1988

Session Law 88-213

Florida Senate & House of Representatives

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FLORIDA LEGISLATURE

FINAL

LEGISLATIVE BILL INFORMATION

1987 Special Sessions B, C, D
1986 Regular Session
1988 Special Sessions E, F

Joint Legislative Management Committee
Legislative Information Division
Capitol Building, Room 826 — 850-4371
S 1112 (CONTINUED) 07/01/88 or upon becoming law, whichever occurs later 04/28/88 SENATE Filed 04/21/88 SENATE Introduce, referred to Education, Finance, Taxation and Claims; Appropriations - SJ 148 04/28/88 SENATE Extension of time granted Committee Education 05/13/88 SENATE Extension of time granted Committee Education 05/27/88 SENATE Extension of time granted Committee Education 06/07/88 SENATE Died in Committee on Education

S 1113 GENERAL BILL by Thurman (Similar H 630) Child Care Facilities/Exemption extends to licensed child care facilities, that are used exclusively for educational purposes, from taxation Amendments 196 198. Effective Date: 01/01/89. 04/08/88 SENATE Filed 04/21/88 SENATE Introduce, referred to Education, Finance, Taxation and Claims - SJ 148 04/29/88 SENATE Extension of time granted Committee Education 05/05/88 SENATE On Committee agenda - Education, 05/09/88, 2:00 pm, Room-H 05/09/88 SENATE Comm Report Unfavorable by Education, laid on Table under Rule - SJ 246

S 1114 GENERAL BILL/ENG by Thurman (Similar H 1199) Sheriffs, provides that sheriff's salary is payable either monthly, twice per month, or biweekly, provides that sheriff may provide cost of certain items to buildups under certain circumstances. Amendments 20 5 Effective Date: 10/01/88. 04/08/88 SENATE Filed 04/21/88 SENATE Introduced, referred to Governmental Operations - SJ 145 04/29/88 SENATE On Committee agenda - Governmental Operations, 06/03/88, 2:00 pm, Room-H 06/02/88 SENATE Extension of time granted Committee Governmental Operations 06/03/88 SENATE Comm Report, Favorable with 2 amendment(s) by Governmental Operations, placed on Calendar - SJ 226 05/11/88 SENATE Placed on Special Order Calendar - SJ 267 05/12/88 SENATE Placed on Special Order Calendar - SJ 267, Passed as amended, YEAS 38 NAYS 0 - SJ 266 05/17/88 HOUSE In Messages 05/19/88 HOUSE Received, placed on Calendar - HJ 593 06/01/88 HOUSE Substituted for HB 1199 - HJ 1155, Read second time; Amendments adopted, Read third time, Passed as amended, YEAS 115 NAYS 0 - HJ 1156 06/01/88 SENATE In Messages 06/03/88 SENATE Concurred, Passed as amended, YEAS 36 NAYS 0 - SJ 791 06/03/88 SENATE Ordered engrossed, then enrolled - SJ 791 06/16/88 SENATE Signed by Officers and presented to Governor 07/01/88 SENATE Approved by Governor, Chapter No. 88-213

S 1115 (CONTINUED) 06/16/88 Signed by Officers and presented to Governor 07/01/88 Approved by Governor, Chapter No. 88-213

S 1116 GENERAL BILL by Thurman S.W. Fla Water Mgmt Dist/Members, defines term "major supply location", provides for appointment of at-large member to governing board of Southwest Florida Water Management District to represent county that is major supply location Amendments 373 019, 073 Effective Date: 07/01/90 04/08/88 SENATE Filed 04/21/88 SENATE Introduced, referred to Natural Resources and Conservation - SJ 148 04/29/88 SENATE Extension of time granted Committee Natural Resources and Conservation 05/13/88 SENATE Extension of time granted Committee Natural Resources and Conservation 05/27/88 SENATE Extension of time granted Committee Natural Resources and Conservation 06/07/88 SENATE Died in Committee on Natural Resources and Conservation

S 1117 GENERAL BILL by Thurman and others (Similar H 1266) Marine Fisheries Comm Membership; adds two members to commission, specifies interest groups which must be represented in appointment of commission members Amendments 370 026. Effective Date: Upon becoming law 04/08/88 SENATE Filed 04/21/88 SENATE Introduced, referred to Natural Resources and Conservation - SJ 148 04/29/88 SENATE Extension of time granted Committee Natural Resources and Conservation 05/13/88 SENATE Extension of time granted Committee Natural Resources and Conservation 05/20/88 SENATE On Committee agenda - Natural Resources and Conservation, 05/24/88, 9:00 am, Room-H 05/24/88 SENATE Comm Report Favorable with 1 amendment(s) by Natural Resources and Conservation, placed on Calendar - SJ 375 06/07/88 SENATE Died in Calendar

S 1118 GENERAL BILL by Johnson (Similar H 822) Educational Mgt/Information System: prescribes certain limitations on transmission of information within Fla. Information Resource Network, prescribes administrative duties of Education Commissioner/management information systems Amendments 229 555 Effective Date: Upon becoming law 04/08/88 SENATE Filed 04/21/88 SENATE Introduced, referred to Education, Governmental Operations - SJ 145 04/29/88 SENATE Extension of time granted Committee Education 05/13/88 SENATE Extension of time granted Committee Education 05/27/88 SENATE Extension of time granted Committee Education 06/07/88 SENATE Died in Committee on Education

S 1119 GENERAL BILL/CS by Commerce; Thurman (Similar H 1163, Companion ENG/H 822) Effective Date: Upon becoming law Amendments 370 019

S 1120 GENERAL BILL by Thurman Motor Vehicle/Dismantle & Recycle, provides legislative intent, requires motor vehicle salvaging and recycling license in specified circumstances, provides for fees Adoption of license, provides for ruling making authority, allows HSMV Dept. to deny or revoke license to person found guilty of specified criminal acts Effective Date: 10/01/88 04/08/88 SENATE Filed 04/21/88 SENATE Introduced, referred to Transportation, Finance, Taxation and Claims - SJ 148 04/29/88 SENATE Extension of time granted Committee Transportation 05/13/88 SENATE Extension of time granted Committee Transportation (CONTINUED ON NEXT PAGE)
H 1584 (CONTINUED) trust fund & provides for moneys from state lottery to be appropriated to trust fund, etc. Effective Date 10/01/88
04/28/88 HOUSE Filed
05/02/88 HOUSE Placed in Rules and Calendar, pending introduction
06/07/88 HOUSE Introduction deferred

H 1582 GENERAL BILL by Community Affairs; C.P. Jones; Stone (Similar ENGL/1115)

Title: To establish grant programs for development of communities, for local development of community facilities, to establish a family care support program for children, and for other purposes.

05/18/88 HOUSE Filed; Introduced, referred to Appropriations - HJ 296
05/26/88 HOUSE Withdrew from Appropriations - HJ 394, Placed on Calendar

H 1583 GENERAL BILL by Community Affairs; C.P. Jones; Stone (Identical S 994)

State Building Code Requirements: establishes state building code requirements for new or renovated buildings, provides for design and construction of buildings, and provides for the certification of compliance with such requirements by authorized personnel. Effective Date 04/01/88

05/02/88 HOUSE Filed, Introduced, referred to Appropriations - HJ 296
05/26/88 HOUSE Withdrew from Appropriations - HJ 470, Placed on Calendar

H 1584 GENERAL BILL by Criminal Justice; Canady; Dias-Balart; Wise; Garcia (Compare H 315, H 529, H 990, H 1451, CS/S 209, S 1249, S 1250)

Title: To establish grant programs for development of communities, for local development of community facilities, to establish a family care support program for children, and for other purposes.

05/26/88 HOUSE Filed, Introduced, referred to Appropriations - HJ 296
06/07/88 HOUSE Died in Committee on Appropriations

H 1585 GENERAL BILL by Community Affairs; C.P. Jones; Stone (Similar H 1405, Compare S 599)

Local Govt. Code Enforcement Boards: provides that such boards shall consist of five or more members, and requires that such boards review, on an annual basis, the performance of inspection officers and the effectiveness of enforcement actions. Effective Date 04/01/88

05/02/88 HOUSE Filed, Introduced, placed on Calendar - HJ 296
05/31/88 HOUSE Placed on Special Order Calendar
06/07/88 HOUSE Withdrawn from Appropriations - HJ 470, Placed on Calendar

H 1586 GENERAL BILL by Health & Rehabilitative Services; Tobin; Metcalf; Northam; Crady; Bankhead; Hawkins; Rudd; Bill Sample; Dias-Balart; Jennings; Kelly; Drager; Friedman; Rochlin; Davis; Bloom (Compare ENG/H 1623, CS/S 1215)

Title: To establish a program of medical assistance for low-income, elderly persons, and to provide for the coordination of such programs with other programs. Effective Date 05/01/88

05/02/88 HOUSE Filed, Introduced, referred to Appropriations - HJ 296
05/17/88 HOUSE Placed on Special Order Calendar
06/07/88 HOUSE Withdrawn from Appropriations - HJ 470, Placed on Calendar

H 1587 GENERAL BILL/ENG by Health & Rehabilitative Services; Tobin; Bloom; Drager; Friedman; Metcalf; Hawkins; Davis; Kelly; Crady; Rochlin; Jones; Bankhead, (Compare H 808, H 1370, H 1516, H 1624, ENG/H 1625, S 196, CS/S 1007, CS/ENG/S 1058, S 1079)

Title: To establish a program of medical assistance for low-income, elderly persons, and to provide for the coordination of such programs with other programs. Effective Date 05/01/88

05/02/88 HOUSE Filed, Introduced, referred to Appropriations - HJ 296
06/07/88 HOUSE Died in Committee on Appropriations, Placed on Special Order Calendar, Read second time, and passed, to be printed in the Journal of the House

H 1588 GENERAL BILL/ENG by Natural Resources; Martin; Logan (Compare CS/ENG/H 243, ENG/H 1820)

Title: To establish a program of medical assistance for low-income, elderly persons, and to provide for the coordination of such programs with other programs. Effective Date 05/01/88

05/02/88 HOUSE Filed, Introduced, referred to Appropriations - HJ 297
05/06/88 HOUSE Comm Report: Favorable with 2 amendment(s) by Appropriations, placed on Calendar - HJ 365
06/10/88 HOUSE Placed on Special Order Calendar
06/16/88 HOUSE Read second time, Amendments adopted - HJ 479
07/15/88 HOUSE Read third time, Passed as amended, YEAS 108 NAYS 2 - HJ 506, Immediately certified - HJ 506
07/19/88 SENATE In Messages
07/19/88 SENATE Referred, referred to Natural Resources and Conservation, Appropriations - SJ 316
07/21/88 SENATE Extension of time granted Committee Natural Resources and Conservation
06/07/88 SENATE Died in Committee on Natural Resources and Conservation

H 1589 GENERAL BILL by Ethics & Elections; Crady (Compare ENG/1485)

Title: To establish a program of medical assistance for low-income, elderly persons, and to provide for the coordination of such programs with other programs. Effective Date 05/01/88

05/02/88 HOUSE Filed, Introduced, referred to Appropriations - HJ 297
06/11/88 HOUSE Withdrawn from Appropriations - HJ 413, Placed on Calendar
07/17/88 HOUSE Placed on Special Order Calendar, Readed on Regular Calendar
06/07/88 HOUSE Died on Calendar

H 1590 JOINT RESOLUTION by Judiciary; Upchurch (Similar S 810, Compare S 818)

Title: To extend the time for the Legislature to suspend or delay elections in emergency circumstances, and to provide for the coordination of such programs with other programs. Effective Date 05/01/88

05/02/88 HOUSE Filed, Introduced, referred to Appropriations - HJ 297
05/12/88 HOUSE Withdrawn from Appropriations - HJ 470, Placed on Calendar
05/17/88 HOUSE Placed on Special Order Calendar
05/19/88 HOUSE Read second time - HJ 597
05/24/88 HOUSE Read third time, Passed - YEAS 118 NAYS 1 - HJ 640
05/24/88 SENATE In Messages
05/25/88 SENATE Received, referred to Judiciary-Civil, Rules and Calendar - SJ 381
06/07/88 SENATE Extension of time granted Committee Judiciary-Civil
06/07/88 SENATE Died in Committee on Judiciary-Civil

H 1591 GENERAL BILL by Natural Resources; Martin; Saunders (Compare CS/ENG/H 1820, ENG/1670, ENG/1675, ENG/1676, CS/S 1082, CS/ENG/S 1083, S 1079)

Title: To establish a program of medical assistance for low-income, elderly persons, and to provide for the coordination of such programs with other programs. Effective Date 05/01/88

05/02/88 HOUSE Filed, Introduced, referred to Finance & Taxation, Appropriations - HJ 298
05/06/88 SENATE On Committee agenda - Finance & Taxation, Readed on the 5th, Placed on File, and referred to Finance & Taxation - SJ 381
05/17/88 SENATE Withdrawn from Finance & Taxation - HJ 514, Now in Appropriations - HJ 514
06/07/88 HOUSE Died in Committee on Appropriations

H 1592 LOCAL BILL by Saunders (Identical S 1395)

Title: To establish a program of medical assistance for low-income, elderly persons, and to provide for the coordination of such programs with other programs. Effective Date 05/01/88

05/02/88 HOUSE Filed, Introduced, referred to Appropriations - HJ 297
05/28/88 HOUSE On Committee agenda - Appropriations, Readed on the 5th, Placed on File, and referred to Finance & Taxation - SJ 381

Page Numbers Reflect Daily Senate and House Journals (AND NOT FINAL BOUND JOURNALS)

(Continued on Next Page)
A bill to be entitled
An act relating to the thermal efficiency code;
amending s. 553.901, F.S.; revising the time
for giving notice of changes in the code;
amending s. 553.902, F.S.; defining or
redefining terms; amending s. 553.904, F.S.;
providing additional criteria to be considered
in setting standards for new nonresidential
buildings; amending s. 553.906, F.S.; providing
additional criteria to be considered in setting
standards for renovated buildings. amending s.
553.907, F.S.; providing procedures with
respect to certification of compliance of
buildings when alterations are made in design,
materials, or equipment during construction or
renovation; amending s. 553.9085, F.S.;
revising provisions related to energy
performance disclosure for residential
buildings; providing an effective date.

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

Section 1. Section 553.901, Florida Statutes, is
amended to read:

553.901 Purpose of thermal efficiency code.--The
purpose of this thermal efficiency code is to provide for a
statewide uniform standard for energy efficiency in the
thermal design and operation of all buildings statewide,
consistent with energy conservation goals, and to best provide
for public safety, health, and general welfare. The
Department of Community Affairs shall adopt, modify, revise,
update, and maintain the Florida Energy Efficiency Code for Building Construction to implement the provisions of this thermal efficiency code and amendments thereto, in accordance with the procedures of chapter 120. The department shall, at least biennially, determine the most cost-effective energy-saving equipment and techniques available and update the code to incorporate such equipment and techniques. The proposed changes shall be made available for public review and comment no later than 6 months June-1-of-the-year prior to code implementation. The term "cost-effective," for the purposes of this part, shall be construed to mean cost-effective to the consumer.

Section 2. Section 553.902, Florida Statutes, is amended to read:

553.902 Definitions.--For the purposes of this part:
(1) "Exempted building" means:
(a) Any building or portion thereof whose peak design rate of energy usage for all purposes is less than 1 watt (3.4 Btu's per hour) per square foot of floor area for all purposes.
(b) Any building which is neither heated nor cooled by a mechanical system designed to control or modify the indoor temperature and powered by electricity or fossil fuels.
(c) Any building for which federal mandatory standards preempt state energy codes mobile-home.
(d) Any historical building as described in s. 267.021(6).
(e) Any state building that must conform to the more stringent "Florida Energy Conservation Act of 1974" and amendments thereto.

CODING: Words stricken are deletions; words underlined are additions.
(2) "HVAC" means a system of heating, ventilating, and air conditioning.

(3) "Renovated building" means a residential or nonresidential building undergoing alteration that varies or changes insulation, HVAC systems, water heating systems, or exterior envelope conditions, provided the estimated cost of renovation exceeds 30 percent of the assessed value of the structure.

