

CS/SB 1070 — Intergovernmental Cooperation

by Education Pre-K – 12 Committee and Senator King

District school boards are authorized to enter into interlocal agreements regarding the following: use and maintenance of facilities or equipment on a cost-reimbursement basis; transportation of students, building rental, maintenance and upkeep of school plants; and the use of school buses for other public purposes beyond serving the transportation disadvantaged. Also, the bill addresses reimbursement of the district school board for the use of school buses and requires a public agency to indemnify and hold harmless the school board for any liability arising from the use of the school buses pursuant to an interlocal agreement.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 113-0

CS/SB 1378 — Display of Flags/Homeowners' Associations

by Community Affairs Committee and Senators Fasano, Gaetz, Haridopolos, and Lynn

The bill provides that a homeowner may erect a freestanding flagpole that does not exceed 20 feet on any portion of the homeowner's real property, notwithstanding any covenants, restrictions, bylaws, rules, or requirements of the homeowners' association. The homeowner may display, in a respectful manner from that flagpole, one official United States flag and may also display one official flag of the State of Florida, a flag of the U.S. Armed Services, or a POW-MIA flag. Such flag may not be larger than 4½ feet by 6 feet. A provision limiting the display of a portable U.S. Armed Services flag to certain holidays is removed and the POW-MIA flag is added to the list of authorized portable, removable flags that may be displayed. This bill applies the provisions regarding the display of flags to all community development districts and mandatory and non-mandatory homeowners' associations. Finally, the bill authorizes homeowners' association membership and association board of directors participation for mobile home park residents who reside in concrete block homes occupying park lots under 99-year leases.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 39-0; House 104-8

CS/SB 1502 — Leased Property for Public Purposes

by General Government Appropriations Committee and Senator Margolis

The bill provides that notwithstanding any provision of law to the contrary, any county operating under a home rule charter adopted pursuant to sections 10, 11, and 24, Article VIII of the Constitution of 1885, as preserved by section 6(e), Article VIII of the Constitution of 1968, may enter into a lease or a lease-purchase arrangement with the state or any other governmental entity for more than the 30-year lease term authorized in s. 125.031, F.S. The property being leased must be used for a public purpose and the lease must be approved by the board of county commissioners. If the lease or lease-purchase agreement is for a period of longer than 5 years, the lease fee must be paid from funds other than ad valorem tax revenues. The provisions of the bill apply only to Miami-Dade County.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 40-0; House 114-1

CS/SB 1706 — Developments of Regional Impact

by Higher Education Committee and Senators Margolis and Bullard

Section 380.06(19)(c), F.S., providing a three-year extension for development orders, buildout, and commencement of developments of regional impact (DRI) under active construction on July 1, 2007, is expanded to include those DRIs for which a development order was issued between January 1, 2006, and July 1, 2007 and Florida Quality Developments. The bill also applies the three-year extension to all associated local government approvals.

Under this bill, a development is exempt from DRI review if:

- One of at least two proposed land uses within the development is for an office or laboratory appropriate for the research and development of medical technology, biotechnology, or life science applications.
- The development is located within a county having a population greater than 1.25 million.
- The land is located in a designated urban infill area or within five miles of a state-supported biotechnical research facility or the local government adopts a resolution recognizing the land is located in a compact, high-intensity, and high density multi-use area.
- The land is located within three-fourths of one mile from one or more bus or light rail transit stops.
- The development is registered with the United States Green Building Council and there is an intent to apply for certification of each building under the Leadership in Energy and

Environmental Design program, or the development is registered by an alternate green building rating system that the local government approves by resolution.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 37-0; House 115-0

SB 1986 — Homeowners' Associations/Lien Claims

by Senator Ring

The bill provides that the lien of a homeowners' association has priority as of the date of the filing of the covenants and restrictions. However, the lien of the association is subordinate to that of a first mortgage that was recorded prior to the filing of a notice of lien. The bill provides a form to record a notice requiring a homeowners' association to enforce a recorded claim of lien against a parcel within 90 days or the lien is void.

Homeowners' associations are authorized to bring an action to foreclose a lien for assessments and to recover a money judgment for unpaid assessments, including reasonable attorney's fees. A court may order a parcel owner, who remains in possession following a foreclosure judgment, to pay a reasonable rent. Also, a homeowner's association is entitled to the appointment of a receiver to collect the rent during the pendency of a foreclosure proceeding.

