



298066

CA.CA.04497

Proposed Committee Substitute by the Committee on Community
Affairs - energy element version

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



298066

CA.CA.04497

28 | the Florida Building Code facilitate and promote the
29 | use of certain renewable energy technologies in
30 | buildings; creating s. 553.9061, F.S.; establishing a
31 | schedule of required increases in the energy
32 | performance of buildings subject to the Florida
33 | Building Code; providing a process for implementing
34 | goals to increase energy-efficiency performance in new
35 | buildings; providing a schedule for the implementation
36 | of such goals; identifying energy-efficiency
37 | performance options and elements available to meet
38 | energy-efficiency performance requirements; providing a
39 | schedule for the review and adoption of renewable
40 | energy-efficiency goals by the commission; requiring
41 | the commission to conduct a study to evaluate the
42 | energy-efficiency rating of new buildings and
43 | appliances; requiring the commission to submit a report
44 | to the President of the Senate and the Speaker of the
45 | House of Representatives on or before a specified date;
46 | requiring the commission to conduct a study to evaluate
47 | opportunities to restructure the Florida Energy Code
48 | for Building Construction, including the integration of
49 | the Thermal Efficiency Code, the Energy Conservation
50 | Standards Act, and the Florida Building Energy-
51 | Efficiency Rating Act; requiring the commission to
52 | submit a report to the President of the Senate and the
53 | Speaker of the House of Representatives on or before a
54 | specified date; directing the Department of Community
55 | Affairs, in conjunction with the Florida Energy
56 | Affordability Council, to identify and review issues
57 | relating to the Low-Income Home Energy Assistance



298066

CA.CA.04497

58 Program and the Weatherization Assistance Program;
59 requiring the submission of a report to the President
60 of the Senate and the Speaker of the House of
61 Representatives on or before a specified date;
62 providing for the expiration of certain study
63 requirements; repealing s. 553.731 F.S.; relating to
64 wind-borne debris protection requirements; providing an
65 effective date.

66
67 Be It Enacted by the Legislature of the State of Florida:

68
69 Section 1. Subsection (2) of section 163.04, Florida
70 Statutes, is amended to read:

71 163.04 Energy devices based on renewable resources.--

72 (2) A deed restriction, covenant, declaration, or similar
73 binding agreement may not ~~No deed restrictions, covenants, or~~
74 ~~similar binding agreements running with the land shall prohibit~~
75 ~~or have the effect of prohibiting solar collectors, clotheslines,~~
76 ~~or other energy devices based on renewable resources from being~~
77 ~~installed on buildings erected on the lots or parcels covered by~~
78 ~~the deed~~ restriction, covenant, declaration, or binding agreement
79 ~~restrictions, covenants, or binding agreements.~~ A property owner
80 may not be denied permission to install solar collectors or other
81 energy devices ~~based on renewable resources~~ by any entity granted
82 the power or right in any deed restriction, covenant,
83 declaration, or similar binding agreement to approve, forbid,
84 control, or direct alteration of property with respect to
85 residential dwellings including condominiums. ~~not exceeding three~~
86 ~~stories in height. For purposes of this subsection,~~ Such entity
87 may determine the specific location where solar collectors may be



298066

CA.CA.04497

88 | installed on the roof within an orientation to the south or
89 | within 45° east or west of due south if ~~provided that~~ such
90 | determination does not impair the effective operation of the
91 | solar collectors. Solar collectors may be installed on a
92 | condominium roof that is considered a common element of the
93 | condominium association.

94 | Section 2. Paragraphs (a), (b), and (j) of subsection 6 of
95 | section 163.3177, Florida Statutes, are amended and paragraph (1)
96 | is added to that section, to read:

97 | 163.3177 Required and optional elements of comprehensive
98 | plan; studies and surveys.--

99 | (6) In addition to the requirements of subsections (1)-(5)
100 | and (12), the comprehensive plan shall include the following
101 | elements:

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



298066

CA.CA.04497

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



298066

CA.CA.04497

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



298066

CA.CA.04497

178 of public school facilities if the local comprehensive plan
179 contains school siting criteria and the location is consistent
180 with such criteria. Local governments required to update or amend
181 their comprehensive plan to include criteria and address
182 compatibility of adjacent or closely proximate lands with
183 existing military installations in their future land use plan
184 element shall transmit the update or amendment to the department
185 by June 30, 2006.