(4) "Local enforcement agency" means the agency of local government which has the authority to make inspections of buildings and to enforce a code or codes which establish standards for construction, renovation, or occupancy of buildings. It includes any agency within the definition of s. 553.71(5).

(5) "Exterior envelope physical characteristics" means the physical nature of those elements of a building which enclose conditioned spaces through which energy may be transferred to or from the exterior.

(6) "Energy performance index" or "EPI" means a number describing the relative energy performance of a residential building as compared to a residential building designed to baseline energy performance levels for the envelope, HVAC, and water heating components compared to the average energy consumption of a residence built to prevailing construction standards in 1977. The number shall be calculated according to rules and procedures promulgated by the Department of Community Affairs.

(7) "Energy performance level" means the indicator of the energy-related performance of a building, including, but not limited to, the levels of insulation, the amount and type

CODING: Words strucken are deletions; words underlined are additions.
of glass, and the HVAC and water heating system efficiencies.

Section 3. Section 553.904, Florida Statutes, is amended to read

553.904 Thermal efficiency standards for new nonresidential buildings.--Thermal designs and operations for new nonresidential buildings for which building permits are obtained after March 15, 1979, shall take into account exterior envelope physical characteristics, including thermal mass; HVAC, service water heating, energy distribution, lighting, energy managing, and auxiliary systems design and system selection and configuration; and HVAC, service water heating, energy distribution, lighting, energy managing, and auxiliary equipment performance; and HVAC system performance and shall not be required to meet standards more stringent than the provisions of the Florida Energy Efficiency Code for Building Construction.

Section 4. Section 553.906, Florida Statutes, is amended to read:

553.906 Thermal efficiency standards for renovated buildings.--Thermal designs and operations for renovated buildings for which building permits are obtained after March 15, 1979, shall take into account insulation, windows, infiltration, HVAC systems performance, and service water heating, energy distribution, lighting, energy managing, and auxiliary systems design and equipment selection and performance. Such buildings shall not be required to meet standards more stringent than the provisions of the Florida Energy Efficiency Code for Building Construction. These standards apply only to those portions of the structure which are actually renovated.

CODING: Words stricken are deletions, words underlined are additions.
Section 5. Section 553.907, Florida Statutes, is amended to read:

553.907 Compliance.--Owners of all buildings required to comply with this part, or their agents, must certify compliance to the designated local enforcement agency prior to receiving the permit to begin construction or renovation. If, during the building construction or renovation, alterations are made in the design, materials, or equipment which would diminish the energy performance of the building, an amended copy of the compliance certification must be submitted to the local enforcement agency on or before the date of final inspection by the building owner or his agent and must be placed on the building permit.

Section 6. Section 553.9085, Florida Statutes, is amended to read:

553.9085 Energy performance index disclosure for residential buildings.--The energy performance level index resulting from compliance with the provisions of this part, for each new residential building, shall be prominently displayed on the completed building until time of sale. In conjunction with the normal responsibilities and duties of this part, the local building official shall require that a complete and accurate energy performance level display card be placed on the building by the building department before final approval of the building for occupancy. The energy performance level index display card-to-be-placed-on-the-building permit-by-the-local-building-inspector-at-the-time-of-final inspection-by-the-building-department. The display card shall be uniform statewide and developed by the Department of Community Affairs. At a minimum, the display card shall list information indicating the energy performance level of the building.

CODING: Words stricken are deletions; words underlined are additions.
dwellings unit, including an EPI when appropriate, index
resulting from compliance with the code, shall be signed by
the-maximum-EPI-allowed-for-the-specific-house-at-a-location-for
the builder and local enforcement agency to-be-listed-and-to
sign, and shall list general information about the energy
performance level index and the code. When-compliance-with
the-Florida-Model-Energy-Performance-Code-for-Building
Construction-is-accomplished-under-a-section-of-the-code-that
does-not-require-the-calculation-of-an-energy-performance
index-the-builder-shall-calculate-the-EPI-according-to
procedures-provided-for-in-the-code-or-shall-state-that-the
EPI-is-unknown-and-might-be-higher-than-the-maximum-allowable
EPI-for-a-house-of-its-size.

Section 7. This act shall take effect October 1, 1988.

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SENATE SUMMARY

Requires changes in the thermal efficiency code to be
made available for public review at least 6 months before
adoption. Redefines the terms "exempted building" and
"energy performance index" and defines the term "energy
performance level." Requires that service water heating,
energy distribution, lighting, energy managing, and
auxiliary systems design and equipment be considered when
setting thermal efficiency standards for new
nonresidential buildings and for renovated buildings.
Requires an amended copy of a compliance certification
when alterations which affect energy performance are made
in design, materials, or equipment during the
construction or renovation of a building. Requires
disclosure of the energy performance level of residential
buildings.

CODING: Words stricken are deletions; words underlined are additions.
I. SUMMARY:

A. Present Situation:

The Florida Thermal Efficiency Code, created as part VII of chapter 553, F.S., is intended to provide a statewide uniform standard for energy efficiency in the thermal design and operation of all buildings, consistent with energy conservation goals and the general welfare of the public. The part provides for thermal efficiency standards for new nonresidential buildings, new residential buildings, and renovated buildings which take into account such elements as exterior envelope physical characteristics; heating, ventilating, and air conditioning (HVAC) system selection and configuration; HVAC equipment performance; and service water heating design and equipment selection. Part VII also establishes appliance efficiency standards for water heaters, dishwashers, and air conditioners. The Department of Community Affairs is required to update the code biennially to incorporate the equipment and techniques which are the most energy-saving and most cost-effective for the consumer.

Owners of all buildings subject to the provisions must certify compliance to the local enforcement agency prior to receiving their permits for construction or renovation. Five categories of buildings are exempted from the thermal efficiency requirements of part VII: buildings with peak design rates of energy usage of less than 1 watt per square foot of floor area; buildings which are neither heated nor cooled by a mechanical system powered by electricity or fossil fuels; mobile homes; historical buildings as described in s. 267.021(6); and state buildings subject to the more stringent "Florida Energy Conservation Act of 1974." At each new residential building, the energy performance index (EPI) which describes the energy requirements of the structure as compared to the average energy consumption based on 1977 standards must be prominently displayed until the building is sold. The local building inspector is required to issue an EPI display card and place it on the building permit at the time of final inspection.

B. Effect of Proposed Changes:

Section 553.901, F.S., is amended to revise the timeframe for public review of proposed changes to the Florida Energy Efficiency Code, which the Department of Community Affairs is required to review and update on a biennial basis. Proposed changes to the code would be available for public review and comment at least 6 months prior to code implementation, rather than by June 1 of the year prior to code implementation.

Section 553.902, F.S., is amended to broaden the definition of "exempted building" to include not only mobile homes, but any other structures for which federally mandated standards preempt state energy codes. The definition of "energy performance
"index" is updated to mean the relative energy performance of a residential building compared to a residential structure designed according to baseline energy performance levels for the envelope, HVAC, and water heating components. A definition is added for the "energy performance level" of a building as including the levels of insulation, the amount and type of glass, and the HVAC and water heating system efficiency levels.

Section 553.904, F.S., is amended to include in the thermal efficiency standards for new nonresidential buildings the systems design and equipment performance related to energy distribution, lighting, energy managing, and auxiliary systems. (Energy codes in use throughout the nation typically include lighting as a fundamental element in the energy efficiency of commercial buildings.)

Section 553.906, F.S., is amended to include in the thermal efficiency standards for both residential and nonresidential renovated buildings (defined as renovation the cost of which exceeds 30 percent of the assessed value of the structure) the level of infiltration and the systems design and equipment selection and performance related to energy distribution, lighting, energy managing, and auxiliary systems. (Standards for renovated buildings apply only to the portions of the structure which are actually renovated.)

Section 553.907, F.S., is amended to assure compliance with the thermal efficiency code if the intended design, materials, or equipment are altered during the construction or renovation process in such a way that the building's energy performance would be diminished. An amended copy of the compliance certification must be submitted by the building owner or his agent to the local enforcement agency by the final inspection date and must be placed on the building permit.

Section 553.9085, F.S., is amended to revise the requirements for energy performance disclosure for residential buildings by requiring an energy performance level display card to be placed on the building by the building department before final approval for occupancy, rather than the energy performance index (EPI) display card to be placed on the building at final inspection. The EPI may be included on the display card when appropriate.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The display of more complete and accurate information about the energy performance of new residential structures will enable purchasers to make better informed decisions regarding home purchases. Building owners will encounter a slight increase in paperwork to the extent that they must recertify compliance as a result of changes made during construction.

B. Government:

Local building departments are expected to realize a slight savings due to the streamlining of paperwork associated with energy performance display cards on new residential structures.

III. COMMENTS:

An identical bill, HB 1582, has been filed in the House by the Community Affairs Committee and Representative C.P. Jones and has been placed on the calendar.

IV. AMENDMENTS:

None.
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

SUBJECT: BILL NO. AND SPONSOR:

Thermal Efficiency Code

SB 1115 by Senator Thurman

I. SUMMARY:

A. Present Situation:

The Florida Thermal Efficiency Code, created as part VII of chapter 553, F.S., is intended to provide a statewide uniform standard for energy efficiency in the thermal design and operation of all buildings, consistent with energy conservation goals and the general welfare of the public. The part provides for thermal efficiency standards for new nonresidential buildings, new residential buildings, and renovated buildings which take into account such elements as exterior envelope physical characteristics; heating, ventilating, and air conditioning (HVAC) system selection and configuration; HVAC equipment performance; and service water heating design and equipment selection. Part VII also establishes appliance efficiency standards for water heaters, dishwashers, and air conditioners. The Department of Community Affairs is required to update the code biennially to incorporate the equipment and techniques which are the most energy-saving and most cost-effective for the consumer.

Owners of all buildings subject to the provisions must certify compliance to the local enforcement agency prior to receiving their permits for construction or renovation. Five categories of buildings are exempted from the thermal efficiency requirements of part VII: buildings with peak design rates of energy usage of less than 1 watt per square foot of floor area; buildings which are neither heated nor cooled by a mechanical system powered by electricity or fossil fuels; mobile homes; historical buildings as described in s. 267.021(6); and state buildings subject to the more stringent "Florida Energy Conservation Act of 1974." At each new residential building, the energy performance index (EPI) which describes the energy requirements of the structure as compared to the average energy consumption based on 1977 standards must be prominently displayed until the building is sold. The local building inspector is required to issue an EPI display card and place it on the building permit at the time of final inspection.

B. Effect of Proposed Changes:

Section 553.901, F.S., is amended to revise the timeframe for public review of proposed changes to the Florida Energy Efficiency Code, which the Department of Community Affairs is required to review and update on a biennial basis. Proposed changes to the code would be available for public review and comment at least 6 months prior to code implementation, rather than by June 1 of the year prior to code implementation.

Section 553.902, F.S., is amended to broaden the definition of "exempted building" to include not only mobile homes, but any other structures for which federally mandated standards preempt state energy codes. The definition of "energy performance
The index is updated to mean the relative energy performance of a residential building compared to a residential structure designed according to baseline energy performance levels for the envelope, HVAC, and water heating components. A definition is added for the "energy performance level" of a building including the levels of insulation, the amount and type of glass, and the HVAC and water heating system efficiency levels.

Section 553.904, F.S., is amended to include in the thermal efficiency standards for new nonresidential buildings the systems design and equipment performance related to energy distribution, lighting, energy managing, and auxiliary systems. (Energy codes in use throughout the nation typically include lighting as a fundamental element in the energy efficiency of commercial buildings.)

Section 553.906, F.S., is amended to include in the thermal efficiency standards for both residential and nonresidential renovated buildings (defined as renovation the cost of which exceeds 30 percent of the assessed value of the structure) the level of infiltration and the systems design and equipment selection and performance related to energy distribution, lighting, energy managing, and auxiliary systems. (Standards for renovated buildings apply only to the portions of the structure which are actually renovated.)

Section 553.907, F.S., is amended to assure compliance with the thermal efficiency code if the intended design, materials, or equipment are altered during the construction or renovation process in such a way that the building's energy performance would be diminished. An amended copy of the compliance certification must be submitted by the building owner or his agent to the local enforcement agency by the final inspection date and must be placed on the building permit.

Section 553.9085, F.S., is amended to revise the requirements for energy performance disclosure for residential buildings by requiring an energy performance level display card to be placed on the building by the building department before final approval for occupancy, rather than the energy performance index (EPI) display card to be placed on the building at final inspection. The EPI may be included on the display card when appropriate.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The display of more complete and accurate information about the energy performance of new residential structures will enable purchasers to make better informed decisions regarding home purchases. Building owners will encounter a slight increase in paperwork to the extent that they must recertify compliance as a result of changes made during construction.

B. Government:

Local building departments are expected to realize a slight savings due to the streamlining of paperwork associated with energy performance display cards on new residential structures.

III. COMMENTS:

An identical bill, HB 1582, has been filed in the House by the Community Affairs Committee and Representative C.F. Jones and has been placed on the calendar.

IV. AMENDMENTS:

None.
CS/HJR 1211—A joint resolution proposing the addition of Section 17 to Article VII of the State Constitution, relating to general laws that require a county or municipal government to expend revenues and receipts or that limit the ability of a county or municipal government to raise revenue or receive state revenue.

—was read the second time.

Representative Gardner offered the following amendment

Amendment 1—On page 2, line 7, after the period, insert

Furthermore, within five years following the effective date of this amendment, the legislature shall review all state revenue sources which are shared with county and municipal governments. Each such revenue source shall revert to the state general revenue fund at the end of said five year period unless the legislature by a vote of three-fourths of the membership of each house in response to an overwhelming state interest reenacts the sharing of the revenue source.

Rep. Gardner moved the adoption of the amendment. During consideration thereof, without objection, further consideration of CS/HJR 1211 was temporarily deferred.

SB 1115—A bill to be entitled An act relating to fire prevention and control, amending § 633.021, F.S.; defining the term 'special state fire safety inspector'; amending § 633.081, F.S.; providing training requirements for special state fire safety inspectors; providing for certification, providing an appropriation, providing an effective date.

—was read the second time by title

The Committee on Appropriations offered the following amendment

Amendment 1—On page 3, lines 8 through 13, strike all existing language (renumber subsequent sections)

Rep. Trammell moved the adoption of the amendment, which was adopted without objection

The Committee on Appropriations offered the following title amendment

Amendment 2—On page 1, line 8, strike the phrase "providing an appropriation."

Rep. Trammell moved the adoption of the amendment, which was adopted without objection

Representatives Troxler and Liberti offered the following amendment

Amendment 3—On page 1, line 12, insert Section 1. Subsections (10) and (11) are added to section 633.025, Florida Statutes, to read:

633.025 Minimum fire safety standards—

(10) With respect to standards established by the National Fire Protection Association (NFPA) 101, Life Safety Code, 1985 edition, section 19.3.4.2.1, those standards shall not apply to structures having direct access to the outside from each living unit and having three stories or less.

(11) With respect to standards established by the National Fire Protection Association (NFPA) 101, Life Safety Code, 1985 edition, section 19.3.4.4.1, battery operated smoke detectors shall be considered as an approved detection device for buildings having direct access to the outside from each living unit and having three stories or less (renumber the subsequent sections)

Rep. Troxler moved the adoption of the amendment, which was adopted without objection

Representatives Troxler and Liberti offered the following title amendment

Amendment 4—On page 1, line 2, after the semicolon insert


Rep. Troxler moved the adoption of the amendment, which was adopted without objection
WHEREAS, it is fitting and appropriate that the members and staff of the House of Representatives recognize the lifelong debt of gratitude owed to all fathers for their strength, guidance, understanding, and love, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida

That the members of the House of Representatives of the State of Florida do hereby express to their own fathers and to all fathers, on behalf of the citizens of the State of Florida, deep personal affection and abiding gratitude.

—was read the second time by title and adopted

On motions by Rep. Lawson, the rules were waived and—

HR 1713—A resolution commemorating the 10-year anniversary of the creation of the Florida Health Care Information Council and commending the council for its efforts.

