

Memorandum



Date: July 1, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Supplemental Information on the Workforce Housing Plan

Supplement to
Agenda Item No. 8(K)1b

This brief report provides supplemental information regarding the Workforce Housing Plan (the Plan).

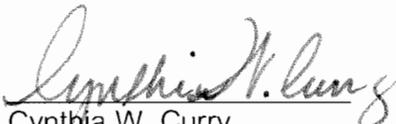
As stated in the item, the Plan sets the policy framework for the development of workforce housing across Miami-Dade County as required by State mandate. The submission of the Plan is a requirement pursuant to Section 163.3177, Florida Statutes, in order to receive State housing assistance grants.

When the item was presented to the Economic Development and Human Services (EDHS) Committee on June 11, 2008, staff was aware that Community Workforce Housing Incentive Program (CWHIP) funds would be put in jeopardy if the Workforce Housing Plan was not approved on or by July 1, 2008.

Since then, the Governor signed House Bill 697, which includes Documentary Stamp Surtax (Surtax), State Housing Incentive Partnership (SHIP), federal low-income housing tax credits (LIHTCs), and federal non-taxable bond programs, among others, from being available to Miami-Dade County if the Plan is not approved.

As recently as June 19, 2008, the County received a reminder notice from the Florida Housing Finance Corporation. Attached is the notice for your reference.

Attachment



Cynthia W. Curry
Senior Advisor to the County Manager

June 19, 2008

George M. Burgess
County Manager, Miami-Dade County
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2910
Miami, Florida 33128

COMMUNITY DEVELOPMENT
2008 JUN 23 PM 3:24
PERMANENT

Dear Mr. Burgess:

I want to take this opportunity to remind you about a requirement affecting the SHIP program and other affordable housing programs in the state that is in effect as of July 1, 2008.

Section 163.3177 (6) (f) 1.j. and k., Florida Statutes, requires that, by July 1, 2008, certain counties with a large gap between income and a household's purchasing power must adopt an affordable workforce housing plan with specific requirements and certify that this has been completed. Until this certification is complete and submitted to Florida Housing Finance Corporation, your SHIP funds for 2008-2009 (\$ 8,827,654) and funds awarded to developments in the county through Florida Housing's programs may not be released.

The language originally was passed into law in 2007 and was further clarified in 2008 in House Bill 697 which is enclosed. The new language changes the law to require this certification process as a precondition to the awarding of any affordable housing funds to the county.

House Bill 697 changes Section 163.3177, F.S., as follows [in particular, see sections j and k]:

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

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

- (f)1. A housing element consisting of standards, plans, and principles to be followed in:*
- a. The provision of housing for all current and anticipated future residents of the jurisdiction.*
 - b. The elimination of substandard dwelling conditions.*
 - c. The structural and aesthetic improvement of existing housing.*
 - d. The provision of adequate sites for future housing, including affordable*

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workforce housing as defined in s. 295 380.0651(3)(j), housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.

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

f. The formulation of housing implementation programs.

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

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

i. Use of renewable energy resources.

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

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

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

Using currently available data from Florida Housing Finance Corporation (enclosed), your County has been identified as one that must meet this requirement. Note that Florida Housing updates this information every year in late August. It is based on property appraiser data provided to Florida Housing by the Florida Department of Revenue and compiled by the Shimberg Center for Affordable Housing for our use.

Florida Housing Finance Corporation is required to obtain a certification from the County stating that you have complied with this law. Until such certification is obtained from the County, Florida Housing will not disburse SHIP funds, and any award of funds for developments financed through any Florida Housing Finance Corporation program will not be finalized.

Should your planning and/or housing staff desire technical assistance in developing your county's plan for ensuring affordable workforce housing, you may obtain this assistance free

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of charge by contacting the Florida Housing Coalition. In particular, Gladys Schneider will be available to help you. The Coalition's toll free number is (800) 677-4548.

If you have questions or need more information about this requirement, please contact Rob Dearduff on my staff. Thank you.

Sincerely,



Stephen P. Auger
Executive Director

Enclosures

cc: Jose Cintron, Director, Community and Economic Development, Miami-Dade County
Sheila Martinez, SHIP Administrator, Miami-Dade County
Marc C. LaFerrier, A.I.C.P., Director Planning and Zoning, Miami-Dade County
Charles Gautier, Director, Division of Community Planning,
Department of Community Affairs

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2006 Gap Between Buying Power and Median Sales Price, by County for Homesteaded Single Family Homes for CWHIP Program

County property appraiser data are the source for this chart. These data include all single family sales in a year, unlike other data sources which often do not compile all sales (e.g., non-Realtor sales, new home sales). At this time, county appraiser data appear to be the most comprehensive and consistent source of information across the state for the purposes of this pilot program.

County	Median Income for Family of 4	Buying Power (Income x 3)	Median Sales Price	Gap Between Buying Power and Sales Price
Monroe County	\$61,000	\$183,000	\$525,000	\$342,000
Collier County	\$66,100	\$198,300	\$455,000	\$256,700
Palm Beach County	\$64,400	\$193,200	\$399,000	\$205,800
Martin County	\$54,600	\$163,800	\$348,500	\$184,700
Miami-Dade County	\$55,900	\$167,700	\$345,000	\$177,300
Broward County	\$60,600	\$181,800	\$339,000	\$157,200
Walton County	\$45,500	\$136,500	\$285,000	\$148,500
Manatee County	\$58,400	\$175,200	\$320,000	\$144,800
St. Johns County	\$60,300	\$180,900	\$320,000	\$139,100
Orange County	\$57,400	\$172,200	\$294,000	\$121,800
Franklin County	\$37,400	\$112,200	\$225,000	\$112,800
Seminole County	\$57,400	\$172,200	\$284,000	\$111,800
Lee County	\$56,000	\$168,000	\$275,000	\$107,000
Sumter County	\$44,500	\$133,500	\$231,650	\$98,150
Sarasota County	\$58,400	\$175,200	\$266,500	\$91,300
Osceola County	\$57,400	\$172,200	\$263,000	\$90,800
Hillsborough County	\$54,400	\$163,200	\$252,500	\$89,300
Florida	\$54,800	\$164,400	\$251,300	\$86,900
St. Lucie County	\$54,600	\$163,800	\$249,000	\$85,200
Lake County	\$57,400	\$172,200	\$256,000	\$83,800
Pasco County	\$54,400	\$163,200	\$239,600	\$76,400
Flagler County	\$55,500	\$166,500	\$241,700	\$75,200
Nassau County	\$60,300	\$180,900	\$256,000	\$75,100
Hendry County	\$41,800	\$125,400	\$195,000	\$69,600
Volusia County	\$50,300	\$150,900	\$220,000	\$69,100
Indian River County	\$55,500	\$166,500	\$235,000	\$68,500
Charlotte County	\$50,800	\$152,400	\$215,000	\$62,600
Pinellas County	\$54,400	\$163,200	\$225,000	\$61,800
Polk County	\$49,500	\$148,500	\$210,000	\$61,500
Marion County	\$44,900	\$134,700	\$195,950	\$61,250
Levy County	\$36,800	\$110,400	\$170,000	\$59,600
Bay County	\$51,600	\$154,800	\$210,000	\$55,200
Alachua County	\$54,500	\$163,500	\$218,300	\$54,800
Brevard County	\$57,300	\$171,900	\$225,000	\$53,100
Clay County	\$60,300	\$180,900	\$233,100	\$52,200
Santa Rosa County	\$51,900	\$155,700	\$204,900	\$49,200
Columbia County	\$42,900	\$128,700	\$177,850	\$49,150
Okeechobee County	\$42,300	\$126,900	\$172,250	\$45,350
DeSoto County	\$41,600	\$124,800	\$170,000	\$45,200
Citrus County	\$44,000	\$132,000	\$175,000	\$43,000

