S.; authorizing the commission to implement

1050 recommendations relating to energy efficiency in

1051 residential and commercial buildings; amending s. 553.775,

1052 F.S.; authorizing the commission to render declaratory

1053 statements; amending s. 553.80, F.S.; providing that the

1054 enforcement of construction regulations relating to secure

1055 mental health treatment facilities under the jurisdiction

1056 of the Department of Children and Family Services shall be

1057 enforced exclusively by the department in conjunction with

1058 the review authority of the Agency for Health Care

1059 Administration; requiring that the basis for a fee



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1060 structure for allowable activities include consideration  
1061 for refunding fees due to reduced services based on  
1062 certain services; amending s. 553.842, F.S.; requiring the  
1063 commission to review the list of product evaluation  
1064 entities; providing reporting requirements; providing for  
1065 rulemaking; designating an entity as an approved  
1066 production evaluation entity until October 1, 2009;  
1067 providing criteria for substitution of approved products  
1068 under certain conditions; providing for the expiration of  
1069 certain product approvals; amending s. 553.844, F.S.;  
1070 revising provisions requiring the adoption of certain  
1071 mitigation techniques by the Florida Building Commission  
1072 within the Florida Building Code for certain structures;  
1073 amending s. 553.885, F.S.; requiring the installation of  
1074 carbon monoxide detectors in certain new hospitals,  
1075 hospice and nursing homes facilities; creating s. 553.886,  
1076 F.S.; requiring that the Florida Building Code facilitate  
1077 and promote the use of certain renewable energy  
1078 technologies in buildings; creating s. 553.9061, F.S.;  
1079 establishing a schedule of required increases in the  
1080 energy performance of buildings subject to the Florida  
1081 Building Code; providing a process for implementing goals  
1082 to increase energy-efficiency performance in new  
1083 buildings; providing a schedule for the implementation of  
1084 such goals; identifying energy-efficiency performance  
1085 options and elements available to meet energy-efficiency  
1086 performance requirements; requiring the commission to  
1087 adopt by rule a definition of the term "cost-effectiveness  
1088 test"; providing that the commission implement a cost-  
1089 effectiveness test; providing requirements for the test;



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1090 directing the Department of Community Affairs, in  
1091 conjunction with the Florida Energy Affordability Council,  
1092 to identify and review issues relating to the Low-Income  
1093 Home Energy Assistance Program and the Weatherization  
1094 Assistance Program; requiring the submission of a report  
1095 to the President of the Senate and the Speaker of the  
1096 House of Representatives on or before a specified date;  
1097 providing for the expiration of certain study  
1098 requirements; repealing s. 553.731, F.S., relating to  
1099 wind-borne debris protection requirements; providing for  
1100 construction and interpretation of the repeal; repealing  
1101 s. 627.351(6)(a)6., F.S.; providing requirements for  
1102 certain properties to meet building code plus requirements  
1103 as a condition of eligibility for coverage by Citizens  
1104 Property Insurance Corporation; amending s. 336.41, F.S.;  
1105 providing that a county, municipality, or special district  
1106 may not own or operate an asphalt plant or a portable or  
1107 stationary concrete batch plant having an independent  
1108 mixer; amending s. 718.113, F.S.; authorizing the board of  
1109 a condominium or a multicondominium to install solar  
1110 collectors, clotheslines, or other energy-efficient  
1111 devices on association property; requiring the Florida  
1112 Building Commission to include certain information in its  
1113 report to the Legislature; providing an effective date.