

Tab 1 CS/SB 704 by CA, Hutson; (Similar to CS/CS/CS/H 0535) Building Codes

Tab 2 SB 770 by Simpson, Flores; (Similar to CS/CS/H 0447) Local Government Environmental Financing

456936	D	S	RCS	AGG, Simpson	Delete everything after	02/17 03:07 PM
829026	AA	S L	WD	AGG, Altman	btw L.125 - 126:	02/17 03:07 PM
799048	A	S	WD	AGG, Simpson	Delete L.189 - 218:	02/17 03:07 PM
440372	A	S	WD	AGG, Simpson	Delete L.537 - 547.	02/17 03:07 PM

Tab 3 CS/SB 986 by BI, Simpson; (Identical to CS/H 0613) Workers' Compensation System Administration

Tab 4 CS/SB 1050 by RI, Brandes; (Similar to H 1187) Regulated Professions and Occupations

121922	A	S	RCS	AGG, Simpson	Delete L.134 - 137:	02/17 03:57 PM
380748	A	S	RCS	AGG, Simpson	Delete L.613 - 629:	02/17 03:57 PM
728502	A	S	RCS	AGG, Simpson	Delete L.719 - 725:	02/17 03:57 PM
978034	A	S	RCS	AGG, Simpson	Delete L.735 - 747:	02/17 03:57 PM
693048	T	S	RCS	AGG, Simpson	In title, delete L.95:	02/17 03:57 PM
226674	A	S L	RCS	AGG, Margolis	Delete L.456 - 544:	02/17 03:57 PM

Tab 5 CS/SB 1160 by ED, Detert; (Similar to CS/H 0701) Art in the Capitol Competition

Tab 6 CS/SB 1310 by AG, Hutson; (Compare to CS/CS/1ST ENG/H 0749) Agriculture

556588	A	S L	WD	AGG, Simpson	btw L.56 - 57:	02/17 04:00 PM
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Tab 7 SB 1312 by Dean (CO-INTRODUCERS) Sachs; (Compare to CS/CS/2ND ENG/H 1075) Protection Zones for Springs

Tab 8 SB 1440 by Montford; Florida Educator Hall of Fame

Tab 9 SB 1498 by Benacquisto; (Similar to 1ST ENG/H 1205) Pest Control

Tab 10 SB 7052 by GO; Government Efficiency

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON GENERAL
GOVERNMENT
Senator Hays, Chair
Senator Braynon, Vice Chair

MEETING DATE: Wednesday, February 17, 2016
TIME: 10:00 a.m.—12:00 noon
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Hays, Chair; Senator Braynon, Vice Chair; Senators Altman, Dean, Lee, Margolis, and Simpson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 704 Community Affairs / Hutson (Similar CS/CS/H 535, Compare H 295, CS/CS/H 431, H 1187, S 530, CS/CS/S 822, CS/S 1050)	Building Codes; Revising the certification examination requirements for building code inspectors, plans examiners, and building code administrators; authorizing local boards created to address specified issues to combine the appeals boards to create a single, local board; requiring all new and existing high-rise buildings to maintain a minimum radio signal strength for fire department communications; creating the Construction Industry Workforce Task Force within the University of Florida M.E. Rinker, Sr. School of Construction Management, etc. CA 02/01/2016 Fav/CS AGG 02/17/2016 Favorable FP	Favorable Yeas 5 Nays 1
2	SB 770 Simpson / Flores (Similar CS/CS/H 447, Compare H 867, S 1210)	Local Government Environmental Financing; Citing this act as the "Florida Keys Stewardship Act"; expanding the use of local government infrastructure surtaxes to include acquiring any interest in land for public recreation, conservation, or protection of natural resources or to reduce impacts of new development on hurricane evacuation clearance times; expanding the use of Everglades restoration bonds to include the City of Key West Area of Critical State Concern; requiring the Department of Environmental Protection to annually consider certain recommendations to buy specific lands within and outside an area of critical state concern, etc. CA 12/01/2015 Favorable AGG 02/17/2016 Fav/CS AP	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDAAppropriations Subcommittee on General Government
Wednesday, February 17, 2016, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 986 Banking and Insurance / Simpson (Identical CS/H 613)	Workers' Compensation System Administration; Deleting a required item to be listed on a notice of election to be exempt; requiring that the Department of Financial Services allow an employer who has not previously been issued an order of penalty assessment to receive a specified credit to be applied to the penalty; eliminating the certification requirements when an expert medical advisor is selected by a judge of compensation claims; deleting the requirement that employers notify the department within 24 hours of any injury resulting in death, etc. BI 01/26/2016 Temporarily Postponed BI 02/01/2016 Fav/CS AGG 02/17/2016 Favorable AP	Favorable Yeas 6 Nays 0
4	CS/SB 1050 Regulated Industries / Brandes (Similar H 1187, Compare CS/CS/H 535, CS/S 704, CS/CS/S 768)	Regulated Professions and Occupations; Deleting a requirement that yacht and ship brokers maintain a separate license for each branch office and related fees; repealing provisions relating to the licensure of athlete agents; excluding the practices of hair wrapping and body wrapping from regulation under the Florida Cosmetology Act; revising the process by which a business organization obtains the requisite license to perform architectural services, etc. RI 02/02/2016 Fav/CS AGG 02/17/2016 Fav/CS AP	Fav/CS Yeas 6 Nays 0
5	CS/SB 1160 Education Pre-K - 12 / Detert (Similar CS/H 701)	Art in the Capitol Competition; Creating the Art in the Capitol Competition for students in specified grades; specifying procedures for student participation, notification, and the selection and display of winning submissions, etc. ED 02/02/2016 Fav/CS AGG 02/17/2016 Favorable FP	Favorable Yeas 6 Nays 0
6	CS/SB 1310 Agriculture / Hutson (Compare CS/CS/H 749, CS/CS/H 7007, CS/S 1010)	Agriculture; Providing sole authority to regulate the burning of agricultural crops on certain lands to the Department of Agriculture and Consumer Services; revising the period during which certain agricultural lands in eradication or quarantine programs continue to be classified as such; preempting regulatory authority over commercial feed and feedstuff to the department, etc. AG 01/19/2016 Fav/CS AGG 02/17/2016 Favorable AP	Favorable Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDAAppropriations Subcommittee on General Government
Wednesday, February 17, 2016, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 1312 Dean	Protection Zones for Springs; Providing penalties for violations relating to protection zones for springs; directing the Fish and Wildlife Conservation Commission to establish protection zones to prevent harm to springs; requiring the commission to set vessel speed and operation standards for protection zones; requiring the commission to consult with certain other entities under certain circumstances; specifying responsibility for posting and maintaining regulatory markers, etc. EP 01/27/2016 Favorable AGG 02/17/2016 Favorable AP	Favorable Yeas 6 Nays 0
8	SB 1440 Montford	Florida Educator Hall of Fame; Establishing the Florida Educator Hall of Fame; providing procedures for the nomination, selection, and induction of members by the Florida Education Foundation and the Commissioner of Education, etc. ED 01/27/2016 Favorable AGG 02/17/2016 Temporarily Postponed FP	Temporarily Postponed
9	SB 1498 Benacquisto (Similar H 1205)	Pest Control; Authorizing the Department of Agriculture and Consumer Services to specify the circumstances when a written, 24-hour advance notice of fumigation to the department is not required; requiring the department to adopt rules that require certain safety measures for clearance of residential structures after fumigation, etc. AG 02/01/2016 Favorable AGG 02/17/2016 Favorable FP	Favorable Yeas 6 Nays 0
10	SB 7052 Governmental Oversight and Accountability	Government Efficiency; Requiring the Governor to develop government efficiency recommendations on an annual basis; requiring submission of recommendations to the Legislature; requiring state agencies to report quarterly regarding implemented recommendations and any cost impacts for a specified period of time, etc. AGG 02/17/2016 Favorable AP RC	Favorable Yeas 6 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: CS/SB 704

INTRODUCER: Community Affairs Committee and Senator Hutson

SUBJECT: Building Codes

DATE: February 16, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	Fav/CS
2.	Davis	DeLoach	AGG	Recommend: Favorable
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 704 makes the following changes to law:

- Makes several adjustments to the training and experience required to take the certification examinations for building code inspector, plans examiner, and building code administrator;
- Authorizes a local jurisdiction to allow an individual who possesses a residential certification issued by the International Code Council to be a residential building code inspector or plans examiner within said jurisdiction;
- Allows Category I liquefied petroleum gas dealers, liquefied petroleum gas installers, and specialty installers to disconnect and reconnect water lines in the servicing or replacement of existing water heaters;
- Exempts employees of apartment communities with 100 or more units from contractor licensing requirements if making minor repairs to existing electric water heaters or existing electric heating, ventilation, and air conditioning (HVAC) systems, if they meet certain training and experience criteria and the repair involves parts costing under \$1,000;
- Adds Division II contractors to the Florida Homeowners' Construction Recovery Fund section, which would allow homeowners to make a claim and receive restitution from the fund when they have been harmed by a Division II contractor, subject to certain requirements and financial caps;
- Exempts specific low-voltage landscape lighting from having to be installed by a licensed electrical contractor;
- Clarifies that a portable pool used for swimming lessons that are sponsored or provided by school districts is a private pool and not subject to regulation;

- Provides funding for the recommendations made by the Building Code System Uniform Implementation Evaluation Workgroup and provides funding for Florida Fire Prevention Code informal interpretations;
- Allows the creation of local boards to address conflicts between the Florida Building Code (Code) and the Florida Fire Prevention Code;
- Restricts the Florida Building Code from requiring more than one fire service access elevator in residential buildings of a certain height, and adds new provisions to the Florida Fire Prevention Code;
- Authorizes local building officials to issue phased permits for construction;
- Replaces advanced course provisions for Code training with Code-related training regarding the Florida Building Code Compliance and Mitigation Program and accreditation of courses related to the Code;
- Prohibits a municipality from denying development permit applications for a single-family home solely because a lot or combination of lots does not meet the current underlying zoning dimensional standards for minimum lot size and area;
- Prohibits local enforcement agencies from requiring payment of any additional fees, charges, or expenses associated with providing proof of licensure as a contractor, recording a contractor license, or providing or recording evidence of workers' compensation insurance covered by a contractor;
- Adds Underwriters Laboratories, Inc., to the list of entities that are authorized to produce information on which product approvals are based, related to the Code;
- Exempts Wi-Fi smoke alarms and those that contain multiple sensors, such as those combined with carbon monoxide alarms, from the 10-year, nonremovable, nonreplaceable battery provision;
- Prohibits adopting mandatory blower door and air infiltration testing and mechanical ventilation device requirements into the 2014 Code and reverts to the 2010 Code;
- Reinstates a wind mitigation exemption for professional engineer certification of HVAC units being installed;
- Adds provisions to the Code regarding fire separation distance and roof overhang projections;
- Creates the Construction Industry Task Force within the University of Florida Rinker School of Construction;
- Requires a restaurant, a cafeteria, or a similar dining facility, including an associated commercial kitchen, to have a fire area occupancy load requiring sprinklers consistent with the Florida Fire Prevention Code;
- Creates the Calder Sloan Swimming Pool Electrical-Safety Task Force to study and report on specific standards, especially with regard to minimizing risks of electrocutions linked to swimming pools; and
- Allows a specific energy rating index as an option for compliance with the energy code.

The bill has an indeterminate fiscal impact to the Department of Business and Professional Regulation (DBPR) and an insignificant negative impact to the Service Charge to General Revenue (see Section V, Fiscal Impact Statement).

This bill is effective July 1, 2016.

II. Present Situation:

The Florida Building Code and the Florida Building Commission

In 1974, Florida adopted a state minimum building code law requiring all local governments to adopt and enforce a building code that would ensure minimum standards for the public's health and safety. Four separate model codes were available that local governments could consider and adopt. In that system, the state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes as they desired.¹

In 1996, a study commission was appointed to review the system of local codes created by the 1974 law and to make recommendations for modernizing the entire system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and an enhanced oversight role for the state in local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Code) and that first edition replaced all local codes on March 1, 2002. In 2004, for the second edition of the Code, the state adopted the International Code Council's I-Codes.² All subsequent Codes have been adopted utilizing the International Code Council I-Codes as the base code. The most recent Code is the fifth edition which is referred to as the 2014 Code. The 2014 Code went into effect June 30, 2015.³

The Florida Building Commission (FBC) was statutorily created to implement the Code. The FBC, which is housed within the Department of Business and Professional Regulation (DBPR), is a 27-member technical body responsible for the development, maintenance, and interpretation of the Code. The FBC also approves products for statewide acceptance. Members are appointed by the Governor and confirmed by the Senate and include design professionals, contractors, and government experts in the various disciplines covered by the Code.⁴

Most substantive issues before the FBC are vetted through a workgroup process where consensus recommendations are developed and submitted by appointed representative stakeholder groups in an open process with several opportunities for public input.

According to the FBC,

General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can accept, support, live with or agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on substantive decisions, and the Commission finds that 100 percent acceptance or

¹ <http://www.myfloridalicense.com/dbpr/bcs/buildingcomm.html> (last visited Jan. 27, 2016).

² The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." The ICC publishes I-Codes: a complete set of model comprehensive, coordinated building safety and fire prevention codes, for all aspects of construction, that have been developed by ICC members. All 50 states have adopted the I-Codes.

³ <http://www.myfloridalicense.com/dbpr/bcs/buildingcomm.html> (last visited Jan. 27, 2016).

⁴ Section 553.74, F.S.

support is not achievable, final decisions require at least 75 percent favorable vote of all members present and voting.⁵

Building Code Administrators, Plans Examiners, and Inspectors Certifications

Building Code Inspector and Plans Examiner

In order to take the examination for building code inspector or plans examiner certifications, s. 468.609(2), F.S., provides that a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:

No.	Requirements
Option 1.	Demonstrates five years' combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought.
Option 2.	Demonstrates a combination of postsecondary education in the field of construction or a related field and experience which totals four years, with at least one year of such total being experience in construction, building code inspection, or plans review.
Option 3.	Demonstrates a combination of technical education in the field of construction or a related field and experience which totals four years, with at least one year of such total being experience in construction, building code inspection, or plans review.
Option 4.	Currently holds a standard certificate as issued by the Florida Building Code Administrators and Inspectors Board (Board) or a firesafety inspector license issued pursuant to ch. 633, has a minimum of five years' verifiable full-time experience in inspection or plans review, and satisfactorily completes a building code inspector or plans examiner training program of not less than 200 hours in the certification category sought. The Board shall establish, by rule, criteria for the development and implementation of the training programs.
Option 5.	Demonstrates a combination of the completion of an approved training program in the field of building code inspection or plans review and a minimum of two years' experience in the field of building code inspection; plans review; fire code inspections and fire plans review of new buildings as a firesafety inspector; or construction. The approved training portion of this requirement shall include proof of satisfactory completion of a training program ⁶ of not less than 300 hours which is approved by the Board in the chosen category of building code inspection or plans review in the certification category sought with not less than 20 hours of instruction in state laws, rules, and ethics relating to professional standards of practice, duties, and responsibilities of a certificate holder.

⁵ <http://www.myfloridalicense.com/dbpr/bcs/buildingcomm.html> (last visited Jan. 27, 2015).

⁶ The Board shall coordinate with the Building Officials Association of Florida, Inc., to establish, by rule, the development and implementation of the training program.

Although individuals have been able to meet the above requirements for a single certification, it is difficult to earn additional certifications while employed as an inspector or plans examiner.

Building Code Administrator

In order to take the examination for building code administrator certification, s. 468.609(3), F.S., provides that a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:

No.	Requirements
Option 1.	Demonstrates 10 years combined experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent, with at least five years of such experience in supervisory positions.
Option 2.	Demonstrates a combination of postsecondary education in the field of construction or related field, no more than five years of which may be applied, and experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent which totals 10 years, with at least five years of such total being experience in supervisory positions.

Apartment Maintenance Employees

Part I of ch. 489, F.S., regulates licensed construction contractors and provides that it is “necessary in the interest of the public health, safety, and welfare to regulate the construction industry.”⁷ Section 489.103, F.S., provides exemptions to Part I.

Section 489.103(9), F.S., (also referred to as the “Handyman Exemption”), provides an exemption to Part I for any work or operation of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than \$1,000. The exemption does not apply:

- If the construction, repair, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than \$1,000 for the purpose of evading Part I; or
- To a person who advertises that he or she is a contractor or otherwise represents that he or she is qualified to engage in contracting.

Propane Gas Water Heater Installations

Currently, natural gas utility employees have the authority under s. 489.105, F.S., to disconnect and reconnect water lines when servicing and replacing “existing” water heaters. Although natural gas and propane are piped in the same manner and have the same properties and pressures inside homes, the propane industry does not have the authority to disconnect and reconnect water lines and must contract with plumbers to start and complete this task. This

⁷ Section 489.101, F.S.

creates additional costs for propane water heater customers. According to the Florida Natural Gas Association, the installers of natural gas and propane appliances have the same capabilities for their job duties. For example, currently there are three companies within the state that have natural gas and propane sides to their operations. Their employees can disconnect and reconnect water lines when servicing natural gas water heaters, but the same employees cannot do this when servicing propane water heaters.⁸

Florida Homeowner’s Construction Recovery Fund

Florida Homeowners’ Construction Recovery Fund and the Construction Industry Licensing Board

The Florida Homeowners’ Construction Recovery Fund (fund) is created in s. 489.140, F.S., as a separate account in the Professional Regulation Trust Fund within the DBPR. The fund was created in 1993 after Hurricane Andrew as a fund of last resort to compensate consumers who contracted for construction, repair, or improvement of their Florida residence and who suffered monetary damages due to the financial misconduct, abandonment, or fraudulent statement of the licensed contractor,⁹ financially responsible officer, or business organization licensed.¹⁰

The fund is financed by a 1.5 percent surcharge on all building permit fees associated with the enforcement of the Code.¹¹ The proceeds from the surcharge are allocated equally to the fund and support the operations of the Building Code Administrators and Inspectors Board.^{12,13} A claimant must be a homeowner and the damage must have been caused by a Division I contractor.¹⁴

The fund is not permitted to compensate consumers who contracted with Division II contractors or to compensate consumers who suffered damages as a result of payments made in violation of the Florida Construction Lien Law under part I of ch. 713, F.S.

Division I contractors are listed in s. 489.105(3)(a)-(c), F.S., as the following:

General contractors	Residential contractors
Building contractors	

Division II contractors are listed in s. 489.105(3)(d)-(q), F.S., as the following:

Sheet metal contractors	Residential pool/spa contractors
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⁸ Email from Dale Calhoun, President of the Florida Natural Gas Association, RE: propane tank installations (Mar. 13, 2015).

⁹ Florida Department of Business and Professional Regulation, *Legislative Bill Analysis for 2014 SB 1098* (Mar. 11, 2014).

¹⁰ Section 489.1402(1)(g), F.S.

¹¹ Section 468.631(1), F.S.

¹² *Id.*

¹³ In 2013, the Legislature gave the DBPR the authority to transfer excess cash to the fund if it determines it is not needed to support the operation of the Building Code Administrators and Inspectors Board; however, DBPR may not transfer excess cash that would exceed the amount appropriated in the General Appropriations Act and any amount approved by the Legislative Budget Commission pursuant to s. 216.181, F.S. See s. 2, ch. 2013-187, L.O.F.

¹⁴ Section. 489.1402(1)(c), (d), and (f), F.S.

Roofing contractors	Swimming pool/spa servicing contractors
Class A air-conditioning contractors	Plumbing contractors
Class B air-conditioning contractors	Underground utility and excavation contractors
Class C air-conditioning contractors	Solar contractors
Mechanical contractors	Pollutant storage systems contractors
Commercial pool/spa contractors	Specialty contractors

Decisions regarding the fund are made by the Construction Industry Licensing Board (CILB) which is housed within the DBPR.

The CILB consists of 18 members who are responsible for licensing and regulating the construction industry in the state.¹⁵ The CILB is divided into Division I and Division II members following the definitions of Division I and Division II contractors respectively, with the jurisdiction falling to each division relative to their scope.¹⁶ Five members constitute a quorum for each division.

The CILB meets regularly to consider applications for licensure, to review disciplinary cases, and to conduct informal hearings related to licensure and discipline.¹⁷ It engages in rulemaking to implement the provisions set forth in the statutes and conducts other general business, as necessary.¹⁸

The CILB, with respect to actions for recovery from the fund, may “intervene, enter an appearance, file an answer, defend the action, or take any action it deems appropriate and may take recourse through any appropriate method of review” on behalf of the state.¹⁹ In accordance with the DBPR rules, “The CILB shall either authorize payment of the claim in full or in part, or deny the claim in full, by entry of a Final Order in accordance with s. 489.143, F.S. Action by the CILB shall be considered final agency action.”²⁰

Section 489.129, F.S., grants the CILB the authority to take actions against any certificate holder or registrant if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195, F.S., is found guilty of certain acts, including the acts that may qualify a claim to the fund. Specifically, the acts that may qualify a claim to the fund are financial misconduct, abandonment of the project, or fraudulent statement of the contractor²¹ and are described in s. 489.129(1)(g), (j), or (k), F.S. If the violation is not expressly

¹⁵ Section 489.107, F.S.

¹⁶ Section 489.107(4)(c), F.S.

¹⁷ Florida Department of Business and Professional Regulation, Construction Industry Licensing Board, available at <http://www.myfloridalicense.com/DBPR/pro/cilb/index.html> (Last visited Jan. 27, 2016).

¹⁸ Section 489.108, F.S.

¹⁹ Section 489.142(1), F.S.

²⁰ Rule 61G4-21.004(7), F.A.C.

²¹ Florida Department of Business and Professional Regulation, *Legislative Bill Analysis for 2014 SB 1098*, (Mar. 11, 2014).

based on s. 489.129(1)(g), (j), or (k), F.S., the claimant must demonstrate that the contractor engaged in activity that is described in those subsections.²²

Claims

The claimant must have obtained a final judgment, arbitration award, or CILB-issued restitution order against the contractor for damages that are a direct result of a compensable violation. A claim for recovery must be made within one year after the conclusion of any civil, criminal, administrative action, or award in arbitration based on the act.²³

Pursuant to s. 489.143, F.S., each recovery claim is limited to both a per-claim maximum amount and a total lifetime per-contractor maximum. For contracts entered prior to July 1, 2004, the fund claims are limited to \$25,000 per claim with a total lifetime aggregate limit of \$250,000 per licensee.²⁴ For contracts entered after July 1, 2004, the per-claim payment limits are increased to \$50,000 with a total lifetime aggregate of \$500,000 per licensee.²⁵ Claims are paid in the order that they are filed.²⁶

The CILB will not compensate claimants from the recovery fund for any of the following reasons:

- The claimant is a licensee who acted as the contractor;
- The claimant is the spouse of the judgment debtor or licensee or a personal representative of such spouse;
- The claim is based upon a construction contract in which the licensee was acting with respect to the property owned or controlled by the licensee;
- The claim is based upon a construction contract in which the contractor did not hold a valid and current license at the time of the construction contract;
- The claimant was associated in a business relationship with the licensee other than the contract at issue;
- When, after notice, the claimant has failed to provide documentation in support of the claims required by rule;
- Where the licensee has reached the aggregate limit; or
- The claimant has contracted for scope of work described in s. 489.105(3)(d)-(q), F.S. (Division II contractors).²⁷

The fund is also not permitted to compensate consumers who suffered damages as a result of payments made in violation of the Florida Construction Lien Law under part I of ch. 713, F.S.

²² Rule 61G4-21.003(3), F.A.C.

²³ Rule 61G4-21.003(5), F.A.C.

²⁴ Section 489.143(2) and (5), F.S.

²⁵ *Id.*

²⁶ Section 489.143(6), F.S.

²⁷ Rule 61G4-21.004(3), F.A.C.

Duty of Contractor to Give Notice of Fund

Any agreement or contract for the repair, restoration, improvement, or construction to residential real property must contain a statutorily mandated notification statement informing the consumer of their rights under the recovery fund, unless the total contract price is less than \$2,500.²⁸

Low Voltage Landscape Lighting

Chapter 489, Part II, F.S., regulates electrical and alarm system contractors. This regulation seeks to enable qualified persons to obtain licensure, while ensuring that applicants have sufficient technical experience in the applicable trade prior to licensure, are tested on technical and business matters, and upon licensure are made subject to disciplinary procedures and effective policing of the profession.²⁹

Section 489.503, F.S., provides exemptions to Part II for persons performing various tasks such as someone licensed as a fire protection system contractor while engaged in work as a fire protection system contractor, an employee monitoring an alarm system of a business, a lightning rod or related systems installer, etc.

Public Portable Swimming Pools

The FBC has included standards for the construction of public swimming pools in the Code which are enforced by local building departments throughout the state. In 2012, the Legislature determined that local building entities would have jurisdiction over permitting, plan reviews, and inspections of public swimming pools and public bathing places and that the Department of Health (DOH) would continue to have jurisdiction over the operating permits for public swimming pools and public bathing places.³⁰

The Miami-Dade school district has operated a learn-to-swim program for over 20 years. One of the ways they provide swimming lessons is through the use of portable pools. The DOH recently advised the school district that using portable pools to provide swimming lessons does not meet the DOH operating criteria and the school district cannot use them for that purpose.³¹

Florida Accessibility Code for Building Construction

The 1993 Legislature created the Florida Americans with Disability Accessibility Implementation Act which incorporated the architectural accessibility requirements of the Americans with Disabilities Act of 1990.³² The Florida Accessibility Code for Building Construction contains scoping and technical requirements for accessibility to sites, facilities, buildings, and elements by individuals with disabilities. The requirements are to be applied

²⁸ Section 489.1425, F.S.

²⁹ Section 489.501, F.S.

³⁰ Ch. 2012-184, Laws of Fla.

³¹ March 24, 2015, email on file with the House Government Operations Appropriations Subcommittee.

³² Preface to the 2010 Florida Building Code, Accessibility.

during the design, construction, additions to, and alteration of sites, facilities, buildings, and elements.³³

Section 553.512, F.S., directs the FBC to provide criteria for granting individual modifications of, or exceptions from, the “literal requirements of this part upon a determination of unnecessary, unreasonable, or extreme hardship, provided such waivers shall not violate federal accessibility laws and regulations and shall be reviewed by the Accessibility Advisory Council.”

The Accessibility Advisory Council consists of seven members, who are to be knowledgeable in the area of accessibility for persons with disabilities. The Secretary of the DBPR is to appoint the following for the membership:

- A representative from the Advocacy Center for Persons with Disabilities, Inc.;
- A representative from the Division of Blind Services;
- A representative from the Division of Vocational Rehabilitation;
- A representative from a statewide organization representing the physically handicapped;
- A representative from the hearing impaired;
- A representative from the President, Florida Council of Handicapped Organizations; and
- A representative from the Paralyzed Veterans of America.

According to the DBPR, the Florida Council of Handicapped Organizations no longer exists.³⁴

All Accessibility Advisory Council members are limited to two four-year terms and any member may be replaced by the Secretary if he or she has three unexcused absences from meetings. The members serve without compensation, but are entitled to reimbursement for per diem and travel expenses as provided by s. 112.061, F.S.

Section 553.775, F.S., provides procedures that may be invoked regarding interpretations of the Florida Accessibility Code for Building Construction, which include requiring the FBC to coordinate with the Building Officials Association of Florida, Inc., to designate panels of five members each to hear requests to review decisions of local building officials.

Building Code Compliance and Mitigation Program and Code-Related Training

Education and Training Requirements

The DBPR administers the Florida Building Code Compliance and Mitigation Program (program), which was created to develop, coordinate, and maintain education and outreach to persons who are required to comply with the Code and ensure consistent education, training, and communication of the Code’s requirements, including, but not limited to, methods for mitigation of storm-related damage.³⁵ The program is geared toward persons licensed and employed in the

³³ Section 101.1, of the 2012 Florida Accessibility Code for Building Construction.

³⁴ Correspondence from Department of Business and Professional Regulation to Mr. Warren H. Jernigan, President, Pensacola Pen Wheels Inc. Employ the Handicapped Council, Feb. 19, 2014.

³⁵ Section 553.841(2), F.S.

design and construction industries. The services and materials under the program must be provided by a private, nonprofit corporation under contract with the DBPR.³⁶

The education and training requirements of the program include maintaining a thorough knowledge of the Code, a thorough knowledge of Code compliance and enforcement, duties related to consumers, project completion, and compliance of design and construction to protect against consumer harm, storm damage, and other damage. The FBC establishes, via rules, the qualifications of accreditors and criteria for the accreditation of courses. Currently, the program requires advanced Code courses for each profession referenced in the Code.

Proponents of the bill state the following:

The advanced code course(s) was initiated when we first adopted a statewide uniform building code. It was mandated that all contractors and design professionals take the “advanced” code course. The various boards adopted the mandate as part of their rules and it became synonymous with any course that was “approved” by the FBC. It is now just a duplicative process in that you have to get a course approved by the FBC as an “advanced” course to access any of the training dollars through the Building A Safer Florida program. The same courses are approved individually by the various professional boards. It is a duplicative, costly process - you have to pay an accreditor to accredit the course, take it to the FBC Education Program Oversight Committee and then take it to the full FBC for approval. The courses are the same whether they get a stamp of “advanced” or not.³⁷

Surcharge

Section 553.721, F.S., provides for the DBPR to collect a surcharge that is 1.5 percent of the permit fees associated with enforcement of the Code as defined by the uniform account criteria and specifically the uniform account code for building permits adopted for local government financial reporting. The minimum amount to be collected on any permit issued is \$2. The proceeds that are collected from the surcharge are remitted to the DBPR and deposited in the Professional Regulation Trust Fund quarterly. These monies fund the program and the FBC.³⁸ Section 553.721, F.S., provides that the program is allocated \$925,000 from this fund each fiscal year.³⁹

Building Code System Uniform Implementation Evaluation Workgroup

The Building Code System Uniform Implementation Evaluation Workgroup was created on January 31, 2012, by the FBC and is composed of building industry stakeholders. Its objective

³⁶ Section 553.841(3), F.S.

³⁷ Email from Kari Roth, representing the Building Industry, RE: advanced courses in Florida Building Code Compliance and Mitigation Program (Mar. 8, 2015).

³⁸ The Florida Building Code Compliance and Mitigation Program is established in s. 553.841, F.S. Funds used by the DBPR as well as funds to be transferred to DOH shall be as prescribed in the annual General Appropriations Act.

³⁹ Funds used by the DBPR as well as funds to be transferred to DOH shall be as prescribed in the annual General Appropriations Act.

was to evaluate the success of the FBC to implement a unified building code throughout the state.⁴⁰

Fire Code Interpretation Committee

Section 633.212, F.S., provides legislative intent that the “Florida Fire Prevention Code be interpreted by fire officials and local enforcement agencies in a manner that reasonably and cost-effectively protects the public safety, health, and welfare; ensures uniform interpretations throughout this state; and provides just and expeditious processes for resolving disputes regarding such interpretations.” Further, it is the intent of the Legislature that the Division of State Fire Marshal establish a Fire Code Interpretation Committee composed of seven members and seven alternates, equally representing each area of the state, to which a person can pose questions regarding the interpretation of the Florida Fire Prevention Code provisions.⁴¹

Each nonbinding interpretation of Florida Fire Prevention Code provisions must be provided within 15 business days after receipt of a request for interpretation. The response period may be waived with the written consent of the party requesting the nonbinding interpretation and the State Fire Marshal. The interpretations are advisory only and nonbinding on the parties or the State Fire Marshal.⁴²

Florida Building Code and the Florida Fire Prevention Code

Section 553.73(11)(a), F.S., provides that,

In the event of a conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as applied to a specific project, the conflict shall be resolved by agreement between the local building code enforcement official and the local fire code enforcement official in favor of the requirement of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.

Any decision made by the local fire official and the local building official may be appealed to a local administrative board designated by the municipality, county, or special district having firesafety responsibilities. If the decision of the local fire official and the local building official is to apply the provisions of either the Code or the Florida Fire Prevention Code and the Life Safety Code, the local administrative board may not alter the decision unless the local administrative board determines that the application of such code is not reasonable.⁴³

If the decision of the local fire official and the local building official is to adopt an alternative to the codes, the local administrative board shall give due regard to the decision rendered by the

⁴⁰ Jeff A. Blair, Building Code System Uniform Implementation Evaluation Workgroup Report to the Florida Building Commission, p. 19 (Apr. 8, 2013).

⁴¹ Section 633.212(1), F.S.

⁴² Section 633.212(3), F.S. The Division of State Fire Marshal may charge a fee, not to exceed \$150, for each request for a review or nonbinding interpretation.

⁴³ Section 553.73(11)(b), F.S.

local officials and may modify that decision if the administrative board adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the local administrative board adopts alternatives to the decision rendered by the local fire official and the local building official, such alternatives shall provide an equivalent degree of lifesafety and an equivalent method of construction as the decision rendered by the local officials.⁴⁴

If the local building official and the local fire official are unable to agree on a resolution of the conflict between the Code and the Florida Fire Prevention Code and the Life Safety Code, the local administrative board shall resolve the conflict in favor of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.⁴⁵

Prior to June 30, 2015, the Code required that high-rise buildings with occupied floors in excess of 120 feet above the lowest level of fire department vehicle access have at least one fire service access elevator.⁴⁶

On June 30, 2015, the 2014 Code went into effect. Included in the 2014 Code was the following requirement:

Section 403.6.1 F.S., Fire service access elevator. In buildings with an occupied floor more than 120 feet (36,576 mm) above the lowest level of fire department vehicle access, no fewer than two fire service access elevators, or all elevators, whichever is less, shall be provided in accordance with Section 3007. Each fire service access elevator shall have a capacity of not less than 3500 pounds (1588 kg).⁴⁷

In Special Session 2015-A, prior to the Code going into effect, the Legislature enacted legislation to delay the effective date of this provision until July 1, 2016.⁴⁸

Phased Permitting

Section 553.79, F.S., prohibits any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building within the state without first obtaining a permit from the appropriate enforcing agency.⁴⁹ Further, a permit may not be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit complies with the requirements for plan review established by the FBC within the Code. However, the Code shall set standards and criteria to authorize preliminary construction before completion of all building plans review, including, but not limited to, special permits for the foundation only.⁵⁰

⁴⁴ *Id.*

⁴⁵ Section 553.73(11)(c), F.S.

⁴⁶ Section 403.6.1 of the 2010 Florida Building Code, Building.

⁴⁷ Section 403.6.1, of the 2014 Florida Building Code, Building.

⁴⁸ See s. 69, ch. 2015-222, L.O.F. 2015 (SB 2502-A, the Implementing Bill for 2015-2016 General Appropriations Act).

⁴⁹ Section 553.79(1), F.S.

⁵⁰ Section 553.79(6), F.S.

Section 105.13, F.S. (phased permit approval), of the Code provides the following:

After submittal of the appropriate construction documents, the building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes.

Substandard Lots

Many areas in Florida are platted prior to the adoption of zoning ordinances by a local governing body. As a result, the zoning ordinances may require minimum lot sizes for development based on a selected development pattern, rather than the underlying subdivision plat. This leads to many platted lots of record that do not conform to the current zoning standards, creating substandard lots and ultimately restricting the ability of landowners to develop their land.

Landowners have claimed that these restrictions on the development of their land constitute a taking⁵¹ under the United States Constitution. There are two main types of claims under the Takings Clause. First, there is a facial taking, also known as a per se or categorical taking, which occurs when the mere enactment of a regulation precludes all development of the property and deprives the property owner of all reasonable economic use of the property.⁵² Because this is a very difficult standard of proof, the Supreme Court has recognized that "facial takings challenges face an uphill battle."⁵³ There are also "as-applied" takings claims, in which the determination is whether there has been a substantial deprivation of economic use or reasonable investment-backed expectations.⁵⁴

The Supreme Court held that an as-applied takings claim against a municipality's enforcement of regulation is not ripe for review until (1) "the government entity charged with implementing the regulations has reached a final decision regarding the application of the regulations to the property at issue" and (2) "if a State provides an adequate procedure for seeking just compensation, the property owner cannot claim a violation of the Just Compensation Clause until it has used the procedure and been denied just compensation."⁵⁵ Florida courts have adopted this federal ripeness requirement.⁵⁶

⁵¹ U.S. Const. amend. V

⁵² See *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 1017, 112 S.Ct. 2886, 120 L.Ed.2d 798 (1992); *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U.S. 302, 122 S.Ct. 1465, 152 L.Ed.2d 517 (2002).

⁵³ *Suitum v. Tahoe Regional Planning Agency*, 520 U.S. 725, 736 n. 10, 117 S.Ct. 1659, 137 L.Ed.2d 980 (1997).

⁵⁴ See *generally Penn Central Transp. v. City of New York*, 438 U.S. 104, 98 S.Ct. 2646, 57 L.Ed.2d 631 (1978).

⁵⁵ *Williamson County Regional Planning Comm'n v. Hamilton Bank*, 473 U.S. 172, 186-94, 105 S.Ct. 3108, 87 L.Ed.2d 126 (1985).

⁵⁶ See *City of Jacksonville v. Wynn*, 650 So.2d 182 (Fla. 1st DCA 1995); *Tinnerman v. Palm Beach County*, 641 So.2d 523, 526 (Fla. 4th DCA 1994); *Glisson v. Alachua County*, 558 So.2d 1030, 1034 (Fla. 1st DCA 1990).

Ordinarily, before a takings claim becomes ripe, a property owner must take “reasonable and necessary”⁵⁷ steps to permit the land use authority to exercise its discretion in considering development plans, including the opportunity to grant any variances or waivers allowed by law. The requirement is usually met when the property owner files an application for a development permit with the local land use authority and receives a grant or denial of the permit.⁵⁸ If a court determines the claim is ripe, it must determine for each property, what, if any, reduction in beneficial use has been sustained by application of the challenged land use regulation and must consider the reasonable investment-backed expectations of each landowner relative to the date of purchase.⁵⁹

Local Government Fees

Part I of ch. 489, F.S., regulates licensed construction contractors and provides that it is “necessary in the interest of the public health, safety, and welfare to regulate the construction industry.”⁶⁰ Section 489.113(1), F.S., provides for individuals to become certified as a contractor in order to provide contracting services state-wide after the applicant meets licensure requirements and pays a fee. Likewise, those seeking to engage in contracting on other than a statewide basis may be registered, rather than certified, but must first submit a fee and file evidence of successful compliance with the local examination and licensure requirements for the geographical area for which the person wishes to be registered.⁶¹

Section 553.80, F.S., provides that, except for construction regarding correctional and mental health facilities, elevators, storage facilities, educational institutions, and toll collection facilities,⁶² each local government and each legally constituted enforcement district with statutory authority shall regulate building construction. Section 553.80(7), F.S., authorizes local governments to provide a schedule of consistent reasonable fees to be used solely for carrying out the local government’s responsibilities in enforcing the Code. The basis for the fee structure must relate to the level of service provided by the local government.

Local governments have created schedules of fees to be submitted by contractors at the time of application for a building permit. These fees include inspection fees, plan examination fees, site examination fees, building permit fees (based on square footage of the building), and various administrative fees including repermitting fees, time extension fees, reinspection fees, and licensure and workers’ compensation recording fees.⁶³

⁵⁷ Palazzolo v. Rhode Island, 533 U.S. 606, 620-21, 121 S.Ct. 2448, 150 L.Ed.2d 592 (2001).

⁵⁸ See, Glisson 558 So.2d at 1036 (holding that property owner failed to apply for, and been denied, a development permit, variance or rezoning request, resulting in a facial challenge).

⁵⁹ Collins v. Monroe County, 999 So.2d 709, 718 (Fla. 3d DCA 2008).

⁶⁰ Section 489.101, F.S.

⁶¹ Section 489.117(1), F.S.

⁶² Section 553.80(1), F.S.

⁶³ General fee information obtained on the website of Pasco County, Florida, *Permitting Document, Forms and Fees*, available at <http://www.flvec.com/pasco/content/UrlView?id=1529>.

Product Evaluation and Approval

The State Product Approval System provides manufacturers an opportunity to have building products approved for use in Florida by the FBC rather than seeking approval in each local jurisdiction where the product is used.⁶⁴ Section 553.842, F.S., directs the FBC to adopt rules to develop and implement a product evaluation and approval system that applies statewide to operate in coordination with the Code. The FBC may enter into contracts to provide for administration of the product evaluation and approval system. The product evaluation and approval system is to rely on national and international consensus standards, whenever adopted by the Code, for demonstrating compliance with Code standards. Other standards which meet or exceed established state requirements are also to be considered.

Section 553.842(8), F.S., authorizes the FBC to adopt rules to approve the following types of entities that produce information on which product approvals are based. The entities must comply with a nationally recognized standard demonstrating independence or no conflict of interest. The FBC is directed to specifically approve the following evaluation entities:⁶⁵

- The National Evaluation Service;
- The International Association of Plumbing and Mechanical Officials Evaluation Service;
- International Code Council Evaluation Services; and
- The Miami-Dade County Building Code Compliance Office Product Control Division.

Windstorm Loss Mitigation

Section 553.844, F.S., requires the FBC to implement windstorm loss mitigation techniques into the Code to combat property damage associated with hurricanes. The Code requires buildings located in wind-borne debris regions to be designed to withstand the minimum wind loads prescribed for that region.⁶⁶

In 2010, the Legislature provided that, notwithstanding other provisions of law, exposed mechanical equipment or appliances fastened on roofs or installed on the ground using rated stands, platforms, curbs, or slabs are deemed to comply with wind resistance requirements of the 2007 Florida Building Code. The provision was set to expire on the effective date of the 2010 Code (March 15, 2012).⁶⁷

In 2012, the Legislature added that further support or enclosure of the exposed mechanical equipment and appliances fastened on roofs or installed on the ground using rated stands, platforms, curbs, or slabs is not required. The provision was set to expire on the effective date of the most recent Code.⁶⁸

⁶⁴ Florida Department of Business and Professional Regulation, *Legislative Bill Analysis for SB 704, 5* (Dec. 10, 2015).

⁶⁵ Architects and engineers licensed in this state are also approved to conduct product evaluations, as provided in s. 553.842(5), F.S.

⁶⁶ Section 1609 of the 2014 Florida Building Code, Building.

⁶⁷ Florida Department of Business and Professional Regulation, *available at* http://www.floridabuilding.org/fbc/thecode/FBC_2009_Icode_Supplement.htm (last visited Feb. 1, 2016).

⁶⁸ The most recent Code is the 2014 Code, which was effective June 30, 2015.

Smoke Alarms in One-Family and Two-Family Homes

In relation to smoke alarms in one-family and two-family dwellings and townhomes, the Code provides that, “When alterations, repairs, or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be equipped with smoke alarms located as required for new dwellings.”⁶⁹

Section 553.883, F.S., requires owners of one-family and two-family dwellings and townhomes undergoing a repair, or a level 1 alteration as defined in the Code, to use a smoke alarm powered by a 10-year non-removable, non-replaceable battery in lieu of retrofitting the dwelling with a smoke alarm powered by the electrical system.

Effective January 1, 2015, each battery-powered smoke alarm that is installed or that replaces an existing battery-powered smoke alarm must be powered by a non-removable, non-replaceable battery that powers the alarm for a minimum of 10 years. These battery requirements do not apply to a fire alarm, smoke detector, smoke alarm, or ancillary component that is electronically connected as a part of a centrally monitored or supervised alarm system.

Blower Door/Air Infiltration Tests and Mechanical Ventilation Devices

Building contractors install certain features to intentionally ventilate and exhaust unwanted odors or combustion byproducts from a home—such as exhaust fans in the bathroom and above the stove. Unintentional air leakage can occur because of the construction techniques used and/or lack of attention to proper air sealing during construction. Air leakage can cause homes to be less energy efficient.⁷⁰

To identify and measure the cracks and holes present in a building’s envelope, a “blower door test” or an air infiltration test is used which measures the airtightness of a building by changing the building’s static pressure with respect to the outdoors and recording the amount of air flow required for that change. Results of the blower door test provide a standard measure of the leakage of a home, measured in cubic feet per minute of airflow which is then converted to air changes per hour so a home’s leakage can be compared to standard recommendations for healthy and energy-efficient homes. While less leakage is typically considered better, a home that has very little leakage can also cause poor indoor air quality. In order to prevent poor indoor air quality caused by a house that does not have proper ventilation or is sealed too tight, contractors use mechanical ventilation devices to filter outside air through the house HVAC system.⁷¹

On June 30, 2015, the 2014 Code went into effect. Included in the 2014 Code was the requirement that a home be tested via a blower door/air infiltration test to demonstrate specific air infiltration levels. Also part of the 2014 Code was required installation of a mechanical ventilation device designed to filter outside air through an HVAC system under certain circumstances.

⁶⁹ Section R314.3.1 of the 2010 Florida Building Code, Residential.

⁷⁰ Florida Dep’t of Agriculture and Consumer Services, available at <http://www.myfloridahomeenergy.com/help/library/contractors-certifications/testing-for-air-leakage/#sthash.mLO9s4Q2.dpbs> (last visited Jan. 27, 2016).

⁷¹ *Id.*

In Special Session 2015-A, prior to the Code going into effect, the Legislature enacted legislation to delay the effective date of these two provisions until June 30, 2016.⁷²

Florida Fire Prevention Code

State law on fire prevention and control is provided in ch. 633, F.S. The Chief Financial Officer is designated as the State Fire Marshal, operating through the Division of the State Fire Marshal (division) within the Department of Financial Services.⁷³ Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel; investigates the causes of fires; enforces arson laws; regulates the installation of fire equipment; conducts firesafety inspections of state property; develops firesafety standards; provides facilities for the analysis of fire debris; and operates the Florida State Fire College.

The State Fire Marshal is required to adopt the Florida Fire Prevention Code by rule every three years. The code contains or references all firesafety laws and rules regarding public and private buildings that pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and the enforcement of such firesafety laws and rules.⁷⁴

Fire Separation Distance and Roof Overhang Projections

Pursuant to s. 553.73(7)(a), F.S., the FBC must update the Code every three years. When updating the Code, the FBC is required to use the most current version of the International Building Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, the International Residential Code, and the international Electrical Code. These codes form the foundation codes of the updated Code.

Any amendments or modifications to the foundation codes found within the Code remain in effect only until the effective date of a new edition of the Code, every three years.⁷⁵ At that point, the amendments or modifications to the foundation codes are removed from the foundation code, unless the amendments or modifications are related to state agency regulations or are related to the wind-resistance design of buildings and structures within the high-velocity hurricane zone of Miami-Dade and Broward Counties, which are carried forward into the next edition of the Code.

When a provision of the current Code is not part of the foundation codes, an industry member or another interested party must resubmit the provision to the FBC during the Code adoption process in order to be considered for the next edition of the Code.⁷⁶

⁷² See ch. 2015-222, L.O.F. 2015 SB 2502-A Implementing Bill for 2015-2016 General Appropriations Act).

⁷³ Section 633.104, F.S.

⁷⁴ Section 633.202, F.S.

⁷⁵ Section 553.73(7)(g), F.S.

⁷⁶ Section 553.73(7)(g), F.S.

Fire Separation Distance

With regard to fire safety, an external wall is a “special kind of wall that is different from ordinary internal walls, and may be different from fire walls and fire partitions. Within flame contact range, the external wall needs to function like a fire wall and cope with fire from both sides. Beyond flame contact range, but within radiation danger range, the external wall needs to cope with fire from inside and radiation on the outside.”⁷⁷ The risk of fire spreading from one building to another reduces as the distance between them increases.

In the 2014 Code, Fire Separation Distance was defined as the distance measured from the building face to one of the following:⁷⁸

- To the closest interior lot line;
- To the centerline of a street, an alley or public way; or
- To an imaginary line between two buildings on the lot.⁷⁹

Roof Overhang Projections

A Florida-specific Code provision related to roof overhang projections was adopted by the FBC in the 2010 Code. Section R 302 Fire-Resistant Construction provides that “[c]onstruction, projections, openings, and penetrations of exterior walls of dwellings and accessory buildings shall comply with table R302.1.”

⁷⁷ C.R. Barnett, *Fire Separation Between External Walls of Buildings*, Fire Safety Science - Proceedings of the Second International Symposium, International Association for Fire Safety Science, p. 841.

⁷⁸ Section R202 of the 2010 Florida Building Code, Residential.

⁷⁹ The distance must be measured at right angles from the face of the wall.

TABLE R302.1 EXTERIOR WALLS

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	(Fire-resistance rated)	1 hour-tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	0 feet
	(Not fire-resistance rated)	0 hours	3 feet
Projections	(Fire-resistance rated)	1 hour on the underside	2 feet
	(Not fire-resistance rated)	0 hours	3 feet
Openings in walls	Not allowed	N/A	N/A
	Unlimited	0 hours	3 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet

For SI: 1 foot = 304.8 mm
 N/A = Not Applicable⁸⁰

A number of exceptions were provided for in the 2010 Code, including one that provides:

Openings and roof overhang projections shall be permitted on the exterior wall of a building located on a zero lot line when the building exterior wall is separated from an adjacent building exterior wall by a distance of 6 feet or more, and the roof overhang projection is separated from an adjacent building projection by a distance of 4 feet or more, with 1 hour fire resistive construction on the underside of the overhang required, unless the separation between projections is 6 feet or more.⁸¹

During the adoption process of the 2014 Code, the industry failed to request that the exception to the Fire-Resistant Construction be included in the updated Code. Because there was no request from the building industry to include the exception, the exception was not included when the 2014 Code became effective.

⁸⁰ Table R302.1, Exterior Walls, of the 2010 Florida Building Code, Residential.

⁸¹ Section R302.1 of the 2010 Florida Building Code, Residential.

Impetus for the Construction Industry Workforce Task Force

Single-family building permit activity, an indicator of new construction, reached its peak in Florida in 2005. During the recent recession, new construction declined significantly, bottoming out in 2009. New construction has increased in recent years, but contractors are having a hard time finding skilled labor.

Automatic Sprinkler Systems for Fire Areas

The Florida Fire Prevention Code requires a building containing one or more assembly occupancies where the aggregate occupant load of the assembly occupancies exceeds 300 to be protected by an approved automatic sprinkler system in accordance with NFPA 13.⁸² However, the Code contains a more stringent standard for certain buildings. Specifically, the Code requires restaurants, cafeteria, and similar dining facilities, including associated commercial kitchens, which contain assembly occupancies with occupant loads greater than 100 to be protected by an approved automatic sprinkler system.⁸³

Calder Sloan Swimming Pool Electrical Safety Task Force

The DOH is responsible for the oversight and regulation of water quality and safety of certain swimming pools in Florida under ch. 514, F.S. Inspections and permitting for swimming pools are conducted by the county health departments. Sanitation and safety standards for public pools have been adopted by rule under Chapter 64E-9, F.A.C.

Current construction rules for public pools require that written approval must be received from the DOH before construction can begin.⁸⁴ Plans are required to show the pool layout, tile markings, size of the pool ladder, gutter heights and, if night swimming is permitted, an engineer in Florida must provide certification that the underwater lighting meets the requirements of Rule 64E-9.006(2)(c)3, F.A.C., which sets the maximum lighting at 15 volts. The rule also permits all underwater lighting requirements to be waived if overhead lighting provides at least 15 foot candles of illumination at the pool water surface and wet pool deck.⁸⁵

Electrical equipment and wiring must meet national standards relating to the grounding of pool components. The standards that are incorporated into the rule are those of the National Fire Protection Association 70, National Electrical Code (NEC), 2008 Edition, and with any applicable local code. As a part of the plan approval, the electrical contractor or electrical inspector must certify a pool's compliance, on a form designated by the DOH.⁸⁶

The United States Consumer Product Union issued a Safety Alert in August 2012 recommending the installation of ground-fault circuit interrupter (GFCI) protections for pools, spas, and hot tubs for protection against electrocution hazards involving electrical circuits and underwater lighting

⁸² Section 13.3.2.7.2, New Assembly Occupancies, Florida Fire Prevention Code, Fifth Edition, I-92.

⁸³ Section 903.2.1.2, Florida Building Code, Fifth Edition.

⁸⁴ Rule 64E-9.005, F.A.C.

⁸⁵ Rule 64E-9.006(2)(c)3, F.A.C.

⁸⁶ Rule 64E-9.006(2)(d), F.A.C.

circuits in and around pools, spas, and hot tubs.⁸⁷ The Safety Alert noted that pools older than 30 years may not have the proper GFCI protection as the NEC provisions for spas only became effective in 1981 and that “electrical incidents involving underwater pool lighting were more numerous than those involving any other consumer product used in or around pools, spas, and hot tubs.”⁸⁸

Several news stories in South Florida in the past two years have also highlighted the issue. Three children were injured by electrical shocks in a Hialeah condominium community pool in April 2014. The building inspector’s report found that the pool pump was not properly grounded.⁸⁹ During the same month in North Miami, a 7-year-old boy, Calder Sloan, died from electrocution in his family’s North Miami swimming pool due to faulty wiring.⁹⁰

Energy Rating

The Energy Conservation volume of the Code prescribes a variety of energy efficiency and conservation requirements that buildings and homes must meet in order to comply with the Code. Currently, the International Code Council I-Codes, which are adopted triennially by the FBC as the foundation code for Florida, include an alternative Energy Rating Index that may be used as an option for meeting the energy conservation demands of the Code. The 2014 Code does not include this option.

III. Effect of Proposed Changes:

Section 1 amends s. 468.609, F.S., relating to certification examination requirements for building code inspectors, plans examiners, and building code administrators. Section 468.609(2)(c)4., F.S., or option 4 discussed on page 4, reduces the required number of years’ experience from five years to three years and revises the hours requirement from not less than 200 hours to a minimum of 100 hours but not more than 200 hours. Section 468.609(2)(c)5., F.S., or option 5 discussed on page 4, reduces the hour requirements for the training program from not less than 300 hours to at least 200 hours but not more than 300 hours and revises the required hours of instruction from not less than 20 hours to at least 20 hours but not more than 30 hours. The bill also adds a sixth option for becoming eligible to take the building code inspector or plans examiner certification examination. A person is now eligible to take the examination for certification as a building code inspector or plans examiner if he or she currently holds a standard certificate issued by the Florida Building Code Administrators and Inspectors Board (Board) or a firesafety inspector license issued pursuant to ch. 633, F.S., and:

⁸⁷ U.S. Product Safety Commission, Safety Alert, CPSC Document #5039 (Aug. 14, 2012), available at <http://www.cpsc.gov/PageFiles/118868/5039.pdf> (last visited: Jan. 27, 2016).

⁸⁸ *Id.*

⁸⁹ Roger Lohse, Shoddy Electrical Work Lead to 3 Kids’ Injuries at a Pool in Hialeah, Policy Say, LOCAL 10.COM, May 8, 2014, available at <http://www.local10.com/news/police-photos-show-shoddy-electrical-work-at-pool-that-caused-three-kids-to-be-shocked/25861796>. (last visited Jan. 27, 2016).

⁹⁰ Roger Lohse, South Fla. Boy Electrocuted by Pool Light While Swimming, LOCAL10.COM, April 17, 2014, available at <http://www.local10.com/news/south-fla-boy-electrocuted-by-pool-light-while-swimming/25538944> (last visited Jan. 27, 2016).

- Has at least five years of verifiable full-time experience as an inspector or plans examiner in a standard certification category currently held or has a minimum of five years' verifiable full-time experience as a firesafety inspector licensed pursuant to ch. 633, F.S.; and
- Satisfactorily completes a building code inspector or plans examiner classroom training course or program that provides at least 200 but not more than 300 hours of training in the certification category sought, except for one-family and two-family dwelling training programs which are required to provide at least 500 but not more than 800 hours of training as prescribed by the Board. The Board shall establish, by rule, criteria for the development and implementation of classroom training courses and programs in each certification category.

New section 468.609(4)(c)2., F.S., or option 2 on page 5, adds the requirement that the applicant must have completed at least 20 hours of instruction in state laws, rules, and ethics relating to professional standards of practice, duties, and responsibilities of a certificate holder, in Board-approved courses not to exceed 30 hours.

The section also authorizes a local jurisdiction to allow an individual who possesses a residential certification issued by the International Code Council to be a residential building code inspector or plans examiner within said jurisdiction.

Section 2, 3, 4, 5, and 8 amend ss. 468.627, 471.0195, F.S., 481.215, F.S., 481.313, F.S., and 489.115, to clarify that appropriate “code-related training” is required for issuance or renewal of specified licenses.

Section 6 amends s. 489.103, F.S., relating to exemptions from contracting requirements. The bill adds an exemption to part I of ch. 489, F.S., for an employee of an apartment community or apartment community management company who makes minor repairs to existing electric water heaters or to existing electric heating, venting, and air-conditioning systems when the repair costs do not exceed \$1,000 and are not the functional equivalent of replacing the system. Employees would be required to have one year of apartment maintenance experience and hold an apartment maintenance technician’s certificate from the National Apartment Association (NAA) to qualify for the exemption. The NAA certification course must be accredited by the American National Standards Institute and consists of a 90 hour training course covering identified topics and completion of examination requirements. The exemption only applies to employees of apartment communities of 100 apartments or greater.

Section 7 amends s. 489.105, F.S., relating to plumbing contractors. The bill extends the authority to disconnect and reconnect water lines in the servicing or replacement of an existing water heater to licensed Category I liquefied petroleum gas dealers, liquefied petroleum gas installers, and specialty installers.

Section 9 amends s. 489.1401, F.S., to revise the legislative intent to include both Division I and Division II contractors within the Florida Homeowners’ Construction Recovery Fund (Recovery Fund).

Section 10 amends s. 489.1402, F.S., to expand the Recovery Fund’s definition of “contractor” to include Division II contractors and the scopes of work set forth in s. 489.105(3)(a)-(q), F.S.

The section also amends the definition of “residence” to specifically include the term “single-family residence.”

Section 11 amends s. 489.141, F.S., to permit the payment of claims for consumers who contract after July 1, 2016, with Division II contractors for services that fall within s. 489.105(3)(d)-(q), F.S. In addition, the bill removes the prohibition against paying consumer claims where the damages resulted from payments made in violation of Florida’s Construction Lien Law for contracts entered after July 1, 2016.

Section 12 amends s. 489.1425, F.S., relating to notification provided by contractors regarding the recovery fund. The bill revises language for the notice that contractors must give to homeowners informing them of their rights under the recovery fund to advise that payments from the fund are up to a limited amount.

Section 13 amends s. 489.143, F.S., relating to payments from the Recovery Fund. The bill revises the law to include Division II contractors within the parameters of the Recovery Fund. Specifically, it revises the statutory limits on recovery payments to include Division II contracts beginning January 1, 2017, for any contract entered into after July 1, 2016. The bill limits Division II claims to \$15,000 per claim with a \$150,000 lifetime maximum per licensee.

The bill removes the prohibition against paying consumer claims where the damages resulted from payments made in violation of the Florida Construction Lien Law for contracts entered into after July 1, 2016.

Section 14 amends s. 489.503, F.S., relating to an exemption for certain types of low-voltage landscape lighting. The bill creates an exemption from the requirement to be a licensed electrical contractor for a person who installs low-voltage landscape lighting that contains a factory-installed electrical cord with a plug and does not require installation, wiring, or other modification to the electrical wiring of a structure.