Glades County	\$40,700	\$122,100	\$165,000	\$42,900
Okaloosa County	\$57,800	\$173,400	\$215,000	\$41,600
Highlands County	\$43,400	\$130,200	\$171,550	\$41,350
Gulf County	\$43,300	\$129,900	\$163,000	\$33,100
Baker County	\$52,500	\$157,500	\$189,000	\$31,500
Hernando County	\$54,400	\$163,200	\$192,900	\$29,700
Suwannee County	\$40,800	\$122,400	\$151,225	\$28,825
Union County	\$44,500	\$133,500	\$162,250	\$28,750
Leon County	\$58,500	\$175,500	\$204,000	\$28,500
Lafayette County	\$42,400	\$127,200	\$153,500	\$26,300
Duval County	\$60,300	\$180,900	\$206,000	\$25,100
Putnam County	\$41,500	\$124,500	\$145,000	\$20,500
Wakulla County	\$49,400	\$148,200	\$167,800	\$19,600
Hamilton County	\$36,500	\$109,500	\$119,000	\$9,500
Liberty County	\$41,100	\$123,300	\$128,750	\$5,450
Bradford County	\$46,900	\$140,700	\$145,000	\$4,300
Gilchrist County	\$54,500	\$163,500	\$167,450	\$3,950
Hardee County	\$39,000	\$117,000	\$118,750	\$1,750
Escambia County	\$51,900	\$155,700	\$155,150	-\$550
Jackson County	\$44,000	\$132,000	\$131,400	-\$600
Madison County	\$38,200	\$114,600	\$110,000	-\$4,600
Washington County	\$39,500	\$118,500	\$113,000	-\$5,500
Taylor County	\$41,800	\$125,400	\$115,000	-\$10,400
Dixie County	\$37,400	\$112,200	\$100,000	-\$12,200
Gadsden County	\$58,500	\$175,500	\$157,500	-\$18,000
Calhoun County	\$38,500	\$115,500	\$95,000	-\$20,500
Jefferson County	\$58,500	\$175,500	\$154,250	-\$21,250
Holmes County	\$41,300	\$123,900	\$84,000	-\$39,900

Source: County Property Appraiser data, Florida Department of Revenue, compiled by The Shimberg Center for Affordable Housing

NOTES:

1. Data cover single family sales by county in 2006 for those properties claiming homestead exemption in the following year.
2. Median incomes are provided by the U.S. Dept of Housing and Urban Development for each year. Median incomes refer to the median income for a family of four by Metropolitan Statistical Area (MSA) or non-MSA county.
3. Buying power assumes the family can obtain a mortgage at today's levels of approximately three times (3x) the amount of a family's income. This assumption is an estimate only and does not take into consideration a family's debt obligations, i.e., it assumes zero debt (maximum buying power).
4. The formula for the gap between buying power and median sales price subtracts buying power (i.e., what the family can afford) from the median sales price to determine how much subsidy a family would need to purchase a median price single family home. Then counties were placed in order from those with the largest gap to those with the smallest gap.

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2008 Legislature

29 replacement of wood roof sheathing or fascia as needed
 30 during roof repair or replacement; amending s. 553.36,
 31 F.S.; redefining the term "manufactured building" for
 32 purposes of the Florida Manufactured Building Act to
 33 include modular and factory-built buildings; amending s.
 34 553.37, F.S.; requiring the Department of Community
 35 Affairs to adopt rules related to the inspection,
 36 construction, and modification of manufactured buildings;
 37 requiring the department to develop an insignia to be
 38 affixed to newly constructed manufactured buildings;
 39 authorizing the department to charge a fee for the
 40 insignia; providing requirements for the insignia;
 41 requiring the department to develop minimum criteria for a
 42 manufacturer's data plate; amending s. 553.381, F.S.;
 43 conforming provisions; amending s. 553.415, F.S.;
 44 requiring the department to require that an insignia be
 45 affixed to all newly constructed factory-built school
 46 buildings; providing requirements for the manufacturer's
 47 data plate; amending s. 553.71, F.S.; providing a
 48 definition; amending s. 553.73, F.S.; expanding required
 49 codes to be included in Florida Building Code updates;
 50 expanding the list of reasons the commission may amend the
 51 Florida Building Code; providing requirements for the
 52 retroactive application of parts of the Florida Building
 53 Code to commercial wireless communications towers;
 54 amending s. 553.74, F.S.; revising requirements for
 55 selecting members of the Florida Building Commission;
 56 revising membership of the commission; deleting obsolete

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57 provisions; amending s. 553.75, F.S.; authorizing the
 58 Florida Building Commission to use communications media
 59 technology in conducting its meetings or meetings held in
 60 conjunction with commission meetings; providing for public
 61 comment at meetings of the commission; amending s. 553.77,
 62 F.S.; authorizing the commission to implement
 63 recommendations relating to energy efficiency in
 64 residential and commercial buildings; amending s. 553.775,
 65 F.S.; authorizing the commission to render declaratory
 66 statements; amending s. 553.80, F.S.; providing that the
 67 enforcement of construction regulations relating to secure
 68 mental health treatment facilities under the jurisdiction
 69 of the Department of Children and Family Services shall be
 70 enforced exclusively by the department in conjunction with
 71 the review authority of the Agency for Health Care
 72 Administration; requiring that the basis for a fee
 73 structure for allowable activities include consideration
 74 for refunding fees due to reduced services based on
 75 certain services; amending s. 553.842, F.S.; requiring the
 76 commission to review the list of product evaluation
 77 entities; providing reporting requirements; providing for
 78 rulemaking; designating an entity as an approved
 79 production evaluation entity until October 1, 2009;
 80 providing criteria for substitution of approved products
 81 under certain conditions; providing for the expiration of
 82 certain product approvals; amending s. 553.844, F.S.;
 83 revising provisions requiring the adoption of certain
 84 mitigation techniques by the Florida Building Commission

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85 within the Florida Building Code for certain structures;
 86 amending s. 553.885, F.S.; requiring the installation of
 87 carbon monoxide detectors in certain new hospitals,
 88 hospice and nursing homes facilities; creating s. 553.886,
 89 F.S.; requiring that the Florida Building Code facilitate
 90 and promote the use of certain renewable energy
 91 technologies in buildings; creating s. 553.9061, F.S.;
 92 establishing a schedule of required increases in the
 93 energy performance of buildings subject to the Florida
 94 Building Code; providing a process for implementing goals
 95 to increase energy-efficiency performance in new
 96 buildings; providing a schedule for the implementation of
 97 such goals; identifying energy-efficiency performance
 98 options and elements available to meet energy-efficiency
 99 performance requirements; requiring the commission to
 100 adopt by rule a definition of the term "cost-effectiveness
 101 test"; providing that the commission implement a cost-
 102 effectiveness test; providing requirements for the test;
 103 directing the Department of Community Affairs, in
 104 conjunction with the Florida Energy Affordability Council,
 105 to identify and review issues relating to the Low-Income
 106 Home Energy Assistance Program and the Weatherization
 107 Assistance Program; requiring the submission of a report
 108 to the President of the Senate and the Speaker of the
 109 House of Representatives on or before a specified date;
 110 providing for the expiration of certain study
 111 requirements; repealing s. 553.731, F.S., relating to
 112 wind-borne debris protection requirements; providing for