This bill limits the liability of a first mortgagee, or its successor or assignee, for unpaid homeowner's association assessments when title to a parcel is acquired by foreclosure or a deed in lieu of foreclosure. It clarifies there is a 45-day window after the notice or demand for unpaid assessments is mailed for a parcel owner to pay in full and an additional 45 days must follow an association's notice of its intent to foreclose and collect the unpaid amount. The 45-day notice of an association's intent to foreclose and collect unpaid assessments does not apply if the parcel is subject to a foreclosure action or forced sale of another party, or if an owner of the parcel is a debtor in a bankruptcy proceeding.

A qualifying offer is voidable at the election of the association if a parcel becomes the subject of a foreclosure action or a notice of tax certificate sale while a qualifying offer is pending. If the parcel owner is a debtor in a bankruptcy proceeding, while the offer is pending, the qualifying offer becomes void. The bill also specifies a timeframe for making a qualifying offer and prescribes a form for such offer.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 37-0; House 119-0

CS/SB 2224 — Open Government Sunset Review/Paratransit Services
by Governmental Operations Committee and Community Affairs Committee

This bill reenacts and expands the public records exemption for personal identifying information relating to an application for paratransit services. The exemption is expanded to include all personal identifying information for individuals receiving services as well as applying for services. The bill provides that the exemption is applicable to all information held by an agency rather than a local government entity so that personal identifying information is exempt when given to private providers contracting with a unit of local government to provide services. The bill contains a statement of public necessity.

If approved by the Governor, these provisions take effect October 1, 2008.

Vote: Senate 39-0; House 119-0

CS/HB 3 — Children's Zones

by Healthcare Council and Rep. Bendross-Mindingall and others (CS/SB 500 by Health and Human Services Appropriations Committee and Senators Bullard, Wilson, Margolis, Lawson, Dawson, and Storms)

The bill authorizes local governments to request designation of a children's zone by the Ounce of Prevention Fund of Florida, Inc., for the purpose of revitalizing a disadvantaged area through programs and services that support family stability. The local government must adopt a resolution that makes certain findings, establish a planning team that will develop a strategic plan, and create a not-for-profit corporation to implement the children's zone. The planning team is required to specifically address certain focus areas, including the development of objectives and strategies.

The bill creates Magic City Children's Zone, Inc., a pilot project within the Liberty City neighborhood in Miami-Dade County. It establishes the boundaries of the zone, and provides for a not-for-profit corporation to manage the pilot project. The not-for-profit corporation will be governed by a 15-member board of directors. The board of directors of the not-for-profit must contract with a management consultant to provide a ten-year business plan. There is an annual reporting requirement. Implementation of this bill, including the pilot project, is contingent upon a specific appropriation that would provide a 3-year grant.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 33-0; House 118-0

CS/HB 531 — Florida Retirement System

by Government Efficiency and Accountability Council and Rep. Weatherford and others
(CS/SB 800 by Governmental Operations Committee and Senators Villalobos and Lynn)

This bill amends s. 121.0515, F.S., to narrow the criteria under which certain employees in law enforcement agencies or a medical examiner's office are eligible for membership in the Special Risk Class of the Florida Retirement System. The bill contains a statement of important state interest.

Effective July 1, 2008, a state employee must be employed by the Department of Law Enforcement in the crime laboratory or by the Division of State Fire Marshall in the forensic laboratory, as a forensic technologist, a crime laboratory technician, a crime laboratory analyst or a senior crime laboratory analyst, a crime laboratory analyst supervisor, a forensic chief, or a forensic services quality manager.

Effective July 1, 2008, a local government employee must be employed by a local law enforcement agency or medical examiner's office and spend at least 65 percent of work time performing duties involving the collection, examination, or analysis of human tissues or fluids, or physical evidence, either of which has the potential to be a biological, chemical, or radiological hazard or contaminate. The employee may also perform duties that involve the use of chemicals, processes, or materials that may have carcinogenic or health-damaging properties when used to analyze evidence. A direct supervisor of a local government employee or employees performing these duties is also eligible for membership in the Special Risk Class.