Section 15 amends s. 489.517, F.S., to remove the requirement for electrical contractors to complete continuing education hours in advanced module courses on the Florida Building Code (Code) that are approved by the Florida Building Commission (FBC). Instead, contractors would be required to complete “code related training” on any portion of the Code. Code related training courses would no longer be required to be approved by the FBC.

Section 16 amends s. 514.011, F.S., relating to a definition of “private pool.” The bill amends the definition of a private pool in s. 514.011, F.S., to include portable pools used exclusively for the purpose of providing swimming lessons or related instruction in support of an established “Learn to Swim” educational program sponsored or provided by a county school district as a private pool and provides that these pools shall not be regulated as public pools.

Section 17 amends s. 514.0115, F.S., relating to exemptions from supervision or regulation of public swimming pools and public bathing facilities. A portable pool used for instructional purposes or to further an approved educational program may not be regulated as a public pool.

Section 18 amends s. 514.031, F.S., relating to permits necessary to operate public swimming pools.

Section 19 amends s. 553.512, F.S., relating to the Accessibility Advisory Council. The bill replaces the defunct Florida Council of Handicapped Organizations appointee category with Pensacola Pen Wheels Inc., Employ the Handicapped Council, which is an advocacy group that strives to aid the disabled through improving quality of life, work placement, and community involvement. For over 40 years the Pensacola-based group has led the disabled community by working together, growing together, and winning together. The organization focuses on ensuring accessibility for the disabled (ADA compliance, encouraging businesses and government organizations to improve their facilities to better accommodate the disabled).⁹¹

Section 20 amends s. 553.721, F.S., relating to the Florida Building Code Compliance and Mitigation Program (program). The bill provides funding from the existing funds of the program, not to exceed \$30,000 in Fiscal Year 2016-2017, for the recommendations made by the Building Code System Uniform Implementation Evaluation Workgroup. It also provides that funds collected from the surcharge also be used to fund Florida Fire Prevention Code informal (nonbinding) interpretations, not to exceed \$15,000 each fiscal year.

The bill provides the State Fire Marshal with rule-making authority to address changes made concerning Florida Fire Prevention Code informal interpretations.

Section 21 amends s. 553.73, F.S., relating to the Code. The bill authorizes local boards that are created to address issues arising under the Code and the Florida Fire Prevention Code to combine the appeals boards to create a single, local board having jurisdiction over matters arising under either or both codes. This combined board has the authority to grant alternatives or modifications but doesn't have the authority to waive the requirements of the Fire Prevention Code. The bill provides that in order to meet the quorum requirement, there must be at least one member of the board who is a fire protection contractor, a fire protection design professional, a fire department operations professional, or a fire code enforcement professional.

The bill prohibits the Code from requiring more than one fire service access elevator in residential occupancies where the highest occupiable floor is less than 420 feet above the level of fire service access. The remaining elevators must be provided with specified emergency operations.

The bill gives specific requirements for situations where fire service access elevators are required and where transient residential occupancies occur at floor levels above 420 feet above the level of fire service access.

Section 22 amends s. 553.775, F.S., relating to interpretations of the Florida Building Code and the Florida Accessibility Code for Building Construction. The bill also reduces the review panels of five members each to one panel of seven members. Five of the members must be licensed as building code administrators, one member must be a licensed architect, and one member must be licensed as an engineer.

⁹¹ Email correspondence from staff of Representative Clay Ingram, Apr. 16, 2015.

Section 23 amends s. 553.79, F.S., relating to phased permitting for construction. The bill provides that after an applicant submits the appropriate construction documents, the local building official may issue a phased permit. The holder of a phased permit for the foundation or other parts of a building or structure shall proceed with permitted activities at the holder's own risk and without assurance that a master building permit for the entire structure will be granted. The building official may require corrections to the phased permit to meet the requirements of the technical codes.

The section also prohibits a municipality from denying a development permit application for a single-family home solely because a lot or combination of lots does not meet the current underlying zoning dimensional standards for minimum lot size and area.

Section 24 amends s. 553.80, F.S., to prohibit local governments from requiring payment of any additional fees, charges, or expenses associated with providing proof of licensure as a contractor, recording a contractor license, or providing, recording, or filing evidence of workers' compensation insurance coverage by a contractor.

Section 25 amends s. 553.841, F.S., relating to the program. The bill authorizes, rather than directs, Department of Business and Professional Regulation (DBPR) to develop code-related training, in place of advanced modules, for each profession when administering program. The bill also removes the requirement that the FBC provide for the accreditation of courses related to the Code. When this requirement is removed, the program course providers will still be required to have their course reviewed and approved under the appropriate board that would be reviewing and approving the course for continuing education purposes. Sections 2, 3, 4, 5, 8, and 15 cover the same conforming changes.

Section 26 amends s. 553.842, F.S., relating to Code-related product evaluation and approval. The bill adds Underwriters Laboratories, Inc., (commonly known as "UL"), an independent safety consulting and certification company,⁹² to the list of entities that are authorized to produce information on which product approvals are based.

Section 27 revives and amends s. 553.844, F.S., to reinstate the windstorm mitigation exemption from the requirements of the section so that exposed mechanical equipment or appliances fastened on roofs or installed on the ground using rated stands, platforms, curbs, or slabs are deemed to comply with wind resistance requirements of the 2007 Code. The provision was set to expire on the effective date of the 2010 Code. The section also adds walls to the list of items installed on the ground.

Section 28 amends s. 553.883, F.S., relating to smoke alarms in one- and two-family dwellings and townhomes. The bill adds the following exceptions to the smoke alarm battery requirement:

- An alarm that uses a low-power or radio frequency wireless communication signal; or

⁹² According to Underwriters Laboratories, Inc., "UL is a global independent safety science company with more than a century of expertise innovating safety solutions from the public adoption of electricity to new breakthroughs in sustainability, renewable energy and nanotechnology." <http://UL.com/aboutul/> (last visited Jan. 27, 2016).

- An alarm that contains multiple sensors, such as a smoke alarm combined with a carbon monoxide alarm or other devices as the State Fire Marshal designates by rule.

Section 29 amends s. 553.908, F.S., relating to blower door and air infiltration tests and mechanical ventilation devices. The bill prohibits adopting mandatory blower door/air infiltration testing and mechanical ventilation device requirements into the 2014 Code and reverts to the 2010 Code.

Section 30 amends s. 633.202, F.S., relating to the Florida Fire Prevention Code. The bill adds the following provisions to the Florida Fire Prevention Code:

- In all new high-rise and existing high-rise buildings, minimum radio signal strength for fire department communications shall be maintained at a level determined by the authority having jurisdiction.
 - Existing buildings may not be required to comply with minimum radio strength for fire department communications and two-way radio system enhancement communications as required by the Florida Fire Prevention Code until January 1, 2022. However, by December 31, 2019, an existing building that is not in compliance with the requirements for minimum radio strength for fire department communications must initiate an application for an appropriate permit for the required installation with the local government agency having jurisdiction and must demonstrate that the building will become compliant by January 1, 2022.
 - Existing apartment buildings may not be required to comply until January 1, 2025. However, existing apartment buildings are required to initiate the appropriate permit for the required communications installation by December 31, 2022.
- Areas of refuge shall be provided when required by the Florida Accessibility Code for Building Construction. Required portions of an area of refuge shall be accessible from the space they serve by an accessible means of egress.

Section 31 amends s. 633.206, F.S., relating to uniform firesafety standards. The home environment provisions enumerated in the most current edition of the codes adopted by the Division of State Fire Marshal may be applied to existing assisted living facilities, at the option of each facility, notwithstanding the edition of the codes applied at the time of construction.

Section 32 amends s. 633.208, F.S., relating to minimum firesafety standards. The fire official may consider the Fire Safety Evaluation System⁹³ as an acceptable tool to identify low cost alternatives. It is acceptable to use the Fire Safety Evaluation System for Board and Care Facilities using prompt evacuation capabilities parameter values on existing residential high-rise buildings.

Section 33 amends s. 633.336, F.S., relating to fire protection contracting. It is acceptable for a fire protection contractor licensed under ch. 633, F.S., to subcontract with companies providing advanced technical services for installing, servicing, and maintaining fire pump control panels and fire pump drivers. To ensure the integrity of the system and to protect the interests of the property owner, those providing technical support services for fire pump control panels and drivers must be under contract with a licensed fire protection contractor.

⁹³ This system is in NFPA 101A, Alternative Solutions to Life Safety, current edition, adopted by the State Fire Marshal.

Section 34 directs the FBC to reinsert, within the 2014 Code, the Fire Separation Distance definition with a fourth option of measurement to include an imaginary line between two buildings when the exterior wall of one building is located on a zero lot line.

Section 35 directs the FBC to insert, within the 2014 Code, a provision that permits openings and roof overhang projections on the exterior wall of a building located on a zero lot line when the building exterior wall is separated from an adjacent building exterior wall by a distance of six feet or more and the projections between that building and an adjacent building is four feet or more.

Section 36 creates the Construction Industry Workforce Task Force within the University of Florida M.E. Rinker, Sr., School of Construction Management. The goals of the task force are to:

- Address the critical shortage of individuals trained in building construction and inspection.
- Develop a consensus path for training the next generation of construction workers in the state.
- Determine the causes for the current shortage of a trained construction industry work force and address the impact of the shortages on the recovery of the real estate market.
- Review current methods and resources available for construction training.
- Review the state of construction training available in K-12 schools.
- Address training issues relating to building code inspectors to increase the number of qualified inspectors.

The task force consists of 19 members. The task force will elect a chair from among its members. The University of Florida M.E. Rinker, Sr., School of Construction Management will provide assistance to the task force in carrying out its responsibilities. The task force will meet as often as necessary to fulfill its responsibilities, but not fewer than three times. The first meeting will be held no later than September 1, 2016. The meetings may be conducted via conference call, teleconferencing, or similar technology.

The task force will submit a final report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2017. The DBPR will provide \$50,000 from funds available for the program to the University of Florida M.E. Rinker, Sr., School of Construction Management. This section expires July 1, 2017.

Section 37 provides that notwithstanding any law, rule, or regulation to the contrary, a restaurant, a cafeteria, or a similar dining facility, including an associated commercial kitchen, is required to have a fire area occupancy load requiring sprinklers consistent with the Florida Fire Prevention Code.

Section 38 creates the Calder Sloan Swimming Pool Electrical-Safety Task Force. The bill establishes within the FBC the Calder Sloan Swimming Pool Electrical-Safety Task Force (Task Force), the purpose of which is to study standards on grounding, bonding, lighting, wiring, and all electrical aspects for safety in and around public and private swimming pools, especially with regard to minimizing risks of electrocutions linked to swimming pools.

The Task Force is to be composed of the Swimming Pool Committee and Electrical Technical Advisory Committee (both within the FBC) and is to be chaired by the Swimming Pool Contractor appointed to the FBC. The FBC will provide such staff, information, and other assistance as is reasonably necessary to assist the Task Force in carrying out its responsibilities.

The Task Force is directed to meet as often as necessary to fulfill its responsibilities, and meetings may be conducted by conference call, teleconferencing, or similar technology. The Task Force members are to serve without compensation.

The Task Force must submit a report on its findings, including recommended revisions to state law, if any, to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2016. The Task Force expires on December 31, 2016.

Section 39 directs the FBC to insert, within the 2014 Code, Energy Conservation volume, the Alternative Performance Path, Energy Rating Index of the 2015 International Energy Conservation Code as an option for demonstrating compliance with the Energy Conservation requirements of the Code.

Section 40 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

CS/SB 704 has an indeterminate fiscal impact to the private sector. Homeowners who have been harmed by Division II contractors and receive restitution from the Florida Homeowners' Construction Recovery Fund (Recovery Fund) will benefit from the bill.

Apartment owners with communities of 100 or more apartments who have employees make minor repairs to existing electric water heaters or existing electric HVAC systems

may experience savings if they meet the requirements of and utilize the contractor licensing requirements exemption.

C. Government Sector Impact:

The Department of Business and Professional Regulation (DBPR) is authorized to collect a surcharge of 1.5 percent of the permit fees associated with enforcement of the building code. This revenue is deposited in the Professional Regulation Trust Fund within the DBPR. The Florida Building Code Compliance and Mitigation Program (Program) receives \$925,000 annually from the surcharge. The bill permits the following distributions of funds from the Program:

- Up to \$30,000 in Fiscal Year 2016-2017 from existing resources to fund recommendations made by the Building Code System Uniform Implementation Evaluation Workgroup; and
- Up to \$15,000 annually from surcharge collections to fund the Florida Fire Prevention Code informal interpretations managed by the State Fire Marshal.

In addition, the bill provides \$50,000 from the Program to the University of Florida M.E. Rinker, Sr., School of Construction Management for the Construction Industry Workforce Task Force.

The DBPR estimates an annual reduction in revenue related to eliminations of application fees for accreditation of advanced module courses of \$5,000 and a \$400 corresponding reduction to the Service Charge to General Revenue. The DBPR also estimates a recurring positive fiscal impact of \$22,000 to the Professional Regulation Trust Fund due to the elimination of a continuing course accreditation program administrator.⁹⁴

The impact of permitting claims related to Division II contractors from the Recovery Fund is indeterminate. The amount of annual recovery fund payments is limited by the amount of funding received from the 1.5 percent surcharge on building permit fees. Due to the funding limits, the inclusion of additional claims may extend the amount of time it takes to pay each individual claim.

According to the DBPR, changes in licensing and renewal requirements will require programming modifications which can be handled with existing resources.⁹⁵

The bill has an indeterminate fiscal impact on local governments. Counties and municipalities that currently require a fee for recording a contracting license or workers' compensation insurance information will lose this source of revenue. It is unknown how many counties require these fees.

VI. Technical Deficiencies:

None.

⁹⁴ Department of Business and Professional Regulation, *Legislative Bill Analysis for SB 704* (Feb. 10, 2016).

⁹⁵ *Id.*

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 468.609, 468.627, 471.0195, 481.215, 481.313, 489.103, 489.105, 489.115, 489.1401, 489.1402, 489.141, 489.1425, 489.143, 489.503, 489.517, 514.011, 514.0115, 514.031, 553.512, 553.721, 553.73, 553.775, 553.79, 553.80, 553.841, 553.842, 553.844, 553.883, 553.908, 633.202, 633.206, 633.208, and 633.336.

The bill creates five undesignated sections of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on February 1, 2016:

- Prohibits a municipality from denying development permit applications for a single-family home solely because a lot or combination of lots does not meet the current underlying zoning dimensional standards for minimum lot size and area;
- Prohibits a local enforcement agency from charging additional fees, charges, or expenses related to the recording of a contractor's license or workers' compensation insurance;
- Reinstates the wind mitigation exemption for professional engineer certification of HVAC units being installed;
- Removes provisions that previously deleted exemptions from legislative ratification for certain updates and amendments to the Florida Building Code and the Florida Fire Prevention Code and required a statement of estimated regulatory costs to evaluate new sections of certain codes;
- Requires the Florida Building Commission to adopt a specified definition of the term "fire separation distance" in the Florida Building Code;
- Requires the Florida Building Commission to amend the Florida Building Code to allow specified openings and roof overhang projections on the exterior wall of a building located on a zero lot line in certain circumstances;
- Creates the Construction Industry Workforce Task Force within the University of Florida Rinker School of Construction Management;
- Requires the Florida Building Commission to adopt into the Florida Building Code a specific energy rating index as an option for compliance with the energy code;
- Requires a restaurant, a cafeteria, or a similar dining facility, including an associated commercial kitchen, to have a fire area occupancy load requiring sprinklers consistent with the Florida Fire Prevention Code; and
- Authorizes a local jurisdiction to allow an individual who possesses a residential certification issued by the International Code Council to be a residential building code inspector or plans examiner within said jurisdiction.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Community Affairs; and Senator Hutson

578-02878-16

2016704c1

1 A bill to be entitled
 2 An act relating to building codes; amending s.
 3 468.609, F.S.; revising the certification examination
 4 requirements for building code inspectors, plans
 5 examiners, and building code administrators;
 6 authorizing a local jurisdiction to allow an
 7 individual who possesses a specified certification to
 8 be a residential building code inspector or plans
 9 examiner within the jurisdiction; requiring, rather
 10 than authorizing, the Florida Building Code
 11 Administrators and Inspectors Board to provide for
 12 issuance of certain provisional certificates;
 13 conforming a cross-reference; amending ss. 468.627,
 14 471.0195, 481.215, and 481.313, F.S.; requiring a
 15 licensee or certificateholder to undergo code-related
 16 training as part of his or her continuing education
 17 courses; amending s. 489.103, F.S.; providing an
 18 exemption for certain employees who make minor repairs
 19 to existing electric water heaters and to existing
 20 electric heating, venting, and air-conditioning
 21 systems under specified circumstances; amending s.
 22 489.105, F.S.; revising the definition of the term
 23 "plumbing contractor"; amending s. 489.115, F.S.;
 24 requiring a certificateholder or registrant to undergo
 25 code-related training as part of his or her continuing
 26 education requirements; amending s. 489.1401, F.S.;
 27 revising legislative intent with respect to the
 28 purpose of the Florida Homeowners' Construction
 29 Recovery Fund; providing legislative intent that
 30 Division II contractors set apart funds to participate
 31 in the fund; amending s. 489.1402, F.S.; revising
 32 definitions; amending s. 489.141, F.S.; authorizing

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33 certain claimants to make a claim against the recovery
 34 fund for certain contracts entered into before a
 35 specified date; amending s. 489.1425, F.S.; revising a
 36 notification provided by contractors to certain
 37 residential property owners to state that payment from
 38 the recovery fund is limited; amending s. 489.143,
 39 F.S.; revising provisions concerning payments from the
 40 recovery fund; specifying claim amounts for certain
 41 contracts entered into before or after specified
 42 dates; providing aggregate caps for payments; amending
 43 s. 489.503, F.S.; exempting certain low-voltage
 44 landscape lighting from licensed electrical contractor
 45 installation requirements; amending s. 489.517, F.S.;
 46 requiring a certificateholder or registrant to undergo
 47 code-related training as part of his or her continuing
 48 education requirements; amending s. 514.011, F.S.;
 49 revising the definition of the term "private pool";
 50 amending s. 514.0115, F.S.; prohibiting a portable
 51 pool from being regulated as a public pool in certain
 52 circumstances; amending s. 514.031, F.S.; providing
 53 that a portable pool may not be used as a public pool
 54 unless it is exempt under s. 514.0115, F.S.; amending
 55 s. 553.512, F.S.; revising the membership of the
 56 Accessibility Advisory Council; amending s. 553.721,
 57 F.S.; directing the Florida Building Code Compliance
 58 and Mitigation Program to fund, from existing
 59 resources, the recommendations made by the Building
 60 Code System Uniform Implementation Evaluation
 61 Workgroup; providing a limitation; requiring that a

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62 specified amount of funds from the surcharge be used
 63 to fund certain Florida Fire Prevention Code informal
 64 interpretations; requiring the State Fire Marshal to
 65 adopt specified rules; amending s. 553.73, F.S.;
 66 authorizing local boards created to address specified
 67 issues to combine the appeals boards to create a
 68 single, local board; authorizing the local board to
 69 grant alternatives or modifications through specified
 70 procedures; requiring at least one member of a board
 71 to be a fire protection contractor, a fire protection
 72 design professional, a fire department operations
 73 professional, or a fire code enforcement professional
 74 in order to meet a specified quorum requirement;
 75 authorizing the appeal to a local administrative board
 76 of specified decisions made by a local fire official;
 77 specifying the decisions of the local building
 78 official and the local fire official which are subject
 79 to review; prohibiting the Florida Building Code from
 80 requiring more than one fire access elevator in
 81 certain buildings; prohibiting a 1-hour fire-rated
 82 fire service access elevator lobby from being required
 83 in certain circumstances; requiring a 1-hour fire-
 84 related fire service access elevator lobby in certain
 85 circumstances; providing that the requirement for a
 86 second fire service access elevator is not considered
 87 a part of the Florida Building Code; amending s.
 88 553.775, F.S.; revising the membership of a panel that
 89 hears requests to review decisions of local building
 90 officials; amending s. 553.79, F.S.; authorizing a

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91 building official to issue a permit for the
 92 construction of the foundation or any other part of a
 93 building or structure before the construction
 94 documents for the whole building or structure have
 95 been submitted; providing that the holder of such
 96 permit shall begin building at the holder's own risk
 97 and without assurance that a permit for the entire
 98 structure will be granted; prohibiting a municipality
 99 from denying certain development permit applications
 100 under certain circumstances; amending s. 553.80, F.S.;
 101 prohibiting a local enforcement agency from charging
 102 additional fees related to proof or recording of a
 103 contractor's license or workers' compensation
 104 insurance; amending s. 553.841, F.S.; authorizing,
 105 rather than requiring, the Department of Business and
 106 Professional Regulation to maintain, update, develop,
 107 or cause to be developed code-related training and
 108 education; deleting provisions related to the
 109 development of advanced courses with respect to the
 110 Florida Building Code Compliance and Mitigation
 111 Program and the accreditation of courses related to
 112 the Florida Building Code; amending s. 553.842, F.S.;
 113 providing that Underwriters Laboratories, Inc., is an
 114 approved evaluation entity; reviving, readopting, and
 115 amending s. 553.844, F.S.; deleting an obsolete
 116 provision; amending s. 553.883, F.S.; exempting
 117 certain devices from certain smoke alarm battery
 118 requirements; amending s. 553.908, F.S.; providing
 119 that certain provisions of the Florida Building Code

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120 or laws relating to air sealing and insulation cease
 121 to be effective on a specified date; providing for
 122 application of a specified section of the Florida
 123 Building Code (2010) in lieu of the later version of
 124 the code; prohibiting certain governmental entities
 125 from requiring certain HVAC type tests in specific
 126 buildings; authorizing such testing if a certain code
 127 is voluntarily used; amending s. 633.202, F.S.;
 128 requiring all new and existing high-rise buildings to
 129 maintain a minimum radio signal strength for fire
 130 department communications; providing a transitory
 131 period for compliance; requiring existing buildings
 132 and existing apartment buildings that are not in
 133 compliance to initiate an application for an
 134 appropriate permit by a specified date; requiring
 135 areas of refuge to be required as determined by the
 136 Florida Accessibility Code for Building Construction;
 137 amending s. 633.206, F.S.; providing that certain
 138 provisions may be applied to existing assisted living
 139 facilities notwithstanding the edition of the codes
 140 applied at the time of construction; amending s.
 141 633.208, F.S.; authorizing fire officials to consider
 142 certain systems as acceptable systems when identifying
 143 low-cost alternatives; amending s. 633.336, F.S.;
 144 authorizing a licensed fire protection contractor to
 145 subcontract for advanced technical services under
 146 certain circumstances; requiring the Florida Building
 147 Commission to adopt a specified definition of the term
 148 "fire separation distance" in the Florida Building

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149 Code; requiring the commission to amend the Florida
 150 Building Code to allow specified openings and roof
 151 overhang projections in certain circumstances;
 152 creating the Construction Industry Workforce Task
 153 Force within the University of Florida M.E. Rinker,
 154 Sr. School of Construction Management; specifying the
 155 goals of the task force; providing for membership;
 156 requiring the University of Florida M.E. Rinker, Sr.
 157 School of Construction Management to provide
 158 assistance to the task force; providing for meetings;
 159 requiring a report to the Governor and Legislature by
 160 a specified date; providing an appropriation from
 161 specified funds available to the Department of
 162 Business and Professional Regulation; providing for
 163 expiration of the task force; requiring a restaurant,
 164 a cafeteria, or a similar dining facility, including
 165 an associated commercial kitchen, to have a specified
 166 fire area occupancy load; creating the Calder Sloan
 167 Swimming Pool Electrical-Safety Task Force within the
 168 Florida Building Commission; specifying the purpose of
 169 the task force; requiring a report to the Governor and
 170 the Legislature by a specified date; providing for
 171 membership; requiring the Florida Building Commission
 172 to provide staff, information, and other assistance to
 173 the task force; providing that members of the task
 174 force serve without compensation; authorizing the task
 175 force to meet as often as necessary; providing for
 176 future repeal of the task force; directing the Florida
 177 Building Commission to adopt a specific energy rating

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178 index as an option for code compliance; specifying
179 Climate Zone indices; providing an effective date.

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

182
183 Section 1. Subsection (2) of section 468.609, Florida
184 Statutes, is amended, present subsections (4) through (10) of
185 that section are redesignated as subsections (5) through (11),
186 respectively, a new subsection (3) is added to that section, and
187 present subsections (3), (4), and (7) of that section are
188 amended, to read:

189 468.609 Administration of this part; standards for
190 certification; additional categories of certification.-

191 (2) A person may take the examination for certification as
192 a building code inspector or plans examiner pursuant to this
193 part if the person:

194 (a) Is at least 18 years of age.

195 (b) Is of good moral character.

196 (c) Meets eligibility requirements according to one of the
197 following criteria:

198 1. Demonstrates 5 years' combined experience in the field
199 of construction or a related field, building code inspection, or
200 plans review corresponding to the certification category sought;

201 2. Demonstrates a combination of postsecondary education in
202 the field of construction or a related field and experience
203 which totals 4 years, with at least 1 year of such total being
204 experience in construction, building code inspection, or plans
205 review;

206 3. Demonstrates a combination of technical education in the

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207 field of construction or a related field and experience which
208 totals 4 years, with at least 1 year of such total being
209 experience in construction, building code inspection, or plans
210 review;

211 4. Currently holds a standard certificate ~~as~~ issued by the
212 board, or a firesafety ~~fire-safety~~ inspector license issued
213 pursuant to chapter 633, has a minimum of 3 ~~5~~ years' verifiable
214 full-time experience in inspection or plan review, and has
215 satisfactorily completed ~~completes~~ a building code inspector or
216 plans examiner training program that provides at least 100
217 hours, but not more of not less than 200 hours, of cross-
218 training in the certification category sought. The board shall
219 establish by rule criteria for the development and
220 implementation of the training programs. The board shall accept
221 all classroom training offered by an approved provider if the
222 content substantially meets the intent of the classroom
223 component of the training program; ~~or~~

224 5. Demonstrates a combination of the completion of an
225 approved training program in the field of building code
226 inspection or plan review and a minimum of 2 years' experience
227 in the field of building code inspection, plan review, fire code
228 inspections and fire plans review of new buildings as a
229 firesafety inspector certified under s. 633.216, or
230 construction. The approved training portion of this requirement
231 must ~~shall~~ include proof of satisfactory completion of a
232 training program that provides at least 200 hours, but not more
233 of not less than 300 hours, of cross-training that which is
234 approved by the board in the chosen category of building code
235 inspection or plan review in the certification category sought

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236 with at least not less than 20 hours, but not more than 30
 237 hours, of instruction in state laws, rules, and ethics relating
 238 to professional standards of practice, duties, and
 239 responsibilities of a certificateholder. The board shall
 240 coordinate with the Building Officials Association of Florida,
 241 Inc., to establish by rule the development and implementation of
 242 the training program. However, the board shall accept all
 243 classroom training offered by an approved provider if the
 244 content substantially meets the intent of the classroom
 245 component of the training program; or

246 6. Currently holds a standard certificate issued by the
 247 board or a firesafety inspector license issued pursuant to
 248 chapter 633 and:

249 a. Has at least 5 years' verifiable full-time experience as
 250 an inspector or a plans examiner in a standard certification
 251 category currently held or has a minimum of 5 years' verifiable
 252 full-time experience as a firesafety inspector licensed pursuant
 253 to chapter 633.

254 b. Has satisfactorily completed a building code inspector
 255 or plans examiner classroom training course or program that
 256 provides at least 200 hours, but not more than 300 hours, in the
 257 certification category sought, except for one-family and two-
 258 family dwelling training programs, which are required to provide
 259 at least 500 hours, but not more than 800 hours, of training as
 260 prescribed by the board. The board shall establish by rule
 261 criteria for the development and implementation of classroom
 262 training courses and programs in each certification category.

263 (3) Notwithstanding any law to the contrary, a local
 264 jurisdiction may allow an individual who possesses a residential

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265 certification issued by the International Code Council to be a
 266 residential building code inspector or plans examiner within the
 267 jurisdiction.

268 (4)-(3) A person may take the examination for certification
 269 as a building code administrator pursuant to this part if the
 270 person:

271 (a) Is at least 18 years of age.

272 (b) Is of good moral character.

273 (c) Meets eligibility requirements according to one of the
 274 following criteria:

275 1. Demonstrates 10 years' combined experience as an
 276 architect, engineer, plans examiner, building code inspector,
 277 registered or certified contractor, or construction
 278 superintendent, with at least 5 years of such experience in
 279 supervisory positions; or

280 2. Demonstrates a combination of postsecondary education in
 281 the field of construction or related field, no more than 5 years
 282 of which may be applied, and experience as an architect,
 283 engineer, plans examiner, building code inspector, registered or
 284 certified contractor, or construction superintendent which
 285 totals 10 years, with at least 5 years of such total being
 286 experience in supervisory positions. In addition, the applicant
 287 must have completed training consisting of at least 20 hours,
 288 but not more than 30 hours, of instruction in state laws, rules,
 289 and ethics relating to the professional standards of practice,
 290 duties, and responsibilities of a certificateholder.

291 (5)-(4) A ~~no~~ person may not engage in the duties of a
 292 building code administrator, plans examiner, or building code
 293 inspector pursuant to this part after October 1, 1993, unless

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294 such person possesses one of the following types of
 295 certificates, currently valid, issued by the board attesting to
 296 the person's qualifications to hold such position:

297 (a) A standard certificate.

298 (b) A limited certificate.

299 (c) A provisional certificate.

300 (d) A residential certificate pursuant to subsection (3).

301 (8) (a) (7) (a) The board shall ~~may~~ provide for the issuance
 302 of provisional certificates valid for 1 year, as specified by
 303 board rule, to any newly employed or promoted building code
 304 inspector or plans examiner who meets the eligibility
 305 requirements described in subsection (2) and any newly employed
 306 or promoted building code administrator who meets the
 307 eligibility requirements described in subsection (4) ~~(3)~~. The
 308 provisional license may be renewed by the board for just cause;
 309 however, a provisional license is not valid for a period longer
 310 than 3 years.

311 (b) ~~A~~ No building code administrator, plans examiner, or
 312 building code inspector may not have a provisional certificate
 313 extended beyond the specified period by renewal or otherwise.

314 (c) The board shall ~~may~~ provide for appropriate levels of
 315 provisional certificates and may issue these certificates with
 316 such special conditions or requirements relating to the place of
 317 employment of the person holding the certificate, the
 318 supervision of such person on a consulting or advisory basis, or
 319 other matters as the board may deem necessary to protect the
 320 public safety and health.

321 (d) A newly employed or hired person may perform the duties
 322 of a plans examiner or building code inspector for 120 days if a

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323 provisional certificate application has been submitted if such
 324 person is under the direct supervision of a certified building
 325 code administrator who holds a standard certification and who
 326 has found such person qualified for a provisional certificate.
 327 Direct supervision and the determination of qualifications may
 328 also be provided by a building code administrator who holds a
 329 limited or provisional certificate in a county having a
 330 population of fewer than 75,000 and in a municipality located
 331 within such county.

332 Section 2. Subsection (5) of section 468.627, Florida
 333 Statutes, is amended to read:

334 468.627 Application; examination; renewal; fees.—

335 (5) The certificateholder shall provide proof, in a form
 336 established by board rule, that the certificateholder has
 337 completed at least 14 classroom hours of at least 50 minutes
 338 each of continuing education courses during each biennium since
 339 the issuance or renewal of the certificate, including code-
 340 related training ~~the specialized or advanced coursework approved~~
 341 ~~by the Florida Building Commission~~, as part of the building code
 342 training program established pursuant to s. 553.841, appropriate
 343 to the licensing category sought. A minimum of 3 of the required
 344 14 classroom hours must be on state law, rules, and ethics
 345 relating to professional standards of practice, duties, and
 346 responsibilities of the certificateholder. The board shall by
 347 rule establish criteria for approval of continuing education
 348 courses and providers, and may by rule establish criteria for
 349 accepting alternative nonclassroom continuing education on an
 350 hour-for-hour basis.

351 Section 3. Section 471.0195, Florida Statutes, is amended

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352 to read:

353 471.0195 Florida Building Code training for engineers.—All
 354 licensees actively participating in the design of engineering
 355 works or systems in connection with buildings, structures, or
 356 facilities and systems covered by the Florida Building Code
 357 shall take continuing education courses and submit proof to the
 358 board, at such times and in such manner as established by the
 359 board by rule, that the licensee has completed any specialized
 360 or code-related training advanced courses on any portion of the
 361 Florida Building Code applicable to the licensee's area of
 362 practice. The board shall record reported continuing education
 363 courses on a system easily accessed by code enforcement
 364 jurisdictions for evaluation when determining license status for
 365 purposes of processing design documents. Local jurisdictions
 366 shall be responsible for notifying the board when design
 367 documents are submitted for building construction permits by
 368 persons who are not in compliance with this section. The board
 369 shall take appropriate action as provided by its rules when such
 370 noncompliance is determined to exist.

371 Section 4. Subsection (5) of section 481.215, Florida
 372 Statutes, is amended to read:

373 481.215 Renewal of license.—

374 (5) The board shall require, by rule adopted pursuant to
 375 ss. 120.536(1) and 120.54, a specified number of hours in
 376 specialized or code-related training advanced courses, approved
 377 by the Florida Building Commission, on any portion of the
 378 Florida Building Code, adopted pursuant to part IV of chapter
 379 553, relating to the licensee's respective area of practice.

380 Section 5. Subsection (5) of section 481.313, Florida

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381 Statutes, is amended to read:

382 481.313 Renewal of license.—

383 (5) The board shall require, by rule adopted pursuant to
 384 ss. 120.536(1) and 120.54, a specified number of hours in
 385 specialized or code-related training advanced courses, approved
 386 by the Florida Building Commission, on any portion of the
 387 Florida Building Code, adopted pursuant to part IV of chapter
 388 553, relating to the licensee's respective area of practice.

389 Section 6. Subsection (23) is added to section 489.103,
 390 Florida Statutes, to read:

391 489.103 Exemptions.—This part does not apply to:

392 (23) An employee of an apartment community or apartment
 393 community management company who makes minor repairs to existing
 394 electric water heaters or to existing electric heating, venting,
 395 and air-conditioning systems if:

396 (a) The employee:

- 397 1. Does not hold himself or herself or his or her employer
 398 out to be licensed or qualified by a licensee.
- 399 2. Does not perform any acts, other than acts authorized by
 400 this exemption, which constitute contracting.
- 401 3. Receives compensation from and is under the supervision
 402 and control of an employer who deducts the FICA and withholding
 403 tax and who provides workers' compensation, as prescribed by
 404 law.
- 405 4. Holds a current certificate for apartment maintenance
 406 technicians issued by the National Apartment Association and
 407 accredited by the American National Standards Institute.
 408 Requirements for obtaining such certificate must include at
 409 least:

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- 410 a. One year of apartment or rental housing maintenance
 411 experience.
- 412 b. Successful completion of at least 90 hours of courses or
 413 online content that covers electrical maintenance and repair;
 414 plumbing maintenance and repair; heating, venting, or air-
 415 conditioning system maintenance and repair; appliance
 416 maintenance and repair; and interior and exterior maintenance
 417 and repair.
- 418 c. Completion of all examination requirements.
- 419 (b) The equipment:
- 420 1. Is already installed on the property owned by the
 421 apartment community or managed by the apartment community
 422 management company.
- 423 2. Is not being modified except to replace components
 424 necessary to return the equipment to its original condition and
 425 the partial disassembly associated with the replacement.
- 426 3. Is a type of equipment commonly installed in similar
 427 locations.
- 428 4. Is repaired with new parts that are functionally
 429 identical to the parts being replaced.
- 430 (c) An individual repair does not involve replacement parts
 431 that cost more than \$1,000. An individual repair may not be so
 432 extensive as to be a functional replacement of the electric
 433 water heater or the existing electric heating, venting, or air-
 434 conditioning system being repaired.
- 435 (d) The property owned by the apartment community or
 436 managed by the apartment community management company includes
 437 at least 100 apartments.
- 438 Section 7. Paragraph (m) of subsection (3) of section

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- 439 489.105, Florida Statutes, is amended to read:
- 440 489.105 Definitions.—As used in this part:
- 441 (3) "Contractor" means the person who is qualified for, and
 442 is only responsible for, the project contracted for and means,
 443 except as exempted in this part, the person who, for
 444 compensation, undertakes to, submits a bid to, or does himself
 445 or herself or by others construct, repair, alter, remodel, add
 446 to, demolish, subtract from, or improve any building or
 447 structure, including related improvements to real estate, for
 448 others or for resale to others; and whose job scope is
 449 substantially similar to the job scope described in one of the
 450 paragraphs of this subsection. For the purposes of regulation
 451 under this part, the term "demolish" applies only to demolition
 452 of steel tanks more than 50 feet in height; towers more than 50
 453 feet in height; other structures more than 50 feet in height;
 454 and all buildings or residences. Contractors are subdivided into
 455 two divisions, Division I, consisting of those contractors
 456 defined in paragraphs (a)-(c), and Division II, consisting of
 457 those contractors defined in paragraphs (d)-(q):
- 458 (m) "Plumbing contractor" means a contractor whose services
 459 are unlimited in the plumbing trade and includes contracting
 460 business consisting of the execution of contracts requiring the
 461 experience, financial means, knowledge, and skill to install,
 462 maintain, repair, alter, extend, or, if not prohibited by law,
 463 design plumbing. A plumbing contractor may install, maintain,
 464 repair, alter, extend, or, if not prohibited by law, design the
 465 following without obtaining an additional local regulatory
 466 license, certificate, or registration: sanitary drainage or
 467 storm drainage facilities, water and sewer plants and

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468 substations, venting systems, public or private water supply
 469 systems, septic tanks, drainage and supply wells, swimming pool
 470 piping, irrigation systems, and solar heating water systems and
 471 all appurtenances, apparatus, or equipment used in connection
 472 therewith, including boilers and pressure process piping and
 473 including the installation of water, natural gas, liquefied
 474 petroleum gas and related venting, and storm and sanitary sewer
 475 lines. The scope of work of the plumbing contractor also
 476 includes the design, if not prohibited by law, and installation,
 477 maintenance, repair, alteration, or extension of air-piping,
 478 vacuum line piping, oxygen line piping, nitrous oxide piping,
 479 and all related medical gas systems; fire line standpipes and
 480 fire sprinklers if authorized by law; ink and chemical lines;
 481 fuel oil and gasoline piping and tank and pump installation,
 482 except bulk storage plants; and pneumatic control piping
 483 systems, all in a manner that complies with all plans,
 484 specifications, codes, laws, and regulations applicable. The
 485 scope of work of the plumbing contractor applies to private
 486 property and public property, including any excavation work
 487 incidental thereto, and includes the work of the specialty
 488 plumbing contractor. Such contractor shall subcontract, with a
 489 qualified contractor in the field concerned, all other work
 490 incidental to the work but which is specified as being the work
 491 of a trade other than that of a plumbing contractor. This
 492 definition does not limit the scope of work of any specialty
 493 contractor certified pursuant to s. 489.113(6), and does not
 494 require certification or registration under this part as a
 495 category I liquefied petroleum gas dealer, LP gas installer, or
 496 specialty installer who is licensed under chapter 527 or an ef

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497 ~~any~~ authorized employee of a public natural gas utility or of a
 498 private natural gas utility regulated by the Public Service
 499 Commission when disconnecting and reconnecting water lines in
 500 the servicing or replacement of an existing water heater. A
 501 plumbing contractor may perform drain cleaning and clearing and
 502 install or repair rainwater catchment systems; however, a
 503 mandatory licensing requirement is not established for the
 504 performance of these specific services.

505 Section 8. Paragraph (b) of subsection (4) of section
 506 489.115, Florida Statutes, is amended to read:

507 489.115 Certification and registration; endorsement;
 508 reciprocity; renewals; continuing education.-

509 (4)

510 (b)1. Each certificateholder or registrant shall provide
 511 proof, in a form established by rule of the board, that the
 512 certificateholder or registrant has completed at least 14
 513 classroom hours of at least 50 minutes each of continuing
 514 education courses during each biennium since the issuance or
 515 renewal of the certificate or registration. The board shall
 516 establish by rule that a portion of the required 14 hours must
 517 deal with the subject of workers' compensation, business
 518 practices, workplace safety, and, for applicable licensure
 519 categories, wind mitigation methodologies, and 1 hour of which
 520 must deal with laws and rules. The board shall by rule establish
 521 criteria for the approval of continuing education courses and
 522 providers, including requirements relating to the content of
 523 courses and standards for approval of providers, and may by rule
 524 establish criteria for accepting alternative nonclassroom
 525 continuing education on an hour-for-hour basis. The board shall

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526 prescribe by rule the continuing education, if any, which is
 527 required during the first biennium of initial licensure. A
 528 person who has been licensed for less than an entire biennium
 529 must not be required to complete the full 14 hours of continuing
 530 education.

531 2. In addition, the board may approve specialized
 532 continuing education courses on compliance with the wind
 533 resistance provisions for one and two family dwellings contained
 534 in the Florida Building Code and any alternate methodologies for
 535 providing such wind resistance which have been approved for use
 536 by the Florida Building Commission. Division I
 537 certificateholders or registrants who demonstrate proficiency
 538 upon completion of such specialized courses may certify plans
 539 and specifications for one and two family dwellings to be in
 540 compliance with the code or alternate methodologies, as
 541 appropriate, except for dwellings located in floodways or
 542 coastal hazard areas as defined in ss. 60.3D and E of the
 543 National Flood Insurance Program.

544 3. The board shall require, by rule adopted pursuant to ss.
 545 120.536(1) and 120.54, a specified number of hours in
 546 specialized or code-related training advanced module courses,
 547 ~~approved by the Florida Building Commission,~~ on any portion of
 548 the Florida Building Code, adopted pursuant to part IV of
 549 chapter 553, relating to the contractor's respective discipline.

550 Section 9. Subsections (2) and (3) of section 489.1401,
 551 Florida Statutes, are amended to read:

552 489.1401 Legislative intent.—

553 (2) It is the intent of the Legislature that the sole
 554 purpose of the Florida Homeowners' Construction Recovery Fund is

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555 to compensate an ~~any~~ aggrieved claimant who contracted for the
 556 construction or improvement of the homeowner's residence located
 557 within this state and who has obtained a final judgment in a ~~any~~
 558 court of competent jurisdiction, was awarded restitution by the
 559 Construction Industry Licensing Board, or received an award in
 560 arbitration against a licensee on grounds of financial
 561 mismanagement or misconduct, abandoning a construction project,
 562 or making a false statement with respect to a project. Such
 563 grievance must arise ~~and arising~~ directly out of a ~~any~~
 564 transaction conducted when the judgment debtor was licensed and
 565 must involve an act performed ~~any of the activities~~ enumerated
 566 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence.~~

567 (3) It is the intent of the Legislature that Division I and
 568 Division II contractors set apart funds for the specific
 569 objective of participating in the fund.

570 Section 10. Paragraphs (d), (i), (k), and (l) of subsection
 571 (1) of section 489.1402, Florida Statutes, are amended to read:
 572 489.1402 Homeowners' Construction Recovery Fund;
 573 definitions.—

574 (1) The following definitions apply to ss. 489.140-489.144:

575 (d) "Contractor" means a Division I or Division II
 576 contractor performing his or her respective services described
 577 in s. 489.105(3) ~~s. 489.105(3)(a)-(c)~~.

578 (i) "Residence" means a single-family residence, an
 579 individual residential condominium or cooperative unit, or a
 580 residential building containing not more than two residential
 581 units in which the owner contracting for the improvement is
 582 residing or will reside 6 months or more each calendar year upon
 583 completion of the improvement.

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584 (k) "Same transaction" means a contract, or a ~~any~~ series of
 585 contracts, between a claimant and a contractor or qualified
 586 business, when such contract or contracts involve the same
 587 property or contiguous properties and are entered into either at
 588 one time or serially.

589 (l) "Valid and current license," for the purpose of s.
 590 489.141(2)(d), means a ~~any~~ license issued pursuant to this part
 591 to a licensee, including a license in an active, inactive,
 592 delinquent, or suspended status.

593 Section 11. Subsections (1) and (2) of section 489.141,
 594 Florida Statutes, are amended to read:

595 489.141 Conditions for recovery; eligibility.-

596 (1) A ~~Any~~ claimant is eligible to seek recovery from the
 597 recovery fund after making ~~having made~~ a claim and exhausting
 598 the limits of any available bond, cash bond, surety, guarantee,
 599 warranty, letter of credit, or policy of insurance if, provided
 600 ~~that~~ each of the following conditions is satisfied:

601 (a) The claimant has received a final judgment in a court
 602 of competent jurisdiction in this state or has received an award
 603 in arbitration or the Construction Industry Licensing Board has
 604 issued a final order directing the licensee to pay restitution
 605 to the claimant. The board may waive this requirement if:

606 1. The claimant is unable to secure a final judgment
 607 against the licensee due to the death of the licensee; or

608 2. The claimant has sought to have assets involving the
 609 transaction that gave rise to the claim removed from the
 610 bankruptcy proceedings so that the matter might be heard in a
 611 court of competent jurisdiction in this state and, after due
 612 diligence, the claimant is precluded by action of the bankruptcy

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613 court from securing a final judgment against the licensee.

614 (b) The judgment, award, or restitution is based upon a
 615 violation of s. 489.129(1)(g), (j), or (k) or s. 713.35.

616 (c) The violation was committed by a licensee.

617 (d) The judgment, award, or restitution order specifies the
 618 actual damages suffered as a consequence of such violation.

619 (e) The contract was executed and the violation occurred on
 620 or after July 1, 1993, and provided that:

621 1. The claimant has caused to be issued a writ of execution
 622 upon such judgment, and the officer executing the writ has made
 623 a return showing that no personal or real property of the
 624 judgment debtor or licensee liable to be levied upon in
 625 satisfaction of the judgment can be found or that the amount
 626 realized on the sale of the judgment debtor's or licensee's
 627 property pursuant to such execution was insufficient to satisfy
 628 the judgment;

629 2. If the claimant is unable to comply with subparagraph 1.
 630 for a valid reason to be determined by the board, the claimant
 631 has made all reasonable searches and inquiries to ascertain
 632 whether the judgment debtor or licensee is possessed of real or
 633 personal property or other assets subject to being sold or
 634 applied in satisfaction of the judgment and by his or her search
 635 has discovered no property or assets or has discovered property
 636 and assets and has taken all necessary action and proceedings
 637 for the application thereof to the judgment but the amount
 638 thereby realized was insufficient to satisfy the judgment; and

639 3. The claimant has made a diligent attempt, as defined by
 640 board rule, to collect the restitution awarded by the board.

641 (f) A claim for recovery is made within 1 year after the

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642 conclusion of any civil, criminal, or administrative action or
643 award in arbitration based on the act. This paragraph applies to
644 any claim filed with the board after October 1, 1998.

645 (g) Any amounts recovered by the claimant from the judgment
646 debtor or licensee, or from any other source, have been applied
647 to the damages awarded by the court or the amount of restitution
648 ordered by the board.

649 (h) The claimant is not a person who is precluded by this
650 act from making a claim for recovery.

651 (2) A claimant is not qualified to make a claim for
652 recovery from the recovery fund, if:

653 (a) The claimant is the spouse of the judgment debtor or
654 licensee or a personal representative of such spouse;

655 (b) The claimant is a licensee who acted as the contractor
656 in the transaction that ~~which~~ is the subject of the claim;

657 (c) The claim is based upon a construction contract in
658 which the licensee was acting with respect to the property owned
659 or controlled by the licensee;

660 (d) The claim is based upon a construction contract in
661 which the contractor did not hold a valid and current license at
662 the time of the construction contract;

663 (e) The claimant was associated in a business relationship
664 with the licensee other than the contract at issue; or

665 ~~(f) The claimant has suffered damages as the result of~~
666 ~~making improper payments to a contractor as defined in part I of~~
667 ~~chapter 713; or~~

668 ~~(f)(g) The claimant had entered into a contract has~~
669 ~~contracted with a licensee to perform a scope of work described~~
670 ~~in s. 489.105(3)(d)-(g) before July 1, 2016 s. 489.105(3)(d)-~~

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671 ~~(p)~~.

672 Section 12. Subsection (1) of section 489.1425, Florida
673 Statutes, is amended to read:

674 489.1425 Duty of contractor to notify residential property
675 owner of recovery fund.—

676 (1) Each ~~Any~~ agreement or contract for repair, restoration,
677 improvement, or construction to residential real property must
678 contain a written statement explaining the consumer's rights
679 under the recovery fund, except where the value of all labor and
680 materials does not exceed \$2,500. The written statement must be
681 substantially in the following form:

682
683 FLORIDA HOMEOWNERS' CONSTRUCTION
684 RECOVERY FUND

685
686 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE
687 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY
688 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS
689 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED
690 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A
691 CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD
692 AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

693
694 The statement must ~~shall~~ be immediately followed by the board's
695 address and telephone number as established by board rule.

696 Section 13. Section 489.143, Florida Statutes, is amended
697 to read:

698 489.143 Payment from the fund.—

699 (1) The fund shall be disbursed as provided in s. 489.141

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700 on a final order of the board.

701 (2) ~~A~~ Any claimant who meets all of the conditions
 702 prescribed in s. 489.141 may apply to the board to cause payment
 703 to be made to a claimant from the recovery fund in an amount
 704 equal to the judgment, award, or restitution order or \$25,000,
 705 whichever is less, or an amount equal to the unsatisfied portion
 706 of such person's judgment, award, or restitution order, but only
 707 to the extent and amount of actual damages suffered by the
 708 claimant, and only up to the maximum payment allowed for each
 709 respective Division I and Division II claim. Payment from the
 710 fund for other costs related to or pursuant to civil proceedings
 711 such as postjudgment interest, ~~attorney~~ attorney's fees, court
 712 costs, medical damages, and punitive damages is prohibited. The
 713 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
 714 or a restitution order, or any portion thereof, which is not
 715 expressly based on one of the grounds for recovery set forth in
 716 s. 489.141.

717 (3) Beginning January 1, 2005, for each Division I contract
 718 entered into after July 1, 2004, payment from the recovery fund
 719 is shall be subject to a \$50,000 maximum payment for each
 720 Division I claim. Beginning January 1, 2017, for each Division
 721 II contract entered into on or after July 1, 2016, payment from
 722 the recovery fund is subject to a \$15,000 maximum payment for
 723 each Division II claim.

724 ~~(4)~~~~(3)~~ Upon receipt by a claimant under subsection (2) of
 725 payment from the recovery fund, the claimant shall assign his or
 726 her additional right, title, and interest in the judgment,
 727 award, or restitution order, to the extent of such payment, to
 728 the board, and thereupon the board shall be subrogated to the

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729 right, title, and interest of the claimant; and any amount
 730 subsequently recovered on the judgment, award, or restitution
 731 order, to the extent of the right, title, and interest of the
 732 board therein, shall be for the purpose of reimbursing the
 733 recovery fund.

734 ~~(5)~~~~(4)~~ Payments for claims arising out of the same
 735 transaction are shall be limited, in the aggregate, to the
 736 lesser of the judgment, award, or restitution order or the
 737 maximum payment allowed for a Division I or Division II claim,
 738 regardless of the number of claimants involved in the
 739 transaction.

740 ~~(6)~~~~(5)~~ For contracts entered into before July 1, 2004,
 741 payments for claims against any one licensee may shall not
 742 exceed, in the aggregate, \$100,000 annually, up to a total
 743 aggregate of \$250,000. For any claim approved by the board which
 744 is in excess of the annual cap, the amount in excess of \$100,000
 745 up to the total aggregate cap of \$250,000 is eligible for
 746 payment in the next and succeeding fiscal years, but only after
 747 all claims for the then-current calendar year have been paid.
 748 Payments may not exceed the aggregate annual or per claimant
 749 limits under law. Beginning January 1, 2005, for each Division I
 750 contract entered into after July 1, 2004, payment from the
 751 recovery fund is subject only to a total aggregate cap of
 752 \$500,000 for each Division I licensee. Beginning January 1,
 753 2017, for each Division II contract entered into on or after
 754 July 1, 2016, payment from the recovery fund is subject only to
 755 a total aggregate cap of \$150,000 for each Division II licensee.

756 ~~(7)~~~~(6)~~ Claims shall be paid in the order filed, up to the
 757 aggregate limits for each transaction and licensee and to the

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758 limits of the amount appropriated to pay claims against the fund
 759 ~~for the fiscal year in which the claims were filed. Payments may~~
 760 ~~not exceed the total aggregate cap per license or per claimant~~
 761 limits under this section.

762 ~~(8)(7)~~ If the annual appropriation is exhausted with claims
 763 pending, such claims shall be carried forward to the next fiscal
 764 year. Any moneys in excess of pending claims remaining in the
 765 recovery fund at the end of the fiscal year shall be paid as
 766 provided in s. 468.631.

767 ~~(9)(8)~~ Upon the payment of any amount from the recovery
 768 fund in settlement of a claim in satisfaction of a judgment,
 769 award, or restitution order against a licensee as described in
 770 s. 489.141, the license of such licensee shall be automatically
 771 suspended, without further administrative action, upon the date
 772 of payment from the fund. The license of such licensee ~~may shall~~
 773 not be reinstated until he or she has repaid in full, plus
 774 interest, the amount paid from the fund. A discharge of
 775 bankruptcy does not relieve a person from the penalties and
 776 disabilities provided in this section.

777 ~~(10)(9)~~ A ~~Any~~ firm, a corporation, a partnership, or an
 778 association, or a ~~any~~ person acting in his or her individual
 779 capacity, who aids, abets, solicits, or conspires with another
 780 ~~any~~ person to knowingly present or cause to be presented a ~~any~~
 781 false or fraudulent claim for the payment of a loss under this
 782 act ~~commits is guilty of~~ a third-degree felony, punishable as
 783 provided in s. 775.082 or s. 775.084 and by a fine of up to not
 784 ~~exceeding~~ \$30,000, unless the value of the fraud exceeds that
 785 amount, \$30,000 in which event the fine may not exceed double
 786 the value of the fraud.

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787 ~~(11)(10)~~ Each payment ~~All payments~~ and disbursement
 788 ~~disbursements~~ from the recovery fund shall be made by the Chief
 789 Financial Officer upon a voucher signed by the secretary of the
 790 department or the secretary's designee.

791 Section 14. Subsection (24) is added to section 489.503,
 792 Florida Statutes, to read:

793 489.503 Exemptions.—This part does not apply to:

794 (24) A person who installs low-voltage landscape lighting
 795 that contains a factory-installed electrical cord with plug
 796 which does not require installation, wiring, or other
 797 modification to the electrical wiring of a structure.

798 Section 15. Subsection (6) of section 489.517, Florida
 799 Statutes, is amended to read:

800 489.517 Renewal of certificate or registration; continuing
 801 education.—

802 (6) The board shall require, by rule adopted pursuant to
 803 ss. 120.536(1) and 120.54, a specialized number of hours in
 804 specialized or code-related training advanced module courses,
 805 ~~approved by the Florida Building Commission,~~ on any portion of
 806 the Florida Building Code, adopted pursuant to part IV of
 807 chapter 553, relating to the contractor's respective discipline.

808 Section 16. Subsection (3) of section 514.011, Florida
 809 Statutes, is amended to read:

810 514.011 Definitions.—As used in this chapter:

811 (3) "Private pool" means a facility used only by an
 812 individual, family, or living unit members and their guests
 813 which does not serve any type of cooperative housing or joint
 814 tenancy of five or more living units. For purposes of the
 815 exemptions provided under s. 514.0115, the term includes a

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816 portable pool used exclusively for providing swimming lessons or
 817 related instruction in support of an established educational
 818 program sponsored or provided by a county school district.

819 Section 17. Subsection (3) of section 514.0115, Florida
 820 Statutes, is amended to read:

821 514.0115 Exemptions from supervision or regulation;
 822 variances.—

823 (3) A private pool used for instructional purposes in
 824 swimming ~~may shall~~ not be regulated as a public pool. A portable
 825 pool used for instructional purposes or to further an approved
 826 educational program may not be regulated as a public pool.

827 Section 18. Subsection (5) of section 514.031, Florida
 828 Statutes, is amended to read:

829 514.031 Permit necessary to operate public swimming pool.—

830 (5) An owner or operator of a public swimming pool,
 831 including, but not limited to, a spa, wading, or special purpose
 832 pool, to which admittance is obtained by membership for a fee
 833 shall post in a prominent location within the facility the most
 834 recent pool inspection report issued by the department
 835 pertaining to the health and safety conditions of such facility.
 836 The report shall be legible and readily accessible to members or
 837 potential members. The department shall adopt rules to enforce
 838 this subsection. A portable pool may not be used as a public
 839 pool unless it is exempt under s. 514.0115.

840 Section 19. Subsection (2) of section 553.512, Florida
 841 Statutes, is amended to read:

842 553.512 Modifications and waivers; advisory council.—

843 (2) The Accessibility Advisory Council shall consist of the
 844 following seven members, who shall be knowledgeable in the area

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845 of accessibility for persons with disabilities. The Secretary of
 846 Business and Professional Regulation shall appoint the
 847 following: a representative from the Advocacy Center for Persons
 848 with Disabilities, Inc.; a representative from the Division of
 849 Blind Services; a representative from the Division of Vocational
 850 Rehabilitation; a representative from a statewide organization
 851 representing the physically handicapped; a representative from
 852 the hearing impaired; a representative from the Pensacola Pen
 853 Wheels, Inc., Employ the Handicapped Council President, Florida
 854 Council of Handicapped Organizations; and a representative of
 855 the Paralyzed Veterans of America. The terms for the first three
 856 council members appointed subsequent to October 1, 1991, shall
 857 be for 4 years, the terms for the next two council members
 858 appointed shall be for 3 years, and the terms for the next two
 859 members shall be for 2 years. Thereafter, all council member
 860 appointments shall be for terms of 4 years. No council member
 861 shall serve more than two 4-year terms subsequent to October 1,
 862 1991. Any member of the council may be replaced by the secretary
 863 upon three unexcused absences. Upon application made in the form
 864 provided, an individual waiver or modification may be granted by
 865 the commission so long as such modification or waiver is not in
 866 conflict with more stringent standards provided in another
 867 chapter.