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113 construction and interpretation of the repeal; repealing
 114 s. 627.351(6)(a)6., F.S.; providing requirements for
 115 certain properties to meet building code plus requirements
 116 as a condition of eligibility for coverage by Citizens
 117 Property Insurance Corporation; amending s. 336.41, F.S.;
 118 providing that a county, municipality, or special district
 119 may not own or operate an asphalt plant or a portable or
 120 stationary concrete batch plant having an independent
 121 mixer; amending s. 718.113, F.S.; authorizing the board of
 122 a condominium or a multicondominium to install solar
 123 collectors, clotheslines, or other energy-efficient
 124 devices on association property; requiring the Florida
 125 Building Commission to include certain information in its
 126 report to the Legislature; providing an effective date.

127

128 Be It Enacted by the Legislature of the State of Florida:

129

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

132 163.04 Energy devices based on renewable resources.--

133 (2) A deed restriction, covenant, declaration, or similar
 134 binding agreement may not ~~No deed restrictions, covenants, or~~
 135 ~~similar binding agreements running with the land shall prohibit~~
 136 or have the effect of prohibiting solar collectors,
 137 clotheslines, or other energy devices based on renewable
 138 resources from being installed on buildings erected on the lots
 139 or parcels covered by the deed restriction, covenant,
 140 declaration, or binding agreement ~~restrictions, covenants, or~~

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141 ~~binding agreements.~~ A property owner may not be denied
 142 permission to install solar collectors or other energy devices
 143 ~~based on renewable resources~~ by any entity granted the power or
 144 right in any deed restriction, covenant, declaration, or similar
 145 binding agreement to approve, forbid, control, or direct
 146 alteration of property with respect to residential dwellings and
 147 within the boundaries of a condominium unit not exceeding three
 148 ~~stories in height. For purposes of this subsection,~~ Such entity
 149 may determine the specific location where solar collectors may
 150 be installed on the roof within an orientation to the south or
 151 within 45° east or west of due south if ~~provided that~~ such
 152 determination does not impair the effective operation of the
 153 solar collectors.

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

157 163.3177 Required and optional elements of comprehensive
 158 plan; studies and surveys.--

159 (6) In addition to the requirements of subsections (1)-(5)
 160 and (12), the comprehensive plan shall include the following
 161 elements:

162 (a) A future land use plan element designating proposed
 163 future general distribution, location, and extent of the uses of
 164 land for residential uses, commercial uses, industry,
 165 agriculture, recreation, conservation, education, public
 166 buildings and grounds, other public facilities, and other
 167 categories of the public and private uses of land. Counties are
 168 encouraged to designate rural land stewardship areas, pursuant

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169 to the provisions of paragraph (11)(d), as overlays on the
 170 future land use map. Each future land use category must be
 171 defined in terms of uses included, and must include standards to
 172 be followed in the control and distribution of population
 173 densities and building and structure intensities. The proposed
 174 distribution, location, and extent of the various categories of
 175 land use shall be shown on a land use map or map series which
 176 shall be supplemented by goals, policies, and measurable
 177 objectives. The future land use plan shall be based upon
 178 surveys, studies, and data regarding the area, including the
 179 amount of land required to accommodate anticipated growth; the
 180 projected population of the area; the character of undeveloped
 181 land; the availability of water supplies, public facilities, and
 182 services; the need for redevelopment, including the renewal of
 183 blighted areas and the elimination of nonconforming uses which
 184 are inconsistent with the character of the community; the
 185 compatibility of uses on lands adjacent to or closely proximate
 186 to military installations; the discouragement of urban sprawl;
 187 energy-efficient land use patterns accounting for existing and
 188 future electric power generation and transmission systems;
 189 greenhouse gas reduction strategies; and, in rural communities,
 190 the need for job creation, capital investment, and economic
 191 development that will strengthen and diversify the community's
 192 economy. The future land use plan may designate areas for future
 193 planned development use involving combinations of types of uses
 194 for which special regulations may be necessary to ensure
 195 development in accord with the principles and standards of the
 196 comprehensive plan and this act. The future land use plan

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197 | element shall include criteria to be used to achieve the
 198 | compatibility of adjacent or closely proximate lands with
 199 | military installations. In addition, for rural communities, the
 200 | amount of land designated for future planned industrial use
 201 | shall be based upon surveys and studies that reflect the need
 202 | for job creation, capital investment, and the necessity to
 203 | strengthen and diversify the local economies, and shall not be
 204 | limited solely by the projected population of the rural
 205 | community. The future land use plan of a county may also
 206 | designate areas for possible future municipal incorporation. The
 207 | land use maps or map series shall generally identify and depict
 208 | historic district boundaries and shall designate historically
 209 | significant properties meriting protection. For coastal
 210 | counties, the future land use element must include, without
 211 | limitation, regulatory incentives and criteria that encourage
 212 | the preservation of recreational and commercial working
 213 | waterfronts as defined in s. 342.07. The future land use element
 214 | must clearly identify the land use categories in which public
 215 | schools are an allowable use. When delineating the land use
 216 | categories in which public schools are an allowable use, a local
 217 | government shall include in the categories sufficient land
 218 | proximate to residential development to meet the projected needs
 219 | for schools in coordination with public school boards and may
 220 | establish differing criteria for schools of different type or
 221 | size. Each local government shall include lands contiguous to
 222 | existing school sites, to the maximum extent possible, within
 223 | the land use categories in which public schools are an allowable
 224 | use. The failure by a local government to comply with these

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225 school siting requirements will result in the prohibition of the
 226 local government's ability to amend the local comprehensive
 227 plan, except for plan amendments described in s. 163.3187(1)(b),
 228 until the school siting requirements are met. Amendments
 229 proposed by a local government for purposes of identifying the
 230 land use categories in which public schools are an allowable use
 231 are exempt from the limitation on the frequency of plan
 232 amendments contained in s. 163.3187. The future land use element
 233 shall include criteria that encourage the location of schools
 234 proximate to urban residential areas to the extent possible and
 235 shall require that the local government seek to collocate public
 236 facilities, such as parks, libraries, and community centers,
 237 with schools to the extent possible and to encourage the use of
 238 elementary schools as focal points for neighborhoods. For
 239 schools serving predominantly rural counties, defined as a
 240 county with a population of 100,000 or fewer, an agricultural
 241 land use category shall be eligible for the location of public
 242 school facilities if the local comprehensive plan contains
 243 school siting criteria and the location is consistent with such
 244 criteria. Local governments required to update or amend their
 245 comprehensive plan to include criteria and address compatibility
 246 of adjacent or closely proximate lands with existing military
 247 installations in their future land use plan element shall
 248 transmit the update or amendment to the department by June 30,
 249 2006.