Existing Special Risk Class members employed by a law enforcement agency or medical examiner's office in a forensic discipline as provided in current law must meet the new forensic eligibility requirements or, effective July 1, 2008, the special risk designation is removed. The employee will be designated a Regular Class member and earn only Regular Class membership credit. The Department of Management Services is authorized to review the special risk designation of current members to determine if such members meet the new criteria for continued membership in the Special Risk Class.

The bill provides that a member qualifying for the Special Risk Class under the new forensic eligibility requirements who also has earned creditable service in another membership class of the Florida Retirement System doing similar work may purchase additional retirement credit to upgrade such service to Special Risk Class. The bill establishes a methodology for calculating the cost of the upgrade, and provides that for local government employees, the cost for the upgrade may be paid by a local government employer if the employee has three or more years of service with that employer.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 37-0; House 113-0

CS/HB 697 — Building Standards

by Economic Expansion and Infrastructure Council and Rep. Aubuchon and others
(CS/CS/CS/CS/SB 560 by Transportation and Economic Development Appropriations
Committee; Environmental Preservation and Conservation Committee; Regulated Industries
Committee; Community Affairs Committee; and Senator Constantine)

This bill makes several revisions to the Florida Building Code and implements recommendations of the Florida Energy Commission.

Energy Provisions:

Condominiums - The bill provides that deed restrictions, covenants, declarations, or similar binding agreements may not prohibit solar collectors or other energy devices based on renewable resources from being installed on buildings covered by such restrictions, covenants, declarations or agreements. The owner of a condominium unit may not be denied permission to install renewable energy resources within the boundaries of the unit. Notwithstanding the provisions of s. 718.113, F.S., relating to maintenance and limitation on improvements, or the provisions of any governing documents of a condominium or a multicondominium association, the condominium board of administration may, without the approval of the unit owners, install solar collectors or other renewable energy resource devices on or within the common elements of the condominium or on association property.

Local Comprehensive Plans - With respect to local comprehensive plans to guide development, the bill provides the following:

- The future land-use element of the plan must be based on the discouragement of urban sprawl, energy-efficient land use patterns that account for existing and future electric power generation and transmission systems, and greenhouse gas reduction strategies. The land use map or map series contained in the future land-use element of the local plan must identify and depict energy conservation.
- The traffic circulation element of the local plan must incorporate transportation strategies to address the reduction of greenhouse gas emissions from the transportation sector.
- When developing the conservation element of the local plan, local governments must give some consideration to factors that affect energy conservation.
- The housing element must include standards, plans, and principles to be followed for energy conservation in the design and construction of new housing and the use of renewable energy resources.
- As a precondition to receiving any state affordable housing funding or allocation for projects or programs within the jurisdiction of a county in which the gap between the buying power of a family of four and the median county home sales price exceeds \$170,000, the county must certify to the Department of Community Affairs by July 1 of

each year that it has adopted a plan to ensure affordable workforce housing for families with incomes exceeding 140 percent of the area median income and identified adequate sites for such housing.

- For units of local government within an urbanized area designated as a metropolitan planning area, the transportation element of the local plan must incorporate transportation strategies to address the reduction of greenhouse gas emission from the transportation sector.

Solar Energy System Incentives Program - The bill provides that roofing contractors who install standing seam hybrid thermal roofs may participate in the state's Solar Energy System Incentives Program funded through the Department of Environmental Protection.

Florida Building Code and Florida Energy Efficiency Code for Building Construction - The bill provides that the Florida Building Commission (commission) must select the most current version of the International Energy Conservation Code (IECC) as a foundation code so long as the IECC is modified by the commission to maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901, F.S. The commission is authorized to implement recommendations on an energy efficiency standard to be adopted by the commission for the construction of all new residential, commercial, and government building.

The bill creates a schedule of increases in the energy performance of buildings subject to the Florida Energy Efficiency Code (energy efficiency code) for Building Construction. The provisions necessary to increase the energy performance of new buildings by at least 20 percent must be included in the 2010 edition of the energy efficiency code, and provisions necessary to provide for increases of 10 percent must be included in the energy efficiency code on an annual basis until 2019 when the energy performance of new buildings must be increased by at least 50 percent when compared to the 2007 Florida Building Code adopted October 31, 2007.