WHEREAS, the Florida Health Care Information Council (FHCIC) is the only organization of its kind in the United States comprised of pharmacists, pharmaceutical manufacturers and pharmaceutical wholesalers, and

WHEREAS, FHCIC’s unique composition and goals has enabled it to provide an invaluable public service to the citizens of Florida during the past decade, and

WHEREAS, FHCIC has launched many state and national consumer information campaigns in an effort to stem the rapid rise of prescription drug misuse and abuse, and

WHEREAS, FHCIC has produced a 30-minute documentary for cable television aimed at educating consumers about the safe and effective use of medicines, and

WHEREAS, FHCIC commissioned the Gallup organization to conduct a statewide poll, believed to be the first poll of its kind ever conducted in Florida, on health care attitudes and prescription drug-taking habits, and

WHEREAS, FHCIC produced a series of public service announcements for television on the safe use of medicines in response to the Gallup poll findings, and

WHEREAS, FHCIC launched a statewide media initiative to better inform Floridians about the safe use of medicines through talk shows, news releases, radio actualities, etc., in response to the Gallup poll findings, and

WHEREAS, FHCIC had undertaken to produce a second series of public service announcements for television examining the problems of prescription drug misuse and promoting the safe use of medicines, and

WHEREAS, FHCIC is celebrating its 10-year anniversary by continuing its efforts to better educate and inform the citizens of Florida about the safe use of medicines, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida

That the House of Representatives hereby joins the citizens of the state in commemorating the 10th anniversary of the creation of the Florida Health Care Information Council and in congratulating the council for its creative efforts on behalf of Florida

—was read the second time by title and adopted

On motions by Rep. Ostrau, the rules were waived and—

HR 1699—A resolution commending the South Plantation High School newspaper staff for their accomplishments in winning the Best Newspaper Award

WHEREAS, nearly every high school in nearly every school district in the state has a school newspaper, and

WHEREAS, the South Plantation High School newspaper staff have done a remarkable job in producing a first-rate newspaper for their students entitled The Sword and Shield, and

WHEREAS, at the Florida Scholastic Press Association’s annual conference in Orlando the South Plantation High School Newspaper was chosen as the best high school newspaper in the state, and

WHEREAS, The Sword and Shield won first place awards for on-the-spot editorial layout and writing, black-and-white photography and black-and-white photography, and

WHEREAS, it is fitting and appropriate that the House of Representatives take time out to commend the staff of The Sword and Shield for their accomplishments, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida

That the staff and teachers of the South Plantation High School Sword and Shield are hereby commended for their accomplishments in winning the Best Newspaper Award in the State of Florida at the Florida Scholastic Press Association’s annual conference

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the teachers and staff of The Sword and Shield as a tangible token of the sentiments expressed herein

—was read the second time by title and adopted

SB 1115—A bill to be entitled An act relating to the thermal efficiency code, amending s 553.901, F.S., revising the time for giving notice of changes in the code, amending s 553.903, F.S.; defining or redefining terms, amending s 553.904, F.S., providing additional criteria to be considered in setting standards for new nonresidential buildings, amending s 553.906, F.S., providing additional criteria to be considered in setting standards for renovated buildings, amending s 553.907, F.S., providing procedures with respect to certification of compliance of buildings when alterations are made in design, materials, or equipment during construction or renovation, amending s 553.9085, F.S., revising provisions related to energy performance disclosure for residential buildings, providing an effective date

—was taken up, having been read the second time earlier today, now pending on motion by Rep. Sansom to adopt the following amendment

Amendment 1—On page 6, line 13, insert Section 7 The introductory paragraph of subsection (2) of section 553.48, Florida Statutes, is amended, and paragraph (m) is added to said subsection, to read

553.48 Accessibility features required of new buildings and renovations, exceptions—

(2) All new buildings as defined in this part, and, for purposes of paragraph (m) only, all renovations of privately owned buildings described therein, except those exempted pursuant to subsection (3), which the general public may frequent, live in, or work in shall be made accessible as required in this section

(m)1 All theaters, auditoriums, motion-picture houses, exhibition halls, meeting rooms, and passenger depots shall provide listening systems to ensure listening access to hearing-impaired persons. Such assembly areas with an occupant load of more than 50 persons and an audio amplification system shall provide a permanent assistive system which meets the standards of the American National Standards Institute. Such assembly areas without an audio amplification system, and spaces used primarily as meeting or conference rooms, shall provide either permanently installed or portable listening systems, portable systems, if used, may serve more than one room. If the listening system serves only a limited section of the assembly area, that section shall be located within 50 feet viewing distance of the stage or performing area and shall provide a complete view of the stage or performing area to facilitate lipreading. Acceptable types of listening systems include, but are not limited to, audio induction loops, radio frequency (AM or FM), and infrared transmission

2 For the purposes of this paragraph, “renovation” is defined as substantial construction representing 50 percent or more of the replacement value of the facility (remainder subsequent sections)

The question recurred on the adoption of the amendment, which was adopted

Representative Sansom offered the following title amendment.

Amendment 2—On page 1, line 19, insert after semicolon: amending s 553.48, F.S., relating to accessibility features for handicapped persons, requiring listening systems for hearing-impaired persons in certain public buildings, providing an effective date
Rep Sansom moved the adoption of the amendment, which was adopted without objection.

On motion by Rep. C F Jones, the rules were waived by two-thirds vote and SB 1115 was read a third time by title. On passage, the vote was:

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The Chair

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Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Motions Relating to Committee References

On motion by Rep. C F Jones, Chairman, without objection, the following bills were withdrawn from the Committee on Community Affairs, HB 1551 and SB 1429, and the bills were placed on the Calendar; SB 1427, and the bill remains referred to the Committee on Judiciary, SB 1421, and the bill remains referred to the Committee on Ethics & Elections.

On motion by Rep. Tobin, Chairman, without objection, HR 1730 was withdrawn from the Committee on Health & Rehabilitative Services and placed on the Calendar.

On motion by Rep. Upchurch, Chairman, without objection, SB 1427 was withdrawn from the Committee on Judiciary and placed on the Calendar.

On motion by Rep. Crady, Chairman, without objection, SB 1421 was withdrawn from the Committee on Ethics & Elections and placed on the Calendar.

Presentation of Former Member

The Speaker presented the Honorable Kenneth H "Buddy" MacKay, Jr., U.S. Congressman from the 6th district, and former Senator and Member of the House from Ocala, who was visiting in the Chamber.

Presentation of Guests

Rep. Tobin introduced Senator Thomas Allgood, who was present in the Chamber; Senator Allgood, from Augusta, Georgia, has served as Majority Leader of the Georgia Senate for eight years.

Announcements

Rep. Young, Chairman, announced a meeting of the Committee on Finance & Taxation at 12:00 tomorrow.

Rep. Crady moved that the House, after receiving reports, stand in recess for the purpose of holding committee meetings, and conducting other House business to reconvene at 9:30 a.m., tomorrow. The motion was agreed to.

Recorded Votes

Representative Carpenter

Yea—CS/SB 972, SB 682
Change from Yea to Nay—CS/SB 307

Representative Langton

Change from Yea to Nay—CS/SB 1192

Prime Sponsors

CS/SB 1571—Gonzalez-Quevedo

Co-sponsors

HB 446—Bloom
HBs 390, 1182, 1577, CS/HB 421, CS/HB 1265, CS/HB 1674,
HJR 1616—Logan
HR 1495, HR 1724—Garcia
HR 1670—Clements

Introduction and Reference

First Reading by Publication

By Representatives Sansom, Stone, Carlton, Reddick, Gutman,
Hanson, Hill, Mortham, King, Grindle, Morse, Wise, Kelly, Smith,
Starks, Diaz-Balart, Ascherl, Long—

HR 1730—A resolution congratulating the Florida Association of
Homes for the Aging on its 25th anniversary.

Referred to the Committee on Health & Rehabilitative Services

HR 1731—Adopted earlier today

By Representative Sample—

HR 1732—A resolution commending Dr. Edward W Norman, pastor
of the Pasadena Community Church, for his 40 years of service on
behalf of his fellow citizens

Referred to the Committee on Community Affairs

By Representatives Starks and Rush—

HR 1733—A resolution recognizing Tampa's Chamberlain High
School 1963 Graduating Class.

Referred to the Committee on Education, K-12

By the Committee on Appropriations and Representative Bell—

HB 1734—A bill to be entitled An act relating to regulated
activities, amending s 207 004, F.S., revising language with respect to
identifying devices for motor carriers, providing for certain exchange,
providing responsibility for the device and for certain permits,
changing the issuance period for such devices and for certain permits,
changing fees, deleting language with respect to certain motor carriers
who are based in another state, amending s 316 302, F.S., eliminating
incorrect cross-references; providing an exemption from certain federal
rules and regulations for certain commercial motor vehicles, requiring
certain commercial motor vehicles which transport certain materials to
comply with federal requirements, providing a penalty, providing for
inspection, exempting certain persons from federal requirements.
The Chair Frankel
Abrams
Arnold
Ascherl
Banter
Banjamin
Bankhead
Bass
Bell
Bloom
Bronson
Brown
Burke
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Canady
Carlton
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Cosgrove
Caddy
Carter
Casas
Clark
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Cogen
Crady
Crotty
Dantzler
Davis
Deutsch
Diaz-Balart
Drage
Dunbar
Figg
Nays—None

So the bill passed, as amended. The action, together with SB 118 and amendments thereto, was immediately certified to the Senate

The Honorable Jon Mills, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 2, and has amended House Amendment 1, and concurred in same as amended and passed, as amended, SB 1115

Joe Brown, Secretary

SB 1115—A bill to be entitled An act relating to the thermal efficiency code, amending s 553.901, F.S., repealing the time for giving notice of changes in the code; amending s 553.902, F.S., defining or redefining terms, amending s 553.904, F.S., providing additional criteria to be considered in setting standards for new nonresidential buildings, amending s 553.906, F.S., providing additional criteria to be considered in setting standards for new nonresidential buildings, amending s 553.907, F.S., providing procedures with respect to certification of compliance of buildings when alterations are made in design, materials, or equipment during construction or renovation, amending s 553.908, F.S., revising provisions related to energy performance disclosure for residential buildings, providing an effective date

House Amendment 1—On page 6, line 13, insert Section 7. The introductory paragraph of subsection (2) of section 553.48, Florida Statutes, is amended, and paragraph (m) is added to said subsection, to read

553.48 Accessibility features required of new buildings and renovations; exceptions—

(2) All new buildings as defined in this part, and, for purposes of paragraph (m) only, all renovations of privately owned buildings described therein, except those exempted pursuant to subsection (3), which the general public may frequent, live in, or work in shall be made accessible as required in this section

(m)1 All theaters, auditoriums, motion picture houses, exhibition halls, meeting rooms, and passenger depots shall provide listening systems to ensure listening access to hearing-impaired persons. Such assembly areas with an occupant load of more than 50 persons and an audio amplification system shall provide a permanent assistive system which meets the standards of the American National Standards Institute. Such assembly areas without an audio amplification system, and spaces used primarily as meeting or conference rooms, shall provide either permanently installed or portable listening systems, portable systems, if used, may serve more than one room. If the listening system serves only a limited section of the assembly area, that section shall be located within 50-feet viewing distance of the stage or performing area and shall provide a complete view of the stage or performing area to facilitate reading. Acceptable Types of listening systems include, but are not limited to, audio induction loops, radio frequency (AM or FM), and infrared transmission

2 For the purposes of this paragraph, “renovation” is defined as substantial construction representing 50 percent or more of the replacement value of the facility (renumber subsequent sections)
Senate Amendment 2 to House Amendment 1—On page 2, line 1, strike all of said line and insert: and spaces used

On motions by Rep. Sansom, the House concurred in the Senate amendments to the House Amendment. The question recurred on the passage of SB 1115. The vote was

Yes—115

The Chair Figg Jones, C F Reddick
Abrams Frankel Jones, D L Rehn
Arnold Friedman Kelly Renke
Ascheri Fraise King Rochan
Baierl Garcia Langton Rudd
Bangmann Gardner Lawson Silter
Bankhead Glickman Lewis Sample
Bass Gonzalez Liberti Sanderson
Bell Quevedo Lippman Sansom
Bloom Goode Locke Saunders
Bronson Gordon Leyden Shelley
Brown Grindle Lombard Simon
Burke Guber Long Simone
Burnsed Gustafson Mackenzie Smith
Canady Gutman Mackey Souto
Carlton Hanson Martin Starks
Carpenter Harden McEwan Stone
Cess Hargrett Meffett Thomas
Clark Harris Messersmith Tittle
Clementa Hawkins Metcalf Tobussen
Congrove Healey Mitchell Tobin
Crady Hill Morse Troxler
Crotty Holland Mortham Upchurch
Dantzler Holzendorf Nergard Wallace
Davis Ireland Ostrau Webster
Deutsch Irvine Patchett Wetherell
Diaz-Balart Jamerson Peeples Wise
Drage Jennings Press Woodruff
Dunbar Johnson, B L. Reaves Young

Nays—None

So the bill passed, as further amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

The Honorable Jon Mills, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 2, has amended House Amendment 1, concurred in same as amended, and passed SB 1422, as amended

Joe Brown, Secretary

SB 1422—A bill to be entitled An act relating to condominiums and cooperatives, amending ss 718.015, 719.01, F.S., providing for the application of certain options available to condominium and cooperative leases governing recreational facilities or other common elements, prohibiting the enforcement of escalation clauses in certain existing condominium and cooperative leases, providing an effective date

House Amendment 1—On page 4, line 29, strike everything after the enacting clause and insert Section 1 Paragraph (a) of subsection (6) and subsections (8), (9), and (10) of section 718.401, Florida Statutes, as amended to read:

718.401 Leaseholds—A condominium may be created on lands held under lease or may include recreational facilities or other common elements or commonly used facilities on a leasehold if, on the date the first unit is conveyed by the developer to a bona fide purchaser, the lease has an unexpired term of at least 50 years. If rent under the lease is payable by the association or by the unit owners, the lease shall include the following requirements

(a) A lease of recreational or other commonly used facilities entered into by the association or unit owners prior to the time when the control of the association is turned over to unit owners other than the developer shall grant to the lessee an option to purchase the lease

property, payable in cash, on any anniversary date of the beginning of the lease term after the 10th anniversary, at a price then determined by agreement. If there is no agreement as to the price, then the price shall be determined by arbitration. This paragraph shall be applied to contracts entered into on, before, or after January 1, 1977

718.401 Leaseholds—A condominium may be created on lands held under lease or may include recreational facilities or other common elements or commonly used facilities on a leasehold if, on the date the first unit is conveyed by the developer to a bona fide purchaser, the lease has an unexpired term of at least 50 years. If rent under the lease is payable by the association or by the unit owners, the lease shall include the following requirements

(a) It is declared that the public policy of this state prohibits the inclusion or enforcement of escalation clauses in land leases or other leases or agreements for recreational facilities, land, or other commonly used facilities serving residential condominiums, and such clauses are hereby declared void for public policy. For the purposes of this section, an escalation clause is any clause in a condominium lease or agreement which provides that the rental under the lease or agreement shall increase at the same percentage rate as any nationally recognized and conveniently available commodity or consumer price index

(b) The provisions of this subsection do not apply if the lessor is the Government of the United States or that state or any political subdivision thereof or any agency of any political subdivision thereof

(8/9) Subsections (1) through (7) do not apply to residential cooperatives created prior to January 1, 1977, which are converted to condominium ownership by the cooperative unit owners or their association after control of the association has been transferred to the unit owners if, following the conversion, the unit owners will be the same persons who were unit owners of the cooperative and no units are offered for sale or lease to the public as part of the plan of conversion

(9/40) If rent under the lease is a fixed amount for the full duration of the lease, and the rent thereunder is payable by a person or persons other than the association or the unit owners, the division director has the discretion to accept alternative assurances which are sufficient to secure the payment of rent, including, but not limited to, annuities with an insurance company authorized to do business in this state, the beneficiary of which shall be the association, or cash deposits in trust, the beneficiary of which shall be the association, which deposit shall be in an amount sufficient to generate interest sufficient to meet lease payments as they occur. If alternative assurances are accepted by the division director, the following provisions are applicable

(a) Disclosures contemplated by subsection (2), if not contained within the lease, may be made by the developer

(b) Disclosures as to the minimum number of unit owners that will be required, directly or indirectly, to pay the rent under the lease and the maximum number of units that will be served by the leased property, if not contained in the lease, may be stated by the developer

(c) The provisions of subsections (4) and (5) apply but are not required to be stated in the lease

(d) The provisions of subsection (7) do not apply

Section 2 Section 718.4015, Florida Statutes, is created to read

718.4015 Escalation clauses—

(a) It is declared that the public policy of this state prohibits the inclusion or enforcement of escalation clauses in land leases or other leases or agreements for recreational facilities, land, or other commonly used facilities serving residential condominiums, and such clauses are hereby declared void for public policy. For the purposes of this section, an escalation clause is any clause in a condominium lease or agreement which provides that the rental under the lease or agreement shall increase at the same percentage rate as any nationally recognized and conveniently available commodity or consumer price index

(b) The provisions of this section do not apply if the lessor is the Government of the United States or that state or any political
FLORIDA LEGISLATURE

1988 SUMMARY OF GENERAL LEGISLATION

Regular Session April 5 - June 7
Special Session 'F' June 8
tion 290.0065(3), F.S. As provided in new subsection 290.0055(8), F.S., and revised subsection 290.0065(2), F.S., new zones would be required to include a neighborhood improvement district created pursuant to Part IV of Chapter 163, F.S.