868 Section 20. Section 553.721, Florida Statutes, is amended
 869 to read:

870 553.721 Surcharge.—In order for the Department of Business
 871 and Professional Regulation to administer and carry out the
 872 purposes of this part and related activities, there is created a
 873 surcharge, to be assessed at the rate of 1.5 percent of the

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874 permit fees associated with enforcement of the Florida Building
 875 Code as defined by the uniform account criteria and specifically
 876 the uniform account code for building permits adopted for local
 877 government financial reporting pursuant to s. 218.32. The
 878 minimum amount collected on any permit issued shall be \$2. The
 879 unit of government responsible for collecting a permit fee
 880 pursuant to s. 125.56(4) or s. 166.201 shall collect the
 881 surcharge and electronically remit the funds collected to the
 882 department on a quarterly calendar basis for the preceding
 883 quarter and continuing each third month thereafter. The unit of
 884 government shall retain 10 percent of the surcharge collected to
 885 fund the participation of building departments in the national
 886 and state building code adoption processes and to provide
 887 education related to enforcement of the Florida Building Code.
 888 All funds remitted to the department pursuant to this section
 889 shall be deposited in the Professional Regulation Trust Fund.
 890 Funds collected from the surcharge shall be allocated to fund
 891 the Florida Building Commission and the Florida Building Code
 892 Compliance and Mitigation Program under s. 553.841. Funds
 893 allocated to the Florida Building Code Compliance and Mitigation
 894 Program shall be \$925,000 each fiscal year. The Florida Building
 895 Code Compliance and Mitigation Program shall fund the
 896 recommendations made by the Building Code System Uniform
 897 Implementation Evaluation Workgroup, dated April 8, 2013, from
 898 existing resources, not to exceed \$30,000 in the 2016-2017
 899 fiscal year. Funds collected from the surcharge shall also be
 900 used to fund Florida Fire Prevention Code informal
 901 interpretations managed by the State Fire Marshal and shall be
 902 limited to \$15,000 each fiscal year. The State Fire Marshal

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903 shall adopt rules to address the implementation and expenditure
 904 of the funds allocated to fund the Florida Fire Prevention Code
 905 informal interpretations under this section. The funds collected
 906 from the surcharge may not be used to fund research on
 907 techniques for mitigation of radon in existing buildings. Funds
 908 used by the department as well as funds to be transferred to the
 909 Department of Health and the State Fire Marshal shall be as
 910 prescribed in the annual General Appropriations Act. The
 911 department shall adopt rules governing the collection and
 912 remittance of surcharges pursuant to chapter 120.
 913 Section 21. Subsections (11) and (15) of section 553.73,
 914 Florida Statutes, are amended, and subsection (19) is added to
 915 that section, to read:
 916 553.73 Florida Building Code.—
 917 (11) (a) In the event of a conflict between the Florida
 918 Building Code and the Florida Fire Prevention Code and the Life
 919 Safety Code as applied to a specific project, the conflict shall
 920 be resolved by agreement between the local building code
 921 enforcement official and the local fire code enforcement
 922 official in favor of the requirement of the code which offers
 923 the greatest degree of lifesafety or alternatives which would
 924 provide an equivalent degree of lifesafety and an equivalent
 925 method of construction. Local boards created to address issues
 926 arising under the Florida Building Code or the Florida Fire
 927 Prevention Code may combine the appeals boards to create a
 928 single, local board having jurisdiction over matters arising
 929 under either code or both codes. The combined local appeals
 930 board may grant alternatives or modifications through procedures
 931 outlined in NFPA 1, Section 1.4, but may not waive the

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932 requirements of the Florida Fire Prevention Code. To meet the
 933 quorum requirement for convening the combined local appeals
 934 board, at least one member of the board who is a fire protection
 935 contractor, a fire protection design professional, a fire
 936 department operations professional, or a fire code enforcement
 937 professional must be present.

938 (b) Any decision made by the local fire official regarding
 939 application, interpretation, or enforcement of the Florida Fire
 940 Prevention Code, by and the local building official regarding
 941 application, interpretation, or enforcement of the Florida
 942 Building Code, or the appropriate application of either code or
 943 both codes in the case of a conflict between the codes may be
 944 appealed to a local administrative board designated by the
 945 municipality, county, or special district having firesafety
 946 responsibilities. If the decision of the local fire official and
 947 the local building official is to apply the provisions of either
 948 the Florida Building Code or the Florida Fire Prevention Code
 949 and the Life Safety Code, the board may not alter the decision
 950 unless the board determines that the application of such code is
 951 not reasonable. If the decision of the local fire official and
 952 the local building official is to adopt an alternative to the
 953 codes, the local administrative board shall give due regard to
 954 the decision rendered by the local officials and may modify that
 955 decision if the administrative board adopts a better
 956 alternative, taking into consideration all relevant
 957 circumstances. In any case in which the local administrative
 958 board adopts alternatives to the decision rendered by the local
 959 fire official and the local building official, such alternatives
 960 shall provide an equivalent degree of lifesafety and an

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961 equivalent method of construction as the decision rendered by
 962 the local officials.

963 (c) If the local building official and the local fire
 964 official are unable to agree on a resolution of the conflict
 965 between the Florida Building Code and the Florida Fire
 966 Prevention Code and the Life Safety Code, the local
 967 administrative board shall resolve the conflict in favor of the
 968 code which offers the greatest degree of lifesafety or
 969 alternatives which would provide an equivalent degree of
 970 lifesafety and an equivalent method of construction.

971 (d) All decisions of the local administrative board, ~~or, if~~
 972 ~~none exists, the decisions of~~ the local building official and
 973 the local fire official in regard to the application,
 974 enforcement, or interpretation of the Florida Fire Prevention
 975 Code, or conflicts between the Florida Fire Prevention Code and
 976 the Florida Building Code, are subject to review by a joint
 977 committee composed of members of the Florida Building Commission
 978 and the Fire Code Advisory Council. If the joint committee is
 979 unable to resolve conflicts between the codes as applied to a
 980 specific project, the matter shall be resolved pursuant to ~~the~~
 981 ~~provisions of~~ paragraph (1)(d). Decisions of the local
 982 administrative board related solely to the Florida Building Code
 983 are subject to review as set forth in s. 553.775.

984 (e) The local administrative board shall, to the greatest
 985 extent possible, be composed of members with expertise in
 986 building construction and firesafety standards.

987 (f) All decisions of the local building official and local
 988 fire official and all decisions of the administrative board
 989 shall be in writing and shall be binding upon a person but do

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990 not limit the authority of the State Fire Marshal or the Florida
 991 Building Commission pursuant to paragraph (1)(d) and ss. 633.104
 992 and 633.228. Decisions of general application shall be indexed
 993 by building and fire code sections and shall be available for
 994 inspection during normal business hours.

995 (15) An agency or local government may not require that
 996 existing mechanical equipment located on or above the surface of
 997 a roof be installed in compliance with the requirements of the
 998 Florida Building Code except during reroofing when the equipment
 999 is being replaced or moved ~~during reroofing~~ and is not in
 1000 compliance with the provisions of the Florida Building Code
 1001 relating to roof-mounted mechanical units.

1002 (19) The Florida Building Code may not require more than
 1003 one fire service access elevator in a residential occupancy
 1004 where the highest occupiable floor is less than 420 feet above
 1005 the level of fire service access and all remaining elevators are
 1006 provided with Phase I and II emergency operations. Where fire
 1007 service access elevators are required, the code may not require
 1008 a 1-hour fire-rated fire service access elevator lobby with
 1009 direct access from the fire service access elevators if the fire
 1010 service access elevators open into an exit access corridor that
 1011 is at least 150 square feet with the exception of door openings;
 1012 is no less than 6 feet wide for its entire length; and has a
 1013 minimum 1-hour fire rating with three-quarter hour fire and
 1014 smoke rated openings and if, and during a fire event, the fire
 1015 service access elevators are pressurized and floor-to-floor
 1016 smoke control is provided. However, where transient residential
 1017 occupancies occur at floor levels above 420 feet above the level
 1018 of fire service access, a 1-hour fire-rated fire service access

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1019 elevator lobby with direct access from the fire service access
 1020 elevators is required. The requirement for a second fire service
 1021 access elevator is not considered a part of the Florida Building
 1022 Code and therefore does not take effect until July 1, 2017.

1023 Section 22. Paragraph (c) of subsection (3) of section
 1024 553.775, Florida Statutes, is amended to read:

1025 553.775 Interpretations.—

1026 (3) The following procedures may be invoked regarding
 1027 interpretations of the Florida Building Code or the Florida
 1028 Accessibility Code for Building Construction:

1029 (c) The commission shall review decisions of local building
 1030 officials and local enforcement agencies regarding
 1031 interpretations of the Florida Building Code or the Florida
 1032 Accessibility Code for Building Construction after the local
 1033 board of appeals has considered the decision, if such board
 1034 exists, and if such appeals process is concluded within 25
 1035 business days.

1036 1. The commission shall coordinate with the Building
 1037 Officials Association of Florida, Inc., to designate a panel
 1038 ~~panels~~ composed of seven ~~five~~ members to hear requests to review
 1039 decisions of local building officials. Five ~~The~~ members must be
 1040 licensed as building code administrators under part XII of
 1041 chapter 468, one member must be licensed as an architect under
 1042 chapter 481, and one member must be licensed as an engineer
 1043 under chapter 471. Each member ~~and~~ must have experience
 1044 interpreting ~~or~~ ~~and~~ enforcing provisions of the Florida Building
 1045 Code and the Florida Accessibility Code for Building
 1046 Construction.

1047 2. Requests to review a decision of a local building

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1048 official interpreting provisions of the Florida Building Code or
 1049 the Florida Accessibility Code for Building Construction may be
 1050 initiated by any substantially affected person, including an
 1051 owner or builder subject to a decision of a local building
 1052 official or an association of owners or builders having members
 1053 who are subject to a decision of a local building official. In
 1054 order to initiate review, the substantially affected person must
 1055 file a petition with the commission. The commission shall adopt
 1056 a form for the petition, which shall be published on the
 1057 Building Code Information System. The form shall, at a minimum,
 1058 require the following:

1059 a. The name and address of the county or municipality in
 1060 which provisions of the Florida Building Code or the Florida
 1061 Accessibility Code for Building Construction are being
 1062 interpreted.

1063 b. The name and address of the local building official who
 1064 has made the interpretation being appealed.

1065 c. The name, address, and telephone number of the
 1066 petitioner; the name, address, and telephone number of the
 1067 petitioner's representative, if any; and an explanation of how
 1068 the petitioner's substantial interests are being affected by the
 1069 local interpretation of the Florida Building Code or the Florida
 1070 Accessibility Code for Building Construction.

1071 d. A statement of the provisions of the Florida Building
 1072 Code or the Florida Accessibility Code for Building Construction
 1073 which are being interpreted by the local building official.

1074 e. A statement of the interpretation given to provisions of
 1075 the Florida Building Code or the Florida Accessibility Code for
 1076 Building Construction by the local building official and the

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1077 manner in which the interpretation was rendered.

1078 f. A statement of the interpretation that the petitioner
 1079 contends should be given to the provisions of the Florida
 1080 Building Code or the Florida Accessibility Code for Building
 1081 Construction and a statement supporting the petitioner's
 1082 interpretation.

1083 g. Space for the local building official to respond in
 1084 writing. The space shall, at a minimum, require the local
 1085 building official to respond by providing a statement admitting
 1086 or denying the statements contained in the petition and a
 1087 statement of the interpretation of the provisions of the Florida
 1088 Building Code or the Florida Accessibility Code for Building
 1089 Construction which the local jurisdiction or the local building
 1090 official contends is correct, including the basis for the
 1091 interpretation.

1092 3. The petitioner shall submit the petition to the local
 1093 building official, who shall place the date of receipt on the
 1094 petition. The local building official shall respond to the
 1095 petition in accordance with the form and shall return the
 1096 petition along with his or her response to the petitioner within
 1097 5 days after receipt, exclusive of Saturdays, Sundays, and legal
 1098 holidays. The petitioner may file the petition with the
 1099 commission at any time after the local building official
 1100 provides a response. If no response is provided by the local
 1101 building official, the petitioner may file the petition with the
 1102 commission 10 days after submission of the petition to the local
 1103 building official and shall note that the local building
 1104 official did not respond.

1105 4. Upon receipt of a petition that meets the requirements

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1106 of subparagraph 2., the commission shall immediately provide
 1107 copies of the petition to the a panel, and the commission shall
 1108 publish the petition, including any response submitted by the
 1109 local building official, on the Building Code Information System
 1110 in a manner that allows interested persons to address the issues
 1111 by posting comments.

1112 5. The panel shall conduct proceedings as necessary to
 1113 resolve the issues; shall give due regard to the petitions, the
 1114 response, and to comments posed on the Building Code Information
 1115 System; and shall issue an interpretation regarding the
 1116 provisions of the Florida Building Code or the Florida
 1117 Accessibility Code for Building Construction within 21 days
 1118 after the filing of the petition. The panel shall render a
 1119 determination based upon the Florida Building Code or the
 1120 Florida Accessibility Code for Building Construction or, if the
 1121 code is ambiguous, the intent of the code. The panel's
 1122 interpretation shall be provided to the commission, which shall
 1123 publish the interpretation on the Building Code Information
 1124 System and in the Florida Administrative Register. The
 1125 interpretation shall be considered an interpretation entered by
 1126 the commission, and shall be binding upon the parties and upon
 1127 all jurisdictions subject to the Florida Building Code or the
 1128 Florida Accessibility Code for Building Construction, unless it
 1129 is superseded by a declaratory statement issued by the Florida
 1130 Building Commission or by a final order entered after an appeal
 1131 proceeding conducted in accordance with subparagraph 7.

1132 6. It is the intent of the Legislature that review
 1133 proceedings be completed within 21 days after the date that a
 1134 petition seeking review is filed with the commission, and the

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1135 time periods set forth in this paragraph may be waived only upon
 1136 consent of all parties.

1137 7. Any substantially affected person may appeal an
 1138 interpretation rendered by ~~the a hearing officer~~ panel by filing
 1139 a petition with the commission. Such appeals shall be initiated
 1140 in accordance with chapter 120 and the uniform rules of
 1141 procedure and must be filed within 30 days after publication of
 1142 the interpretation on the Building Code Information System or in
 1143 the Florida Administrative Register. Hearings shall be conducted
 1144 pursuant to chapter 120 and the uniform rules of procedure.
 1145 Decisions of the commission are subject to judicial review
 1146 pursuant to s. 120.68. The final order of the commission is
 1147 binding upon the parties and upon all jurisdictions subject to
 1148 the Florida Building Code or the Florida Accessibility Code for
 1149 Building Construction.

1150 8. The burden of proof in any proceeding initiated in
 1151 accordance with subparagraph 7. is on the party who initiated
 1152 the appeal.

1153 9. In any review proceeding initiated in accordance with
 1154 this paragraph, including any proceeding initiated in accordance
 1155 with subparagraph 7., the fact that an owner or builder has
 1156 proceeded with construction may not be grounds for determining
 1157 an issue to be moot if the issue is one that is likely to arise
 1158 in the future.

1159 This paragraph provides the exclusive remedy for addressing
 1160 requests to review local interpretations of the Florida Building
 1161 Code or the Florida Accessibility Code for Building Construction
 1162 and appeals from review proceedings.
 1163

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1164 Section 23. Subsection (6) of section 553.79, Florida
 1165 Statutes, is amended, and subsection (20) is added to that
 1166 section, to read:

1167 553.79 Permits; applications; issuance; inspections.—

1168 (6) A permit may not be issued for any building
 1169 construction, erection, alteration, modification, repair, or
 1170 addition unless the applicant for such permit complies with the
 1171 requirements for plan review established by the Florida Building
 1172 Commission within the Florida Building Code. However, the code
 1173 shall set standards and criteria to authorize preliminary
 1174 construction before completion of all building plans review,
 1175 including, but not limited to, special permits for the
 1176 foundation only, and such standards shall take effect concurrent
 1177 with the first effective date of the Florida Building Code.
 1178 After submittal of the appropriate construction documents, the
 1179 building official may issue a permit for the construction of
 1180 foundations or any other part of a building or structure before
 1181 the construction documents for the whole building or structure
 1182 have been submitted. The holder of such permit for the
 1183 foundation or other parts of a building or structure shall
 1184 proceed at the holder's own risk and without assurance that a
 1185 permit for the entire structure will be granted. Corrections may
 1186 be required to meet the requirements of the technical codes.

1187 (20) Notwithstanding any municipal ordinance to the
 1188 contrary, a municipality may not deny a development permit
 1189 application for a single-family home on any lot or combination
 1190 of lots solely because such lot or combination of lots does not
 1191 meet the current underlying zoning dimensional standards for
 1192 minimum lot size and area. For the purposes of this subsection,

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1193 the term "combination of lots" means a parcel of property which
 1194 consists of more than one lot and which is under common
 1195 ownership.

1196 Section 24. Paragraph (d) is added to subsection (7) of
 1197 section 553.80, Florida Statutes, to read:

1198 553.80 Enforcement.—

1199 (7) The governing bodies of local governments may provide a
 1200 schedule of reasonable fees, as authorized by s. 125.56(2) or s.
 1201 166.222 and this section, for enforcing this part. These fees,
 1202 and any fines or investment earnings related to the fees, shall
 1203 be used solely for carrying out the local government's
 1204 responsibilities in enforcing the Florida Building Code. When
 1205 providing a schedule of reasonable fees, the total estimated
 1206 annual revenue derived from fees, and the fines and investment
 1207 earnings related to the fees, may not exceed the total estimated
 1208 annual costs of allowable activities. Any unexpended balances
 1209 shall be carried forward to future years for allowable
 1210 activities or shall be refunded at the discretion of the local
 1211 government. The basis for a fee structure for allowable
 1212 activities shall relate to the level of service provided by the
 1213 local government and shall include consideration for refunding
 1214 fees due to reduced services based on services provided as
 1215 prescribed by s. 553.791, but not provided by the local
 1216 government. Fees charged shall be consistently applied.

1217 (d) The local enforcement agency may not require the
 1218 payment of any additional fees, charges, or expenses associated
 1219 with:

- 1220 1. Providing proof of licensure pursuant to this chapter;
- 1221 2. Recording or filing a license issued pursuant to this

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1222 chapter; or

1223 3. Providing, recording, or filing evidence of workers'
 1224 compensation insurance coverage as required by chapter 440.

1225 Section 25. Subsections (4) and (7) of section 553.841,
 1226 Florida Statutes, are amended to read:

1227 553.841 Building code compliance and mitigation program.—

1228 (4) In administering the Florida Building Code Compliance
 1229 and Mitigation Program, the department may shall maintain,
 1230 update, develop, or cause to be developed code-related training
 1231 and education advanced modules designed for use by each
 1232 profession.

1233 ~~(7) The Florida Building Commission shall provide by rule~~
 1234 ~~for the accreditation of courses related to the Florida Building~~
 1235 ~~Code by accreditors approved by the commission. The commission~~
 1236 ~~shall establish qualifications of accreditors and criteria for~~
 1237 ~~the accreditation of courses by rule. The commission may revoke~~
 1238 ~~the accreditation of a course by an accreditor if the~~
 1239 ~~accreditation is demonstrated to violate this part or the rules~~
 1240 ~~of the commission.~~

1241 Section 26. Paragraph (a) of subsection (8) of section
 1242 553.842, Florida Statutes, is amended to read:

1243 553.842 Product evaluation and approval.—

1244 (8) The commission may adopt rules to approve the following
 1245 types of entities that produce information on which product
 1246 approvals are based. All of the following entities, including
 1247 engineers and architects, must comply with a nationally
 1248 recognized standard demonstrating independence or no conflict of
 1249 interest:

1250 (a) Evaluation entities approved pursuant to this

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1251 paragraph. The commission shall specifically approve the
 1252 National Evaluation Service, the International Association of
 1253 Plumbing and Mechanical Officials Evaluation Service, the
 1254 International Code Council Evaluation Services, Underwriters
 1255 Laboratories, Inc., and the Miami-Dade County Building Code
 1256 Compliance Office Product Control Division. Architects and
 1257 engineers licensed in this state are also approved to conduct
 1258 product evaluations as provided in subsection (5).

1259 Section 27. Subsection (4) of section 553.844, Florida
 1260 Statutes, is revived, readopted, and amended to read:

1261 553.844 Windstorm loss mitigation; requirements for roofs
 1262 and opening protection.—

1263 (4) Notwithstanding the provisions of this section, exposed
 1264 mechanical equipment or appliances fastened to a roof or
 1265 installed on the ground in compliance with the code using rated
 1266 stands, platforms, curbs, slabs, walls, or other means are
 1267 deemed to comply with the wind resistance requirements of the
 1268 2007 Florida Building Code, as amended. Further support or
 1269 enclosure of such mechanical equipment or appliances is not
 1270 required by a state or local official having authority to
 1271 enforce the Florida Building Code. ~~This subsection expires on~~
 1272 ~~the effective date of the 2013 Florida Building Code.~~

1273 Section 28. Section 553.883, Florida Statutes, is amended
 1274 to read:

1275 553.883 Smoke alarms in one-family and two-family dwellings
 1276 and townhomes.—One-family and two-family dwellings and townhomes
 1277 undergoing a repair, or a level 1 alteration as defined in the
 1278 Florida Building Code, may use smoke alarms powered by 10-year
 1279 nonremovable, nonreplaceable batteries in lieu of retrofitting

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 1280 such dwelling with smoke alarms powered by the dwelling's
 1281 electrical system. Effective January 1, 2015, a battery-powered
 1282 smoke alarm that is newly installed or replaces an existing
 1283 battery-powered smoke alarm must be powered by a nonremovable,
 1284 nonreplaceable battery that powers the alarm for at least 10
 1285 years. The battery requirements of this section do not apply to
 1286 a fire alarm, smoke detector, smoke alarm, or ancillary
 1287 component that is electronically connected as a part of a
 1288 centrally monitored or supervised alarm system; that uses a low-
 1289 power radio frequency wireless communication signal; or that
 1290 contains multiple sensors, such as a smoke alarm combined with a
 1291 carbon monoxide alarm or other devices, as the State Fire
 1292 Marshal designates by rule.

1293 Section 29. Section 553.908, Florida Statutes, is amended
 1294 to read:

1295 553.908 Inspection.—Before construction or renovation is
 1296 completed, the local enforcement agency shall inspect buildings
 1297 for compliance with the standards of this part. Notwithstanding
 1298 any other provision of the code or law, effective July 1, 2016,
 1299 section R402.4.1 of the Florida Building Code, 5th Edition
 1300 (2014) Energy Conservation, which became effective on June 30,
 1301 2015, shall cease to be effective. Instead, section 402.4.2 of
 1302 the Florida Building Code (2010) Energy Conservation, relating
 1303 to air sealing and insulation, in effect before June 30, 2015,
 1304 shall govern and apply, effective June 30, 2016, and thereafter.
 1305 Additionally, a state or local enforcement agency or code
 1306 official may not require any type of mandatory blower door test
 1307 or air infiltration test to determine specific air infiltration
 1308 levels or air leakage rates in a residential building or

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 1309 dwelling unit and may not require the installation of any
 1310 mechanical ventilation devices designed to filter outside air
 1311 through an HVAC system as a condition of a permit or to
 1312 determine compliance with the code. However, if section R402.4.1
 1313 of the 5th Edition (2014) of the Florida Building Code, Energy
 1314 Conservation is voluntarily used, the local enforcement agency
 1315 shall inspect the construction or renovation for compliance with
 1316 that section.

1317 Section 30. Subsections (17) and (18) are added to section
 1318 633.202, Florida Statutes, to read:

1319 633.202 Florida Fire Prevention Code.—

1320 (17) The authority having jurisdiction shall determine the
 1321 minimum radio signal strength for fire department communications
 1322 in all new high-rise and existing high-rise buildings. Existing
 1323 buildings are not required to comply with minimum radio strength
 1324 for fire department communications and two-way radio system
 1325 enhancement communications as required by the Florida Fire
 1326 Prevention Code until January 1, 2022. However, by December 31,
 1327 2019, an existing building that is not in compliance with the
 1328 requirements for minimum radio strength for fire department
 1329 communications must apply for an appropriate permit for the
 1330 required installation with the local governmental agency having
 1331 jurisdiction and must demonstrate that the building will become
 1332 compliant by January 1, 2022. Existing apartment buildings are
 1333 not required to comply until January 1, 2025. However, existing
 1334 apartment buildings are required to apply for the appropriate
 1335 permit for the required communications installation by December
 1336 31, 2022.

1337 (18) Areas of refuge shall be provided if required by the

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1338 Florida Accessibility Code for Building Construction. Required
 1339 portions of an area of refuge shall be accessible from the space
 1340 they serve by an accessible means of egress.

1341 Section 31. Subsection (5) is added to section 633.206,
 1342 Florida Statutes, to read:

1343 633.206 Uniform firesafety standards—The Legislature hereby
 1344 determines that to protect the public health, safety, and
 1345 welfare it is necessary to provide for firesafety standards
 1346 governing the construction and utilization of certain buildings
 1347 and structures. The Legislature further determines that certain
 1348 buildings or structures, due to their specialized use or to the
 1349 special characteristics of the person utilizing or occupying
 1350 these buildings or structures, should be subject to firesafety
 1351 standards reflecting these special needs as may be appropriate.

1352 (5) The home environment provisions in the most current
 1353 edition of the codes adopted by the division may be applied to
 1354 existing assisted living facilities, at the option of each
 1355 facility, notwithstanding the edition of the codes applied at
 1356 the time of construction.

1357 Section 32. Subsection (5) of section 633.208, Florida
 1358 Statutes, is amended to read:

1359 633.208 Minimum firesafety standards.—

1360 (5) With regard to existing buildings, the Legislature
 1361 recognizes that it is not always practical to apply any or all
 1362 of the provisions of the Florida Fire Prevention Code and that
 1363 physical limitations may require disproportionate effort or
 1364 expense with little increase in fire or life safety. Before
 1365 ~~Prior to~~ applying the minimum firesafety code to an existing
 1366 building, the local fire official shall determine whether ~~that~~ a

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1367 threat to lifesafety or property exists. If a threat to
 1368 lifesafety or property exists, the fire official shall apply the
 1369 applicable firesafety code for existing buildings to the extent
 1370 practical to ~~ensure~~ assure a reasonable degree of lifesafety and
 1371 safety of property or the fire official shall fashion a
 1372 reasonable alternative ~~that which~~ affords an equivalent degree
 1373 of lifesafety and safety of property. The local fire official
 1374 may consider the firesafety evaluation systems found in NFPA
 1375 101A, Guide on Alternative Solutions to Life Safety, adopted by
 1376 the State Fire Marshal, as acceptable systems for the
 1377 identification of low-cost, reasonable alternatives. It is
 1378 acceptable to use the Fire Safety Evaluation System for Board
 1379 and Care Facilities using prompt evacuation capabilities
 1380 parameter values on existing residential high-rise buildings.
 1381 The decision of the local fire official may be appealed to the
 1382 local administrative board described in s. 553.73.

1383 Section 33. Section 633.336, Florida Statutes, is amended
 1384 to read:

1385 633.336 Contracting without certificate prohibited;
 1386 violations; penalty.—

1387 (1) It is unlawful for any organization or individual to
 1388 engage in the business of layout, fabrication, installation,
 1389 inspection, alteration, repair, or service of a fire protection
 1390 system, other than a preengineered system, act in the capacity
 1391 of a fire protection contractor, or advertise itself as being a
 1392 fire protection contractor without having been duly certified
 1393 and holding a valid and existing certificate, except as
 1394 hereinafter provided. The holder of a certificate used to
 1395 qualify an organization must be a full-time employee of the

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1396 qualified organization or business. A certificateholder who is
 1397 employed by more than one fire protection contractor during the
 1398 same time is deemed not to be a full-time employee of either
 1399 contractor. The State Fire Marshal shall revoke, for a period
 1400 determined by the State Fire Marshal, the certificate of a
 1401 certificateholder who allows the use of the certificate to
 1402 qualify a company of which the certificateholder is not a full-
 1403 time employee. A contractor who maintains more than one place of
 1404 business must employ a certificateholder at each location. This
 1405 subsection does not prohibit an employee acting on behalf of
 1406 governmental entities from inspecting and enforcing firesafety
 1407 codes, provided such employee is certified under s. 633.216.

1408 (2) A fire protection contractor certified under this
 1409 chapter may not:

1410 (a) Enter into a written or oral agreement to authorize, or
 1411 otherwise knowingly allow, a contractor who is not certified
 1412 under this chapter to engage in the business of, or act in the
 1413 capacity of, a fire protection contractor.

1414 (b) Apply for or obtain a construction permit for fire
 1415 protection work unless the fire protection contractor or the
 1416 business organization qualified by the fire protection
 1417 contractor has contracted to conduct the work specified in the
 1418 application for the permit.

1419 (3) The Legislature recognizes that special expertise is
 1420 required for fire pump control panels and maintenance of
 1421 electric and diesel pump drivers and that it is not economically
 1422 feasible for all contractors to employ these experts full-time
 1423 whose work may be limited. It is therefore deemed acceptable for
 1424 a fire protection contractor licensed under this chapter to

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1425 subcontract with companies providing advanced technical services
 1426 for the installation, servicing, and maintenance of fire pump
 1427 control panels and pump drivers. To ensure the integrity of the
 1428 system and to protect the interests of the property owner, those
 1429 providing technical support services for fire pump control
 1430 panels and pump drivers must be under contract with a licensed
 1431 fire protection contractor.

1432 ~~(4)(3)~~ A person who violates any provision of this act or
 1433 commits any of the acts constituting cause for disciplinary
 1434 action as herein set forth commits a misdemeanor of the second
 1435 degree, punishable as provided in s. 775.082 or s. 775.083.

1436 ~~(5)(4)~~ In addition to the penalties provided in subsection
 1437 ~~(4)(3)~~, a fire protection contractor certified under this
 1438 chapter who violates any provision of this section or who
 1439 commits any act constituting cause for disciplinary action is
 1440 subject to suspension or revocation of the certificate and
 1441 administrative fines pursuant to s. 633.338.

1442 Section 34. The Florida Building Commission shall define
 1443 the term "fire separation distance" in Chapter 2, Definitions,
 1444 of the Florida Building Code, 5th Edition (2014) Residential, as
 1445 follows:

1446 "FIRE SEPARATION DISTANCE. The distance measured from the
 1447 building face to one of the following:

- 1449 1. To the closest interior lot line;
- 1450 2. To the centerline of a street, an alley, or a public way;
- 1451 3. To an imaginary line between two buildings on the lot; or
- 1452 4. To an imaginary line between two buildings when the exterior
 1453 wall of one building is located on a zero lot line.

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1454
1455 The distance shall be measured at a right angle from the face of
1456 the wall."

1457 Section 35. The Florida Building Commission shall amend the
1458 Florida Building Code, 5th Edition (2014) Residential, to allow
1459 openings and roof overhang projections on the exterior wall of a
1460 building located on a zero lot line, when the building exterior
1461 wall is separated from an adjacent building exterior wall by a
1462 distance of 6 feet or more and the roof overhang projection is
1463 separated from an adjacent building projection by a distance of
1464 4 feet or more, with 1-hour fire-resistant construction on the
1465 underside of the overhang required, unless the separation
1466 between projections is 6 feet or more.

1467 Section 36. Construction Industry Workforce Task Force.-

1468 (1) The Construction Industry Workforce Task Force is
1469 created within the University of Florida M.E. Rinker, Sr. School
1470 of Construction Management. The goals of the task force are to:

1471 (a) Address the critical shortage of individuals trained in
1472 building construction and inspection.

1473 (b) Develop a consensus path for training the next
1474 generation of construction workers in the state.

1475 (c) Determine the causes for the current shortage of a
1476 trained construction industry work force and address the impact
1477 of the shortages on the recovery of the real estate market.

1478 (d) Review current methods and resources available for
1479 construction training.

1480 (e) Review the state of construction training available in
1481 K-12 schools.

1482 (f) Address training issues relating to building code

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1483 inspectors to increase the number of qualified inspectors.

1484 (2) The task force shall consist of 19 members. Except as
1485 otherwise specified, each member shall be chosen by the
1486 association that he or she represents, as follows:

1487 (a) A member of the House of Representatives appointed by
1488 the Speaker of the House of Representatives.

1489 (b) A member of the Senate appointed by the President of
1490 the Senate.

1491 (c) A member representing the Associated General
1492 Contractors of Greater Florida.

1493 (d) A member representing the Associated Builders and
1494 Contractors of Florida.

1495 (e) A member representing the Florida Home Builders
1496 Association.

1497 (f) A member representing the Florida Fire Sprinkler
1498 Association.

1499 (g) A member representing the Florida Roofing, Sheet Metal
1500 and Air Conditioning Contractors Association.

1501 (h) A member representing the Florida Refrigeration and Air
1502 Conditioning Contractors Association.

1503 (i) A member representing the Florida Association of
1504 Plumbing, Heating, and Cooling Contractors.

1505 (j) A member representing the Florida Swimming Pool
1506 Association.

1507 (k) A member representing the National Utility Contractors
1508 Association of Florida.

1509 (l) A member representing the Florida Concrete and Products
1510 Association.

1511 (m) A member representing the Alarm Association of Florida.

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1512 (n) A member representing the Independent Electrical
 1513 Contractors.
 1514 (o) A member representing the Florida AFL-CIO.
 1515 (p) A member representing the Building Officials
 1516 Association of Florida.
 1517 (q) A member representing the Asphalt Contractors
 1518 Association of Florida.
 1519 (r) A member representing the American Fire Sprinkler
 1520 Association-Florida Chapter.
 1521 (s) The chair of the Florida Building Commission.
 1522 (3) The task force shall elect a chair from among its
 1523 members.
 1524 (4) The University of Florida M.E. Rinker, Sr. School of
 1525 Construction Management shall provide such assistance as is
 1526 reasonably necessary to assist the task force in carrying out
 1527 its responsibilities.
 1528 (5) The task force shall meet as often as necessary to
 1529 fulfill its responsibilities, but not fewer than three times.
 1530 The first meeting must be held no later than September 1, 2016.
 1531 Meetings may be conducted by conference call, teleconferencing,
 1532 or similar technology.
 1533 (6) The task force shall submit a final report to the
 1534 Governor, the President of the Senate, and the Speaker of the
 1535 House of Representatives by February 1, 2017.
 1536 (7) The Department of Business and Professional Regulation
 1537 shall provide \$50,000 from funds available for the Florida
 1538 Building Code Compliance and Mitigation Program under s.
 1539 553.841(5), Florida Statutes, to the University of Florida M.E.
 1540 Rinker, Sr. School of Construction Management for purposes of

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1541 implementing this section.
 1542 (8) This section expires July 1, 2017.
 1543 Section 37. Notwithstanding any law, rule, or regulation to
 1544 the contrary, a restaurant, a cafeteria, or a similar dining
 1545 facility, including an associated commercial kitchen, must have
 1546 a fire area occupancy load requiring sprinklers which is
 1547 consistent with the Florida Fire Prevention Code.
 1548 Section 38. The Calder Sloan Swimming Pool Electrical-
 1549 Safety Task Force.-There is established within the Florida
 1550 Building Commission the Calder Sloan Swimming Pool Electrical-
 1551 Safety Task Force.
 1552 (1) The purpose of the task force is to study standards on
 1553 grounding, bonding, lighting, wiring, and all electrical aspects
 1554 for safety in and around public and private swimming pools,
 1555 especially with regard to minimizing risks of electrocutions
 1556 linked to swimming pools. The task force shall submit a report
 1557 of its findings, including recommended revisions to state law,
 1558 if any, to the Governor, the President of the Senate, and the
 1559 Speaker of the House of Representatives by November 1, 2016.
 1560 (2) The task force shall consist of the swimming pool and
 1561 electrical technical advisory committees of the Florida Building
 1562 Commission.
 1563 (3) The task force shall be chaired by the swimming pool
 1564 contractor appointed to the Florida Building Commission pursuant
 1565 to s. 553.74, Florida Statutes.
 1566 (4) The Florida Building Commission shall provide such
 1567 staff, information, and other assistance as is reasonably
 1568 necessary to assist the task force in carrying out its
 1569 responsibilities.

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1570 (5) Members of the task force shall serve without
1571 compensation.

1572 (6) The task force shall meet as often as necessary to
1573 fulfill its responsibilities. Meetings may be conducted by
1574 conference call, teleconferencing, or similar technology.

1575 (7) This section expires December 31, 2016.

1576 Section 39. The Florida Building Commission shall adopt
1577 into the Florida Building Code the following:

1578

1579 "Section 406 relating to the Alternative Performance Path,
1580 Energy Rating Index of the 2015 International Energy
1581 Conservation Code (IECC) may be used as an option for chapter
1582 553 and Florida Building Code compliance. TABLE R406.4 MAXIMUM
1583 ENERGY RATING INDEX shall reflect for Climate Zone 1, an index
1584 of 65; for Climate Zone 2, an index of 65."

1585 Section 40. This act shall take effect July 1, 2016.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/19/16

Meeting Date

SR 704
Bill Number (if applicable)

Topic

BUILDING CODES

Amendment Barcode (if applicable)

Name

KARI HEBRANK

Job Title

Address

113 EAST COLLEGE

Phone

566-7824

Street

Tallahassee, FL 32301

Email

City

State

Zip

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

(The Chair will read this information into the record.)

Representing

FLORIDA HOME BUILDERS

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/17/16

Meeting Date

704

Bill Number (if applicable)

Topic Building Code

Amendment Barcode (if applicable)

Name Kelly Mallette

Job Title

Address 104 West Jefferson Street

Phone (850) 224-3427

Street

Tallahassee, FL 32301

Email kelly@rlbookpa.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Apartment Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
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2/17/16
Meeting Date

704
Bill Number (if applicable)

Topic Building Code Bill

Amendment Barcode (if applicable)

Name Jennifer Hatfield

Job Title _____

Address 411 Lenore Ct.

Phone 941-345-3263

Street

Rockledge
City

FL
State

32955
Zip

Email jen@wilsonmgmt.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Swimming Pool Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
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2/17/16
Meeting Date

704
Bill Number (if applicable)

Topic Building Code Bill

Amendment Barcode (if applicable)

Name Carol Bowen

Job Title Deputy Chief Lobbyist

Address 3730 Coconut Creek Pkwy Ste 200 Phone (954) 465-6811
Street

Coconut Creek FL 33066
City State Zip

Email cbowen@abwcothard.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Associated Builders and Contractors

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
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2/17/16
Meeting Date

SB704
Bill Number (if applicable)

Topic Apartment Maintenance Exemption

Amendment Barcode (if applicable)

Name Courtney Barnard

Job Title Gov. Affairs Director, FL Apartment Association

Address 105 E. Robinson St. Ste 301
Street

Phone 407-284-8538

Orlando, FL 32801
City State Zip

Email Courtney@faahq.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA APARTMENT ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/17/16
Meeting Date

704
Bill Number (if applicable)

Topic Buildings Code

Amendment Barcode (if applicable)

Name David Cruz

Job Title Assistant General Counsel

Address P.O. Box 1757
Street

Phone 761-3676

Tallahassee FL 32302
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/17/16

Meeting Date

913 704

Bill Number (if applicable)

Topic Building Code

Amendment Barcode (if applicable)

Name Kingman Schuktt

Job Title Fire Chief

Address 14575 Collier Blvd.

Phone 239 348-7540

Street

Naples FL 34119

City

State

Zip

Email

Speaking For [] Against [X] Information []

Waive Speaking: [] In Support [X] Against (The Chair will read this information into the record.)

Representing Florida Fire Chief Association

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16
Meeting Date

SB 704
Bill Number (if applicable)

Topic Building Code

Amendment Barcode (if applicable)

Name Rick Butcher

Job Title _____

Address 444 Huey Ave

Phone 727-938-3737

Street
Tarpon Springs FL 34689
City State Zip

Email rbutcher@tstf.us

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Fire Marshals & Inspectors Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/17/16

Meeting Date

CS SB 704

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Buddy Dewar

Job Title CEO, BDA

Address 5501 Touraine Dr

Phone 850-566-8733

Street

Tallahassee

Email gr8Budd@aol.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Fire Sprinkler Industry

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

704

Bill Number (if applicable)

Topic BUILDING CODE

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 1674 UNIVERSITY PKWY

Phone 941-323-2404

Street

SARASOTA FL 34223

City

State

Zip

Email cullen@scg.org
scg.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-17-16

Meeting Date

704

Bill Number (if applicable)

Topic Section 6 - Apartment/HVAC exemption

Amendment Barcode (if applicable)

Name Armando Ibarra

Job Title Lobbyist

Address 951 Brickell Avenue #701

Phone 786-514-2965

Street

Miami

FL

33131

Email armando@aiadvisory.co

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Refrigeration and Air Conditioning Contractors Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-17-16

Meeting Date

704

Bill Number (if applicable)

Topic Bldg code bill

Amendment Barcode (if applicable)

Name Lisa Miller

Job Title CEO

Address 331 N Monroe St

Phone 850 528 9229

Street

Tallahassee FL 32301

City

State

Zip

Email Lisa.Miller@lisamiller
associates

Speaking: For Against Information

Waive Speaking: In Support Against *com*
(The Chair will read this information into the record.)

certain sections of the bill

Representing Lisa Miller + Associates

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

704

Bill Number (if applicable)

Topic Blower Door Prohibition

Amendment Barcode (if applicable)

Name Paul Handerhan

Job Title Consultant

Address 120 South Monroe Street

Phone 561 704 0428

Tallahassee FL 32301
City State Zip

Email PAUL@RAMBAconsulting.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FAIR

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16
Meeting Date

SB704
Bill Number (if applicable)

Topic Building Codes

Amendment Barcode (if applicable)

Name GERARD SOMMERS

Job Title _____

Address 8164 English Elm Cir
Street
Spring Hill FL 34606
City State Zip

Phone _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

2-17-2016

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 704

Meeting Date

Bill Number (if applicable)

Topic building codes

Amendment Barcode (if applicable)

Name Susan Blackman

Job Title Florida Director

Address PO Box 310

Phone 727-742-9003

Street

City

State

Zip

Indian Rocks Beach FL 33785

Email susan@cleanenergy.org

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Southern Alliance for Clean Energy

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-17-16

Meeting Date

SB 704

Bill Number (if applicable)

Topic BUILDING CODES

Amendment Barcode (if applicable)

Name CAM FENTRIS

Job Title LOBBYIST

Address 1400 VILLAGE SQUARE # 3-243 Phone 850-222-2772

Street

TAU FL 32312

City

State

Zip

Email CFENTRIS@AOL.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLA REFRIGERATION & AC CONTRACTORS ASSN

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-17-16

Meeting Date

704

Bill Number (if applicable)

Topic Building Codes / Apartments Exemption

Amendment Barcode (if applicable)

Name Theresa King

Job Title President

Address PO Box 10888

Phone 850-228-8940

Street

Tallahassee

City

FL

State

32302

Zip

Email fbtiking@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Building and Construction Trades

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/14
Meeting Date

SB 704
Bill Number (if applicable)

Topic Bldg Codes

Amendment Barcode (if applicable)

Name Bruce Kershner

Job Title _____

Address 231 West Bay Ave
Street
Longwood FL 32750
City State Zip

Phone 407 830 1882

Email RBKershner@att.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing National Utility Contractors Association of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

704

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Jim Spratt

Job Title _____

Address 310 W Colley Ave

Phone 850-228-1296

Street

TLH FL 32301

Email Jim@magnoliastrategiesllc.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Nursery, Growers & Landscape Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

704

Bill Number (if applicable)

Topic Building Codes

Amendment Barcode (if applicable)

Name Cameron Yarbrough

Job Title Gov. Affairs

Address 215 S. Monroe St., Suite 601

Phone 850-521-1980

Street

TLH
City

FL
State

32301
Zip

Email cyarbrough@gunster.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AHRI - Air Conditioning, Heating, Refrigeration Institute

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16
Meeting Date

704
Bill Number (if applicable)

Topic BUILDING CODES

Amendment Barcode (if applicable)

Name ELI NORTELUS

Job Title _____

Address 106 E. COLLEGE AVE.
Street

Phone 850-224-9634

TALLAHASSEE FL 32301
City State Zip

Email ELI.NORTELUS@akerman.com

Speaking: For Against Information

Waive Speaking: In Support Against ^{SECTION 6}
(The Chair will read this information into the record.)

Representing FLORIDA AIR CONDITIONING CONTRACTORS PROFESSIONAL ALLIANCE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17

Meeting Date

704

Bill Number (if applicable)

Topic Building Code

Amendment Barcode (if applicable)

Name Rusty Payton

Job Title CEO / chief Lobbyist

Address 2600 Centennial Place

Phone (850) 567-1073

Street

Tallahassee

City

FL

State

32317

Zip

Email rpayton@fhba.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Homebuilders Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Alan Hays, Chair
Appropriations Subcommittee on General Government

Subject: Committee Agenda Request

Date: February 4, 2016

I respectfully request that **Senate Bill #704**, relating to Building Codes, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Travis Hutson".

Senator Travis Hutson
Florida Senate, District 6

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: PCS/SB 770 (389166)

INTRODUCER: Appropriations Subcommittee on General Government; Senators Simpson and Flores

SUBJECT: Local Government Environmental Financing

DATE: February 19, 2016 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	Favorable
2.	Howard	DeLoach	AGG	Recommend: Fav/CS
3.			AP	

Please see Section IX. for Additional Information:
 COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 770, the Florida Keys Stewardship Act, provides the following:

- Expands the use of the local government infrastructure surtax to include acquiring any interest in lands meeting specific criteria.
- Adds the City of Key West Area of Critical State Concern to the list of eligible areas for which Everglades restoration bonds may be issued and expands the range of uses to include projects that protect, restore, or enhance nearshore water quality and fisheries, such as storm water or canal restoration projects, and projects to protect and enhance the water supply to the Florida Keys. The period for which Everglades bonds may be issued is extended seven years, from Fiscal Year 2019-2020 to Fiscal Year 2026-2027.
- Provides that when Everglades restoration bonds are authorized to exceed the \$100 million annual threshold, the amount designated for the Florida Keys Area of Critical State Concern is reduced from \$50 million to \$20 million per fiscal year and includes the City of Key West Area of Critical State Concern.
- Allows for lands that are purchased in the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern from Everglades restoration bond proceeds to be surplus under certain circumstances.
- Revises the Department of Environmental Protection’s (DEP) criteria relating to the purchase of lands in an area of critical state concern.
- Requires that of the funds appropriated to the DEP as distributed in the Florida Forever Act for land acquisition and capital projects, a minimum of \$5 million annually is allocated

within the Florida Keys Area of Critical State Concern beginning in Fiscal Year 2016-2017 through Fiscal Year 2026-2027.

- Expands the powers of the land authority related to private property rights' claims resulting from limitations imposed by the designation of an areas of critical state concern.

The bill extends the timeframe in which Everglades bonds may be issued by seven years and reduces the annual amount of bonds that may be authorized from \$50 million to \$20 million for the Florida Keys and City of Key West Areas of Critical State Concern.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Areas of Critical State Concern

The Areas of Critical State Concern Program was created by the "Florida Environmental Land and Water Management Act of 1972."¹ The program is intended to protect resources and public facilities of major statewide significance, within designated geographic areas, from uncontrolled development that would cause substantial deterioration of such resources.²

An Area of Critical State Concern may be designated only for an area:

- Containing, or having a significant impact upon, environmental or natural resources of regional or statewide importance, including, but not limited to, state or federal parks, forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangered lands, Outstanding Florida Waters, and aquifer recharge areas, of which the uncontrolled private or public development would cause substantial deterioration of such resources; or
- Containing, or having a significant impact upon, historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, of which the private or public development would cause substantial deterioration or complete loss of such resources, sites, or districts.³

The designated Areas of Critical State Concern are the Apalachicola Bay Area,⁴ the Green Swamp Area,⁵ the Big Cypress Area,⁶ and the Florida Keys Area and the City of Key West Area.⁷

As the state land planning agency, the Department of Economic Opportunity (DEO) has the authority to review all development permits in the Areas of Critical State Concern. If the DEO determines that the administration of the local land development regulations or local

¹ Chapter 72-317, s. 1, Laws of Fla.

² Department of Economic Opportunity, *Areas of Critical State Concern Program*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Nov. 23, 2015).

³ Section 380.05(2), F.S.

⁴ Section 380.0555, F.S.

⁵ Section 380.0551, F.S.

⁶ Section 380.055, F.S.

⁷ Section 380.0552, F.S.

comprehensive plan within the area is inadequate to protect the state or regional interest, the agency may institute appropriate judicial proceedings to complete proper enforcement of the land development regulations or plans.⁸

The Florida Keys and the City of Key West Areas of Critical State Concern

The Legislature designated the Florida Keys (Monroe County and its municipalities) and the City of Key West as Areas of Critical State Concern in 1975 due to the area's environmental sensitivity and mounting development pressures.⁹ The legislative intent was to establish a land use management system for the Florida Keys that would achieve the following:

- Protect the natural environment and improve the nearshore water¹⁰ quality;
- Support a diverse economic base that promotes balanced growth in accordance with the capacity of public facilities;
- Promote public land acquisition and ensure that the population of the Florida Keys can be safely evacuated;
- Provide affordable housing in close proximity to places of employment; and
- Protect property rights and promote coordination among governmental agencies that have permitting jurisdiction.¹¹

In the early 1990s, Monroe County revised its comprehensive plan to be consistent with the 1985 Growth Management Act.¹² The plan drew legal challenges from numerous parties, with litigation lasting several years. In 1996, the litigation was resolved through a stipulated settlement agreement and the adoption by the Administration Commission of Rule 28-20, Florida Administrative Code.¹³ The rule contained a work program which, when complete, would improve water quality, better protect habitat for threatened and endangered species, resolve challenges that were raised by the various parties, and ultimately provide for the repeal of the designation. These administrative challenges highlighted specific aspects of the Florida Keys ecosystem as having limited capacity to sustain additional impacts from development. Of particular concern was the declining water quality of the nearshore environment due to a lack of central sewer facilities, the loss of habitat for state and federally listed species, public safety, adequate evacuation in the event of hurricanes, and a deficit of affordable housing. Rules containing work program tasks were adopted for Marathon and Islamorada after their subsequent incorporation.¹⁴

⁸ Section 380.05(13), F.S.

⁹ Department of Economic Opportunity, *Florida Keys Area of Critical State Concern Annual Report*, 3 (2013), available at <http://www.floridajobs.org/docs/default-source/2015-community-development/2015-cnty-plan-acsc/2013annualreport.pdf?sfvrsn=2>.

¹⁰ Nearshore and inshore Florida waters is defined as "all Florida waters inside a line three miles seaward of the coastline along the Gulf of Mexico and inside a line one mile seaward of the coastline along the Atlantic Ocean." Fla. Const. art. X, s. 16.

¹¹ *Id.* at 4.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

Concerns about water quality

Concerns about water quality resulted in legislative action which established requirements that by December 2015, all sewage disposal in the Florida Keys must be upgraded to meet advanced wastewater treatment standards that reduce the amount of nitrogen, phosphorus, biological oxygen demand, and total suspended solids.¹⁵ When the construction of central sewer systems is concluded, approximately 249 small package plants, 23,000 septic tanks and 2,800 cesspits will be eliminated and replaced with connections to central sewer systems providing advanced wastewater treatment.¹⁶ The bond financing in the Save the Everglades Program, approved by the Florida Legislature in 2012, and the extension of the Monroe County Infrastructure Sales Tax will provide the funds to complete central sewer by 2015.¹⁷

Water quality and the economy are inextricably linked in the Florida Keys. Tourism is the chief economic engine with over \$1.2 billion being spent annually by over 3.7 million visitors.¹⁸ Surrounded by sensitive coral reefs and highly productive marine nurseries, the Keys are an international destination for fishing and wildlife viewing. Recreational and commercial fishing are the next most important sectors of the local economy, annually contributing an estimated \$557 million.¹⁹ Hotel and motel properties alone constitute over \$1 billion in taxable property value and 90 percent of the top property taxpayers are tourism-related businesses.²⁰ In the Florida Keys, nearly half of all taxable sales are direct purchases by tourists.²¹

Maintenance of the Keys' natural resources is necessary for a sustainable economy which is dependent upon clean water and abundant natural resources and essential to maintaining a strong tourist industry.²² The Florida Keys contain the Florida Reef Tract which is the third largest barrier reef ecosystem in the world.²³ The water surrounding the Florida Keys is biologically rich and diverse, and sensitive to the impacts of development and land uses.²⁴ Excessive levels of nutrients in the water stress marine life and make them prone to disease.²⁵ The Florida Bay contains the most expansive seagrass meadow in the world.²⁶ Seagrass monitoring trends in the Florida Bay suggest that increased nutrient levels are resulting in decreased species diversity.

More than 35,000 jobs in the Keys are supported by ocean recreation and tourism and account for 58 percent of the local economy.²⁷

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 5.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

Development of Private Property

In 1992, Monroe County created and implemented the Rate of Growth Ordinance.²⁸ The Rate of Growth Ordinance is designed to control growth in a manner that is beneficial to the local environment, as well as the local residents. Land development in the Florida Keys is severely limited because the Florida Keys are home to many endangered and threatened species, and all residents of the Florida Keys are required to be evacuated within 24 hours before a hurricane making landfall.²⁹ As of 2013, the state had allotted only 350 building permits per year to the Florida Keys for 10 years, for a total of 3,500 building permits.³⁰ If the state does not go beyond its current allotment, no further development will be permitted in the Florida Keys beginning in 2023. At that point, there would be approximately 7,800 undeveloped, privately-owned parcels that would be prohibited from development.³¹ The prohibition on land development could potentially result in litigation under the Takings Clause of the United States Constitution³² which requires the government to compensate a property owner when it takes his or her property for public use or when the state excessively regulates his or her property.

Everglades Restoration Bonds

Everglades restoration bonds are bonds that are used to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources to implement the Comprehensive Everglades Restoration Plan, the Lake Okeechobee Watershed Protection Plan, the Caloosahatchee River Watershed Protection Plan, the St. Lucie River Watershed Protection Plan, and the Florida Keys Area of Critical State Concern protection plan.³³ Everglades restoration bonds may be issued in amounts up to \$100 million per fiscal year through fiscal year 2019-2020, and in greater annual amounts upon request by the Department of Environmental Protection (DEP) in order to achieve cost savings or accelerate land purchases.³⁴ In addition, up to \$50 million per fiscal year may be issued specifically for the purpose of funding the Florida Keys Area of Critical State Concern protection program.³⁵ Everglades restoration bonds are payable from, and secured as a first lien on, documentary stamp taxes distributed under s. 201.15(3)(b), F.S., and are not a general obligation or pledge of the full faith and credit of the state.

Local Government Infrastructure Sales Surtax

The Local Government Infrastructure Surtax is one of eight local discretionary sales surtaxes authorized by s. 212.055, F.S., which may be levied by the governing authority in each county

²⁸ Monroe County Growth Management Division, *A Layman's Guide to Residential ROGO*, available at <http://www.floridakeyskeywestrealestate.com/pdf/laymansguideROGO.pdf>.

²⁹ Section 380.0552 (9)(a)2., F.S.

³⁰ Presentation in Senate Appropriations Subcommittee on General Government by Heather Carruthers, Monroe County Board of County Commissioners, *Florida Keys Area of Critical State Concern Update*, (Nov. 18, 2015), available at https://www.flsenate.gov/media/videoplayer?EventID=2443575804_2015111205

³¹ *Id.*

³² U.S. Const. amend. V.

³³ Section 215.619(1), F.S.

³⁴ Section 215.619(1)(a), F.S.

³⁵ *Id.*

after a majority vote of the electorate through a local referendum.³⁶ The surtax may be levied at 0.5 percent or 1.0 percent.³⁷ Proceeds are distributed to the county and the municipalities within the county according to an interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, or if there is no interlocal agreement, according to the formula in s. 218.62, F.S.³⁸

The proceeds of the surtax must be expended only to:

- Finance, plan, and construct infrastructure;
- Acquire land for public recreation, conservation, or protection of natural resources;
- Provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing the use is approved by referendum; or
- Finance the closure of county-owned or municipally-owned solid waste landfills that have been closed or are required to be closed by order of the DEP.³⁹

Counties are also authorized to use surtax proceeds for other purposes under certain circumstances. Proceeds and accrued interest may not be used for the operational expenses of infrastructure.⁴⁰ The Attorney General (AG) has considered whether land improvement or design expenses could properly be purchased with the proceeds of this surtax. The AG determined that such items as fencing, swings, lumber for bleachers and lighting fixtures, and the materials for landscape design and tree and shrubbery planting would not be appropriate expenditures of surtax proceeds because they are more in the nature of day-to-day operational expenses.⁴¹

However, land improvement or design expenses that occur in conjunction with a fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction or improvement of public facilities, or an expenditure for such things as materials for landscape design may be purchased with the proceeds of the surtax when a new public facility is being built or an existing public facility is being improved. In 2012, the AG issued an opinion determining that a city would be authorized to use these surtax funds for a beach erosion control project, involving both the construction of fixtures and fixed equipment and also the studies, design, and planning involved in the construction of such capital projects.⁴²

While all counties are authorized to levy the surtax, only 18 counties currently do so. Two counties levy the surtax at the rate of 0.5 percent: Duval and Hillsborough. Sixteen counties levy the surtax at the rate of 1 percent: Charlotte, Clay, Escambia, Glades, Highlands, Indian River, Lake, Leon, Monroe, Osceola, Pasco, Pinellas, Putnam, Sarasota, Seminole, and Wakulla. During the 2015-2016 fiscal year, these counties are expected to receive combined county

³⁶ Section 212.055(2)(a)1., F.S.

³⁷ However, the Local Government Infrastructure Surtax, Small County Surtax, Indigent Care and Trauma Center Surtax, and County Public Hospital Surtax are limited to a maximum combined rate of 1 percent. Section 212.055(2)(h), F.S.

³⁸ Section 212.055(2)(c)1., F.S. The agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities.

³⁹ Section 212.055(2)(d), F.S.

⁴⁰ Except in certain circumstances involving landfill maintenance associated with closure, or county bond indebtedness.

⁴¹ Op. Att'y Gen. Fla. 94-79 (1994).

⁴² Op. Att'y Gen. Fla. 2012-19 (2012).

revenues of \$691,831,985.⁴³ Because the Local Government Infrastructure Surtax, Small County Surtax, Indigent Care and Trauma Center Surtax, and County Public Hospital Surtax are limited to a maximum combined rate of 1 percent, Flagler and Miami-Dade counties are eligible to levy the surtax in the amount of 0.5 percent. Only an additional 19 counties are eligible to levy the surtax in the amount of 1 percent.

III. Effect of Proposed Changes:

Section 1 provides that the act may be cited as the “Florida Keys Stewardship Act.”

Section 2 amends s. 212.055, F.S., to provide additional uses for which the governing authority in each county may levy a discretionary sales surtax of 0.5 percent or 1 percent. Such uses include:

- Acquiring any interest in land for public recreation, conservation, or protection of natural resources; or
- Preventing or satisfying private property rights’ claims resulting from limitations imposed by the designation of an area of critical state concern.

Section 212.055, F.S., is also amended to redefine infrastructure to include “any fixed capital expenditure or fixed capital outlay associated with... all other professional and related costs required to bring the public facilities into service.” The impacts of this change are twofold. First, by defining the term “public facilities” as a facility that is owned by any governmental entity, the bill clarifies that the county may use its infrastructure sales tax revenue for facilities under state or county ownership. Furthermore, public facility is defined to include a wide variety of major capital improvements including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities;⁴⁴ healthcare systems and facilities;⁴⁵ and water management and control facilities, alternative water systems, and certain spoil disposal sites for maintenance dredging in waters of the state.⁴⁶ Second, this provision expands the allowable use of funds to all other professional and related costs, which may cover legal services that are often required for procurement, contract preparation, or bid protests of projects. The surtax must be enacted by ordinance and approved by a referendum.