The bill directs the commission to identify and include within code support and compliance documents the specific building options and elements available to meet the scheduled increases in the energy performance of buildings, and specifies some of the options and elements which must be included. Prior to implementing the energy efficiency performance goals, the commission must adopt by rule and implement a cost-effectiveness test for proposed increases in energy efficiency. The test must measure the cost-effectiveness of the proposed increase to ensure a positive net financial impact, and the text of the rule must be submitted to the Legislature in the commission's 2009-2010 annual report. The commission must provide a July 1, 2009 effective date for the cost-effectiveness test rule.

Florida Building Code Provisions:

Roofing contractor - The bill amends the definition of "roofing contractor" in s. 489.105, F.S., to provide that the scope of work of a roofing contractor also includes the required roof-deck attachments and any repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement.

Manufactured buildings - The bill clarifies that for purposes of chapter 553, a manufactured building, a modular building, or a factory-built building are the same thing. The criteria governing the construction or modification of manufactured buildings is revised to provide that the Department of Community Affairs (DCA or department) must adopt rules to address procedures and qualifications for approval of third-party plan review and inspection agencies and approval of those who perform inspections and plan reviews. The bill provides that no manufactured building in this state may be installed unless it is approved and bears the DCA's insignia and a manufacturer's data plate. The DCA is directed to develop an insignia to be affixed to all newly constructed buildings by the manufacturer or the inspection agency before the building leaves the plant, is authorized to charge a fee for issuing such insignias, and is authorized to develop by rule minimum criteria for the manufacturer's data plate. With regard to factory-built schools, the DCA must require that an insignia bearing the department's name and state seal, and a manufacturer's data plate must be affixed to all newly constructed factory-built school buildings. The DCA may charge a fee for issuing such insignia, and the insignia and data plate must be permanently affixed to the new factory-built school by the manufacturer. In the case of existing factory-built buildings altered to comply with the requirements for relocatables used as classroom space, the DCA or its designee must ensure that the insignia and data plate are permanently affixed.

Commercial wireless communications towers - The bill provides that the general provisions of the Florida Building Code for buildings and other structures shall not apply to commercial wireless communications towers when such general provisions are inconsistent with the provisions of the code that control radio and television towers. The provision is intended to be remedial in nature and to clarify existing law.

Enforcement - The bill provides that construction regulations relating to secure mental health treatment facilities under the jurisdiction of the Department of Children and Family Services shall be enforced exclusively by that department in conjunction with the review authority provided to the Agency for Health Care Administration. The bill further provides that when local governments provide the schedule of fees for enforcing the provisions of the Florida Building Code, the basis for the fee structure must include consideration for refunding fees for inspection services provided by a private provider when both the local government and the private provider charge for the inspection.

Florida Building Commission Provisions:

Membership - The bill expands the membership of the Florida Building Commission from 23 to 25 members, and specifies criteria by which members may be appointed. The Governor may appoint one member to serve as chair of the commission and this member need not represent a discipline regulated by the commission.

Product Evaluation - The bill directs the commission to review the list of product evaluation entities and, in the annual report to the Legislature, recommend amendments to the list to add evaluation entities the commission determines should be authorized to perform product evaluations. As an alternative, the commission may report on the criteria adopted by rule or to be adopted by rule allowing the approval of evaluation entities that use the commission's product evaluation process. If the commission adopts criteria by rule, the rulemaking process must be completed by July 1, 2009.

The bill provides that notwithstanding statutory requirements, the International Association of Plumbing and Mechanical Officials Evaluation Services is approved as an evaluation entity until October 1, 2009. If the association does not receive permanent evaluation authority by that date, products approved by the association must be substituted by an alternative, approved entity by December 31, 2009. On January 1, 2010, any product approval issued by the commission based on an association evaluation is void.

Windstorm loss mitigation - The bill provides that the criteria developed and adopted by the commission relating to secondary water barriers may not be limited to one method or material. Roof-to-wall connections are not required unless evaluation and installation of connections at the gable ends or all corners can be completed for 15 percent of the cost of roof replacement. For houses with both hip and gable roof-to-wall connections, priority must be given to retrofitting the gable end roof-to-wall connections unless the width of the hip is more than 1.5 times greater than the width of the gable end. Priority shall also be given to connecting the corners of roofs to walls below the locations at which the spans of the roofing members are greatest.

