

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator Simpson, Chair
Senator Brandes, Vice Chair

MEETING DATE: Monday, February 1, 2016

TIME: 1:30—3:30 p.m.

PLACE: 301 Senate Office Building

MEMBERS: Senator Simpson, Chair; Senator Brandes, Vice Chair; Senators Abruzzo, Bradley, Dean, Diaz de la Portilla, Hutson, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 868 Smith (Similar CS/H 627)	Community Contribution Tax Credits; Specifying that ownership interests in a real property holding company are an eligible form of community contribution for the purpose of a certain sales and use tax credit for donations; specifying that ownership interests in a real property holding company are an eligible form of community contribution for the purpose of a certain tax credit for donations by insurers, etc. CA 02/01/2016 Favorable FT AP	Favorable Yeas 7 Nays 0
2	SB 1222 Flores (Identical H 1015)	Millage Rates; Revising a provision for the maximum millage rate levied by a county, municipality, special district dependent to a county or municipality, municipal service taxing unit, or independent special district, etc. CA 02/01/2016 Fav/CS FT AP	Fav/CS Yeas 7 Nays 0
3	SB 1488 Montford (Identical H 939)	Aerial Photographs and Nonproperty Ownership Maps; Revising the county population thresholds for purposes of identifying the governmental entity responsible for payment of aerial photographs and nonproperty ownership maps, etc. CA 02/01/2016 Favorable AGG AP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Monday, February 1, 2016, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1324 Altman (Similar H 1201)	Taxation; Authorizing a property appraiser to contract for services to examine or audit claimed homestead tax exemptions; requiring the property appraiser to initiate specified proceedings if he or she determines a person is not entitled to an exemption; requiring a property appraiser to file a tax lien against certain property for certain unpaid taxes, penalties, and interest after a specified time; requiring a tax lien to remain on the property until such amounts are paid in full, etc. CA 02/01/2016 Fav/CS FT FP	Fav/CS Yeas 7 Nays 0
5	SB 1480 Sobel (Similar H 1213)	Conveyance of Property Taken by Eminent Domain; Authorizing a condemning authority to convey, without restriction, lands condemned for specific noise mitigation or noise compatibility programs at certain large hub airports to a person or private entity, etc. CA 01/26/2016 Temporarily Postponed CA 02/01/2016 Fav/CS JU RC	Fav/CS Yeas 7 Nays 0
6	CS/SB 744 Ethics and Elections / Bean (Similar H 541)	Addresses of Legal Residence; Requiring a complete voter registration application to include the applicant's address of legal residence; specifying that an applicant's failure to include additional distinguishing information on an application does not affect his or her qualifications to register or vote; providing that a list of valid addresses maintained by a supervisor of elections include certain additional distinguishing information, etc. EE 01/20/2016 Fav/CS CA 02/01/2016 Fav/CS RC	Fav/CS Yeas 7 Nays 0
7	SB 704 Hutson (Similar CS/CS/H 535, Compare H 295, CS/CS/H 431, H 1187, S 530, CS/S 822, 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 high-rise and existing high-rise buildings to maintain a minimum radio signal strength for fire department communications; creating the Calder Sloan Swimming Pool Electrical-Safety Task Force within the Florida Building Commission, etc. CA 02/01/2016 Fav/CS AGG FP	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Monday, February 1, 2016, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 1622 Abruzzo (Similar H 1393, Compare HJR 1391, Linked SJR 1624)	Homestead Property Tax Exemptions; Exempting from taxation the homestead property of the parent or parents of an unmarried veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces, etc. CA 02/01/2016 Fav/CS FT AP	Fav/CS Yeas 7 Nays 0
9	SJR 1624 Abruzzo (Identical HJR 1391, Compare H 1393, Linked S 1622)	Homestead Tax Exemption/Parents of Unmarried Veteran Who Died from Service-connected Causes; Proposing amendments to the State Constitution to authorize the Legislature to provide, by general law, ad valorem tax relief on homestead property to the parent or parents of an unmarried veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces, etc. CA 02/01/2016 Favorable FT AP	Favorable Yeas 7 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 Committee on Community Affairs

BILL: SB 868

INTRODUCER: Senator Smith

SUBJECT: Community Contribution Tax Credits

DATE: January 29, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	Favorable
2.			FT	
3.			AP	

I. Summary:

SB 868 provides that the donation of “real property” under the Community Contribution Tax Credit Program includes the transfer of ownership interests in a real property holding company. The bill defines “real property holding company” to mean an entity organized under the laws of this state which:

- Is wholly owned by the person;
- Is the sole owner of real property located in this state;
- Is disregarded as an entity separate from its owner for federal income tax purposes; and
- At the time of contribution to an eligible sponsor, has no material assets other than the real property and any other property that qualifies as a community contribution.

II. Present Situation:

Community Contribution Tax Credit Program

In 1980, the Legislature established the Community Contribution Tax Credit Program (CCTCP) to encourage private sector participation in community revitalization and housing projects. Broadly, the CCTCP offers tax credits to businesses or persons (donors) that make certain contributions to eligible projects undertaken by approved CCTCP sponsors.¹

Eligible sponsors under the CCTCP include a wide variety of organizations and entities, including community development agencies, housing organizations, historic preservation organizations, units of state and local government, regional workforce boards, and any other

¹ See ss. 212.08(5)(p); 220.183; and 624.5105, F.S. The contributing taxpayer may not have a financial interest in the eligible sponsor.

agency that the Department of Economic Opportunity (DEO) designates by rule.² There are currently 122 approved sponsors in Florida.³

Eligible projects include activities undertaken by an eligible sponsor that are designed to accomplish one of the following purposes:

- To construct, improve, or substantially rehabilitate housing that is affordable to low-income or very-low-income households as defined in s. 420.9071(19) and (28), F.S.;
- To provide housing opportunities for persons with special needs as defined in s. 420.0004, F.S.;
- To provide commercial, industrial, or public resources and facilities; or
- To improve entrepreneurial and job-development opportunities for low-income persons.⁴

Additionally, eligible projects must be located in an area previously designated as an enterprise zone pursuant to ch. 290, F.S., as of May 1, 2015, or a Front Porch Florida Community.⁵

However, the law permits the following three exceptions:

- Any project designed to construct or rehabilitate housing for low-income households or very-low-income households as those terms are defined in s. 420.9071, F.S.;⁶
- Any project designed to construct or rehabilitate housing opportunities for persons with special needs as defined in s. 420.0004, F.S.;⁷ and
- Any project designed to provide increased access to high-speed broadband capabilities that includes coverage of an area designated as a rural enterprise zone as of May 1, 2015.⁸

Any eligible sponsor wishing to participate in the program must submit a proposal to DEO, which sets forth the sponsor, the project, the area in which the project is located, and any supporting information as may be prescribed by rule.⁹ The proposal must also contain a resolution from the local governmental unit in which it is located certifying that the project is consistent with local plans and regulations.¹⁰

Contributions to eligible sponsor projects may only be in the form of cash or other liquid assets, real property, goods or inventory, or other physical resources as identified by DEO.¹¹ If the donation is of real property, it must be made directly from the donor to the eligible sponsor via a deed.¹²

² See ss. 212.08(5)(p)2.c.; 220.183(2)(c); and 624.5105(2)(c), F.S.

³ Department of Economic Opportunity, 2016 Agency Legislative Bill Analysis for HB 627/SB 868, page 3, December 2, 2015.

⁴ Sections 212.08(5)(p)2.b.; 220.183(2)(b); 624.5105(2)(b); and 220.03(1)(t), F.S.

⁵ Sections 212.08(p)2.d.; 220.183(2)(d); and 624.5102(2)(d), F.S.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* The infrastructure of such projects may be located in any area of a rural county (inside or outside of the zone).

⁹ Sections 212.08(5)(p)3.a.; 220.183(3)(a); and 624.5105(3)(a), F.S.

¹⁰ *Id.*

¹¹ Sections 212.08(5)(p)2.a.; 220.183(2)(a); 624.5105(5)(a); and 220.03(1)(d), F.S.

¹² See s. 192.001(12), F.S., for the definition of real property.

Donors wishing to participate in the program must submit an application for a tax credit to DEO.¹³ The application sets forth the sponsor, project, and the type, value, and purpose of the contribution.¹⁴ The sponsor must verify the terms of the application and indicate its receipt of the contribution, which verification must be in writing and accompany the application for tax credit.¹⁵

Once DEO approves a taxpayer's application for a community contribution tax credit under the program, the donor must claim the credit from the Department of Revenue.¹⁶ The credit is calculated as 50 percent of the donor's annual contribution, but a taxpayer may not receive more than \$200,000 in credits in any one year.¹⁷ The donor may use the credit against corporate income tax, insurance premium tax, or as a refund against sales tax.¹⁸ Unused credits against corporate income taxes and insurance premium taxes may be carried forward for 5 years.¹⁹ Unused credits against sales taxes may be carried forward for 3 years.²⁰

The DEO may approve \$18.4 million in Fiscal Year (FY) 2015-16; \$21.4 million in FY 2016-17; and \$21.4 million in FY 2017-18 for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low or very-low income households. The DEO may approve \$3.5 million in those same FYs for all other types of eligible projects.²¹

As of December 2015, in FY 2015-16, DEO has approved approximately \$11.2 million of the \$18.4 million available for tax credits for homeownership projects and housing projects for persons with special needs.²² Approximately \$3.6 million worth of tax credits were requested for all other projects, resulting in a pro-rata approval rate of 95 percent of each tax credit application.²³

The CCTCP expires June 30, 2018.²⁴

III. Effect of Proposed Changes:

Section 1 amends s. 212.08, F.S., relating to sales and use taxes, to provide that the donation of "real property" in the CCTCP includes the transfer of ownership interests in a real property holding company. The bill defines "real property holding company" to mean an entity organized under the laws of this state which:

- Is wholly owned by the person;

¹³ Sections 212.08(5)(p)3.b.; 220.183(3)(b); and 624.5105(3)(b), F.S. Taxpayers must submit separate applications for each individual contribution that it makes to each individual project. Sections 212.08(5)(p)3.c.; 220.183(3)(c); and 624.5105(3)(c), F.S.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Sections 212.08(5)(p)4.; 220.183(4); and 624.5105(4), F.S.

¹⁷ Sections 212.08(5)(p)1.; 220.183 (1)(a) and (b); and 624.5105(1), F.S.

¹⁸ *See* ss. 212.08(5)(p); 220.183; and 624.5105, F.S. A donor may only apply the credits toward one tax obligation.

¹⁹ Sections 220.183(1)(e); and 624.5105(e), F.S.

²⁰ Section 212.08(5)(p)1.b. and f., F.S.

²¹ Sections 212.08(5)(p)1.e.; 220.183(1)(c); and 624.5105(1)(c), F.S.

²² Department of Economic Opportunity, 2016 Agency Bill Analysis for HB 627/SB 868, December 2, 2015.

²³ *Id.*

²⁴ Sections 212.08(5)(p)5.; 220.183(5); and 624.5105(6), F.S.