250 (b) A traffic circulation element consisting of the types,
 251 locations, and extent of existing and proposed major
 252 thoroughfares and transportation routes, including bicycle and

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253 pedestrian ways. Transportation corridors, as defined in s.
 254 334.03, may be designated in the traffic circulation element
 255 pursuant to s. 337.273. If the transportation corridors are
 256 designated, the local government may adopt a transportation
 257 corridor management ordinance. The traffic circulation element
 258 shall incorporate transportation strategies to address reduction
 259 in greenhouse gas emissions from the transportation sector.

260 (d) A conservation element for the conservation, use, and
 261 protection of natural resources in the area, including air,
 262 water, water recharge areas, wetlands, waterwells, estuarine
 263 marshes, soils, beaches, shores, flood plains, rivers, bays,
 264 lakes, harbors, forests, fisheries and wildlife, marine habitat,
 265 minerals, and other natural and environmental resources,
 266 including factors that affect energy conservation. Local
 267 governments shall assess their current, as well as projected,
 268 water needs and sources for at least a 10-year period,
 269 considering the appropriate regional water supply plan approved
 270 pursuant to s. 373.0361, or, in the absence of an approved
 271 regional water supply plan, the district water management plan
 272 approved pursuant to s. 373.036(2). This information shall be
 273 submitted to the appropriate agencies. The land use map or map
 274 series contained in the future land use element shall generally
 275 identify and depict the following:

- 276 1. Existing and planned waterwells and cones of influence
- 277 where applicable.
- 278 2. Beaches and shores, including estuarine systems.
- 279 3. Rivers, bays, lakes, flood plains, and harbors.
- 280 4. Wetlands.

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281 5. Minerals and soils.

282 6. Energy conservation.

283

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

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

288 a. The provision of housing for all current and
289 anticipated future residents of the jurisdiction.

290 b. The elimination of substandard dwelling conditions.

291 c. The structural and aesthetic improvement of existing
292 housing.

293 d. The provision of adequate sites for future housing,
294 including affordable workforce housing as defined in s.
295 380.0651(3)(j), housing for low-income, very low-income, and
296 moderate-income families, mobile homes, and group home
297 facilities and foster care facilities, with supporting
298 infrastructure and public facilities.

299 e. Provision for relocation housing and identification of
300 historically significant and other housing for purposes of
301 conservation, rehabilitation, or replacement.

302 f. The formulation of housing implementation programs.

303 g. The creation or preservation of affordable housing to
304 minimize the need for additional local services and avoid the
305 concentration of affordable housing units only in specific areas
306 of the jurisdiction.

307 h. Energy efficiency in the design and construction of new
308 housing.

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2008 Legislature

309 | i. Use of renewable energy resources.
 310 | j. h. By July 1, 2008, Each county in which the gap between
 311 | the buying power of a family of four and the median county home
 312 | sale price exceeds \$170,000, as determined by the Florida
 313 | Housing Finance Corporation, and which is not designated as an
 314 | area of critical state concern shall adopt a plan for ensuring
 315 | affordable workforce housing. At a minimum, the plan shall
 316 | identify adequate sites for such housing. For purposes of this
 317 | sub-subparagraph, the term "workforce housing" means housing
 318 | that is affordable to natural persons or families whose total
 319 | household income does not exceed 140 percent of the area median
 320 | income, adjusted for household size.
 321 | k. As a precondition to receiving any state affordable
 322 | housing funding or allocation for any project or program within
 323 | the jurisdiction of a county that is subject to sub-subparagraph
 324 | j., a county must, by July 1 of each year, provide certification
 325 | that the county has complied with the requirements of sub-
 326 | subparagraph j.
 327 | ~~i. Failure by a local government to comply with the~~
 328 | ~~requirement in sub-subparagraph h. will result in the local~~
 329 | ~~government being ineligible to receive any state housing~~
 330 | ~~assistance grants until the requirement of sub-subparagraph h.~~
 331 | ~~is met.~~
 332 |
 333 | The goals, objectives, and policies of the housing element must
 334 | be based on the data and analysis prepared on housing needs,
 335 | including the affordable housing needs assessment. State and
 336 | federal housing plans prepared on behalf of the local government

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337 must be consistent with the goals, objectives, and policies of
 338 the housing element. Local governments are encouraged to use
 339 ~~utilize~~ job training, job creation, and economic solutions to
 340 address a portion of their affordable housing concerns.

341 2. To assist local governments in housing data collection
 342 and analysis and assure uniform and consistent information
 343 regarding the state's housing needs, the state land planning
 344 agency shall conduct an affordable housing needs assessment for
 345 all local jurisdictions on a schedule that coordinates the
 346 implementation of the needs assessment with the evaluation and
 347 appraisal reports required by s. 163.3191. Each local government
 348 shall utilize the data and analysis from the needs assessment as
 349 one basis for the housing element of its local comprehensive
 350 plan. The agency shall allow a local government the option to
 351 perform its own needs assessment, if it uses the methodology
 352 established by the agency by rule.

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

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

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

362 3. Parking facilities.

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

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

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

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

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

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

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

385
386 Section 3. Paragraph (a) of subsection (3) of section
387 377.806, Florida Statutes, is amended to read:

388 377.806 Solar Energy System Incentives Program.--

389 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

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

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392 1. The system is installed by a state-licensed solar or
 393 plumbing contractor or a roofing contractor installing standing
 394 seam hybrid thermal roofs.

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

397 Section 4. Paragraph (e) of subsection (3) of section
 398 489.105, Florida Statutes, is amended to read:

399 489.105 Definitions.--As used in this part:

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

418 (e) "Roofing contractor" means a contractor whose services
 419 are unlimited in the roofing trade and who has the experience,

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420 knowledge, and skill to install, maintain, repair, alter,
 421 extend, or design, when not prohibited by law, and use materials
 422 and items used in the installation, maintenance, extension, and
 423 alteration of all kinds of roofing, waterproofing, and coating,
 424 except when coating is not represented to protect, repair,
 425 waterproof, stop leaks, or extend the life of the roof. The
 426 scope of work of a roofing contractor also includes required
 427 roof-deck attachments and any repair or replacement of wood roof
 428 sheathing or fascia as needed during roof repair or replacement.

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

431 553.36 Definitions.--The definitions contained in this
 432 section govern the construction of this part unless the context
 433 otherwise requires.

434 (13) "Manufactured building", "modular building," or
 435 "factory-built building" means a closed structure, building
 436 assembly, or system of subassemblies, which may include
 437 structural, electrical, plumbing, heating, ventilating, or other
 438 service systems manufactured in manufacturing facilities for
 439 installation or erection as a finished building or as part of a
 440 finished building, which shall include, but not be limited to,
 441 residential, commercial, institutional, storage, and industrial
 442 structures. The term includes buildings not intended for human
 443 habitation such as lawn storage buildings and storage sheds
 444 manufactured and assembled offsite by a manufacturer certified
 445 in conformance with this part. This part does not apply to
 446 mobile homes.

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447 Section 6. Section 553.37, Florida Statutes, is amended to
448 read:

449 553.37 Rules; inspections; and insignia.--

450 (1) The Florida Building Commission shall adopt within the
451 Florida Building Code requirements for construction or
452 modification of manufactured buildings and building modules, to
453 address:

454 (a) Submittal to and approval by the department of
455 manufacturers' drawings and specifications, including any
456 amendments.