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

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

201 1. Traffic circulation, including major thoroughfares and
202 other routes, including bicycle and pedestrian ways.

203 2. All alternative modes of travel, such as public
204 transportation, pedestrian, and bicycle travel.

205 3. Parking facilities.

206 4. Aviation, rail, seaport facilities, access to those
207 facilities, and intermodal terminals.



298066

CA.CA.04497

208 5. The availability of facilities and services to serve
209 existing land uses and the compatibility between future land use
210 and transportation elements.

211 6. The capability to evacuate the coastal population prior
212 to an impending natural disaster.

213 7. Airports, projected airport and aviation development,
214 and land use compatibility around airports.

215 8. An identification of land use densities, building
216 intensities, and transportation management programs to promote
217 public transportation systems in designated public transportation
218 corridors so as to encourage population densities sufficient to
219 support such systems.

220 9. May include transportation corridors, as defined in s.
221 334.03, intended for future transportation facilities designated
222 pursuant to s. 337.273. If transportation corridors are
223 designated, the local government may adopt a transportation
224 corridor management ordinance.

225 10. The transportation element shall incorporate
226 transportation strategies to address reduction in greenhouse gas
227 emissions from the transportation sector.

228 (1) By January 1, 2011, an energy element consisting of
229 existing and future electric power generation and transmission
230 systems. Additionally, the energy element must address efforts to
231 encourage the following:

- 232 1. Energy Conservation,
- 233 2. Energy efficiency,
- 234 3. Use of renewable energy resources, and
- 235 4. Greenhouse gas reduction strategies.

236 Section 3. Paragraph (a) of subsection (6) of section
237 553.73, Florida Statutes, is amended to read:



298066

CA.CA.04497

238 553.73 Florida Building Code.--

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

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

255 553.74 Florida Building Commission.--

256 (1) The Florida Building Commission is created and shall be
257 located within the Department of Community Affairs for
258 administrative purposes. Members shall be appointed by the
259 Governor subject to confirmation by the Senate. The commission
260 shall be composed of 23 members, consisting of the following:

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

265 (b) One structural engineer registered to practice in this
266 state and actively engaged in the profession. The Florida



298066

CA.CA.04497

267 | Engineering Society is encouraged to recommend a list of
268 | candidates for consideration.

269 | (c) One air-conditioning or mechanical contractor certified
270 | to do business in this state and actively engaged in the
271 | profession. The Florida Air Conditioning Contractors Association
272 | and the Florida Refrigeration and Air Conditioning Contractors
273 | Association are encouraged to recommend a list of candidates for
274 | consideration.

275 | (d) One electrical contractor certified to do business in
276 | this state and actively engaged in the profession. The Florida
277 | Electrical Contractors Association is encouraged to recommend a
278 | list of candidates for consideration.

279 | (e) One member from fire protection engineering or
280 | technology who is actively engaged in the profession. The Florida
281 | Chapter of the Society of Fire Protection Engineers and the
282 | Florida Fire Marshals and Inspectors Association are encouraged
283 | to recommend a list of candidates for consideration.

284 | (f) One general contractor certified to do business in this
285 | state and actively engaged in the profession. The Associated
286 | Builders and Contractors of Florida and the Florida Associated
287 | General Contractors Council are encouraged to recommend a list of
288 | candidates for consideration.

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

293 | (h) One roofing or sheet metal contractor certified to do
294 | business in this state and actively engaged in the profession.
295 | The Florida Roofing, Sheet Metal and Air Conditioning Contractors



298066

CA.CA.04497

296 Association is encouraged to recommend a list of candidates for
297 consideration.

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

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

307 (k) One member who represents the Department of Financial
308 Services.

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

312 (m) One member of a Florida-based organization of persons
313 with disabilities or a nationally chartered organization of
314 persons with disabilities with chapters in this state.

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

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

323 (p) One member who is a representative of a municipality or
324 a charter county. The Florida League of Cities and Florida



298066

CA.CA.04497

325 Association of Counties are encouraged to recommend a list of
326 candidates for consideration.

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

333 (r) One member who is a representative of the building
334 owners and managers industry who is actively engaged in
335 commercial building ownership or management. The Building Owners
336 and Managers Association is encouraged to recommend a list of
337 candidates for consideration.

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

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

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

347
348 One of the 23 members shall be designated the chair of the
349 commission. Any person serving on the commission under paragraph
350 (c) or paragraph (h) on October 1, 2003, and who has served less
351 than two full terms is eligible for reappointment to the
352 commission regardless of whether he or she meets the new
353 qualification.