- Is the sole owner of real property, as defined in s. 192.001(12), F.S., located in this state;
- Is disregarded as an entity separate from its owner for federal income tax purposes pursuant to 26 C.F.R. s. 301.7701-3(b)(1)(ii); and
- At the time of contribution to an eligible sponsor, has no material assets other than the real property and any other property that qualifies as a community contribution.

Section 2 amends s. 220.03, F.S., relating to corporate income taxes, to provide that the donation of “real property” in the CCTCP includes the transfer of ownership interests in a real property holding company. The same definition is used for the term “real property holding company.”

Section 3 amends s. 624.5105, F.S., relating to insurance premium taxes, to provide that the donation of “real property” in the CCTCP includes the transfer of ownership interests in a real property holding company. The same definition is used for the term “real property holding company.”

Section 4 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:

The Revenue Estimating Conference (REC) estimated that the bill would have no fiscal impact on state funds.²⁵ The REC analysis on the bill notes that the proposed language “does not affect eligibility or restrict access to the credits, which were already assumed to reach the allotted cap in each of the two respective fiscal years for which they are authorized under current law. As such, the result of the language would be to possibly shift credits between otherwise eligible entities but would not have an impact in the aggregate.”²⁶

²⁵ Revenue Estimating Conference Analysis, HB 627/SB 868, 12/2/2015.

²⁶ *Id.*

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill is unclear as to whether the transfer of an interest in a real property holding company must be a 100 percent transfer, or if the transfer of the interest may be less than 100 percent.

VIII. Statutes Affected:

This bill substantially amends sections 212.08, 220.03, and 624.5105 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 Smith

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1 A bill to be entitled
2 An act relating to community contribution tax credits;
3 amending s. 212.08, F.S.; specifying that ownership
4 interests in a real property holding company are an
5 eligible form of community contribution for the
6 purpose of a certain sales and use tax credit for
7 donations; defining a term; amending s. 220.03, F.S.;
8 revising the term "community contribution" to include
9 ownership interests in a real property holding
10 company; defining a term; amending s. 624.5105, F.S.;
11 specifying that ownership interests in a real property
12 holding company are an eligible form of community
13 contribution for the purpose of a certain tax credit
14 for donations by insurers; defining a term; providing
15 an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraph (p) of subsection (5) of section
20 212.08, Florida Statutes, is amended to read:

21 212.08 Sales, rental, use, consumption, distribution, and
22 storage tax; specified exemptions.—The sale at retail, the
23 rental, the use, the consumption, the distribution, and the
24 storage to be used or consumed in this state of the following
25 are hereby specifically exempt from the tax imposed by this
26 chapter.

27 (5) EXEMPTIONS; ACCOUNT OF USE.—

28 (p) *Community contribution tax credit for donations.*—

29 1. Authorization.—Persons who are registered with the

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30 department under s. 212.18 to collect or remit sales or use tax
31 and who make donations to eligible sponsors are eligible for tax
32 credits against their state sales and use tax liabilities as
33 provided in this paragraph:

34 a. The credit shall be computed as 50 percent of the
35 person's approved annual community contribution.

36 b. The credit shall be granted as a refund against state
37 sales and use taxes reported on returns and remitted in the 12
38 months preceding the date of application to the department for
39 the credit as required in sub-subparagraph 3.c. If the annual
40 credit is not fully used through such refund because of
41 insufficient tax payments during the applicable 12-month period,
42 the unused amount may be included in an application for a refund
43 made pursuant to sub-subparagraph 3.c. in subsequent years
44 against the total tax payments made for such year. Carryover
45 credits may be applied for a 3-year period without regard to any
46 time limitation that would otherwise apply under s. 215.26.

47 c. A person may not receive more than \$200,000 in annual
48 tax credits for all approved community contributions made in any
49 one year.

50 d. All proposals for the granting of the tax credit require
51 the prior approval of the Department of Economic Opportunity.

52 e. The total amount of tax credits which may be granted for
53 all programs approved under this paragraph, s. 220.183, and s.
54 624.5105 is \$18.4 million in the 2015-2016 fiscal year, \$21.4
55 million in the 2016-2017 fiscal year, and \$21.4 million in the
56 2017-2018 fiscal year for projects that provide housing
57 opportunities for persons with special needs or homeownership
58 opportunities for low-income households or very-low-income

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59 households and \$3.5 million annually for all other projects. As
 60 used in this paragraph, the term "person with special needs" has
 61 the same meaning as in s. 420.0004 and the terms "low-income
 62 person," "low-income household," "very-low-income person," and
 63 "very-low-income household" have the same meanings as in s.
 64 420.9071.

65 f. A person who is eligible to receive the credit provided
 66 in this paragraph, s. 220.183, or s. 624.5105 may receive the
 67 credit only under one section of the person's choice.

68 2. Eligibility requirements.—

69 a. A community contribution by a person must be in any of
 70 the following forms ~~form~~:

71 (I) Cash or other liquid assets.‡

72 (II) Real property, including ownership interests in a real
 73 property holding company. For purposes of this sub-sub-
 74 subparagraph, the term "real property holding company" means an
 75 entity organized under the laws of this state which:

76 (A) Is wholly owned by the person;

77 (B) Is the sole owner of real property, as defined in s.
 78 192.001(12), located in this state;

79 (C) Is disregarded as an entity separate from its owner for
 80 federal income tax purposes pursuant to 26 C.F.R. s. 301.7701-
 81 3(b)(1)(ii); and

82 (D) At the time of contribution to an eligible sponsor, has
 83 no material assets other than the real property and any other
 84 property that qualifies as a community contribution.‡

85 (III) Goods or inventory.‡~~or~~

86 (IV) Other physical resources identified by the Department
 87 of Economic Opportunity.

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88 b. All community contributions must be reserved exclusively
89 for use in a project. As used in this sub-subparagraph, the term
90 "project" means activity undertaken by an eligible sponsor which
91 is designed to construct, improve, or substantially rehabilitate
92 housing that is affordable to low-income households or very-low-
93 income households; designed to provide housing opportunities for
94 persons with special needs; designed to provide commercial,
95 industrial, or public resources and facilities; or designed to
96 improve entrepreneurial and job-development opportunities for
97 low-income persons. A project may be the investment necessary to
98 increase access to high-speed broadband capability in a rural
99 community that had an enterprise zone designated pursuant to
100 chapter 290 as of May 1, 2015, including projects that result in
101 improvements to communications assets that are owned by a
102 business. A project may include the provision of museum
103 educational programs and materials that are directly related to
104 a project approved between January 1, 1996, and December 31,
105 1999, and located in an area which was in an enterprise zone
106 designated pursuant to s. 290.0065 as of May 1, 2015. This
107 paragraph does not preclude projects that propose to construct
108 or rehabilitate housing for low-income households or very-low-
109 income households on scattered sites or housing opportunities
110 for persons with special needs. With respect to housing,
111 contributions may be used to pay the following eligible special
112 needs, low-income, and very-low-income housing-related
113 activities:

114 (I) Project development impact and management fees for
115 special needs, low-income, or very-low-income housing projects;

116 (II) Down payment and closing costs for persons with

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117 special needs, low-income persons, and very-low-income persons;

118 (III) Administrative costs, including housing counseling
119 and marketing fees, not to exceed 10 percent of the community
120 contribution, directly related to special needs, low-income, or
121 very-low-income projects; and

122 (IV) Removal of liens recorded against residential property
123 by municipal, county, or special district local governments if
124 satisfaction of the lien is a necessary precedent to the
125 transfer of the property to a low-income person or very-low-
126 income person for the purpose of promoting home ownership.
127 Contributions for lien removal must be received from a
128 nonrelated third party.

129 c. The project must be undertaken by an "eligible sponsor,"
130 which includes:

131 (I) A community action program;

132 (II) A nonprofit community-based development organization
133 whose mission is the provision of housing for persons with
134 special needs, low-income households, or very-low-income
135 households or increasing entrepreneurial and job-development
136 opportunities for low-income persons;

137 (III) A neighborhood housing services corporation;

138 (IV) A local housing authority created under chapter 421;

139 (V) A community redevelopment agency created under s.
140 163.356;

141 (VI) A historic preservation district agency or
142 organization;

143 (VII) A regional workforce board;

144 (VIII) A direct-support organization as provided in s.
145 1009.983;

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146 (IX) An enterprise zone development agency created under s.
147 290.0056;

148 (X) A community-based organization incorporated under
149 chapter 617 which is recognized as educational, charitable, or
150 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
151 and whose bylaws and articles of incorporation include
152 affordable housing, economic development, or community
153 development as the primary mission of the corporation;

154 (XI) Units of local government;

155 (XII) Units of state government; or

156 (XIII) Any other agency that the Department of Economic
157 Opportunity designates by rule.

158

159 A contributing person may not have a financial interest in the
160 eligible sponsor.

161 d. The project must be located in an area which was in an
162 enterprise zone designated pursuant to chapter 290 as of May 1,
163 2015, or a Front Porch Florida Community, unless the project
164 increases access to high-speed broadband capability in a rural
165 community that had an enterprise zone designated pursuant to
166 chapter 290 as of May 1, 2015, but is physically located outside
167 the designated rural zone boundaries. Any project designed to
168 construct or rehabilitate housing for low-income households or
169 very-low-income households or housing opportunities for persons
170 with special needs is exempt from the area requirement of this
171 sub-subparagraph.

172 e.(I) If, during the first 10 business days of the state
173 fiscal year, eligible tax credit applications for projects that
174 provide housing opportunities for persons with special needs or

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175 homeownership opportunities for low-income households or very-
176 low-income households are received for less than the annual tax
177 credits available for those projects, the Department of Economic
178 Opportunity shall grant tax credits for those applications and
179 grant remaining tax credits on a first-come, first-served basis
180 for subsequent eligible applications received before the end of
181 the state fiscal year. If, during the first 10 business days of
182 the state fiscal year, eligible tax credit applications for
183 projects that provide housing opportunities for persons with
184 special needs or homeownership opportunities for low-income
185 households or very-low-income households are received for more
186 than the annual tax credits available for those projects, the
187 Department of Economic Opportunity shall grant the tax credits
188 for those applications as follows:

189 (A) If tax credit applications submitted for approved
190 projects of an eligible sponsor do not exceed \$200,000 in total,
191 the credits shall be granted in full if the tax credit
192 applications are approved.

193 (B) If tax credit applications submitted for approved
194 projects of an eligible sponsor exceed \$200,000 in total, the
195 amount of tax credits granted pursuant to sub-sub-sub-
196 subparagraph (A) shall be subtracted from the amount of
197 available tax credits, and the remaining credits shall be
198 granted to each approved tax credit application on a pro rata
199 basis.