Section 3 amends s. 215.619, F.S., relating to bonds for Everglades restoration. The City of Key West Area of Critical State Concern as designated by the Administration Commission under s. 380.05, F.S., is added to the list of eligible areas for which Everglades restoration bonds may be issued. In addition, the section expands the range of uses for which the Everglades bonds may be issued to include projects that protect, restore, or enhance nearshore water quality and fisheries, such as storm water or canal restoration projects and projects to protect and enhance the water supply to the Florida Keys. The section also extends the period until which Everglades bonds may be issued from Fiscal Year 2019-2020 to Fiscal Year 2026-2027.

The section is also amended to change the conditions under which Everglades restoration bonds may be issued in an amount exceeding \$100 million per fiscal year. Beginning in Fiscal Year

⁴³ Dollar amounts are estimates. Florida Revenue Estimating Conference, *Florida Tax Handbook*, pg. 226 (2015).

⁴⁴ Section 163.3164(38).

⁴⁵ Section 163.3221(13).

⁴⁶ Section 189.012(5).

2016-2017, such bonds may not be issued in excess of \$100 million per fiscal year unless the Department of Environmental Protection (DEP) has requested these additional amounts in order to achieve cost savings or accelerate the purchase of land; or the Legislature authorizes an additional amount of bonds not to exceed \$20 million⁴⁷ per fiscal year or \$200 million in total for the Florida Keys Area of Critical State Concern protection program and the City of Key West Area of Critical State Concern.

Subsection (7) is added to s. 215.619, F.S., to address the issue of surplus lands within the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern.⁴⁸ If the South Florida Water Management District and the DEP determine that lands purchased using bond proceeds within the Florida Keys Area of Critical State Concern, the City of Key West Area of Critical State Concern, or outside the Florida Keys Area of Critical State Concern but which were purchased to preserve and protect the potable water supply to the Florida Keys are no longer needed for those purposes, the entity owning the lands may dispose of them. However, before the lands can be disposed of, each general-purpose local government within whose boundaries a portion of the land lies must agree to the disposal of the land and must be offered the first right to purchase those lands.

Section 4 amends s. 259.045, F.S., relating to the purchase of lands in an Area of Critical State Concern. Specifically, the section revises the criteria that the DEP shall consider in assessing what lands are appropriate for purchase. In addition to lands within an Area of Critical State Concern, the DEP may also consider as appropriate for purchase of lands outside the area of state concern that directly impact an area of state concern, such as for the purposes of water supply protection. The DEP is required to make recommendations to the board regarding the purchase of such lands that are:

- Environmentally endangered lands;
- Outdoor recreation lands;
- Lands that conserve sensitive habitat;
- Lands that protect, restore, or enhance nearshore water quality and fisheries;
- Lands used to protect and enhance water supply to the Florida Keys, including alternative water supplies such as reverse osmosis and reclaimed water systems; or
- Lands used to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an Area of Critical State Concern.

The section also adds local governments and special districts within an Area of Critical State Concern to the list of entities that may make recommendations for additional purchases that were not included in the state land planning agency recommendations.

Section 5 amends s. 259.105(3)(b), F.S., to provide that at least \$5 million of the funds allocated annually by the DEP pursuant to paragraph (b) shall be spent on land acquisition within the

⁴⁷ Current law provides that the additional amount of bonds may not exceed \$50 million per fiscal year or \$200 million total for the Florida Keys Area of Critical State Concern protection program.

⁴⁸ Section 215.619(6) provides a similar process for surplus lands that are not needed to implement the Lake Okeechobee Watershed Protection Plan, the Caloosahatchee River Watershed Protection Plan, and the St. Lucie River Watershed Protection Plan.

Florida Keys Area of Critical State Concern. This annual allocation would begin in Fiscal Year 2016-2017 and continue through Fiscal Year 2026-2027.

Section 6 amends s. 380.0552, F.S., relating to the Florida Keys Area of Critical State Concern. Specifically, the section provides that it is the intent of the Legislature to protect and improve the water quality of the Florida Keys through federal, state, and local funding of water quality improvement projects, including the construction and operation of certain wastewater management facilities. The section also provides additional principles for guiding development in the Florida Keys Area of Critical State Concern. Specifically, any plan amendments to the Florida Keys Area of Critical State Concern must be consistent with the principle of protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of other water quality and water supply projects, including direct and indirect potable reuse.

Section 7 amends s. 380.0666, F.S., relating to the powers of land authority. Specifically, the land authority is given all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act. The section is amended to include the following additional powers:

- To acquire or dispose of property prevent or satisfy private property right claims resulting from limitations imposed by the designation of an area of critical state concern;
- To contribute funds to the DEP for the purchase of lands by the department; and
- To require that acquisitions of property or contributions to DEP by the authority cannot be used to improve public transportation facilities or otherwise increase road capacity to reduce hurricane evacuation clearance times.

Section 8 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

If tourism increases from the improvements to water quality, the state may see an increase in tax revenue.

B. Private Sector Impact:

Improvements in water quality may result in an increase in tourism. In addition, private property owners who own land in the Florida Keys, but are unable to obtain a permit to develop the land may be compensated for their land. This may help to avoid litigation under the Takings Clause.⁴⁹

C. Government Sector Impact:

PCS/SB 770 extends the period which Everglades restoration bonds may be issued seven years, through Fiscal Year 2026-2027. When Everglades restoration bonds are authorized to exceed the \$100 million annual threshold, the amount designated for the Florida Keys Area of Critical State Concern is reduced from \$50 million to \$20 million per fiscal year and expanded to include the City of Key West Area of Critical State Concern beginning in Fiscal Year 2016-2017.

The bill also requires that of the funds appropriated for land acquisition and capital projects as part of the Florida Forever Act distribution to the DEP, a minimum of \$5 million annually is allocated within the Florida Keys Area of Critical State Concern beginning in Fiscal Year 2016-2017 through Fiscal Year 2026-2027.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 212.055, 215.619, 259.045, 259.105, 380.0552, and 380.0666 of the Florida Statutes.

This bill creates an unnumbered section of the Florida Statutes.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on General Government on February 17, 2016:

The committee substitute:

- Eliminates the requirement that \$20 million must be appropriated annually to the Department of Environmental Protection (DEP) for local governments in the Florida Keys and City of Key West Areas of Critical State Concern beginning in Fiscal Year

⁴⁹ U.S. Const. amend. V.

2016-2017 through Fiscal Year 2026-2027 if \$20 million of Everglades restoration bonds are not authorized each fiscal year;

- Modifies the additional uses for which the governing authority in each county may levy a discretionary sales surtax to include preventing or satisfying private property rights' claims resulting from limitations imposed by the designation of an area of critical state concern;
- Removes language that gives the governing authority in each county the authority to levy a discretionary sales surtax to reduce the impacts of additional development on hurricane evacuation clearance times;
- Removes language specifying Everglades restoration bonds can be used for alternative water supplies such as reverse osmosis and reclaimed water systems;
- Modifies the duration time that Everglades restoration bonds must mature from December 31, 2056, to December 31, 2047;
- Removes the requirement that surplus lands purchased with bond proceeds must be either surplus at not less than the appraised value or the South Florida Water Management District must use a different source of funds to pay for or reimburse the Save Our Everglades Trust Fund for that portion of lands not needed to implement the respective plans;
- Removes language relating to the Florida Forever Act legislative findings and declarations that the continued alteration and development of Florida's natural and rural areas due to an increasing population has led to the fragmentation and destruction of coral reefs and that many of Florida's unique ecosystems, including coral reefs, are facing ecological collapse;
- Removes from the powers of the land authority to acquire and dispose of real and personal property or any interest therein when such acquisitions are necessary or appropriate to reduce the impacts of additional development on hurricane evacuation clearance times;
- Adds to the powers of the land authority to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; and
- Adds a limitation to the powers of the land authority to specify that acquisitions or contributions cannot be used to improve public transportation facilities or otherwise increase road capacity to reduce hurricane evacuation clearance times.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2016	.	
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Appropriations Subcommittee on General Government (Simpson)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "Florida Keys
Stewardship Act."

Section 2. Paragraph (d) of subsection (2) of section
212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent;
authorization and use of proceeds.—It is the legislative intent



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11 that any authorization for imposition of a discretionary sales
12 surtax shall be published in the Florida Statutes as a
13 subsection of this section, irrespective of the duration of the
14 levy. Each enactment shall specify the types of counties
15 authorized to levy; the rate or rates which may be imposed; the
16 maximum length of time the surtax may be imposed, if any; the
17 procedure which must be followed to secure voter approval, if
18 required; the purpose for which the proceeds may be expended;
19 and such other requirements as the Legislature may provide.
20 Taxable transactions and administrative procedures shall be as
21 provided in s. 212.054.

22 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

23 (d) The proceeds of the surtax authorized by this
24 subsection and any accrued interest shall be expended by the
25 school district, within the county and municipalities within the
26 county, or, in the case of a negotiated joint county agreement,
27 within another county, to finance, plan, and construct
28 infrastructure; to acquire any interest in land for public
29 recreation, conservation, or protection of natural resources or
30 to prevent or satisfy private property rights claims resulting
31 from limitations imposed by the designation of an area of
32 critical state concern; to provide loans, grants, or rebates to
33 residential or commercial property owners who make energy
34 efficiency improvements to their residential or commercial
35 property, if a local government ordinance authorizing such use
36 is approved by referendum; or to finance the closure of county-
37 owned or municipally owned solid waste landfills that have been
38 closed or are required to be closed by order of the Department
39 of Environmental Protection. Any use of the proceeds or interest



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40 for purposes of landfill closure before July 1, 1993, is
41 ratified. The proceeds and any interest may not be used for the
42 operational expenses of infrastructure, except that a county
43 that has a population of fewer than 75,000 and that is required
44 to close a landfill may use the proceeds or interest for long-
45 term maintenance costs associated with landfill closure.
46 Counties, as defined in s. 125.011, and charter counties may, in
47 addition, use the proceeds or interest to retire or service
48 indebtedness incurred for bonds issued before July 1, 1987, for
49 infrastructure purposes, and for bonds subsequently issued to
50 refund such bonds. Any use of the proceeds or interest for
51 purposes of retiring or servicing indebtedness incurred for
52 refunding bonds before July 1, 1999, is ratified.

53 1. For the purposes of this paragraph, the term
54 "infrastructure" means:

55 a. Any fixed capital expenditure or fixed capital outlay
56 associated with the construction, reconstruction, or improvement
57 of public facilities that have a life expectancy of 5 or more
58 years, ~~and~~ any related land acquisition, land improvement,
59 design, and engineering costs, and all other professional and
60 related costs required to bring the public facilities into
61 service. For purposes of this sub-subparagraph, the term "public
62 facilities" means public facilities as defined in s.
63 163.3164(38), s. 163.3221(13), or s. 189.012(5), regardless of
64 whether the facilities are owned by the local taxing authority
65 or another governmental entity.

66 b. A fire department vehicle, an emergency medical service
67 vehicle, a sheriff's office vehicle, a police department
68 vehicle, or any other vehicle, and the equipment necessary to



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69 outfit the vehicle for its official use or equipment that has a
70 life expectancy of at least 5 years.

71 c. Any expenditure for the construction, lease, or
72 maintenance of, or provision of utilities or security for,
73 facilities, as defined in s. 29.008.

74 d. Any fixed capital expenditure or fixed capital outlay
75 associated with the improvement of private facilities that have
76 a life expectancy of 5 or more years and that the owner agrees
77 to make available for use on a temporary basis as needed by a
78 local government as a public emergency shelter or a staging area
79 for emergency response equipment during an emergency officially
80 declared by the state or by the local government under s.

81 252.38. Such improvements are limited to those necessary to
82 comply with current standards for public emergency evacuation
83 shelters. The owner must enter into a written contract with the
84 local government providing the improvement funding to make the
85 private facility available to the public for purposes of
86 emergency shelter at no cost to the local government for a
87 minimum of 10 years after completion of the improvement, with
88 the provision that the obligation will transfer to any
89 subsequent owner until the end of the minimum period.

90 e. Any land acquisition expenditure for a residential
91 housing project in which at least 30 percent of the units are
92 affordable to individuals or families whose total annual
93 household income does not exceed 120 percent of the area median
94 income adjusted for household size, if the land is owned by a
95 local government or by a special district that enters into a
96 written agreement with the local government to provide such
97 housing. The local government or special district may enter into



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98 a ground lease with a public or private person or entity for
99 nominal or other consideration for the construction of the
100 residential housing project on land acquired pursuant to this
101 sub-subparagraph.

102 2. For the purposes of this paragraph, the term "energy
103 efficiency improvement" means any energy conservation and
104 efficiency improvement that reduces consumption through
105 conservation or a more efficient use of electricity, natural
106 gas, propane, or other forms of energy on the property,
107 including, but not limited to, air sealing; installation of
108 insulation; installation of energy-efficient heating, cooling,
109 or ventilation systems; installation of solar panels; building
110 modifications to increase the use of daylight or shade;
111 replacement of windows; installation of energy controls or
112 energy recovery systems; installation of electric vehicle
113 charging equipment; installation of systems for natural gas fuel
114 as defined in s. 206.9951; and installation of efficient
115 lighting equipment.

116 3. Notwithstanding any other provision of this subsection,
117 a local government infrastructure surtax imposed or extended
118 after July 1, 1998, may allocate up to 15 percent of the surtax
119 proceeds for deposit into a trust fund within the county's
120 accounts created for the purpose of funding economic development
121 projects having a general public purpose of improving local
122 economies, including the funding of operational costs and
123 incentives related to economic development. The ballot statement
124 must indicate the intention to make an allocation under the
125 authority of this subparagraph.

126 Section 3. Subsection (1) of section 215.619, Florida



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127 Statutes, is amended, present subsections (7) and (8) are
128 renumbered as subsections (8) and (9), respectively, and a new
129 subsection (7) is added to that section, to read:

130 215.619 Bonds for Everglades restoration.—

131 (1) The issuance of Everglades restoration bonds to finance
132 or refinance the cost of the acquisition and improvement of
133 land, water areas, and related property interests and resources
134 for the purpose of implementing the Comprehensive Everglades
135 Restoration Plan under s. 373.470, the Lake Okeechobee Watershed
136 Protection Plan under s. 373.4595, the Caloosahatchee River
137 Watershed Protection Plan under s. 373.4595, the St. Lucie River
138 Watershed Protection Plan under s. 373.4595, the City of Key
139 West Area of Critical State Concern as designated by the
140 Administration Commission pursuant to s. 380.05, and the Florida
141 Keys Area of Critical State Concern protection program under ss.
142 380.05 and 380.0552 in order to restore and conserve natural
143 systems through the implementation of water management projects,
144 including projects that protect, restore, or enhance nearshore
145 water quality and fisheries, such as stormwater or canal
146 restoration projects, projects to protect water resources
147 available to the Florida Keys, including wastewater management
148 projects identified in the Keys Wastewater Plan, dated November
149 2007, and submitted to the Florida House of Representatives on
150 December 4, 2007, is authorized in accordance with s. 11(e),
151 Art. VII of the State Constitution.

152 (a) Everglades restoration bonds, except refunding bonds,
153 may be issued only in fiscal years 2002-2003 through 2026-2027
154 ~~2019-2020~~ and may not be issued in an amount exceeding \$100
155 million per fiscal year unless:



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156 1. The Department of Environmental Protection has requested
157 additional amounts in order to achieve cost savings or
158 accelerate the purchase of land; or

159 2. Beginning in fiscal year 2016-2017, the Legislature
160 authorizes an additional amount of bonds not to exceed \$200
161 million, and limited to \$20 ~~\$50~~ million per fiscal year,
162 specifically for the purpose of funding the Florida Keys Area of
163 Critical State Concern protection program and the City of Key
164 West Area of Critical State Concern. Proceeds from the bonds
165 shall be managed by the Department of Environmental Protection
166 for the purpose of entering into financial assistance agreements
167 with local governments located in the Florida Keys Area of
168 Critical State Concern or the City of Key West Area of Critical
169 State Concern to finance or refinance the cost of constructing
170 sewage collection, treatment, and disposal facilities or
171 building projects that protect, restore, or enhance nearshore
172 water quality and fisheries, such as stormwater or canal
173 restoration projects and projects to protect water resources
174 available to the Florida Keys.

175 (b) The duration of Everglades restoration bonds may not
176 exceed 20 annual maturities and must mature by December 31, 2047
177 2040. Except for refunding bonds, a series of bonds may not be
178 issued unless an amount equal to the debt service coming due in
179 the year of issuance has been appropriated by the Legislature.
180 Not more than 58.25 percent of documentary stamp taxes collected
181 may be taken into account for the purpose of satisfying an
182 additional bonds test set forth in any authorizing resolution
183 for bonds issued on or after July 1, 2015. Beginning July 1,
184 2010, the Legislature shall analyze the ratio of the state's



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185 debt to projected revenues before authorizing the issuance of
186 bonds under this section.

187 (7) If the South Florida Water Management District and the
188 Department of Environmental Protection determine that lands
189 purchased using bond proceeds within the Florida Keys Area of
190 Critical State Concern, the City of Key West Area of Critical
191 State Concern, or outside the Florida Keys Area of Critical
192 State Concern but which were purchased to preserve and protect
193 the potable water supply to the Florida Keys are no longer
194 needed for the purpose for which they were purchased, the entity
195 owning the lands may dispose of them. However, before the lands
196 can be disposed of, each general-purpose local government within
197 the boundaries of which a portion of the land lies must agree to
198 the disposal of lands within its boundaries and must be offered
199 the first right to purchase those lands.

200 Section 4. Section 259.045, Florida Statutes, is amended to
201 read:

202 259.045 Purchase of lands in areas of critical state
203 concern; recommendations by department and land authorities.—
204 Within 45 days after ~~of the designation by~~ the Administration
205 Commission designates ~~of~~ an area as an area of critical state
206 concern under s. 380.05, and annually thereafter, the Department
207 of Environmental Protection shall consider the recommendations
208 of the state land planning agency pursuant to s. 380.05(1)(a)
209 relating to purchase of lands within an area of critical state
210 concern or lands outside an area of critical state concern which
211 directly impact an area of critical state concern, which may
212 include lands used to preserve and protect water supply, the
213 ~~proposed area~~ and shall make recommendations to the board with



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214 respect to the purchase of the fee or any lesser interest in any
215 such lands that are: ~~situated in such area of critical state~~
216 ~~concern as~~

217 (1) Environmentally endangered lands; ~~or~~

218 (2) Outdoor recreation lands;

219 (3) Lands that conserve sensitive habitat;

220 (4) Lands that protect, restore, or enhance nearshore water
221 quality and fisheries;

222 (5) Lands used to protect and enhance water supply to the
223 Florida Keys, including alternative water supplies such as
224 reverse osmosis and reclaimed water systems; or

225 (6) Lands used to prevent or satisfy private property
226 rights claims resulting from limitations imposed by the
227 designation of an area of critical state concern.

228
229 The department, or a local government, special district, or ~~and~~
230 ~~a~~ land authority within an area of critical state concern ~~as~~
231 ~~authorized in chapter 380~~, may make recommendations with respect
232 to additional purchases which were not included in the state
233 land planning agency recommendations.

234 Section 5. Paragraph (b) of subsection (3) of section
235 259.105, Florida Statutes, is amended to read:

236 259.105 The Florida Forever Act.—

237 (3) Less the costs of issuing and the costs of funding
238 reserve accounts and other costs associated with bonds, the
239 proceeds of cash payments or bonds issued pursuant to this
240 section shall be deposited into the Florida Forever Trust Fund
241 created by s. 259.1051. The proceeds shall be distributed by the
242 Department of Environmental Protection in the following manner:



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243 (b) Thirty-five percent to the Department of Environmental
244 Protection for the acquisition of lands and capital project
245 expenditures described in this section. Of the proceeds
246 distributed pursuant to this paragraph, it is the intent of the
247 Legislature that an increased priority be given to those
248 acquisitions which achieve a combination of conservation goals,
249 including protecting Florida's water resources and natural
250 groundwater recharge. At a minimum, 3 percent, and no more than
251 10 percent, of the funds allocated pursuant to this paragraph
252 shall be spent on capital project expenditures identified during
253 the time of acquisition which meet land management planning
254 activities necessary for public access. Beginning in fiscal year
255 2016-2017 and continuing through fiscal year 2026-2027, at least
256 \$5 million of the funds allocated pursuant to this paragraph
257 shall be spent on land acquisition within the Florida Keys Area
258 of Critical State Concern.

259 Section 6. Paragraph (i) of subsection (2) and paragraph
260 (i) of subsection (7) of section 380.0552, Florida Statutes, are
261 amended to read:

262 380.0552 Florida Keys Area; protection and designation as
263 area of critical state concern.—

264 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
265 to:

266 (i) Protect and improve the nearshore water quality of the
267 Florida Keys through federal, state, and local funding of water
268 quality improvement projects, including the construction and
269 operation of wastewater management facilities that meet the
270 requirements of ss. 381.0065(4)(1) and 403.086(10), as
271 applicable.



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272 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
273 and local agencies and units of government in the Florida Keys
274 Area shall coordinate their plans and conduct their programs and
275 regulatory activities consistent with the principles for guiding
276 development as specified in chapter 27F-8, Florida
277 Administrative Code, as amended effective August 23, 1984, which
278 is adopted and incorporated herein by reference. For the
279 purposes of reviewing the consistency of the adopted plan, or
280 any amendments to that plan, with the principles for guiding
281 development, and any amendments to the principles, the
282 principles shall be construed as a whole and specific provisions
283 may not be construed or applied in isolation from the other
284 provisions. However, the principles for guiding development are
285 repealed 18 months from July 1, 1986. After repeal, any plan
286 amendments must be consistent with the following principles:

287 (i) Protecting and improving water quality by providing for
288 the construction, operation, maintenance, and replacement of
289 stormwater management facilities; central sewage collection;
290 treatment and disposal facilities; ~~and~~ the installation and
291 proper operation and maintenance of onsite sewage treatment and
292 disposal systems; and other water quality and water supply
293 projects, including direct and indirect potable reuse.

294 Section 7. Subsection (3) of section 380.0666, Florida
295 Statutes, is amended to read:

296 380.0666 Powers of land authority.—The land authority shall
297 have all the powers necessary or convenient to carry out and
298 effectuate the purposes and provisions of this act, including
299 the following powers, which are in addition to all other powers
300 granted by other provisions of this act:



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301 (3) To acquire and dispose of real and personal property or
302 any interest therein when such acquisition is necessary or
303 appropriate to protect the natural environment, provide public
304 access or public recreational facilities, preserve wildlife
305 habitat areas, provide affordable housing to families whose
306 income does not exceed 160 percent of the median family income
307 for the area, prevent or satisfy private property rights claims
308 resulting from limitations imposed by the designation of an area
309 of critical state concern, or provide access to management of
310 acquired lands; to acquire interests in land by means of land
311 exchanges; to contribute tourist impact tax revenues received
312 pursuant to s. 125.0108 to its most populous municipality or the
313 housing authority of such municipality, at the request of the
314 commission or council of such municipality, for the
315 construction, redevelopment, or preservation of affordable
316 housing in an area of critical state concern within such
317 municipality; to contribute funds to the Department of
318 Environmental Protection for the purchase of lands by the
319 department; and to enter into all alternatives to the
320 acquisition of fee interests in land, including, but not limited
321 to, the acquisition of easements, development rights, life
322 estates, leases, and leaseback arrangements. However, the land
323 authority shall make an ~~such~~ acquisition or contribution only
324 if:

325 (a) Such acquisition or contribution is consistent with
326 land development regulations and local comprehensive plans
327 adopted and approved pursuant to this chapter;

328 (b) The property acquired is within an area designated as
329 an area of critical state concern at the time of acquisition or



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330 is within an area that was designated as an area of critical
331 state concern for at least 20 consecutive years prior to removal
332 of the designation; ~~and~~

333 (c) The property to be acquired has not been selected for
334 purchase through another local, regional, state, or federal
335 public land acquisition program. Such restriction shall not
336 apply if the land authority cooperates with the other public
337 land acquisition programs which listed the lands for
338 acquisition, to coordinate the acquisition and disposition of
339 such lands. In such cases, the land authority may enter into
340 contractual or other agreements to acquire lands jointly or for
341 eventual resale to other public land acquisition programs; and

342 (d) Such acquisition or contribution is not used to improve
343 public transportation facilities or otherwise increase road
344 capacity to reduce hurricane evacuation clearance times.

345 Section 8. This act shall take effect July 1, 2016.

346

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

348 And the title is amended as follows:

349 Delete everything before the enacting clause
350 and insert:

351 A bill to be entitled
352 An act relating to local government environmental
353 financing; providing a short title; amending s.
354 212.055, F.S.; expanding the uses of local government
355 infrastructure surtaxes to include acquiring any
356 interest in land for public recreation, conservation,
357 or protection of natural resources or to prevent or
358 satisfy private property rights claims resulting from



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359 limitations imposed by the designation of an area of
360 critical state concern; revising a definition and
361 providing a definition for purposes of using surtax
362 proceeds; amending s. 215.619, F.S.; expanding the use
363 of Everglades restoration bonds to include the City of
364 Key West Area of Critical State Concern; expanding the
365 types of water management projects eligible for
366 funding; revising the dates for issuance and maturity
367 of Everglades restoration bonds; reducing the annual
368 appropriation amount dedicated to fund the Florida
369 Keys Area of Critical State Concern protection
370 program; authorizing bond proceeds to be spent on the
371 City of Key West Area of Critical State Concern;
372 expanding projects that may be funded by bond
373 proceeds; specifying procedures to be followed for
374 certain lands that are no longer needed for certain
375 restoration purposes; amending s. 259.045, F.S.;
376 requiring the Department of Environmental Protection
377 to annually consider certain recommendations to buy
378 specific lands within and outside an area of critical
379 state concern; authorizing certain entities to
380 recommend additional lands for purchase; amending s.
381 259.105, F.S.; requiring specific Florida Forever
382 appropriations to be used for the purchase of lands in
383 the Florida Keys Area of Critical State Concern;
384 amending s. 380.0552, F.S.; revising legislative
385 intent regarding the Florida Keys Area of Critical
386 State Concern; specifying that plan amendments in the
387 Florida Keys must also be consistent with protecting



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388 and improving specified water quality and water supply
389 projects; amending s. 380.0666, F.S.; expanding powers
390 of a land authority to include acquiring lands to
391 prevent or satisfy private property rights claims
392 resulting from limitations imposed by the designation
393 of an area of critical state concern and contribute
394 funds for certain land purchases by the department;
395 providing limitations relating to acquiring or
396 contributing lands to improve public transportation
397 facilities; providing an effective date.



829026

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/17/2016	.	
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Appropriations Subcommittee on General Government (Altman)
recommended the following:

1 **Senate Amendment to Amendment (456936) (with directory and**
2 **title amendments)**

3
4 Between lines 125 and 126
5 insert:

6 (h) Notwithstanding paragraph (d), if approved by a
7 majority of the electors of the county voting in a referendum,
8 the proceeds of the surtax authorized by this subsection, and
9 any accrued interest, may be used for the purpose of funding
10 capital projects to restore natural water bodies for public use,



829026

11 including tributaries, canals, stormwater conveyance systems,
12 and channels that are directly connected to such natural water
13 bodies. Such capital projects are limited to dredging operations
14 related to ecologically beneficial muck removal.

15 Between lines 344 and 345

16 insert:

17 Section 8. Subsections (5) and (8) of s. 202.19, subsection
18 (3) of s. 202.20, subsection (1), paragraph (a) of subsection
19 (2), and paragraphs (a) and (b) of subsection (4) of s. 212.054,
20 s. 212.0597, paragraph (b) of subsection (6) of s. 212.20, and
21 paragraph (b) of subsection (2) of s. 1013.736, Florida
22 Statutes, are reenacted for the purpose of incorporating the
23 amendment made by this act to s. 212.055(2), Florida Statutes,
24 in references thereto.

25
26 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

27 And the directory clause is amended as follows:

28 Delete lines 7 - 8

29 and insert:

30 Section 2. Paragraph (d) of subsection (2) of section
31 212.055, Florida Statutes, is amended, present paragraph (h) of
32 that subsection is redesignated as paragraph (i), and a new
33 paragraph (h) is added to that subsection, to read:

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete line 362

38 and insert:

39 proceeds; authorizing proceeds from a discretionary



829026

40 sales surtax to fund capital projects for restoration
41 of natural water bodies for public use under certain
42 circumstances; limiting projects to dredging
43 operations related to ecologically beneficial muck
44 removal; amending s. 215.619, F.S.; expanding the use
45 Delete line 397

46 and insert:

47 facilities; reenacting s. 202.19(5) and (8), F.S.,
48 relating to the local communications services tax, s.
49 202.20(3), F.S., relating to local communications
50 services tax conversion rates, s. 212.054(1), (2)(a),
51 and (4)(a) and (b), F.S., relating to discretionary
52 sales surtaxes, s. 212.0597, F.S., relating to the
53 maximum tax on fractional aircraft ownership
54 interests, s. 212.20(6)(b), F.S., relating to the
55 proceeds of discretionary sales surtaxes, and s.
56 1013.736(2)(b), F.S., relating to eligibility for the
57 District Effort Recognition Program, to incorporate
58 the amendment made to s. 212.055(2), F.S., in
59 references thereto; providing an effective date.



799048

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/17/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Simpson)
recommended the following:

Senate Amendment

Delete lines 189 - 218
and insert:
supply to the Florida Keys, including wastewater management
projects identified in the Keys Wastewater Plan, dated November
2007, and submitted to the Florida House of Representatives on
December 4, 2007, is authorized in accordance with s. 11(e),
Art. VII of the State Constitution.

(a) Everglades restoration bonds, except refunding bonds,



799048

11 may be issued only in fiscal years 2002-2003 through 2026-2027
12 ~~2019-2020~~ and may not be issued in an amount exceeding \$100
13 million per fiscal year unless:

14 1. The Department of Environmental Protection has requested
15 additional amounts in order to achieve cost savings or
16 accelerate the purchase of land; or

17 2. Beginning in fiscal year 2016-2017, the Legislature
18 authorizes an additional amount of bonds not to exceed \$200
19 million, and limited to \$20 ~~\$50~~ million per fiscal year,
20 specifically for the purpose of funding the Florida Keys Area of
21 Critical State Concern protection program and the City of Key
22 West Area of Critical State Concern. Proceeds from the bonds
23 shall be managed by the Department of Environmental Protection
24 for the purpose of entering into financial assistance agreements
25 with local governments located in the Florida Keys Area of
26 Critical State Concern or the City of Key West Area of Critical
27 State Concern to finance or refinance the cost of constructing
28 sewage collection, treatment, and disposal facilities or
29 building projects that protect, restore, or enhance nearshore
30 water quality and fisheries, such as stormwater or canal
31 restoration projects and projects to protect water resources
32 available to the Florida Keys.



440372

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/17/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Simpson)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 537 - 547.

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

And the title is amended as follows:

Delete line 43

and insert:

providing an

By Senator Simpson

18-00925-16

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1 A bill to be entitled
 2 An act relating to local government environmental
 3 financing; providing a short title; amending s.
 4 212.055, F.S.; expanding the use of local government
 5 infrastructure surtaxes to include acquiring any
 6 interest in land for public recreation, conservation,
 7 or protection of natural resources or to reduce
 8 impacts of new development on hurricane evacuation
 9 clearance times; revising definitions for purposes of
 10 using surtax proceeds; amending s. 215.619, F.S.;
 11 expanding the use of Everglades restoration bonds to
 12 include the City of Key West Area of Critical State
 13 Concern; expanding the types of water management
 14 projects eligible for funding; revising the dates for
 15 issuance and maturity of Everglades restoration bonds;
 16 reducing the annual appropriation amount dedicated to
 17 fund the Florida Keys Area of Critical State Concern
 18 protection program; authorizing bond proceeds to be
 19 spent on the City of Key West Area of Critical State
 20 Concern; expanding projects that may be funded by bond
 21 proceeds; specifying procedures for certain lands that
 22 are no longer needed for certain restoration purposes;
 23 amending s. 259.045, F.S.; requiring the Department of
 24 Environmental Protection to annually consider certain
 25 recommendations to buy specific lands within and
 26 outside an area of critical state concern; authorizing
 27 certain local governments and special districts to
 28 recommend additional lands for purchase; amending s.
 29 259.105, F.S.; revising Florida Forever provisions to

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30 recognize the diminishment of coral reefs; requiring
 31 specific Florida Forever appropriations to be used for
 32 the purchase of lands in the Florida Keys Area of
 33 Critical State Concern; amending s. 380.0552, F.S.;
 34 revising legislative intent regarding the Florida Keys
 35 Area of Critical State Concern; specifying that plan
 36 amendments in the Florida Keys must also be consistent
 37 with protecting and improving specified water quality
 38 and water supply projects; amending s. 380.0666, F.S.;
 39 expanding powers of a land authority to include
 40 acquiring lands to reduce impacts of new development
 41 on hurricane evacuation clearance times and contribute
 42 funds for certain land purchases by the department;
 43 providing a contingent appropriation; providing an
 44 effective date.

45
 46 Be It Enacted by the Legislature of the State of Florida:

47
 48 Section 1. This act may be cited as the "Florida Keys
 49 Stewardship Act."

50 Section 2. Paragraph (d) of subsection (2) of section
 51 212.055, Florida Statutes, is amended to read:

52 212.055 Discretionary sales surtaxes; legislative intent;
 53 authorization and use of proceeds.—It is the legislative intent
 54 that any authorization for imposition of a discretionary sales
 55 surtax shall be published in the Florida Statutes as a
 56 subsection of this section, irrespective of the duration of the
 57 levy. Each enactment shall specify the types of counties
 58 authorized to levy; the rate or rates which may be imposed; the

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59 maximum length of time the surtax may be imposed, if any; the
60 procedure which must be followed to secure voter approval, if
61 required; the purpose for which the proceeds may be expended;
62 and such other requirements as the Legislature may provide.
63 Taxable transactions and administrative procedures shall be as
64 provided in s. 212.054.

65 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

66 (d) The proceeds of the surtax authorized by this
67 subsection and any accrued interest shall be expended by the
68 school district, within the county and municipalities within the
69 county, or, in the case of a negotiated joint county agreement,
70 within another county, to finance, plan, and construct
71 infrastructure; to acquire any interest in land for public
72 recreation, conservation, or protection of natural resources; or
73 to reduce the impacts of additional development on hurricane
74 evacuation clearance times; to provide loans, grants, or rebates
75 to residential or commercial property owners who make energy
76 efficiency improvements to their residential or commercial
77 property, if a local government ordinance authorizing such use
78 is approved by referendum; or to finance the closure of county-
79 owned or municipally owned solid waste landfills that have been
80 closed or are required to be closed by order of the Department
81 of Environmental Protection. Any use of the proceeds or interest
82 for purposes of landfill closure before July 1, 1993, is
83 ratified. The proceeds and any interest may not be used for the
84 operational expenses of infrastructure, except that a county
85 that has a population of fewer than 75,000 and that is required
86 to close a landfill may use the proceeds or interest for long-
87 term maintenance costs associated with landfill closure.

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88 Counties, as defined in s. 125.011, and charter counties may, in
89 addition, use the proceeds or interest to retire or service
90 indebtedness incurred for bonds issued before July 1, 1987, for
91 infrastructure purposes, and for bonds subsequently issued to
92 refund such bonds. Any use of the proceeds or interest for
93 purposes of retiring or servicing indebtedness incurred for
94 refunding bonds before July 1, 1999, is ratified.

95 1. For the purposes of this paragraph, the term
96 "infrastructure" means:

97 a. Any fixed capital expenditure or fixed capital outlay
98 associated with the construction, reconstruction, or improvement
99 of public facilities that have a life expectancy of 5 or more
100 years, ~~and~~ any related land acquisition, land improvement,
101 design, and engineering costs, and all other professional and
102 related costs required to bring the public facilities into
103 service. For purposes of this sub-subparagraph, the term "public
104 facility" means a facility as defined in s. 163.3164(38), s.
105 163.3221(13), or s. 189.012(5), regardless of whether the
106 facility is owned by the local taxing authority or another
107 governmental entity.

108 b. A fire department vehicle, an emergency medical service
109 vehicle, a sheriff's office vehicle, a police department
110 vehicle, or any other vehicle, and the equipment necessary to
111 outfit the vehicle for its official use or equipment that has a
112 life expectancy of at least 5 years.

113 c. Any expenditure for the construction, lease, or
114 maintenance of, or provision of utilities or security for,
115 facilities, as defined in s. 29.008.

116 d. Any fixed capital expenditure or fixed capital outlay

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117 associated with the improvement of private facilities that have
 118 a life expectancy of 5 or more years and that the owner agrees
 119 to make available for use on a temporary basis as needed by a
 120 local government as a public emergency shelter or a staging area
 121 for emergency response equipment during an emergency officially
 122 declared by the state or by the local government under s.
 123 252.38. Such improvements are limited to those necessary to
 124 comply with current standards for public emergency evacuation
 125 shelters. The owner must enter into a written contract with the
 126 local government providing the improvement funding to make the
 127 private facility available to the public for purposes of
 128 emergency shelter at no cost to the local government for a
 129 minimum of 10 years after completion of the improvement, with
 130 the provision that the obligation will transfer to any
 131 subsequent owner until the end of the minimum period.

132 e. Any land acquisition expenditure for a residential
 133 housing project in which at least 30 percent of the units are
 134 affordable to individuals or families whose total annual
 135 household income does not exceed 120 percent of the area median
 136 income adjusted for household size, if the land is owned by a
 137 local government or by a special district that enters into a
 138 written agreement with the local government to provide such
 139 housing. The local government or special district may enter into
 140 a ground lease with a public or private person or entity for
 141 nominal or other consideration for the construction of the
 142 residential housing project on land acquired pursuant to this
 143 sub-subparagraph.

144 2. For the purposes of this paragraph, the term "energy
 145 efficiency improvement" means any energy conservation and

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146 efficiency improvement that reduces consumption through
 147 conservation or a more efficient use of electricity, natural
 148 gas, propane, or other forms of energy on the property,
 149 including, but not limited to, air sealing; installation of
 150 insulation; installation of energy-efficient heating, cooling,
 151 or ventilation systems; installation of solar panels; building
 152 modifications to increase the use of daylight or shade;
 153 replacement of windows; installation of energy controls or
 154 energy recovery systems; installation of electric vehicle
 155 charging equipment; installation of systems for natural gas fuel
 156 as defined in s. 206.9951; and installation of efficient
 157 lighting equipment.

158 3. Notwithstanding any other provision of this subsection,
 159 a local government infrastructure surtax imposed or extended
 160 after July 1, 1998, may allocate up to 15 percent of the surtax
 161 proceeds for deposit into a trust fund within the county's
 162 accounts created for the purpose of funding economic development
 163 projects having a general public purpose of improving local
 164 economies, including the funding of operational costs and
 165 incentives related to economic development. The ballot statement
 166 must indicate the intention to make an allocation under the
 167 authority of this subparagraph.

168 Section 3. Subsection (1) of section 215.619, Florida
 169 Statutes, is amended, subsections (7) and (8) are renumbered as
 170 subsections (8) and (9), respectively, and a new subsection (7)
 171 is added to that section, to read:

172 215.619 Bonds for Everglades restoration.—

173 (1) The issuance of Everglades restoration bonds to finance
 174 or refinance the cost of the acquisition and improvement of

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175 land, water areas, and related property interests and resources
 176 for the purpose of implementing the Comprehensive Everglades
 177 Restoration Plan under s. 373.470, the Lake Okeechobee Watershed
 178 Protection Plan under s. 373.4595, the Caloosahatchee River
 179 Watershed Protection Plan under s. 373.4595, the St. Lucie River
 180 Watershed Protection Plan under s. 373.4595, the City of Key
 181 West Area of Critical State Concern as designated by the
 182 Administration Commission under s. 380.05, and the Florida Keys
 183 Area of Critical State Concern protection program under ss.
 184 380.05 and 380.0552 in order to restore and conserve natural
 185 systems through ~~the~~ implementation of water management projects,
 186 including projects that protect, restore, or enhance nearshore
 187 water quality and fisheries, such as stormwater or canal
 188 restoration projects, projects to protect and enhance water
 189 supply to the Florida Keys, including alternative water supplies
 190 such as reverse osmosis and reclaimed water systems, and
 191 wastewater management projects identified in the Keys Wastewater
 192 Plan, dated November 2007, and submitted to the Florida House of
 193 Representatives on December 4, 2007, is authorized in accordance
 194 with s. 11(e), Art. VII of the State Constitution.

195 (a) Everglades restoration bonds, except refunding bonds,
 196 may be issued only in fiscal years 2002-2003 through 2026-2027
 197 ~~2019-2020~~ and may not be issued in an amount exceeding \$100
 198 million per fiscal year unless:

199 1. The Department of Environmental Protection has requested
 200 additional amounts in order to achieve cost savings or
 201 accelerate the purchase of land; or

202 2. Beginning in fiscal year 2016-2017, the Legislature
 203 authorizes an additional amount of bonds not to exceed \$200

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204 million, and limited to \$20 ~~\$50~~ million per fiscal year,
 205 specifically for the purpose of funding the Florida Keys Area of
 206 Critical State Concern protection program. Proceeds from the
 207 bonds shall be managed by the Department of Environmental
 208 Protection for the purpose of entering into financial assistance
 209 agreements with local governments located in the Florida Keys
 210 Area of Critical State Concern or the City of Key West Area of
 211 Critical State Concern to finance or refinance the cost of
 212 constructing sewage collection, treatment, and disposal
 213 facilities or building projects that protect, restore, or
 214 enhance nearshore water quality and fisheries, such as
 215 stormwater or canal restoration projects and projects to protect
 216 and enhance water supply to the Florida Keys, including
 217 alternative water supplies such as reverse osmosis and reclaimed
 218 water systems.

219 (b) The duration of Everglades restoration bonds may not
 220 exceed 20 annual maturities and must mature by December 31, 2056
 221 ~~2040~~. Except for refunding bonds, a series of bonds may not be
 222 issued unless an amount equal to the debt service coming due in
 223 the year of issuance has been appropriated by the Legislature.
 224 Not more than 58.25 percent of documentary stamp taxes collected
 225 may be taken into account for the purpose of satisfying an
 226 additional bonds test set forth in any authorizing resolution
 227 for bonds issued on or after July 1, 2015. Beginning July 1,
 228 2010, the Legislature shall analyze the ratio of the state's
 229 debt to projected revenues before authorizing the issuance of
 230 bonds under this section.

231 (7) If the South Florida Water Management District and the
 232 Department of Environmental Protection determine that lands

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233 purchased using bond proceeds within the Florida Keys Area of
 234 Critical State Concern, the City of Key West Area of Critical
 235 State Concern, or outside the Florida Keys Area of Critical
 236 State Concern but which were required to be purchased to
 237 preserve and protect the potable water supply to the Florida
 238 Keys are no longer needed for the purpose for which they were
 239 purchased, the entity owning the lands may dispose of them.
 240 However, before the lands can be disposed of, each general-
 241 purpose local government within whose boundaries a portion of
 242 the land lies must agree to the disposal of lands within its
 243 boundaries and must be offered the first right to purchase those
 244 lands. If the lands are surplus, they shall either be
 245 surplused at not less than appraised value with the proceeds
 246 from the sale of such lands being deposited into the Save Our
 247 Everglades Trust Fund and used to implement the respective
 248 plans, or the South Florida Water Management District shall use
 249 a different source of funds to pay for or reimburse the Save Our
 250 Everglades Trust Fund for that portion of lands not needed to
 251 implement the respective plans.

252 Section 4. Section 259.045, Florida Statutes, is amended to
 253 read:

254 259.045 Purchase of lands in areas of critical state
 255 concern; recommendations by department and land authorities.-
 256 Within 45 days after of the designation by the Administration
 257 Commission designates of an area as an area of critical state
 258 concern under s. 380.05, and annually thereafter, the Department
 259 of Environmental Protection shall consider the recommendations
 260 of the state land planning agency pursuant to s. 380.05(1)(a)
 261 relating to purchase of lands within an area of critical state

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262 concern or lands outside an area of critical state concern that
 263 directly impact an area of critical state concern, which may
 264 include lands used to preserve and protect water supply, the
 265 proposed area and shall make recommendations to the board with
 266 respect to the purchase of the fee or any lesser interest in any
 267 such lands that are: situated in such area of critical state
 268 concern as

- 269 (1) Environmentally endangered lands; ~~or~~
 270 (2) Outdoor recreation lands;
 271 (3) Lands that conserve a sensitive habitat;
 272 (4) Lands that protect, restore, or enhance nearshore water
 273 quality and fisheries;
 274 (5) Lands used to protect and enhance water supply to the
 275 Florida Keys, including alternative water supplies such as
 276 reverse osmosis and reclaimed water systems; or
 277 (6) Lands used to prevent or satisfy private property
 278 rights claims resulting from limitations imposed by the
 279 designation of an area of critical state concern.

280
 281 The department, or a local government, special district, or ~~and~~
 282 a land authority within an area of critical state concern ~~as~~
 283 authorized in chapter 380, may make recommendations with respect
 284 to additional purchases which were not included in the state
 285 land planning agency recommendations.

286 Section 5. Paragraph (a) of subsection (2) and paragraph
 287 (b) of subsection (3) of section 259.105, Florida Statutes, are
 288 amended to read:

289 259.105 The Florida Forever Act.-

- 290 (2) (a) The Legislature finds and declares that:

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291 1. Land acquisition programs have provided tremendous
 292 financial resources for purchasing environmentally significant
 293 lands to protect those lands from imminent development or
 294 alteration, thereby ensuring present and future generations'
 295 access to important waterways, open spaces, and recreation and
 296 conservation lands.

297 2. The continued alteration and development of Florida's
 298 natural and rural areas to accommodate the state's growing
 299 population have contributed to the degradation of water
 300 resources, the fragmentation and destruction of wildlife
 301 habitats, the loss of outdoor recreation space, and the
 302 diminishment of wetlands, forests, working landscapes, and
 303 coastal open space, and coral reefs as defined in s.
 304 403.93345(3).

305 3. The potential development of Florida's remaining natural
 306 areas and escalation of land values require government efforts
 307 to restore, bring under public protection, or acquire lands and
 308 water areas to preserve the state's essential ecological
 309 functions and invaluable quality of life.

310 4. It is essential to protect the state's ecosystems by
 311 promoting a more efficient use of land, to ensure opportunities
 312 for viable agricultural activities on working lands, and to
 313 promote vital rural and urban communities that support and
 314 produce development patterns consistent with natural resource
 315 protection.

316 5. Florida's groundwater, surface waters, and springs are
 317 under tremendous pressure due to population growth and economic
 318 expansion and require special protection and restoration
 319 efforts, including the protection of uplands and springsheds

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320 that provide vital recharge to aquifer systems and are critical
 321 to the protection of water quality and water quantity of the
 322 aquifers and springs. To ensure that sufficient quantities of
 323 water are available to meet the current and future needs of the
 324 natural systems and citizens of the state, and assist in
 325 achieving the planning goals of the department and the water
 326 management districts, water resource development projects on
 327 public lands, where compatible with the resource values of and
 328 management objectives for the lands, are appropriate.

329 6. The needs of urban, suburban, and small communities in
 330 Florida for high-quality outdoor recreational opportunities,
 331 greenways, trails, and open space have not been fully met by
 332 previous acquisition programs. Through such programs as the
 333 Florida Communities Trust and the Florida Recreation Development
 334 Assistance Program, the state shall place additional emphasis on
 335 acquiring, protecting, preserving, and restoring open space,
 336 ecological greenways, and recreation properties within urban,
 337 suburban, and rural areas where pristine natural communities or
 338 water bodies no longer exist because of the proximity of
 339 developed property.

340 7. Many of Florida's unique ecosystems, such as the Florida
 341 Everglades and coral reefs, are facing ecological collapse due
 342 to Florida's burgeoning population growth and other economic
 343 activities. To preserve these valuable ecosystems for future
 344 generations, essential parcels of land must be acquired to
 345 facilitate ecosystem restoration.

346 8. Access to public lands to support a broad range of
 347 outdoor recreational opportunities and the development of
 348 necessary infrastructure, where compatible with the resource

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349 values of and management objectives for such lands, promotes an
350 appreciation for Florida's natural assets and improves the
351 quality of life.

352 9. Acquisition of lands, in fee simple, less-than-fee
353 interest, or other techniques shall be based on a comprehensive
354 science-based assessment of Florida's natural resources which
355 targets essential conservation lands by prioritizing all current
356 and future acquisitions based on a uniform set of data and
357 planned so as to protect the integrity and function of
358 ecological systems and working landscapes, and provide multiple
359 benefits, including preservation of fish and wildlife habitat,
360 recreation space for urban and rural areas, and the restoration
361 of natural water storage, flow, and recharge.

362 10. The state has embraced performance-based program
363 budgeting as a tool to evaluate the achievements of publicly
364 funded agencies, build in accountability, and reward those
365 agencies which are able to consistently achieve quantifiable
366 goals. While previous and existing state environmental programs
367 have achieved varying degrees of success, few of these programs
368 can be evaluated as to the extent of their achievements,
369 primarily because performance measures, standards, outcomes, and
370 goals were not established at the outset. Therefore, the Florida
371 Forever program shall be developed and implemented in the
372 context of measurable state goals and objectives.

373 11. The state must play a major role in the recovery and
374 management of its imperiled species through the acquisition,
375 restoration, enhancement, and management of ecosystems that can
376 support the major life functions of such species. It is the
377 intent of the Legislature to support local, state, and federal

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378 programs that result in net benefit to imperiled species habitat
379 by providing public and private land owners meaningful
380 incentives for acquiring, restoring, managing, and repopulating
381 habitats for imperiled species. It is the further intent of the
382 Legislature that public lands, both existing and to be acquired,
383 identified by the lead land managing agency, in consultation
384 with the Florida Fish and Wildlife Conservation Commission for
385 animals or the Department of Agriculture and Consumer Services
386 for plants, as habitat or potentially restorable habitat for
387 imperiled species, be restored, enhanced, managed, and
388 repopulated as habitat for such species to advance the goals and
389 objectives of imperiled species management consistent with the
390 purposes for which such lands are acquired without restricting
391 other uses identified in the management plan. It is also the
392 intent of the Legislature that of the proceeds distributed
393 pursuant to subsection (3), additional consideration be given to
394 acquisitions that achieve a combination of conservation goals,
395 including the restoration, enhancement, management, or
396 repopulation of habitat for imperiled species. The Acquisition
397 and Restoration Council, in addition to the criteria in
398 subsection (9), shall give weight to projects that include
399 acquisition, restoration, management, or repopulation of habitat
400 for imperiled species. The term "imperiled species" as used in
401 this chapter and chapter 253, means plants and animals that are
402 federally listed under the Endangered Species Act, or state-
403 listed by the Fish and Wildlife Conservation Commission or the
404 Department of Agriculture and Consumer Services.

405 a. As part of the state's role, all state lands that have
406 imperiled species habitat shall include as a consideration in

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407 management plan development the restoration, enhancement,
 408 management, and repopulation of such habitats. In addition, the
 409 lead land managing agency of such state lands may use fees
 410 received from public or private entities for projects to offset
 411 adverse impacts to imperiled species or their habitat in order
 412 to restore, enhance, manage, repopulate, or acquire land and to
 413 implement land management plans developed under s. 253.034 or a
 414 land management prospectus developed and implemented under this
 415 chapter. Such fees shall be deposited into a foundation or fund
 416 created by each land management agency under s. 379.223, s.
 417 589.012, or s. 259.032(9)(c), to be used solely to restore,
 418 manage, enhance, repopulate, or acquire imperiled species
 419 habitat.

420 b. Where habitat or potentially restorable habitat for
 421 imperiled species is located on state lands, the Fish and
 422 Wildlife Conservation Commission and the Department of
 423 Agriculture and Consumer Services shall be included on any
 424 advisory group required under chapter 253, and the short-term
 425 and long-term management goals required under chapter 253 must
 426 advance the goals and objectives of imperiled species management
 427 consistent with the purposes for which the land was acquired
 428 without restricting other uses identified in the management
 429 plan.

430 12. There is a need to change the focus and direction of
 431 the state's major land acquisition programs and to extend
 432 funding and bonding capabilities, so that future generations may
 433 enjoy the natural resources of this state.

434 (3) Less the costs of issuing and the costs of funding
 435 reserve accounts and other costs associated with bonds, the

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436 proceeds of cash payments or bonds issued pursuant to this
 437 section shall be deposited into the Florida Forever Trust Fund
 438 created by s. 259.1051. The proceeds shall be distributed by the
 439 Department of Environmental Protection in the following manner:

440 (b) Thirty-five percent to the Department of Environmental
 441 Protection for the acquisition of lands and capital project
 442 expenditures described in this section. Of the proceeds
 443 distributed pursuant to this paragraph, it is the intent of the
 444 Legislature that an increased priority be given to those
 445 acquisitions which achieve a combination of conservation goals,
 446 including protecting Florida's water resources and natural
 447 groundwater recharge. At a minimum, 3 percent, and no more than
 448 10 percent, of the funds allocated pursuant to this paragraph
 449 shall be spent on capital project expenditures identified during
 450 the time of acquisition which meet land management planning
 451 activities necessary for public access. Beginning in fiscal year
 452 2016-2017 and continuing through fiscal year 2026-2027, at least
 453 \$5 million of the funds allocated pursuant to this paragraph
 454 shall be spent on land acquisition within the Florida Keys Area
 455 of Critical State Concern.

456 Section 6. Paragraph (i) of subsection (2) and paragraph
 457 (i) of subsection (7) of section 380.0552, Florida Statutes, are
 458 amended to read:

459 380.0552 Florida Keys Area; protection and designation as
 460 area of critical state concern.—

461 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
 462 to:

463 (i) Protect and improve the nearshore water quality of the
 464 Florida Keys through state funding of water quality improvement

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465 projects, including the construction and operation of wastewater
 466 management facilities that meet the requirements of ss.
 467 381.0065(4)(1) and 403.086(10), as applicable.

468 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
 469 and local agencies and units of government in the Florida Keys
 470 Area shall coordinate their plans and conduct their programs and
 471 regulatory activities consistent with the principles for guiding
 472 development as specified in chapter 27F-8, Florida
 473 Administrative Code, as amended effective August 23, 1984, which
 474 is adopted and incorporated herein by reference. For the
 475 purposes of reviewing the consistency of the adopted plan, or
 476 any amendments to that plan, with the principles for guiding
 477 development, and any amendments to the principles, the
 478 principles shall be construed as a whole and specific provisions
 479 may not be construed or applied in isolation from the other
 480 provisions. However, the principles for guiding development are
 481 repealed 18 months from July 1, 1986. After repeal, any plan
 482 amendments must be consistent with the following principles:

483 (i) Protecting and improving water quality by providing for
 484 the construction, operation, maintenance, and replacement of
 485 stormwater management facilities; central sewage collection;
 486 treatment and disposal facilities; ~~and~~ the installation and
 487 proper operation and maintenance of onsite sewage treatment and
 488 disposal systems; and other water quality and water supply
 489 projects, including direct and indirect potable reuse.

490 Section 7. Subsection (3) of section 380.0666, Florida
 491 Statutes, is amended to read:

492 380.0666 Powers of land authority.—The land authority shall
 493 have all the powers necessary or convenient to carry out and

Page 17 of 19

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

18-00925-16

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494 effectuate the purposes and provisions of this act, including
 495 the following powers, which are in addition to all other powers
 496 granted by other provisions of this act:

497 (3) To acquire and dispose of real and personal property or
 498 any interest therein when such acquisition is necessary or
 499 appropriate to protect the natural environment, provide public
 500 access or public recreational facilities, preserve wildlife
 501 habitat areas, provide affordable housing to families whose
 502 income does not exceed 160 percent of the median family income
 503 for the area, reduce the impacts of additional development on
 504 hurricane evacuation clearance times, or provide access to
 505 management of acquired lands; to acquire interests in land by
 506 means of land exchanges; to contribute tourist impact tax
 507 revenues received pursuant to s. 125.0108 to its most populous
 508 municipality or the housing authority of such municipality, at
 509 the request of the commission or council of such municipality,
 510 for the construction, redevelopment, or preservation of
 511 affordable housing in an area of critical state concern within
 512 such municipality; to contribute funds to the Department of
 513 Environmental Protection for the purchase of lands by the
 514 department; and to enter into all alternatives to the
 515 acquisition of fee interests in land, including, but not limited
 516 to, the acquisition of easements, development rights, life
 517 estates, leases, and leaseback arrangements. However, the land
 518 authority shall make an ~~such~~ acquisition or contribution only
 519 if:

520 (a) Such acquisition or contribution is consistent with
 521 land development regulations and local comprehensive plans
 522 adopted and approved pursuant to this chapter;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

18-00925-16

2016770

523 (b) The property acquired is within an area designated as
524 an area of critical state concern at the time of acquisition or
525 is within an area that was designated as an area of critical
526 state concern for at least 20 consecutive years prior to removal
527 of the designation; and

528 (c) The property to be acquired has not been selected for
529 purchase through another local, regional, state, or federal
530 public land acquisition program. Such restriction shall not
531 apply if the land authority cooperates with the other public
532 land acquisition programs which listed the lands for
533 acquisition, to coordinate the acquisition and disposition of
534 such lands. In such cases, the land authority may enter into
535 contractual or other agreements to acquire lands jointly or for
536 eventual resale to other public land acquisition programs.

537 Section 8. Notwithstanding any other provision of law, in
538 fiscal year 2016-2017 through fiscal year 2026-2027, if \$20
539 million in bonds are not authorized to be issued pursuant to s.
540 215.619, Florida Statutes, \$20 million shall be appropriated to
541 the Department of Environmental Protection to be distributed to
542 local governments in the Florida Keys Area of Critical State
543 Concern and the City of Key West Area of Critical State Concern
544 for projects that protect, restore, or enhance nearshore water
545 quality and fisheries and projects to protect and enhance water
546 supply to the Florida Keys, including alternative water supplies
547 such as reverse osmosis and reclaimed water systems.

548 Section 9. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

770

Bill Number (if applicable)

Topic Florida Keys Stewardship Act

Amendment Barcode (if applicable)

Name Heather Carruthers

Job Title Mayor, Monroe County

Address 1314 Newton Street / 500 Whitehead St.