The cost of administering the enterprise zone provisions of the act are to be funded by an appropriation of $50,693 from general revenue to the Department of Community Affairs for fiscal year 1989.


8 Creates an International Banking and Trade Study Commission, composed of 15 members, to analyze state international and domestic banking laws relative to international banking and trade, assess possible impediments to economic growth and development, and suggest changes in state banking laws. The preliminary report of the Commission is due March 1, 1989, with a final report to be submitted by December 31, 1989.

9 Extends administrative grants for an additional year to community development corporations throughout the state under the Community Development Corporation Support and Assistance Program by amending subsection 290.36(3), F.S. In addition, a joint committee, composed of three House members and three Senate members will perform a study of all components of the program and submit a preliminary report of its recommendations to the Legislature by January 31, 1989, and a final report by March 1, 1989.

10 Amends sections 290.046-290.048, F.S., relating to the Small Cities Community Development Block Grant program to lower administrative expenses, to extend the grants to additional communities and to provide greater administrative control. In addition, local governments are authorized to expend up to ten percent of their block grant funds for certain activities outside of designated target areas.

11 Revises subsection 288.063(3), F.S., relating to transportation projects funded through the Department of Commerce. Beginning July 1, 1988, these funds may be used only as an inducement to attract new employment opportunities to the state or for facilities necessary to expand existing companies operating within the state.

Municipal Annexation/Solid Waste

COMMITTEE SUBSTITUTE FOR SENATE BILL 990 (CHAPTER 88-92) creates subsection 176.062(4), F.S., to provide that a party, which has an exclusive franchise to provide solid waste collection services in an unincorporated area which was in effect for at least six months prior to the initiation of an annexation, may continue to provide such services to an annexed area for five years or the remainder of the franchise term, whichever is shorter, under certain circumstances:

1) A municipality, at its discretion, requiring the franchisee to provide the same level and quality of solid waste services as are required to be provided in other areas of the municipality not served by the franchise, and
2) Requiring the franchisee to provide such service at a reasonable cost as defined in the act.

The municipality may allow the franchisee to continue providing services pursuant to the existing franchise agreement or the municipality may terminate any franchise where the franchisee does not agree to comply with the requirements of the law within 90 days of the effective date of the proposed annexation.

Thermal Efficiency Code/Standards

SENATE BILL 1115 (CHAPTER 88-213) revises section 553.901, F.S., to require proposed changes to the Florida Energy Efficiency Code, which the Department of Community Affairs is required to review and update on a biennial basis, be available for public review and comment at least six months prior to Code implementation, rather than by June 1 of the year prior to Code implementation.

Section 553.902, F.S., is amended to broaden the definition of "exempted building" to include not only mobile homes, but any other structures for which federally mandated standards preempt state energy codes. The definition of "energy performance index" is updated to mean the relative energy performance of a residential building compared to a residential structure designed according to baseline energy performance levels for the envelope, heating, ventilating and air-conditioning (HVAC), and water heating components. A definition is added for the "energy performance level" of a building as including the levels of insulation, the amount and type of glass, and the HVAC and water-heating system efficiency levels.

Section 553.904, F.S., is amended to include in the thermal efficiency standards for both residential and nonresidential renovated buildings, defined as those buildings the renovation cost of which exceeds 30 percent of the assessed value of the structure, the level of infiltration and the systems design and equipment selection and performance related to energy distribution, lighting, energy managing, and auxiliary systems. [Energy codes in use throughout the nation typically include lighting as a fundamental element in the energy efficiency of commercial buildings.]

Section 553.906, F.S., is amended to include in the thermal efficiency standards for both residential and nonresidential renovated buildings, defined as those buildings the renovation cost of which exceeds 30 percent of the assessed value of the structure, the level of infiltration and the systems design and equipment selection and performance related to energy distribution, lighting, energy managing, and auxiliary systems. [Standards for renovated buildings apply only to the portions of the structure which are actually renovated.]

Section 553.907, F.S., is amended to assure compliance with the thermal efficiency code if the intended design, materials, or equipment are altered during the construction or renovation process in such a way that the building's energy performance would be diminished. An amended copy of the compliance certification must be submitted by the building owner.
or his agent to the local enforcement agency by the final inspection date and must be placed on the building permit. Section 553.9085, F.S., is revised to require an energy performance level display card be placed on the building by the building department before final approval for occupancy, rather than the energy performance index (EPI) display card be placed on the building at final inspection. The EPI may be included on the display card when appropriate.

Certain new and renovated existing facilities which are frequented by the general public and which are defined in Section 553.48, F.S., are required to have listening systems installed to ensure listening access to hearing-impaired persons. The buildings are defined as all theaters, auditoriums, motion-picture houses, exhibition halls, meeting rooms, and passenger depots. New buildings and renovations of privately owned buildings with assembly areas having a capacity of more than 50 persons and an audio amplification system would be required to provide a permanent assistive system which meets the standards of the American National Standards Institute (ANSI). Any assembly area without an audio amplification system and whose space is used primarily as a meeting or conference room, would be required to provide either permanently installed or portable listening systems. If a listening system serves only a limited section of the assembly area, then the section must be within a 50-foot viewing distance of the stage or performing area so as to provide an unobstructed view to facilitate lip reading. For the purpose of these provisions, "renovation" means substantial construction representing 50 percent or more of the replacement value of the facility. The act takes effect October 1, 1988.

Handicapped Persons/Accessibility

COMMITTEE SUBSTITUTE FOR SENATE BILL 1124 (CHAPTER 88-305) amends Subsections 316.1956(2) and (3), F.S., to require parking spaces provided by nongovernmental entities for disabled persons to be conspicuously outlined in blue paint and to be signed and marked in accordance with standards adopted by the Department of Transportation. In addition to vehicles displaying parking permits issued pursuant to Section 316.1958 or Section 320.0848, F.S., those bearing license plates issued pursuant to Section 320.0842 (wheelchair veterans), Section 320.0843 (wheelchair users), or Section 320.0845 (Paralyzed Veterans of America), F.S., are authorized to park in spaces designated for the disabled.

The act also creates Subsection 318.18(7), F.S., to authorize a $100 fine for illegally parking in a space provided for disabled persons under Section 316.1955 or Section 316.1956, F.S. [Previously, a $32 fine was authorized pursuant to Subsection 318.18(2), F.S., and a cross-reference in Section 316.1955, F.S., still refers to that subsection rather than the new Subsection (7).] The law is effective October 1, 1988.

Real Property Purchases/Local Governments

HOUSE BILL 183 (CHAPTER 88-315), amends Sections 125.355 and 166.045, F.S., which provide identical exemptions from the open records requirements of Chapter 119, F.S., for appraisals, offers, and counteroffers associated with the purchase of real property by a county or municipality, to clarify that the exemptions to the open government law provided for appraisals, offers, and counteroffers may be utilized at the option of the local government, rather than being mandatory in nature. When a local government, with respect to any given purchase of real property, chooses not to use the public records exemption, with its attendant requirements, the local government may follow any procedure for the purchase of real property authorized in its charter or established by ordinance provided that the procedure is not in conflict with the provisions of Chapter 119, F.S. Section 166.045, F.S., is revived and reenacted and is amended, in accordance with Paragraph 119.14(4)(e), F.S., to include uniform language subjecting the section to Open Government Sunset Review Act (Section 119.14, F.S.). The act has an effective date of October 1, 1988.

Telecommunications Services/Tax

HOUSE BILL 349 (CHAPTER 88-35), in accordance with the Open Government Sunset Review Act (Section 119.14, F.S.), revives and reenacts Paragraph 166.231(9)(e), F.S., providing an exemption from the public records law for telecommunications service providers records obtained by municipalities in conjunction with an audit of records relative to the public service tax. The act also makes technical amendments regarding the applicability of the Open Government Sunset Review Act, as required by Paragraph 119.14(4)(e), F.S.

Tangible Personal Property

HOUSE BILL 486 (CHAPTER 88-53) amends Section 274.02, F.S., to raise from $200 to $500 the minimum value of fixtures and other tangible personal property of a nonconsumable nature and expected to last at least one year, owned by local governments, for which records must be kept and inventories must be made. The law takes effect October 1, 1988.

Housing

Among its primary substantive provisions, HOUSE BILL 1454 (CHAPTER 88-376), relating to housing

1 Creates Section 420.5087, F.S., the State Apartment Incentive Loan (SAIL) Program, to be administered by the Florida Housing Finance Agency (FHFA), for the purpose of stimulating the production of rental units affordable to very low-income persons. The program would provide low-interest mortgage loans to for-profit, nonprofit, and public entity sponsors of mixed income apartment projects in which at least 20 percent of the units are set aside for a minimum of twelve years for persons with incomes below 50 percent of the median income. A scoring system for the evaluation and competitive ranking of applications will be established by rule on the basis of specified criteria relating to the public purposes of the program and to project cost-effectiveness and feasibility. The ability to produce low-income units at the least cost to the state will be
PROPOSED 1988 LEGISLATIVE INITIATIVES
DEPARTMENT OF COMMUNITY AFFAIRS

Title: Amendments to the Thermal Efficiency Code Statute

Proposed By: R.W. Dixon BCD Public Safety Mgt. Codes
Name Div. Bureau Section

Date Prepared: 12/30/87

I. PRESENT SITUATION:

A. Statement of substance of current law, rule or internal procedure to be examined.

FS 553.9 The current law authorizes the statewide uniform energy efficiency building code. This code applies to the construction of both residential and commercial buildings.

B. Statement of Problem with current law, rule or internal procedure to be addressed by proposal. How was problem identified and by whom? Indicate agencies, groups, individuals that assisted in identification of the problem.

The problems addressed by this proposed legislative initiative are as follows.

1. The definition of Energy Performance Index (EPI) in the statute 553.902(6) is out of date and does not correspond to the current functional definition. Problem identified in house.

2. The current statutory requirements, 553.907, F.S., which provide for certification of compliance with the energy code prior to obtaining a building permit do not assure that the house is built to those initial specifications. All other building codes require updating at the building department when construction changes are made. Currently, there are no such provisions for the Energy Code.

3. Currently, the EPI is to be displayed on a special card which is to be affixed to the house until time of sale, 553.9085 F.S. This requires extra forms to be handled by the building department and DCA. In many instances the display card is not being used because the building department has to fill it out and place it on the building.

4. The current requirements under 553.901, F.S., that proposed changes to the code must be noticed by June 1 of the year prior to implementation of the changes, make code changes unduly burdensome for the small program staff and difficult to effect in a timely manner. The original purpose of the language was to provide industry with a six month lead time, which does not necessarily occur because only noticing of proposed changes is required.

5. The provisions of what the Energy Code shall address for non-residential buildings, FS 553.904, do not explicitly include lighting or lighting related cooling loads. All energy codes in the nation address lighting for commercial buildings. Under the current non-residential language, lighting is not specifically included in the energy efficiency standards that the state is required to adopt.
II. PROPOSED SOLUTION:

A. Describe in detail your proposal for solving the problem.

1. Redefine EPI as "a number describing the relative energy performance of a residential building as compared to a residential building designed to baseline energy performance levels for the envelope, HVAC and water heating components."

1A. Add a definition for Energy Performance Level to read "the indicator of the energy related performance of a building including, but not limited to, the levels of insulation, the amount and type of glass, the HVAC and water heating system efficiencies and the EPI where appropriate."

2. Require that code compliance forms be updated and posted on the buildings if changes are made during construction that affect energy efficiency.

3. Rather than have two documents that must be completed to show the EPI level, use only the reporting forms which indicate insulation and equipment installed and the calculated EPI in place of the separate EPI card. These are currently being completed and submitted by the builder.

4. Replace the current requirement of noticing proposed changes before June 1, with the requirement that any proposed changes cannot go into effect until at least six months after public notice.

5. Insert in the language in 553.904 "... lighting system characteristics," at the point between "...envelope physical characteristic," and "...HVAC system selection...."

B. Identify existing statutes/laws/rule(s) that your proposal would replace or alter (cites).

1. 553.902
2. 553.907
3. 553.9085
4. 553.901
5. 553.904 and 553.906

C. List any significant reports or sources available to support the need for this proposal.

1. N.A.
2. Local building department.
3. N.A.
4. N.A.
5. N.A.
6. ASHRAE and ASHRAE Std. 90.

III. IMPACT:

A. Identify other program areas within the Department which may be affected by your proposal and how.

No other programs impacted.
B. Identify other agencies, departments, etc. which may be affected and describe how they will be affected.

Local governments' building departments should be affected positively by requirements which will streamline their required activities.

C. How will this proposal benefit Florida within the Goals and Objectives of the Department - AFP, Secretary's 1987 Goals and Objectives of the Department? State Comprehensive Plan?

These are basically housekeeping initiatives and work generally toward limiting energy dependence for the State.

VI. FUNDING SOURCE:

Florida Legislature.

VII. ESTIMATED FISCAL IMPACT:

A. Indicate the total amount here (then complete the DCA Fiscal Note form and attach to this proposal).

None.

B. How is the proposal affordable in relation to its importance to the citizens of Florida?

Most measures of this proposal have no cost impact or are designed to reduce duplication and streamline activities.
II. PROPOSED SOLUTION:

A. Describe in detail your proposal for solving the problem.

1. Redefine EPI as "a number describing the relative energy performance of a residential building as compared to a residential building designed to baseline energy performance levels for the envelope, HVAC and water heating components."

1A. Add a definition for Energy Performance Level to read "the indicator of the energy related performance of a building including, but not limited to, the levels of insulation, the amount and type of glass, the HVAC and water heating system efficiencies and the EPI where appropriate."

2. Require that code compliance forms be updated and posted on the buildings if changes are made during construction that affect energy efficiency.

3. Rather than have two documents that must be completed to show the EPI level, use only the reporting forms which indicate insulation and equipment installed and the calculated EPI in place of the separate EPI card. These are currently being completed and submitted by the builder.

4. Replace the current requirement of noticing proposed changes before June 1, with the requirement that any proposed changes cannot go into effect until at least six months after public notice.

5. Insert in the language in 553.904 "lighting system characteristics," at the point between "...envelope physical characteristic," and "HVAC system selection..."

B. Identify existing statutes/laws/rule(s) that your proposal would replace or alter (cites).

1. 553.902
2. 553.907
3. 553.9085
4. 553.901
5. 553.904 and 553.906

C. List any significant reports or sources available to support the need for this proposal.

1. N.A.
2. Local building department.
3. N.A.
4. N.A.
5. N.A.
6. ASHRAE and ASHRAE Std. 90.

III. IMPACT:

A. Identify other program areas within the Department which may be affected by your proposal and how.

No other programs impacted.
PRESENT SITUATION:

A. Statement of substance of current law, rule or internal procedure to be examined.

FS 553.9 The current law authorizes the statewide uniform energy efficiency building code. This code applies to the construction of both residential and commercial buildings.

B. Statement of Problem with current law, rule or internal procedure to be addressed by proposal. How was problem identified and by whom? Indicate agencies, groups, individuals that assisted in identification of the problem.

The problems addressed by this proposed legislative initiative are as follows.