457 (b) Submittal to and approval by the department of
458 manufacturers' internal quality control procedures and manuals,
459 including any amendments.

460 (c) Minimum inspection criteria. ~~Procedures and~~
461 ~~qualifications for approval of third party plan review and~~
462 ~~inspection entities and of those who perform inspections and~~
463 ~~plan reviews.~~

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

465 (a) Procedures and qualifications for approval of third-
466 party plan review and inspection agencies and of those who
467 perform inspections and plan reviews.

468 (b) ~~(d)~~ Investigation of consumer complaints of
469 noncompliance of manufactured buildings with the Florida
470 Building Code and the Florida Fire Prevention Code.

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

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474 ~~(d)(f)~~ Monitoring the manufacturers', inspection agencies'
 475 entities~~+~~, and plan review agencies' entities~~+~~ compliance with
 476 this part and the Florida Building Code. Monitoring may include,
 477 but is not limited to, performing audits of plans, inspections
 478 of manufacturing facilities and observation of the manufacturing
 479 and inspection process, and onsite inspections of buildings.

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

482 ~~(3)(2)~~ After the effective date of the Florida Building
 483 Code, no manufactured building, except as provided in subsection
 484 (12) ~~(11)~~, may be installed in this state unless it is approved
 485 and bears the insignia of approval of the department and a
 486 manufacturer's data plate. Approvals issued by the department
 487 under the provisions of the prior part shall be deemed to comply
 488 with the requirements of this part.

489 ~~(4)(3)~~ All manufactured buildings issued and bearing
 490 insignia of approval pursuant to subsection (3) ~~(2)~~ shall be
 491 deemed to comply with the Florida Building Code and are exempt
 492 from local amendments enacted by any local government.

493 ~~(5)(4)~~ No manufactured building bearing department
 494 insignia of approval pursuant to subsection (3) ~~(2)~~ shall be in
 495 any way modified prior to installation, except in conformance
 496 with the Florida Building Code.

497 ~~(6)(5)~~ Manufactured buildings which have been issued and
 498 bear the insignia of approval pursuant to this part upon
 499 manufacture or first sale shall not require an additional
 500 approval or insignia by a local government in which they are
 501 subsequently sold or installed. Buildings or structures that

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502 meet the definition of "open construction" are subject to
 503 permitting by the local jurisdiction and are not required to
 504 bear insignia.

505 (7) ~~(6)~~ If the department ~~Florida Building Commission~~
 506 determines that the standards for construction and inspection of
 507 manufactured buildings prescribed by statute or rule of another
 508 state are at least equal to the Florida Building Code and that
 509 such standards are actually enforced by such other state, it may
 510 provide by rule that the manufactured building which has been
 511 inspected and approved by such other state shall be deemed to
 512 have been approved by the department and shall authorize the
 513 affixing of the appropriate insignia of approval.

514 (8) ~~(7)~~ The department ~~Florida Building Commission~~, by
 515 rule, shall establish a schedule of fees to pay the cost of
 516 ~~incurred by the department for the work related to~~
 517 administration and enforcement of this part.

518 (9) ~~(8)~~ The department may delegate its enforcement
 519 authority to a state department having building construction
 520 responsibilities or a local government. The department may
 521 delegate its plan review and inspection authority to one or more
 522 of the following in any combination:

523 (a) A state department having building construction
 524 responsibilities; ;

525 (b) A local government; ;

526 (c) An approved inspection agency; ;

527 (d) An approved plan review agency; ; or

528 (e) An agency of another state.

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529 ~~(9) If the commission delegates its inspection authority~~
 530 ~~to third party approved inspection agencies, manufacturers must~~
 531 ~~have one, and only one, inspection agency responsible for~~
 532 ~~inspection of a manufactured building, module, or component at~~
 533 ~~all times.~~

534 (10) The department shall develop an insignia to be
 535 affixed to all newly constructed buildings by the manufacturer
 536 or the inspection agency prior to the building leaving the
 537 plant. The department may charge a fee for issuing such
 538 insignias. Such insignias shall bear the department's name, the
 539 state seal, an identification number unique to that insignia,
 540 and such other information as the department may require by
 541 rule. ~~If the commission delegates its inspection authority to~~
 542 ~~third party approved plan review agencies, manufacturers must~~
 543 ~~have one, and only one, plan review agency responsible for~~
 544 ~~review of plans of a manufactured building, module, or component~~
 545 ~~at all times.~~

546 (11) The department shall by rule develop minimum criteria
 547 for manufacturer's data that must be affixed to all newly
 548 constructed buildings by the manufacturer prior to the building
 549 leaving the plant. ~~Custom or one of a kind prototype~~
 550 ~~manufactured buildings shall not be required to have state~~
 551 ~~approval but must comply with all local requirements of the~~
 552 ~~governmental agency having jurisdiction at the installation~~
 553 ~~site.~~

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

556 553.381 Manufacturer certification.--

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557 (1) Before manufacturing buildings to be located within
 558 this state or selling manufactured buildings within this state,
 559 whichever occurs later, a manufacturer must be certified by the
 560 department. The department shall certify a manufacturer upon
 561 receipt from the manufacturer and approval and verification by
 562 the department of the following:

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

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

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

570 (3) Certification of manufacturers under this section
 571 shall be for a period of 3 years, subject to renewal by the
 572 manufacturer. Upon application for renewal, the manufacturer
 573 must submit the information described in subsection (1) or a
 574 sworn statement that there has been no change in the status or
 575 content of that information since the manufacturer's last
 576 submittal. Fees for renewal of manufacturers' certification
 577 shall be established by the department ~~commission~~ by rule.

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

580 553.415 Factory-built school buildings.--

581 (11) The department shall require that an insignia bearing
 582 the department's name and state seal and a manufacturer's data
 583 plate ~~develop a unique identification label to~~ be affixed to all
 584 newly constructed factory-built school buildings and existing

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585 factory-built school buildings which have been brought into
 586 compliance with the standards for existing "satisfactory"
 587 buildings pursuant to chapter 5 of the Uniform Code for Public
 588 Educational Facilities, and after March 1, 2002, the Florida
 589 Building Code. The department may charge a fee for issuing such
 590 insignias labels. The manufacturer's data plate ~~Such labels,~~
 591 ~~bearing the department's name and state seal,~~ shall, at a
 592 minimum, contain:

- 593 (a) The name of the manufacturer.
- 594 (b) The standard plan approval number or alteration
 595 number.
- 596 (c) The date of manufacture or alteration.
- 597 (d) The serial or other identification number.
- 598 (e) The following designed-for loads: lbs. per square foot
 599 live load; lbs. per square foot floor live load; lbs. per square
 600 foot horizontal wind load; and lbs. per square foot wind uplift
 601 load.
- 602 (f) The designed-for flood zone usage.
- 603 (g) The designed-for wind zone usage.
- 604 (h) The designed-for enhanced hurricane protection zone
 605 usage: yes or no.