200 (II) If, during the first 10 business days of the state
201 fiscal year, eligible tax credit applications for projects other
202 than those that provide housing opportunities for persons with
203 special needs or homeownership opportunities for low-income

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204 households or very-low-income households are received for less
205 than the annual tax credits available for those projects, the
206 Department of Economic Opportunity shall grant tax credits for
207 those applications and shall grant remaining tax credits on a
208 first-come, first-served basis for subsequent eligible
209 applications received before the end of the state fiscal year.
210 If, during the first 10 business days of the state fiscal year,
211 eligible tax credit applications for projects other than those
212 that provide housing opportunities for persons with special
213 needs or homeownership opportunities for low-income households
214 or very-low-income households are received for more than the
215 annual tax credits available for those projects, the Department
216 of Economic Opportunity shall grant the tax credits for those
217 applications on a pro rata basis.

218 3. Application requirements.-

219 a. An eligible sponsor seeking to participate in this
220 program must submit a proposal to the Department of Economic
221 Opportunity which sets forth the name of the sponsor, a
222 description of the project, and the area in which the project is
223 located, together with such supporting information as is
224 prescribed by rule. The proposal must also contain a resolution
225 from the local governmental unit in which the project is located
226 certifying that the project is consistent with local plans and
227 regulations.

228 b. A person seeking to participate in this program must
229 submit an application for tax credit to the Department of
230 Economic Opportunity which sets forth the name of the sponsor, a
231 description of the project, and the type, value, and purpose of
232 the contribution. The sponsor shall verify, in writing, the

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233 terms of the application and indicate its receipt of the
234 contribution, and such verification must accompany the
235 application for tax credit. The person must submit a separate
236 tax credit application to the Department of Economic Opportunity
237 for each individual contribution that it makes to each
238 individual project.

239 c. A person who has received notification from the
240 Department of Economic Opportunity that a tax credit has been
241 approved must apply to the department to receive the refund.
242 Application must be made on the form prescribed for claiming
243 refunds of sales and use taxes and be accompanied by a copy of
244 the notification. A person may submit only one application for
245 refund to the department within a 12-month period.

246 4. Administration.—

247 a. The Department of Economic Opportunity may adopt rules
248 necessary to administer this paragraph, including rules for the
249 approval or disapproval of proposals by a person.

250 b. The decision of the Department of Economic Opportunity
251 must be in writing, and, if approved, the notification shall
252 state the maximum credit allowable to the person. Upon approval,
253 the Department of Economic Opportunity shall transmit a copy of
254 the decision to the department.

255 c. The Department of Economic Opportunity shall
256 periodically monitor all projects in a manner consistent with
257 available resources to ensure that resources are used in
258 accordance with this paragraph; however, each project must be
259 reviewed at least once every 2 years.

260 d. The Department of Economic Opportunity shall, in
261 consultation with the statewide and regional housing and

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262 financial intermediaries, market the availability of the
263 community contribution tax credit program to community-based
264 organizations.

265 5. Expiration.—This paragraph expires June 30, 2018;
266 however, any accrued credit carryover that is unused on that
267 date may be used until the expiration of the 3-year carryover
268 period for such credit.

269 Section 2. Paragraph (d) of subsection (1) of section
270 220.03, Florida Statutes, is amended to read:

271 220.03 Definitions.—

272 (1) SPECIFIC TERMS.—When used in this code, and when not
273 otherwise distinctly expressed or manifestly incompatible with
274 the intent thereof, the following terms shall have the following
275 meanings:

276 (d) "Community contribution" means the grant by a business
277 firm of any of the following items:

278 1. Cash or other liquid assets.

279 2. Real property, including ownership interests in a real
280 property holding company. For purposes of this subparagraph, the
281 term "real property holding company" means an entity organized
282 under the laws of this state which:

283 a. Is wholly owned by the business firm.

284 b. Is the sole owner of real property, as defined in s.
285 192.001(12), located in this state.

286 c. Is disregarded as an entity separate from its owner for
287 federal income tax purposes pursuant to 26 C.F.R. s. 301.7701-
288 3(b)(1)(ii).

289 d. At the time of contribution to an eligible sponsor, has
290 no material assets other than the real property and any other

31-00682-16

2016868__

291 property that qualifies as a community contribution.

292 3. Goods or inventory.

293 4. Other physical resources as identified by the
294 department.

295

296 This paragraph expires June 30, 2018.

297 Section 3. Paragraph (a) of subsection (5) of section
298 624.5105, Florida Statutes, is amended to read:

299 624.5105 Community contribution tax credit; authorization;
300 limitations; eligibility and application requirements;
301 administration; definitions; expiration.—

302 (5) DEFINITIONS.—As used in this section, the term:

303 (a) "Community contribution" means the grant by an insurer
304 of any of the following items:

305 1. Cash or other liquid assets.

306 2. Real property, including ownership interests in a real
307 property holding company. For purposes of this subparagraph, the
308 term "real property holding company" means an entity organized
309 under the laws of this state which:

310 a. Is wholly owned by the insurer;

311 b. Is the sole owner of real property, as defined in s.
312 192.001(12), located in the state;

313 c. Is disregarded as an entity separate from its owner for
314 federal income tax purposes pursuant to 26 C.F.R. s. 301.7701-
315 3(b)(1)(ii); and

316 d. At the time of contribution to an eligible sponsor, has
317 no material assets other than the real property and any other
318 property that qualifies as a community contribution.

319 3. Goods or inventory.

31-00682-16

2016868__

320 4. Other physical resources which are identified by the
321 department.

322 Section 4. 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)

2/1/16
Meeting Date

868
Bill Number (if applicable)

Topic Community Contribution Tax Credits

Amendment Barcode (if applicable)

Name Kelly Mallette

Job Title _____

Address 104 W Jefferson Street

Phone (850) 224-3427

Tallahassee, FL 32301
City State Zip

Email kelly@rbackpa.com

Speaking: For Against Information

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

Representing Offendahl's Hand-Off 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.



The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 20, 2016

I respectfully request that **Senate Bill #868**, relating to Community Contribution Tax Credits, be placed on the:

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

A handwritten signature in black ink, appearing to read "Chris Smith", written over a horizontal line.

Senator Christopher L. Smith
Florida Senate, District 31

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SB 868
FINAL ACTION: Favorable
MEETING DATE: Monday, February 1, 2016
TIME: 1:30—3:30 p.m.
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
X		Bradley						
VA		Dean						
		Diaz de la Portilla						
X		Hutson						
X		Thompson						
VA		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
7	0	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

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 Committee on Community Affairs

BILL: CS/SB 1222

INTRODUCER: Community Affairs Committee and Senator Flores

SUBJECT: Millage Rates

DATE: February 1, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	Fav/CS
2.			FT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1222 changes the formula for calculating the simple majority vote maximum millage rate. Current law allows a county, municipality, special district, or municipal service taxing unit to levy a millage rate based on a rolled back rate that assumes the previous year's maximum rate was levied. The new formula would use a rolled back rate based upon the prior year's actual levy, adjusted for change in per capita Florida personal income, unless the change in per capita Florida personal income is negative, in which case the maximum is the rolled back rate. The bill will reduce the simple majority maximum tax rate for most counties, cities, and special districts.

II. Present Situation:

Ad Valorem Taxation Overview

The ad valorem tax is an annual tax levied by counties, cities, school districts, and some special districts. The amount of tax levied is based on the taxable value of real and tangible personal property as of January 1 of each year and the tax rate (millage rate) applied to such value.¹ The Florida Constitution reserves ad valorem taxation to local governments and prohibits the state from levying ad valorem taxes on real and tangible personal property.²

¹ Section 192.001(12), F.S., defines "real property" as land, buildings, fixtures, and all other improvements to land. The terms "land," "real estate," "realty," and "real property" may be used interchangeably. Section 192.001(11)(d), F.S., defines "tangible personal property" as all goods, chattels, and other articles of value (but does not include the vehicular items) capable of manual possession and whose chief value is intrinsic to the article itself.

² Fla. Const. art. VII, s. 1(a).

The Florida Constitution requires that “all ad valorem taxation shall be at a uniform rate within each taxing unit . . .”³ Generally, this requirement means that a taxing authority may not levy different rates on property located in different geographic areas within the taxing authority nor levy different rates on different types of property.

With the exception of the ad valorem tax and other home-rule revenue sources, local governments are dependent on the Legislature for authority to levy any other form of taxation. The property tax is the largest single tax revenue source for local governments in Florida, with approximately \$28.3 billion levied in Fiscal Year 2015-16.⁴ Ad valorem property tax revenues are also the primary tax revenue source for school districts. Of the \$28.3 billion levied statewide for Fiscal Year 2015-16, school districts levied approximately \$12 billion in property taxes.⁵

The “taxable value” of real and tangible personal property is the fair market value, or “just value,” of the real and tangible personal property adjusted for any exclusions, differentials, or exemptions allowed by the Constitution or the statutes.⁶ The Florida Constitution strictly limits the Legislature’s authority to provide exemptions or adjustments to fair market value.⁷

Millage Rates

Property tax rates, or millage rates, are set by each taxing authority and vary throughout the state. Ad valorem property tax revenues result from multiplying the millage rate adopted by counties, municipalities, and school boards, by the taxable value of property within that jurisdiction. The Florida Constitution limits the millage rates that may be levied, depending on the type of taxing authority.

Counties, Municipalities, and Schools

Counties, municipalities, and school districts are each limited to levy up to 10 mills (or 1 percent).⁸ By referendum, local voters may authorize counties, municipalities, and school districts to levy additional mills above the 10 mill limitation to repay bonds to finance capital projects and for other purposes for a period of no longer than 2 years.⁹ Counties providing municipal services may also levy up to an additional 10 mills above the 10 mill county limitation within those areas receiving municipal-type services.¹⁰

³ Fla. Const. art. VII, s. 2.

⁴ Florida Revenue Estimating Conference, *2016 Florida Tax Handbook*, 195, available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2016.pdf> (last visited Jan. 28, 2016).

⁵ *Id.*

⁶ Sections 192.001(2) and (16), F.S., define the terms “assessed value” and “taxable value.” “Assessed value” is generally synonymous with “just value” unless a constitutional exception such as Save Our Homes applies to reduce the value of the property. “Taxable value” is the assessed value minus any applicable exemptions such as the \$25,000 homestead exemption. “Just value” is the estimated market value of the property.

⁷ Fla Const. art. VII, s. 4.

⁸ Fla. Const. art. VII, s. 9. A rate of 1 mill may be expressed as follows: 1 mill = 0.1 cent or \$0.001; \$1 per \$1,000; or 0.1 percent.

⁹ Fla. Const. art. VII, s. 9.