1. The definition of Energy Performance Index (EPI) in the statute 553.902(6) is out of date and does not correspond to the current functional definition. Problem identified in house.

2. The current statutory requirements, 553.907, F.S., which provide for certification of compliance with the energy code prior to obtaining a building permit do not assure that the house is built to those initial specifications. All other building codes require updating at the building department when construction changes are made. Currently, there are no such provisions for the Energy Code.

3. Currently, the EPI is to be displayed on a special card which is to be affixed to the house until time of sale, 553.9085 F.S. This requires extra forms to be handled by the building department and DCA. In many instances the display card is not being used because the building department has to fill it out and place it on the building.

4. The current requirements under 553.901, F.S., that proposed changes to the code must be noticed by June 1 of the year prior to implementation of the changes, make code changes unduly burdensome for the small program staff and difficult to effect in a timely manner. The original purpose of the language was to provide industry with a six month lead time, which does not necessarily occur because only noticing of proposed changes is required.

5. The provisions of what the Energy Code shall address for non-residential buildings, FS 553.904, do not explicitly include lighting or lighting related cooling loads. All energy codes in the nation address lighting for commercial buildings. Under the current non-residential language, lighting is not specifically included in the energy efficiency standards that the state is required to adopt.
AMENDMENTS TO THE THERMAL EFFICIENCY STANDARDS (Energy Code)

Section 1. Section 553.901, Florida Statutes, is amended to read:

553.901 Purpose

The Department shall, at least biennially, determine the most cost-effective energy-saving equipment and techniques available and update the code to incorporate such equipment and techniques. The proposed changes shall be made available for public review and comment no later than six months prior to the code implementation.

Section 2. Subsection (1) (c) of Section 553.902, Florida Statutes is amended to read:

553.902 (1) (c) Any building for which federal mandatory standards preempt state energy codes mobile home.

Section 3. Subsection (6) of Section 553.902, Florida Statutes is amended to read:

553.902(6) "Energy Performance Index" or "EPI" means a number describing the relative energy performance of a residential building as compared to a residential building designed to baseline energy performance levels for the envelope, HVAC and water heating components. The number shall be calculated according to rules and procedures promulgated by the Department of Community Affairs.

Section 4. Subsection (7) of Section 553.902, Florida Statutes, is added to read:

553.902(7) "Energy Performance Level" means the indicator of the energy related performance of a building including, but not limited to, the levels of insulation, the amount and type of glass, the HVAC and water heating system efficiencies and the EPI where appropriate.

Section 5. Section 553.904, Florida Statutes, is amended to read:

553.904 Thermal efficiency standards for new non-residential buildings. --Thermal designs and operations for new non-residential buildings for which building permits are obtained after March 15, 1979, shall take into account exterior envelope physical characteristics, including thermal mass; HVAC, service water heating, energy distribution, lighting, energy managing and auxiliary system selection and configuration, HVAC, energy distribution, lighting, energy managing and auxiliary equipment performance; and service water heating design and equipment performance and shall not be required to meet standards more stringent than the provisions of the Florida Energy Efficiency Code for Building Construction.

Section 6. Section 553.906, Florida Statutes, is amended to read:

553.906 Thermal efficiency standards for renovated buildings. --Thermal design and operations for renovated buildings for which building permits are obtained after March 15, 1979, shall take into account insulation; energy distribution, lighting, energy managing and auxiliary system selection and configuration, HVAC, energy distribution, lighting, energy managing and auxiliary equipment performance; and service water heating design and equipment performance shall not be required to meet standards more stringent than the provisions of the Florida Energy Efficiency Code for Building Construction. These standards apply only to those portions of the structure which are actually renovated.

Section 7. Section 553.907, Florida Statutes, is amended to read:

553.907 Compliance. --Owners or their designated agents of all buildings required to comply with this part must certify compliance to the designated local enforcement agency prior to
receiving the permit to begin construction or renovation. If, during
building construction or renovation, alterations are made in the
design, materials, or equipment which would alter the energy perfor-
mance of the building, an amended copy of the compliance cer-
tification form shall be submitted to the local enforcement agency
on or before the date of final inspection by the owner or their
designated agents of the building and shall also be placed on the
building permit.

Section 8. Section 553.9085, Florida Statutes, is amended to
read:

553.9085 Energy performance index disclosure for residential
buildings.—The energy performance level index resulting from
compliance with the provision of this part, for each new residential
building, shall be prominently displayed on the completed building
until time of sale. In conjunction with the normal responsibilities
and duties of this part, the local building official shall require
that a complete and accurate energy performance level display card be
placed on the building by the building department before final appro-
val of the building for occupancy issue an Energy Performance Index
display card to be placed on the building permit by the local
building inspector at the time of final inspection by the building
department. The display card shall be uniform statewide and devel-
doped by the Department of Community Affairs. At a minimum the
display card shall list information indicating the energy performance
level index of the dwelling unit resulting from compliance with the
code; the maximum EPI allowed for the specific house, shall be signed
by a location-for the builder and local enforcement agency to be
listed-and-to-sign, and shall list general information about the
energy performance level index and the code. When compliance with
the Florida Model-Energy Efficiency Code for Building Construction is
accomplished under section of the code that does not require the
calculation of an energy performance index, the builder shall calcu-
late the EPI according to procedures provided for in the code or
shall state that the EPI is unknown and might be higher than the
maximum allowable EPI for a house of its size.
receiving the permit to begin construction or renovation. If, during
building construction, or renovation, alterations are made in the
design, materials, or equipment which would alter the energy perfor-
mance of the building, an amended copy of the compliance cer-
tification form shall be submitted to the local enforcement agency
on or before the date of final inspection by the owner or their
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oped by the Department of Community Affairs. At a minimum the
display card shall list information indicating the energy performance
level index of the dwelling unit resulting from compliance with the
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by a location for the builder and local enforcement agency to be
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accomplished under a section of the code that does not require the
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shall state that the EPI is unknown and might be higher than the
maximum allowable EPI for a house of its size.
AMENDMENTS TO THE THERMAL EFFICIENCY STANDARDS (Energy Code)

Section 1. Section 553.901, Florida Statutes, is amended to read:

553.901 Purpose

...The Department shall, at least biennially, determine the most cost-effective energy-saving equipment and techniques available and update the code to incorporate such equipment and techniques. The proposed changes shall be made available for public review and comment no later than six months prior to the code implementation.

Section 2. Subsection (1) (c) of Section 553.902, Florida Statutes is amended to read:

553.902 (1) (c) Any building for which federal mandatory standards preempt state energy codes mobile-home.

Section 3. Subsection (6) of Section 553.902, Florida Statutes is amended to read:

553.902(6) "Energy Performance Index" or "EPI" means a number describing the relative energy performance of a residential building as compared to a residential building designed to baseline energy performance levels for the envelope, HVAC and water heating components. The number shall be calculated according to rules and procedures promulgated by the Department of Community Affairs.

Section 4. Subsection (7) of Section 553.902, Florida Statutes, is added to read:

553.902(7) "Energy Performance Level" means the indicator of the energy related performance of a building including, but not limited to, the levels of insulation, the amount and type of glass, the HVAC and water heating system efficiencies and the EPI where appropriate.

Section 5. Section 553.904, Florida Statutes, is amended to read:

553.904 Thermal efficiency standards for new non-residential buildings.—Thermal designs and operations for new non-residential buildings for which building permits are obtained after March 15, 1979, shall take into account exterior envelope physical characteristics, including thermal mass; HVAC, service water heating, energy distribution, lighting, energy managing and auxiliary systems design and selection and configuration; HVAC, service water heating, energy distribution, lighting, energy managing and auxiliary equipment performance; and service water heating design and equipment performance and shall not be required to meet standards more stringent than the provisions of the Florida Energy Efficiency Code for Building Construction.

Section 6. Section 553.906, Florida Statutes, is amended to read:

553.906 Thermal efficiency standards for renovated buildings.—Thermal design and operations for renovated buildings for which building permits are obtained after March 15, 1979, shall take into account insulation; infiltration; HVAC, systems and performance; and service water heating, energy distribution, lighting, energy managing and auxiliary systems design and equipment selection and performance. Such buildings shall not be required to meet standards more stringent than the provisions of the Florida Energy Efficiency Code for Building Construction. These standards apply only to those portions of the structure which are actually renovated.

Section 7. Section 553.907, Florida Statutes, is amended to read:

553.907 Compliance.—Owners or their designated agents of all buildings required to comply with this part must certify compliance to the designated local enforcement agency prior to
A bill to be entitled

An act relating to the thermal efficiency code; amending s. 553.901, F.S.; revising the time for giving notice of changes in the code; amending s. 553.902, F.S.; defining or redefining terms; amending s. 553.904, F.S.; providing additional criteria to be considered in setting standards for new nonresidential buildings; amending s. 553.906, F.S.; providing additional criteria to be considered in setting standards for renovated buildings; amending s. 553.907, F.S.; providing procedures with respect to certification of compliance of buildings when alterations are made in design, materials, or equipment during construction or renovation; amending s. 553.9085, F.S.; revising provisions related to energy performance disclosure for residential buildings; providing an effective date.

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

Section 1. Section 553.901, Florida Statutes, is amended to read:

553.901 Purpose of thermal efficiency code.—The purpose of this thermal efficiency code is to provide for a statewide uniform standard for energy efficiency in the thermal design and operation of all buildings statewide, consistent with energy conservation goals, and to best provide for public safety, health, and general welfare. The Department of Community Affairs shall adopt, modify, revise,

CODING: Words stricken are deletions; words underlined are additions.
update, and maintain the Florida Energy Efficiency Code for Building Construction to implement the provisions of this thermal efficiency code and amendments thereto, in accordance with the procedures of chapter 120. The department shall, at least biennially, determine the most cost-effective energy-saving equipment and techniques available and update the code to incorporate such equipment and techniques. The proposed changes shall be made available for public review and comment no later than 6 months prior to code implementation. The term "cost-effective," for the purposes of this part, shall be construed to mean cost-effective to the consumer.

Section 2. Section 553.902, Florida Statutes, is amended to read:

553.902 Definitions.--For the purposes of this part:

(1) "Exempted building" means:

(a) Any building or portion thereof whose peak design rate of energy usage for all purposes is less than 1 watt (3.4 Btu's per hour) per square foot of floor area for all purposes.

(b) Any building which is neither heated nor cooled by a mechanical system designed to control or modify the indoor temperature and powered by electricity or fossil fuels.

(c) Any building for which federal mandatory standards preempt state energy codes.

(d) Any historical building as described in s. 267.021(6).

(e) Any state building that must conform to the more stringent "Florida Energy Conservation Act of 1974" and amendments thereto.

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(2) "HVAC" means a system of heating, ventilating, and air conditioning.

(3) "Renovated building" means a residential or nonresidential building undergoing alteration that varies or changes insulation, HVAC systems, water heating systems, or exterior envelope conditions, provided the estimated cost of renovation exceeds 30 percent of the assessed value of the structure.

(4) "Local enforcement agency" means the agency of local government which has the authority to make inspections of buildings and to enforce a code or codes which establish standards for construction, renovation, or occupancy of buildings. It includes any agency within the definition of § 553.71(5).

(5) "Exterior envelope physical characteristics" means the physical nature of those elements of a building which enclose conditioned spaces through which energy may be transferred to or from the exterior.

(6) "Energy performance index" or "EPI" means a number describing the relative energy performance of a residential building as compared to a residential building designed to baseline energy performance levels for the envelope, HVAC, and water heating components energy-requirements-of-a-residence-as compared-to-the-average-energy-consumption-of-a-residence built-to-prevailing-construction-standards-in-1977. The number shall be calculated according to rules and procedures promulgated by the Department of Community Affairs.

(7) "Energy performance level" means the indicator of the energy-related performance of a building, including, but not limited to, the levels of insulation, the amount and type

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of glass, and the HVAC and water heating system efficiencies.

Section 3. Section 553.904, Florida Statutes, is amended to read:

553.904 Thermal efficiency standards for new nonresidential buildings.--Thermal designs and operations for new nonresidential buildings for which building permits are obtained after March 15, 1979, shall take into account exterior envelope physical characteristics, including thermal mass; HVAC, service water heating, energy distribution, lighting, energy managing, and auxiliary systems design and system selection and configuration; and HVAC, service water heating, energy distribution, lighting, energy managing, and auxiliary equipment performance and shall not be required to meet standards more stringent than the provisions of the Florida Energy Efficiency Code for Building Construction.

Section 4. Section 553.906, Florida Statutes, is amended to read:

553.906 Thermal efficiency standards for renovated buildings.--Thermal designs and operations for renovated buildings for which building permits are obtained after March 15, 1979, shall take into account insulation, window infiltration, HVAC systems and performance, and service water heating, energy distribution, lighting, energy managing, and auxiliary systems design and equipment selection and performance. Such buildings shall not be required to meet standards more stringent than the provisions of the Florida Energy Efficiency Code for Building Construction. These standards apply only to those portions of the structure which are actually renovated.

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Section 5. Section 553.907, Florida Statutes, is amended to read:

553.907 Compliance.--Owners of all buildings required to comply with this part, or their agents, must certify compliance to the designated local enforcement agency prior to receiving the permit to begin construction or renovation. If, during the building construction or renovation, alterations are made in the design, materials, or equipment which would diminish the energy performance of the building, an amended copy of the compliance certification must be submitted to the local enforcement agency on or before the date of final inspection by the building owner or his agent and must be placed on the building permit.

Section 6. Section 553.9085, Florida Statutes, is amended to read:

553.9085 Energy performance index disclosure for residential buildings.--The energy performance level index resulting from compliance with the provisions of this part, for each new residential building, shall be prominently displayed on the completed building until time of sale. In conjunction with the normal responsibilities and duties of this part, the local building official shall require that a complete and accurate energy performance level display card be placed on the building by the building department before final approval of the building for occupancy issue-an-energy performance-index-display-card-to-be-placed-on-the-building permit-by-the-local-building-inspector-at-the-time-of-final inspection-by-the-building-department. The display card shall be uniform statewide and developed by the Department of Community Affairs. At a minimum, the display card shall list information indicating the energy performance level of the

CODING: Words stricken are deletions; words underlined are additions.
1. dwelling unit, including an EPI when appropriate, index
2. resulting from compliance with the code, shall be signed by
3. the-maximum-BPI-allowed-for-the-specific-housey-a-location-for
4. the builder and local enforcement agency to-be-listed-and-to
5. sign, and shall list general information about the energy
6. performance level index and the code. When-compliance-with
7. the-Florida-Mode1-Energy-Efficiency-Code-for-Building
8. Construction-is-accomplished-under-a-section-of-the-code-that
10. index, the-builder-shall-calculate-the-BPI-according-to
11. procedures-provided-for-in-the-code-or-shall-state-that-the
12. BPI-is-unknown-and-might-be-higher-than-the-maximum-allowable

Section 7. This act shall take effect October 1, 1988.

CODING: Words stricken are deletions; words underlined are additions.
SENATE SUMMARY

Requires changes in the thermal efficiency code to be made available for public review at least 6 months before adoption. Redefines the terms "exempted building" and "energy performance index" and defines the term "energy performance level." Requires that service water heating, energy distribution, lighting, energy managing, and auxiliary systems design and equipment be considered when setting thermal efficiency standards for new nonresidential buildings and for renovated buildings. Requires an amended copy of a compliance certification when alterations which affect energy performance are made in design, materials, or equipment during the construction or renovation of a building. Requires disclosure of the energy performance level of residential buildings.

CODING: Words stricken are deletions; words underlined are additions.
I. SUMMARY:

Current law requires that construction of residential and commercial buildings conform to the statewide uniform energy efficiency building code. Part VII of Chapter 553 provides standards for thermal efficiency for new construction and renovations of existing structures.

A. PRESENT SITUATION:

The purpose of the Florida Thermal Efficiency Code, as provided in the 1977 enabling act, is to provide for a uniform minimum standard for energy efficiency in the thermal design and operation of all buildings statewide, consistent with energy conservation goals and to best provide for public safety, health, and general welfare.

The problems this bill addresses are technical housekeeping amendments to Part VII, Chapter 553, Florida Statutes and have been requested by the Department of Community Affairs (DCA).