Phone 305.292.3430

City Key West State FL Zip 33040

Email bocedis3@monroecounty-fl.gov

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Florida Keys

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16
Meeting Date

770
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Diana Ferguson

Job Title Attorney

Address 119 S Monroe St Ste 202

Phone 850-481-6788

Tall FL 32301
City State Zip

Email dferguson@rutledge-elenia.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Andulson Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/2016

SB 770

Meeting Date

Bill Number (if applicable)

Topic SB 770 Relating to Local Government Environmental Financing

Amendment Barcode (if applicable)

Name Mark Senmartin

Job Title Mayor, City of Marathon

Address 9805 Overseas Hwy

Phone (305) 743-0033

Street

Marathon

FL

33050

Email senmartinm@ci.marathon.fl.us

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing City of Marathon

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

SB 770

Bill Number (if applicable)

Topic Local Government Environmental Financing

Amendment Barcode (if applicable)

Name DEB GILLIS

Job Title Mayor Islamorada, Village of Islamorada

Address PO Box 484

Phone 305 393 7156

Street

Islamorada FL 33036

City

State

Zip

Email Deb.Gillis@Islamorada.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Islamorada

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

770

Bill Number (if applicable)

829026

Amendment Barcode (if applicable)

Topic Fla. keys Stewardship Act

Name Frank Bernardino

Job Title _____

Address 201 West Park Ave, Suite 100

Phone (561) 718-2345

Street

Tallahassee FL 32301

Email franke@nfieldflorida.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Monroe County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Community Affairs, *Chair*
Environmental Preservation and Conservation,
Vice Chair
Appropriations Subcommittee on General Government
Finance and Tax
Judiciary
Transportation

JOINT COMMITTEE:
Joint Legislative Auditing Committee

SENATOR WILTON SIMPSON

18th District

December 1, 2015

Honorable Alan Hays
Appropriations Subcommittee on General Government
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chairman Hays,

Please place Senate Bill 770 relating to Local Government Environmental Financing, on the Appropriations Subcommittee on General Government agenda.

Please contact my office with any questions. Thank you.

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson

Senator, 18th District

CC: Jamie DeLoach, Staff Director

REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: CS/SB 986

INTRODUCER: Banking and Insurance Committee and Senator Simpson

SUBJECT: Workers' Compensation System Administration

DATE: February 16, 2016 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Knudson	BI	Fav/CS
2.	Betta	DeLoach	AGG	Recommend: Favorable
3.			AP	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 986 amends regulatory provisions of ch. 440, F.S., the “Workers Compensation Law,” which are administered by the Department of Financial Services (DFS). The bill affects provisions related to compliance and enforcement as follows:

- Creates a 25 percent penalty credit for employers who have not been previously issued a stop-work order or order of penalty assessment for non-compliance with coverage requirements if they maintain required business records and timely respond to the written DFS business records requests.
- Establishes a deadline for employers to file certain documentation to receive a penalty reduction.
- Reduces the imputed payroll multiplier related to penalty calculations from 2 times to 1.5 times the statewide average weekly wage.
- Eliminates a three-day response requirement applicable to employer held exemption documentation.

The bill eliminates fees collected by the DFS relating to new insurer registration and the Special Disability Trust Fund notices of claim and proofs of claim.

The bill revises provisions related to health care services and disputes as follows:

- Removes insurers and employers from the medical reimbursement dispute provision.
- Allows a Judge of Compensation Claims to designate an expert medical advisor of their choosing, rather than only those that are certified by the DFS.

The bill also:

- Eliminates the requirement for employers to notify the DFS by telephone or telegraph within 24 hours of any work related death and instead uses other reporting requirements.
- Eliminates the Preferred Worker Program, which has been inactive for over ten years.
- Allows employers to notify their insurers of their employee's coverage exemption, rather than requiring that a copy of the exemption be provided.

The bill has a negative annual fiscal impact of approximately \$1 million in penalty revenue deposited into the Workers' Compensation Administration Trust Fund and a \$1,500 negative annual fiscal impact to the Special Disability Trust Fund. Both trust funds are within the Department of Financial Services.

The effective date of the bill is October 1, 2016.

II. Present Situation:

Administration of the Workers' Compensation System in Florida

The Division of Workers' Compensation within the DFS is responsible for administering ch. 440, F.S., which includes the enforcement of coverage requirements,¹ administration of workers' compensation health care delivery system,² data collection,³ and assisting injured workers, employers, insurers, and providers in fulfilling their responsibilities under ch. 440, F.S.⁴

Coverage Requirements

Whether an employer is required to have workers' compensation insurance depends upon the employer's industry and the number of employees. Employers may secure coverage by purchasing a workers' compensation insurance policy or qualifying as a self-insurer.⁵ Individuals who elect an exemption are not considered "employees," for premium calculation purposes, and are not eligible to receive workers' compensation benefits if they suffer a workplace injury.

Enforcement of Coverage Requirements

Stop Work Orders

If an employer fails to comply with workers' compensation coverage requirements, the DFS must issue a stop-work order (SWO) within 72 hours of determining noncompliance.⁶ The SWO requires the employer to cease all business operations. The SWO remains in effect until the employer secures appropriate coverage and the DFS issues an order releasing the SWO (for employers that have paid the assessed penalty); or an order of conditional release (for employers

¹ Section 440.107(3), F.S.

² Section 440.13, F.S.

³ Section 440.185 and 440.593, F.S.

⁴ Section 440.191, F.S.

⁵ Section 440.38, F.S.

⁶ Section 440.107, F.S.

that have agreed to pay the penalty in installments pursuant to a payment agreement schedule with the DFS).

An SWO is issued for the following violations:

- Failure to obtain workers' compensation insurance;
- Material understatement or concealment of payroll;
- Material misrepresentation or concealment of employee duties to avoid paying the proper premium;
- Material concealment of information pertinent to the calculation of an experience modification factor; and
- Failure to produce business records within ten days of receipt of a written request from the DFS.⁷

Imposition of Payroll for Penalty Purposes

In addition to the SWO, employers are assessed a penalty equal to 2.0 times what the employer would have paid in workers' compensation premiums for all periods of non-compliance during the preceding two-year period or \$1,000, whichever is greater.⁸ The SWO remains in effect and the employer cannot conduct business until the DFS has calculated the penalty imputed based on payroll. Sometimes, an employer will not have the required payroll information or will not comply with the DFS' business records request. Section 440.107(7), F.S., provides a means for the DFS to impute the employer's payroll for penalty purposes.

The imputed payroll under the law is twice the statewide average weekly wage (SAWW)⁹ for each individual that the employer failed to cover. Depending on the circumstances of a particular case, the DFS may have to impute payroll for all of the employees for the entire two-year period or the DFS may only have to impute payroll for a one or more employees for a small portion of the two-year period. It depends upon the quality and availability of the employer's records. When the DFS authority to impute payroll was added to the law in 2003,¹⁰ as one of the deterrents to fight fraud, it was set at 1.5 times the SAWW. It was increased to 2 times the SAWW in 2014. The DFS suggests that this can lead to "exorbitant penalty amounts that do not correlate with the violation committed by the employer."¹¹

Avoiding Work Stoppage and Minimizing Penalties Due to Noncompliance

There are two ways for a non-compliant employer to mitigate the impact of a DFS finding of non-compliance on their business operations. First, if the employer comes into compliance after initiation of an investigation, but before they are ordered to stop work, an SWO is not issued. Instead, if the law requires penalties, the DFS will only levy penalties. In that case, the penalties are levied in an Order of Penalty Assessment (OPA). This permits the employer to avoid work stoppage due to an SWO, while also achieving compliance. This also provides the employer an opportunity to reduce their potential penalty. If the employer has never received an SWO before,

⁷ Section 440.107(7)(d), F.S.

⁸ Section 440.107(7)(d), F.S.

⁹ The statewide average weekly wage is determined by the DFS pursuant to s. 440.12(2), F.S.

¹⁰ Ch. 2003-412, s. 13, Laws of Fla.

¹¹ Email from the Division of Workers' Compensation, Department of Financial Services, (Jan. 6, 2016) (on file with the Senate Committee on Banking and Insurance).

the employer may receive a credit against the penalty equal to the amount of the initial payment of workers' compensation premium resulting from them achieving compliance following the initiation of the DFS investigation.¹²

DFS Compliance and Enforcement Statistics

For Fiscal Year 2014-2015, the DFS issued 2,727 SWOs with approximately \$52.4 million in penalties to employers that violated the coverage requirements.¹³ The DFS imputed payroll against the employer in 1,584 cases.¹⁴ The DFS issued 256 OPAs levying about \$3.1 million in penalties when an employer came into compliance with the coverage requirements prior to the issuance of an SWO. The DFS reports that they are able to collect between 25 percent and 35 percent of the penalties they assess.¹⁵

The DFS maintains an online database of exemption holders.¹⁶ The DFS reports that of the 367 non-construction LLCs that received an SWO in Fiscal Year 2014-2015, 32 corrected their non-compliance because one or more LLC members obtained exemptions.¹⁷ An additional 30 non-construction LLCs achieved compliance by purchasing coverage for four employees.

Medical Reimbursement Disputes

The DFS is responsible for resolving medical reimbursement disputes between health care providers and insurers¹⁸ or employers.¹⁹ Health care providers, insurers, and employers have 45 days from receipt of notice of disallowance or adjustment of payment from an insurer to file a reimbursement dispute petition with the DFS. Insurers have 30 days from receipt of the provider's petition to submit all documentation substantiating the insurer's disallowance or adjustment to the DFS; otherwise they waive all objections to the petition. The DFS has 120 days from receipt of all documentation to issue a written determination. The DFS's determination is subject to the hearing provisions of the Administrative Procedures Act.²⁰

Insurers are required to report all instances of health care provider overutilization to the DFS.²¹ The DFS has implemented rules formalizing the procedure for reporting alleged provider

¹² Section 440.107(7)(d)1., F.S.

¹³ Florida Department of Financial Services, *Division of Workers' Compensation 2015 Results & Accomplishments Report*, at <http://www.myfloridacfo.com/Division/WC/PublicationsFormsManualsReports/Reports/AnnualReportWC2015.pdf>.

¹⁴ Department of Financial Services, Analysis of Senate Bill 986, (Jan. 6, 2016) (on file with Senate Committee on Banking and Insurance).

¹⁵ Department of Financial Services, Analysis of Senate Bill 986, (Jan. 6, 2016) (on file with Senate Committee on Banking and Insurance).

¹⁶ *Division of Workers' Compensation Proof of Coverage Search Page*, <https://apps8.fldfs.com/proofofcoverage/Search.aspx> (last visited Jan. 4, 2016). Filter search by "Exemption Holder Name" or "Exemption Holder SSN."

¹⁷ Email from the Division of Workers' Compensation, Department of Financial Services, (Jan. 5, 2016) (on file with Senate Banking and Insurance Committee).

¹⁸ The terms "carrier" and "insurer" are used interchangeably within the context of the workers' compensation law. In fact, the definition of "insurer" expressly includes the term "carrier." s. 440.02(38), F.S. "Carrier" means any person or fund authorized under s. 440.38 to insure under this chapter and includes a self-insurer, and a commercial self-insurance fund authorized under s. 624.462. s. 440.02(4), F.S. While this analysis uses the term "insurer" in this instance to maintain internal consistency, the portion of the bill described strikes the term "carrier" from statute.

¹⁹ Section 440.13(7), F.S.

²⁰ Ch. 120, F.S.

²¹ Section 440.13(6), F.S.

violations.²² Any interested person can report an alleged provider violation through this procedure. Additionally, the DFS collects adjustment information for all reported workers' compensation medical bills. When the insurer properly codes and reports their adjustments and reimbursement decisions, the DFS can use their electronic database to identify alleged overutilization. Insurer compliance with electronic bill reporting requirements satisfies their statutory obligation to report all instances of overutilization.²³ The inclusion of insurers and employers in the medical reimbursement dispute provision can lead to confusion over the correct method for insurer or employer reporting of alleged provider violations and insurer reporting of medical overutilization issues.

Expert Medical Advisors and Judges of Compensation Claims

The Office of the Judges of Compensation Claims is responsible for resolving workers' compensation benefit disputes.²⁴ A Judge of Compensation Claims (JCC) receives medical evidence and testimony in the course of administering their assigned cases. Whenever there is a conflict in medical evidence or medical opinion, the JCC must appoint an Expert Medical Advisor (EMA) to address the conflict.²⁵ The EMAs are certified by the DFS.²⁶

Certification as an EMA requires specialized workers' compensation training or experience and medical board certification or eligibility. The DFS is also required to "consider the qualifications, training, impartiality, and commitment of the health care provider to the provision of quality medical care at a reasonable cost."²⁷ Currently, there are 153 EMAs certified by the DFS.²⁸ The procedures that an EMA must abide by and the party responsible for the cost of the EMA's services are established by statute.²⁹

The JCCs often have difficulty finding an eligible EMA to assist them with a case. This often occurs because there are too few EMAs in a particular specialty or the EMAs present in the local area of the injured worker have a conflict in participating in the matter as they have previously treated the injured worker or consulted in their care. When this occurs, the JCC identifies a willing provider with the appropriate qualifications and submits their information to the DFS for certification. Since the JCC has already considered the prospective EMA's qualifications, there is little benefit in going through the additional burden and delay of submitting the prospective EMA to the DFS for certification.

Workers' Compensation Special Disability Trust Fund

The Florida Special Disability Trust Fund (SDTF) was established to encourage the employment of workers with preexisting permanent physical impairments. The SDTF reimburses employers (or their carriers) for the excess in workers' compensation benefits provided to an employee with

²² Chapter 69L-34, F.A.C.

²³ Rule 69L-34.002, F.A.C.

²⁴ Section 440.192, F.S.

²⁵ Section 440.25(4)(d), F.S.

²⁶ Section 440.13(9)(a), F.S.

²⁷ *Id.*

²⁸ FLORIDA DEPARTMENT OF FINANCIAL SERVICES, *Florida Division of Workers' Compensation Expert Medical Advisor List*, <https://apps.fdfs.com/provider/> (last visited Jan. 5, 2016).

²⁹ Section 440.13(9), F.S.

a preexisting impairment who is subsequently injured in a workers' compensation accident. As part of the reimbursement process, the SDTF determines whether claims are eligible to receive reimbursements, as well as audits and processes reimbursement requests. Reimbursement under the SDTF is not available for injuries occurring on or after January 1, 1998. The SDTF is funded by annual assessments on insurers providing compensation insurance coverage. Claims with an accident date before 1998 are still eligible to seek reimbursements. After a claim has been accepted, a request for reimbursement of additional expenses may be submitted annually.

Currently, every Notice of Claim against the SDTF must be submitted with a \$250 fee. An insurer that files a notice of claim against the SDTF must submit certain documents to substantiate their claim. If the required documents are not filed with their notice of claim, they must file a proof of claim and include a \$500 fee.

Preferred Worker Program

The Preferred Worker Program (PWP) was enacted by the Legislature and became effective January 1, 1994.³⁰ The intent of the program was to provide financial incentives for employers to hire employees who suffered a workplace injury resulting in permanent physical disability and are unable to return to work for their previous employer. The PWP would reimburse an employer for the costs of workers' compensation insurance premium related to the preferred worker for up to three years of continuous employment. This reimbursement was to be paid from the SDTF.³¹ The Department of Financial Services and the Department of Education have rulemaking authority to implement the program.

III. Effect of Proposed Changes:

Coverage Requirements

The bill removes a requirement that exemption holders revoke their exemptions by mail. This will allow electronic revocations.³² Since the DFS maintains an online exemption application and record review system, the DFS could add online revocation requests to their system.

The bill removes the requirement that exemption applicants provide their Federal Tax Identification Number when filing an electronic application for exemption with the DFS.³³ The Internal Revenue Service does not issue Federal Tax Identification Numbers to individuals; rather, they are issued to businesses. The Federal Tax Identification Number of the applicant's employer will still be collected.

The bill changes a requirement that employers provide their insurer with copies of their employee's certificate of exemption, instead the employer will notify the insurer of the

³⁰ Ch.93-415, s. 43, Laws of Fla.

³¹ Section 440.49(8), F.S.

³² Section 440.05(1), (2), and (5), F.S. DFS reports that 2,314 exemption holders filed voluntary revocations in fiscal year 2014-2015. Email from the Division of Workers' Compensation, Department of Financial Services, (Jan. 6, 2016) (on file with Committee on Banking and Insurance).

³³ Section. 440.05(3), F.S.

exemptions.³⁴ Since the DFS maintains online exemption information, the insurer can still verify the exemption without needing a copy of the certificate of exemption.

The bill removes a requirement that construction employers maintain written exemption acknowledgements by their corporate officers that hold an exemption certificate.³⁵ The bill also eliminates the three-day response requirement applicable to exemption information held by the employer since the DFS maintains these records online.

Compliance and Enforcement; Penalties

The bill reduces the imputed payroll multiplier from 2.0 times the statewide average weekly wage and returns it to the pre-2014 level of 1.5 times the statewide average weekly wage.

The bill adds two new eligibility requirements to the existing penalty credit for achieving compliance after the initiation of an investigation and adds a second penalty credit. The bill requires non-compliant employers to document their purchase of coverage to the DFS within 28 days of the SWO or OPA to qualify for the reduction in penalty and requires that the employer has never before received an SWO or OPA, rather than just an SWO. The bill creates another penalty credit for non-compliant employers who have never previously received an SWO or OPA. If they maintain business records consistent with the requirements of s. 440.107(5), F.S.,³⁶ and timely respond to the written DFS business records requests (a ten-day response requirement), the DFS must reduce their penalty by 25 percent.

Medical Services Disputes

The bill removes insurers and employers from the provision allowing the filing of a medical reimbursement dispute over the disallowance or adjustment of a medical payment. Accordingly, only health care providers are allowed to file petitions for resolution of medical billing disputes.

The bill allows a JCC to designate an EMA of their choosing, rather than only those that are certified as EMAs by the DFS. The EMAs, whether certified by the DFS or designated by the JCC, will continue to be subject to the existing procedural requirements of statute.

Elimination of Fees

The bill eliminates the registration fee of \$100 required of every new workers' compensation carrier that registers with the DFS.³⁷

The bill eliminates the SDTF Notice of Claim Fee of \$250 and the Proof of Claim Fee of \$500 that are deposited into the Special Disability Trust Fund.

³⁴ *Id.*

³⁵Section. 440.05(10), F.S.

³⁶ Section 440.107(5), F.S., requires the DFS to adopt rules specifying the business records that the employer must maintain. Rule 69L-6.015, F.A.C., contains these requirements.

³⁷ Section 440.52(1), F.S.

Other Provisions

The bill removes a requirement that employers notify the DFS by telephone or telegraph within 24 hours of any work related death.³⁸ This relates to an obsolete function when the DFS had a role in workplace safety investigations. However, the DFS' former workplace safety role is preempted to the federal Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor with some exceptions.³⁹ The employers not covered⁴⁰ by the OSHA include self-employed workers, immediate family members of farm employers, and workers whose hazards are regulated by another federal agency (for example, the Mine Safety and Health Administration, the Department of Energy, or Coast Guard).⁴¹ The DFS will continue to receive reports of death through an existing employer-reporting requirement.⁴²

The bill eliminates the Preferred Worker Program. The program has experienced a small number of claims and has not made any program reimbursements in over a decade. The DFS reports that the program paid seven claims totaling \$15,915 since 1994. The DFS last issued a reimbursement under the program in 2002.⁴³

The bill provides technical, conforming changes to revise cross-references to conform to changes made by the bill.

The bill is effective October 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁸ Section 440.185(3), F.S.

³⁹ The OSHA requires employers subject to OSHA to report fatalities within 8 hours. Available at <https://www.osha.gov/as/opa/worker/employer-responsibility.html>.

⁴⁰ See https://www.osha.gov/OSHA_FAQs.html (last visited January 26, 2016).

⁴¹ Workers at state and local government agencies are not covered by Federal OSHA, but have the OSHA protections if they work in those states that have an OSHA-approved state program.

⁴² Section 440.185(2), F.S.

⁴³ Florida Department of Financial Services, 2016 Agency Analysis of Senate Bill 986 (Jan. 6, 2016).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

CS/SB 986 eliminates the new insurer registration fee of \$100 and the Special Disability Trust Fund (SDTF) Notice of Claim and Proof of Claim fees of \$250 and \$500, respectively. The total annual fee reduction is approximately \$1,500.

B. Private Sector Impact:

The bill eliminates the new insurer registration fee of \$100. The DFS reports that four registrations for new workers' compensation insurers were received in Fiscal Year 2014-2015.

Insurers filing SDTF Notices of Claim or Proofs of Claim will no longer be assessed the \$250 and \$500 fee, respectively.

C. Government Sector Impact:

The elimination of fees will result in a decrease in collections of approximately \$1,500 in the SDTF. The SDTF received no notices of claims or proofs of claims in Fiscal Year 2013-2014 and one notice of claim in Fiscal Year 2014-2015.⁴⁴ The DFS reports that four new registrations were received in Fiscal Year 2014-2015.⁴⁵

The 25 percent reduction in penalties for employers who have not been previously issued a SWO or penalty will result in approximately \$1 million less that is deposited into the Workers' Compensation Administration Trust Fund. This estimate is based on a 25 percent collection rate of the penalties. The DFS anticipates that the reduced penalty may increase the percentage actually collected which may offset the fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 440.021, 440.05, 440.107, 440.13, 440.185, 440.42, 440.49, 440.50, 440.52, and 624.4626.

⁴⁴ AMI Risk Consultants, Inc., *State of Florida Special Disability Trust Fund Actuarial Review as of June 30, 2015*, at 5, available at http://www.myfloridacfo.com/Division/WC/pdf/State-of-Florida-Disability-Trust-Fund_2015_FINAL_09-10-15.pdf.

⁴⁵ Email from The Division of Workers' Compensation, Department of Financial Services, (Jan. 6, 2016) (on file with Senate Committee on Banking and Insurance).

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Banking and Insurance on February 2, 2016:

The CS reinstates current statutory coverage requirements for non-construction limited liability companies and clarifies the process for the appointment of an expert medical advisor.

- B. **Amendments:**

None.

By the Committee on Banking and Insurance; and Senator Simpson

597-02874-16

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1 A bill to be entitled
 2 An act relating to workers' compensation system
 3 administration; amending s. 440.05, F.S.; deleting a
 4 required item to be listed on a notice of election to
 5 be exempt; revising specified rules regarding the
 6 maintenance of business records by an officer of a
 7 corporation; removing the requirement that the
 8 Department of Financial Services issue a specified
 9 stop-work order; amending s. 440.107, F.S.; requiring
 10 that the department allow an employer who has not
 11 previously been issued an order of penalty assessment
 12 to receive a specified credit to be applied to the
 13 penalty; prohibiting the application of a specified
 14 credit unless the employer provides specified
 15 documentation and proof of payment to the department
 16 within a specified period; requiring the department to
 17 reduce the final assessed penalty by a specified
 18 percentage for employers who have not been previously
 19 issued a stop-work order or order of penalty
 20 assessment; revising the penalty calculation for the
 21 imputed weekly payroll for an employee; amending s.
 22 440.13, F.S.; eliminating the certification
 23 requirements when an expert medical advisor is
 24 selected by a judge of compensation claims; providing
 25 requirements for the selection of an expert medical
 26 advisor; amending s. 440.185, F.S.; deleting the
 27 requirement that employers notify the department
 28 within 24 hours of any injury resulting in death;
 29 amending s. 440.49, F.S.; revising definitions;
 30 revising the requirements for filing a claim; deleting
 31 the preferred worker program; deleting the
 32 notification fees on certain filed claims which

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33 supplement the Special Disability Trust Fund;
 34 conforming cross-references; amending s. 440.52, F.S.;
 35 deleting a fee for certain registration of insurance
 36 carriers; amending ss. 440.021, 440.42, 440.50, and
 37 624.4626, F.S.; conforming cross-references; providing
 38 an effective date.
 39

40 Be It Enacted by the Legislature of the State of Florida:
 41

42 Section 1. Subsections (1), (2), (3), (5), (10), and (11)
 43 of section 440.05, Florida Statutes, are amended to read:

44 440.05 Election of exemption; revocation of election;
 45 notice; certification.—

46 (1) Each corporate officer who elects not to accept the
 47 provisions of this chapter or who, after electing such
 48 exemption, revokes that exemption shall submit mail to the
 49 department ~~in Tallahassee~~ notice to such effect in accordance
 50 with a form to be prescribed by the department.

51 (2) Each sole proprietor or partner who elects to be
 52 included in the definition of "employee" or who, after such
 53 election, revokes that election must submit mail to the
 54 department ~~in Tallahassee~~ notice to such effect, in accordance
 55 with a form to be prescribed by the department.

56 (3) ~~Each officer of a corporation who is engaged in the~~
 57 ~~construction industry and who elects an exemption from this~~
 58 ~~chapter or who, after electing such exemption, revokes that~~
 59 ~~exemption must submit a notice to such effect to the department~~
 60 ~~on a form prescribed by the department.~~ The notice of election
 61 to be exempt must be electronically submitted to the department

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62 by the officer of a corporation who is allowed to claim an
 63 exemption as provided by this chapter and must list the name,
 64 ~~federal tax identification number~~, date of birth, driver license
 65 number or Florida identification card number, and all certified
 66 or registered licenses issued pursuant to chapter 489 held by
 67 the person seeking the exemption, the registration number of the
 68 corporation filed with the Division of Corporations of the
 69 Department of State, and the percentage of ownership evidencing
 70 the required ownership under this chapter. The notice of
 71 election to be exempt must identify each corporation that
 72 employs the person electing the exemption and must list the
 73 social security number or federal tax identification number of
 74 each such employer and the additional documentation required by
 75 this section. In addition, the notice of election to be exempt
 76 must provide that the officer electing an exemption is not
 77 entitled to benefits under this chapter, must provide that the
 78 election does not exceed exemption limits for officers provided
 79 in s. 440.02, and must certify that any employees of the
 80 corporation whose officer elects an exemption are covered by
 81 workers' compensation insurance. Upon receipt of the notice of
 82 the election to be exempt, receipt of all application fees, and
 83 a determination by the department that the notice meets the
 84 requirements of this subsection, the department shall issue a
 85 certification of the election to the officer, unless the
 86 department determines that the information contained in the
 87 notice is invalid. The department shall revoke a certificate of
 88 election to be exempt from coverage upon a determination by the
 89 department that the person does not meet the requirements for
 90 exemption or that the information contained in the notice of

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91 election to be exempt is invalid. The certificate of election
 92 must list the name of the corporation listed in the request for
 93 exemption. A new certificate of election must be obtained each
 94 time the person is employed by a new or different corporation
 95 that is not listed on the certificate of election. A notice copy
 96 of the certificate of election must be sent to each workers'
 97 compensation carrier identified in the request for exemption.
 98 Upon filing a notice of revocation of election, an officer who
 99 is a subcontractor or an officer of a corporate subcontractor
 100 must notify her or his contractor. Upon revocation of a
 101 certificate of election of exemption by the department, the
 102 department shall notify the workers' compensation carriers
 103 identified in the request for exemption.

104 (5) A notice given under subsection (1), subsection (2), or
 105 subsection (3) shall become effective when issued by the
 106 department or 30 days after it an application for an exemption
 107 is received by the department, whichever occurs first. However,
 108 if an accident or occupational disease occurs less than 30 days
 109 after the effective date of the insurance policy under which the
 110 payment of compensation is secured or the date the employer
 111 qualified as a self-insurer, such notice is effective as of
 112 12:01 a.m. of the day following the date it is submitted mailed
 113 to the department ~~in Tallahassee~~.

114 (10) Each officer of a corporation who is actively engaged
 115 in the construction industry and who elects an exemption from
 116 this chapter shall maintain business records as specified by the
 117 department by rule, ~~which rules must include the provision that~~
 118 ~~any corporation with exempt officers engaged in the construction~~
 119 ~~industry must maintain written statements of those exempted~~

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120 ~~persons affirmatively acknowledging each such individual's~~
 121 ~~exempt status.~~

122 (11) Any corporate officer permitted by this chapter to
 123 claim an exemption must be listed on the records of this state's
 124 Secretary of State, Division of Corporations, as a corporate
 125 officer. ~~The department shall issue a stop-work order under s.~~
 126 ~~440.107(7) to any corporation who employs a person who claims to~~
 127 ~~be exempt as a corporate officer but who fails or refuses to~~
 128 ~~produce the documents required under this subsection to the~~
 129 ~~department within 3 business days after the request is made.~~

130 Section 2. Paragraphs (d) and (e) of subsection (7) of
 131 section 440.107, Florida Statutes, are amended to read:

132 440.107 Department powers to enforce employer compliance
 133 with coverage requirements.—

134 (7)

135 (d)1. In addition to any penalty, stop-work order, or
 136 injunction, the department shall assess against any employer who
 137 has failed to secure the payment of compensation as required by
 138 this chapter a penalty equal to 2 times the amount the employer
 139 would have paid in premium when applying approved manual rates
 140 to the employer's payroll during periods for which it failed to
 141 secure the payment of workers' compensation required by this
 142 chapter within the preceding 2-year period or \$1,000, whichever
 143 is greater.

144 a. For employers who have not been previously issued a
 145 stop-work order or order of penalty assessment, the department
 146 must allow the employer to receive a credit for the initial
 147 payment of the estimated annual workers' compensation policy
 148 premium, as determined by the carrier, to be applied to the

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149 penalty. Before applying the credit to the penalty, the employer
 150 must provide the department with documentation reflecting that
 151 the employer has secured the payment of compensation pursuant to
 152 s. 440.38 and proof of payment to the carrier. In order for the
 153 department to apply a credit for an employer that has secured
 154 workers' compensation for leased employees by entering into an
 155 employee leasing contract with a licensed employee leasing
 156 company, the employer must provide the department with a written
 157 confirmation, by a representative from the employee leasing
 158 company, of the dollar or percentage amount attributable to the
 159 initial estimated workers' compensation expense for leased
 160 employees, and proof of payment to the employee leasing company.
 161 The credit may not be applied unless the employer provides the
 162 documentation and proof of payment to the department within 28
 163 days after service of the stop-work order or first order of
 164 penalty assessment upon the employer.

165 b. For employers who have not been previously issued a
 166 stop-work order or order of penalty assessment, the department
 167 must reduce the final assessed penalty by 25 percent if the
 168 employer has complied with administrative rules adopted pursuant
 169 to subsection (5) and has provided such business records to the
 170 department within 10 business days after the employer's receipt
 171 of the written request to produce business records.

172 c. The \$1,000 penalty shall be assessed against the
 173 employer even if the calculated penalty after the credit and 25
 174 percent reduction have ~~has~~ been applied is less than \$1,000.

175 2. Any subsequent violation within 5 years after the most
 176 recent violation shall, in addition to the penalties set forth
 177 in this subsection, be deemed a knowing act within the meaning

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178 of s. 440.105.

179 (e) When an employer fails to provide business records
180 sufficient to enable the department to determine the employer's
181 payroll for the period requested for the calculation of the
182 penalty provided in paragraph (d), for penalty calculation
183 purposes, the imputed weekly payroll for each employee,
184 corporate officer, sole proprietor, or partner shall be the
185 statewide average weekly wage as defined in s. 440.12(2)
186 multiplied by 1.5 ~~2~~.

187 Section 3. Paragraph (a) of subsection (7) and paragraphs
188 (a), (c), and (f) of subsection (9) of section 440.13, Florida
189 Statutes, are amended to read:

190 440.13 Medical services and supplies; penalty for
191 violations; limitations.—

192 (7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

193 (a) Any health care provider, ~~carrier, or employer~~ who
194 elects to contest the disallowance or adjustment of payment by a
195 carrier under subsection (6) must, within 45 days after receipt
196 of notice of disallowance or adjustment of payment, petition the
197 department to resolve the dispute. The petitioner must serve a
198 copy of the petition on the carrier and on all affected parties
199 by certified mail. The petition must be accompanied by all
200 documents and records that support the allegations contained in
201 the petition. Failure of a petitioner to submit such
202 documentation to the department results in dismissal of the
203 petition.

204 (9) EXPERT MEDICAL ADVISORS.—

205 (a) The department shall certify expert medical advisors in
206 each specialty to assist the department ~~and the judges of~~

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207 ~~compensation claims~~ within the advisor's area of expertise as
208 provided in this section. The department shall, in a manner
209 prescribed by rule, in certifying, recertifying, or decertifying
210 an expert medical advisor, consider the qualifications,
211 training, impartiality, and commitment of the health care
212 provider to the provision of quality medical care at a
213 reasonable cost. As a prerequisite for certification or
214 recertification, the department shall require, at a minimum,
215 that an expert medical advisor have specialized workers'
216 compensation training or experience under the workers'
217 compensation system of this state and board certification or
218 board eligibility.

219 (c) If there is disagreement in the opinions of the health
220 care providers, if two health care providers disagree on medical
221 evidence supporting the employee's complaints or the need for
222 additional medical treatment, or if two health care providers
223 disagree that the employee is able to return to work, the
224 department may, and the judge of compensation claims shall, upon
225 his or her own motion or within 15 days after receipt of a
226 written request by either the injured employee, the employer, or
227 the carrier, order the injured employee to be evaluated by an
228 expert medical advisor. The injured employee and the employer or
229 carrier may agree on the health care provider to serve as an
230 expert medical advisor. If the parties do not agree, the judge
231 of compensation claims shall select an expert medical advisor
232 from the department's list of certified expert medical advisors.
233 If a certified medical advisor within the relevant medical
234 specialty is unavailable, the judge of compensation claims shall
235 appoint any otherwise qualified health care provider to serve as

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236 an expert medical advisor without obtaining the department's
 237 certification. The opinion of the expert medical advisor is
 238 presumed to be correct unless there is clear and convincing
 239 evidence to the contrary as determined by the judge of
 240 compensation claims. The expert medical advisor appointed to
 241 conduct the evaluation shall have free and complete access to
 242 the medical records of the employee. An employee who fails to
 243 report to and cooperate with such evaluation forfeits
 244 entitlement to compensation during the period of failure to
 245 report or cooperate.

246 (f) If the department or a judge of compensation claims
 247 orders the services of an a-certified expert medical advisor to
 248 resolve a dispute under this section, the party requesting such
 249 examination must compensate the advisor for his or her time in
 250 accordance with a schedule adopted by the department. If the
 251 employee prevails in a dispute as determined in an order by a
 252 judge of compensation claims based upon the expert medical
 253 advisor's findings, the employer or carrier shall pay for the
 254 costs of such expert medical advisor. If a judge of compensation
 255 claims, upon his or her motion, finds that an expert medical
 256 advisor is needed to resolve the dispute, the carrier must
 257 compensate the advisor for his or her time in accordance with a
 258 schedule adopted by the department. The department may assess a
 259 penalty not to exceed \$500 against any carrier that fails to
 260 timely compensate an advisor in accordance with this section.

261 Section 4. Subsection (3) of section 440.185, Florida
 262 Statutes, is amended to read:

263 440.185 Notice of injury or death; reports; penalties for
 264 violations.-

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265 ~~(3) In addition to the requirements of subsection (2), the~~
 266 ~~employer shall notify the department within 24 hours by~~
 267 ~~telephone or telegraph of any injury resulting in death.~~
 268 ~~However, this special notice shall not be required when death~~
 269 ~~results subsequent to the submission to the department of a~~
 270 ~~previous report of the injury pursuant to subsection (2).~~

271 Section 5. Paragraph (b) of subsection (2), paragraph (c)
 272 of subsection (4), paragraph (c) of subsection (6), paragraphs
 273 (c) and (d) of subsection (7), subsection (8), and paragraph (d)
 274 of subsection (9) of section 440.49, Florida Statutes, are
 275 amended to read:

276 440.49 Limitation of liability for subsequent injury
 277 through Special Disability Trust Fund.-

278 (2) DEFINITIONS.-As used in this section, the term:

279 ~~(b) "Preferred worker" means a worker who, because of a~~
 280 ~~permanent impairment resulting from a compensable injury or~~
 281 ~~occupational disease, is unable to return to the worker's~~
 282 ~~regular employment.~~

283
 284 In addition to the definitions contained in this subsection, the
 285 department may by rule prescribe definitions that are necessary
 286 for the effective administration of this section.

287 (4) PERMANENT IMPAIRMENT OR PERMANENT TOTAL DISABILITY,
 288 TEMPORARY BENEFITS, MEDICAL BENEFITS, OR ATTENDANT CARE AFTER
 289 OTHER PHYSICAL IMPAIRMENT.-

290 (c) *Temporary compensation and medical benefits;*
 291 *aggravation or acceleration of preexisting condition or*
 292 *circumstantial causation.*-If an employee who has a preexisting
 293 permanent physical impairment experiences an aggravation or

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294 acceleration of the preexisting permanent physical impairment as
 295 a result of an injury or occupational disease arising out of and
 296 in the course of her or his employment, or suffers an injury as
 297 a result of a merger as defined in paragraph (2) (b) ~~(2) (e)~~, the
 298 employer shall provide all benefits provided by this chapter,
 299 but, subject to the limitations specified in subsection (7), the
 300 employer shall be reimbursed by the Special Disability Trust
 301 Fund created by subsection (9) for 50 percent of its payments
 302 for temporary, medical, and attendant care benefits.

303 (6) EMPLOYER KNOWLEDGE, EFFECT ON REIMBURSEMENT.—

304 (c) An employer's or carrier's right to apportionment or
 305 deduction pursuant to ss. 440.02(1), 440.15(5) (b), and
 306 440.151(1) (c) does not preclude reimbursement from such fund,
 307 except when the merger comes within the definition of paragraph
 308 (2) (b) ~~(2) (e)~~ and such apportionment or deduction relieves the
 309 employer or carrier from providing the materially and
 310 substantially greater permanent disability benefits otherwise
 311 contemplated in those paragraphs.

312 (7) REIMBURSEMENT OF EMPLOYER.—

313 (c) A proof of claim must be filed on each notice of claim
 314 on file as of June 30, 1997, within 1 year after July 1, 1997,
 315 or the right to reimbursement of the claim shall be barred. A
 316 notice of claim on file on or before June 30, 1997, may be
 317 withdrawn and refiled if, at the time refiled, the notice of
 318 claim remains within the limitation period specified in
 319 paragraph (a). Such refiling shall not toll, extend, or
 320 otherwise alter in any way the limitation period applicable to
 321 the withdrawn and subsequently refiled notice of claim. ~~Each~~
 322 ~~proof of claim filed shall be accompanied by a proof-of-claim~~

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323 ~~fee as provided in paragraph (9) (d)~~. The Special Disability
 324 Trust Fund shall, within 120 days after receipt of the proof of
 325 claim, serve notice of the acceptance of the claim for
 326 reimbursement. This paragraph shall apply to all claims
 327 notwithstanding the provisions of subsection (12).

328 ~~(d) Each notice of claim filed or refiled on or after July~~
 329 ~~1, 1997, must be accompanied by a notification fee as provided~~
 330 ~~in paragraph (9) (d)~~. A proof of claim must be filed within 1
 331 year after the date the notice of claim is filed or refiled,
 332 ~~accompanied by a proof-of-claim fee as provided in paragraph~~
 333 ~~(9) (d)~~, or the claim shall be barred. ~~The notification fee shall~~
 334 ~~be waived if both the notice of claim and proof of claim are~~
 335 ~~submitted together as a single filing.~~ The Special Disability
 336 Trust Fund shall, within 180 days after receipt of the proof of
 337 claim, serve notice of the acceptance of the claim for
 338 reimbursement. This paragraph shall apply to all claims
 339 notwithstanding the provisions of subsection (12).

340 ~~(8) PREFERRED WORKER PROGRAM.~~ The Department of Education
 341 ~~or administrator shall issue identity cards to preferred workers~~
 342 ~~upon request by qualified employees and the Department of~~
 343 ~~Financial Services shall reimburse an employer, from the Special~~
 344 ~~Disability Trust Fund, for the cost of workers' compensation~~
 345 ~~premium related to the preferred workers payroll for up to 3~~
 346 ~~years of continuous employment upon satisfactory evidence of~~
 347 ~~placement and issuance of payroll and classification records and~~
 348 ~~upon the employee's certification of employment. The Department~~
 349 ~~of Financial Services and the Department of Education may by~~
 350 ~~rule prescribe definitions, forms, and procedures for the~~
 351 ~~administration of the preferred worker program. The Department~~

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352 of Education may by rule prescribe the schedule for submission
353 of forms for participation in the program.

354 ~~(8)(9)~~ SPECIAL DISABILITY TRUST FUND.—

355 ~~(d) The Special Disability Trust Fund shall be supplemented~~
356 ~~by a \$250 notification fee on each notice of claim filed or~~
357 ~~refiled after July 1, 1997, and a \$500 fee on each proof of~~
358 ~~claim filed in accordance with subsection (7). Revenues from the~~
359 ~~fee shall be deposited into the Special Disability Trust Fund~~
360 ~~and are exempt from the deduction required by s. 215.20. The~~
361 ~~fees provided in this paragraph shall not be imposed upon any~~
362 ~~insurer which is in receivership with the department.~~

363 Section 6. Subsection (1) of section 440.52, Florida
364 Statutes, is amended to read:

365 440.52 Registration of insurance carriers; notice of
366 cancellation or expiration of policy; suspension or revocation
367 of authority.—

368 (1) Each insurance carrier who desires to write workers'
369 ~~such~~ compensation insurance in compliance with this chapter
370 shall be required, before writing such insurance, to register
371 with the department ~~and pay a registration fee of \$100. This~~
372 ~~shall be deposited by the department in the fund created by s.~~
373 ~~440.50.~~

374 Section 7. Section 440.021, Florida Statutes, is amended to
375 read:

376 440.021 Exemption of workers' compensation from chapter
377 120.—Workers' compensation adjudications by judges of
378 compensation claims are exempt from chapter 120, and no judge of
379 compensation claims shall be considered an agency or a part
380 thereof. Communications of the result of investigations by the

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381 department pursuant to s. 440.185(3) ~~s. 440.185(4)~~ are exempt
382 from chapter 120. In all instances in which the department
383 institutes action to collect a penalty or interest which may be
384 due pursuant to this chapter, the penalty or interest shall be
385 assessed without hearing, and the party against which such
386 penalty or interest is assessed shall be given written notice of
387 such assessment and shall have the right to protest within 20
388 days of such notice. Upon receipt of a timely notice of protest
389 and after such investigation as may be necessary, the department
390 shall, if it agrees with such protest, notify the protesting
391 party that the assessment has been revoked. If the department
392 does not agree with the protest, it shall refer the matter to
393 the judge of compensation claims for determination pursuant to
394 s. 440.25(2)-(5). Such action of the department is exempt from
395 the provisions of chapter 120.

396 Section 8. Subsection (3) of section 440.42, Florida
397 Statutes, is amended to read:

398 440.42 Insurance policies; liability.—

399 (3) No contract or policy of insurance issued by a carrier
400 under this chapter shall expire or be canceled until at least 30
401 days have elapsed after a notice of cancellation has been sent
402 to the department and to the employer in accordance with the
403 provisions of s. 440.185(6) ~~s. 440.185(7)~~. For cancellation due
404 to nonpayment of premium, the insurer shall mail notification to
405 the employer at least 10 days prior to the effective date of the
406 cancellation. However, when duplicate or dual coverage exists by
407 reason of two different carriers having issued policies of
408 insurance to the same employer securing the same liability, it
409 shall be presumed that only that policy with the later effective

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410 date shall be in force and that the earlier policy terminated
 411 upon the effective date of the latter. In the event that both
 412 policies carry the same effective date, one of the policies may
 413 be canceled instanter upon filing a notice of cancellation with
 414 the department and serving a copy thereof upon the employer in
 415 such manner as the department prescribes by rule. The department
 416 may by rule prescribe the content of the notice of retroactive
 417 cancellation and specify the time, place, and manner in which
 418 the notice of cancellation is to be served.

419 Section 9. Paragraph (b) of subsection (1) of section
 420 440.50, Florida Statutes, is amended to read:

421 440.50 Workers' Compensation Administration Trust Fund.—

422 (1)

423 (b) The department is authorized to transfer as a loan an
 424 amount not in excess of \$250,000 from such special fund to the
 425 Special Disability Trust Fund established by s. 440.49(8) ~~ss.~~
 426 ~~440.49(9)~~, which amount shall be repaid to the said special fund
 427 in annual payments equal to not less than 10 percent of moneys
 428 received for the ~~such~~ Special Disability Trust Fund.

429 Section 10. Subsection (2) of section 624.4626, Florida
 430 Statutes, is amended to read:

431 624.4626 Electric cooperative self-insurance fund.—

432 (2) A self-insurance fund that meets the requirements of
 433 this section is subject to the assessments set forth in ss.
 434 440.49(8) ~~ss. 440.49(9)~~, 440.51(1), and 624.4621(7), but is not
 435 subject to any other provision of s. 624.4621 and is not
 436 required to file any report with the department under s.
 437 440.38(2)(b) which is uniquely required of group self-insurer
 438 funds qualified under s. 624.4621.

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439 Section 11. This act shall take effect October 1, 2016.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

986

Bill Number (if applicable)

Topic Work Camp

Amendment Barcode (if applicable)

Name Tammy Perdue

Job Title General Counsel

Address 516 N Adams

Phone 8502247173

Street

City

TLH

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ALF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

CS/SB 986

Bill Number (if applicable)

Topic WORKERS' COMA

Amendment Barcode (if applicable)

Name PAUL ANDERSON

Job Title _____

Address 1584 METROPOLITAN BLVD.

Phone 894-894-3000

Street

TALLAHASSEE

FL.

32308

Email paule@becomingjustice
matters.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA WORKERS' ADVOCATES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

SB 986

Bill Number (if applicable)

Topic Workers' Compensation

Amendment Barcode (if applicable)

Name BG Murphy

Job Title Deputy Legislative Affairs Director

Address 400 N Monroe St

Phone 850-413-2863

Street

Tallahassee

FL

32303

Email bg.murphy@myfloridacfo.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing CFO Atwater

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

SB 986

Bill Number (if applicable)

Topic Workers Comp Sys Reform

Amendment Barcode (if applicable)

Name BERARD DENNIS

Job Title

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Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: PCS/CS/SB 1050 (453996)

INTRODUCER: Appropriations Subcommittee on General Government; Regulated Industries Committee; and Senator Brandes

SUBJECT: Regulated Professions and Occupations

DATE: February 19, 2016 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Caldwell</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>DeLoach</u>	<u>AGG</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1050 eliminates current business license requirements for certain regulated professions, but licensure requirements for individuals engaged in those professions remain intact. The affected professions are architects, interior designers, asbestos abatement consultants and contractors, and landscape architects.

The bill allows certain activities to be practiced without licensure, including nail polishing, low voltage landscape lighting, and low voltage communication cabling. The bill eliminates licensure and registration requirements for athlete agents, talent agencies, and labor organizations. Licensure of branch offices for yacht and ship brokers is also eliminated.

The bill has a significant negative fiscal impact to the Department of Business and Professional Regulation (DBPR or department) and to the Service Charge to General Revenue (see Section V, Fiscal Impact Statement).

II. Present Situation:

Section 20.165, F.S., establishes the organizational structure of the Department of Business and Professional Regulation (DBPR or department). There are 12 divisions, which include:

- Administration;
- Alcoholic Beverages and Tobacco;

- Certified Public Accounting;
- Drugs, Devices, and Cosmetics;
- Florida Condominiums, Timeshares, and Mobile Homes;
- Hotels and Restaurants;
- Pari-mutuel Wagering;
- Professions;
- Real Estate;
- Regulation;
- Service Operations; and
- Technology.

There are 15 boards and programs established within the Division of Professions,¹ two boards within the Division of Real Estate,² and one board within the Division of Certified Public Accounting.³ The Florida State Boxing Commission (boxing commission) is also assigned to the DBPR for administrative and fiscal accountability purposes only.⁴ The department also administers the Child Labor Law and Farm Labor Contractor Registration Law pursuant to parts I and III of ch. 450, F.S.

Chapter 455, F.S., applies to the regulation of professions constituting “any activity, occupation, profession, or vocation regulated by the department in the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.”⁵

Regulation of professions is limited under Florida law, to be undertaken “only for the preservation of the health, safety, and welfare of the public under the police powers of the state.”⁶ Regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.⁷

¹ Section 20.165(4)(a), F.S., establishes the following boards and programs which are noted with the implementing statutes: Board of Architecture and Interior Design, part I of ch. 481; Florida Board of Auctioneers, part VI of ch. 468; Barbers’ Board, ch. 476; Florida Building Code Administrators and Inspectors Board, part XII of ch. 468; Construction Industry Licensing Board, part I of ch. 489; Board of Cosmetology, ch. 477; Electrical Contractors’ Licensing Board, part II of ch. 489; Board of Employee Leasing Companies, part XI of ch. 468; Board of Landscape Architecture, part II of ch. 481; Board of Pilot Commissioners, ch. 310; Board of Professional Engineers, ch. 471; Board of Professional Geologists, ch. 492; Board of Veterinary Medicine, ch. 474; Home Inspection Services Licensing Program, part XV of ch. 468; and Mold-related Services Licensing Program, part XVI of ch. 468, F.S.

² See s. 20.165(4)(b), F.S. Florida Real Estate Appraisal Board, created under part II of ch. 475, F.S., and Florida Real Estate Commission, created under part I of ch. 475, F.S.

³ See s. 20.165(4)(c), F.S., which establishes the Board of Accountancy, created under ch. 473, F.S.

⁴ Section 548.003(1), F.S.

⁵ Section 455.01(6), F.S.

⁶ Section 455.201(2), F.S.

⁷ *Id.*

However, “neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention,” or a regulation that unreasonably restricts the ability of those who desire to engage in a profession or occupation to find employment.⁸

Chapter 455, F.S., provides the general powers of the DBPR and sets forth the procedural and administrative framework for all of the professional boards housed under the department as well as the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.⁹ When a person is authorized to engage in a profession or occupation in Florida, the department issues a “permit, registration, certificate, or license” to the licensee.¹⁰

In Fiscal Year 2014-2015, the Division of Accountancy had 38,678 licensees, the Division of Real Estate had 330,565 licensees, and the Board of Professional Engineers had 57,756 licensees.¹¹ In Fiscal Year 2014-2015, there were 415,207 licensees in the Division of Professions,¹² including:

- Architects and interior designers;
- Asbestos consultants and contractors;
- Athlete agents;
- Auctioneers;
- Barbers;
- Building code administrators and inspectors;
- Community association managers;
- Construction industry contractors;
- Cosmetologists;
- Electrical contractors;
- Employee leasing companies;
- Geologists;
- Home inspectors;
- Landscape architects;
- Harbor pilots;
- Mold-related services;
- Talent agencies; and
- Veterinarians.¹³

Sections 455.203 and 455.213, F.S., establish general licensing provisions for the DBPR, including the authority to charge license fees and license renewal fees. Each board within the

⁸ Section 455.201(4)(b), F.S.

⁹ See s. 455.203, F.S. The department must also provide legal counsel for boards within the department by contracting with the Department of Legal Affairs, by retaining private counsel, or by providing department staff counsel. See s. 455.221(1), F.S.

¹⁰ Section 455.01(4) and (5), F.S.

¹¹ See Department of Business and Professional Regulation, *Annual Report, Fiscal Year 2014-2015*, <http://www.myfloridalicense.com/dbpr/os/documents/FY2014-2015AnnualReportFinal.pdf> (last accessed Jan. 31, 2016) at 22.

¹² Of the total 415,207 licensees in the Division of Professions, 22,566 are inactive. *Id.* at 22.

¹³ *Id.* at 13.

department must determine by rule the amount of license fees for its profession, based on estimates of the required revenue to implement regulatory laws.¹⁴

The Division of Florida Condominiums, Timeshares, and Mobile Homes (FCTMH) within the DBPR provides consumer protection for Florida residents living in regulated communities through education, complaint resolution, mediation and arbitration, and developer disclosure.¹⁵ The FCTMH has limited regulatory authority over the following business entities and individuals:

- Condominium Associations;
- Cooperative Associations;
- Florida Mobile Home Parks and related associations;
- Vacation Units and Timeshares;
- Yacht and Ship Brokers and related business entities; and
- Homeowner's Associations (jurisdiction limited to arbitration of election and recall disputes).¹⁶

Yacht and Ship Broker Branch Office Licenses

Chapter 326, F.S., governs the licensing and regulation of yacht and ship brokers, salespersons, and related business organizations in the state. The Yacht and Ship Broker's Section, a unit of the FCTMH, processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the yacht brokerage industry.¹⁷

A person may not act as a yacht or ship broker or salesperson unless licensed under ch. 326, F.S.¹⁸ "Each [yacht or ship] broker must maintain a principle place of business in this state and may establish branch offices in the state. A separate license must be maintained for each branch office."¹⁹

Applicants for a branch office license and renewal pay a \$100 fee with a license renewal every two years.²⁰ There is no requirement on the branch office other than to obtain licensure. Additionally, there are no inspection requirements.

Labor Organizations

Chapter 447, F.S., governs the licensing and regulation of labor organizations, and related business agents in the state. The Division of Regulation within the DBPR oversees the licensing and regulation of labor organizations. The Division of Regulation processes licenses and

¹⁴ Section 455.219(1), F.S.

¹⁵ Department of Business and Professional Regulation, *Division of Florida condominiums, Timeshares, and Mobile Homes*, <http://www.myfloridalicense.com/dbpr/lsc/index.html>, (last visited January 8, 2016).

¹⁶ *Id.*

¹⁷ Department of Business and Professional Regulation, *Yacht and ship Brokers; Licensing and Enforcement*, <http://www.myfloridalicense.com/dbpr/lsc/YachtandShip.html>, (last visited on January 12, 2016).

¹⁸ Section 326.004(1), F.S.

¹⁹ Section 326.004(13), F.S.

²⁰ Rule 61B-60.002, F.A.C.

responds to consumer complaints and inquiries by monitoring activities and compliance within the labor organization industry.

A labor organization is defined as “[a]ny organization of employees or local or subdivision thereof, having within its membership residents of the state, whether incorporated or not, organized for the purpose of dealing with employers concerning hours of employment, rate of pay, working conditions, or grievances of any kind relating to employment and recognized as a unit of bargaining by one or more employers doing business in this state.”²¹

In Florida, all labor organizations are required to register with the department and all business agents of labor organizations must obtain a license.²² Business agents are defined as “[a]ny person, without regard to title, who shall, for a pecuniary or financial consideration, act or attempt to act for any labor organization in:

- The issuance of membership or authorization cards, work permits, or any other evidence of rights granted or claimed in, or by, a labor organization; and
- Soliciting or receiving from any employer any right or privilege for employees.”²³

Applicants for a business agent license shall pay \$25 fee for licensure and must meet a number of licensure requirements.²⁴ Labor organization applicants must pay an annual fee of \$1.²⁵

Talent Agencies

Chapter 468, Part VII, F.S., governs the licensing and regulation of talent agencies in the state. The Division of Professions within the DBPR oversees the licensing and regulation of talent agencies. The Division of Professions processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the talent agency industry.

Individuals are prohibited from owning, operating, soliciting business, or otherwise engaging in or carrying on the occupation of a talent agency in this state unless the person first obtains licensure for the talent agency.²⁶ A talent agency is defined as “[a]ny person who, for compensation, engages in the occupation or business of procuring or attempting to procure engagements for an artist.”²⁷

To qualify for a talent agency license, the applicant must be of good moral character and shall show whether or not the agency, any person, or any owner of the agency is financially interested in any other business of like nature, and if so, shall specify the interests.²⁸

²¹ Section 447.02(1), F.S.

²² Section 447.04(2), F.S.

²³ Section 447.02(2), F.S.

²⁴ Section 447.04(2), F.S.

²⁵ Section 447.06(2), F.S.

²⁶ Section 468.403(1), F.S.

²⁷ Section 468.401, F.S.

²⁸ Section 468.405, F.S.

At the time of application, applicants for a talent agency license must pay an application fee of \$300, an unlicensed activity fee of \$5, and an initial licensure fee of \$200 if licensed after March 31 of any odd numbered year. Otherwise the initial license fee is \$400. Talent agency license holders must pay a biennial renewal fee of \$400.²⁹

Licensed talent agencies are required to:

- File an itemized schedule of maximum fees, charges, and commissions it intends to charge and collect for its services;³⁰
- Pay to the artist all money collected from an employer for the benefit of an artist within five business days after receipt of the money;³¹
- Display a copy of the license conspicuously in the place of business;³²
- File a bond with the department in the form of a surety for the penal sum of \$5,000, which may be drawn upon if a person is aggrieved by the misconduct of the talent agency;³³
- Maintain records including the application, registration, or contract of each artist, with additional information;³⁴
- Provide a copy of the contract to the artist within 24 hours of the contract's execution;³⁵ and
- Comply with the prohibited acts set forth in s. 468.412, F.S.

Licensed talent agencies are prohibited from:

- Charging the artist a registration fee;³⁶ and
- Requiring the artist to subscribe to, purchase, or attend any publication, postcard service, and advertisement, resume service, photography service, school, acting school, workshop, or acting workshop.³⁷

Section 468.415, F.S., provides prohibitions against sexual misconduct.

Section 468.413, F.S., provides criminal penalties for:

- Operating a talent agency without a license;
- Obtaining a license through misrepresentation;
- Assigning a license to another individual;
- Relocating a talent agency without notifying the department;
- Failing to provide information on an application regarding related businesses;
- Failing to maintain records;
- Requiring the artist to subscribe to, purchase, or attend any publication, postcard service, advertisement, resume service, photography service, school, acting school, workshop, or acting workshop;

²⁹ Rule 61-19.005, F.A.C.

³⁰ Section 468.406(1), F.S.

³¹ Section 468.406(2), F.S.

³² Section 468.407(2), F.S.

³³ Section 468.408, F.S.

³⁴ Section 468.409, F.S.

³⁵ Section 468.410(3), F.S.

³⁶ Section 468.410(1), F.S.

³⁷ Section 468.410(2), F.S.

- Failing to provide a copy of the contract to the artist;
- Failing to maintain a record sheet; and
- Knowingly sending an artist to an employer the licensee knows to be in violation of the laws of Florida or of the United States.

Athlete Agents

Chapter 468, Part IX, F.S., governs the licensing and regulation of athlete agents in the state. The Division of Professions within the DBPR oversees the licensing and regulation of athlete agents. The Division of Professions processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the athlete agent industry.

Individuals are prohibited from practicing as an athlete agent in Florida without first being licensed as an athlete agent.³⁸ An athlete agent is defined as:

[A] person who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who, for any type of financial gain, procures, offers, promises, or attempts to obtain employment or promotional fees or benefits for a student athlete with a professional sports team or as a professional athlete, or with any promoter who markets or attempts to market the student athlete's athletic ability or athletic reputation. This term includes all employees and other persons acting on behalf of an athlete agent who participate in the activities included under this subsection. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.³⁹

In order to be licensed, an applicant must be at least 18 years of age, of good moral character, and have completed the application form and remitted an application fee of \$500, a licensure fee of \$375, and an unlicensed activity fee of \$5. Athlete agent license holders must pay a biennial renewal fee of \$220.⁴⁰

Licensed athlete agents are required to:

- Comply with specific contract requirements;⁴¹
- Comply with the prohibited acts;⁴² and
- Maintain financial and business records.⁴³

Section 468.45615, F.S., provides criminal penalties for a licensed athlete agent who provides anything of value to any person to induce a student athlete to enter into an agreement by which the agent will represent the student athlete.⁴⁴

³⁸ Section 468.453(1), F.S.

³⁹ Section 468.452(2), F.S.

⁴⁰ Rule 61-24.004, F.A.C.

⁴¹ Section 468.454, F.S.

⁴² Section 468.456, F.S.

⁴³ Section 468.4565, F.S.

⁴⁴ Section. 468.456(1)(f), F.S.

Asbestos Abatement Business Organization

Chapter 469, F.S., governs the licensing and regulation of asbestos abatement in the state. The Asbestos Licensing Unit is a program located under the Division of Professions. The program processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the asbestos abatement industry.