¹⁰ *Id.*

Special Districts

Independent special district millage rates are limited by the law establishing such districts and must be approved by the voters within the district. Dependent special district millage rates are included in the limitation applicable to the authority to which they are dependent. Up to 1 mill may be levied for water management purposes, except in northwest Florida where the limit is 0.05 mill.¹¹

Schools

The Florida Constitution requires that the Legislature provide by law for a uniform, efficient, safe, secure and high quality system of free public schools. The Legislature accomplishes this by providing for the funding of public schools through a combination of ad valorem taxes and other state revenues. In addition to the constitutional millage limitation, school districts are subject to certain statutory requirements in order to participate in the state's K-12 funding program, called the Florida Education Finance Program (FEFP).¹²

Limits on Growth of Property Tax Levies

In 2007, the Legislature enacted statutory changes¹³ that established a maximum millage rate by requiring most taxing authorities to reduce their millage rates below their rolled back rates.¹⁴ The "rolled back rate" is the tax rate that will produce the same amount of tax revenue for the current year that was produced the previous year, after making allowances for some tax base changes.¹⁵ Exceptions were made for certain fiscally limited governments and for certain types of activities. The same legislation created a formula to determine a maximum millage rate (and implicitly a maximum revenue) that could be levied by a county, municipality, or special district governing board by simple majority vote. Exceeding the maximum would require the governing board to achieve certain extraordinary votes.

The maximum millage rate that most non-school taxing authorities can levy by simple majority vote is a rolled back rate based on the amount of taxes which would have been levied in the prior year if the maximum millage rate had been applied in that year, adjusted by the change in Florida per capita personal income.¹⁶ Local governments are allowed to override the prescribed rate reductions by extraordinary votes of their governing boards or by referenda of the electorate. A higher rate may be adopted only under the following conditions:

- A rate of not more than 110 percent of the rolled-back rate based on the previous year's maximum millage rate, adjusted for change in per capita Florida personal income, may be adopted if approved by a two-thirds vote of the membership of the governing body of the taxing authority; or
- A rate in excess of 110 percent may be adopted if approved by a unanimous vote of the membership of the governing body of the taxing authority or by a three-fourths vote of the

¹¹ Fla. Const. art. VII, s. 9.

¹² Section 1011.71, F.S.

¹³ Ch. 2007-321, Laws of Fla.

¹⁴ Section 200.065(5), F.S.

¹⁵ Section 200.065(1), F.S.

¹⁶ Section 200.065(5), F.S. Calculation of Florida per capita personal income is to be provided by the Office of Economic and Demographic Research, per s. 200.001(8)(i), F.S.

membership of the governing body if the governing body has nine or more members, or if the rate is approved by a referendum.¹⁷

In 2015, of the 574 local governments subject to simple majority maximum millage rates, 51 (8.9 percent) required a two-thirds vote to approve their adopted millage rates, and six (1 percent) required a unanimous vote.¹⁸ The total taxes levied by these 574 (less one extreme outlier) were almost 27 percent below the taxes that could have been levied at their simple majority maximum tax rates.¹⁹ Thirty-five counties and 64 municipalities had maximum rates in excess of the 10 mill constitutional limit for county or municipal purposes.²⁰

III. Effect of Proposed Changes:

Section 1 amends s. 200.065, F.S., to change the maximum millage rate that a taxing authority can levy to a rolled back rate based on the amount of taxes the taxing authority actually levied in the prior year, adjusted for change in per capita Florida personal income, unless the change in per capita Florida personal income is negative, in which case the maximum is the rolled back rate.

The bill makes a conforming change to s. 200.065(5)(a)1., F.S., to allow a rate of not more than 110 percent of the rolled back rate based on the amount of taxes actually levied in the prior year, adjusted for change in per capita Florida personal income, to be adopted if approved by a two-thirds vote of the membership of the governing body of the county, municipality or independent district.

The bill may heighten the voting requirement a local government needs to attain in order to override the prescribed rate reductions by extraordinary vote.

Section 2 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, Section 18, Florida Constitution, excuses local governments from complying with state mandates which impose negative fiscal consequences. Subsection (a) provides, “[n]o county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds” unless certain requirements are met. However, the mandates requirement does not apply to laws having an insignificant fiscal impact.

¹⁷ Section 200.065(5)(a), F.S.

¹⁸ Department of Revenue, 2015 Maximum Millage Compliance Reports, *available at* <http://sdrftp03.dor.state.fl.us/MaximumMillageData/MillCapComp011516.pdf> (last visited Jan. 28, 2016).

¹⁹ Department of Revenue, 2015 Comparison of Property Taxes Levied, *available at* <http://sdrftp03.dor.state.fl.us/MaximumMillageData/comp15.pdf> (last visited Jan. 28, 2016).

²⁰ Department of Revenue, 2015 Maximum Millage Compliance Reports, *available at* <http://sdrftp03.dor.state.fl.us/MaximumMillageData/MillCapComp011516.pdf> (last visited Jan. 28, 2016).

The bill reduces the authority of counties and municipalities to levy taxes. If the fiscal impact of this bill is found to be significant, the bill may require a two-thirds vote of the membership of each house of the Legislature.

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:

Owners of property in a taxing authority that reduces its millage rate may experience a lower property tax liability.

C. Government Sector Impact:

The Revenue Estimating Conference has not met to evaluate this bill. However, the impact on county, municipal, and special district property taxes, while indeterminate, will be negative to the extent that governments cannot achieve the extraordinary votes they might need to exceed the lower maximum tax rates.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 200.065 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 Community Affairs on February 1, 2016:

Authorizes a county, municipality, dependent special district, municipal service taxing unit, or independent special district to levy the rolled back rate based on the amount of

taxes actually levied in the prior year, without adjusting for a change in Florida per capita personal income, if the change in Florida per capita personal income is negative. A conforming change is also made.

B. Amendments:

None.

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



227944

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
	.	
	.	
	.	

The Committee on Community Affairs (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (5) of section
200.065, Florida Statutes, is amended to read:

200.065 Method of fixing millage.—

(5) In each fiscal year:

(a) The maximum millage rate that a county, municipality,
special district dependent to a county or municipality,



227944

11 municipal service taxing unit, or independent special district
12 may levy is a rolled-back rate based on the amount of taxes
13 actually ~~which would have been~~ levied in the prior year ~~if the~~
14 ~~maximum millage rate had been applied~~, adjusted for change in
15 per capita Florida personal income, unless the change in per
16 capita Florida personal income is negative ~~a higher rate was~~
17 ~~adopted~~, in which case the maximum is the rolled-back ~~adopted~~
18 rate. The maximum millage rate applicable to a county authorized
19 to levy a county public hospital surtax under s. 212.055 and
20 which did so in fiscal year 2007 shall exclude the revenues
21 required to be contributed to the county public general hospital
22 in the current fiscal year for the purposes of making the
23 maximum millage rate calculation, but shall be added back to the
24 maximum millage rate allowed after the roll back has been
25 applied, the total of which shall be considered the maximum
26 millage rate for such a county for purposes of this subsection.
27 The revenue required to be contributed to the county public
28 general hospital for the upcoming fiscal year shall be
29 calculated as 11.873 percent times the millage rate levied for
30 countywide purposes in fiscal year 2007 times 95 percent of the
31 preliminary tax roll for the upcoming fiscal year. A higher rate
32 may be adopted only under the following conditions:

- 33 1. A rate of not more than 110 percent of the rolled-back
34 rate based on the amount of taxes actually levied in the prior
35 year ~~previous year's maximum millage rate~~, adjusted for change
36 in per capita Florida personal income, may be adopted if
37 approved by a two-thirds vote of the membership of the governing
38 body of the county, municipality, or independent district; or
39 2. A rate in excess of 110 percent may be adopted if



227944

40 approved by a unanimous vote of the membership of the governing
41 body of the county, municipality, or independent district or by
42 a three-fourths vote of the membership of the governing body if
43 the governing body has nine or more members, or if the rate is
44 approved by a referendum.

45
46 Any unit of government operating under a home rule charter
47 adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State
48 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
49 State Constitution of 1968, which is granted the authority in
50 the State Constitution to exercise all the powers conferred now
51 or hereafter by general law upon municipalities and which
52 exercises such powers in the unincorporated area shall be
53 recognized as a municipality under this subsection. For a
54 downtown development authority established before the effective
55 date of the 1968 State Constitution which has a millage that
56 must be approved by a municipality, the governing body of that
57 municipality shall be considered the governing body of the
58 downtown development authority for purposes of this subsection.

59 Section 2. This act shall take effect July 1, 2016.

60
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete everything before the enacting clause
64 and insert:

65 A bill to be entitled
66 An act relating to millage rates; amending s. 200.065,
67 F.S.; revising the maximum millage rate that a county,
68 a municipality, a special district dependent to a



69 county or municipality, a municipal service taxing
70 unit, or an independent special district may levy;
71 revising the conditions under which a higher rate may
72 be adopted; providing an effective date.

By Senator Flores

37-00949-16

20161222__

1 A bill to be entitled
2 An act relating to millage rates; amending s. 200.065,
3 F.S.; revising a provision for the maximum millage
4 rate levied by a county, municipality, special
5 district dependent to a county or municipality,
6 municipal service taxing unit, or independent special
7 district; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Paragraph (a) of subsection (5) of section
12 200.065, Florida Statutes, is amended to read:

13 200.065 Method of fixing millage.—

14 (5) In each fiscal year:

15 (a) The maximum millage rate that a county, municipality,
16 special district dependent to a county or municipality,
17 municipal service taxing unit, or independent special district
18 may levy is a rolled-back rate based on the amount of taxes
19 actually levied in the prior year ~~which would have been levied~~
20 ~~in the prior year if the maximum millage rate had been applied,~~
21 adjusted for change in per capita Florida personal income,
22 unless a higher rate was adopted, in which case the maximum is
23 the adopted rate. The maximum millage rate applicable to a
24 county authorized to levy a county public hospital surtax under
25 s. 212.055 and which did so in fiscal year 2007 shall exclude
26 the revenues required to be contributed to the county public
27 general hospital in the current fiscal year for the purposes of
28 making the maximum millage rate calculation, but shall be added
29 back to the maximum millage rate allowed after the roll back has
30 been applied, the total of which shall be considered the maximum
31 millage rate for such a county for purposes of this subsection.
32 The revenue required to be contributed to the county public

37-00949-16

20161222__

33 general hospital for the upcoming fiscal year shall be
34 calculated as 11.873 percent times the millage rate levied for
35 countywide purposes in fiscal year 2007 times 95 percent of the
36 preliminary tax roll for the upcoming fiscal year. A higher rate
37 may be adopted only under the following conditions:

38 1. A rate of not more than 110 percent of the rolled-back
39 rate based on the previous year's maximum millage rate, adjusted
40 for change in per capita Florida personal income, may be adopted
41 if approved by a two-thirds vote of the membership of the
42 governing body of the county, municipality, or independent
43 district; or

44 2. A rate in excess of 110 percent may be adopted if
45 approved by a unanimous vote of the membership of the governing
46 body of the county, municipality, or independent district or by
47 a three-fourths vote of the membership of the governing body if
48 the governing body has nine or more members, or if the rate is
49 approved by a referendum.

50
51 Any unit of government operating under a home rule charter
52 adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State
53 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
54 State Constitution of 1968, which is granted the authority in
55 the State Constitution to exercise all the powers conferred now
56 or hereafter by general law upon municipalities and which
57 exercises such powers in the unincorporated area shall be
58 recognized as a municipality under this subsection. For a
59 downtown development authority established before the effective
60 date of the 1968 State Constitution which has a millage that
61 must be approved by a municipality, the governing body of that

37-00949-16

20161222__

62 municipality shall be considered the governing body of the
63 downtown development authority for purposes of this subsection.