298066

CA.CA.04497

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

357 553.77 Specific powers of the commission.--

358 (5) The commission may implement its recommendations
359 delivered pursuant to subsection (2) of section 48 of chapter
360 2007-73, Laws of Florida, by amending the Florida Energy
361 Efficiency Code for Building Construction as provided in s.
362 553.901.

363 Section 6. Section 553.886, Florida Statutes, is created to
364 read:

365 553.886 Energy-efficiency technologies.--The provisions of
366 the Florida Building Code must facilitate and promote the use of
367 cost-effective energy conservation, energy-demand management, and
368 renewable energy technologies in buildings.

369 Section 7. Section 553.9061, Florida Statutes, is created
370 to read:

371 553.9061 Scheduled increases in thermal efficiency
372 standards.--

373 (1) This section establishes a schedule of required
374 increases in the energy-efficiency performance of buildings that
375 are subject to the requirements for energy efficiency as
376 contained in the current edition of the Florida Building Code.
377 The Florida Building Commission shall implement the following
378 energy-efficiency goals using the triennial code-adoption process
379 established for updates to the Florida Building Code in s.
380 553.73:

381 (a) Include requirements in the 2010 edition of the Florida
382 Building Code to increase the energy-efficiency performance of
383 new buildings by at least 20 percent as compared to the



298066

CA.CA.04497

384 performance achieved as a result of the implementation of the
385 energy-efficiency provisions contained in the current edition of
386 the Florida Building Code;

387 (b) Include requirements in the 2013 edition of the Florida
388 Building Code to increase the energy-efficiency performance of
389 new buildings by at least 30 percent as compared to the
390 performance achieved as a result of the implementation of the
391 energy-efficiency provisions contained in the current edition of
392 the Florida Building Code;

393 (c) Include requirements in the 2016 edition of the Florida
394 Building Code to increase the energy-efficiency performance of
395 new buildings by at least 40 percent as compared to the
396 performance achieved as a result of the implementation of the
397 energy-efficiency provisions contained in the current edition of
398 the Florida Building Code; and

399 (d) Include requirements in the 2019 edition of the Florida
400 Building Code to increase the energy-efficiency performance of
401 new buildings by at least 50 percent as compared to the
402 performance achieved as a result of the implementation of the
403 energy-efficiency provisions contained in the current edition of
404 the Florida Building Code.

405 (2) The commission shall identify in any code-support and
406 compliance documentation the specific building options and
407 elements available to meet the energy-efficiency performance
408 requirements required under subsection (1). Energy-efficiency
409 performance options and elements include, but are not limited to:

410 (a) Solar water heating;

411 (b) Energy-efficient appliances;

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

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



CA.CA.04497

414 (e) Enhanced ceiling and wall insulation;

415 (f) Reduced-leak duct systems;

416 (g) Programmable thermostats; and

417 (h) Energy-efficient lighting systems.

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

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

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

434 Section 9. (1) The Florida Building Commission shall
435 conduct a study to evaluate opportunities to restructure the
436 Florida Energy Efficiency Code for Building Construction to
437 achieve long-range improvements to building energy performance.
438 During such study, the commission shall address the integration
439 of the Thermal Efficiency Code established in part V of chapter
440 553, Florida Statutes, the Energy Conservation Standards Act
441 established in part VI of chapter 553, Florida Statutes, and the
442 Florida Building Energy-Efficiency Rating Act established in part
443 VIII of chapter 553, Florida Statutes.



CA.CA.04497

444 (2) The commission shall submit a report containing
445 specific recommendations on the integration of the code and acts
446 identified in subsection (1) to the President of the Senate and
447 the Speaker of the House of Representatives on or before February
448 1, 2009.

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

450 Section 10. (1) The Department of Community Affairs, in
451 conjunction with the Florida Energy Affordability Coalition,
452 shall identify and review issues relating to the Low-Income Home
453 Energy Assistance Program and the Weatherization Assistance
454 Program, and identify recommendations that:

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

456 (b) Maximize available financial and energy-conservation
457 assistance;

458 (c) Improve the quality of service to customers seeking
459 assistance; and

460 (d) Educate customers to make informed decisions regarding
461 energy use and conservation.

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

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

467 Section 11. Section 553.731, Florida Statutes, is repealed.

468 Section 12. This act shall take effect July 1, 2008.