This bill would:

- amend the timeframe for public review of proposed changes to the Florida Energy Efficiency Code;
- update certain definitions;
- include energy use related to lighting or lighting-related cooling loads in the standards for non-residential buildings and renovations;
- provide for an amended compliance certification when construction changes are made, as other codes require;
- require information about the energy performance level and, where appropriate, information about the energy performance...
index. be placed on residential buildings prior to approval for occupancy by the local building official:

B. EFFECT OF PROPOSED CHANGES:

The effect of this legislation would be to update and clean up the thermal efficiency standards statute in the following ways:

DCA is required, at a minimum, biennially, to determine the most cost-effective, energy-saving equipment and techniques available and update the code to incorporate the equipment and techniques. In addition, a process for public review and comment on any changes to the code must take place, no later than June 1 of the year prior to code implementation. This timeframe has proven to be cumbersome and this proposal would change that timeframe to provide for public review six months prior to code implementation.

The definition of exempted building presently includes mobile homes. This bill would broaden that provision to include, not only mobile homes, but any building for which federal mandatory standards preempt state energy codes.

The definition of Energy Performance Index (EPI) does not correspond to the current functional definition. The new language updates the definition of Energy Performance Index.

The definition of "energy performance level" is not currently provided for in this Part. This bill would provide a definition for "energy performance level."

The provisions of s.553.904, relating to the standards for new non-residential building do not specifically include lighting. According to DCA, all energy codes in the nation address energy use related to lighting for commercial buildings as part of the standards for energy efficiency. This bill would provide for lighting to be included in the standards for construction of new non-residential buildings and renovations.

Currently no provision is made for updating changes made during construction that might affect energy efficiency. All other codes require updating at the building department when construction changes are made. This bill would require that any changes made that affect energy efficiency be submitted to the local enforcement agency on an amended compliance certificate before the final inspection.

There is a current requirement that the energy performance index for each new residential building be displayed on a building until time of sale. The local building official is required to issue the display card. However, this requires extra forms to be handled by the building department and DCA and in many instances, is not being used because the building department has to fill it out and place it on the building. This bill would require that the building department official place a copy, currently supplied
by the builder to the local building official, of the complete and accurate energy performance level display card on the building before final occupancy. This card is required to list information relating to the energy performance level of the building and, when appropriate, list an energy performance index. This would reduce duplication and provide the appropriate information to the potential buyer.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Amends s. 553.901, F.S., providing for timeframe for public review of changes to the Thermal Efficiency Code.

Section 2 -- Amends s. 553.902, F.S., to broaden the definition of "exempted building" to include, not only mobile homes, but buildings for which federal mandatory standards preempt state energy codes; redefines "energy performance index" to mean a number describing a building's performance relative to baseline energy performance levels and newly defines the term "energy performance level" to mean an indicator of the energy-related performance of a building, including levels of insulation, amount and type of glass, etc.

Section 3 -- Amends s. 553.904, F.S., to specifically include energy use as related to lighting and lighting-related cooling loads in the standards for new nonresidential buildings.

Section 4 -- Amends s. 553.906, F.S., to specifically include energy use as related to lighting and lighting-related cooling loads in the standards for renovations.

Section 5 -- Amends s. 553.907, F.S., to require amended compliance certifications when changes in construction are made that affect energy efficiency.

Section 6 -- Amends s. 553.9085, F.S., to allow information regarding the energy performance index and energy performance level, as provided by the builder, to be displayed on buildings until time of sale.

Section 7 -- Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

   None.

2. Recurring or Annualized Continuation Effects:

   None.
3. **Long Run Effects Other Than Normal Growth:**

None.

4. **Appropriations Consequences:**

None on General Revenue Fund.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. **Non-recurring or First Year Start-Up Effects:**

   This bill should streamline paperwork activities associated with compliance to the thermal efficiency code and reduce manpower hours required to comply with displaying energy levels and energy index information.

2. **Recurring or Annualized Continuation Effects:**

   Local building departments should continue to enjoy streamlined paperwork activities and reduced manpower required to comply with displaying energy levels and energy index information.

3. **Long Run Effects Other Than Normal Growth:**

   Continued savings in paperwork activity and manpower.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. **Direct Private Sector Costs:**

   Those persons directly involved in complying with the thermal efficiency standards for construction will benefit to the extent that some paperwork will be reduced.

2. **Direct Private Sector Benefits:**

   Those persons buying dwellings will have complete and accurate information about energy performances, and where appropriate, energy performance index ratings, displayed on one card on the dwelling.

3. **Effects on Competition, Private Enterprise, and Employment Markets:**

   Several technical changes to this statute should provide a more streamlined and efficient transmittal of information pertinent to the energy efficiency of buildings to both the builder and the consumer of buildings in the state.

**D. FISCAL COMMENTS:**

No impact on state funds. This bill should streamline a paperwork process and reduce manpower usage.
III. LONG RANGE CONSEQUENCES:

The long range consequences of this bill should produce positive effects for the public and builder. The changes made to this Chapter are technical and are needed for updating purposes.

IV. COMMENTS:

None.

V. AMENDMENTS:

None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: 
Joan H. Umberger

FINANCE & TAXATION:
Prepared by: 

APPROPRIATIONS:
Prepared by: 

Staff Director:

Staff Director:

Staff Director:
### COMMITTEE INFORMATION RECORD

**House of Representatives**

**Committee on Community Affairs**

**Date of Meeting:** 4/27/88

**Time:** 8:00 am - 10:00 am

**Place:** 212 H

**Bill No.:** PCB CA 88-6

**FINAL ACTION:**

- Favorable
- Favorable with ___ Amendments
- Favorable with Substitute
- Unfavorable

### VOTE:

<table>
<thead>
<tr>
<th>YEA</th>
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<td>x</td>
<td>Rep. Ascherl</td>
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<td>Rep. Carlton</td>
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<td>Rep. Deutsch</td>
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<td>Rep. Tobiassen</td>
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<td>Rep. Jones, C.F., Chair</td>
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**Total Yeas:** 10

**Total Nays:** 0

**APPEARANCE RECORD**

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard W. Dixon</td>
<td>DCA</td>
<td>Tallahassee, FL</td>
</tr>
</tbody>
</table>

**Note:**

Please indicate by an "X" any State employee appearing at the request of the Chairman.
I. SUMMARY:

Current law requires that construction of residential and commercial buildings conform to the statewide uniform energy efficiency building code. Part VII of Chapter 553 provides standards for thermal efficiency for new construction and renovations of existing structures.

A. PRESENT SITUATION:

The purpose of the Florida Thermal Efficiency Code, as provided in the 1977 enabling act, is to provide for a uniform minimum standard for energy efficiency in the thermal design and operation of all buildings statewide, consistent with energy conservation goals and to best provide for public safety, health, and general welfare.

The problems this bill addresses are technical housekeeping amendments to Part VII, Chapter 553, Florida Statutes and have been requested by the Department of Community Affairs (DCA).

This bill would:

- amend the timeframe for public review of proposed changes to the Florida Energy Efficiency Code;
- update certain definitions;
- include energy use related to lighting or lighting-related cooling loads in the standards for non-residential buildings and renovations;
- provide for an amended compliance certification when construction changes are made, as other codes require;
- require information about the energy performance level and, where appropriate, information about the energy performance...
index, be placed on residential buildings prior to approval for occupancy by the local building official;

B. EFFECT OF PROPOSED CHANGES:

The effect of this legislation would be to update and clean up the thermal efficiency standards statute in the following ways:

DCA is required, at a minimum, biennially, to determine the most cost-effective, energy-saving equipment and techniques available and update the code to incorporate the equipment and techniques. In addition, a process for public review and comment on any changes to the code must take place, no later than June 1 of the year prior to code implementation. This timeframe has proven to be cumbersome and this proposal would change that timeframe to provide for public review six months prior to code implementation.

The definition of exempted building presently includes mobile homes. This bill would broaden that provision to include, not only mobile homes, but any building for which federal mandatory standards preempt state energy codes.

The definition of Energy Performance Index (EPI) does not correspond to the current functional definition. The new language updates the definition of Energy Performance Index.

The definition of "energy performance level" is not currently provided for in this Part. This bill would provide a definition for "energy performance level."

The provisions of s.553.904, relating to the standards for new non-residential building do not specifically include lighting. According to DCA, all energy codes in the nation address energy use related to lighting for commercial buildings as part of the standards for energy efficiency. This bill would provide for lighting to be included in the standards for construction of new non-residential buildings and renovations.

Currently no provision is made for updating changes made during construction that might affect energy efficiency. All other codes require updating at the building department when construction changes are made. This bill would require that any changes made that affect energy efficiency be submitted to the local enforcement agency on an amended compliance certificate before the final inspection.

There is a current requirement that the energy performance index for each new residential building be displayed on a building until time of sale. The local building official is required to issue the display card. However, this requires extra forms to be handled by the building department and DCA and in many instances, is not being used because the building department has to fill it out and place it on the building. This bill would require that the building department official place a copy, currently supplied
by the builder to the local building official, of the complete and accurate energy performance level display card on the building before final occupancy. This card is required to list information relating to the energy performance level of the building and, when appropriate, list an energy performance index. This would reduce duplication and provide the appropriate information to the potential buyer.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Amends s. 553.901, F.S., providing for timeframe for public review of changes to the Thermal Efficiency Code.

Section 2 -- Amends s. 553.902, F.S., to broaden the definition of "exempted building" to include, not only mobile homes, but buildings for which federal mandatory standards preempt state energy codes; redefines "energy performance index" to mean a number describing a building's performance relative to baseline energy performance levels and newly defines the term "energy performance level" to mean an indicator of the energy-related performance of a building, including levels of insulation, amount and type of glass, etc.

Section 3 -- Amends s. 553.904, F.S., to specifically include energy use as related to lighting and lighting-related cooling loads in the standards for new nonresidential buildings.

Section 4 -- Amends s. 553.906, F.S., to specifically include energy use as related to lighting and lighting-related cooling loads in the standards for renovations.

Section 5 -- Amends s. 553.907, F.S., to require amended compliance certifications when changes in construction are made that affect energy efficiency.

Section 6 -- Amends s. 553.9085, F.S., to allow information regarding the energy performance index and energy performance level, as provided by the builder, to be displayed on buildings until time of sale.

Section 7 -- Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   None.

2. Recurring or Annualized Continuation Effects:
   None.
3. **Long Run Effects Other Than Normal Growth:**

None.

4. **Appropriations Consequences:**

None on General Revenue Fund.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. **Non-recurring or First Year Start-Up Effects:**

This bill should streamline paperwork activities associated with compliance to the thermal efficiency code and reduce manpower hours required to comply with displaying energy levels and energy index information.

2. **Recurring or Annualized Continuation Effects:**

Local building departments should continue to enjoy streamlined paperwork activities and reduced manpower required to comply with displaying energy levels and energy index information.

3. **Long Run Effects Other Than Normal Growth:**

Continued savings in paperwork activity and manpower.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. **Direct Private Sector Costs:**

Those persons directly involved in complying with the thermal efficiency standards for construction will benefit to the extent that some paperwork will be reduced.

2. **Direct Private Sector Benefits:**

Those persons buying dwellings will have complete and accurate information about energy performances, and where appropriate, energy performance index ratings, displayed on one card on the dwelling.

3. **Effects on Competition, Private Enterprise, and Employment Markets:**

Several technical changes to this statute should provide a more streamlined and efficient transmittal of information pertinent to the energy efficiency of buildings to both the builder and the consumer of buildings in the state.

**D. FISCAL COMMENTS:**

No impact on state funds. This bill should streamline a paperwork process and reduce manpower usage.
III. LONG RANGE CONSEQUENCES:

The long range consequences of this bill should produce positive effects for the public and builder. The changes made to this Chapter are technical and are needed for updating purposes.

IV. COMMENTS:

None.

V. AMENDMENTS:

None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by:

Joan H. Umberger

Staff Director:

Mario L. Taylor

FINANCE & TAXATION:
Prepared by:

Staff Director:

APPROPRIATIONS:
Prepared by:

Staff Director:
An act relating to the thermal efficiency code; amending s. 553.901, F.S.; revising the time for giving notice of changes in the code; amending s. 553.902, F.S.; defining or redefining terms; amending s. 553.904, F.S.; providing additional criteria to be considered in setting standards for new nonresidential buildings; amending s. 553.906, F.S.; providing additional criteria to be considered in setting standards for renovated buildings; amending s. 553.907, F.S.; providing procedures with respect to certification of compliance of buildings when alterations are made in design, materials, or equipment during construction or renovation; amending s. 553.9085, F.S.; revising provisions related to energy performance disclosure for residential buildings; providing an effective date.

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

Section 1. Section 553.901, Florida Statutes, is amended to read:

553.901 Purpose of thermal efficiency code.--The purpose of this thermal efficiency code is to provide for a statewide uniform standard for energy efficiency in the thermal design and operation of all buildings statewide, consistent with energy conservation goals, and to best provide for public safety, health, and general welfare. The Department of Community Affairs shall adopt, modify, revise,
update, and maintain the Florida Energy Efficiency Code for
Building Construction to implement the provisions of this
thermal efficiency code and amendments thereto, in accordance
with the procedures of chapter 120. The department shall, at
least biennially, determine the most cost-effective energy-
saving equipment and techniques available and update the code
to incorporate such equipment and techniques. The proposed
changes shall be made available for public review and comment
no later than 6 months three-months prior to code
implementation. The term "cost-effective," for the purposes
of this part, shall be construed to mean cost-effective to the
consumer.

Section 2. Section 553.902, Florida Statutes, is
amended to read:

553.902 Definitions.--For the purposes of this part:
(1) "Exempted building" means:
(a) Any building or portion thereof whose peak design
rate of energy usage for all purposes is less than 1 watt (3.4
Btu's per hour) per square foot of floor area for all
purposes.
(b) Any building which is neither heated nor cooled by
a mechanical system designed to control or modify the indoor
temperature and powered by electricity or fossil fuels.
(c) Any building for which federal mandatory standards
preempt state energy codes mobile-home.
(d) Any historical building as described in s.
267.021(6).
(e) Any state building that must conform to the more
stringent "Florida Energy Conservation Act of 1974" and
amendments thereto.

CODING: Words stricken are deletions; words underlined are additions.
(2) "HVAC" means a system of heating, ventilating, and air conditioning.

(3) "Renovated building" means a residential or nonresidential building undergoing alteration that varies or changes insulation, HVAC systems, water heating systems, or exterior envelope conditions, provided the estimated cost of renovation exceeds 30 percent of the assessed value of the structure.

(4) "Local enforcement agency" means the agency of local government which has the authority to make inspections of buildings and to enforce a code or codes which establish standards for construction, renovation, or occupancy of buildings. It includes any agency within the definition of s. 553.71(5).

(5) "Exterior envelope physical characteristics" means the physical nature of those elements of a building which enclose conditioned spaces through which energy may be transferred to or from the exterior.

(6) "Energy performance index" or "EPI" means a number describing the relative energy performance of a residential building as compared to a residential building designed to baseline energy performance levels for the envelope, HVAC, and water heating components energy requirements of a residence as compared to the average energy consumption of a residence built to prevailing construction standards in 1977. The number shall be calculated according to rules and procedures promulgated by the Department of Community Affairs.

(7) "Energy performance level" means the indicator of the energy-related performance of a building, including, but not limited to, the levels of insulation, the amount and type of nonresidential building undergoing alteration that varies or changes insulation, HVAC systems, water heating systems, or exterior envelope conditions, provided the estimated cost of renovation exceeds 30 percent of the assessed value of the structure.

CODING: Words stricken are deletions; words underlined are additions.
of glass, and the HVAC and water heating system efficiencies.

Section 3. Section 553.904, Florida Statutes, is amended to read:

553.904 Thermal efficiency standards for new nonresidential buildings.--Thermal designs and operations for new nonresidential buildings for which building permits are obtained after March 15, 1979, shall take into account exterior envelope physical characteristics, including thermal mass; HVAC, service water heating, energy distribution, lighting, energy managing, and auxiliary systems design and system selection and configuration; and HVAC, service water heating, energy distribution, lighting, energy managing, and auxiliary equipment performance; and service water-heating design and equipment performance and shall not be required to meet standards more stringent than the provisions of the Florida Energy Efficiency Code for Building Construction.