64 Section 2. 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)

2/1/16
Meeting Date

1222
Bill Number (if applicable)

Topic Max Millage

Amendment Barcode (if applicable)

Name Amber Hughes

Job Title Senior Legislative Advocate

Address PO Box 1757

Phone 701-3621

Street

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.

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)

1227

Meeting Date _____

Bill Number (if applicable) _____

Topic _____

Amendment Barcode (if applicable) _____

Name JESS MCCARTY

Job Title _____

Address 111 NW 1st St 2610

Phone 305-979-7110

Street MIAMI 33128

Email JMM2@MIAMI.DDOG.GOV

City _____ State _____ Zip _____

Speaking: For Against Information

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

Representing MIAMI-DADE 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
APPEARANCE RECORD

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

2/1/16

Meeting Date

1222

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVIN SUGGS

Job Title FISCAL POLICY DIRECTOR

Address 100 S. MONROE ST

Phone 850.320.2635

Street

TALLAHASSEE

FL

32301

Email dsuggs@fl-counties.com

City

State

Zip

Speaking: For Against Information

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

Representing FL ASSOCIATION OF COUNTIES

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 Wilton Simpson, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 22, 2016

I respectfully request that **Senate Bill #1222**, relating to Millage Rates, be placed on the:

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

A handwritten signature in cursive script that reads "Anitere Flores".

Senator Anitere Flores
Florida Senate, District 37

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SB 1222
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, February 1, 2016
TIME: 1:30—3:30 p.m.
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS	2/01/2016 Amendment 227944					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
X		Bradley						
VA		Dean						
		Diaz de la Portilla						
X		Hutson						
X		Thompson						
VA		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
7	0	TOTALS	RCS	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

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 Committee on Community Affairs

BILL: SB 1488

INTRODUCER: Senator Montford

SUBJECT: Aerial Photographs and Nonproperty Ownership Maps

DATE: January 29, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	Favorable
2.			AGG	
3.			AP	

I. Summary:

SB 1488 revises the county population thresholds for purposes of identifying the governmental entity responsible for payment of aerial photographs and nonproperty ownership maps. All photographs and maps furnished to a county that meets the population thresholds of a rural community in s. 288.0656(2)(e), F.S., shall be paid for by the Florida Department of Revenue.

II. Present Situation:

Aerial Photography and Nonproperty Ownership Maps

The Florida Department of Revenue (department) coordinates the capture and distribution of orthoimagery^{1,2} of approximately one third of the state each year, according to the provisions of s. 195.022, F.S. Once every 3 years, the department must furnish aerial photographs and nonproperty ownership maps to the property appraisers as necessary to ensure that all real property within the state is listed on the roll.³ The 3 year rotation breaks down as such:

- In the 2014-2015 mapping year, the 15 following counties were photographed: Volusia, Seminole, Orange, Brevard, Indian River, Okeechobee, St. Lucie, Martin, Glades, Palm Beach, Lee, Broward, Collier, Miami-Dade, and Monroe.
- In 2015-2016, the 27 following counties were or will be photographed: Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, Taylor, Hamilton, Lafayette, Suwannee, Dixie, Levy, Gilchrist, Columbia, Union, and Bradford.

¹ Orthoimagery data are typically high resolution aerial images that combine the visual attributes of an aerial photograph with the spatial accuracy of a planimetric map; see United States Geological Survey, *The National Map*, <http://nationalmap.gov/ortho.html> (last visited January 28, 2016).

² The accepted industry standard is 6 inch resolution photography; see Department of Revenue, *Senate Bill 1488 Legislative Bill Analysis* (January 21, 2016) (on file with the Senate Committee on Community Affairs).

³ Florida Department of Revenue, *GIS/Mapping*, <http://dor.myflorida.com/dor/property/gis/> (last visited January 28, 2016).

- In 2016-2017, the 25 following counties will be photographed: Nassau, Baker, Duval, Clay, St. Johns, Putnam, Flagler, Alachua, Marion, Citrus, Sumter, Lake, Hernando, Pasco, Pinellas, Hillsborough, Polk, Osceola, Manatee, Hardee, Highlands, Sarasota, DeSoto, Charlotte, and Hendry.
- This rotation continues, with 15 counties, 27 counties, and 25 counties as the groupings.⁴

Before 2008, the department provided aerial photography without charge or expense to property appraisers.⁵ In 2008, these costs were shifted to the county property appraisers, except in counties with a population of less than 25,000.⁶ However, between 2009 and 2015, funding for aerial photography in counties with a population less than 50,000 was provided via specific proviso language in the Appropriations Act.⁷

III. Effect of Proposed Changes:

Section 1 amends s. 195.022, F.S., revising the county population thresholds for purposes of identifying the governmental entity responsible for payment of aerial photographs and nonproperty ownership maps. All photographs and maps furnished to a county that meets the population thresholds of a rural community in s. 288.0656(2)(e), F.S., shall be paid for by the department. In counties not meeting those thresholds, the property appraisers bear the expense.

A rural community is defined in s. 288.0656(2)(e), F.S., as:

- A county with a population of 75,000 or fewer;
- A county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer;
- A municipality within a county described above; or
- An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in s. 288.0656(2)(c), F.S., and verified by the department.

The following counties are within the definition of a rural community: Liberty, Lafayette, Franklin, Union, Glades, Hamilton, Calhoun, Gulf, Jefferson, Dixie, Gilchrist, Madison, Holmes, Taylor, Washington, Bradford, Baker, Hardee, Wakulla, DeSoto, Okeechobee, Hendry, Levy, Suwannee, Jackson, Gadsden, Walton, Columbia, Putnam, Monroe, Nassau, Highlands, and Flagler.⁸

Section 2 provides an effective date of July 1, 2016.

⁴ Florida Department of Revenue, *3 Year Aerial Photography Schedule*, available at http://dor.myflorida.com/dor/property/gis/pdf/flight_plan.pdf (last visited January 28, 2016).

⁵ Section 195.022, F.S. (2007).

⁶ Chapter 2008-138, s. 2, Laws of Fla. (amending 195.022, F.S., effective July 1, 2008).

⁷ See Chapter 2012-118, s. 6, Laws of Fla. (effective July 1, 2012).

⁸ Office of Economic and Demographic Research, Population and Demographic Data, Florida Estimates of Population available at <http://edr.state.fl.us/Content/population-demographics/data/PopulationEstimates2015.pdf> (last visited January 29, 2016). All counties listed fall into the “rural community” definition under both the official 2010 Census population and the 2015 estimate.

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:

Counties that fall into the new population thresholds will benefit fiscally, by not having to pay for the triennial mapping.

The department reports the following in costs:

- A \$545,727 cost for the 2016-2017 fiscal year.
- A \$236,886 cost for the 2017-2018 fiscal year.
- A \$1,346,921 cost for the 2018-2019 fiscal year.
- Starting the cycle again, the cost for the 2019-2020 fiscal year would be \$545,727.⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 195.022 of the Florida Statutes.

⁹ Department of Revenue, *Senate Bill 1488 Legislative Bill Analysis* (January 21, 2016) (on file with the Senate Committee on Community Affairs).

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 Senator Montford

3-01267-16

20161488__

1 A bill to be entitled
2 An act relating to aerial photographs and nonproperty
3 ownership maps; amending s. 195.022, F.S.; revising
4 the county population thresholds for purposes of
5 identifying the governmental entity responsible for
6 payment of aerial photographs and nonproperty
7 ownership maps; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Section 195.022, Florida Statutes, is amended to
12 read:

13 195.022 Forms to be prescribed by Department of Revenue.—
14 The Department of Revenue shall prescribe all forms to be used
15 by property appraisers, tax collectors, clerks of the circuit
16 court, and value adjustment boards in administering and
17 collecting ad valorem taxes. The department shall prescribe a
18 form for each purpose. The county officer shall reproduce forms
19 for distribution at the expense of his or her office. A county
20 officer may use a form other than the form prescribed by the
21 department upon obtaining written permission from the executive
22 director of the department; however, a county officer may not
23 use a form if the substantive content of the form varies from
24 the form prescribed by the department for the same or a similar
25 purpose. If the executive director finds good cause to grant
26 such permission he or she may do so. The county officer may
27 continue to use the approved form until the law that specifies
28 the form is amended or repealed or until the officer receives
29 written disapproval from the executive director. Otherwise, all
30 such officers and their employees shall use the forms, and
31 follow the instructions applicable to the forms, which are
32 prescribed by the department. Upon request of any property

3-01267-16

20161488__

33 appraiser or, in any event, at least once every 3 years, the
34 department shall prescribe and furnish such aerial photographs
35 and nonproperty ownership maps to the property appraisers as
36 necessary to ensure that all real property within the state is
37 properly listed on the roll. All photographs and maps furnished
38 to a county that meets the population thresholds of a rural
39 community in s. 288.0656(2)(e) ~~counties with a population of~~
40 ~~25,000 or fewer~~ shall be paid for by the department as provided
41 by law. For a county that does not meet those population
42 thresholds ~~counties with a population greater than 25,000~~, the
43 department shall furnish such items at the property appraiser's
44 expense. The department may incur reasonable expenses for
45 procuring aerial photographs and nonproperty ownership maps and
46 may charge a fee to the respective property appraiser equal to
47 the cost incurred. The department shall deposit such fees into
48 the Certification Program Trust Fund created pursuant to s.
49 195.002. There shall be a separate account in the trust fund for
50 the aid and assistance activity of providing aerial photographs
51 and nonproperty ownership maps to property appraisers. The
52 department shall use money in the fund to pay such expenses. All
53 forms and maps and instructions relating to their use must be
54 substantially uniform throughout the state. An officer may
55 employ supplemental forms and maps, at the expense of his or her
56 office, which he or she deems expedient for the purpose of
57 administering and collecting ad valorem taxes. The forms
58 required in ss. 193.461(3)(a) and 196.011(1) for renewal
59 purposes must require sufficient information for the property
60 appraiser to evaluate the changes in use since the prior year.
61 If the property appraiser determines, in the case of a taxpayer,

3-01267-16

20161488__

62 that he or she has insufficient current information upon which
63 to approve the exemption, or if the information on the renewal
64 form is inadequate for him or her to evaluate the taxable status
65 of the property, he or she may require the resubmission of an
66 original application.

67 Section 2. 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)

2/1/16

Meeting Date

SB 1488

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Loren Levy

Job Title General Counsel, Property Appraisers' Ass'n of Fla.