An asbestos consultant's license may be issued only to an applicant who holds a current, valid, active license as an architect, professional engineer, professional geologist, is a diplomat of the American Board of Industrial Hygiene, or has been awarded designation as a Certified Safety Professional by the Board of Certified Safety Professionals.⁴⁵

A person must be a licensed asbestos contractor in order to conduct asbestos abatement work.⁴⁶ A person must be a licensed asbestos consultant in order to:

- Conduct an asbestos survey;
- Develop an operation and maintenance plan;
- Monitor and evaluate asbestos abatement; or
- Prepare asbestos abatement specifications.⁴⁷

If an applicant for licensure as an asbestos consultant or contractor proposed to engage in consulting or contracting as a business organization, such as a corporation or other legal entity, or in any name other than the applicant's legal name, the business organization must be licensed as an asbestos abatement business. Each licensed business organization must have a qualifying agent that is licensed under ch 469, F.S.,⁴⁸ and that is qualified to supervise and is financially responsible. If the qualifying agent terminates his or her affiliation with the business organization and is the only qualifying agent for the business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination, and may not engage in the practice of asbestos abatement until it is qualified.

Applicants for an asbestos abatement business license pay an application fee of \$300, an unlicensed activity fee of \$5, an initial licensure fee of \$250, and a biennial renewal fee of \$250.⁴⁹ There is no requirement on the branch office other than to obtain licensure. Additionally, there are no inspection requirements.

Nail Painting

Chapter 477, F.S., governs the licensing and regulation of cosmetologists, hair wrappers, hair braiders, nail specialists, facial specialists, full specialists, body wrappers and related salons in the state. The Board of Cosmetology is a board located within the Division of Professions. The

⁴⁵ Florida Department of Business and Professional Regulation, *2016 Legislative Bill Analysis, Senate Bill 1050*, p. 2, (December 16, 2015).

⁴⁶ Section 469.003(3), F.S.

⁴⁷ Section 469.003, F.S.

⁴⁸ Section 469.006, F.S.

⁴⁹ Rule 61E1-3.001, F.A.C.

board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the cosmetology industry.

Individuals are prohibited from providing manicures or pedicures in Florida without first being registered as a nail specialist, full specialist, or cosmetologist.

A “specialist” is defined as “any person holding a specialty registration in one or more of the specialties registered under [ch. 477, F.S.]”⁵⁰ The term “specialty” is defined as “the practice of one or more of the following:

- Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive;
- Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet;
- Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services.”⁵¹

The term “cosmetologist” is defined as “a person who is licensed to engage in the practice of cosmetology...”⁵² The term “cosmetology” is defined as “the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing for compensation. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services.”⁵³

A nail specialist may complete manicures and pedicures. A full specialist may complete manicures, pedicures, and facials. Manicures and pedicures, as a part of cosmetology services, are required to be provided in a licensed specialty salon or cosmetology salon.⁵⁴ All cosmetology and specialty salons are subject to inspection by the department.⁵⁵

To qualify for a specialist license, the applicant must be at least 16 years old, obtain a certificate of completion from an approved specialty education program, and submit an application for registration with the department with the registration fee.⁵⁶

To qualify for a license as a cosmetologist, the applicant must be at least 16 years old, have received a high school diploma, have submitted an application with the applicable fee and examination fee, and have either a license in another state or country for at least one year, or have received 1,200 hours training including completing an education at an approved

⁵⁰ Section 477.013(5), F.S.

⁵¹ Section 477.013(6), F.S.

⁵² Section 477.013(3), F.S.

⁵³ Section 477.013(4), F.S.

⁵⁴ Section 477.0263, F.S.

⁵⁵ Section 477.025, F.S.

⁵⁶ Section 477.0201, F.S.

cosmetology school or program. The applicants must also pass all parts of the licensure examination.⁵⁷

The act of painting nails with fingernail polish falls under the scope of manicuring, even if the individual is not cutting, cleansing, adding, or extending the nails. Therefore, individuals seeking to add polish to fingernails and toenails for compensation are required to obtain a registration as a specialist or a license as a cosmetologist. The department does not have a separate license for polishing nails.

Architecture Business or Interior Design Organization

Chapter 481, Part I, F.S., governs the licensing and regulation of architects, interior designers, and related business organizations in the state. The Board of Architecture and Interior Design is a board located under the Division of Professions. The board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the architecture and interior design industries.

“The practice of or the offer to practice architecture or interior design by licensees through a corporation, limited liability company, or partnership offering architectural or interior design services to the public, or by a corporation, limited liability company, or partnership offering architectural or interior design services to the public through licensees under this part as agents, employees, officers, or partners, is permitted, subject to the provisions of [ch. 481, Part I, F.S.].”⁵⁸ An architecture or interior design business corporation, limited liability company, or partnership, which is offering architecture or interior design service to the public, must obtain a certificate of authorization prior to practicing.⁵⁹

Applicants for an architecture business certificate of authorization or interior design business certificate of authorization must pay an application fee of \$100, an unlicensed activity fee of \$5, and a biennial renewal fee of \$125.⁶⁰ There is no requirement on the business entity other than to obtain licensure. Additionally, there are no inspection requirements.

Landscape Architecture Business Organization

Chapter 481, Part II, F.S., governs the licensing and regulation of landscape architects and related business organizations in the state. The Board of Landscape Architecture is a board located within the Division of Professions. The board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the landscape architecture industry.

A person may not knowingly practice landscape architecture unless the person holds a valid license issued pursuant to ch. 481, Part II, F.S.⁶¹ A corporation or partnership is permitted to

⁵⁷ Section 477.019(2), F.S.

⁵⁸ Section 481.219(1), F.S.

⁵⁹ Section 481.219(2)-(3), F.S.

⁶⁰ Rules 61G1-17.001 and 61G1-17.002, F.A.C.

⁶¹ Section 481.323(1)(a), F.S.

offer landscape architectural services to the public, subject to the provisions of ch. 481, Part I, F.S., if:

- One or more of the principles of the corporation, or partners in the partnership, is a licensed landscape architect;
- One or more of the officers, directors, or owners of the corporation, or one of more of the partners of the partnership is a licensed landscape architect;
- The corporation or partnership has been issued a certificate of authorization by the board.⁶²

Applicants for a landscape architecture business certificate of authorization must pay an application fee and initial licensure fee of \$450, an unlicensed activity fee of \$5, and a biennial renewal fee of \$337.50.⁶³ There is no requirement on the business entity other than to obtain licensure. Additionally, there are no inspection requirements.

Low Voltage Communication Cable

Chapter 489, Part II, F.S., governs the licensing and regulation of electrical contractors, alarm system contractors, and certain specialty contractors in the state. The Electrical Contractors' Licensing Board is a board located within the Division of Professions. The Electrical Contractors' Licensing Board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the electrical contracting industry.

The term "electrical contractor" is defined as:

[A] person who conducts business in the electrical trade field and who has the experience, knowledge, and skill to install, repair, alter, add to, or design, in compliance with law, electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, which generates, transmits, transforms, or utilizes electrical energy in any form, including the electrical installations and systems within plants and substations, all in compliance with applicable plans, specifications, codes, laws, and regulations. The term means any person, firm, or corporation that engages in the business of electrical contracting under an express or implied contract; or that undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to engage in the business of electrical contracting; or that does itself or by or through others engage in the business of electrical contracting.⁶⁴

The term "alarm system contractor" is defined as:

[A] person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems for compensation, including, but not limited to, all types of alarm systems for all purposes. This term also means any person, firm, or corporation that engages in the business of alarm contracting under an expressed or implied contract; that undertakes, offers to undertake, purports to have the

⁶² Section 481.319(1), F.S.

⁶³ Rule 61G10-12.002, F.A.C.

⁶⁴ Section 489.505(12), F.S.

capacity to undertake, or submits a bid to engage in the business of alarm contracting; or that by itself or by or through others engages in the business of alarm contracting.⁶⁵

The term “specialty contractor” as referenced in ch. 489, Part II, F.S., is defined as:
[A] contractor whose scope of practice is limited to a specific segment of electrical or alarm system contracting established in a category adopted by board rule, including, but not limited to, residential electrical contracting, maintenance of electrical fixtures, and fabrication, erection, installation, and maintenance of electrical advertising signs together with the interrelated parts and supports...⁶⁶

The Electrical Contractors’ Licensing Board created a “Limited Energy Systems” specialty, clarifying the scope of the specialty license to include “the installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, and fiber optics (transmission of light over stranded glass) or any part thereof not to exceed 98 volts, (RMS). The scope of work of this license does not include installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, that are part of an alarm system.”⁶⁷

The act of installing low voltage communication cabling currently falls under the scope of practice of a limited energy systems specialty license, electrical residential contractor license, and alarm systems contractor license. Therefore, at present an individual wishing to do so for compensation is required to obtain one of the listed licenses prior to completing the work.

Section 489.503(14), F.S., provides an exemption from licensure requirements for the selling, installing, repairing, altering, adding, or designing of low voltage communication cabling by employees of cable or communication companies operating under a certificate issued under ch. 364 or ch. 610, F.S., or under a local franchise or right-of-way agreement.

Low-Voltage Landscape Lighting

The act of installing low voltage landscape lighting systems that plug into existing receptacles currently falls under the scope of practice of a limited energy systems specialty license, electrical residential contractor license, and alarm systems contractor license. Therefore, currently, an individual wishing to do so for compensation is required to obtain one of the listed licenses prior to completing the work.

Burglar Alarm Systems Agents

A licensed electrical or alarm system contractor may hire a burglar alarm system agent to perform elements of alarm system contracting. A burglar alarm systems agent is defined as a person:

- Who is employed by a licensed alarm system contractor or licensed electrical contractor;

⁶⁵ Section 489.505(2), F.S.

⁶⁶ Section 489.505(19), F.S.

⁶⁷ Rule 61G6-7.001(4), F.A.C.

- Who is performing duties which are an element of an activity which constitutes alarm system contracting requiring licensure under this part; and
- Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling, or monitoring an intrusion or burglar alarm system for compensation.⁶⁸

A licensed electrical or alarm system contractor may not employ a person as a burglar alarm system agent unless that person:

- Is at least 18 years old;
- Has completed a minimum of 14 hours of specific training from a board-approved provider;
- Has not been convicted within the previous three years of a crime directly related to the employment;
- Has not been committed for controlled substance abuse or been found guilty of a crime under chapter 893, F.S. within the previous three years.⁶⁹

Each burglar alarm system agent must receive six hours of continuing education on burglar alarm system installation and repair and false alarm prevention every two years from a board-approved sponsor of training and through a board-approved training course.⁷⁰

III. Effect of Proposed Changes:

Section 1 amends s. 326.004, F.S., to remove the requirement that separate branch office licenses be maintained by yacht and ship brokers, in addition to licensure of the principal office. Brokers and salespeople are required to maintain individual licensure, with a principal place of business in Florida tied to the broker's individual license. No disciplinary orders against branch office licenses were issued in the previous three fiscal years.⁷¹

Sections 2 through **9** amend the provisions in Part I of ch. 447, F.S., to eliminate the registration and regulation of labor organizations by the Department of Business and Professional Regulation (DBPR or department). Provisions relating to the right to work and strike, recordkeeping, rights of franchise for labor organizations, civil causes of action, criminal penalties, and recognition of federal regulations remain effective.

According to the department, the National Labor Relations Board (NLRB) is active in Florida and provides similar oversight of unions to that of the DBPR. The United States Department of Labor, Office of Labor Management Standards also registers unions. The department issued no disciplinary orders against labor organizations during the three previous fiscal years.⁷²

Sections 10 through **23** amend Part VII of ch. 468, F.S., to eliminate the licensing and regulation of talent agencies by the DBPR. The bill maintains the civil and criminal provisions currently

⁶⁸ Section 489.505(25), F.S.

⁶⁹ Section 489.518(1), F.S.

⁷⁰ Section 489.518(5), F.S.

⁷¹ See 2016 Department of Business and Professional Regulation Legislative Bill Analysis for SB 1050, Dec. 16, 2015 (on file with Senate Committee on Regulated Industries) at 4-5.

⁷² *Id.* at 4.

provided in ch. 468, Part VII, F.S., and maintains contract and notice requirements related to talent agents.

According to the department, three disciplinary orders were issued against talent agencies in the three previous fiscal years; two involved minor violations for failure to include the talent agency's license number in advertisements. The financial account of the licensing program has been in a perpetual deficit since creation of talent agency licensure in 1986.⁷³

Sections 24 through 33 amend Part IX of ch. 468, F.S., to eliminate all licensing requirements for athlete agents. According to the department, no disciplinary orders were issued against athlete agents in the previous three fiscal years.⁷⁴ Certain civil and criminal causes of action against athlete agents remain effective.

Sections 34 and 35 amend ch. 469, F.S., to remove the requirement that an asbestos abatement contractor obtain a separate business license in addition to an individual license. No disciplinary orders against a licensed asbestos abatement business were issued in the three previous fiscal years. Asbestos abatement contractors must qualify the business organizations they supervise and are liable for the actions of those businesses. Asbestos abatement contractors must inform the department of any change in their relationship with the qualified business, and a qualified business has 60 days to obtain another asbestos abatement contractor to serve as qualifying agent.

Section 36 amends s. 477.0135, F.S., to eliminate registration requirements for persons engaged in nail polishing. According to the department, this service is limited to non-invasive procedures and the use of harmful chemicals is prohibited.

The Board of Cosmetology issued three disciplinary orders against licensed cosmetologists or cosmetology salons for matters involving nail polishing in the three previous fiscal years. Two were for unlicensed activity, and one involved a nail specialist practicing with an expired license. None involved injury to a consumer.⁷⁵

Sections 37 through 40 amend ch. 481, F.S., to remove the requirement that architects and interior designers obtain a separate business license (certificate of authorization) in addition to an individual license. The bill provides that architects and interior designers qualify their business organization with their individual licenses. The bill provides that architects and interior designers must inform the department of any change in their relationship with the qualified business, and the business has 60 days to obtain another qualifying architect or interior designer. The executive director or chair of the Board of Architecture and Interior Design may authorize another registered architect or interior designer employed by the business organization to temporarily service as its qualifying agent for no more than 60 days.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

The bill amends s. 481.219(2)(b), F.S., to provide that the Board of Architecture and Interior Design may deny an application to qualify a business organization, if the applicant (or others identified in the application as partners, officers, directors, or stockholders who are also officers or directors) “has been involved in past disciplinary actions or on any grounds for which an individual registration or certification may be denied.”

According to the department, in the three previous fiscal years, the Board of Architecture and Interior Design disciplined licensed architecture businesses only six times in cases that did not also involve discipline against the supervising architect; generally, the licensed business was cited for operating without a supervising architect or for failure to include license numbers in advertisements.⁷⁶

The Board of Architecture and Interior Design disciplined licensed interior design businesses only four times in the three previous fiscal years in cases that did not also involve discipline against the qualifying interior designer. In three of the four disciplinary cases, the business license was retained by the business after the qualifying interior designer had left the firm.⁷⁷

Sections 41 through 46 amend Part II of ch. 481, F.S., to remove the requirement that landscape architects obtain a separate business license in addition to an individual license. The bill provides that landscape architects must qualify their business organization with their individual licenses and will be liable for the actions of the business organizations they qualify.

The bill repeals the department’s authority to issue a certificate of authorization to an applicant wishing to practice as a corporation, limited liability company, or partnership offering landscape architectural services. Furthermore, the bill repeals the board’s ability to grant a temporary certificate of authorization for a business organization that is seeking to work on one project in Florida for a period not to exceed a year to an out-of-state corporation, partnership, or firm.

The bill provides that a corporation or partnership is permitted to offer landscape architectural services to the public, subject to the provisions of ch. 481, Part I, F.S., if:

- One or more of the principles of the corporation, or partners in the partnership, is a licensed landscape architect; and
- One or more of the officers, directors, or owners of the corporation, or one of more of the partners of the partnership is a licensed landscape architect.

The bill provides that landscape architects must inform the department of any change in their relationship with the qualified business, and the business has one month to obtain another qualifying landscape architect. According to the department, the Board of Landscape Architecture and Design issued no disciplinary orders against landscape architecture businesses during the three previous fiscal years.⁷⁸

⁷⁶ *Id.* at 5.

⁷⁷ *Id.*

⁷⁸ *Id.*

Section 47 amends s. 489.503, F.S., to exempt from licensure as an electrical or alarm system contractor, those persons engaged in the installation or repair of low voltage or communication cabling. Low voltage cabling is limited to a maximum of 98 volts. Section 489.503, F.S., already exempts from licensure those employed by cable and telephone companies, who engage in the installation, maintenance, repair, etc. of systems relating to the transmission of voice and data. The bill exempts all persons from the licensure requirement, whether or not they are employed by a cable and telephone company. According to the department, the Electrical Contractors' Licensing Board issued no disciplinary orders for such work in the three previous fiscal years.⁷⁹

The bill provides that a person installing low voltage landscape lighting that contains a factory-installed electrical cord with a plug and does not require installation or wiring is exempt from licensure requirements. The proposed exemption does not permit the alteration of a home's internal electrical system. According to the department, the Electrical Contractors' Licensing Board issued no disciplinary orders against licensees providing these services during the three previous fiscal years.⁸⁰

Section 48 amends s. 489.518, F.S., to provide that persons who perform only sales or installation of wireless alarm systems, other than fire alarms, in a single family residence, are not required to complete the 14 hours of training required of burglar alarm system agents. Burglar alarm system agents installing a wireless system are required to be supervised by a properly licensed electrical or alarm system contractor who is responsible for ensuring proper installation of the alarm system. According to the DBPR, the Electrical Contractors Licensing Board issued no disciplinary orders in the three previous fiscal years relating to this supervision requirement.⁸¹

Section 49 provides the bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

PCS/CS/SB 1050 eliminates the requirement for several professions to obtain a license in order to practice in the state. According to the Department of Business and Professional Regulation (DBPR or department), licensees will receive the benefit of fee reductions in the amounts shown below:

- Yacht and Ship Brokers - approximately \$1,200 in Fiscal Year 2015-2016; \$6,100 in Fiscal Year 2016-2017; \$2,600 in Fiscal Year 2017-2018; and \$6,100 in Fiscal Year 2018-2019.
- Professions (labor organizations, athlete agents, talent agents, and business licenses related to architects, interior designers, landscape architects, and asbestos abatement consultants and contractors) - approximately \$231,300 in Fiscal Year 2015-2016; \$156,209 in Fiscal Year 2016-2017; \$1,029,394 in Fiscal Year 2017-2018, and \$156,209 in Fiscal Year 2018-2019.

C. Government Sector Impact:

According to the DBPR,⁸² a reduction in state revenue within the Professional Regulation Trust Fund and the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund is anticipated to be \$1,589,112 from Fiscal Year 2015-2016 to Fiscal Year 2018-2019 (see table below), with a corresponding reduction of approximately \$128,314 in the Service Charge to General Revenue.

⁸² See February 17, 2016, e-mail from Department of Business and Professional Regulation staff (on file with Senate Appropriations Subcommittee on General Government).

Reductions

	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
Revenues: License fees	Condominiums (Yacht and Ship Brokers) (\$1,200) Professions (\$231,300)	Condominiums (Yacht and Ship Brokers) (\$6,100) Professions (\$156,209)	Condominiums (Yacht and Ship Brokers) (\$2,600) Professions (\$1,029,394)	Condominiums (Yacht and Ship Brokers) (\$6,100) Professions (\$156,209)
Expenditures: Surcharge to GR (non- operating)	Condominiums (Yacht and Ship Brokers) (\$96) Professions (\$18,504)	Condominiums (Yacht and Ship Brokers) (\$488) Professions (\$12,985)	Condominiums (Yacht and Ship Brokers) (\$208) Professions (\$82,560)	Condominiums (Yacht and Ship Brokers) (\$488) Professions (\$12,985)

The effective date of the bill is July 1, 2016. However, the department anticipates revenue and expenditure reductions in Fiscal Year 2015-2016 (see table above) associated with the licensure renewal of athlete and talent agents and yacht and ship branch offices. Currently, the biennial renewals for athlete agents and talent agents are due May 31 during even years. Yacht and Ship branch office licenses are renewed for a period up to two years based on the expiration date of the licensee’s associated yacht and ship broker license. In anticipation of the elimination of the licenses and fees provided in the bill, the department contemplates not collecting renewals for these particular licenses in the remaining months prior to the effective date of the bill.

According to the DBPR, changes in licensing and renewal requirements will require programming modifications which can be handled with existing resources.⁸³ In addition, the elimination and modification of certain licenses and registration will necessitate the repeal or amendment of rules and applications regarding those licenses and registrations, which can be handled with existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 326.004, 447.02, 447.09, 468.401, 468.406, 468.408, 468.409, 468.410, 468.412, 468.413, 468.415, 468.451, 468.452, 468.454, 468.45615, 468.4565, 469.006, 469.009, 477.0135, 481.203, 481.219, 481.221, 481.229, 481.303, 481.321, 481.311, 481.317, 481.319, 481.329, 489.503, and 489.518.

⁸³ *Id.*

This bill repeals the following sections of the Florida Statutes: 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, 468.402, 468.403, 468.404, 468.405, 468.407, 468.414, 468.453, 468.4536, 468.456, 468.4561, and 468.457.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on General Government on February 17, 2016:

The CS provides the following:

- Reinstates the criminal and civil remedies and corresponding requirements for how talent agents should conduct their business that are provided in current law;
- Removes deregulation provisions related to hair wrappers and body wrappers and reverts to current law regarding the regulation of those professions;
- Allows the executive director or the chair of the Board of Architecture and Interior Design to authorize another registered architect or interior designer employed by the business organization to temporarily serve as its qualifying agent for no more than 60 days. This provision applies when a qualifying architect or interior designer agent, who is the only qualifying agent for the business organization, ceases employment with the business organization;
- Clarifies that the license number for a qualifying agent of a business organization be included in any advertising of the business organization;
- Conforms to changes made in the bill to use the term “business organization” in lieu of “corporation,” “limited liability company,” “or partnership;” and
- Corrects a title description.

CS by Regulated Industries on February 2, 2016:

The CS deletes the exemption proposed for veterinary acupressure or veterinary massage. It removes joint and several liability of a licensed qualifying agent for a business organization offering architectural or interior design services, for any damages resulting from the actions of the organization. All provisions relating to certificates of authorization for the practice of professional geology and qualification of the organization by active licensed professional geologists in the state were removed from the bill.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Simpson)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 134 - 137

and insert:

Section 10. Section 468.401, Florida Statutes, is amended
to read:

468.401 ~~Regulation of~~ Talent agencies; definitions.—As used
in this part ~~or any rule adopted pursuant hereto~~:

(1) "Talent agency" means any person who, for compensation,
engages in the occupation or business of procuring or attempting



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11 to procure engagements for an artist.

12 (2) "Owner" means any partner in a partnership, member of a
13 firm, or principal officer or officers of a corporation, whose
14 partnership, firm, or corporation owns a talent agency, or any
15 individual who is the sole owner of a talent agency.

16 (3) "Compensation" means any one or more of the following:

17 (a) Any money or other valuable consideration paid or
18 promised to be paid for services rendered by any person
19 conducting the business of a talent agency under this part;

20 (b) Any money received by any person in excess of that
21 which has been paid out by such person for transportation,
22 transfer of baggage, or board and lodging for any applicant for
23 employment; or

24 (c) The difference between the amount of money received by
25 any person who furnishes employees, performers, or entertainers
26 for circus, vaudeville, theatrical, or other entertainments,
27 exhibitions, engagements, or performances and the amount paid by
28 him or her to such employee, performer, or entertainer.

29 (4) "Engagement" means any employment or placement of an
30 artist, where the artist performs in his or her artistic
31 capacity. However, the term "engagement" shall not apply to
32 procuring opera, music, theater, or dance engagements for any
33 organization defined in s. 501(c)(3) of the Internal Revenue
34 Code or any nonprofit Florida arts organization that has
35 received a grant from the Division of Cultural Affairs of the
36 Department of State or has participated in the state touring
37 program of the Division of Cultural Affairs.

38 ~~(5) "Department" means the Department of Business and~~
39 ~~Professional Regulation.~~



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40 ~~(5)-(6)~~ "Operator" means the person who is or who will be in
41 actual charge of a talent agency.

42 ~~(6)-(7)~~ "Buyer" or "employer" means a person, company,
43 partnership, or corporation that uses the services of a talent
44 agency to provide artists.

45 ~~(7)-(8)~~ "Artist" means a person performing on the
46 professional stage or in the production of television, radio, or
47 motion pictures; a musician or group of musicians; or a model.

48 ~~(8)-(9)~~ "Person" means any individual, company, society,
49 firm, partnership, association, corporation, manager, or any
50 agent or employee of any of the foregoing.

51 ~~(10)~~ "License" means a license issued by the Department of
52 Business and Professional Regulation to carry on the business of
53 a talent agency under this part.

54 ~~(11)~~ "Licensee" means a talent agency which holds a valid
55 unrevoked and unforfeited license issued under this part.

56 Section 11. Section 468.402, Florida Statutes, is repealed.

57 Section 12. Section 468.403, Florida Statutes, is repealed.

58 Section 13. Section 468.404, Florida Statutes, is repealed.

59 Section 14. Section 468.405, Florida Statutes, is repealed.

60 Section 15. Subsection (1) of section 468.406, Florida
61 Statutes, is amended to read:

62 468.406 Fees to be charged by talent agencies; rates;
63 display.—

64 (1) Each owner or operator of a talent agency shall post
65 applicant for a license shall file with the application an
66 itemized schedule of maximum fees, charges, and commissions that
67 which it intends to charge and collect for its services. This
68 schedule may thereafter be raised only by filing with the



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69 ~~department an amended or supplemental schedule at least 30 days~~
70 ~~before the change is to become effective. The schedule shall be~~
71 ~~posted~~ in a conspicuous place in each place of business of the
72 agency, and the schedule shall be printed in not less than a 30-
73 point boldfaced type, except that an agency that uses written
74 contracts containing maximum fee schedules need not post such
75 schedules.

76 Section 16. Section 468.407, Florida Statutes, is repealed.

77 Section 17. Subsection (1) of section 468.408, Florida
78 Statutes, is amended to read:

79 468.408 Bond required.-

80 (1) ~~A There shall be filed with the department for each~~
81 talent agency shall obtain license a bond in the form of a
82 surety by a reputable company engaged in the bonding business
83 and authorized to do business in this state. The bond shall be
84 for the penal sum of \$5,000, with one or more sureties ~~to be~~
85 ~~approved by the department,~~ and be conditioned that the talent
86 agency applicant conform to and not violate any of the duties,
87 terms, conditions, provisions, or requirements of this part.

88 (a) If any person is aggrieved by the misconduct of any
89 talent agency, the person may maintain an action in his or her
90 own name upon the bond of the agency in any court having
91 jurisdiction of the amount claimed. All such claims shall be
92 assignable, and the assignee shall be entitled to the same
93 remedies, upon the bond of the agency or otherwise, as the
94 person aggrieved would have been entitled to if such claim had
95 not been assigned. Any claim or claims so assigned may be
96 enforced in the name of such assignee.

97 (b) The bonding company shall notify the talent agency ~~the~~



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98 ~~department~~ of any claim against such bond, and a copy of such
99 notice shall be sent to the talent agency against which the
100 claim is made.

101 Section 18. Section 468.409, Florida Statutes, is amended
102 to read:

103 468.409 Records required to be kept.—Each talent agency
104 shall keep on file the application, registration, or contract of
105 each artist. In addition, such file must include the name and
106 address of each artist, the amount of the compensation received,
107 and all attempts to procure engagements for the artist. No such
108 agency or employee thereof shall knowingly make any false entry
109 in applicant files or receipt files. Each card or document in
110 such files shall be preserved for a period of 1 year after the
111 date of the last entry thereon. ~~Records required under this~~
112 ~~section shall be readily available for inspection by the~~
113 ~~department during reasonable business hours at the talent~~
114 ~~agency's principal office. A talent agency must provide the~~
115 ~~department with true copies of the records in the manner~~
116 ~~prescribed by the department.~~

117 Section 19. Subsection (3) of section 468.410, Florida
118 Statutes, is amended to read:

119 468.410 Prohibition against registration fees; referral.—

120 (3) A talent agency shall give each applicant a copy of a
121 contract, within 24 hours after the contract's execution, which
122 lists the services to be provided and the fees to be charged.
123 ~~The contract shall state that the talent agency is regulated by~~
124 ~~the department and shall list the address and telephone number~~
125 ~~of the department.~~

126 Section 20. Section 468.412, Florida Statutes, is amended



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127 to read:

128 468.412 Talent agency regulations; prohibited acts.—

129 (1) A talent agency shall maintain a record sheet for each
130 booking. This shall be the only required record of placement and
131 shall be kept for a period of 1 year after the date of the last
132 entry in the buyer's file.

133 (2) Each talent agency shall keep records in which shall be
134 entered:

135 (a) The name and address of each artist employing such
136 talent agency;

137 (b) The amount of fees received from each such artist; and

138 (c) The employment in which each such artist is engaged at
139 the time of employing such talent agency and the amount of
140 compensation of the artist in such employment, if any, and the
141 employments subsequently secured by such artist during the term
142 of the contract between the artist and the talent agency and the
143 amount of compensation received by the artist pursuant thereto. ~~+~~
144 and

145 ~~(d) Other information which the department may require from~~
146 ~~time to time.~~

147 ~~(3) All books, records, and other papers kept pursuant to~~
148 ~~this act by any talent agency shall be open at all reasonable~~
149 ~~hours to the inspection of the department and its agents. Each~~
150 ~~talent agency shall furnish to the department, upon request, a~~
151 ~~true copy of such books, records, and papers, or any portion~~
152 ~~thereof, and shall make such reports as the department may~~
153 ~~prescribe from time to time.~~

154 (3)(4) Each talent agency shall post in a conspicuous place
155 in the office of such talent agency a printed copy of this part



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156 ~~and of the rules adopted under this part. Such copies shall also~~
157 ~~contain the name and address of the officer charged with~~
158 ~~enforcing this part. The department shall furnish to talent~~
159 ~~agencies printed copies of any statute or rule required to be~~
160 ~~posted under this subsection.~~

161 (4) (a) ~~(5) (a)~~ No talent agency may knowingly issue a
162 contract for employment containing any term or condition which,
163 if complied with, would be in violation of law, or attempt to
164 fill an order for help to be employed in violation of law.

165 (b) A talent agency must advise an artist, in writing, that
166 the artist has a right to rescind a contract for employment
167 within the first 3 business days after the contract's execution.
168 Any engagement procured by the talent agency for the artist
169 during the first 3 business days of the contract remains
170 commissionable to the talent agency.

171 (5) ~~(6)~~ No talent agency may publish or cause to be
172 published any false, fraudulent, or misleading information,
173 representation, notice, or advertisement. All advertisements of
174 a talent agency by means of card, circulars, or signs, and in
175 newspapers and other publications, and all letterheads,
176 receipts, and blanks shall be printed and contain the ~~licensed~~
177 ~~name, department license number,~~ and address of the talent
178 agency and the words "talent agency." No talent agency may give
179 any false information or make any false promises or
180 representations concerning an engagement or employment to any
181 applicant who applies for an engagement or employment.

182 (6) ~~(7)~~ No talent agency may send or cause to be sent any
183 person as an employee to any house of ill fame, to any house or
184 place of amusement for immoral purposes, to any place resorted



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185 to for the purposes of prostitution, to any place for the
186 modeling or photographing of a minor in the nude in the absence
187 of written permission from the minor's parents or legal
188 guardians, the character of which places the talent agency could
189 have ascertained upon reasonable inquiry.

190 (7)~~(8)~~ No talent agency, without the written consent of the
191 artist, may divide fees with anyone, including, but not limited
192 to, an agent or other employee of an employer, a buyer, a
193 casting director, a producer, a director, or any venue that uses
194 entertainment. For purposes of this subsection, to "divide fees"
195 includes the sharing among two or more persons of those fees
196 charged to an artist for services performed on behalf of that
197 artist, the total amount of which fees exceeds the amount that
198 would have been charged to the artist by the talent agency
199 alone.

200 (8)~~(9)~~ If a talent agency collects from an artist a fee or
201 expenses for obtaining employment for the artist, and the artist
202 fails to procure such employment, or the artist fails to be paid
203 for such employment if procured, such talent agency shall, upon
204 demand therefor, repay to the artist the fee and expenses so
205 collected. Unless repayment thereof is made within 48 hours
206 after demand therefor, the talent agency shall pay to the artist
207 an additional sum equal to the amount of the fee.

208 (9)~~(10)~~ Each talent agency must maintain a permanent office
209 and must maintain regular operating hours at that office.

210 (10)~~(11)~~ A talent agency may assign an engagement contract
211 to another talent agency licensed in this state only if the
212 artist agrees in writing to the assignment. The assignment must
213 occur, and written notice of the assignment must be given to the



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214 artist, within 30 days after the artist agrees in writing to the
215 assignment.

216 Section 21. Section 468.413, Florida Statutes, is amended
217 to read:

218 468.413 Legal requirements; penalties.-

219 ~~(1) Each of the following acts constitutes a felony of the~~
220 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~
221 ~~or s. 775.084:~~

222 ~~(a) Owning or operating, or soliciting business as, a~~
223 ~~talent agency in this state without first procuring a license~~
224 ~~from the department.~~

225 ~~(b) Obtaining or attempting to obtain a license by means of~~
226 ~~fraud, misrepresentation, or concealment.~~

227 ~~(2) Each of the following acts constitutes a misdemeanor of~~
228 ~~the second degree, punishable as provided in s. 775.082 or s.~~
229 ~~775.083:~~

230 ~~(a) Relocating a business as a talent agency, or operating~~
231 ~~under any name other than that designated on the license, unless~~
232 ~~written notification is given to the department and to the~~
233 ~~surety or sureties on the original bond, and unless the license~~
234 ~~is returned to the department for the recording thereon of such~~
235 ~~changes.~~

236 ~~(b) Assigning or attempting to assign a license issued~~
237 ~~under this part.~~

238 ~~(c) Failing to show on a license application whether or not~~
239 ~~the agency or any owner of the agency is financially interested~~
240 ~~in any other business of like nature and, if so, failing to~~
241 ~~specify such interest or interests.~~

242 ~~(a)-(d)~~ Failing to maintain the records required by s.



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243 468.409 or knowingly making false entries in such records.

244 ~~(b)(e)~~ Requiring as a condition to registering or obtaining
245 employment or placement for any applicant that the applicant
246 subscribe to, purchase, or attend any publication, postcard
247 service, advertisement, resume service, photography service,
248 school, acting school, workshop, or acting workshop.

249 ~~(c)(f)~~ Failing to give each applicant a copy of a contract
250 which lists the services to be provided and the fees to be
251 charged ~~by, which states that~~ the talent agency is regulated by
252 the department, and which lists the address and telephone number
253 of the department.

254 ~~(d)(g)~~ Failing to maintain a record sheet as required by s.
255 468.412(1).

256 ~~(e)(h)~~ Knowingly sending or causing to be sent any artist
257 to a prospective employer or place of business, the character or
258 operation of which employer or place of business the talent
259 agency knows to be in violation of the laws of the United States
260 or of this state.

261 ~~(3)~~ The court may, in addition to other punishment provided
262 for in subsection (2), suspend or revoke the license of any
263 licensee under this part who has been found guilty of any
264 misdemeanor listed in subsection (2).

265 ~~(2)(4)~~ In the event that ~~the department or~~ any state
266 attorney shall have probable cause to believe that a talent
267 agency or other person has violated any provision of subsection
268 (1), an action may be brought by ~~the department or~~ any state
269 attorney to enjoin such talent agency or any person from
270 continuing such violation, or engaging therein or doing any acts
271 in furtherance thereof, and for such other relief as to the



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272 court seems appropriate. ~~In addition to this remedy, the~~
273 ~~department may assess a penalty against any talent agency or any~~
274 ~~person in an amount not to exceed \$5,000.~~

275 Section 22. Section 468.414, Florida Statutes, is repealed.

276 Section 23. Section 468.415, Florida Statutes, is amended
277 to read:

278 468.415 Sexual misconduct in the operation of a talent
279 agency.—The talent agent-artist relationship is founded on
280 mutual trust. Sexual misconduct in the operation of a talent
281 agency means violation of the talent agent-artist relationship
282 through which the talent agent uses the relationship to induce
283 or attempt to induce the artist to engage or attempt to engage
284 in sexual activity. Sexual misconduct is prohibited in the
285 operation of a talent agency. ~~If~~ Any agent, owner, or operator
286 of a ~~licensed~~ talent agency who commits ~~is found to have~~
287 ~~committed~~ sexual misconduct in the operation of a talent agency,
288 ~~the agency license shall be permanently revoked. Such agent,~~
289 ~~owner, or operator~~ shall be permanently prohibited from acting
290 ~~disqualified from present and future licensure as an agent,~~
291 owner, or operator of a ~~Florida~~ talent agency.

292
293 ===== T I T L E A M E N D M E N T =====

294 And the title is amended as follows:

295 Delete lines 16 - 18

296 and insert:

297 to the applicability of ch. 447, F.S.; amending s.

298 468.401, F.S.; deleting the definitions of the terms

299 "department," "license," and "licensee"; repealing s.

300 468.402, F.S., relating to the duties of the



121922

301 Department of Business and Professional Regulation;
302 repealing s. 468.403, F.S., relating to licensure and
303 application requirements for owners and operators of
304 talent agencies; repealing s. 468.404, F.S., relating
305 to fees and renewal of talent agency licenses;
306 repealing s. 468.405, F.S., relating to qualification
307 for talent agency licenses; amending s. 468.406, F.S.;
308 deleting the requirement for talent agencies to file
309 with the department an itemized schedule of certain
310 fees and an amended or supplemental schedule under
311 certain circumstances; repealing s. 468.407, F.S.,
312 relating to license contents and posting; amending s.
313 468.408, F.S.; deleting a requirement that a talent
314 agency file a bond for each talent agency license;
315 deleting a departmental requirement to approve talent
316 agency bonds; requiring that a bonding company notify
317 the talent agency, rather than notifying the
318 department, of certain claims; amending s. 468.409,
319 F.S.; deleting provisions requiring talent agencies to
320 make specified records readily available for
321 inspection by the department; amending s. 468.410,
322 F.S.; deleting a reference to the department in talent
323 agency contracts; amending s. 468.412, F.S.; revising
324 the requirements for talent agencies to enter in the
325 talent agency records; revising the requirements for
326 talent agencies to post certain laws and rules;
327 revising the information required in talent agency
328 publications; amending s. 468.413, F.S.; deleting
329 provisions relating to criminal violations for failing



121922

330 to obtain or maintain licensure with the department;
331 deleting provisions authorizing the court to suspend
332 or revoke a license; deleting a provision authorizing
333 the court to bring certain actions; repealing s.
334 468.414, F.S., relating to collection and deposit of
335 fines, fees, and penalties collected by the
336 department; amending s. 468.415, F.S.; deleting a
337 provision authorizing the department to revoke a
338 license; amending s. 468.451, F.S.; revising



380748

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2016	.	
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	.	
	.	

Appropriations Subcommittee on General Government (Simpson)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 613 - 629
and insert:

(b) In the event a qualifying architect or interior
designer ceases employment with the business organization, the
executive director or the chair of the board may authorize
another registered architect or interior designer employed by
the business organization to temporarily serve as its qualifying
agent for a period of no more than 60 days. The business



380748

11 organization is not authorized to operate beyond such period
12 under this chapter absent replacement of the qualifying
13 architect or interior designer who has ceased employment.

14
15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete lines 73 - 77

18 and insert:

19 it is qualified by a qualifying agent; authorizing the
20 executive director or the chair of the board to
21 authorize a certain registered architect or interior
22 designer to temporarily serve as the business
23 organization's qualifying agent for a specified
24 timeframe under certain circumstances; requiring the
25 qualifying agent to give



728502

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Simpson)
recommended the following:

Senate Amendment

Delete lines 719 - 725
and insert:
~~partnership. Nothing in This section does not prohibit a~~
~~business organization from offering prohibits corporations,~~
~~limited liability companies, and partnerships from joining~~
~~together to offer~~ architectural, engineering, interior design,
surveying and mapping, and landscape architectural services, or
any combination of such services, to the public if the business



728502

11 ~~organization, provided that each corporation, limited liability~~
12 ~~company, or partnership~~ otherwise meets the requirements of law.



978034

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Simpson)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 735 - 747

and insert:

(10) Each registered architect or interior designer, ~~and each corporation, limited liability company, or partnership holding a certificate of authorization, shall~~ must include her or his license ~~its certificate~~ number in any newspaper, telephone directory, or other advertising medium used by the registered licensee ~~architect, interior designer, corporation,~~



978034

11 ~~limited liability company, or partnership. Each business~~
12 ~~organization must include the license number of the registered~~
13 ~~architect or interior designer who serves as the qualifying~~
14 ~~agent for that business organization in any newspaper, telephone~~
15 ~~directory, or other advertising medium used by the business~~
16 ~~organization, but is not required to display the license numbers~~
17 ~~of other registered architects or interior designers employed by~~
18 ~~the business organization A corporation, limited liability~~
19 ~~company, or partnership is not required to display the~~
20 ~~certificate number of individual registered architects or~~
21 ~~interior designers employed by or working within the~~
22 ~~corporation, limited liability company, or partnership.~~

23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete line 85

27 and insert:

28 amending s. 481.221, F.S.; requiring a business
29 organization to include the license number of a
30 certain registered architect or interior designer in
31 any advertising; providing an exception; conforming
32 provisions to changes made by the act; amending s.
33 481.229, F.S.; conforming



693048

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2016	.	
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	.	

Appropriations Subcommittee on General Government (Simpson)
recommended the following:

Senate Amendment

In title, delete line 95
and insert:
cross-reference; amending s. 489.503, F.S.; revising



226674

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Margolis)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 456 - 544

and insert:

Section 23. Subsection (7) is added to section 477.0135,
Florida Statutes, to read:

477.0135 Exemptions.—

(7) A license or registration is not required for a person
whose occupation or practice is confined solely to adding polish
to fingernails and toenails.



226674

11
12
13
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17
18
19

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

And the title is amended as follows:

Delete lines 47 - 55

and insert:

477.0135, F.S.; providing that a license or
registration is not required for a person whose
occupation or practice is confined solely to adding
polish to nails; amending s.

By the Committee on Regulated Industries; and Senator Brandes

580-02951-16

20161050c1

1 A bill to be entitled
 2 An act relating to regulated professions and
 3 occupations; amending s. 326.004, F.S.; deleting a
 4 requirement that yacht and ship brokers maintain a
 5 separate license for each branch office and related
 6 fees; amending s. 447.02, F.S.; deleting a definition;
 7 repealing s. 447.04, F.S., relating to business
 8 agents, licenses, and permits; repealing s. 447.041,
 9 F.S., relating to hearings; repealing s. 447.045,
 10 F.S., relating to certain confidential information;
 11 repealing s. 447.06, F.S., relating to the required
 12 registration of labor organizations; amending s.
 13 447.09, F.S.; deleting prohibitions against specified
 14 actions; repealing s. 447.12, F.S., relating to
 15 registration fees; repealing s. 447.16, F.S., relating
 16 to the applicability of ch. 447, F.S.; repealing part
 17 VII of ch. 468, F.S., relating to the regulation of
 18 talent agencies; amending s. 468.451, F.S.; revising
 19 legislative intent related to the regulation of
 20 athlete agents; reordering and amending s. 468.452,
 21 F.S.; deleting the term "department"; repealing s.
 22 468.453, F.S., relating to the licensure of athlete
 23 agents; repealing s. 468.4536, F.S., relating to
 24 renewal of such licenses; amending s. 468.454, F.S.;
 25 revising the information that must be stated in agent
 26 contracts; deleting a condition under which an agent
 27 contract is void and unenforceable; repealing s.
 28 468.456, F.S., relating to prohibited acts for athlete
 29 agents; repealing s. 468.4561, F.S., relating to
 30 unlicensed activity and penalties for violations;
 31 amending s. 468.45615, F.S.; conforming provisions to
 32 changes made by the act; amending s. 468.4565, F.S.;

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20161050c1

33 deleting provisions authorizing the Department of
 34 Business and Professional Regulation to access and
 35 inspect certain records of athlete agents and related
 36 disciplinary actions and subpoena powers; repealing s.
 37 468.457, F.S., relating to rulemaking authority;
 38 amending s. 469.006, F.S.; requiring that a license be
 39 in the name of a qualifying agent rather than the name
 40 of a business organization; requiring the qualifying
 41 agent, rather than the business organization, to
 42 report certain changes in information; conforming
 43 provisions to changes made by the act; amending s.
 44 469.009, F.S.; deleting the authority of the
 45 department to reprimand, censure, or impose probation
 46 on certain business organizations; amending s.
 47 477.0132, F.S.; excluding the practices of hair
 48 wrapping and body wrapping from regulation under the
 49 Florida Cosmetology Act; amending s. 477.0135, F.S.;
 50 providing that a license or registration is not
 51 required for a person whose occupation or practice is
 52 confined solely to adding polish to nails or solely to
 53 hair wrapping or body wrapping; amending ss. 477.019,
 54 477.026, 477.0265, and 477.029, F.S.; conforming
 55 provisions to changes made by the act; amending s.
 56 481.203, F.S.; defining the term "business
 57 organization"; deleting the definition of the term
 58 "certificate of authorization"; amending s. 481.219,
 59 F.S.; revising the process by which a business
 60 organization obtains the requisite license to perform
 61 architectural services; requiring that a licensee or

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20161050c1

62 an applicant apply to qualify a business organization
 63 under certain circumstances; specifying application
 64 requirements; authorizing the Board of Architecture
 65 and Interior Design to deny an application under
 66 certain circumstances; requiring that a qualifying
 67 agent be a registered architect or a registered
 68 interior designer under certain circumstances;
 69 requiring that a qualifying agent notify the
 70 department when she or he ceases to be affiliated with
 71 a business organization; prohibiting a business
 72 organization from engaging in certain practices until
 73 it is qualified by a qualifying agent; authorizing a
 74 business organization to proceed with specified
 75 contracts under a temporary certificate in certain
 76 circumstances; defining the term "incomplete
 77 contract"; requiring the qualifying agent to give
 78 written notice to the department before engaging in
 79 practice under her or his own name or in affiliation
 80 with another business organization; requiring the
 81 board to certify an applicant to qualify one or more
 82 business organizations or to operate using a
 83 fictitious name under certain circumstances;
 84 conforming provisions to changes made by the act;
 85 amending ss. 481.221 and 481.229, F.S.; conforming
 86 provisions to changes made by the act; reordering and
 87 amending s. 481.303, F.S.; deleting the term
 88 "certificate of authorization"; amending s. 481.321,
 89 F.S.; revising provisions that require persons to
 90 display certificate numbers under certain

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20161050c1

91 circumstances; conforming provisions to changes made
 92 by the act; amending ss. 481.311, 481.317, and
 93 481.319, F.S.; conforming provisions to changes made
 94 by the act; amending s. 481.329, F.S.; conforming a
 95 cross-reference; amending s. 489.503, F.S.; deleting
 96 an exemption from regulation for certain persons;
 97 exempting a person who installs certain low-voltage
 98 landscape lighting from specified requirements;
 99 amending s. 489.518, F.S.; exempting certain persons
 100 from initial training for burglar alarm system agents;
 101 providing an effective date.

102
 103 Be It Enacted by the Legislature of the State of Florida:

104
 105 Section 1. Subsection (13) of section 326.004, Florida
 106 Statutes, is amended to read:

107 326.004 Licensing.—

108 (13) Each broker must maintain a principal place of
 109 business in this state and may establish branch offices in the
 110 state. ~~A separate license must be maintained for each branch
 111 office. The division shall establish by rule a fee not to exceed
 112 \$100 for each branch office license.~~

113 Section 2. Subsection (3) of section 447.02, Florida
 114 Statutes, is amended to read:

115 447.02 Definitions.—The following terms, when used in this
 116 chapter, shall have the meanings ascribed to them in this
 117 section:

118 ~~(3) The term "department" means the Department of Business
 119 and Professional Regulation.~~

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120 Section 3. Section 447.04, Florida Statutes, is repealed.
 121 Section 4. Section 447.041, Florida Statutes, is repealed.
 122 Section 5. Section 447.045, Florida Statutes, is repealed.
 123 Section 6. Section 447.06, Florida Statutes, is repealed.
 124 Section 7. Subsections (6) and (8) of section 447.09,
 125 Florida Statutes, are amended to read:
 126 447.09 Right of franchise preserved; penalties.—It shall be
 127 unlawful for any person:
 128 ~~(6) To act as a business agent without having obtained and~~
 129 ~~possessing a valid and subsisting license or permit.~~
 130 ~~(8) To make any false statement in an application for a~~
 131 ~~license.~~
 132 Section 8. Section 447.12, Florida Statutes, is repealed.
 133 Section 9. Section 447.16, Florida Statutes, is repealed.
 134 Section 10. Part VII of chapter 468, Florida Statutes,
 135 consisting of ss. 468.401, 468.402, 468.403, 468.404, 468.405,
 136 468.406, 468.407, 468.408, 468.409, 468.410, 468.411, 468.412,
 137 468.413, 468.414, and 468.415, is repealed.
 138 Section 11. Section 468.451, Florida Statutes, is amended
 139 to read:
 140 468.451 Legislative findings and intent.—The Legislature
 141 finds that dishonest or unscrupulous practices by agents who
 142 solicit representation of student athletes can cause significant
 143 harm to student athletes and the academic institutions for which
 144 they play. It is the intent of the Legislature to provide civil
 145 and criminal causes of action against athlete agents to protect
 146 the interests of student athletes and academic institutions ~~by~~
 147 ~~regulating the activities of athlete agents.~~
 148 Section 12. Subsections (4) through (7) of section 468.452,

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149 Florida Statutes, are reordered and amended to read:
 150 468.452 Definitions.—For purposes of this part, the term:
 151 ~~(4) "Department" means the Department of Business and~~
 152 ~~Professional Regulation.~~
 153 ~~(6)(5)~~ "Student athlete" means any student who:
 154 (a) Resides in Florida, has informed, in writing, a college
 155 or university of the student's intent to participate in that
 156 school's intercollegiate athletics, or who does participate in
 157 that school's intercollegiate athletics and is eligible to do
 158 so; or
 159 (b) Does not reside in Florida, but has informed, in
 160 writing, a college or university in Florida of the student's
 161 intent to participate in that school's intercollegiate
 162 athletics, or who does participate in that school's
 163 intercollegiate athletics and is eligible to do so.
 164 ~~(4)(6)~~ "Financial services" means the counseling on or the
 165 making or execution of investment and other financial decisions
 166 by the agent on behalf of the student athlete.
 167 ~~(5)(7)~~ "Participation" means practicing, competing, or
 168 otherwise representing a college or university in
 169 intercollegiate athletics.
 170 Section 13. Section 468.453, Florida Statutes, is repealed.
 171 Section 14. Section 468.4536, Florida Statutes, is
 172 repealed.
 173 Section 15. Subsections (2) and (12) of section 468.454,
 174 Florida Statutes, are amended to read:
 175 468.454 Contracts.—
 176 (2) An agent contract must state:
 177 (a) The amount and method of calculating the consideration

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178 to be paid by the student athlete for services to be provided by
179 the athlete agent and any other consideration the agent has
180 received or will receive from any other source under the
181 contract;

182 (b) The name of any person ~~not listed in the licensure~~
183 ~~application~~ who will be compensated because the student athlete
184 signed the agent contract;

185 (c) A description of any expenses that the student athlete
186 agrees to reimburse;

187 (d) A description of the services to be provided to the
188 student athlete;

189 (e) The duration of the contract; and

190 (f) The date of execution.

191 ~~(12) An agent contract between a student athlete and a~~
192 ~~person not licensed under this part is void and unenforceable.~~

193 Section 16. Section 468.456, Florida Statutes, is repealed.

194 Section 17. Section 468.4561, Florida Statutes, is
195 repealed.

196 Section 18. Section 468.45615, Florida Statutes, is amended
197 to read:

198 468.45615 Provision of illegal inducements to athletes
199 ~~prohibited; penalties; license suspension.-~~

200 (1) A Any person who offers anything of value to another
201 person to induce a student athlete to enter into an agreement by
202 which the athlete agent will represent the student athlete
203 commits ~~violates s. 468.456(1)(f) is guilty of~~ a felony of the
204 second degree, punishable as provided in s. 775.082, s. 775.083,
205 s. 775.084, s. 775.089, or s. 775.091. Negotiations regarding an
206 athlete agent's fee are not considered an inducement.

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207 (2) (a) Regardless of whether adjudication is withheld, any
208 person convicted or found guilty of, or entering a plea of nolo
209 contendere to, the violation described in subsection (1) may
210 ~~shall~~ not employ, utilize, or otherwise collaborate with an a
211 ~~licensed or unlicensed~~ athlete agent in Florida to illegally
212 recruit or solicit student athletes. Any person who violates the
213 provisions of this subsection is guilty of a felony of the
214 second degree, punishable as provided in s. 775.082, s. 775.083,
215 s. 775.084, s. 775.089, or s. 775.091.

216 (b) Regardless of whether adjudication is withheld, any
217 person who knowingly actively assists in the illegal recruitment
218 or solicitation of student athletes for a person who has been
219 convicted or found guilty of, or entered a plea of nolo
220 contendere to, a violation of this section is guilty of a felony
221 of the second degree, punishable as provided in s. 775.082, s.
222 775.083, s. 775.084, s. 775.089, or s. 775.091.

223 ~~(3) In addition to any other penalties provided in this~~
224 ~~section, the court may suspend the license of the person pending~~
225 ~~the outcome of any administrative action against the person by~~
226 ~~the department.~~

227 (3)(4)(a) An athlete agent, with the intent to induce a
228 student athlete to enter into an agent contract, may not:

229 1. Give any materially false or misleading information or
230 make a materially false promise or representation;

231 2. Furnish anything of value to a student athlete before
232 the student athlete enters into the agent contract; or

233 3. Furnish anything of value to any individual other than
234 the student athlete or another athlete agent.

235 (b) An athlete agent may not intentionally:

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236 1. ~~Initiate contact with a student athlete unless licensed~~
 237 ~~under this part;~~
 238 2. Refuse or fail to retain or permit inspection of the
 239 records required to be retained by s. 468.4565;
 240 3. ~~Provide materially false or misleading information in an~~
 241 ~~application for licensure;~~
 242 2.4. Predate or postdate an agent contract;
 243 3.5. Fail to give notice of the existence of an agent
 244 contract as required by s. 468.454(6); or
 245 4.6. Fail to notify a student athlete before the student
 246 athlete signs or otherwise authenticates an agent contract for a
 247 sport that the signing or authentication may make the student
 248 athlete ineligible to participate as a student athlete in that
 249 sport.
 250 (c) An athlete agent who violates this subsection commits a
 251 felony of the second degree, punishable as provided in s.
 252 775.082, s. 775.083, or s. 775.084.
 253 Section 19. Section 468.4565, Florida Statutes, is amended
 254 to read:
 255 468.4565 Business records requirement.—
 256 ~~(1)~~ An athlete agent shall establish and maintain complete
 257 financial and business records. The athlete agent shall save
 258 each entry into a financial or business record for at least 5
 259 years after ~~from~~ the date of entry. These records must include:
 260 (1)(a) The name and address of each individual represented
 261 by the athlete agent;
 262 (2)(b) Any agent contract entered into by the athlete
 263 agent; and
 264 (3)(c) Any direct costs incurred by the athlete agent in

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265 the recruitment or solicitation of a student athlete to enter
 266 into an agent contract.
 267 ~~(2) The department shall have access to and shall have the~~
 268 ~~right to inspect and examine the financial or business records~~
 269 ~~of an athlete agent during normal business hours. Refusal or~~
 270 ~~failure of an athlete agent to provide the department access to~~
 271 ~~financial and business records shall be the basis for~~
 272 ~~disciplinary action by the department pursuant to s. 455.225.~~
 273 ~~The department may exercise its subpoena powers to obtain the~~
 274 ~~financial and business records of an athlete agent.~~
 275 Section 20. Section 468.457, Florida Statutes, is repealed.
 276 Section 21. Paragraphs (a) and (e) of subsection (2),
 277 subsection (3), paragraph (b) of subsection (4), and subsection
 278 (6) of section 469.006, Florida Statutes, are amended to read:
 279 469.006 Licensure of business organizations; qualifying
 280 agents.—
 281 (2) (a) If the applicant proposes to engage in consulting or
 282 contracting as a partnership, corporation, business trust, or
 283 other legal entity, or in any name other than the applicant's
 284 legal name, ~~the legal entity must apply for licensure through a~~
 285 ~~qualifying agent or the individual applicant must apply for~~
 286 ~~licensure under the name of the business organization fictitious~~
 287 ~~name.~~
 288 (e) A ~~The~~ license, ~~when issued upon application of a~~
 289 ~~business organization,~~ must be in the name of the qualifying
 290 agent business organization, and the name of the business
 291 organization ~~qualifying agent~~ must be noted on the license
 292 ~~thereon.~~ If there is a change in any information that is
 293 required to be stated on the application, the qualifying agent

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294 ~~business organization~~ shall, within 45 days after such change
295 occurs, mail the correct information to the department.

296 (3) The qualifying agent ~~must shall~~ be licensed under this
297 chapter in order for the business organization to be qualified
298 ~~licensed~~ in the category of the business conducted for which the
299 qualifying agent is licensed. If any qualifying agent ceases to
300 be affiliated with such business organization, the agent shall
301 so inform the department. In addition, if such qualifying agent
302 is the only licensed individual affiliated with the business
303 organization, the business organization shall notify the
304 department of the termination of the qualifying agent and has
305 ~~shall have~~ 60 days after from the date of termination of the
306 qualifying agent's affiliation with the business organization ~~in~~
307 ~~which~~ to employ another qualifying agent. The business
308 organization may not engage in consulting or contracting until a
309 qualifying agent is employed, unless the department has granted
310 a temporary nonrenewable license to the financially responsible
311 officer, the president, the sole proprietor, a partner, or, in
312 the case of a limited partnership, the general partner, who
313 assumes all responsibilities of a primary qualifying agent for
314 the entity. This temporary license only allows ~~shall only allow~~
315 the entity to proceed with incomplete contracts.

316 (4)

317 (b) Upon a favorable determination by the department, after
318 investigation of the financial responsibility, credit, and
319 business reputation of the qualifying agent and the new business
320 organization, the department shall issue, without any
321 examination, a new license in the qualifying agent's business
322 ~~organization's~~ name, and the name of the business organization

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323 ~~qualifying agent~~ shall be noted thereon.

324 (6) Each qualifying agent shall pay the department an
325 amount equal to the original fee for licensure ~~of a new business~~
326 ~~organization~~, if the qualifying agent for a business
327 organization desires to qualify additional business
328 organizations. The department shall require the agent to
329 present evidence of supervisory ability and financial
330 responsibility of each such organization. Allowing a licensee to
331 qualify more than one business organization ~~must shall~~ be
332 conditioned upon the licensee showing that the licensee has both
333 the capacity and intent to adequately supervise each business
334 organization. The department may shall not limit the number of
335 business organizations that which the licensee may qualify
336 except upon the licensee's failure to provide such information
337 as is required under this subsection or upon a finding that the
338 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
339 unpersuasive in showing the licensee's capacity and intent to
340 comply with the requirements of this subsection. A qualification
341 for an additional business organization may be revoked or
342 suspended upon a finding by the department that the licensee has
343 failed in the licensee's responsibility to adequately supervise
344 the operations of the business organization. Failure to
345 adequately supervise the operations of a business organization
346 ~~is shall be~~ grounds for denial to qualify additional business
347 organizations.