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

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

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613 553.71 Definitions.--As used in this part, the term:

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

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

620 553.73 Florida Building Code.--

621 (6)(a) The commission, by rule adopted pursuant to ss.
 622 120.536(1) and 120.54, shall update the Florida Building Code
 623 every 3 years. When updating the Florida Building Code, the
 624 commission shall select the most current version of the
 625 International Building Code, the International Fuel Gas Code,
 626 the International Mechanical Code, the International Plumbing
 627 Code, and the International Residential Code, all of which are
 628 adopted by the International Code Council, and the National
 629 Electrical Code, which is adopted by the National Fire
 630 Protection Association, to form the foundation codes of the
 631 updated Florida Building Code, if the version has been adopted
 632 by the applicable model code entity and made available to the
 633 public at least 6 months prior to its selection by the
 634 commission. The commission shall select the most current version
 635 of the International Energy Conservation Code (IECC) as a
 636 foundation code; however, the IECC shall be modified by the
 637 commission to maintain the efficiencies of the Florida Energy
 638 Efficiency Code for Building Construction adopted and amended
 639 pursuant to s. 553.901.

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640 (7) Notwithstanding the provisions of subsection (3) or
 641 subsection (6), the commission may address issues identified in
 642 this subsection by amending the code pursuant only to the rule
 643 adoption procedures contained in chapter 120. Provisions of the
 644 Florida Building Code, including those contained in referenced
 645 standards and criteria, relating to wind resistance or the
 646 prevention of water intrusion may not be amended pursuant to
 647 this subsection to diminish those construction requirements;
 648 however, the commission may, subject to conditions in this
 649 subsection, amend the provisions to enhance those construction
 650 requirements. Following the approval of any amendments to the
 651 Florida Building Code by the commission and publication of the
 652 amendments on the commission's website, authorities having
 653 jurisdiction to enforce the Florida Building Code may enforce
 654 the amendments. The commission may approve amendments that are
 655 needed to address:

- 656 (a) Conflicts within the updated code;
- 657 (b) Conflicts between the updated code and the Florida
 658 Fire Prevention Code adopted pursuant to chapter 633;
- 659 (c) The omission of previously adopted Florida-specific
 660 amendments to the updated code if such omission is not supported
 661 by a specific recommendation of a technical advisory committee
 662 or particular action by the commission;
- 663 (d) Unintended results from the integration of previously
 664 adopted Florida-specific amendments with the model code; ~~or~~
- 665 (e) Changes to federal or state law; or
- 666 (f) Adoption of an updated edition of the National
 667 Electrical Code if the commission finds that delay of

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668 | implementing the updated edition causes undue hardship to
 669 | stakeholders or otherwise threatens the public health, safety,
 670 | and welfare.

671 | (13) The general provisions of the Florida Building Code
 672 | for buildings and other structures shall not apply to commercial
 673 | wireless communication towers when such general provisions are
 674 | inconsistent with the provisions of the code controlling radio
 675 | and television towers. This subsection is intended to be
 676 | remedial in nature and to clarify existing law.

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

679 | 553.74 Florida Building Commission.--

680 | (1) The Florida Building Commission is created and shall
 681 | be located within the Department of Community Affairs for
 682 | administrative purposes. Members shall be appointed by the
 683 | Governor subject to confirmation by the Senate. The commission
 684 | shall be composed of 25 ~~23~~ members, consisting of the following:

685 | (a) One architect registered to practice in this state and
 686 | actively engaged in the profession. The American Institute of
 687 | Architects, Florida Section, is encouraged to recommend a list
 688 | of candidates for consideration.

689 | (b) One structural engineer registered to practice in this
 690 | state and actively engaged in the profession. The Florida
 691 | Engineering Society is encouraged to recommend a list of
 692 | candidates for consideration.

693 | (c) One air-conditioning or mechanical contractor
 694 | certified to do business in this state and actively engaged in
 695 | the profession. The Florida Air Conditioning Contractors

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696 Association, the Florida Refrigeration and Air Conditioning
 697 Contractors Association, and the Mechanical Contractors
 698 Association of Florida are encouraged to recommend a list of
 699 candidates for consideration.

700 (d) One electrical contractor certified to do business in
 701 this state and actively engaged in the profession. The Florida
 702 Electrical Contractors Association and the National Electrical
 703 Contractors Association, Florida Chapter, are encouraged to
 704 recommend a list of candidates for consideration.

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

710 (f) One general contractor certified to do business in
 711 this state and actively engaged in the profession. The
 712 Associated Builders and Contractors of Florida, the Florida
 713 Associated General Contractors Council, and the Union
 714 Contractors Association are encouraged to recommend a list of
 715 candidates for consideration.

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

720 (h) One roofing or sheet metal contractor certified to do
 721 business in this state and actively engaged in the profession.
 722 The Florida Roofing, Sheet Metal, and Air Conditioning
 723 Contractors Association and the Sheet Metal and Air Conditioning

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724 Contractors National Association are encouraged to recommend a
 725 list of candidates for consideration.

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

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

735 (k) One member who represents the Department of Financial
 736 Services.

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

740 (m) One member of a Florida-based organization of persons
 741 with disabilities or a nationally chartered organization of
 742 persons with disabilities with chapters in this state.

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

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

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751 (p) One member who is a representative of a municipality
 752 or a charter county. The Florida League of Cities and the
 753 Florida Association of Counties are encouraged to recommend a
 754 list of candidates for consideration.

755 (q) One member of the building products manufacturing
 756 industry who is authorized to do business in this state and is
 757 actively engaged in the industry. The Florida Building Material
 758 Association, the Florida Concrete and Products Association, and
 759 the Fenestration Manufacturers Association are encouraged to
 760 recommend a list of candidates for consideration.

761 (r) One member who is a representative of the building
 762 owners and managers industry who is actively engaged in
 763 commercial building ownership or management. The Building Owners
 764 and Managers Association is encouraged to recommend a list of
 765 candidates for consideration.

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

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

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

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

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

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

781

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

786 (2) All appointments shall be for terms of 4 years, ~~except~~
 787 ~~that of the chair who shall serve at the pleasure of the~~
 788 ~~Governor.~~ Each person who is a member of the Board of Building
 789 Codes and Standards on the effective date of this act shall
 790 serve the remainder of their term as a member of the Florida
 791 Building Commission. ~~Except for the chair, newly created~~
 792 ~~positions on the Florida Building Commission shall be appointed~~
 793 ~~after February 1, 1999. A vacancy shall be filled for the~~
 794 ~~remainder of the unexpired term.~~ Any member who shall, during
 795 his or her term, cease to meet the qualifications for original
 796 appointment, through ceasing to be a practicing member of the
 797 profession indicated or otherwise, shall thereby forfeit
 798 membership on the commission.

799 Section 12. Section 553.75, Florida Statutes, is amended
 800 to read:

801 553.75 Organization of commission; rules and regulations;
 802 meetings; staff; fiscal affairs; public comment.--

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

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806 (2) The commission shall meet at the call of its chair, at
 807 the request of a majority of its membership, at the request of
 808 the department, or at such times as may be prescribed by its
 809 rules. The members shall be notified in writing of the time and
 810 place of a regular or special meeting at least 7 days in advance
 811 of the meeting. A majority of members of the commission shall
 812 constitute a quorum.

813 (3) The department shall be responsible for the provision
 814 of administrative and staff support services relating to the
 815 functions of the commission. With respect to matters within the
 816 jurisdiction of the commission, the department shall be
 817 responsible for the implementation and faithful discharge of all
 818 decisions of the commission made pursuant to its authority under
 819 the provisions of this part. The department is specifically
 820 authorized to use communications media technology in conducting
 821 meetings of the commission or any meetings held in conjunction
 822 with meetings of the commission.