Address 1828 Riggins Rd

Phone 850-219-0220

Street

Tallahassee

City

FL

State

32308

Zip

Email paaf@comcast.net

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

APPEARANCE RECORD

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

1488

Meeting Date

Bill Number (if applicable)

Topic Aerial Photography

Amendment Barcode (if applicable)

Name Chris Doolin

Job Title Small County Coalition

Address 1118-B Thomomville

Phone 508-5492

Street

City

TALCA. FL 32308

State

Zip

Email cdoolin@netally.com

Speaking: For Against Information

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

Representing SMALL COUNTY COALITION

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:

Agriculture, *Chair*
Appropriations Subcommittee on Education, *Vice Chair*
Appropriations
Banking and Insurance
Education Pre-K - 12
Reapportionment
Rules

SENATOR BILL MONTFORD

3rd District

January 25, 2016

Senator Wilton Simpson, Chair
Senate Community Affairs Committee
322 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Simpson:

I respectfully request that SB 1488 be scheduled for a hearing before the Senate Community Affairs Committee. Senate Bill 1488 would restore funding for aerial photography for counties in rural communities.

Your assistance and favorable consideration of my request is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Bill Montford".

William "Bill" Montford
State Senator, District 3

cc: Tom Yeatman, Staff Director

BJM/mam

REPLY TO:

- 214 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5003
- 20 East Washington Street, Suite D, Quincy, Florida 32351 (850) 627-9100

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 Committee on Community Affairs

BILL: CS/SB 1324

INTRODUCER: Community Affairs Committee and Senator Altman

SUBJECT: Taxation

DATE: January 29, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	Fav/CS
2.			FT	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1324 authorizes a property appraiser to contract for services to examine or audit homestead tax exemptions claimed on assessment rolls. The contractors are compensated solely from back taxes and penalties collected as a result of the examination or audit. The bill also provides that a tax lien based on a false homestead claim is collected in the same manner as, and in addition to, the current ad valorem taxes.

The bill further provides that the owner of nonhomestead property is granted a period of 30 days after the receipt of notice to pay the unpaid taxes and any applicable penalties and interest if the property owner received a property assessment limitation that the owner was not entitled to receive. The property appraiser may not file the tax lien before the conclusion of the 30 day period.

The bill also provides that the property owner improperly receiving the nonhomestead property assessment limitation may not be assessed penalties or interest if the property assessment limitation is improperly granted as a result of a clerical mistake or an omission by the property appraiser.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of

January 1 of each year.¹ The property appraiser annually determines the “just value”² of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”³ Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31.

The Florida Constitution prohibits the state from levying ad valorem taxes⁴ and limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.⁵

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;⁶ however, the Florida Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Properties that receive classified use treatment in Florida include: agricultural land, land producing high water recharge to Florida’s aquifers, and land used exclusively for noncommercial recreational purposes;⁷ land used for conservation purposes;⁸ historic properties when authorized by the county or municipality;⁹ and certain working waterfront property.¹⁰

Property Tax Exemptions for Homesteads

The Legislature may only grant property tax exemptions that are authorized in the Florida Constitution, and any modifications to existing property tax exemptions must be consistent with the constitutional provision authorizing the exemption.¹¹

Homestead Exemption

Article VII, section 6 of the Florida Constitution provides that every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate is eligible for a \$25,000 homestead tax exemption applicable to all ad valorem tax levies including levies by school districts. An additional \$25,000 homestead exemption applies to homesteads that have an assessed value greater than \$50,000 and up to \$75,000, excluding ad valorem taxes levied by school districts.

¹ Both real property and tangible personal property can be subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

² Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So.2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So.2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So.2d 4 (Fla. 1973).

³ *See* s. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ *See* FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

¹¹ *Sebring Airport Auth. v. McIntyre*, 783 So.2d 238, 248 (Fla. 2001); *Archer v. Marshall*, 355 So.2d 781, 784. (Fla. 1978); *Am Fi Inv. Corp. v. Kinney*, 360 So.2d 415 (Fla. 1978); *See also Sparkman v. State*, 58 So.2d 431, 432 (Fla. 1952).

Fraudulent Homestead Exemption Claims

If delinquent ad valorem taxes are not paid by June 1 of the year after assessment, the county holds a tax certificate sale for real property located in the county on which the taxes became delinquent in that year.¹² A tax lien certificate is an interest bearing first lien representing unpaid delinquent real estate property taxes. However, it does not convey any property rights or ownership to the certificate holder.

The property owner has a period of 2 years from the date the taxes became delinquent to redeem the tax certificate by paying to the county the total due, including accrued interest.¹³ After the 2 year period, if the taxes remain unpaid, the lien holder may make an application for tax deed auction with the county.¹⁴ If tax deed auction proceedings begin, the property owner must pay all due and delinquent years, plus fees and interest to stop the sale of their property at public auction.¹⁵ If the tax certificate is not redeemed or sold at auction after 7 years, the tax certificate is cancelled and considered null and void.¹⁶

Current law provides that if a property owner was granted a homestead exemption, but was not entitled to it, the property appraiser will send the owner a notice of intent to file a tax lien on any property owned by the owner in that county.¹⁷ After receiving notice, the property owner has 30 days to pay the taxes owed, plus penalties and interest before the property appraiser may file the lien.¹⁸ Even if a tax lien is filed, the tax lien remains on the property until it is paid or expires after 20 years.¹⁹

Nonhomestead Property Assessment Limitations

Current law provides that if a property owner was granted a property assessment limitation for a nonhomestead property, but was not entitled to it, the property appraiser will send the owner a notice of intent to file a tax lien on any property owned by the owner in that county.²⁰ However, current law does not address the amount of time that a property owner has to pay the unpaid taxes, penalties, and interest before the tax lien may be filed.

III. Effect of Proposed Changes:

Section 1 amends s. 193.1554, F.S., to allow the owner of nonhomestead property a period of 30 days after the receipt of notice to pay the unpaid taxes and any applicable penalties and interest if the property owner received a property assessment limitation that the owner was not entitled to receive. The property appraiser may not file the tax lien before the conclusion of the 30 day period.

¹² Section 197.432(1), F.S.

¹³ Section 197.502(1) and (2), F.S.

¹⁴ Section 197.502, F.S.

¹⁵ Section 197.472, F.S.

¹⁶ Section 197.482, F.S.

¹⁷ Section 196.161(1)(b), F.S.

¹⁸ *Id.*

¹⁹ Section 95.091(1)(b), F.S.

²⁰ *See* Sections 193.1554 and 193.1555, F.S.

The bill also provides that the property owner improperly receiving the nonhomestead property assessment limitation may not be assessed penalties or interest if the property assessment limitation is improperly granted as a result of a clerical mistake or an omission by the property appraiser.

Section 2 amends s. 193.1555, F.S., to allow the owner of nonhomestead property a period of 30 days after the receipt of notice to pay the unpaid taxes and any applicable penalties and interest if the property owner received a property assessment limitation that the owner was not entitled to receive. The property appraiser may not file the tax lien before the conclusion of the 30 day period.

The bill also provides that the property owner improperly receiving the nonhomestead property assessment limitation may not be assessed penalties or interest if the property assessment limitation is improperly granted as a result of a clerical mistake or an omission by the property appraiser.

Section 3 amends s. 196.141, F.S., to allow the property appraiser to contract for services to examine or audit homestead tax exemptions claimed on assessment rolls. Agreements for such contracted services must provide that:

- The contractor may contact persons claiming a homestead exemption only with the written approval of, and in a manner prescribed by, the property appraiser. The contractor must notify the person claiming the homestead exemption that the contractor has been contracted by the property appraiser as a third party to examine or audit homestead tax exemptions. The contractor must provide the property appraiser's contact information to the person claiming the homestead exemption and provide notice that any questions related to the examination or audit should be directed to the property appraiser. The contractor may not:
 - Falsely personate a government official.
 - Communicate with the person between 9 p.m. and 8 a.m. in the person's time zone without the person's prior consent.
 - Suggest, communicate, or threaten that the person owes any money.
 - Disclose or threaten to disclose any information that is not a public record to a person other than the person claiming the homestead exemption, the person's authorized representative, an adult occupant of the property receiving the homestead exemption, the property appraiser, or the property appraiser's agents or employees.
 - Publish or post, threaten to publish or post, or cause to be published or posted to the general public any individual names or list of names.
- After the contractor completes the examination or audit, the contractor must disclose the results to the property appraiser. The property appraiser will make the determination whether the property owner is entitled to the homestead exemption, and initiate proceedings pursuant to ss. 196.151 and 196.161, F.S., if the property appraiser determines the person was not entitled to the homestead exemption.
- The contractor is solely responsible to the property appraiser for any claims arising from the contractor's performance.
- The contractor's compensation will consist solely of a portion, as specified in the agreement, of the back taxes and penalties collected on the assessments resulting from the examination or audit and the removal of homestead exemptions from previous and current year tax rolls.

- A property appraiser contracting for such services may receive the interest imposed pursuant to chapter 196, F.S., and collected on the previous and current year's assessment rolls. After distributing the compensation for such contracted services and the interest retained by the property appraiser, the tax collector shall distribute any back taxes collected under ch. 197, F.S.

Section 4 amends s. 196.161, F.S., to authorize unpaid taxes, interest, and penalties due from homestead fraud perpetrators to be added to the next tax assessment.

Section 5 amends s. 213.30, F.S., to authorize the collection of money pursuant to s. 196.141, F.S.

Section 6 provides that the Legislature finds that this act fulfills an important state interest.

Section 7 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:

Owners of nonhomestead property who improperly received a property assessment limitation due to a clerical mistake or an omission by the property appraiser no longer have to pay penalties or interest.

C. Government Sector Impact:

The ability of a property appraiser to contract for services to examine or audit homestead tax exemptions may result in fewer fraudulent homestead claims, resulting in the relinquishment of those homeowner's improper benefits and a higher ad valorem tax base for the local government.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 196.141, 196.161, and 213.30 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 Community Affairs on February 1, 2016:

Provides the owner of nonhomestead property a period of 30 days after the receipt of notice to pay the unpaid taxes and any applicable penalties and interest if the property owner received a property assessment limitation that the owner was not entitled to receive. The property appraiser is prohibited from filing the tax lien before the conclusion of the 30 day period. In addition, the property owner improperly receiving the nonhomestead property assessment limitation may not be assessed penalties or interest if the property assessment limitation is improperly granted as a result of a clerical mistake or an omission by the property appraiser.

B. Amendments:

None.



949208

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
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The Committee on Community Affairs (Bradley) recommended the following:

Senate Amendment (with title amendment)

Before line 34

insert:

Section 1. Subsection (10) of section 193.1554, Florida Statutes, is amended to read:

193.1554 Assessment of nonhomestead residential property.—

(10) If the property appraiser determines that for any year or years within the prior 10 years a person or entity who was



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10 not entitled to the property assessment limitation granted under
11 this section was granted the property assessment limitation, the
12 property appraiser making such determination shall record in the
13 public records of the county a notice of tax lien against any
14 property owned by that person or entity in the county, and such
15 property must be identified in the notice of tax lien. Such
16 property that is situated in this state is subject to the unpaid
17 taxes, plus a penalty of 50 percent of the unpaid taxes for each
18 year and 15 percent interest per annum. Before any such lien may
19 be filed, the owner so notified must be given 30 days to pay the
20 taxes and any applicable penalties and interest. If the
21 nonhomestead property assessment limitation is improperly
22 granted as a result of a clerical mistake or an omission by the
23 property appraiser, the person or entity improperly receiving
24 the property assessment limitation may not be assessed penalties
25 or interest.