Section 4. Section 553.906, Florida Statutes, is amended to read:

553.906 Thermal efficiency standards for renovated buildings.--Thermal designs and operations for renovated buildings for which building permits are obtained after March 15, 1979, shall take into account insulation; windows; infiltration; HVAC systems-and-performance, and service water heating, energy distribution, lighting, energy managing, and auxiliary systems design and equipment selection and performance. Such buildings and shall not be required to meet standards more stringent than the provisions of the Florida Energy Efficiency Code for Building Construction. These standards apply only to those portions of the structure which are actually renovated.

CODING: Words stricken are deletions; words underlined are additions.
Section 5. Section 553.907, Florida Statutes, is amended to read:

553.907 Compliance.--Owners of all buildings required to comply with this part, or their agents, must certify compliance to the designated local enforcement agency prior to receiving the permit to begin construction or renovation. If, during the building construction or renovation, alterations are made in the design, materials, or equipment which would diminish the energy performance of the building, an amended copy of the compliance certification must be submitted to the local enforcement agency on or before the date of final inspection by the building owner or his agent and must be placed on the building permit.

Section 6. Section 553.9085, Florida Statutes, is amended to read:

553.9085 Energy performance index disclosure for residential buildings.--The energy performance level index resulting from compliance with the provisions of this part, for each new residential building, shall be prominently displayed on the completed building until time of sale. In conjunction with the normal responsibilities and duties of this part, the local building official shall require that a complete and accurate energy performance level display card be placed on the building by the building department before final approval of the building for occupancy issue an energy performance-index-display-card-to-be-placed-on-the-building-permit-by-the-local-building-inspector-at-the-time-of-final-inspection-by-the-building-department. The display card shall be uniform statewide and developed by the Department of Community Affairs. At a minimum, the display card shall list information indicating the energy performance level of the

CODING. Words stricken are deletions; words underlined are additions.
dwelling unit, including an EPI when appropriate, index
resulting from compliance with the code, shall be signed by
the maximum EPI allowed for the specific house at location for
the builder and local enforcement agency to be listed and to
sign, and shall list general information about the energy
performance level index and the code. When compliance with
the Florida Model Energy Efficiency Code for Building
Construction is accomplished under a section of the code that
does not require the calculation of an energy performance
index, the builder shall calculate the EPI according to
procedures provided for in the code or shall state that the
EPI is unknown and might be higher than the maximum allowable
EPI for a house of its size.

Section 7. This act shall take effect October 1, 1988.

SENATE SUMMARY

Requires changes in the thermal efficiency code to be
made available for public review at least 6 months before
adoption. Redefines the terms "exempted building" and
"energy performance index" and defines the term "energy
performance level." Requires that service water heating,
energy distribution, lighting, energy managing, and
auxiliary systems design and equipment be considered when
setting thermal efficiency standards for new
nonresidential buildings and for renovated buildings.
Requires an amended copy of a compliance certification
when alterations which affect energy performance are made
in design, materials, or equipment during the
construction or renovation of a building. Requires
disclosure of the energy performance level of residential
buildings.

This publication was produced at an average cost of 1.12 cents
per single page in compliance with the Rules and for
the information of members of the Legislature and the public.

CODING: Words stricken are deletions; words underlined are additions.
I. SUMMARY:

The identical Senate companion to HB 1582, introduced by the House Community Affairs Committee, was passed by the Legislature and became ch. 88-213, Laws of Florida. The act requires that construction of residential and commercial buildings conform to the statewide uniform energy efficiency building code. Part VII of Chapter 553 provides standards for thermal efficiency for new construction and renovations of existing structures.

In addition, a section was added that provides for devices for hearing impaired persons be installed in privately-owned buildings including renovations. Any privately-owned building with an occupant load of 50 or more persons must provide listening systems either permanently installed or by portable means.

A. PRESENT SITUATION:

The purpose of the Florida Thermal Efficiency Code, as provided in the 1977 enabling act, is to provide for a uniform minimum standard for energy efficiency in the thermal design and operation of all buildings statewide, consistent with energy conservation goals and to best provide for public safety, health, and general welfare.

The problems this bill addresses are technical housekeeping amendments to Part VII, Chapter 553, Florida Statutes and have been requested by the Department of Community Affairs (DCA).
This bill would:

- amend the timeframe for public review of proposed changes to the Florida Energy Efficiency Code;
- update certain definitions;
- include energy use related to lighting or lighting-related cooling loads in the standards for non-residential buildings and renovations;
- provide for an amended compliance certification when construction changes are made, as other codes require;
- require information about the energy performance level and, where appropriate, information about the energy performance index, be placed on residential buildings prior to approval for occupancy by the local building official;

The addition to SB 1115 relating to listening devices was made because many hearing impaired persons frequenting large auditoriums, theatres, or meeting rooms have difficulty hearing. Listening systems will assist in their ability to hear the presentations in these type buildings.

B. EFFECT OF PROPOSED CHANGES:

The effect of this legislation would be to update and clean up the thermal efficiency standards statute in the following ways:

DCA is required, at a minimum, biennially, to determine the most cost-effective, energy-saving equipment and techniques available and update the code to incorporate the equipment and techniques. In addition, a process for public review and comment on any changes to the code must take place, no later than June 1 of the year prior to code implementation. This timeframe has proven to be cumbersome and this proposal would change that timeframe to provide for public review six months prior to code implementation.

The definition of exempted building presently includes mobile homes. This bill would broaden that provision to include, not only mobile homes, but any building for which federal mandatory standards preempt state energy codes.

The definition of Energy Performance Index (EPI) does not correspond to the current functional definition. The new language updates the definition of Energy Performance Index.

The definition of "energy performance level" is not currently provided for in this Part. This bill would provide a definition for "energy performance level."
The provisions of s. 553.904, relating to the standards for new non-residential buildings do not specifically include lighting. According to DCA, all energy codes in the nation address energy use related to lighting for commercial buildings as part of the standards for energy efficiency. This bill would provide for lighting to be included in the standards for construction of new non-residential buildings and renovations.

Currently no provision is made for updating changes made during construction that might affect energy efficiency. All other codes require updating at the building department when construction changes are made. This bill would require that any changes made that affect energy efficiency be submitted to the local enforcement agency on an amended compliance certificate before the final inspection.

There is a current requirement that the energy performance index for each new residential building be displayed on a building until time of sale. The local building official is required to issue the display card. However, this requires extra forms to be handled by the building department and DCA and in many instances, is not being used because the building department has to fill it out and place it on the building. This bill would require that the building department official place a copy, currently supplied by the builder to the local building official, of the complete and accurate energy performance level display card on the building before final occupancy. This card is required to list information relating to the energy performance level of the building and, when appropriate, list an energy performance index. This would reduce duplication and provide the appropriate information to the potential buyer.

Also, the addition of listening systems to privately-owned areas where 50 or more persons occupy the building, will assist hearing impaired persons in their ability to hear presentations within these areas.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Amends s. 553.901, F.S., providing for timeframe for public review of changes to the Thermal Efficiency Code.

Section 2 -- Amends s. 553.902, F.S., to broaden the definition of "exempted building" to include, not only mobile homes, but buildings for which federal mandatory standards preempt state energy codes; redefines "energy performance index" to mean a number describing a building's performance relative to baseline energy performance levels and newly defines the term "energy performance level" to mean an indicator of the energy-related performance of a building, including levels of insulation, amount and type of glass, etc.
Section 3 -- Amends s. 553.904, F.S., to specifically include energy use as related to lighting and lighting-related cooling loads in the standards for new nonresidential buildings.

Section 4 -- Amends s. 553.906, F.S., to specifically include energy use as related to lighting and lighting-related cooling loads in the standards for renovations.

Section 5 -- Amends s. 553.907, F.S., to require amended compliance certifications when changes in construction are made that affect energy efficiency.

Section 6 -- Amends s. 553.9085, F.S., to allow information regarding the energy performance index and energy performance level, as provided by the builder, to be displayed on buildings until time of sale.

Section 7 -- Provides that privately-owned buildings with occupant loads of 50 or more persons provide listening systems, either permanently affixed or portable, to assist persons with hearing impairments.

Section 8 -- Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   None.

2. Recurring or Annualized Continuation Effects:
   None.

3. Long Run Effects Other Than Normal Growth:
   None.

4. Appropriations Consequences:
   None on General Revenue Fund.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   This bill should streamline paperwork activities associated with compliance to the thermal efficiency code and reduce manpower hours required to comply with displaying energy levels and energy index information.

2. Recurring or Annualized Continuation Effects:
Local building departments should continue to enjoy streamlined paperwork activities and reduced manpower required to comply with displaying energy levels and energy index information.

3. **Long Run Effects Other Than Normal Growth:**

Continued savings in paperwork activity and manpower.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. **Direct Private Sector Costs:**

Those persons directly involved in complying with the thermal efficiency standards for construction will benefit to the extent that some paperwork will be reduced.

2. **Direct Private Sector Benefits:**

Those persons buying dwellings will have complete and accurate information about energy performances, and where appropriate, energy performance index ratings, displayed on one card on the dwelling.

Those persons with hearing impairments frequenting large privately-owned establishments such as auditoriums, theaters, or meeting rooms will benefit to the extent that those establishments are required to provide listening systems to assist in hearing presentations in those areas.

3. **Effects on Competition, Private Enterprise, and Employment Markets:**

Several technical changes to the thermal efficiency code and standards should provide a more streamlined and efficient transmittal of information pertinent to the energy efficiency of buildings to both the builder and the consumer of buildings in the state.

The affected private industry required to provide listening systems for the hearing impaired will experience the cost of furnishing, either by permanently affixing or portable device, listening systems to assist the hearing impaired.

**D. FISCAL COMMENTS:**

The thermal efficiency code amendments do not impact state funds. This bill should streamline a paperwork process and reduce manpower usage. The listening devices required of certain privately-owned buildings will not affect state funds.

**III. LONG RANGE CONSEQUENCES:**
The long range consequences of the thermal efficiency code and standards amendments should produce positive effects for the public and builder. The changes made to this Chapter are technical and are needed for updating purposes.

The long range consequences to persons with hearing impairments will be positive when they attend events in certain buildings equipped with listening systems.

IV. COMMENTS:

None.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Joan H. Umberger
Staff Director: Marie L. Taylor

FINANCE & TAXATION:
Prepared by: Not Referred
Staff Director:

APPROPRIATIONS:
Prepared by: Withdrawn
Staff Director:
S 1149 GENERAL BILL/CS by Appropriations; Natural Resources and Conservation; Brown; Kirkpatrick and others (Compare CS/ENG/H 130, H 1141, CS/ENG/H 1487, ENG/H 1671, S 156, S 942, CS/ENG/H 1192)

Tax/Water Quality: (THIS BILL COMBINES SB 1149,156) Raises rates of tax for water quality & conditions under which certain excise tax is imposed; provides limitations on expenditure of funds from Water Quality Assurance TF for water supply systems or filters contaminated, provides duties of DEP, on prevention of potable water well contamination & remediation of contamination, etc Amends FS Appropriation $2,355,000 Effective Date: 07/01/88 or upon becoming law, whichever occurs later, except as otherwise provided.

S 1150 GENERAL BILL/CS by Economic, Community and Consumer Affairs; Dudley (Compare ENG/H 1454, H 1593)

Immovable Property Program: Designates community of Immokalee as "pocket of poverty" & establishes pilot pocket-of-poverty program in that community, authorizes expenditure of state funds to encourage construction & rehabilitation of low-cost housing units in that community, provides for preparation of local comprehensive farmer housing plan for that community. Provides for review & approval of plan by Community Affairs Dept Amends 470.503, 805,806. Effective Date: Upon becoming law.

S 1151 MEMORIAL by Meek (Similar H 1520)

Mortgage Revenue Bonds: Urges Congress to amend § 143 of Internal Revenue Code of 1966, in order to extend authorization for issuance of mortgage revenue bonds through 1993

S 1152 GENERAL BILL by Woodson and others (Similar H 1410, Compare CS/S 1092)

Corrections/Inmate Work Programs: (THIS BILL COMBINES IN CS/S 1092,1152) Provides for priority of assignment of inmates to correctional work programs, provides for reimbursement to Corrections Dept. for expenses of incarcerating inmates; provides for funding nonbudget items at certain institutions. Amends 946.009, 512. Effective Date: Upon becoming law.

S 1153 GENERAL BILL/ENG by Langleyi (Similar H 1217)

Vocational Rehabilitation: Provides for confidentiality of applicant & client records, establishes independent living program within Vocational Rehabilitation Div of Labor & Employment Security Dept, provides for administration of program by an independent advisory council, provides for eligibility for independent living services, creates state Vocational Rehabilitation Advisory Council, etc Amends Ch 413, repeals 413,34, 37. Effective Date: 07/01/88

S 1154 GENERAL BILL/CS by Transportation; Weinstein (Similar CS/H 101)

Ignition Interlock Devices: Authorizes, in addition to other penalties for DUI, requirement of ignition interlock devices as condition of probation, provides penalties, provides unlawful acts re such devices, provides exemption, provides for certification of such devices by R H S Dept, authorizes H M V Dept to order such devices as condition of driving privilege reinstatement, etc. Creates 316.1938, 1397, 322.271 Effective Date: 10/01/88

S 1155 GENERAL BILL by Plumlee (Identical H 254)

Key Lime Pie/State Pie Designates Key lime pie as official state pie Creates 15 0325 Effective Date: Upon becoming law.
of the Federal Government regarding administration of
laws relating to individuals with disabilities and
independent living; repealing s. 413.34, F.S., relating to
the misuse of vocational lists and records; repealing
s. 413.37, F.S., relating to the self-care program for
the handicapped; repealing s. 413.38, F.S., relating to
definitions; providing for future review and repeal of
ss. 413.395, 413.405, F.S.; providing an effective date.

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

Section 1. Section 413.341, Florida Statutes, is created to read:

413.341 Applicant and client records; confidential and privileged.--

(1) All oral and written records, information, letters, and
reports pertaining to programs under part II of chapter 413,
received, made, or maintained by the division relative to any client
or applicant are privileged and confidential and not available for
public disclosure under s. 119.07. This exemption is subject to s.
119.14, the Open Government Sunset Review Act. Any person who
discloses or releases such records, information, or communications
in violation of this section is guilty of a misdemeanor in the second
degree, punishable as provided in s. 775.082, s. 775.083, or s.
775.084. Such records may not be released except:

(a) To the client or applicant or legal representative upon
receipt of a written waiver from the client or applicant; however, if
such information is determined by the division to be potentially
injurious to the client or applicant, the division may refer to an
outside medical expert to review the materials and advise the
division.

(b) That records which do not identify clients or applicants may
be released for the purpose of research, as specified by rule, when
such research is approved by the division director.

(c) Records used in the administration of the program and
directly received from the division by such entities of the state or
its subdivisions that are required in the course of the performance
of official duties. Any such entity may not disclose records to
third parties without being subject to penalties under subsection
(1).

(d) Upon the filing of a complaint or petition and a
determination following an incamera proceeding by a hearing officer,
deputy commissioner, agency head exercising quasi-judicial authority
or a judge of a court of competent jurisdiction that such records or
information may be released. Such incamera proceeding and all
records relating thereto shall be exempt from s. 119.07.

(e) Whenever a client or applicant has declared any intention to
harm other persons or property, such declaration may be disclosed.

(2) Records which come into the possession of the division that
are privileged by other provisions of law may not be released by the
division.

Section 2. Section 413.371, Florida Statutes, is created to read:

413.371 Independent living program; establishment and
maintenance.--The division shall establish and maintain an
independent living program which will provide any appropriate
rehabilitation services or other services to enhance the ability of
individuals with severe disabilities to live independently and
function within their communities and, if appropriate, secure and
maintain employment.

Section 3. Section 413.381, Florida Statutes, is created to read:

413.381 Definitions.--As used in this part, the term

(1) "Independent living services" means any appropriate
rehabilitation service which will enhance the ability of an
individual with a disability to live independently and function
within his family and community and if appropriate, secure and
maintain employment. Services may include, but are not limited to,
counseling services including peer counseling, psychological,
psychotherapeutic counseling, advocacy and community education and
related services, housing assistance, physical and mental
restoration, personal attendant care, transportation, interpreter
services for persons who are deaf, recreational activities, services
to family members of an individual with severe disabilities,
vocational and other training services, information and referral
services, telecommunications services, sensory and other
technological aids and devices, appropriate preventive services to
decline the needs of individuals assisted under the program, and any
other rehabilitation services appropriate for the independent living
needs of an individual with a severe disability.