Carbon monoxide alarms - The bill provides that for a new hospital, an inpatient hospice facility, or a nursing home facility, all of which are licensed by the Agency for Health Care Administration, an approved operational carbon monoxide detector must be installed inside or directly outside of each room or area within the hospital or facility where a fossil-fuel burning heater, engine, or appliance is located. The detector must be connected to the fire-alarm system of the hospital or facility as a supervisory signal.

Miscellaneous Provisions:

National Electrical Code - The commission is authorized to adopt an updated edition of the National Electrical Code if it finds that delay of the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety and welfare.

Meetings of the Commission- The DCA is authorized to use communications media technology to conduct meetings of the commission and meetings of the commission must be conducted so as to encourage public participation. At a minimum, the commission must provide one opportunity for public input on each proposed action of the commission before a final vote may be taken.

Florida Accessibility Code for Building Construction - The commission is provided with the authority to render declaratory statements with respect to the provisions of the Florida Accessibility Code for Building Construction not attributable to the Americans with Disabilities Act Accessibility Guidelines.

Low-Income Home Energy Assistance Program and the Weatherization Assistance Program - The bill directs the Department of Community Affairs, in conjunction with the Florida Energy Affordability Coalition, to identify and review issues relating to the Low-Income Home Energy Assistance Program and the Weatherization Assistance Program, and identify recommendations that support customer health, safety, and well-being; improve the quality of service to customers seeking assistance; maximize available financial and energy-conservation assistance; and educate customers. On or before January 1, 2009, the department must report its findings and any recommended statutory changes required to implement the findings to the President of the Senate and the Speaker of the Florida House of Representatives.

Counties providing road equipment - The bill provides that notwithstanding any law to the contrary, a county, city, or special district may not own or operate an asphalt plant or a portable or stationary concrete batch plant that has an independent mixer. An exception is provided for any county that owns or is under contract to purchase an asphalt plant as of April 15, 2008, and that furnishes its plant-generated asphalt solely for use by local governments or companies under contract with local governments for projects within the boundaries of the county. The bill prohibits the sale of plant-generated asphalt to private entities or local governments outside the county boundaries.

Repealers - The bill repeals s. 553.731, F.S., relating to wind-borne debris and provides that the repeal of the statutory provisions does not affect Florida Building Code requirements relating to wind resistance or water intrusion adopted pursuant to chapter 2007-1, L.O.F. The bill repeals s. 627.351(6)(a)6., F.S., relating to requirements for certain properties to meet the building code plus requirements as a condition of eligibility for coverage by Citizens Property Insurance Corporation.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 40-0; House 116-0

CS/HB 743 — Mortgage Fraud

by Jobs and Entrepreneurship Council and Rep. Lopez-Cantera and others (CS/SB 1116 by Community Affairs Committee and Senators Margolis, Posey, Fasano, Lynn, Baker, and Wilson)

Law enforcement agencies are required to promptly notify the property appraiser if the agency makes a finding of probable cause of the crime of mortgage fraud or other fraud involving real property which could affect its value. Notification may be delayed if it would jeopardize or negatively affect the investigation. The property appraiser may reassess the real property considering the effect of the fraud on the property's valuation. Upon a conviction of mortgage fraud or other fraud involving real property which could affect its value, the property appraiser shall, if necessary, reassess the properties affected by the fraud. The bill also increases the penalty for mortgage fraud involving a loan value greater than \$100,000 from a third-degree felony to a second-degree felony.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 37-0; House 111-0

CS/HB 853 — Cemetery Lands

by Jobs and Entrepreneurship Council and Rep. Troutman and others (CS/SB 1308 by Judiciary Committee and Senator Bennett)

The bill provides that except for road system, transportation corridor, or rights-of-way purposes, property dedicated for cemetery purposes and licensed under ch. 497, part II, F.S., may not be taken by eminent domain if the area of property to be taken is one contiguous acre or greater in size, unless the taking entity determines in a public hearing that there are no reasonable alternatives except to use cemetery property for the project. It also prohibits a governmental entity from requiring the transfer of property dedicated for cemetery purposes and licensed under ch. 497, part II, F.S., as a condition of obtaining regulatory approval under the chapter.

If approved by the Governor, these provisions take effect July 1, 2008

Vote: Senate 37-0; House 110-1