26 Section 2. Subsection (10) of section 193.1555, Florida
27 Statutes, is amended to read:

28 193.1555 Assessment of certain residential and
29 nonresidential real property.—

30 (10) If the property appraiser determines that for any year
31 or years within the prior 10 years a person or entity who was
32 not entitled to the property assessment limitation granted under
33 this section was granted the property assessment limitation, the
34 property appraiser making such determination shall record in the
35 public records of the county a notice of tax lien against any
36 property owned by that person or entity in the county, and such
37 property must be identified in the notice of tax lien. Such
38 property that is situated in this state is subject to the unpaid



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39 taxes, plus a penalty of 50 percent of the unpaid taxes for each
40 year and 15 percent interest per annum. Before any such lien may
41 be filed, the owner so notified must be given 30 days to pay the
42 taxes and any applicable penalties and interest. If the
43 nonhomestead property assessment limitation is improperly
44 granted as a result of a clerical mistake or an omission by the
45 property appraiser, the person or entity improperly receiving
46 the property assessment limitation may not be assessed penalties
47 or interest.

48
49 ===== T I T L E A M E N D M E N T =====

50 And the title is amended as follows:

51 Delete line 2

52 and insert:

53 An act relating to taxation; amending s. 193.1554,
54 F.S.; providing that an owner who was not entitled to
55 a nonhomestead residential property assessment
56 limitation must be given a specified timeframe to pay
57 certain taxes, penalties, and interest before a
58 certain lien may be filed; providing that penalties or
59 interest may not be assessed due to certain clerical
60 mistakes or omissions by a property appraiser;
61 amending s. 193.1555, F.S.; providing that an owner
62 who was not entitled to a certain residential and
63 nonresidential real property assessment limitation
64 must be given a specified timeframe to pay certain
65 taxes, penalties, and interest before a certain lien
66 may be filed; providing that penalties or interest may
67 not be assessed due to certain clerical mistakes or



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68 omissions by a property appraiser; amending s.
69 196.141,

By Senator Altman

16-01195-16

20161324__

1 A bill to be entitled
2 An act relating to taxation; amending s. 196.141,
3 F.S.; authorizing a property appraiser to contract for
4 services to examine or audit claimed homestead tax
5 exemptions; specifying requirements for such
6 contracts; requiring a contractor to provide certain
7 information to the person claiming the exemption;
8 prohibiting certain actions by a contractor; requiring
9 a contractor to disclose results to the property
10 appraiser; requiring the property appraiser to
11 initiate specified proceedings if he or she determines
12 a person is not entitled to an exemption; specifying
13 responsibility for a contractor's performance;
14 providing for the source of funds for the contractor's
15 compensation; providing for the property appraiser's
16 receipt and distribution of interest and back taxes;
17 amending s. 196.161, F.S.; requiring a property
18 appraiser to file a tax lien against certain property
19 for certain unpaid taxes, penalties, and interest
20 after a specified time; requiring a tax lien to remain
21 on the property until such amounts are paid in full;
22 revising the process for the collection of such unpaid
23 amounts; specifying the priority of the lien; deleting
24 a provision that specifies the process by which a lien
25 attaches to property and that requires tax collectors
26 to record notices of tax liens in other counties in
27 certain circumstances; amending s. 213.30, F.S.;
28 conforming provisions to changes made by the act;
29 providing a declaration of important state interest;
30 providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

16-01195-16

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Section 1. Section 196.141, Florida Statutes, is amended to read:

196.141 Homestead exemptions; duty of property appraiser.—

(1) The property appraiser shall examine each claim for exemption filed with or referred to him or her and shall allow the exemption same, if found to be in accordance with law, by marking the exemption same approved and by making the proper deductions on the assessment rolls tax books.

(2) The property appraiser may contract for services to examine or audit homestead tax exemptions claimed on assessment rolls. Agreements for such contracted services must provide, at a minimum, that:

(a) The contractor may contact persons claiming a homestead exemption only with the written approval of, and in a manner prescribed by, the property appraiser. The contractor must notify the person claiming the homestead exemption that the contractor has been contracted by the property appraiser as a third party to examine or audit homestead tax exemptions. The contractor must provide the property appraiser's contact information to the person claiming the homestead exemption and provide notice that any questions related to the examination or audit should be directed to the property appraiser. The contractor may not:

1. Falsely personate a government official.
2. Communicate with the person between 9 p.m. and 8 a.m. in the person's time zone without the person's prior consent.
3. Suggest, communicate, or threaten that the person owes any money.

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62 4. Disclose or threaten to disclose any information that is
63 not a public record to a person other than the person claiming
64 the homestead exemption, the person's authorized representative,
65 an adult occupant of the property receiving the homestead
66 exemption, the property appraiser, or the property appraiser's
67 agents or employees.

68 5. Publish or post, threaten to publish or post, or cause
69 to be published or posted to the general public any individual
70 names or list of names.

71 (b) After the contractor completes the examination or
72 audit, the contractor must disclose the results to the property
73 appraiser. The property appraiser shall determine whether the
74 person was entitled to the homestead exemption, and initiate
75 proceedings pursuant to ss. 196.151 and 196.161 if the property
76 appraiser determines the person was not entitled to the
77 homestead exemption.

78 (c) The contractor is solely responsible to the property
79 appraiser for any claims arising from the contractor's
80 performance.

81 (d) The contractor's compensation must consist solely of a
82 portion, as specified in the agreement, of the back taxes and
83 penalties imposed pursuant to this chapter and collected on the
84 assessments resulting from the contractor's examination or audit
85 and the removal of homestead exemptions from previous and
86 current year tax rolls.

87 (e) A property appraiser contracting for such services may
88 receive the interest imposed pursuant to this chapter and
89 collected on the taxes owed on assessment rolls for the current
90 and previous years. After distributing the compensation for such

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91 contracted services and the interest that the property appraiser
92 retains, the tax collector shall distribute any back taxes
93 collected under chapter 197.

94 Section 2. Paragraph (b) of subsection (1) and subsections
95 (2) and (3) of section 196.161, Florida Statutes, are amended to
96 read:

97 196.161 Homestead exemptions; lien imposed on property of
98 person claiming exemption although not a permanent resident.—

99 (1)

100 (b) In addition, upon determination by the property
101 appraiser that for any year or years within the prior 10 years a
102 person who was not entitled to a homestead exemption was granted
103 a homestead exemption from ad valorem taxes, ~~it shall be the~~
104 ~~duty of~~ the property appraiser making such determination shall
105 ~~to~~ serve upon the owner a notice of intent to record in the
106 public records of the county a notice of tax lien against any
107 property owned by that person in the county, and such property
108 shall be identified in the notice of tax lien. Such property
109 which is situated in this state shall be subject to the taxes
110 exempted thereby, plus a penalty of 50 percent of the unpaid
111 taxes for each year and 15 percent interest per annum. However,
112 if a homestead exemption is improperly granted as a result of a
113 clerical mistake or an omission by the property appraiser, the
114 person improperly receiving the exemption shall not be assessed
115 penalty and interest. Before ~~any~~ such lien may be filed, the
116 owner so notified must be given 30 days to pay the taxes,
117 penalties, and interest. The property appraiser shall file the
118 tax lien for the taxes, penalties, and interest that remain
119 unpaid 30 days after the notice is sent. Such tax lien remains

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120 on the property until the taxes, penalties, and interest are
121 paid in full.

122 (2) Except when a homestead exemption is improperly granted
123 as the result of a clerical error by the property appraiser, the
124 taxes, penalties, and interest assessed pursuant to this section
125 which are not paid in full must be included in the next tax
126 notice and collected in the same manner as, and in addition to,
127 the current ad valorem taxes under chapter 197, including the
128 annual tax certificate sale, when appropriate ~~The collection of~~
129 ~~the taxes provided in this section shall be in the same manner~~
130 ~~as existing ad valorem taxes, and the above procedure of~~
131 ~~recapturing such taxes shall be supplemental to any existing~~
132 ~~provision under the laws of this state.~~

133 (3) The lien required under subsection (1) constitutes a
134 first lien as set forth in s. 197.122 herein provided shall not
135 ~~attach to the property until the notice of tax lien is filed~~
136 ~~among the public records of the county where the property is~~
137 ~~located. Prior to the filing of such notice of lien, any~~
138 ~~purchaser for value of the subject property shall take free and~~
139 ~~clear of such lien. Such lien when filed shall attach to any~~
140 ~~property which is identified in the notice of lien and is owned~~
141 ~~by the person who illegally or improperly received the homestead~~
142 ~~exemption. Should such person no longer own property in the~~
143 ~~county, but own property in some other county or counties in the~~
144 ~~state, it shall be the duty of the property appraiser to record~~
145 ~~a notice of tax lien in such other county or counties,~~
146 ~~identifying the property owned by such person in such county or~~
147 ~~counties, and it shall become a lien against such property in~~
148 ~~such county or counties.~~

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149 Section 3. Subsection (3) of section 213.30, Florida
150 Statutes, is amended to read:

151 213.30 Compensation for information relating to a violation
152 of the tax laws.—

153 (3) Notwithstanding any other provision of law, this
154 section and s. 196.141 are ~~is~~ the sole means by which any person
155 may seek or obtain any moneys as the result of, in relation to,
156 or founded upon the failure by another person to comply with the
157 tax laws of this state. A person's use of any other law to seek
158 or obtain moneys for such failure is in derogation of this
159 section and s. 196.141 and conflicts with the state's duty to
160 administer the tax laws.

161 Section 4. The Legislature finds that this act fulfills an
162 important state interest.

163 Section 5. 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)

2/1/16
Meeting Date

1324
Bill Number (if applicable)

Topic Ad Valorem Tax Assessments

Amendment Barcode (if applicable)

Name Martha Cleaver

Job Title Governmental Consultant

Address Post Office Box 11275

Phone 850/491-1945

Tallahassee, FL 32302-1275

Email marthacleaver@fapa.net

City State Zip

Speaking: For Against Information

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

Representing Florida Association of Property Appraisers

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)

2/1/16

Meeting Date

SB 1324

Bill Number (if applicable)

Topic Homestead Exemption Fraud

Amendment Barcode (if applicable)

Name Tim Qualls

Job Title Executive Director

Address 216 S. Monroe St

Phone 850-222-7206

Street

Tallahassee

FL

32301

Email TQUALLS@YUCLAW.NET

City

State

Zip

Speaking: For Against Information

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

Representing Florida Tax Collectors 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

Tallahassee, Florida 32399-1100

SENATOR THAD ALTMAN

16th District

COMMITTEES:

Military Affairs, Space, and Domestic Security, *Chair*
Appropriations Subcommittee on Criminal and
Civil Justice
Appropriations Subcommittee on Finance and Tax
Children, Families, and Elder Affairs
Criminal Justice
Environmental Preservation and Conservation

SELECT COMMITTEE

Indian River Lagoon and Lake Okeechobee

JOINT COMMITTEE:

Joint Administrative Procedures Committee

January 12, 2016

The Honorable Wilton Simpson
Senate Committee on Community Affairs, Chair
315 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Simpson:

I respectfully request that SB 1324, related to *Taxation*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration, and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Thad Altman".