823 (4) Meetings of the commission shall be conducted so as to
 824 encourage participation by interested persons in attendance. At
 825 a minimum, the commission shall provide one opportunity for
 826 interested members of the public in attendance at a meeting to
 827 comment on each proposed action of the commission before a final
 828 vote is taken on any motion.

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

832 553.77 Specific powers of the commission.--

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833 (5) The commission may implement its recommendations
 834 delivered pursuant to subsection (2) of section 48 of chapter
 835 2007-73, Laws of Florida, by amending the Florida Energy
 836 Efficiency Code for Building Construction as provided in s.
 837 553.901.

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

840 553.775 Interpretations.--

841 (5) The commission may render declaratory statements in
 842 accordance with s. 120.565 relating to the provisions of the
 843 Florida Accessibility Code for Building Construction not
 844 attributable to the Americans with Disabilities Act
 845 Accessibility Guidelines. Notwithstanding the other provisions
 846 of this section, the Florida Accessibility Code for Building
 847 Construction and chapter 11 of the Florida Building Code may not
 848 be interpreted by, and are not subject to review under, any of
 849 the procedures specified in this section. This subsection has no
 850 effect upon the commission's authority to waive the Florida
 851 Accessibility Code for Building Construction as provided by s.
 852 553.512.

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

856 553.80 Enforcement.--

857 (1) Except as provided in paragraphs (a)-(g) ~~(a)-(f)~~, each
 858 local government and each legally constituted enforcement
 859 district with statutory authority shall regulate building
 860 construction and, where authorized in the state agency's

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861 enabling legislation, each state agency shall enforce the
 862 Florida Building Code required by this part on all public or
 863 private buildings, structures, and facilities, unless such
 864 responsibility has been delegated to another unit of government
 865 pursuant to s. 553.79(9).

866 (g) Construction regulations relating to secure mental
 867 health treatment facilities under the jurisdiction of the
 868 Department of Children and Family Services shall be enforced
 869 exclusively by the department in conjunction with the Agency for
 870 Health Care Administration's review authority under paragraph
 871 (c).

872
 873 The governing bodies of local governments may provide a schedule
 874 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
 875 section, for the enforcement of the provisions of this part.
 876 Such fees shall be used solely for carrying out the local
 877 government's responsibilities in enforcing the Florida Building
 878 Code. The authority of state enforcing agencies to set fees for
 879 enforcement shall be derived from authority existing on July 1,
 880 1998. However, nothing contained in this subsection shall
 881 operate to limit such agencies from adjusting their fee schedule
 882 in conformance with existing authority.

883 (7) The governing bodies of local governments may provide
 884 a schedule of reasonable fees, as authorized by s. 125.56(2) or
 885 s. 166.222 and this section, for enforcing this part. These
 886 fees, and any fines or investment earnings related to the fees,
 887 shall be used solely for carrying out the local government's
 888 responsibilities in enforcing the Florida Building Code. When

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889 providing a schedule of reasonable fees, the total estimated
 890 annual revenue derived from fees, and the fines and investment
 891 earnings related to the fees, may not exceed the total estimated
 892 annual costs of allowable activities. Any unexpended balances
 893 shall be carried forward to future years for allowable
 894 activities or shall be refunded at the discretion of the local
 895 government. The basis for a fee structure for allowable
 896 activities shall relate to the level of service provided by the
 897 local government and shall include consideration for refunding
 898 fees due to reduced services based on services provided as
 899 prescribed by s. 553.791, but not provided by the local
 900 government. Fees charged shall be consistently applied.

901 (a) As used in this subsection, the phrase "enforcing the
 902 Florida Building Code" includes the direct costs and reasonable
 903 indirect costs associated with review of building plans,
 904 building inspections, reinspections, and building permit
 905 processing; building code enforcement; and fire inspections
 906 associated with new construction. The phrase may also include
 907 training costs associated with the enforcement of the Florida
 908 Building Code and enforcement action pertaining to unlicensed
 909 contractor activity to the extent not funded by other user fees.

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

- 912 1. Planning and zoning or other general government
 913 activities.
- 914 2. Inspections of public buildings for a reduced fee or no
 915 fee.

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916 3. Public information requests, community functions,
 917 boards, and any program not directly related to enforcement of
 918 the Florida Building Code.

919 4. Enforcement and implementation of any other local
 920 ordinance, excluding validly adopted local amendments to the
 921 Florida Building Code and excluding any local ordinance directly
 922 related to enforcing the Florida Building Code as defined in
 923 paragraph (a).

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

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

931 553.842 Product evaluation and approval.--

932 (17) (a) The Florida Building Commission shall review the
 933 list of evaluation entities in subsection (8) and, in the annual
 934 report required under s. 553.77, shall either recommend
 935 amendments to the list to add evaluation entities the commission
 936 determines should be authorized to perform product evaluations
 937 or shall report on the criteria adopted by rule or to be adopted
 938 by rule allowing the commission to approve evaluation entities
 939 that use the commission's product evaluation process. If the
 940 commission adopts criteria by rule, the rulemaking process must
 941 be completed by July 1, 2009.

942 (b) Notwithstanding paragraph (8) (a), the International
 943 Association of Plumbing and Mechanical Officials Evaluation

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944 Services is approved as an evaluation entity until October 1,
 945 2009. If the association does not obtain permanent approval by
 946 the commission as an evaluation entity by October 1, 2009,
 947 products approved on the basis of an association evaluation must
 948 be substituted by an alternative, approved entity by December
 949 31, 2009, and on January 1, 2010, any product approval issued by
 950 the commission based on an association evaluation is void.

951 Section 17. Paragraph (b) of subsection (2) of section
 952 553.844, Florida Statutes, is amended to read:

953 553.844 Windstorm loss mitigation; requirements for roofs
 954 and opening protection.--

955 (2) The Florida Building Commission shall:

956 (b) Develop and adopt within the Florida Building Code a
 957 means to incorporate recognized mitigation techniques for site-
 958 built, single-family residential structures constructed before
 959 ~~prior to~~ the implementation of the Florida Building Code,
 960 including, but not limited to:

961 1. Prescriptive techniques for the installation of gable-
 962 end bracing;

963 2. Secondary water barriers for roofs and standards
 964 relating to secondary water barriers. The criteria may include,
 965 but need not be limited to, roof shape, slope, and composition
 966 of all elements of the roof system. The criteria may not be
 967 limited to one method or material for a secondary water barrier;

968 3. Prescriptive techniques for improvement of roof-to-wall
 969 connections. The Legislature recognizes that the cost of
 970 retrofitting existing buildings to meet the code requirements
 971 for new construction in this regard may exceed the practical

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972 benefit to be attained. The Legislature intends for the
 973 commission to provide for the integration of alternate, lower-
 974 cost means that may be employed to retrofit existing buildings
 975 that are not otherwise required to comply with the requirements
 976 of the Florida Building Code for new construction so that the
 977 cost of such improvements does not exceed approximately 15
 978 percent of the cost of reroofing. Roof-to-wall connections shall
 979 not be required unless evaluation and installation of
 980 connections at gable ends or all corners can be completed for 15
 981 percent of the cost of roof replacement. For houses that have
 982 both hip and gable roof ends, the priority shall be to retrofit
 983 the gable end roof-to-wall connections unless the width of the
 984 hip is more than 1.5 times greater than the width of the gable
 985 end. Priority shall be given to connecting the corners of roofs
 986 to walls below the locations at which the spans of the roofing
 987 members are greatest;

988 4. Strengthening or correcting roof-decking attachments
 989 and fasteners during reroofing; and

990 5. Adding or strengthening opening protections.