348 Section 22. Subsection (1) of section 469.009, Florida
349 Statutes, is amended to read:

350 469.009 License revocation, suspension, and denial of
351 issuance or renewal.—

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352 (1) The department may revoke, suspend, or deny the
 353 issuance or renewal of a license; reprimand, censure, or place
 354 on probation any contractor, consultant, or financially
 355 responsible officer, ~~or business organization~~; require financial
 356 restitution to a consumer; impose an administrative fine not to
 357 exceed \$5,000 per violation; require continuing education; or
 358 assess costs associated with any investigation and prosecution
 359 if the contractor or consultant, or business organization or
 360 officer or agent thereof, is found guilty of any of the
 361 following acts:

362 (a) Willfully or deliberately disregarding or violating the
 363 health and safety standards of the Occupational Safety and
 364 Health Act of 1970, the Construction Safety Act, the National
 365 Emission Standards for Asbestos, the Environmental Protection
 366 Agency Asbestos Abatement Projects Worker Protection Rule, the
 367 Florida Statutes or rules promulgated thereunder, or any
 368 ordinance enacted by a political subdivision of this state.

369 (b) Violating any provision of chapter 455.

370 (c) Failing in any material respect to comply with the
 371 provisions of this chapter or any rule promulgated hereunder.

372 (d) Acting in the capacity of an asbestos contractor or
 373 asbestos consultant under any license issued under this chapter
 374 except in the name of the licensee as set forth on the issued
 375 license.

376 (e) Proceeding on any job without obtaining all applicable
 377 approvals, authorizations, permits, and inspections.

378 (f) Obtaining a license by fraud or misrepresentation.

379 (g) Being convicted or found guilty of, or entering a plea
 380 of nolo contendere to, regardless of adjudication, a crime in

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381 any jurisdiction which directly relates to the practice of
 382 asbestos consulting or contracting or the ability to practice
 383 asbestos consulting or contracting.

384 (h) Knowingly violating any building code, lifesafety code,
 385 or county or municipal ordinance relating to the practice of
 386 asbestos consulting or contracting.

387 (i) Performing any act which assists a person or entity in
 388 engaging in the prohibited unlicensed practice of asbestos
 389 consulting or contracting, if the licensee knows or has
 390 reasonable grounds to know that the person or entity was
 391 unlicensed.

392 (j) Committing mismanagement or misconduct in the practice
 393 of contracting that causes financial harm to a customer.
 394 Financial mismanagement or misconduct occurs when:

395 1. Valid liens have been recorded against the property of a
 396 contractor's customer for supplies or services ordered by the
 397 contractor for the customer's job; the contractor has received
 398 funds from the customer to pay for the supplies or services; and
 399 the contractor has not had the liens removed from the property,
 400 by payment or by bond, within 75 days after the date of such
 401 liens;

402 2. The contractor has abandoned a customer's job and the
 403 percentage of completion is less than the percentage of the
 404 total contract price paid to the contractor as of the time of
 405 abandonment, unless the contractor is entitled to retain such
 406 funds under the terms of the contract or refunds the excess
 407 funds within 30 days after the date the job is abandoned; or

408 3. The contractor's job has been completed, and it is shown
 409 that the customer has had to pay more for the contracted job

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410 than the original contract price, as adjusted for subsequent
 411 change orders, unless such increase in cost was the result of
 412 circumstances beyond the control of the contractor, was the
 413 result of circumstances caused by the customer, or was otherwise
 414 permitted by the terms of the contract between the contractor
 415 and the customer.

416 (k) Being disciplined by any municipality or county for an
 417 act or violation of this chapter.

418 (l) Failing in any material respect to comply with the
 419 provisions of this chapter, or violating a rule or lawful order
 420 of the department.

421 (m) Abandoning an asbestos abatement project in which the
 422 asbestos contractor is engaged or under contract as a
 423 contractor. A project may be presumed abandoned after 20 days if
 424 the contractor terminates the project without just cause and
 425 without proper notification to the owner, including the reason
 426 for termination; if the contractor fails to reasonably secure
 427 the project to safeguard the public while work is stopped; or if
 428 the contractor fails to perform work without just cause for 20
 429 days.

430 (n) Signing a statement with respect to a project or
 431 contract falsely indicating that the work is bonded; falsely
 432 indicating that payment has been made for all subcontracted
 433 work, labor, and materials which results in a financial loss to
 434 the owner, purchaser, or contractor; or falsely indicating that
 435 workers' compensation and public liability insurance are
 436 provided.

437 (o) Committing fraud or deceit in the practice of asbestos
 438 consulting or contracting.

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439 (p) Committing incompetency or misconduct in the practice
 440 of asbestos consulting or contracting.

441 (q) Committing gross negligence, repeated negligence, or
 442 negligence resulting in a significant danger to life or property
 443 in the practice of asbestos consulting or contracting.

444 (r) Intimidating, threatening, coercing, or otherwise
 445 discouraging the service of a notice to owner under part I of
 446 chapter 713 or a notice to contractor under chapter 255 or part
 447 I of chapter 713.

448 (s) Failing to satisfy, within a reasonable time, the terms
 449 of a civil judgment obtained against the licensee, or the
 450 business organization qualified by the licensee, relating to the
 451 practice of the licensee's profession.

452
 453 For the purposes of this subsection, construction is considered
 454 to be commenced when the contract is executed and the contractor
 455 has accepted funds from the customer or lender.

456 Section 23. Section 477.0132, Florida Statutes, is amended
 457 to read:

458 477.0132 Hair braiding, ~~hair wrapping, and body wrapping~~
 459 registration.—

460 (1)(a) Persons whose occupation or practice is confined
 461 solely to hair braiding must register with the department, pay
 462 the applicable registration fee, and take a two-day 16-hour
 463 course. The course shall be board approved and consist of 5
 464 hours of HIV/AIDS and other communicable diseases, 5 hours of
 465 sanitation and sterilization, 4 hours of disorders and diseases
 466 of the scalp, and 2 hours of studies regarding laws affecting
 467 hair braiding.

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468 (b) ~~Persons whose occupation or practice is confined solely~~
 469 ~~to hair wrapping must register with the department, pay the~~
 470 ~~applicable registration fee, and take a one-day 6-hour course.~~
 471 ~~The course shall be board approved and consist of education in~~
 472 ~~HIV/AIDS and other communicable diseases, sanitation and~~
 473 ~~sterilization, disorders and diseases of the scalp, and studies~~
 474 ~~regarding laws affecting hair wrapping.~~

475 ~~(c) Unless otherwise licensed or exempted from licensure~~
 476 ~~under this chapter, any person whose occupation or practice is~~
 477 ~~body wrapping must register with the department, pay the~~
 478 ~~applicable registration fee, and take a two-day 12-hour course.~~
 479 ~~The course shall be board approved and consist of education in~~
 480 ~~HIV/AIDS and other communicable diseases, sanitation and~~
 481 ~~sterilization, disorders and diseases of the skin, and studies~~
 482 ~~regarding laws affecting body wrapping.~~

483 ~~(d) Only the board may review, evaluate, and approve a~~
 484 ~~course required of an applicant for registration under this~~
 485 ~~subsection in the occupation or practice of hair braiding, hair~~
 486 ~~wrapping, or body wrapping. A provider of such a course is not~~
 487 ~~required to hold a license under chapter 1005.~~

488 (2) ~~Hair braiding is, hair wrapping, and body wrapping are~~
 489 ~~not required to be practiced in a cosmetology salon or specialty~~
 490 ~~salon. When hair braiding, hair wrapping, or body wrapping is~~
 491 ~~practiced outside a cosmetology salon or specialty salon,~~
 492 ~~disposable implements must be used or all implements must be~~
 493 ~~sanitized in a disinfectant approved for hospital use or~~
 494 ~~approved by the federal Environmental Protection Agency.~~

495 (3) Pending issuance of registration, a person is eligible
 496 to practice hair braiding, ~~hair wrapping, or body wrapping~~ upon

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497 submission of a registration application that includes proof of
 498 successful completion of the education requirements and payment
 499 of the applicable fees required by this chapter.

500 Section 24. Subsections (7), (8), and (9) are added to
 501 section 477.0135, Florida Statutes, to read:

502 477.0135 Exemptions.—

503 (7) A license or registration is not required for a person
 504 whose occupation or practice is confined solely to adding polish
 505 to fingernails and toenails.

506 (8) A license or registration is not required for a person
 507 whose occupation or practice is confined solely to hair wrapping
 508 as defined in s. 477.013(10).

509 (9) A license or registration is not required for a person
 510 whose occupation or practice is confined solely to body wrapping
 511 as defined in s. 477.013(12).

512 Section 25. Paragraph (b) of subsection (7) of section
 513 477.019, Florida Statutes, is amended to read:

514 477.019 Cosmetologists; qualifications; licensure;
 515 supervised practice; license renewal; endorsement; continuing
 516 education.—

517 (7)

518 (b) Any person whose occupation or practice is confined
 519 solely to hair braiding, ~~hair wrapping, or body wrapping~~ is
 520 exempt from the continuing education requirements of this
 521 subsection.

522 Section 26. Paragraph (f) of subsection (1) of section
 523 477.026, Florida Statutes, is amended to read:

524 477.026 Fees; disposition.—

525 (1) The board shall set fees according to the following

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526 schedule:

527 (f) For hair braiders, ~~hair wrappers, and body wrappers,~~

528 fees for registration shall not exceed \$25.

529 Section 27. Paragraph (f) of subsection (1) of section

530 477.0265, Florida Statutes, is amended to read:

531 477.0265 Prohibited acts.—

532 (1) It is unlawful for any person to:

533 (f) Advertise or imply that skin care services ~~or body~~

534 ~~wrapping, as performed under this chapter,~~ have any relationship

535 to the practice of massage therapy as defined in s. 480.033(3),

536 except those practices or activities defined in s. 477.013.

537 Section 28. Paragraph (a) of subsection (1) of section

538 477.029, Florida Statutes, is amended to read:

539 477.029 Penalty.—

540 (1) It is unlawful for any person to:

541 (a) Hold himself or herself out as a cosmetologist,

542 specialist, ~~or hair wrapper,~~ hair braider, ~~or body wrapper~~

543 unless duly licensed or registered, or otherwise authorized, as

544 provided in this chapter.

545 Section 29. Subsection (5) of section 481.203, Florida

546 Statutes, is amended to read:

547 481.203 Definitions.—As used in this part:

548 (5) "Business organization" means a partnership, a limited

549 liability company, a corporation, or an individual operating

550 under a fictitious name ~~"Certificate of authorization" means a~~

551 ~~certificate issued by the department to a corporation or~~

552 ~~partnership to practice architecture or interior design.~~

553 Section 30. Section 481.219, Florida Statutes, is amended

554 to read:

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555 481.219 Business organization; qualifying agents

556 ~~Certification of partnerships, limited liability companies, and~~

557 ~~corporations.—~~

558 (1) ~~A licensee may~~ ~~The practice of or the offer to practice~~

559 ~~architecture or interior design~~ ~~by licensees~~ through a business

560 organization that offers ~~corporation, limited liability company,~~

561 ~~or partnership offering~~ architectural or interior design

562 services to the public, or through ~~by~~ a business organization

563 that offers ~~corporation, limited liability company, or~~

564 ~~partnership offering~~ architectural or interior design services

565 to the public through such licensees ~~under this part~~ as agents,

566 employees, officers, or partners, ~~is permitted, subject to the~~

567 ~~provisions of this section.~~

568 (2) If a licensee or an applicant proposes to engage in the

569 practice of architecture or interior design as a business

570 organization, the licensee or applicant must apply to qualify

571 the business organization ~~For the purposes of this section, a~~

572 ~~certificate of authorization shall be required for a~~

573 ~~corporation, limited liability company, partnership, or person~~

574 ~~practicing under a fictitious name, offering architectural~~

575 ~~services to the public jointly or separately. However, when an~~

576 ~~individual is practicing architecture in her or his own name,~~

577 ~~she or he shall not be required to be certified under this~~

578 ~~section. Certification under this subsection to offer~~

579 ~~architectural services shall include all the rights and~~

580 ~~privileges of certification under subsection (3) to offer~~

581 ~~interior design services.~~

582 (a) An application to qualify a business organization must:

583 1. If the business is a partnership, state the names of the

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584 partnership and its partners.

585 2. If the business is a corporation, state the names of the
 586 corporation and its officers and directors and the name of each
 587 of its stockholders who is also an officer or a director.

588 3. If the business is operating under a fictitious name,
 589 state the fictitious name under which it is doing business.

590 4. If the business is not a partnership, a corporation, or
 591 operating under a fictitious name, state the name of such other
 592 legal entity and its members.

593 (b) The board may deny an application to qualify a business
 594 organization if the applicant or any person required to be named
 595 pursuant to paragraph (a) has been involved in past disciplinary
 596 actions or on any grounds for which an individual registration
 597 or certification may be denied.

598 (3) (a) A business organization may not engage in the
 599 practice of architecture unless its qualifying agent is a
 600 registered architect under this part. A business organization
 601 may not engage in the practice of interior design unless its
 602 qualifying agent is a registered architect or a registered
 603 interior designer under this part. A qualifying agent who
 604 terminates her or his affiliation with a business organization
 605 shall immediately notify the department of such termination. If
 606 the qualifying agent who terminates her or his affiliation is
 607 the only qualifying agent for a business organization, the
 608 business organization must be qualified by another qualifying
 609 agent within 60 days after the termination. Except as provided
 610 in paragraph (b), such a business organization may not engage in
 611 the practice of architecture or interior design until it is
 612 qualified by a qualifying agent.

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613 (b) The executive director or chair of the board may grant
 614 a temporary, nonrenewable certificate or registration to a
 615 licensee in supervising control, the president, a managing
 616 member, a partner, or, in the case of a limited partnership, the
 617 general partner for the purpose of allowing the business
 618 organization to begin or continue work required under an
 619 incomplete contract. Such person shall assume all of the
 620 responsibilities of a qualifying agent. For purposes of this
 621 paragraph, the term "incomplete contract" means a contract that
 622 has been awarded to, or entered into by, the business
 623 organization before the termination of affiliation of the
 624 qualifying agent with the business organization or a contract on
 625 which the business organization was the low bidder and that is
 626 subsequently awarded to the business organization, regardless of
 627 whether any actual work has commenced under the contract before
 628 termination of affiliation by the qualifying agent with the
 629 business organization.

630 (c) A qualifying agent shall notify the department in
 631 writing before engaging in the practice of architecture or
 632 interior design in her or his own name or in affiliation with a
 633 different business organization, and she or he or such business
 634 organization shall supply the same information to the department
 635 as required of applicants under this part ~~For the purposes of~~
 636 this section, a certificate of authorization shall be required
 637 for a corporation, limited liability company, partnership, or
 638 person operating under a fictitious name, offering interior
 639 design services to the public jointly or separately. However,
 640 when an individual is practicing interior design in her or his
 641 own name, she or he shall not be required to be certified under

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642 ~~this section.~~

643 (4) All final construction documents and instruments of
 644 service which include drawings, specifications, plans, reports,
 645 or other papers or documents that involve ~~involving~~ the practice
 646 of architecture which are prepared or approved for the use of
 647 the business organization ~~corporation, limited liability~~
 648 ~~company, or partnership~~ and filed for public record within the
 649 state ~~must~~ shall bear the signature and seal of the licensee who
 650 prepared or approved them and the date on which they were
 651 sealed.

652 (5) All drawings, specifications, plans, reports, or other
 653 papers or documents prepared or approved for the use of the
 654 business organization ~~corporation, limited liability company, or~~
 655 ~~partnership~~ by an interior designer in her or his professional
 656 capacity and filed for public record within the state ~~must~~ shall
 657 bear the signature and seal of the licensee who prepared or
 658 approved them and the date on which they were sealed.

659 ~~(6) The department shall issue a certificate of~~
 660 ~~authorization to any applicant who the board certifies as~~
 661 ~~qualified for a certificate of authorization and who has paid~~
 662 ~~the fee set in s. 481.207.~~

663 (6)(7) The board shall allow ~~certify~~ an applicant to
 664 qualify one or more business organizations as qualified for a
 665 ~~certificate of authorization~~ to offer architectural or interior
 666 design services, or to use a fictitious name to offer such
 667 services, if one of the following criteria is met ~~provided that:~~

668 (a) One or more of the principal officers of the
 669 corporation or limited liability company, or one or more
 670 partners of the partnership, and all personnel of the

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671 corporation, limited liability company, or partnership who act
 672 in its behalf in this state as architects, are registered as
 673 provided by this part. ~~or~~

674 (b) One or more of the principal officers of the
 675 corporation or one or more partners of the partnership, and all
 676 personnel of the corporation, limited liability company, or
 677 partnership who act in its behalf in this state as interior
 678 designers, are registered as provided by this part.

679 ~~(8) The department shall adopt rules establishing a~~
 680 ~~procedure for the biennial renewal of certificates of~~
 681 ~~authorization.~~

682 ~~(9) The department shall renew a certificate of~~
 683 ~~authorization upon receipt of the renewal application and~~
 684 ~~biennial renewal fee.~~

685 (7)(10) Each qualifying agent approved to qualify a
 686 business organization ~~partnership, limited liability company,~~
 687 ~~and corporation certified~~ under this section shall notify the
 688 department within 30 days of any change in the information
 689 contained in the application upon which the qualification
 690 ~~certification~~ is based. Any registered architect or interior
 691 designer who qualifies the business organization ~~shall ensure~~
 692 ~~corporation, limited liability company, or partnership as~~
 693 ~~provided in subsection (7) shall be responsible for ensuring~~
 694 responsible supervising control of projects of the business
 695 organization entity and upon termination of her or his
 696 employment with a business organization ~~qualified partnership,~~
 697 ~~limited liability company, or corporation certified~~ under this
 698 section shall notify the department of the termination within 30
 699 days.

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700 ~~(8)(11) A business organization is not~~ No corporation,
 701 ~~limited liability company, or partnership shall be relieved of~~
 702 ~~responsibility for the conduct or acts of its agents, employees,~~
 703 ~~or officers by reason of its compliance with this section.~~

704 However, except as provided in s. 558.0035, the architect who
 705 signs and seals the construction documents and instruments of
 706 service ~~is shall be~~ liable for the professional services
 707 performed, and the interior designer who signs and seals the
 708 interior design drawings, plans, or specifications ~~is shall be~~
 709 liable for the professional services performed.

710 ~~(12) Disciplinary action against a corporation, limited~~
 711 ~~liability company, or partnership shall be administered in the~~
 712 ~~same manner and on the same grounds as disciplinary action~~
 713 ~~against a registered architect or interior designer,~~
 714 ~~respectively.~~

715 ~~(9)(13) Nothing in~~ This section ~~may not shall~~ be construed
 716 to mean that a certificate of registration to practice
 717 architecture or interior design ~~must shall~~ be held by a business
 718 organization ~~corporation, limited liability company, or~~
 719 ~~partnership. Nothing in~~ This section ~~does not prohibit prohibits~~
 720 corporations, limited liability companies, and partnerships from
 721 joining together to offer architectural, engineering, interior
 722 design, surveying and mapping, and landscape architectural
 723 services, or any combination of such services, to the public ~~if~~
 724 ~~provided that~~ each corporation, limited liability company, or
 725 partnership otherwise meets the requirements of law.

726 ~~(10)(14) A business organization that is qualified by a~~
 727 ~~registered architect may~~ Corporations, limited liability
 728 ~~companies, or partnerships holding a valid certificate of~~

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729 ~~authorization to practice architecture shall be permitted to use~~
 730 ~~in their title the term "interior designer" or "registered~~
 731 ~~interior designer" in its title.~~ designer."

732 Section 31. Subsection (10) of section 481.221, Florida
 733 Statutes, is amended to read:

734 481.221 Seals; display of certificate number.—

735 (10) Each registered architect or interior designer or
 736 qualifying agent of a business organization must, ~~and each~~
 737 ~~corporation, limited liability company, or partnership holding a~~
 738 ~~certificate of authorization, shall include her or his license~~
 739 ~~its certificate number in any newspaper, telephone directory, or~~
 740 ~~other advertising medium used by the registered architect~~ or,
 741 ~~interior designer, or business organization~~ corporation, limited
 742 liability company, or partnership. A business organization
 743 ~~corporation, limited liability company, or partnership~~ is not
 744 required to display the certificate number of individual
 745 registered architects or interior designers employed by or
 746 working within the business organization ~~corporation, limited~~
 747 ~~liability company, or partnership.~~

748 Section 32. Paragraphs (a) and (c) of subsection (5) of
 749 section 481.229, Florida Statutes, are amended to read:

750 481.229 Exceptions; exemptions from licensure.—

751 (5) (a) ~~Nothing contained in~~ This part ~~does not prohibit~~
 752 ~~shall prevent~~ a registered architect or a qualified business
 753 organization ~~partnership, limited liability company, or~~
 754 ~~corporation holding a valid certificate of authorization to~~
 755 ~~provide architectural services~~ from performing any interior
 756 design service or from using the title "interior designer" or
 757 "registered interior designer."

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758 (c) Notwithstanding any other provision of this part, a
 759 registered architect or qualified business organization
 760 ~~certified any corporation, partnership, or person operating~~
 761 ~~under a fictitious name which holds a certificate of~~
 762 ~~authorization~~ to provide architectural services must ~~shall~~ be
 763 qualified, without fee, ~~for a certificate of authorization~~ to
 764 provide interior design services upon submission of a completed
 765 application for qualification therefor. ~~For corporations,~~
 766 ~~partnerships, and persons operating under a fictitious name~~
 767 ~~which hold a certificate of authorization to provide interior~~
 768 ~~design services, satisfaction of the requirements for renewal of~~
 769 ~~the certificate of authorization to provide architectural~~
 770 ~~services under s. 481.219 shall be deemed to satisfy the~~
 771 ~~requirements for renewal of the certificate of authorization to~~
 772 ~~provide interior design services under that section.~~

773 Section 33. Section 481.303, Florida Statutes, is reordered
 774 and amended to read:

775 481.303 Definitions.—As used in this chapter, the term:

776 (1) "Board" means the Board of Landscape Architecture.
 777 ~~(3)(2)~~ "Department" means the Department of Business and
 778 Professional Regulation.

779 ~~(6)(3)~~ "Registered landscape architect" means a person who
 780 holds a license to practice landscape architecture in this state
 781 under the authority of this act.

782 ~~(2)(4)~~ "Certificate of registration" means a license issued
 783 by the department to a natural person to engage in the practice
 784 of landscape architecture.

785 ~~(5)~~ "Certificate of authorization" means a license issued
 786 by the department to a corporation or partnership to engage in

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787 ~~the practice of landscape architecture.~~

788 ~~(4)(6)~~ "Landscape architecture" means professional
 789 services, including, but not limited to, the following:

790 (a) Consultation, investigation, research, planning,
 791 design, preparation of drawings, specifications, contract
 792 documents and reports, responsible construction supervision, or
 793 landscape management in connection with the planning and
 794 development of land and incidental water areas, including the
 795 use of Florida-friendly landscaping as defined in s. 373.185,
 796 where, and to the extent that, the dominant purpose of such
 797 services or creative works is the preservation, conservation,
 798 enhancement, or determination of proper land uses, natural land
 799 features, ground cover and plantings, or naturalistic and
 800 aesthetic values;

801 (b) The determination of settings, grounds, and approaches
 802 for and the siting of buildings and structures, outdoor areas,
 803 or other improvements;

804 (c) The setting of grades, shaping and contouring of land
 805 and water forms, determination of drainage, and provision for
 806 storm drainage and irrigation systems where such systems are
 807 necessary to the purposes outlined herein; and

808 (d) The design of such tangible objects and features as are
 809 necessary to the purpose outlined herein.

810 ~~(5)(7)~~ "Landscape design" means consultation for and
 811 preparation of planting plans drawn for compensation, including
 812 specifications and installation details for plant materials,
 813 soil amendments, mulches, edging, gravel, and other similar
 814 materials. Such plans may include only recommendations for the
 815 conceptual placement of tangible objects for landscape design

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816 projects. Construction documents, details, and specifications
817 for tangible objects and irrigation systems shall be designed or
818 approved by licensed professionals as required by law.

819 Section 34. Subsection (5) of section 481.321, Florida
820 Statutes, is amended to read:

821 481.321 Seals; display of certificate number.—

822 (5) Each registered landscape architect must ~~and each~~
823 ~~corporation or partnership holding a certificate of~~
824 ~~authorization shall include her or his its~~ certificate number in
825 any newspaper, telephone directory, or other advertising medium
826 used by the registered landscape architect, corporation, or
827 partnership. A corporation or partnership must ~~is not required~~
828 ~~to display the certificate number numbers of at least one~~
829 ~~officer, director, owner, or partner who is a individual~~
830 registered landscape architect architects employed by or
831 practicing with the corporation or partnership.

832 Section 35. Subsection (4) of section 481.311, Florida
833 Statutes, is amended to read:

834 481.311 Licensure.—

835 ~~(4) The board shall certify as qualified for a certificate~~
836 ~~of authorization any applicant corporation or partnership who~~
837 ~~satisfies the requirements of s. 481.319.~~

838 Section 36. Subsection (2) of section 481.317, Florida
839 Statutes, is amended to read:

840 481.317 Temporary certificates.—

841 ~~(2) Upon approval by the board and payment of the fee set~~
842 ~~in s. 481.307, the department shall grant a temporary~~
843 ~~certificate of authorization for work on one specified project~~
844 ~~in this state for a period not to exceed 1 year to an out-of-~~

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845 ~~state corporation, partnership, or firm, provided one of the~~
846 ~~principal officers of the corporation, one of the partners of~~
847 ~~the partnership, or one of the principals in the fictitiously~~
848 ~~named firm has obtained a temporary certificate of registration~~
849 ~~in accordance with subsection (1).~~

850 Section 37. Section 481.319, Florida Statutes, is amended
851 to read:

852 481.319 Corporate and partnership practice of landscape
853 architecture; ~~certificate of authorization.~~—

854 (1) The practice of or offer to practice landscape
855 architecture by registered landscape architects registered under
856 this part through a corporation or partnership offering
857 landscape architectural services to the public, or through a
858 corporation or partnership offering landscape architectural
859 services to the public through individual registered landscape
860 architects as agents, employees, officers, or partners, is
861 permitted, subject to the provisions of this section, if:

862 (a) One or more of the principal officers of the
863 corporation, or partners of the partnership, and all personnel
864 of the corporation or partnership who act in its behalf as
865 landscape architects in this state are registered landscape
866 architects; and

867 (b) One or more of the officers, one or more of the
868 directors, one or more of the owners of the corporation, or one
869 or more of the partners of the partnership is a registered
870 landscape architect; ~~and~~

871 ~~(c) The corporation or partnership has been issued a~~
872 ~~certificate of authorization by the board as provided herein.~~

873 (2) All documents involving the practice of landscape

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874 architecture which are prepared for the use of the corporation
875 or partnership shall bear the signature and seal of a registered
876 landscape architect.

877 (3) A landscape architect applying to practice in the name
878 of a ~~An applicant~~ corporation must ~~shall~~ file with the
879 department the names and addresses of all officers and board
880 members of the corporation, including the principal officer or
881 officers, duly registered to practice landscape architecture in
882 this state and, also, of all individuals duly registered to
883 practice landscape architecture in this state who shall be in
884 responsible charge of the practice of landscape architecture by
885 the corporation in this state. A landscape architect applying to
886 practice in the name of a ~~An applicant~~ partnership must ~~shall~~
887 file with the department the names and addresses of all partners
888 of the partnership, including the partner or partners duly
889 registered to practice landscape architecture in this state and,
890 also, of an individual or individuals duly registered to
891 practice landscape architecture in this state who shall be in
892 responsible charge of the practice of landscape architecture by
893 said partnership in this state.

894 (4) Each landscape architect qualifying a partnership or
895 and corporation licensed under this part must ~~shall~~ notify the
896 department within 1 month of any change in the information
897 contained in the application upon which the license is based.
898 Any landscape architect who terminates her or his or her
899 employment with a partnership or corporation licensed under this
900 part shall notify the department of the termination within 1
901 month.

902 (5) ~~Disciplinary action against a corporation or~~

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903 ~~partnership shall be administered in the same manner and on the~~
904 ~~same grounds as disciplinary action against a registered~~
905 ~~landscape architect.~~

906 ~~(6)~~ Except as provided in s. 558.0035, the fact that a
907 registered landscape architect practices landscape architecture
908 through a corporation or partnership as provided in this section
909 does not relieve the landscape architect from personal liability
910 for her or his or her professional acts.

911 Section 38. Subsection (5) of section 481.329, Florida
912 Statutes, is amended to read:

913 481.329 Exceptions; exemptions from licensure.—

914 (5) This part does not prohibit any person from engaging in
915 the practice of landscape design, as defined in s. 481.303(5) ~~s.~~
916 481.303(7), or from submitting for approval to a governmental
917 agency planting plans that are independent of, or a component
918 of, construction documents that are prepared by a Florida-
919 registered professional. Persons providing landscape design
920 services shall not use the title, term, or designation
921 "landscape architect," "landscape architectural," "landscape
922 architecture," "L.A.," "landscape engineering," or any
923 description tending to convey the impression that she or he is a
924 landscape architect unless she or he is registered as provided
925 in this part.

926 Section 39. Subsection (14) of section 489.503, Florida
927 Statutes, is amended, and subsection (24) is added to that
928 section, to read:

929 489.503 Exemptions.—This part does not apply to:

930 (14) The sale of, installation of, repair of, alteration
931 of, addition to, or design of electrical wiring, fixtures,

580-02951-16

20161050c1

932 appliances, thermostats, apparatus, raceways, computers,
 933 customer premises equipment, customer premises wiring, and
 934 conduit, or any part thereof, ~~by an employee, contractor,~~
 935 ~~subcontractor, or affiliate of a company operating under a~~
 936 ~~certificate issued under chapter 364 or chapter 610, or under a~~
 937 ~~local franchise or right-of-way agreement,~~ if those items are
 938 for the purpose of transmitting data, voice, video, or other
 939 communications, or commands as part of a cable television,
 940 community antenna television, radio distribution,
 941 communications, or telecommunications system. An employee,
 942 subcontractor, contractor, or affiliate of a company that
 943 operates under a certificate issued under chapter 364 or chapter
 944 610, or under a local franchise or right-of-way agreement, is
 945 not subject to any local ordinance that requires a permit for
 946 work related to low-voltage electrical work, including related
 947 technical codes, regulations, and licensure. The scope of this
 948 exemption is limited to electrical circuits and equipment
 949 governed by the applicable provisions of Articles 725 (Classes 2
 950 and 3 circuits only), 770, 800, 810, and 820 of the National
 951 Electrical Code, current edition, or 47 C.F.R. part 68, ~~and~~
 952 ~~employees, contractors, and subcontractors of companies, and~~
 953 ~~affiliates thereof, operating under a certificate issued under~~
 954 ~~chapter 364 or chapter 610 or under a local franchise or right-~~
 955 ~~of-way agreement.~~ This subsection does not relieve any person
 956 from licensure as an alarm system contractor.

957 (24) A person who installs low-voltage landscape lighting
 958 that contains a factory-installed electrical cord with a plug
 959 and does not require installation, wiring, or a modification to
 960 the electrical wiring in a structure.

Page 33 of 34

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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961 Section 40. Present paragraphs (a) through (e) of
 962 subsection (2) of section 489.518, Florida Statutes, are
 963 redesignated as paragraphs (b) through (f), respectively, and a
 964 new paragraph (a) is added to that subsection, to read:

965 489.518 Alarm system agents.-

966 (2) (a) A person who performs only sales or installations of
 967 wireless alarm systems, other than fire alarm systems, in a
 968 single-family residence is not required to complete the initial
 969 training required for burglar alarm system agents.

970 Section 41. This act shall take effect July 1, 2016.

Page 34 of 34

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

1050

Bill Number (if applicable)

Topic Occupations & Professions

Amendment Barcode (if applicable)

Name Kelly Mallette

Job Title _____

Address 104 West Jefferson Street

Phone (850) 224-3427

Tallahassee, FL 32301

Email kelly@artbrockpa.com

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Interior Design Associations Foundation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16
Meeting Date

1050
Bill Number (if applicable)

226674
Amendment Barcode (if applicable)

Topic Regulated Professions

Name Samantha Padgett

Job Title Vice President & General Counsel

Address 227 S. Adams St.

Phone 222-4082

Tallahassee FL 32301
City State Zip

Email samantha@frf.org

Speaking: For Against Information
the Amendment

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Beauty Industry Council of the Florida Retail Federation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16
Meeting Date

1050
Bill Number (if applicable)

Topic Regulated Professions

Amendment Barcode (if applicable)

Name Samantha Padgett

Job Title Vice President & General Counsel

Address 227 S. Adams St.
Street

Phone 222-4082

Tallahassee FL 32301
City State Zip

Email Samantha@trf.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Beauty Industry Council of the Florida Retail Federation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16
Meeting Date

SB 1050
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable) _____

Name DAVID MICA, Jr

Job Title Director, Legislative Affairs

Address _____
Street

Phone 850-487-4827

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Department of Business + Prof. Regulation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



The Florida Senate

Committee Agenda Request

To: Senator Alan Hays, Chair
Appropriations Subcommittee on General Government

Subject: Committee Agenda Request

Date: February 22, 2016

I respectfully request that **Senate Bill # 1150**, relating to Review of Administrative Rulemaking Authority, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Aaron Bean".

Senator Aaron Bean
Florida Senate, District 4

/JE

CC: Jamie DeLoach Staff Director

File signed original with committee office

S-020 (03/2004)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: CS/SB 1160

INTRODUCER: Education Pre-K - 12 Committee and Senator Detert

SUBJECT: Art in the Capitol Competition

DATE: February 16, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bailey</u>	<u>Klebacha</u>	<u>ED</u>	Fav/CS
2.	<u>Davis</u>	<u>DeLoach</u>	<u>AGG</u>	Recommend: Favorable
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1160 creates the Art in the Capitol Competition, a statewide visual arts competition for all public, private, and home education students in grades 6 through 8.

Specifically, the bill requires:

- Each school district to annually hold an Art in the Capitol Competition with a selection committee consisting of art teachers, whose students have not submitted work;
- Winning submissions to be provided to the legislator of the legislative district in which the student resides; and
- The legislator to submit the artwork to the Department of Management Services (DMS) to be displayed in the Capitol Building during the regular legislative session.

The bill has an indeterminate insignificant fiscal impact on state funds.

The bill takes effect on July 1, 2016.

II. Present Situation:

Artwork in the Capitol

The Capitol has both permanent and temporary art displays. On the lower floors of the Capitol and legislative office buildings are photographs from Florida's history.¹ The rotating display areas within the Capitol Grounds include the 22nd Floor Capitol Gallery, Cabinet Meeting Room, and the Gallery at the Historic Capitol.²

The Capitol Complex Exhibition Program showcases Florida artists through a series of visual art exhibitions throughout the Capitol Complex.³ Exhibitions are selected by Division of Cultural Affairs staff members based on quality, diversity of medium, and regional representation, with preference given to Florida themes.⁴

Congressional Art Competition

Each spring, the Congressional Institute⁵ sponsors a nationwide high school visual art competition to recognize and encourage artistic talent in the nation and in each congressional district.⁶ Students submit their entries to their representative's office, and panels of district artists select the winning entries.⁷ Winners are recognized both in their district and at an annual awards ceremony in Washington, DC.⁸ The winning artwork is displayed for one year at the U. S. Capitol.⁹

All entries for the Congressional Art Competition meet the following criteria:¹⁰

- Be two dimensional;
- Be no larger than 28 inches wide by 28 inches tall by 4 inches thick when framed;
- Not weigh more than 15 pounds, including the frame; and
- Be original in concept, design, and execution and may not violate any U.S. copyright laws.

III. Effect of Proposed Changes:

CS/SB 1160 creates the Art in the Capitol Competition, a statewide visual arts competition for all public, private, and home education students in grades 6 through 8 to recognize and encourage

¹ Visit Florida Capitol, *Artwork in the Capitol*, <http://www.visitfloridacapitol.com/capitol/art.php> (last visited January 29, 2016).

² *Id.*

³ Division of Cultural Affairs, *Exhibitions*, <http://dos.myflorida.com/cultural/programs/exhibitions/> (last visited January 29, 2016).

⁴ *Id.*

⁵ The Congressional Institute was established in 1987 for the intellectual and social benefit of Members of Congress and to provide education information about Congress to the general public. Congressional Institute, *About Us*, <http://conginst.org/about/> (last visited January 29, 2016).

⁶ United States House of Representatives, *Congressional Art Competition*, http://www.house.gov/content/educate/art_competition/ (last visited January 29, 2016).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

artistic talent in Florida. The bill directs the Department of Management Services and the Department of Education (DOE) to administer the Art in the Capitol Competition.

Specifically, the bill requires each school district to annually hold an Art in the Capitol Competition with the submissions to be judged by a selection committee consisting of art teachers whose students have not submitted artwork. In effect, the art competition offers an opportunity for students to not only be challenged locally, but to also be acknowledged for their talent and creativity at the state level.

In addition, the artwork submission requirements for the Florida statewide visual arts competition are similar to the nationwide high school Congressional Art Competition, including:

- Be two dimensional;
- Be no larger than 28 inches wide by 28 inches long by 4 inches thick;
- Weigh less than 15 pounds; and
- Be original in concept, design, and execution and may not violate copyright laws.

The bill requires the winning artwork to be submitted to the office of the legislator of the district in which the student resides no later than 60 days prior to the start of the regular legislative session. The bill allows for an unspecified number of winning submissions to be provided to each legislator.

The artwork will be displayed in the Capitol Building during the regular legislative session to showcase the talent of creative Florida students in grades 6 through 8.

The bill takes effect on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/SB 1160 has an indeterminate fiscal impact on state funds for the DMS to display artwork in the Capitol and school districts to annually conduct the Art in the Capitol Competition. These costs are most likely insignificant and can be absorbed within existing resources.

There is no fiscal impact on the Department of Education.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K – 12 on February 2, 2016:

The committee substitute modifies the bill as follows:

- Requires each school district to annually hold an Art in the Capitol Competition for all public, private, and home education students in grades 6 through 8;
- Revises the selection committee to consist of art teachers whose students have not submitted artwork for consideration;
- Requires the artwork to go to the legislator of the legislative district in which the student resides;
- Revises applicable deadlines; and
- Removes the authorization for the Department of Management Services to adopt rules to administer the Art in the Capitol Competition.

B. Amendments:

None.

By the Committee on Education Pre-K - 12; and Senator Detert

581-02945-16

20161160c1

1 A bill to be entitled
 2 An act relating to the Art in the Capitol Competition;
 3 creating the Art in the Capitol Competition for
 4 students in specified grades; specifying procedures
 5 for student participation, notification, and the
 6 selection and display of winning submissions;
 7 providing an effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. (1) There is created the Art in the Capitol
 12 Competition, a statewide visual arts competition for students in
 13 grades 6 through 8, to be administered by the Department of
 14 Management Services and the Department of Education.
 15 (2) Each school district shall annually hold an Art in the
 16 Capitol Competition for all public, private, and home education
 17 students in grades 6 through 8. Submissions shall be judged by a
 18 selection committee consisting of art teachers whose students
 19 have not submitted artwork for consideration.
 20 (3) (a) A submission may not violate copyright laws and
 21 must:
 22 1. Be two dimensional.
 23 2. Be no larger than 28 inches wide by 28 inches long by 4
 24 inches thick.
 25 3. Weigh less than 15 pounds.
 26 4. Be original in concept, design, and execution.
 27 (b) Each submission must include the student's name, grade,
 28 and school of enrollment and the city in which the school is
 29 located.
 30 (4) Each winning submission shall be provided to the
 31 legislator of the legislative district in which the student
 32 resides no later than sixty days prior to the start of each

Page 1 of 2

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581-02945-16

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33 regular legislative session. The legislator shall provide the
 34 winning submission to the Department of Management Services.
 35 (5) The Department of Management Services shall collect the
 36 winning submissions and arrange to have them displayed in the
 37 Capitol Building during the regular legislative session. Upon
 38 adjournment of the legislative session, the legislator shall
 39 return the winning submission to the student.
 40 Section 2. This act shall take effect July 1, 2016.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

Committee Agenda Request

To: Senator Alan Hays, Chair
Appropriations Subcommittee on General Government

Subject: Committee Agenda Request

Date: February 2, 2016

I respectfully request that **Senate Bill #1160**, relating to Art in the Capitol Competition, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script, reading "Nancy C. Detert".

Senator Nancy C. Detert
Florida Senate, District 28

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: CS/SB 1310

INTRODUCER: Agriculture Committee and Senator Hutson

SUBJECT: Agriculture

DATE: February 16, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Weidenbenner</u>	<u>Becker</u>	<u>AG</u>	Fav/CS
2.	<u>Blizzard</u>	<u>DeLoach</u>	<u>AGG</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1310 modifies provisions in several areas within the Department of Agriculture and Consumer Services (DACS). Specifically the bill:

- Provides sole authority to the DACS to regulate the burning of agricultural crops on land classified as agricultural;
- Allows agricultural lands currently assessed at a de minimis value of up to \$50 per acre for property tax purposes due to participation in a state or federal eradication or quarantine program to be replanted and retain the de minimis value for a period of five years;
- Preempts regulatory authority for commercial feed and feedstuff to the DACS;
- Establishes specific penalties enforceable at the state level, including enhanced penalties under certain circumstances for persons knowingly dealing in any manner with plant pests, or introducing or releasing plant pests in this state without a special permit from the DACS;
- Authorizes the DACS to seek reimbursement for reasonable expenses incurred in its plant pest control or eradication program; and
- Allows livestock grazing on “conservation easements” if such activity is a current or historic use on the site and is conducted in accordance with best management practices adopted by the DACS.

On February 5, 2016, the Revenue Estimating Conference determined the bill will reduce local property tax receipts by \$.2 million on a recurring basis beginning in Fiscal Year 2018-2019. Additionally, the Criminal Justice Impact Conference determined that the bill will have a positive insignificant impact on state prison beds.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Burning of Agriculture Crops

Currently, authorization must be obtained from the Florida Forest Service of the Department of Agriculture and Consumer Services (DACS) to conduct noncertified burning, certified prescribed burning, or certified pile burning. Additionally, open burning authorization programs of local governments must be approved by the Florida Forest Service.¹ The Florida Forest Service regulates the burning of agricultural crops on land classified as agricultural pursuant to the authority of s. 590.125, F.S.² Further authority for exercise of this power can be found in ss. 590.02(1)(i) and 590.02(10)(a), F.S.

Special Agricultural Land Assessment for Abandoned Citrus Groves

Section 193.461, F.S., allows properties used for bona fide agricultural purposes to be valued for property tax purposes based on their current agricultural use, rather than the highest and best use otherwise required.³ Generally, tax assessments for qualifying agricultural lands are lower than tax assessments for other uses.

In 2000, the Legislature passed an expansive agricultural bill in response to the spread of citrus canker.⁴ As part of the effort to quarantine infected citrus lands, the Legislature amended s. 193.461, F.S., to allow lands classified as agricultural for assessment purposes to be assessed at a de minimis value of up to \$50 per acre –below what even a typical agricultural assessment might be – if they participate in a state or federal eradication or quarantine program.⁵ To participate, these lands must be cleared and remain fallow.⁶ As long as they remain unplanted and are not converted to some other income-producing use, they retain the \$50 per acre assessment.

Some infected groves have been abandoned by the owner. The DACS has initiated a comprehensive Citrus Health Response Program (CHRP) to encourage the removal and destruction of abandoned citrus groves. The DACS has interpreted the \$50 per acre valuation to apply to lands in the CHRP program because it is a state eradication or quarantine program. However, the CHRP program is not specifically mentioned in the statute,⁷ and some property appraisers are questioning whether current law allows this treatment.

¹ Section 590.125(2), (3), (4), and (6), F.S.

² Department of Agriculture and Consumer Services (DACS), *Senate Bill 1310 Analysis* (Jan. 12, 2016) (on file with the Senate Committee on Agriculture).

³ FLA. CONST. art. VII, s. 4(a); *compare* s. 193.011(2), F.S., and s. 193.461, F.S.

⁴ Chapter 2000-308, Laws of Fla.

⁵ Chapter 2000-308, s. 3, Laws of Fla.

⁶ Section 193.461(7), F.S.

⁷ Florida Department of Agriculture and Consumer Services, *Citrus Health Response Program Update Abandoned Grove Initiative*, <http://freshfromflorida.s3.amazonaws.com/Media%2FFiles%2FPlant-Industry-Files%2FCHRP%2FCHRP+Update+Abandoned+Grove82015.pdf>

Commercial Feed and Feedstuff

“Commercial feed” is all materials or combinations of materials that are distributed or intended to be distributed for use as feed or for mixing in a feed for animals other than humans.⁸

“Feedstuff” is edible materials, other than commercial feed, that are distributed for animal consumption and that contribute energy or nutrients, or both, to an animal diet.⁹ The department has indicated that it, as well as local governments, are authorized to regulate commercial feed and feedstuff for quality, safety, labeling requirements, and standards. At present, there is no regulation of animal feed and feedstuff through local ordinances. The federal Food and Drug Administration is currently promulgating regulations which would bring the manufacture and distribution of commercial livestock feed and ingredients to a standard of sanitation safe for both human handling and animal consumption through the Food Safety Modernization Act. The bill would clarify the department’s preemptive authority to regulate, inspect, sample, and analyze any commercial feed and feedstuff to eliminate potential duplication of regulation. This is supported by the Florida Feed Association.

Penalties for Certain Handling of Plant Pests

Laws covering the plant industry are covered in ch. 581, F.S. The powers, duties, and jurisdiction over the plant industry are enforced and under the control of the Division of Plant Industry within the Department of Agriculture and Consumer Services (DACS). The introduction of plant pests is prohibited except under special permit issued by the Division of Plant Industry, which is the sole issuing agency for such special permits.¹⁰ In general, any violation of ch. 581, F.S., subjects the violator to being charged with a first degree misdemeanor and a fine up to \$5,000. An eradication program to combat an invasive plant pest, such as the Giant African Land Snail, has caused the DACS to expend \$11.5 million over four years.¹¹ There is no provision in Florida Statutes to recover this type of costs.

Conservation Easement

A conservation easement is a right or interest in real property which is appropriate to retaining land or water areas predominantly in their natural, scenic, open, agricultural or wooded condition.¹² Conservation easements are meant to retain areas as suitable habitat for fish, plants or wildlife or to retain the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological or cultural significance. The purpose of a conservation easement is accomplished by restricting the amount of development allowed on a piece of property, limiting other land uses, and maintaining existing areas of conservation interest on a piece of property in their natural condition.

Many conservation easements are required as a part of the conditions of regulatory permits. Other conservation easements are held by non-profit land trusts, usually obtained by donation from landowners who benefit from various local, state and federal tax deductions. Additionally,

⁸ Section 580.031(2), F.S.

⁹ Section 580.031(10), F.S.

¹⁰ Section 581.083(1), F.S.

¹¹ DACS, *Senate Bill 1310 Analysis*.

¹² Section 704.06, F.S.

in Florida conservation easements can be purchased from landowners by state, water management districts, and local conservation land acquisition programs.

Conservation easements are fundamentally different from conservation lands that the state owns in fee-simple. First, the landowner retains title to the land and only gives up certain rights that he or she would otherwise have on the property. The landowner, not the state, continues to manage the land subject to restrictions.¹³ Landowners who have managed their lands for silvicultural resources, wetland protection, pasture for cattle grazing, or for hunting can continue to do so under a conservation easement. However, a landowner would not be allowed to revert back to historic uses to justify cattle grazing if it was not being presently used for that purpose.

III. Effect of Proposed Changes:

Section 1 amends s. 163.3162, F.S., to provide the sole authority to the DACS to regulate the burning of agricultural crops on land classified as agricultural pursuant to s. 193.461, F.S.

Section 2 amends s. 193.461, F.S., to specifically name the CHRP program as a program that qualifies for the \$50 per acre assessment for agricultural lands that are taken out of production in participation with a federal or state eradication or quarantine program. The bill amends the program to apply the \$50 per acre assessment for five years after the owner executes a compliance agreement with the administering program. The bill also allows participating lands to be replanted with citrus and continue to receive the \$50 per acre assessment for five years.

Section 3 creates s. 580.0365, F.S., to preempt the regulatory authority for commercial feed and feedstuff to the DACS in order to eliminate duplication of regulation.

Section 4 amends s. 581.211, F.S., to provide penalties for persons:

- Knowingly dealing in any manner with plant pests, or introducing or releasing plant pests in this state without a special permit from the Division of Plant Industry within the DACS. Violators:
 - Commit a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S.
 - Are subject to an administrative fine pursuant to s. 570.091, F.S., in the Class II category (up to \$5,000).
 - May have a certificate of registration or a certificate of inspection suspended or revoked.
 - May be liable for payment of all reasonable costs and expenses incurred by the DACS which moneys shall be deposited into the Plant Industry Trust Fund.
- Conducting themselves in such a manner that results in the declaration of an agricultural emergency by the Commissioner of Agriculture or the implementation of a control or eradication program by DACS or the United States Department of Agriculture. Violators:
 - Commit a felony of the second degree if there has been a declaration of an agricultural emergency by the Commissioner of Agriculture or the implementation of a control or eradication program by the DACS or the United States Department of Agriculture.

¹³ Florida Department of Environmental Protection, *The Division of State Lands Conservation Easement Program*, https://www.dep.state.fl.us/lands/files/ConservationEasement_WhitePaper.pdf.

- Are subject to an administrative fine pursuant to s. 570.091, F.S. in the Class IV category (up to \$10,000).
- May have a certificate of registration or certificate of inspection suspended or revoked.
- May be liable for payment of all reasonable costs and expenses incurred by the DACS which must be deposited in the Plant Industry Trust Fund.

Section 5 amends s. 704.06, F.S., to revise the definition of “conservation easement” to provide that a permitted use of an agricultural condition may include livestock grazing if the activity is a current or historic use of the land, on the condition that future livestock grazing is done in accordance with Best Management Practices (BMPs) adopted by the DACS.

Section 6 provides that this bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

See Government Sector Impact.

B. Private Sector Impact:

CS/SB 1310 may have an indeterminate negative fiscal impact on persons knowingly dealing in any manner with plant pests, or introducing or releasing plant pests in this state without a special permit from the DACS. Such individuals may be subjected to increased fines and penalties.

The bill may have an indeterminate positive fiscal impact on land owners who participate in an eradication or quarantine program by allowing them to retain their agricultural lands classification pursuant to a compliance agreement.

C. Government Sector Impact:

The bill amends the greenbelt law to allow citrus lands to retain agricultural classification for five years after execution of a compliance agreement, and requires property tax collectors to assess the lands at a de minimis value during the five-year term of the

agreement when such lands have been replanted. On February 5, 2016, the Revenue Estimating Conference determined the provisions in this bill related to agricultural land classification will reduce local property tax receipts by \$.2 million on a recurring basis beginning in Fiscal Year 2018-2019.

The Criminal Justice Impact Conference, which provides the official estimate of the prison bed impact of legislation, met on January 29, 2016, and estimated this bill will have a positive insignificant prison bed impact (an increase of 10 or fewer prison beds).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3162, 193.461, 581.211, and 704.06.

This bill creates section 580.0365 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Agriculture on January 19, 2016:

The committee substitute:

- Provides that citrus lands taken out of production pursuant to a state or federal eradication or quarantine program, including the Citrus Health Response Program (CHRP), shall continue to be classified as agricultural land and appraised at a de minimis value of \$50 per acre during the 5-year term of the agreement.
- Modifies the meaning of “conservation easement” to provide that a permitted use of an agricultural condition may include livestock grazing if the activity is a current or historic use of the land; it further requires future livestock grazing be in compliance with BMPs adopted by the DACS.

B. Amendments:

None.



556588

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/17/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Simpson)
recommended the following:

Senate Amendment (with title amendment)

Between lines 56 and 57

insert:

Section 3. Subsection (1) of Section 482.1562, Florida
Statutes, is amended to read:

482.1562 Limited certification for urban landscape
commercial fertilizer application.—

(1) To provide a means of documenting and ensuring
compliance with best management practices for commercial



556588

11 fertilizer application to urban landscapes, the department shall
12 establish a limited certification for urban landscape commercial
13 fertilizer application. In order to keep turf and root structure
14 healthy enough to prevent erosion and runoff in the summer
15 growing season, a local government may not prohibit an
16 individual certified under this section, or a company that
17 employees individuals certified under this section, from
18 applying two limited applications of nitrogen-containing
19 fertilizer to an individual lawn or a contiguous parcel of turf
20 between May 1 and September 30 of any calendar year. The limited
21 applications authorized under this subsection may contain no
22 more than 1 pound of nitrogen per 1,000 square feet and must be
23 formulated to use at least 50 percent slow-release nitrogen. An
24 applicator may not apply fertilizers containing nitrogen or
25 phosphorous to turf when the National Weather Service has issued
26 any of the following advisories or forecasts for any part of the
27 county:

28 (a) An active severe thunderstorm warning or watch, a flood
29 warning or watch, a tropical storm warning or watch, or a
30 hurricane warning or watch.

31 (b) A forecasted rainfall of greater than or equal to 2
32 inches within the next 24-hour period.

33
34 ===== T I T L E A M E N D M E N T =====

35 And the title is amended as follows:

36 Delete line 10

37 and insert:

38 are replanted in citrus; amending 482.1562, F.S.;

39 specifying that persons holding limited certification



556588

40 for urban landscape commercial fertilizer application
41 may apply nitrogen-containing fertilizers under
42 certain conditions and during specified periods;
43 providing an exception; creating s. 580.0365, F.S.;

By the Committee on Agriculture; and Senator Hutson

575-02292-16

20161310c1

A bill to be entitled

An act relating to agriculture; amending s. 163.3162, F.S.; providing sole authority to regulate the burning of agricultural crops on certain lands to the Department of Agriculture and Consumer Services; amending s. 193.461, F.S.; revising the period during which certain agricultural lands in eradication or quarantine programs continue to be classified as such; providing for the classification of such lands that are replanted in citrus; creating s. 580.0365, F.S.; preempting regulatory authority over commercial feed and feedstuff to the department; amending s. 581.211, F.S.; providing penalties for certain handling of plant pests without a special permit from the Division of Plant Industry within the department; specifying that moneys collected must be deposited into the Plant Industry Trust Fund; amending s. 704.06, F.S.; revising the definition of the term "conservation easement"; providing an effective date.

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

Section 1. Subsection (5) is added to section 163.3162, Florida Statutes, to read:

163.3162 Agricultural Lands and Practices.—

(5) BURNING OF AGRICULTURAL CROPS.—The Department of Agriculture and Consumer Services has the sole authority to regulate the burning of agricultural crops on land classified as agricultural land pursuant to s. 193.461.

Section 2. Paragraph (a) of subsection (7) of section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment;

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

575-02292-16

20161310c1

mandated eradication or quarantine program.—

(7) (a) Lands classified for assessment purposes as agricultural lands which are taken out of production by a state or federal eradication or quarantine program, including the Citrus Health Response Program, shall continue to be classified as agricultural lands for 5 years after the date of execution of a compliance agreement between the landowner and the Department of Agriculture and Consumer Services, or a federal agency, as applicable, pursuant to the duration of such program or successor programs. Lands under these programs which are converted to fallow or otherwise nonincome-producing uses shall continue to be classified as agricultural lands and shall be assessed at a de minimis value of up to \$50 per acre on a single-year assessment methodology while converted. Lands under these programs which are replanted in citrus pursuant to the requirements of the compliance agreement shall continue to be classified as agricultural lands and shall be assessed at a de minimis value of up to \$50 per acre, on a single-year assessment methodology, during the 5-year term of the agreement. However, lands converted to other income-producing agricultural uses permissible under such programs shall be assessed pursuant to this section. Land under a mandated eradication or quarantine program which is diverted from an agricultural to a nonagricultural use shall be assessed under s. 193.011.

Section 3. Section 580.0365, Florida Statutes, is created to read:

580.0365 Preemption of regulatory authority over commercial feed and feedstuff.—In order to provide for uniform regulation throughout the state, the state preempts all regulation over

Page 2 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

575-02292-16

20161310c1

62 commercial feed and feedstuff to the department. Notwithstanding
 63 any other provision of law, the authority to regulate, inspect,
 64 sample, and analyze any commercial feed or feedstuff distributed
 65 in this state or to exercise the powers and duties under this
 66 chapter, including the assessment of any penalties for
 67 violations of this chapter, is preempted to the department. If
 68 any rule adopted by, or final order of, the department relating
 69 to commercial feed and feedstuff is in conflict with any other
 70 provision or restriction under a local ordinance or
 71 administrative rule adopted by, or final order of, an entity or
 72 agency other than the department, this section shall govern and
 73 such local ordinance, rule, or order is preempted.

74 Section 4. Subsections (4) and (5) are added to section
 75 581.211, Florida Statutes, to read:

76 581.211 Penalties for violations.—

77 (4) A person who knowingly acquires, imports, possesses,
 78 sells or offers to sell, trades or offers to trade, barter or
 79 offers to barter, moves or causes to be moved, introduces, or
 80 releases a plant pest in this state without a special permit
 81 from the division:

82 (a) Commits a misdemeanor of the first degree, punishable
 83 as provided in s. 775.082 or s. 775.083;

84 (b) Is subject to an administrative fine pursuant to s.
 85 570.971 in the Class II category for each violation of this
 86 chapter;

87 (c) May have a certificate of registration or certificate
 88 of inspection suspended or revoked; and

89 (d) Is liable for the payment of all reasonable costs and
 90 expenses incurred by the department in a plant pest control or

575-02292-16

20161310c1

91 eradication program. Moneys collected pursuant to this section
 92 shall be deposited into the Plant Industry Trust Fund.

93 (5) A person who knowingly acquires, imports, possesses,
 94 sells or offers to sell, trades or offers to trade, barter or
 95 offers to barter, moves or causes to be moved, introduces, or
 96 releases a plant pest in this state without a special permit
 97 from the division that results in the issuance of a declaration
 98 of an agricultural emergency by the Commissioner of Agriculture
 99 or the implementation of a control or eradication program by the
 100 department or the United States Department of Agriculture:

101 (a) Commits a felony of the second degree, punishable as
 102 provided in s. 775.082 or s. 775.083;

103 (b) Is subject to an administrative fine pursuant to s.
 104 570.971 in the Class IV category for each violation of this
 105 chapter;

106 (c) May have a certificate of registration or certificate
 107 of inspection suspended or revoked; and

108 (d) Is liable for the payment of all reasonable costs and
 109 expenses incurred by the department in a plant pest control or
 110 eradication program. Moneys collected pursuant to this section
 111 shall be deposited into the Plant Industry Trust Fund.