(2) "Individual with severe disabilities" means a person with a
physical or mental disability so severe that the individual does not
presently have a potential for employment, but may benefit from
independent living services to enable them to live and function
independently.

(3) "Center for independent living" means a community-based,
nonprofit organization which provides directly or coordinates through
referral those services which assist individuals with severe
disabilities to increase personal self-determination and minimize
dependence upon others.

(4) "State plan" means the State Plan for Independent Living
Rehabilitative Services under Title VII(A) of the Federal
Rehabilitation Act of 1973, as amended.

Section 4. Section 413.39, Florida Statutes, is amended to read:

413.39 Administration; independent living self-care
program.--The division is hereby authorized, in addition to its other
duties and responsibilities, to administer a program of independent
living self-care-rehabilitation services for individuals with severe
disabilities severely-handicapped persons who can benefit from appear-
to-be-feasible for such services.

Section 5. Section 413.395, Florida Statutes, is created to read:

413.395 Advisory council on independent living.--

(1) There is created a Florida Independent Living Advisory
Council to assist the Division of Vocational Rehabilitation and the
Division of Blind Services of the Department of Education, as well as other state agencies and local planning and administrative entities assisted under Title VII of the Rehabilitation Act of 1973, as amended, 1986, in the expansion and development of statewide independent living policies, programs, and concepts and to recommend improvements for such programs and services. The council shall also develop a 5-year state plan for independent living services.

(2) The council shall consist of 14 members, a majority being individuals with disabilities. The remainder shall represent principal state, local, and nongovernmental agencies and groups concerned with independent living services, directors of centers for independent living, and private businesses employing or interested in employing individuals with disabilities.

(3) The chairman of the council shall also serve as a member of the state Vocational Rehabilitation Advisory Council.

(4) Ten members of the council shall be appointed by the Secretary of the Department of Labor and Employment Security based on recommendations from the director of the Division of Vocational Rehabilitation. Four members shall be appointed by the Commissioner of Education based on recommendations from the director of the Division of Blind Services of the Department of Education.

(a) Initially, the Secretary of the Department of Labor and Employment Security shall appoint four members for terms of 4 years, three members for terms of 3 years, two members for terms of 2 years, and one member for a term of 1 year.

(b) Initially, the Commissioner of Education shall appoint one member for a term of 4 years, one member for a term of 3 years, and two members for terms of 2 years.

(c) Thereafter, members shall be appointed for 4-year terms. A vacancy shall be filled for the remainder of the term in the same manner as the original appointment.

(5) The council may meet at the call of its chairman, at the request of the Division of Vocational Rehabilitation and the Division of Blind Services, or at such times as may be prescribed by rule, but not less than twice each calendar year. The council shall make a report of each meeting, which shall include a record of its discussions and recommendations. The Division of Vocational Rehabilitation and the Division of Blind Services shall make such reports available to the public.

(6) Members of the council shall serve without compensation but shall be entitled to receive reimbursement for per diem and traveling expenses as provided in s. 112.061. Personal care attendants or interpreters may be reimbursed by reasonable fees for service.

Section 6. Section 413.40, Florida Statutes, is amended to read:

413.40 Powers of division; independent living self-care program.—The division in carrying out a program of providing independent living self-care rehabilitation services to individuals with severe disabilities severely handicapped persons shall be authorized to:

(1) Employ necessary personnel.

Section 7. Section 413.401, Florida Statutes, is created to read:

413.401 Eligibility for independent living services.—Independent living services may be provided to any individual with disabilities who has:

(1) A severe physical or mental disability.

(2) A severe limitation in his ability to function independently in a family or community setting, or to engage in or continue in employment; and

(3) A reasonable expectation that independent living rehabilitative services will significantly assist the individual to improve his ability to function independently within the family or community, or to engage in or continue in employment, and to be able to function independently.

Section 8. Section 413.405, Florida Statutes, is created to read:

413.405 Vocational Rehabilitation Advisory Council.—There is created a state Vocational Rehabilitation Advisory Council to assist the division in planning and development of statewide vocational rehabilitation programs and services, and to recommend improvements for such programs and services.

(1) The council shall consist of 14 members representing expertise in the major vocational rehabilitation service areas, including a current and a former division client, the chairman of the State Independent Living Advisory Council, and a member of the general public.

(2) The members of the council shall be appointed by the Secretary of the Department of Labor and Employment Security. Initially, the secretary shall appoint six members for terms of 4 years, five members for terms of 3 years, and three members for terms of 1 year.
of 2 years. Thereafter, members shall be appointed for 4-year terms. A vacancy shall be filled for the remainder of the unexpired term.

(3) The council may meet at the call of its chairman, at the request of the division, or at such times as may be prescribed by rule, but not less than twice each calendar year. The council shall make a report of each meeting, which shall include a record of its discussions and recommendations. The division shall make such reports available to the public.

(4) Members of the council shall serve without compensation but shall be entitled to receive reimbursement for per diem and traveling expenses as provided in s. 112.061. Personal care attendants or interpreters may be reimbursed by reasonable fees for service approved by the division director.

Section 9. Section 413.41, Florida Statutes, is amended to read:

413.41 Cooperation by division with state agencies.--The division is hereby authorized to cooperate with other agencies of the state government or with any nonprofit, charitable corporations or foundations concerned with the problems of individuals with disabilities the--disabled. The division may provide disability evaluation, work capacity appraisal and appraisal of vocational rehabilitation potential of individuals with disabilities handicapped individuals for other public agencies pursuant to agreements made at the request of such agencies. The division may charge the agencies contracting for these services the actual cost thereof.

Section 10. Section 413.42, Florida Statutes, is amended to read:

413.42 Cooperation with federal agencies.--The division is hereby authorized to cooperate with any agency of the Federal Government charged with the responsibility for administering laws relating to rehabilitation of handicapped individuals with disabilities or the evaluation of the capacity of handicapped persons with disabilities for employment, or for preparation for employment or for independent living self-care. The division shall further be authorized to accept and disburse any funds appropriated by Congress and made available to the state for the purpose of rehabilitating disabled individuals or the evaluation of disabled individuals for rehabilitation or for gainful activity, or for any other purpose related to the lawful vocational-rehabilitation-program function of the division, and the division is authorized to take such action as may be necessary to execute the purposes of any such federal grants.

Section 11. Sections 413.34, 413.37, and 413.38, Florida Statutes, are hereby repealed.

Section 12. Sections 413.395 and 413.405, Florida Statutes, are repealed on October 1, 1998, and shall be reviewed by the Legislature prior to that date pursuant to section 11.611, Florida Statutes.

Section 13. This act shall take effect upon becoming a law. Approved by the Governor July 1, 1988.

Filed in Office Secretary of State July 1, 1988.
GENERAL ACTS
RESOLUTIONS AND MEMORIALS
ADOPTED BY THE
TENTH LEGISLATURE OF FLORIDA
UNDER THE CONSTITUTION
AS REVISED IN 1968
During the Regular Session
April 5, 1988 through June 7, 1988
and Special Sessions
September 21 - October 8, 1987; October 12 - 14, 1987;
December 8 - 10, 1987; February 2 - 4, 1988; and
June 8, 1988

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1988
CHAPTER 88-212

LAWS OF FLORIDA

CHAPTER 88-212

Approved by the Governor July 1, 1988.

Filed in Office Secretary of State July 1, 1988.

CHAPTER 88-213

Senate Bill No. 1115

An act relating to the thermal efficiency code; amending s. 553.901, F.S.; revising the time for giving notice of changes in the code; amending s. 553.902, F.S.; defining or redefining terms; amending s. 553.904, F.S.; providing additional criteria to be considered in setting standards for new nonresidential buildings; amending s. 553.906, F.S.; providing additional criteria to be considered in setting standards for renovated buildings; amending s. 553.907, F.S.; providing procedures with respect to certification of compliance of buildings when alterations are made in design, materials, or equipment during construction or renovation; amending s. 553.9085, F.S.; revising provisions related to energy performance disclosure for residential buildings; amending s. 553.48, F.S., relating to accessibility features for handicapped persons; requiring listening systems for hearing-impaired persons in certain public buildings; providing an effective date.

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

Section 1. Section 553.901, Florida Statutes, is amended to read:

553.901 Purpose of thermal efficiency code.--The purpose of this thermal efficiency code is to provide for a statewide uniform standard for energy efficiency in the thermal design and operation of all buildings statewide, consistent with energy conservation goals, and to best provide for public safety, health, and general welfare. The Department of Community Affairs shall adopt, modify, revise, update, and maintain the Florida Energy Efficiency Code for Building Construction to implement the provisions of this thermal efficiency code and amendments thereto, in accordance with the procedures of chapter 120. The department shall, at least biennially, determine the most cost-effective energy-saving equipment and techniques available and update the code to incorporate such equipment and techniques. The proposed changes shall be made available for public review and comment no later than 6 months June-1-of-the-year prior to code implementation. The term "cost-effective," for the purposes of this part, shall be construed to mean cost-effective to the consumer.

Section 2. Section 553.902, Florida Statutes, is amended to read:

553.902 Definitions.--For the purposes of this part:

(1) "Exempted building" means:

(a) Any building or portion thereof whose peak design rate of energy usage for all purposes is less than 1 watt (3.4 Btu's per hour) per square foot of floor area for all purposes.

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(b) Any building which is neither heated nor cooled by a mechanical system designed to control or modify the indoor temperature and powered by electricity or fossil fuels.

(c) Any building for which federal mandatory standards preempt state energy codes mobile-home.

(d) Any historical building as described in s. 267.021(6).

(e) Any state building that must conform to the more stringent "Florida Energy Conservation Act of 1974" and amendments thereto.

2. "HVAC" means a system of heating, ventilating, and air conditioning.

3. "Renovated building" means a residential or nonresidential building undergoing alteration that varies or changes insulation, HVAC systems, water heating systems, or exterior envelope conditions, provided the estimated cost of renovation exceeds 30 percent of the assessed value of the structure.

4. "Local enforcement agency" means the agency of local government which has the authority to make inspections of buildings and to enforce a code or codes which establish standards for construction, renovation, or occupancy of buildings. It includes any agency within the definition of s. 553.71(5).

5. "Exterior envelope physical characteristics" means the physical nature of those elements of a building which enclose conditioned spaces through which energy may be transferred to or from the exterior.

6. "Energy performance index" or "EPI" means a number describing the relative energy performance of a residential building as compared to a residential building designed to baseline energy performance levels for the envelope, HVAC, and water heating components energy requirements of a residence as compared to the average energy consumption of a residence built-to-preexisting-construction-standards in 1979. The number shall be calculated according to rules and procedures promulgated by the Department of Community Affairs.

7. "Energy performance level" means the indicator of the energy-related performance of a building, including, but not limited to, the levels of insulation, the amount and type of glass, and the HVAC and water heating system efficiencies.

Section 3. Section 553.904, Florida Statutes, is amended to read:

553.904 Thermal efficiency standards for new nonresidential buildings.—Thermal designs and operations for new nonresidential buildings for which building permits are obtained after March 15, 1979, shall take into account exterior envelope physical characteristics, including thermal mass; HVAC, service water heating, energy distribution, lighting, energy managing, and auxiliary systems design and system selection and configuration; and HVAC, service water heating, energy distribution, lighting, energy managing, and auxiliary equipment performance, and service water heating design and equipment performance and shall not be required to meet standards more stringent than the provisions of the Florida Energy Efficiency Code for Building Construction.
Section 4. Section 553.906, Florida Statutes, is amended to read:

553.906 Thermal efficiency standards for renovated buildings.—Thermal designs and operations for renovated buildings for which building permits are obtained after March 15, 1979, shall take into account insulation; windows; infiltration; HVAC systems; and performance, and service water heating, energy distribution, lighting, energy managing, and auxiliary systems design and equipment selection and performance. Such buildings shall not be required to meet standards more stringent than the provisions of the Florida Energy Efficiency Code for Building Construction. These standards apply only to those portions of the structure which are actually renovated.

Section 5. Section 553.907, Florida Statutes, is amended to read:

553.907 Compliance.--Owners of all buildings required to comply with this part, or their agents, must certify compliance to the designated local enforcement agency prior to receiving the permit to begin construction or renovation. If, during the building construction or renovation, alterations are made in the design, materials, or equipment which would diminish the energy performance of the building, an amended copy of the compliance certification must be submitted to the local enforcement agency on or before the date of final inspection by the building owner or his agent and must be placed on the building permit.

Section 6. Section 553.9085, Florida Statutes, is amended to read:

553.9085 Energy performance index disclosure for residential buildings.—The energy performance level index resulting from compliance with the provisions of this part, for each new residential building, shall be prominently displayed on the completed building until time of sale. In conjunction with the normal responsibilities and duties of this part, the local building official shall require that a complete and accurate energy performance level display card be placed on the building by the building department before final approval of the building for occupancy issue—an energy performance index display card to be placed on the building permit by the local building inspector at the time of final inspection by the building department. The display card shall be uniform statewide and developed by the Department of Community Affairs. At a minimum, the display card shall list information indicating the energy performance level of the dwelling unit, including an EPI when appropriate, index resulting from compliance with the code, shall be signed by the maximum—EPI—allowed—for—the—specific—house,—a—location—for the builder and local enforcement agency to be listed and—to—sign, and shall list general information about the energy performance level index and the code. When compliance with the Florida Model Energy Efficiency Code for Building Construction is accomplished under a section of the code that does not require the calculation of an energy performance index, the builder shall calculate the EPI according to procedures provided for in the code or shall state that the EPI is unknown and might be higher than the maximum allowable EPI for a house of its size.

Section 7. The introductory paragraph of subsection (2) of section 553.48, Florida Statutes, is amended, and paragraph (m) is added to said subsection, to read.
553.48 Accessibility features required of new buildings and renovations; exceptions.--

(2) All new buildings as defined in this part, and, for purposes of paragraph (m) only, all renovations of privately owned buildings described therein, except those exempted pursuant to subsection (3), which the general public may frequent, live in, or work in shall be made accessible as required in this section:

(m)1. All theaters, auditoriums, motion-picture houses, exhibition halls, meeting rooms, and passenger depots shall provide listening systems to ensure listening access to hearing-impaired persons. Such privately owned assembly areas with an occupant load of more than 50 persons and an audio amplification system shall provide a permanent assistive system which meets the standards of the American National Standards Institute. Such assembly areas and spaces used primarily as meeting or conference rooms, shall provide either permanently installed or portable listening systems; portable systems, if used, may serve more than one room. If the listening system serves only a limited section of the assembly area, that section shall be located within 50-feet viewing distance of the stage or performing area and shall provide a complete view of the stage or performing area to facilitate lipreading. Acceptable types of listening systems include, but are not limited to, audio induction loops, radio frequency (AM or FM), and infrared transmission.

2. For the purposes of this paragraph, "renovation" is defined as substantial construction representing 50 percent or more of the replacement value of the facility.

Section 8. This act shall take effect October 1, 1988.

Approved by the Governor July 1, 1988.

Filed in Office Secretary of State July 1, 1988.

CHAPTER 88-214

Senate Bill No. 1153

An act relating to vocational rehabilitation; creating s. 413.341, F.S., providing for confidentiality of applicant and client records; creating s. 413.371, F.S.; establishing an independent living program within the Division of Vocational Rehabilitation of the Department of Labor and Employment Security; creating s. 413.381, F.S.; providing definitions; amending s. 413.39, F.S.; providing for the administration of the independent living program; creating s. 413.395, F.S.; creating the Florida Independent Living Advisory Council; providing for membership and duties; amending s. 413.40, F.S.; providing the division with certain powers and duties relating to the independent living program; creating s. 413.401, F.S.; providing for eligibility for independent living services; creating s. 413.405, F.S.; creating a state Vocational Rehabilitation Advisory Council; providing for membership and duties, amending s. 413.41, F.S.; providing conforming language; amending s. 413.42, F.S.; authorizing the division to cooperate with agencies