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

993 553.885 Carbon monoxide alarm required.--

994 (1) Every building, other than a hospital, an inpatient
 995 hospice facility, or a nursing home facility licensed by the
 996 Agency for Health Care Administration, for which a building
 997 permit is issued for new construction on or after July 1, 2008,
 998 and having a fossil-fuel-burning heater or appliance, a
 999 fireplace, or an attached garage shall have an approved

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1000 operational carbon monoxide alarm installed within 10 feet of
 1001 each room used for sleeping purposes. For a new hospital, an
 1002 inpatient hospice facility, or a nursing home facility licensed
 1003 by the Agency for Health Care Administration, an approved
 1004 operational carbon monoxide detector shall be installed inside
 1005 or directly outside of each room or area within the hospital or
 1006 facility were a fossil-fuel burning heater, engine, or appliance
 1007 is located. This detector shall be connected to the fire-alarm
 1008 system of the hospital or facility as a supervisory signal.

1009 Section 19. Section 553.886, Florida Statutes, is created
 1010 to read:

1011 553.886 Energy-efficiency technologies.--The provisions of
 1012 the Florida Building Code must facilitate and promote the use of
 1013 cost-effective energy conservation, energy-demand management,
 1014 and renewable energy technologies in buildings.

1015 Section 20. Section 553.9061, Florida Statutes, is created
 1016 to read:

1017 553.9061 Scheduled increases in thermal efficiency
 1018 standards.--

1019 (1) The purpose of this section is to establish a schedule
 1020 of increases in the energy performance of buildings subject to
 1021 the Florida Energy Efficiency Code for Building Construction.

1022 The Florida Building Commission shall:

1023 (a) Include the necessary provisions by the 2010 edition
 1024 of the Florida Energy Efficiency Code for Building Construction
 1025 to increase the energy performance of new buildings by at least
 1026 20 percent as compared to the energy efficiency provisions of
 1027 the 2007 Florida Building Code adopted October 31, 2007.

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1028 (b) Increase energy efficiency requirements by the 2013
 1029 edition of the Florida Energy Efficiency Code for Building
 1030 Construction by at least 30 percent as compared to the energy
 1031 efficiency provisions of the 2007 Florida Building Code adopted
 1032 October 31, 2007.

1033 (c) Increase energy efficiency requirements by the 2016
 1034 edition of the Florida Energy Efficiency Code for Building
 1035 Construction by at least 40 percent as compared to the energy
 1036 efficiency provisions of the 2007 Florida Building Code adopted
 1037 October 31, 2007.

1038 (d) Increase energy efficiency requirements by the 2019
 1039 edition of the Florida Energy Efficiency Code for Building
 1040 Construction by at least 50 percent as compared to the energy
 1041 efficiency provisions of the 2007 Florida Building Code adopted
 1042 October 31, 2007.

1043 (2) The Florida Building Commission shall identify within
 1044 code support and compliance documentation the specific building
 1045 options and elements available to meet the energy performance
 1046 goals established in subsection (1). Energy-efficiency
 1047 performance options and elements include, but are not limited
 1048 to:

1049 (a) Solar water heating.

1050 (b) Energy-efficient appliances.

1051 (c) Energy-efficient windows, doors, and skylights.

1052 (d) Low solar-absorption roofs, also known as "cool
 1053 roofs."

1054 (e) Enhanced ceiling and wall insulation.

1055 (f) Reduced-leak duct systems.

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1056 (g) Programmable thermostats.
 1057 (h) Energy-efficient lighting systems.
 1058 (3) The Florida Building Commission shall, prior to
 1059 implementing the goals established in subsection (1), adopt by
 1060 rule and implement a cost-effectiveness test for proposed
 1061 increases in energy efficiency. The cost-effectiveness test
 1062 shall measure cost-effectiveness and shall ensure that energy
 1063 efficiency increases result in a positive net financial impact.
 1064 Section 21. (1) The Department of Community Affairs, in
 1065 conjunction with the Florida Energy Affordability Coalition,
 1066 shall identify and review issues relating to the Low-Income Home
 1067 Energy Assistance Program and the Weatherization Assistance
 1068 Program, and identify recommendations that:
 1069 (a) Support customer health, safety, and well-being;
 1070 (b) Maximize available financial and energy-conservation
 1071 assistance;
 1072 (c) Improve the quality of service to customers seeking
 1073 assistance; and
 1074 (d) Educate customers to make informed decisions regarding
 1075 energy use and conservation.
 1076 (2) On or before January 1, 2009, the department shall
 1077 report its findings and any recommended statutory changes
 1078 required to implement such findings to the President of the
 1079 Senate and the Speaker of the House of Representatives.
 1080 (3) The provisions of this section expire July 1, 2009.
 1081 Section 22. Section 553.731, Florida Statutes, is
 1082 repealed.

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1083 Section 23. The repeal of s. 553.731, Florida Statutes, by
 1084 this act, does not diminish or authorize changes that diminish
 1085 the provisions of the Florida Building Code relating to wind
 1086 resistance or water intrusion which were adopted pursuant to
 1087 chapter 2007-1, Laws of Florida.

1088 Section 24. Subparagraph 6. of paragraph (a) of subsection
 1089 (6) of s. 627.351, Florida Statutes, is repealed.

1090 Section 25. Subsections (3), and (4) of section 336.41,
 1091 Florida Statutes, are renumbered as subsections (4), and (5),
 1092 respectively, and a subsection (3) is added to that section, to
 1093 read:

1094 336.41 Counties; employing labor and providing road
 1095 equipment; accounting; when competitive bidding required.--

1096 (3) Notwithstanding any law to the contrary, a county,
 1097 municipality, or special district may not own or operate an
 1098 asphalt plant or a portable or stationary concrete batch plant
 1099 that has an independent mixer; however, this prohibition does
 1100 not apply to any county that owns or is under contract to
 1101 purchase an asphalt plant as of April 15, 2008, and that
 1102 furnishes its plant-generated asphalt solely for use by local
 1103 governments or companies under contract with local governments
 1104 for projects within the boundaries of the county. Sale of plant-
 1105 generated asphalt to private entities or local governments
 1106 outside the boundaries of the county is prohibited.

1107 Section 26. Subsection (6) is added to section 718.113,
 1108 Florida Statutes, to read:

1109 718.113 Maintenance; limitation upon improvement; display
 1110 of flag; hurricane shutters.--

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1111 (6) Notwithstanding the provisions of this section or the
 1112 governing documents of a condominium or a multicondominium
 1113 association, the board of administration may, without any
 1114 requirement for approval of the unit owners, install upon or
 1115 within the common elements or association property solar
 1116 collectors, clotheslines, or other energy-efficient devices
 1117 based on renewable resources for the benefit of the unit owners.

1118 Section 27. The Florida Building Commission shall submit
 1119 the text of the rule required by section 19 of this act to the
 1120 Legislature in its report to the 2009-2010 Legislature, and
 1121 shall provide an effective date for the rule by July 1, 2009.

1122 Section 28. This act shall take effect July 1, 2008.

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