112 Section 5. Paragraphs (c) and (e) of subsection (1) of
 113 section 704.06, Florida Statutes, are amended to read:

114 704.06 Conservation easements; creation; acquisition;
 115 enforcement.—

116 (1) As used in this section, "conservation easement" means
 117 a right or interest in real property which is appropriate to
 118 retaining land or water areas predominantly in their natural,
 119 scenic, open, agricultural, or wooded condition; retaining such

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20161310c1

120 areas as suitable habitat for fish, plants, or wildlife;
121 retaining the structural integrity or physical appearance of
122 sites or properties of historical, architectural,
123 archaeological, or cultural significance; or maintaining
124 existing land uses and which prohibits or limits any or all of
125 the following:

126 (c) Removal or destruction of trees, shrubs, or other
127 vegetation except when necessary for maintenance purposes.

128 (e) Surface use except for purposes that permit the land or
129 water area to remain predominantly in its natural or
130 agricultural condition. Such agricultural condition may include
131 livestock grazing if the activity is a current or historic use
132 of the land and if future livestock grazing within the
133 conservation easement area is conducted in accordance with
134 applicable best management practices adopted by the Department
135 of Agriculture and Consumer Services.

136 Section 6. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16
Meeting Date

1310
Bill Number (if applicable)

Topic Agriculture

Amendment Barcode (if applicable)

Name Adam Basford

Job Title Dir. Legislative Affairs

Address 315 S Calhoun #830

Phone 722-7557

1allahissee FL 32301
City State Zip

Email adam.basford@ffba.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Farm Bureau

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/17/2016
Meeting Date

SB 1310
Bill Number (if applicable)

Topic AGRICULTURE

Amendment Barcode (if applicable)

Name HOWARD E. "GENE" ADAMS

Job Title ATTORNEY

Address 215 S. MONROE ST, P.O. BOX 20095

Phone 850-222-3533

Street

TALLAHASSEE

FLA.

32302-2095

Email GENE@PENNINGTONLAW.COM

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLA. FEED ASSOC.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16
Meeting Date

SB1310
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Butch Calhoun

Job Title _____

Address 119 S. Monroe, Suite 300

Phone 521-0455

Street

Tallahassee
City

FL
State

32301
Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Fruit & Vegetable Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

FEB - 17, 2016
Meeting Date

CS/SB 1318
Bill Number (if applicable)

Topic Agriculture

Amendment Barcode (if applicable)

Name DOUG MANN

Job Title _____

Address 310 W. College Ave

Phone 222-7535

Street

Tallahassee FL 32301

City

State

Zip

Email doug@theherman.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing A.I.F.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/14

Meeting Date

1310

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Jim SPRATT

Job Title _____

Address 310 W College Ave

Phone 850-228-1296

Street

TLH FL 32301

City

State

Zip

Email Jim@magnoliastrategiesllc.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

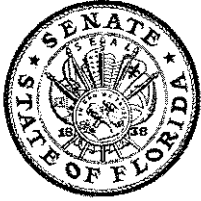
Representing FLORIDA NURSERY, GROWERS & LANDSCAPE ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



The Florida Senate

Committee Agenda Request

To: Senator Alan Hays, Chair
Appropriations Subcommittee on General Government

Subject: Committee Agenda Request

Date: February 1, 2016

I respectfully request that **Senate Bill #1310**, relating to Agriculture, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script, appearing to read "Travis Hutson".

Senator Travis Hutson
Florida Senate, District 6

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: SB 1312

INTRODUCER: Senator Dean

SUBJECT: Protection Zones for Springs

DATE: February 16, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Favorable
2.	Betta	DeLoach	AGG	Recommend: Favorable
3.			AP	

I. Summary:

SB 1312 requires the Fish and Wildlife Conservation Commission (FWC) to establish protection zones restricting the speed and operation of vessels to protect and prevent harm to Florida’s springs. Any individual who operates a vessel in violation of a spring protection zone may be charged a uniform boating citation. The bill requires the FWC to adopt rules for implementation.

The FWC indicates that the fiscal impact of the bill can be absorbed within its existing budget.

The effective date of the bill is July 1, 2016.

II. Present Situation:

Florida’s Springs

Springs are major sources of stream flow in a number of rivers such as the Rainbow, Chassahowitzka, Homosassa, and Ichetucknee.¹ Florida’s springs provide a “window” into the Floridan aquifer system, which provides most of the state’s drinking water.

Springs form when groundwater is forced out through natural openings in the ground.² Florida has more than 700 recognized springs, categorized by flow in cubic feet per second. First magnitude springs are those that discharge 100 cubic feet of water per second or greater. Florida has 33 first magnitude springs in 18 counties that discharge more than 64 million gallons of water per day. Spring discharges, primarily from the Floridan aquifer, are used to determine groundwater quality and the degree of human impact on a spring’s recharge area. Rainfall,

¹ Department of Community Affairs, *Protecting Florida’s Springs: An Implementation Guidebook*, 3-1 (Feb. 2008), available at <http://www.dep.state.fl.us/springs/reports/files/springsimplementguide.pdf> (last visited Jan. 21, 2016).

² *Id.* at 3-1 to 3-2.

surface conditions, soil type, mineralogy, the composition and porous nature of the aquifer system, flow, and length of time in the aquifer all contribute to groundwater chemistry.³

Motorboat activity has the potential to harm aquatic ecosystems by causing impacts such as sediment re-suspension and shoreline erosion. Propeller-induced turbulence can cause disturbance of sediments.⁴ The amount of resuspension varies with water depth and sediment type, as depth and sediment particle size decrease, resuspension increases.⁵ Shoreline erosion refers to the process by which soil particles located along a bank or shore become detached and transported by water currents or wave energy.⁶ Boats produce wake, which may in turn create waves that propagate outward until dissipated at the shoreline.⁷ Physical impacts due to wake and the consequent wave action are dependent on various factors such as boat size, boating speed, hull design, water depth, and local shoreline characteristics.⁸ The impacts of boats on aquatic ecosystems are exhibited in shallow-water near-shore areas; protecting these areas with no wake-zones has been suggested as the most effective way of reducing such impacts.⁹

Regulation of Motorboat Speeds in Florida

Boating Restricted Areas

Section 327.46, F.S., authorizes the Fish and Wildlife Conservation Commission (FWC) to establish restrictions on vessel speeds and vessel traffic on the waters of this state for any purpose necessary to protect the safety of the public, if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards. Boating-restricted areas are adopted by the FWC by rule.¹⁰

Each boating-restricted area must be developed in consultation and coordination with the governing body of the county or municipality in which the boating-restricted area is located. When the boating-restricted area is to be on the navigable waters of the United States, the FWC must consult and coordinate with the United States Coast Guard and the United States Army Corps of Engineers.

Local governments are authorized to establish boating-restricted areas by ordinance within certain parameters.¹¹ Such ordinances must be reviewed by the FWC and determined necessary to protect public safety based upon substantial competent evidence.¹² The following types of restrictions are authorized to be established:

³ Florida Geological Survey, *Springs of Florida Bulletin No. 66*, available at <http://www.dep.state.fl.us/geology/geologictopics/springs/bulletin66.htm> (last visited Oct. 18, 2015).

⁴ Richard Klein, Community & Environmental Defense Services, *The Effects of Marinas & Boating Activity upon Tidal Waterways*, pg. 6 (July 2007), available at <http://www.ceds.org/pdffdocs/Marinas.pdf>.

⁵ *Id.*

⁶ Timothy R. Asplund, Wisconsin Department of Natural Resources, Bureau of Integrated Science Services and University of Wisconsin - Madison, Water Chemistry Program, *The Effects of Motorized Watercraft on Aquatic Ecosystems*, pg. 7 (Mar. 17, 2000), available at <http://dnr.wi.gov/topic/ShorelandZoning/documents/201301041052.pdf>.

⁷ *Id.* at 7.

⁸ Klein at 9.

⁹ Asplund at 18.

¹⁰ Chapter 68D-24, F.A.C., provides the commission established boating restricted areas by county.

¹¹ Section 327.46(1)(b), F.S.

¹² *Id.*

- An ordinance establishing an idle speed, no wake¹³ boating-restricted area, if the area is:
 - Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width.
 - Within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width.
 - Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width.
 - Within 300 feet of the fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width.
 - Inside or within 300 feet of any lock structure.¹⁴
- An ordinance establishing a slow speed, minimum wake¹⁵ boating-restricted area if the area is:
 - Within 300 feet of any bridge fender system.
 - Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.
 - On a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline to shoreline.
 - On a lake or pond of less than 10 acres in total surface area.¹⁶
- An ordinance establishing a vessel-exclusion zone if the area is:
 - Designated as a public bathing beach or swim area.
 - Within 300 feet of a dam, spillway, or flood control structure.¹⁷

The penalty for operating a vessel in a prohibited manner within a boating-restricted area that has been clearly marked by regulatory markers is a noncriminal infraction, punishable by a civil penalty of \$50.¹⁸

Manatee Protection Zones

Slower boat speeds provide boat operators with more time to see manatees and take avoidance actions. Blunt force injuries that do occur will be less severe, and less likely lethal, when boats are traveling at slower speeds.¹⁹ The Florida Manatee Sanctuary Act requires the FWC to regulate the operation and speed of motorboat traffic where manatee sightings are frequent utilizing the best available scientific information, as well as other available, relevant, and reliable information. This information may include, but is not limited to, manatee surveys, observations, available studies of food sources, water depths, and data that supports the conclusions that

¹³ Rule 68D-24.002, F.A.C., defines the term “Idle Speed No Wake” to mean that a vessel cannot proceed at a speed greater than necessary to maintain steerageway.

¹⁴ Section 327.46(1)(b), F.S.

¹⁵ Rule 68D-24.002, F.A.C. defines the term “Slow Speed Minimum Wake” to mean that a vessel must be fully off plane and completely settled in the water and it may not proceed greater than that speed which is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under existing circumstances.

¹⁶ Section 327.46(1)(b), F.S.

¹⁷ *Id.*

¹⁸ Section 327.73, F.S.

¹⁹ C. Scott Calleson & R. Kipp Frohlich, *Slower Boat Speeds Reduce Risks to Manatees*, Vol. 3 ENDANG. SPECIES RES. 295 304, 302 (2007), available at <http://www.int-res.com/articles/esr2007/3/n003p295.pdf>.

manatees inhabit these areas on a regular basis.²⁰ However, the Legislature made clear that it did not intend to authorize the FWC to post and regulate boat speeds generally throughout the waters of the state, thereby unduly interfering with the rights of fishers, boaters, and water skiers using the areas for recreational and commercial purposes.²¹

Local governments, except in the marked navigation channel of the Florida Intracoastal Waterway and the area within 100 feet of such channel, may regulate (by ordinance) motorboat speed and operation on waters within their jurisdiction that manatees inhabit on a regular basis. The best available scientific information, as well as other available, relevant, and reliable information, which may include but is not limited to, manatee surveys, observations, available studies of food sources, and water depths, must support the conclusion that manatees inhabit these areas on a regular basis.²² However, such an ordinance may not take effect until it has been reviewed and approved by the FWC.²³ If local and state regulations are established for the same area, the more restrictive regulation prevails.²⁴

The penalty for operating a vessel in excess of a posted speed limit is a noncriminal infraction, punishable by a civil penalty of \$50.²⁵

Uniform Waterway Markers

The FWC has established a uniform system of regulatory markers compatible with the system of regulatory markers prescribed by the United States Coast Guard in the United States Aids to Navigation System, 33 C.F.R. part 62.²⁶ The Division of Law Enforcement's Boating Waterways Section, within the FWC, permits and regulates the placement of markers in, on, and over the waters and shores of Florida.²⁷

A person or municipality, county, or other governmental entity may not place any uniform waterway marker in, on, or over the waters or shores of the state without a permit.²⁸ The FWC will not issue any permit authorizing placement of regulatory markers implementing municipal or county ordinances that:

- Are in violation of s. 327.60, F.S., relating to limitations on local regulations;
- Establish boating-restricted areas until such ordinances have been reviewed and approved by the Boating and Waterways Section; or
- Regulate vessel speed or operation for manatee protection purposes, until such ordinances have been reviewed and approved by the FWC, coordinated through the Imperiled Species Management Section, and provided that such ordinances do not apply within the marked

²⁰ Section 379.2431, F.S.

²¹ Section 379.2431(2)(k), F.S.

²² Section 379.2431(2)(p), F.S.

²³ *Id.*

²⁴ *Id.*

²⁵ Section 327.73(1), F.S.

²⁶ Section 327.41, F.S.

²⁷ Rule 68D-23.102, F.A.C.

²⁸ Section 327.40, F.S.

navigation channel of the Florida Intracoastal Waterway nor to the waters within 100 feet of said channel.²⁹

III. Effect of Proposed Changes:

The bill creates s. 373.469, F.S., to require the Fish and Wildlife Conservation Commission (FWC) to establish protection zones restricting the speed and operation of vessels to protect and prevent harm to Florida's springs. The bill clarifies that harm includes negative impacts to water quality, water quantity, hydrology, wetlands, and aquatic- and wetland-dependent species.

The bill requires the FWC to develop each protection zone in consultation and coordination with the water management district and the governing bodies of the county and municipality, if applicable, in which the zone is located. If the zone includes navigable waters of the United States, the commission shall additionally coordinate with the United States Coast Guard and the United States Army Corps of Engineers.

Any individual who operates a vessel in violation of a spring protection zone shall be charged on a uniform boating citation and is subject to the following penalties:

- First offense is a noncriminal infraction, up to a maximum fine of \$50.
- Second offense is a noncriminal infraction, up to a maximum fine of \$250.
- Third and subsequent violations are misdemeanors of the second degree, punishable by up to 60 days of imprisonment or up to a \$500 fine.

The bill clarifies that any restriction in a spring protection zone does not apply:

- To law enforcement, firefighting, or rescue personnel operating a vessel in the course of performing their official duties; or
- In emergency situations, provided the emergency operation of a vessel is a reasonable response given the circumstances.

The bill defines the following terms:

- "Commission" means "the Fish and Wildlife Conservation Commission."
- "Navigable waters of the United States" means "the waters of the United States, including the territorial seas, as referenced in the Clean Water Act, 33 U.S.C. ss. 1251 et seq., and the federal rules and regulations promulgated thereunder."
- "Vessel" has the same meaning as provided in s. 327.02, F.S., which defines the term "vessel" as "synonymous with boat as referenced in s. 1(b), Art. VII of the State Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water."³⁰

The bill provides that the FWC is responsible for the posting and maintenance of regulatory markers identifying the spring protection zones and requires the FWC to adopt rules to establish and implement the spring protection zones.

²⁹ Rule 68D-23.101, F.A.C.

³⁰ Section 327.02, F.S.

The bill amends s. 327.73, F.S., to include the penalties for violations relating to protection zones for springs on the list of noncriminal infractions.

The bill amends s. 327.731, F.S., to conform a cross-reference to the list of noncriminal infractions.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

SB 1312 creates fines with the following penalties for any individual who operates a vessel in violation of a spring protection zone and charged on a uniform boating citation:

- First offense is a noncriminal infraction, up to a maximum fine of \$50.
- Second offense is a noncriminal infraction, up to a maximum fine of \$250.
- Third and subsequent violations are misdemeanors of the second degree, punishable by up to 60 days of imprisonment or up to a \$500 fine.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FWC will incur costs associated with rulemaking to develop protection zones and for the posting and maintenance of the regulatory markers for identifying the zones. The FWC estimates that regulatory markers for springs will cost approximately \$3,000 per marker. The number of markers are indeterminate at this time. According to the FWC, it is anticipated that these additional costs can be absorbed within existing budget.³¹

³¹ Phone conversation on February 11, 2016.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 327.73, 373.469, and 327.731.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Dean

5-01201A-16

20161312__

A bill to be entitled

An act relating to protection zones for springs; amending s. 327.73, F.S.; providing penalties for violations relating to protection zones for springs; creating s. 373.469, F.S.; defining terms; directing the Fish and Wildlife Conservation Commission to establish protection zones to prevent harm to springs; requiring the commission to set vessel speed and operation standards for protection zones; requiring the commission to consult with certain other entities under certain circumstances; providing penalties; providing exceptions; specifying responsibility for posting and maintaining regulatory markers; requiring the commission to adopt rules; amending s. 327.731, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsection (1) of section 327.73, Florida Statutes, is amended to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions unless otherwise provided:

(a) Section 373.469, relating to protection zones for springs, for which the penalty is:

1. For a first offense, up to a maximum of \$50.

2. For a second offense, up to a maximum of \$250.

3. For a third or subsequent offense, criminal penalties as provided in s. 373.469(4).

(b)(a) Section 328.46, relating to operation of

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unregistered and unnumbered vessels.

~~(c)(b)~~ Section 328.48(4), relating to display of number and possession of registration certificate.

~~(d)(e)~~ Section 328.48(5), relating to display of decal.

~~(e)(d)~~ Section 328.52(2), relating to display of number.

~~(f)(e)~~ Section 328.54, relating to spacing of digits and letters of identification number.

~~(g)(f)~~ Section 328.60, relating to military personnel and registration of vessels.

~~(h)(g)~~ Section 328.72(13), relating to operation with an expired registration.

~~(i)(h)~~ Section 327.33(2), relating to careless operation.

~~(j)(i)~~ Section 327.37, relating to water skiing, aquaplaning, parasailing, and similar activities.

~~(k)(j)~~ Section 327.44, relating to interference with navigation.

~~(l)(k)~~ Violations relating to boating-restricted areas and speed limits:

1. Established by the commission or by local governmental authorities pursuant to s. 327.46.

2. Speed limits established pursuant to s. 379.2431(2).

~~(m)(l)~~ Section 327.48, relating to regattas and races.

~~(n)(m)~~ Section 327.50(1) and (2), relating to required safety equipment, lights, and shapes.

~~(o)(n)~~ Section 327.65, relating to muffling devices.

~~(p)(o)~~ Section 327.33(3)(b), relating to a violation of navigation rules:

1. That does not result in an accident; or

2. That results in an accident not causing serious bodily

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62 injury or death, for which the penalty is:

- 63 a. For a first offense, up to a maximum of \$250.
 64 b. For a second offense, up to a maximum of \$750.
 65 c. For a third or subsequent offense, up to a maximum of
 66 \$1,000.

67 ~~(q)~~ Section 327.39(1), (2), (3), and (5), relating to
 68 personal watercraft.

69 ~~(r)~~ Section 327.53(1), (2), and (3), relating to marine
 70 sanitation.

71 ~~(s)~~ Section 327.53(4), (5), and (7), relating to marine
 72 sanitation, for which the civil penalty is \$250.

73 ~~(t)~~ Section 327.395, relating to boater safety
 74 education.

75 ~~(u)~~ Section 327.52(3), relating to operation of
 76 overloaded or overpowered vessels.

77 ~~(v)~~ Section 327.331, relating to divers-down flags and
 78 buoys, except for violations meeting the requirements of s.
 79 327.33.

80 ~~(w)~~ Section 327.391(1), relating to the requirement for
 81 an adequate muffler on an airboat.

82 ~~(x)~~ Section 327.391(3), relating to the display of a
 83 flag on an airboat.

84 ~~(y)~~ Section 253.04(3) (a), relating to carelessly causing
 85 seagrass scarring, for which the civil penalty upon conviction
 86 is:

- 87 1. For a first offense, \$50.
 88 2. For a second offense occurring within 12 months after a
 89 prior conviction, \$250.
 90 3. For a third offense occurring within 36 months after a

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91 prior conviction, \$500.

92 4. For a fourth or subsequent offense occurring within 72
 93 months after a prior conviction, \$1,000.

94
 95 Any person cited for a violation of any provision of this
 96 subsection, unless otherwise provided, shall be deemed to be
 97 charged with a noncriminal infraction, shall be cited for such
 98 an infraction, and shall be cited to appear before the county
 99 court. The civil penalty for any such infraction is \$50, except
 100 as otherwise provided in this section. Any person who fails to
 101 appear or otherwise properly respond to a uniform boating
 102 citation shall, in addition to the charge relating to the
 103 violation of the boating laws of this state, be charged with the
 104 offense of failing to respond to such citation and, upon
 105 conviction, be guilty of a misdemeanor of the second degree,
 106 punishable as provided in s. 775.082 or s. 775.083. A written
 107 warning to this effect shall be provided at the time such
 108 uniform boating citation is issued.

109 Section 2. Section 373.469, Florida Statutes, is created to
 110 read:

111 373.469 Protection zones for springs.—

112 (1) As used in this section, the term:

113 (a) "Commission" means the Fish and Wildlife Conservation
 114 Commission.

115 (b) "Navigable waters of the United States" means the
 116 waters of the United States, including the territorial seas, as
 117 referenced in the Clean Water Act, 33 U.S.C. ss. 1251 et seq.,
 118 and the federal rules and regulations promulgated thereunder.

119 (c) "Vessel" has the same meaning as provided in s. 327.02.

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120 (2) The commission shall establish by rule protection zones
 121 restricting the speed and operation of vessels to protect and
 122 prevent harm to springs. This harm includes negative impacts to
 123 water quality, water quantity, hydrology, wetlands, and aquatic-
 124 and wetland-dependent species.

125 (3) The commission shall develop each protection zone in
 126 consultation and coordination with the water management
 127 district, and the governing bodies of the county and
 128 municipality, if applicable, in which the zone is located. If
 129 the zone includes navigable waters of the United States, the
 130 commission shall additionally coordinate with the United States
 131 Coast Guard and the United States Army Corps of Engineers.

132 (4) Any individual who operates a vessel in violation of a
 133 spring protection zone rule adopted pursuant to this section
 134 shall be charged on a uniform boating citation as provided in s.
 135 327.74 and is subject to the following penalties:

136 (a) First and second violations are noncriminal
 137 infractions, punishable as provided in s. 327.73(1)(a).

138 (b) Third and subsequent violations are misdemeanors of the
 139 second degree, punishable as provided in s. 775.082 or s.
 140 775.083.

141 (5) Restrictions in a protection zone do not apply:

142 (a) To law enforcement, firefighting, or rescue personnel
 143 operating a vessel in the course of performing their official
 144 duties; or

145 (b) In emergency situations. However, the emergency
 146 operation of a vessel must be a reasonable response given the
 147 circumstances.

148 (6) The commission is responsible for the posting and

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149 maintenance of regulatory markers identifying protection zones.

150 (7) The commission shall adopt rules to implement this
 151 section.

152 Section 3. Subsection (1) of section 327.731, Florida
 153 Statutes, is amended to read:

154 327.731 Mandatory education for violators.—

155 (1) A person convicted of a criminal violation under this
 156 chapter, convicted of a noncriminal infraction under this
 157 chapter if the infraction resulted in a reportable boating
 158 accident, or convicted of two noncriminal infractions as
 159 specified in s. 327.73(1)(i)-(l), (n), (p), (q), and (t)-(y) ~~or~~
 160 ~~327.73(1)(h) (k), (m), (o), (p), and (s) (x)~~, said infractions
 161 occurring within a 12-month period, must:

162 (a) Enroll in, attend, and successfully complete, at his or
 163 her own expense, a classroom or online boating safety course
 164 that is approved by and meets the minimum standards established
 165 by commission rule;

166 (b) File with the commission within 90 days proof of
 167 successful completion of the course; and

168 (c) Refrain from operating a vessel until he or she has
 169 filed proof of successful completion of the course with the
 170 commission.

171 Section 4. This act shall take effect July 1, 2016.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-17-16

Meeting Date

1312

Bill Number (if applicable)

Topic Springs Protection

Amendment Barcode (if applicable)

Name Rebecca O'Hara

Job Title _____

Address 433 N Magnolia
Street

Phone 339 6211

City _____ State _____ Zip _____

Email ra@thermagov.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Fla League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

SB 13 12

Bill Number (if applicable)

Topic PROTECTION ZONES FOR SPRINGS

Amendment Barcode (if applicable)

Name DRINDA McRITT

Job Title MAYOR

Address PO DRAWER

Phone 352-229-0437

Street

INGLIS, FLORIDA

Email mayordrinda.merritt@gmail.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing TOWN OF INGLIS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/2016
Meeting Date

SB 1317
Bill Number (if applicable)

Topic Protection Zones For Springs

Amendment Barcode (if applicable)

Name Debra Weiss

Job Title Mayor Yonkeetown FL

Address 6241 Harmony Dr
Street

Phone _____

Yonkeetown FL 34498
City State Zip

Email yonkeetownth@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Yonkeetown FL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Environmental Preservation and
Conservation, *Chair*
Agriculture, *Vice Chair*
Appropriations Subcommittee on General
Government
Children, Families, and Elder Affairs
Community Affairs
Ethics and Elections

SENATOR CHARLES S. DEAN, SR.
5th District

February 10, 2016

The Honorable Alan Hays
320 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Hays,

I respectfully request you place Senate Bill 1312, relating to Protection Zones for Springs, on your Appropriations Subcommittee on General Government agenda at your earliest convenience.

If you have any concerns, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in black ink that reads "Charles S. Dean".

Charles S. Dean
State Senator District 5

cc: Jamie DeLoach, Staff Director

REPLY TO:

- 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: SB 1440

INTRODUCER: Senator Montford

SUBJECT: Florida Educator Hall of Fame

DATE: February 16, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	Favorable
2.	Davis	DeLoach	AGG	Pre-meeting
3.			FP	

I. Summary:

SB 1440 reestablishes the Florida Educator Hall of Fame (Hall of Fame) to recognize and honor those persons who have or had made significant contributions to education in Florida.

Specifically, the bill establishes the Hall of Fame by:

- Requiring the Department of Management Services (DMS) to set aside an area on the Plaza Level of the Capitol Building for the Hall of Fame;
- Requiring the Commissioner of Education (Commissioner), in collaboration with the Florida Education Foundation (Foundation), to develop and adopt policies to administer the Hall of Fame;
- Requiring the Foundation to annually accept nominations, establish eligibility criteria, and make recommendations to the Commissioner;
- Authorizing the Commissioner to annually name up to four members to the Hall of Fame who will each receive a plaque to be displayed in the designated area; and
- Authorizing the Hall of Fame expenses to be covered by the Foundation, and for the Commissioner to seek funding from the Legislature to administer the Hall of Fame.

The bill has an indeterminate fiscal impact to state funds.

The bill takes effect on July 1, 2016.

II. Present Situation:

Florida Educator Hall of Fame

The Florida Educator Hall of Fame (Hall of Fame) was previously established in 1998. In 2002, the Florida School Code rewrite repealed the Hall of Fame.¹

Establishment and Location of the Florida Educator Hall of Fame

The 1998 Legislature enacted a bill to establish the Florida Educator Hall of Fame.² The Hall of Fame was established to recognize and honor those persons, living or dead, who had made significant contributions to education in the state.³

The Hall of Fame was displayed in an area on the Plaza Level of the Capitol Building.⁴ The Commissioner, in consultation with the Secretary of the DMS, approved the Foundation's recommended design and theme for the display.⁵

Each individual selected as a member received a plaque which was placed in the Hall of Fame, designated with the member's particular discipline or contribution, and vital information relating to the member.⁶

Membership

The Commissioner and the Foundation developed and adopted written policies used to administer the Hall of Fame which included procedures to accept nominations, make recommendations for the selection of members, the recipient's travel expenses, and for funding of the Hall of Fame.⁷

During the first year that the Hall of Fame was established, the Commissioner was authorized to name no more than 10 members to the Hall of Fame.⁸ Thereafter, the Commissioner was limited to annually name no more than four members.⁹

Funding

The Foundation provided funds to cover any or all expenses related to the Hall of Fame.¹⁰ The Commissioner was authorized to annually request an appropriation from the Legislature for the Hall of Fame.¹¹

¹ Section 1058, ch. 2002-387, L.O.F. SB 20-E repealed ch. 231, F.S., of the Florida School Code, relating to public education general provisions.

² Section 13, ch. 98-281, L.O.F.; s. 231.63, F.S.

³ *Id.* Section 231.63, F.S. was removed in 2002.

⁴ Section 13, ch. 98-281, L.O.F.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Section 13, ch. 98-281, L.O.F.

⁹ Section 13, ch. 98-281, L.O.F.; Section 56, ch. 2000-31, L.O.F. removed obsolete language and requires the Commissioner of Education to name no more than four members to the Florida Educator Hall of Fame in any one year.

¹⁰ *Id.*

¹¹ Section 13, ch. 98-281, L.O.F.

Florida Halls of Fame

Currently, the Florida Halls of Fame displayed in the Plaza Level of the Capitol Building include the:

- Florida Women’s Hall of Fame;¹²
- Florida Veterans’ Hall of Fame;¹³
- Florida Tourism Hall of Fame;¹⁴
- Florida Law Enforcement Officers’ Hall of Fame;¹⁵
- Florida Artists Hall of Fame;¹⁶ and the
- Florida Civil Rights Hall of Fame.¹⁷

III. Effect of Proposed Changes:

SB 1440 reestablishes the Florida Educator Hall of Fame to recognize and honor those persons, living or dead, who have made significant contributions to education in Florida. In effect, the bill reinstates the Hall of Fame provisions established in 1998.¹⁸

The membership of the Hall of Fame will also include any person inducted into the Hall of Fame before July 1, 2016. Specifically, any individual previously selected as a member will automatically be included as a member in the reestablished Hall of Fame.¹⁹

The bill takes effect on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹² Section 265.001, F.S.

¹³ Section 265.003, F.S.

¹⁴ Section 265.004, F.S.

¹⁵ Section 265.0041, F.S.

¹⁶ Section 265.2865, F.S.

¹⁷ Section 760.065, F.S.

¹⁸ Section 13, ch. 98-281, L.O.F; Section 56, ch. 2000-31, L.O.F.

¹⁹ The list of prior members inducted into the Florida Educator Hall of Fame is not currently available.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

SB 1440 requires the Florida Educator Hall of Fame to be administered by the Foundation and the Department of Education. The Commissioner may request an annual appropriation from the Legislature sufficient to administer the Hall of Fame. In addition, the Foundation may provide funds to cover any or all expenses related to the Hall of Fame.

The bill requires the DMS to establish an area on the Plaza Level of the Capitol Building for the Hall of Fame and consult with the Commissioner regarding the design and theme of the area. Any costs incurred by the DMS are indeterminate, but expected to be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 265.005 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Montford

3-01118-16

20161440__

A bill to be entitled

An act relating to the Florida Educator Hall of Fame; creating s. 265.005, F.S.; establishing the Florida Educator Hall of Fame; designating a location for the display of inductee plaques; providing procedures for the nomination, selection, and induction of members by the Florida Education Foundation and the Commissioner of Education; providing that a person inducted before a certain date remains in the Hall of Fame; authorizing the commissioner to request a specific appropriation related to the Florida Educator Hall of Fame; providing an effective date.

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

Section 1. Section 265.005, Florida Statutes, is created to read:

265.005 Florida Educator Hall of Fame.—

(1) The Florida Educator Hall of Fame is established to recognize and honor those persons, living or dead, who have made significant contributions to education in this state.

(2) The Florida Educator Hall of Fame shall be located in an area on the Plaza Level of the Capitol Building set aside by the Department of Management Services.

(a) The Florida Education Foundation shall make a recommendation for the design and theme of the Florida Educator Hall of Fame. The Commissioner of Education, in consultation with the Department of Management Services, shall approve or disapprove the foundation's recommendation.

(b) A plaque must be displayed in the designated area of the Capitol Building for each member of the Florida Educator Hall of Fame. The plaque must indicate the member's particular

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discipline or contribution and any vital information relating to the member. Each member shall also receive a standard memento of his or her induction.

(3) The Florida Education Foundation shall accept nominations annually for membership in the Florida Educator Hall of Fame. Floridians who have made a significant contribution to education in this state, as determined and documented by the Florida Education Foundation, are eligible for membership. The foundation shall recommend to the Commissioner of Education persons to be named as members of the Florida Educator Hall of Fame.

(a) The Commissioner of Education may annually name up to four members to the Florida Educator Hall of Fame.

(b) A person inducted into the Florida Educator Hall of Fame administered by the Florida Education Foundation and the Department of Education before July 1, 2016, shall remain in the Florida Educator Hall of Fame.

(4) The Commissioner of Education and the Florida Education Foundation shall develop and adopt written policies to administer this section, including procedures to accept nominations, make recommendations regarding the selection of members, provide inductees' travel expenses, and provide funding for the Florida Educator Hall of Fame.

(5) The Commissioner of Education may annually request an appropriation from the Legislature sufficient to administer this section. The Florida Education Foundation may also provide funds to cover any or all expenses related to the Florida Educator Hall of Fame.

Section 2. This act shall take effect July 1, 2016.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: SB 1498

INTRODUCER: Senator Benacquisto

SUBJECT: Pest Control

DATE: February 16, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	Favorable
2.	<u>Blizzard</u>	<u>DeLoach</u>	<u>AGG</u>	Recommend: Favorable
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

I. Summary:

SB 1498 relates to Florida law governing structural fumigation to further ensure public safety. The bill provides rulemaking authority to the Department of Agriculture and Consumer Services (department) to:

- Require fumigators to notify the department where a fumigation will be performed at least 24 hours in advance of any general fumigation;
- Authorize the department to specify circumstances when notification of less than 24 hours in advance is allowed, rather than only during an authentic and verifiable emergency; and
- Strengthen safety requirements for the clearance of residential structures before reoccupation after fumigation.

Additionally, the bill provides rulemaking authority for the department to place the following conditions on fumigant registration:

- Update training requirements for fumigant registrants;
- Conduct quality assurance reviews;
- Report the issuance of any probation or stop-sale notices; and
- Assist the department with the removal of fumigant containers from distributors and end users for compliance with permanent or extended stop-sales.

The bill has an insignificant indeterminate fiscal impact on state funds.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Currently, there are 137 pest control businesses actively performing structural fumigations within the state of Florida. These businesses performed approximately 66,700 structural fumigations in

Fiscal Year 2014-2015, representing a 57 percent increase in the average number performed over the past four fiscal years. For Fiscal Year 2014-2015, sulfuryl fluoride was the pesticide used in 99.92 percent of the structural fumigations performed.

Sulfuryl fluoride is the most common pesticide used as a structural fumigant and is classified by the U.S. Environmental Protection Agency as a “Restricted Use Pesticide” due to its high toxicity to humans. Florida law requires that suspected exposures to pesticides be reported to the Florida Department of Health (DOH), as well as the Division of Agricultural Environmental Services within the Department of Agriculture and Consumer Services (department) within 24 hours.

According to the DOH, since January 2010, 166 calls were received by the Florida Poison Information Center Network related to sulfuryl fluoride exposure. Most exposures were unintentional (94.6%), occurred at a residence (86.1%), and were managed at the call site (56%). The largest number of exposures was reported in Miami-Dade (30.7%), Broward (17.5%), Palm Beach (12%), Pinellas (9%), and Hillsborough (7.8%) counties. Common clinical syndromes among individuals who reported signs and symptoms were gastrointestinal, neurological, respiratory, and ocular. Common symptoms reported were nausea, eye irritation or pain, dyspnea, headache, vomiting, and dizziness. Since January 2010, one major illness and one death were reported.¹

Currently, licensees are required to notify the department of the location that fumigants will be applied at least 24 hours before the fumigation starts. Emergency notifications of structural fumigations (or notification in less than 24 hours prior to a fumigation) are allowed by s. 482.051, F.S., but what constitutes an emergency is not clearly defined. From 2010 to 2015, an average of 85 emergency notifications have been reported each year.

After a structural fumigation has occurred, the structure must be aerated. The aeration process includes a minimum one-hour active aeration and a minimum five-hour passive aeration. An active aeration requires the doors and windows of the structure to be opened and fans used to allow the fumigant to dissipate. The passive aeration occurs after the active aeration and requires the structure to be re-secured. Currently, pest control businesses are not required to provide the department with the initiation time of the aeration process. After the aeration process is completed, licensees are required to use calibrated clearance devices to take readings throughout a structure to ensure any residual fumigant is within acceptable levels for re-occupancy. Licensees are required to maintain evidence of device calibration, but are not required to provide these records to the department unless requested.

Stewardship training educates applicators about pest control products, how to properly apply pest control products, and the risks associated with these products. Frequent and proper stewardship training is the most effective way to mitigate the risks involved in structural fumigations. Currently, the requirement for participation in a stewardship program is enforced through language on the label of the fumigant.² The manufacturers’ label requires the completion of a

¹ Office of Florida Inspector General, “*Structural Fumigation Regulations and Processes*,” review of the Division of Agricultural Environmental Services, (January 2016): 1, <http://media.wptv.com/image/Report.pdf>, (last visited January 19, 2016).

² Analysis by the Department of Agriculture and Consumer Services for SB 1498, p.1 (January 15, 2016).

stewardship course before purchase or use of the product, but does not specify a training frequency. The division also does not require completion of a stewardship program for the certified operator to obtain a license. Therefore, the dealer can sell the pesticide to a certified operator who has not completed the stewardship training program.³

III. Effect of Proposed Changes:

Section 1 amends s. 482.051, F.S., to authorize the department to define by rule circumstances under which less than 24 hour notification of structural fumigation is acceptable. It also authorizes the department to require by rule additional safety measures to be taken regarding the clearance of residential structures before reoccupation after a fumigation. These measures can include, but are not limited to, extended aeration times or specific clearance procedures.

Section 2 amends s. 487.051, F.S., to authorize the department to adopt rules that require structural fumigant registrants (manufacturers) to:

- Train distributors and end users in safety measures and proper use, safe storage, and management of fumigant materials;
- Obtain continuing education program approval for stewardship training programs;
- Conduct quality assurance reviews;
- Report to the department any probation or stop-sale notices issued to end users; and
- Assist the department, upon request, with the removal of fumigant containers from distributors and end users for failure to comply with stewardship requirements.

Section 3 provides that this act shall take effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

³ Office of Florida Inspector General, “*Structural Fumigation Regulations and Processes*,” review of the Division of Agricultural Environmental Services, (January 2016): 1, <http://media.wptv.com/image/Report.pdf>, (last visited January 19, 2016).

B. Private Sector Impact:

The provisions in SB 1498 related to additional safety measures for training and continuing education program approval for stewardship training programs may have an indeterminate fiscal impact to the private sector.

C. Government Sector Impact:

The bill has an insignificant negative fiscal impact to the department. The agency will need to initiate the rulemaking process to strengthen safety requirements for structural fumigation and to update requirements for fumigant registrants. These costs can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends sections 482.051 and 487.051 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Benacquisto

30-00950A-16

20161498__

A bill to be entitled

An act relating to pest control; amending s. 482.051, F.S.; making technical changes; authorizing the Department of Agriculture and Consumer Services to specify the circumstances when a written, 24-hour advance notice of fumigation to the department is not required; authorizing the department to determine the notice required in such circumstances; deleting a provision specifying that, under certain emergency situations, the required advance notice may be first given by certain specified communication methods; requiring the department to adopt rules that require certain safety measures for clearance of residential structures after fumigation; amending s. 487.051, F.S.; authorizing the department to establish certain conditions for fumigant registration or reregistration; providing an effective date.

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

Section 1. Section 482.051, Florida Statutes, is amended to read:

482.051 Rules.—The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the provisions of~~ this chapter. ~~Before~~ Prior to proposing the adoption of a rule, the department must ~~shall~~ counsel with members of the pest control industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public which ~~require~~:

(1) Require that all pesticides or economic poisons be used only in accordance with the registered labels and labeling, or

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30-00950A-16

20161498__

as directed by the United States Environmental Protection Agency or the department.

(2) Require that vehicles and trailers used in pest control be permanently marked with the licensee's name that is registered with the department. However, vehicles that are used to perform only sales and solicitation may have temporary or removable markers.

(3) Require that written contracts be used ~~required~~ for providing termite ~~termites~~ and other wood-destroying organism ~~organisms~~ pest control, that provisions necessary to ensure ~~assure~~ consumer protection as specified by the department be included in such contracts, and that require licensees ~~to~~ comply with the contracts issued.

(4) Require that a licensee, before performing general fumigation, notify in writing the department of ~~inspector having jurisdiction over~~ the location where the fumigation is to be performed, which notice must be received by the department ~~inspector~~ at least 24 hours before the fumigation and must contain such information as the department requires. The department may specify under what circumstances less than 24-hour notification is allowed and what notice is required in those circumstances. ~~However, in an authentic and verifiable emergency, when 24 hours' advance notice is not possible, advance notice may be given by telephone, facsimile, or any other form of acceptable electronic communication, but such notice must be immediately followed by written confirmation providing the required information.~~

(5) Require that any pesticide used as the primary preventive treatment for subterranean termites in new

Page 2 of 4

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20161498__

62 construction be applied in the amount, concentration, and
 63 treatment area in accordance with the label; that a copy of the
 64 label of the registered pesticide being applied be carried in a
 65 vehicle at the site where the pesticide is being applied; and
 66 that the licensee maintain for 3 years the record of each
 67 preconstruction treatment, indicating the date of treatment, the
 68 location or address of the property treated, the total square
 69 footage of the structure treated, the type of pesticide applied,
 70 the concentration of each substance in the mixture applied, and
 71 the total amount of pesticide applied.

72 (6) Authorize ~~That~~ the department to may issue an immediate
 73 stop-use or stop-work order for fumigation performed in
 74 violation of fumigant label requirements or department rules, or
 75 in a manner that presents an immediate serious danger to the
 76 health, safety, or welfare of the public, including, but not
 77 limited to, failure to use required personal protective
 78 equipment, failure to use a required warning agent, failure to
 79 post required warning signs, failure to secure a structure's
 80 usual entrances as required, or using a fumigant in a manner
 81 that will likely result in hazardous exposure to humans,
 82 animals, or the environment.

83 (7) Require that safety measures be taken for clearance of
 84 residential structures before reoccupation after a fumigation.
 85 These measures may include, but are not limited to, extended
 86 aeration times or specific clearance procedures.

87 Section 2. Paragraph (f) is added to subsection (1) of
 88 section 487.051, Florida Statutes, to read:

89 487.051 Administration; rules; procedure.—

90 (1) The department may by rule:

Page 3 of 4

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91 (f) Establish conditions of registration or reregistration
 92 for structural fumigants which include requirements that
 93 registrants:

94 1. Train distributors and end users in safety measures and
 95 in proper use, safe storage, and management of fumigant
 96 materials.

97 2. Obtain continuing education program approval for
 98 stewardship training programs.

99 3. Conduct quality assurance reviews.

100 4. Report to the department any probation or stop-sale
 101 notice issued to end users. Under such circumstances, the
 102 department shall notify all other structural fumigant
 103 registrants of the reported probation or stop-sale notice.

104 5. Assist the department, upon request, with the removal of
 105 fumigant containers from distributors and end users for
 106 compliance with permanent or extended stop-sale notices.

107 Section 3. This act shall take effect July 1, 2016.

Page 4 of 4

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/2016
Meeting Date

1498
Bill Number (if applicable)

Topic Pest Control

Amendment Barcode (if applicable)

Name Grace Lovett

Job Title Dir. of Legislative Affairs

Address PL 10 The Capitol
Street

Phone 850 617 1700

Tallahassee FL 32399
City State Zip

Email grace.lovette@freshfromflorida.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Dept. of Agriculture + Consumer Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17

Meeting Date

1498

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Sam Ard

Job Title _____

Address PO Box 10406

Phone _____

Street

FL

FL

32302

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Certified Pest Control Operators Assn.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/16

Meeting Date

1498

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Jim Spratt

Job Title _____

Address 310 W College Ave

Phone 850-228-1296

Street

TLH

City

FL

State

32301

Zip

Email Jim@magnoliastrategiesllc.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Douglas Products

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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2-17-16

Meeting Date

1498

Bill Number (if applicable)

Topic Pest Control

Amendment Barcode (if applicable)

Name Missy Timmins

Job Title _____

Address 2910 Kerry Forest Pkwy

Phone 668-8000

Street

TLT

City

FL

State

32309

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against

(The Chair will read this information into the record.)

Representing Florida Pest Mgmt Assoc

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: SB 7052

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: Government Efficiency

DATE: February 16, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	McVaney	McVaney		GO Submitted as Committee Bill
1.	Loe	DeLoach	AGG	Recommend: Favorable
2.			AP	
3.			RC	

I. Summary:

SB 7052 requires the Governor to submit recommendations relating to improving governmental operations and reducing costs. The recommendations must be submitted within 14 days of the submission of the Governor’s budget recommendations to the Legislature. The bill lists various sources that the Governor may consider in developing the recommendations.

For each recommendation identified by the Governor and implemented by a state agency, the agency must report on the status of its implementation and any demonstrated cost impacts. The reports must be submitted on a quarterly basis for the first two years after implementation.

SB 7052 has no fiscal impact.

The effective date of the bill is July 1, 2016.

II. Present Situation:

Section 216.151, F.S., sets out some of the duties of the Executive Office of the Governor. The duty most pertinent to this discussion is the duty to make a detailed study of each state agency to determine:

- The needs of the agency;
- Whether changes should be made in existing organizations, their activities and methods of operation;
- What appropriation should be made for the agency; and
- Whether the operations and activities of different agencies or within the same agency should be combined, consolidated, or integrated or should be regrouped and rearranged.

These tasks are undertaken “to the end of securing greater economy without sacrificing efficiency in the operations of the agencies.”¹

Generally, the Governor is required to submit recommendations for a balanced budget to the Legislature at least 30 days prior to the start of the legislative Regular Session.² These recommendations must be based upon the “Governor’s own conclusions and judgment.”³ These recommendations include the Governor’s recommended budget for operating each state agency and the judicial branch.

In addition to the Governor’s budget recommendations, the Governor must submit:

- An appropriations bill;⁴
- An economic impact statement relating to the revenues necessary to fund the budget recommendations;⁵
- Appropriate staff analyses or support materials used to develop the budget and revenue recommendations;⁶
- Any additional legislation in bill form which will be needed to fully implement the budget and revenue recommendations;⁷
- Estimates of the debt service and reserve requirements for any recommended new bond issues and recommended debt service requirements for all outstanding fixed capital outlay bond issues;⁸ and
- A “truth in budgeting” statement which displays in summary form all currently estimated fees, taxes, revenues, or other income which must be raised to fund the budget recommendations and its annualized costs.⁹

III. Effect of Proposed Changes:

The bill requires the Governor to submit recommendations relating to improving governmental operations and reducing costs. The recommendations must be submitted within 14 days of the submission of the Governor’s budget recommendations to the Legislature. The bill lists various sources of information that the Governor may consider in developing the recommendations.

For each recommendation identified by the Governor and implemented by a state agency, the agency must report on the status of its implementation and any demonstrated cost impacts. The reports must be submitted on a quarterly basis for the first two years after implementation.

¹ Section 216.151(1), F.S.

² Section 216.162(1), F.S.

³ Id.

⁴ Section 216.164(1)(a), F.S.

⁵ Section 216.166(1)(a), F.S.

⁶ Sections 216.164(1)(a) and 216.166(1)(a), F.S.

⁷ Sections 216.164(1)(b) and 216.166(1)(b), F.S.

⁸ Section 216.167(5)(b), F.S.

⁹ Section 216.176, F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 216.169 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Governmental Oversight and Accountability

585-02232-16

20167052__

1 A bill to be entitled
2 An act relating to government efficiency; creating s.
3 216.169, F.S.; requiring the Governor to develop
4 government efficiency recommendations on an annual
5 basis; requiring submission of recommendations to the
6 Legislature; authorizing the Governor to consider
7 certain materials in developing recommendations;
8 requiring state agencies to report quarterly regarding
9 implemented recommendations and any cost impacts for a
10 specified period of time; providing an effective date.

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

14 Section 1. Section 216.169, Florida Statutes, is created to
15 read:

16 216.169 Governor's annual government efficiency
17 recommendations.-

18 (1) In addition to the recommended budget submitted
19 pursuant to s. 216.162, the Governor shall develop specific
20 recommendations for improving governmental operations and
21 reducing costs. Each recommendation must identify the state
22 agency impacted, the estimated impact on state expenditures and
23 revenues, and any statutory changes necessary to implement the
24 recommendation. The recommendations must be submitted to each
25 senator and representative no later than 14 days after the
26 Governor submits his or her recommended budget to the
27 Legislature.

28 (2) In developing the recommendations, the Governor may
29 consider reports and recommendations issued by the Auditor
30 General, the Office of Program Policy Analysis and Government
31 Accountability, the Government Efficiency Task Force, and agency
32 inspectors general; written government efficiency

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585-02232-16

20167052__

33 recommendations provided by state agencies; and recommendations
34 submitted to the Executive Office of the Governor by the general
35 public.

36 (3) For each recommendation identified by the Governor and
37 implemented by a state agency, the state agency shall, for a 2-
38 year period, submit a quarterly report on the status of its
39 implementation and any demonstrated cost impacts. The reports
40 shall be submitted to the legislative appropriations committees
41 and the Legislative Budget Commission no later than 30 days
42 after the close of the fiscal quarter.

43 Section 2. This act shall take effect July 1, 2016.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb. 17, 2016

Meeting Date

SB 7052

Bill Number (if applicable)

Topic Government Efficiency

Amendment Barcode (if applicable)

Name Bob Nave

Job Title Vice President, Research

Address 106 N. Bronough Street

Phone 850.222.5052

Street

Tallahassee

FL

32301

Email bnave@floridaraxwatch.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida TaxWatch

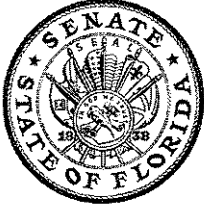
Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Governmental Oversight and Accountability, *Chair*
Judiciary, *Vice Chair*
Appropriations
Appropriations Subcommittee on Education
Children, Families, and Elder Affairs
Commerce and Tourism

SENATOR JEREMY RING
29th District

January 22, 2016

Senator Alan Hays, Chair
Committee on General Government Appropriations
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Hays,

I am writing to respectfully request your cooperation in placing Senate Bill 7052, relating to Government Efficiency, on the Committee on General Government Appropriations agenda at your earliest convenience. I would greatly appreciate the opportunity to discuss the bill at greater length before your committee.

Thank you in advance for your assistance. As always, please do not hesitate to contact me with any questions or comments you may have.

Very Truly Yours,

A handwritten signature in cursive script that reads "Jeremy Ring".

Jeremy Ring
Senator District 29

cc: Jamie DeLoach, Staff Director
Lisa Waddell, Committee Administrative Assistant

REPLY TO:

- 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392 FAX: (954) 917-1394
- 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: www.flisenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: EL 110

Case:

Type:

Caption: Senate Appropriations Subcommittee on General Government

Judge:

Started: 2/17/2016 10:04:28 AM

Ends: 2/17/2016 11:41:35 AM

Length: 01:37:08

10:04:32 AM Sen. Hays (Chair)
10:05:28 AM S 770
10:05:32 AM Sen. Flores
10:07:54 AM Am. 456936
10:07:55 AM Sen. Flores
10:08:35 AM Am. 829026
10:08:41 AM Sen. Altman
10:09:33 AM Sen. Dean
10:09:41 AM Sen. Flores
10:09:53 AM Sen. Dean
10:10:14 AM Sen. Flores
10:10:34 AM Sen. Dean
10:10:47 AM Sen. Flores
10:11:05 AM Sen. Hays
10:11:23 AM Sen. Altman
10:11:56 AM Sen. Hays
10:12:31 AM Sen. Altman
10:13:12 AM Sen. Hays
10:13:14 AM Sen. Altman
10:13:57 AM Sen. Hays
10:14:02 AM Frank Bernardino, Monroe County
10:14:43 AM Sen . Braynon
10:15:02 AM F. Bernardino
10:15:45 AM Sen. Braynon
10:15:54 AM Sen. Hays
10:16:36 AM Sen. Braynon
10:16:58 AM Sen. Altman
10:17:36 AM Sen. Hays
10:18:11 AM Am. 456936 (cont.)
10:18:36 AM S 770 (cont.)
10:18:46 AM Heather Carruthers, Mayor, Monroe County, The Florida Keys
10:19:42 AM Diana Ferguson, Attorney, Audubon Florida (waives in support)
10:19:49 AM Mark Senmartin, Mayor, City of Marathon
10:20:05 AM Deb Gillis, Mayor, Islamorada (waives in support)
10:21:20 AM Sen. Flores
10:23:12 AM S 704
10:23:32 AM Sen. Hutson
10:24:32 AM Sen. Dean
10:24:44 AM Sen. Hutson
10:25:31 AM Sen. Dean
10:25:51 AM Sen. Hutson
10:26:20 AM Sen. Dean
10:26:35 AM Sen. Hutson
10:26:39 AM Sen. Dean
10:26:53 AM Sen. Hutson
10:27:18 AM Sen. Dean
10:27:28 AM Sen. Hutson
10:27:51 AM Sen. Dean
10:28:55 AM Sen. Hutson
10:29:28 AM Kari Hebrank, Florida Home Builders Association
10:30:48 AM Sen. Dean
10:31:04 AM Sen. Hays

10:32:30 AM K. Hebrank
10:36:26 AM Sen. Margolis
10:37:17 AM K. Hebrank
10:37:29 AM Sen. Margolis
10:37:58 AM K. Hebrank
10:39:05 AM Kelly Mallette, Florida Apartment Association (waives in support)
10:39:13 AM Jennifer Hatfield, Florida Swimming Pool Association (waives in support)
10:39:19 AM Carol Bowen, Deputy Chief Lobbyist, Associated Builders and Contractors (waives in support)
10:39:26 AM Courtney Barnard, Government Affairs Director, Florida Apartment Association (waives in support)
10:39:29 AM David Cruz, Assistant General Counsel, Florida League of Cities
10:40:32 AM Sen. Margolis
10:41:08 AM D. Cruz
10:41:33 AM Kingman Schuldt, Fire Chief, Florida Fire Chief Association (waives in support)
10:42:05 AM Rick Butcher, Florida Fire Marshals & Inspectors Association
10:44:18 AM Sen. Simpson
10:44:43 AM R. Butcher
10:45:01 AM Sen. Simpson
10:45:26 AM R. Butcher
10:45:28 AM Sen. Simpson
10:45:52 AM R. Butcher
10:46:34 AM Buddy Dewar, Chief Executive Officer, BDA, Florida Fire Sprinkler Industry (waives in opposition)
10:47:07 AM David Cullen, Sierra Club Florida
10:48:54 AM Armando Ibarra, Lobbyist, Florida Refrigeration and Air Conditioning Contractors Association
10:49:43 AM Lisa Miller, Chief Executive Officer, Lisa Miller & Associates
10:50:57 AM Paul Handerhan, Consultant, Florida Association for Insurance Reform
10:52:07 AM Gerard Sommers (waives in opposition)
10:52:13 AM Susan Glickman, Florida Director, Southern Alliance for Clean Energy
10:53:53 AM Cam Fentriss, Lobbyist, Florida Refrigeration & Air Conditioning Contractors Association (waives in opposition)
10:54:07 AM Theresa King, President, Florida Building and Construction Trades (waives in support)
10:54:26 AM Bruce Kershner, National Utility Contractors Association of Florida (waives in support)
10:54:38 AM Jim Spratt, Florida Nursery, Growers & Landscapers Association (waives in support)
10:54:42 AM Cameron Yarbrough, Government Affairs, Air Conditioning, Heating, Refrigeration Institute (waives in support)
10:54:51 AM Eli Nortelus, Florida Air Conditioning Contractors Professional Alliance (waives in against)
10:54:58 AM Rusty Payton, Chief Executive Officer, Chief Lobbyist, Florida Homebuilders Association
10:57:54 AM Sen. Margolis
10:59:25 AM Sen. Braynon
11:00:41 AM Sen. Dean
11:01:40 AM Sen. Altman
11:03:21 AM Sen. Simpson
11:06:43 AM Sen. Hutson
11:09:21 AM S 1310
11:09:39 AM Sen. Hutson
11:10:22 AM Sen. Hays
11:10:25 AM Sen. Hutson
11:10:42 AM Adam Basford, Director Legislative Affairs, Florida Farm Bureau (waives in support)
11:10:46 AM Howard E. Adams, Attorney, Florida Feed Association (waives in support)
11:10:52 AM Butch Calhoun, Florida Fruit & Vegetable Association (waives in support)
11:10:59 AM Doug Mann, Associated Industries of Florida (waives in support)
11:10:59 AM Jim Spratt, Florida Nursery, Growers & Landscape Association (waives in support)
11:11:40 AM S 1160
11:11:46 AM Sen. Detert
11:13:11 AM S 1498
11:13:14 AM Trent Muntz, Senator Benacquisto's assistant
11:14:33 AM Grace Lovett, Director, Legislative Affairs, Florida Department of Agriculture & Consumer Services (waives in support)
11:14:40 AM Sam Ard, Certified Pest Control Operators Association (waives in support)
11:14:48 AM Jim Spratt, Douglas Products (waives in support)
11:14:49 AM Missy Timmins, Florida Pest Management Association (waives in support)
11:15:26 AM S 986
11:15:28 AM Sen. Simpson

11:16:20 AM Sen. Hays
11:16:37 AM Sen. Simpson
11:16:52 AM Tammy Perdue, General Counsel, Associated Industries of Florida (waives in support)
11:16:57 AM Paul Anderson, Florida Workers' Advocates (waives in support)
11:17:05 AM BG Murphy, Deputy Legislative Affairs Director, Chief Financial Officer Atwater (waives in support)
11:17:11 AM Gerard Sommers (waives in against)
11:17:56 AM S 1312
11:18:00 AM Sen. Dean
11:18:31 AM Rebecca O'Hara, Florida League of Cities (waives in support)
11:18:36 AM Drinda Merritt, Mayor, Town of Inglis (waives in support)
11:18:44 AM Debra Weiss, Mayor of Yankeetown, FL, Yankeetown, FL (waives in support)
11:19:55 AM Sen. Dean
11:21:02 AM S 7052
11:21:15 AM Joel Ramos, Senator Ring's assistant
11:22:05 AM Bob Nave, Vice President, Research, Florida TaxWatch (waives in support)
11:22:38 AM S 1050
11:22:59 AM Vanessa Thompson, Senator Brandes' assistant
11:24:17 AM Sen. Simpson
11:24:25 AM V. Thompson
11:24:39 AM Sen. Simpson
11:24:47 AM V. Thompson
11:25:00 AM Am. 121922
11:25:33 AM V. Thompson
11:26:03 AM Am. 380748
11:26:11 AM V. Thompson
11:26:46 AM Am. 728502
11:26:54 AM V. Thompson
11:27:20 AM Am. 978034
11:27:26 AM V. Thompson
11:27:49 AM Am. 693048
11:27:58 AM V. Thompson
11:28:19 AM Am. 226674
11:28:27 AM Sen. Margolis
11:30:04 AM Samantha Padgett, Vice President & General Counsel, Beauty Industry Council of the Florida Retail Federation
11:33:52 AM David Mica Jr., Director, Legislative Affairs, Department of Business & Professional Regulation
11:35:48 AM Sen. Margolis
11:37:29 AM Sen. Braynon
11:39:43 AM S 1050 (cont.)
11:39:51 AM D. Mica Jr.
11:40:11 AM S. Padgett (waives in support)
11:40:31 AM Kelly Mallette, Interior Design Associations Foundation
11:41:35 AM