Thad Altman

CC: Tom Yeatman, Staff Director, 315 Knott Building
Ann Whittaker, Committee Administrative Assistant

TA/dw

REPLY TO:

- 6767 North Wickham Road, Suite 211, Melbourne, Florida 32940 (321) 752-3138
- 314 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

DON GAETZ
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 Committee on Community Affairs

BILL: CS/SB 1480

INTRODUCER: Community Affairs Committee and Senator Sobel

SUBJECT: Conveyance of Property Taken by Eminent Domain

DATE: February 1, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	Fav/CS
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1480 authorizes certain condemning authorities to convey, without restriction, property taken by inverse condemnation to a private party if the property is condemned pursuant to a large hub airport noise mitigation or noise compatibility program.

II. Present Situation:

Constitutional Provisions on Takings

The Fifth Amendment of the United States Constitution applies to the states through the Fourteenth Amendment and provides, in part: “nor shall private property be taken for public use, without just compensation.”¹

Similarly, the Florida Constitution states that: “No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner.”²

There is no absolute definition of what constitutes a public use. The concept changes along with evolutions of societal norms and changed “circumstances brought about by an increase in

¹ U.S.C.A. CONST. AMEND V.

² FLA. CONST., Article X., s. 6(a).

population and new modes of communication and transportation.”³ In situations where both private and public benefits result from a condemnation, the determination of whether the condemnation was for a public use may turn on whether the public benefits are of a primary or an incidental character.⁴ An incidental benefit to a private party does not render a taking invalid so long as the primary benefit is to the public.

Florida Law on Eminent Domain

Florida affords generous treatment to private property owners, or defendants in eminent domain proceedings. In Florida, the owner is entitled to full and fair compensation.⁵ Compensation is generally the payment of the fair market value of the property.⁶ Fair market value is considered to be based upon what a willing buyer would pay to a willing seller.⁷ Also, the petitioner must always pay attorney’s fees and reasonable costs to the defendant.⁸ Reasonable costs include appraisal fees and, if business damages are involved, an accountant’s fee.⁹ Defendants also have the right to a jury trial.¹⁰

Eminent domain is effected in one of two ways. The first is through the traditional eminent domain process, which involves the filing of a petition for condemnation and, if the property owner challenges the action, a jury trial.¹¹ The second process, called a “quick taking,” occurs when the governmental entity files a declaration of taking (containing a good faith estimate of the value of the property) and takes immediate possession of the property before the completion of the judicial procedure.¹² “A taking may result from a ‘physical invasion’ of the property or may follow a ‘regulatory imposition.’”¹³ Either way, the government asserts its authority to condemn property.¹⁴ Conversely, it should be noted that “inverse condemnation” is a cause of action by a property owner to recover the value of property that has been de facto taken by an agency having the power of eminent domain where no formal exercise of that power has been undertaken.¹⁵ Essentially, inverse condemnation is the cause of action when a governmental entity, by its conduct or activities, has taken private property without a formal exercise of eminent domain.¹⁶

³ 21 Fla. Jur. 2d Eminent Domain s. 27, *Generally; public purpose distinguished* (2015).

⁴ 21 Fla. Jur. 2d Eminent Domain s. 29, *Purpose partly public and partly private; incidental private use or benefit* (2015).

⁵ Debra Herman and Jorge Martinez-Esteve, *The Admissibility of Dedication Requirements in Condemnation Cases: No Longer the Road Less Traveled*, 85 FLA. B.J. 20, 21 (November 2011).

⁶ *Id.*

⁷ *Id.*

⁸ Section 73.091(1), F.S.

⁹ *Id.*

¹⁰ Section 73.071(1), F.S.

¹¹ Sections 73.031(1) and 73.071(1), F.S.

¹² Section 74.031, F.S.

¹³ *Alachua Land Investors, LLC v. City of Gainesville*, 107 So.3d 1154, 1158 (Fla. 1st DCA 2013) (internal citations omitted).

¹⁴ 21 FLA. JUR. 2D EMINENT DOMAIN s. 227 *Inverse Condemnation; Generally* (2015).

¹⁵ *Id.*

¹⁶ *Id.*

Restrictions on the Conveyance of Condemned Property to Private Parties

The state may not authorize the taking of private property solely for another private party's private use, even if the state pays full compensation for the condemned property.¹⁷ Neither the state nor any political subdivision may convey a property taken by condemnation to a private entity, unless the conveyance is authorized by law.¹⁸ Current law allows condemned property to be conveyed to a private party for:

- Use in common carrier services or systems;
- Use as a road or other right-of-way;
- Use in providing utility services or systems; and
- Use in providing public infrastructure.

There are also statutory restrictions on the subsequent conveyance of a condemned property that has already been conveyed to a private party. If ownership of a condemned property is conveyed to a private party pursuant to one of the statutory exceptions described above and at least 10 years have elapsed since the condemning authority acquired title to the property, then the property may be transferred again to another private party after public notice and competitive bidding (unless otherwise provided by general law).¹⁹ If fewer than 10 years have elapsed since the condemning authority acquired title to the property, the property may be conveyed a second time if the current titleholder certifies that the property is no longer needed for the use for which the property was originally condemned, and the owner from whom the property was taken by eminent domain is given the opportunity to repurchase the property at the price received from the condemning authority.²⁰ Two statutory exceptions that substitute the condemning authority for the certifying party or the current titleholder operate similarly.²¹

Large Hub Airports

According to the Federal Aviation Administration, a “large hub airport” is a public use airport that serves civil aviation and accounts for 1 percent or more of annual national passenger boarding.²² There are four large hub airports in Florida: Fort Lauderdale-Hollywood International Airport, Miami International Airport, Orlando International Airport, and Tampa International Airport.²³

The National Plan of Integrated Airport Systems is overseen by the United States Secretary of Transportation.²⁴ The plan is designed to ensure a “safe, efficient, and integrated system of public-use airports adequate to anticipate and meet the needs of civil aeronautics, to meet the

¹⁷ 21 Fla. Jur. 2d Eminent Domain s. 25, *Taking for private use restricted* (2015).

¹⁸ FLA. CONST., Article X, s. 6(c); *see also*, s 73.013(1), F.S.

¹⁹ Section 73.013(2)(a), F.S.

²⁰ Section 73.013(2)(b), F.S.

²¹ Sections 73.013(1)(f) and (g), F.S.

²² Federal Aviation Administration, *Airport Categories – Airports*, available at, http://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/categories/ (last visited January 21, 2016).

²³ Wikipedia, *List of airports in Florida*, available at https://en.wikipedia.org/wiki/List_of_airports_in_Florida (last visited January 21, 2016).

²⁴ 49 U.S.C. s. 47103.

national defense requirements of the Secretary of Defense, and to meet identified needs of the United States Postal Service.”²⁵

The State of Florida and its political subdivisions have the authority to condemn property when necessary for air approach protection.²⁶ A county’s taking of only residential property (but not similarly situated commercial property) serves a valid public purpose when the residential property is condemned “because the airport zoning laws indicate that residential construction in areas exceeding certain noise level requirements is an incompatible use, and testimony indicates that the parcels taken meet the requirements for incompatible use.”²⁷

Appendix A of 14 C.F.R. part 150 regulates “noise exposure maps” related to airports. A noise exposure map is a “scaled, geographic depiction of an airport, its noise contours, and surrounding area.”²⁸ Appendix A establishes a uniform methodology for the development and preparation of airport noise exposure maps. It also identifies land uses that are considered to be compatible with various exposures of individuals to noise around airports. Residential land uses are not recommended for areas with an average noise exposure above 65 decibels.

III. Effect of Proposed Changes:

Section 1 amends s. 73.013, F.S., authorizing certain condemning authorities to convey, without restriction, property taken by inverse condemnation to a private party if the property is condemned pursuant to a large hub airport noise mitigation or noise compatibility program. This authority only applies to large hub airports identified in the National Plan of Integrated Airport Systems prepared in accordance with 49 U.S.C. s. 47103. The condemning authority may convey ownership or control of the property to a natural person or private entity under this paragraph only if the property is zoned so that future uses conform to the airport noise compatibility standards provided in 14 C.F.R. part 150, Appendix A.

Section 2 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.

²⁵ *Id.*

²⁶ Section 333.12, F.S.

²⁷ 21 Fla. Jur. 2d Eminent Domain s. 31, *Airports* (2015).

²⁸ 14 C.F.R. s. 150.7.

D. Other Constitutional Issues:

The Florida Constitution prohibits the conveyance of private property taken by eminent domain after January 2, 2007, to a private party, unless that conveyance is authorized by a general law passed by a three-fifths vote of the membership of each house of the Legislature.²⁹ The bill authorizes the conveyance of private property taken by eminent domain, therefore it requires a three-fifths vote for final passage.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Florida's eminent domain law requires a condemning authority to pay the owner of the condemned lands full compensation (as opposed to the federally mandated "just compensation"). Therefore, any private owner of condemned lands should not suffer an adverse fiscal impact.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 73.013 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:

Limits the application of the exception to instances where a condemning authority has acquired property in fee simple by inverse condemnation as a result of noise mitigation measures, or on the basis of measures required for the safety, utility, or efficiency of the airport.

²⁹ FLA. CONST., Article X., s. 6(c).

B. Amendments:

None.

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



797724

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
	.	
	.	
	.	

The Committee on Community Affairs (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 68 - 81

and insert:

(i) Without restriction, if the condemning authority acquires the property in fee simple by inverse condemnation as a result of large hub airport noise mitigation, or a noise compatibility program, at an airport governed by Federal Aviation Administration requirements on the basis of noise mitigation measures, or on the basis of measures required for



797724

11 the safety, utility, or efficiency of the airport identified in
12 a Record of Decision or any other evaluation issued by the
13 Federal Aviation Administration in connection with an airport
14 development project. As used in this section, the term "large
15 hub airport" means an airport identified in the national plan of
16 integrated airport systems prepared in accordance with 49 U.S.C.
17 s. 47103. The condemning authority may convey ownership or
18 control of the property to a natural person or private entity
19 under this paragraph only if the property is zoned so that
20 future uses conform to the airport noise compatibility standards
21 provided in 14 C.F.R. part 150, Appendix A.

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

23 And the title is amended as follows:

24 Delete lines 5 - 7

25 and insert:

26 ownership or control of specified property to a
27 natural person or private entity under certain
28 circumstances; defining the term "large hub airport";
29 providing an effective

By Senator Sobel

33-01085-16

20161480__

1 A bill to be entitled

2 An act relating to the conveyance of property taken by
3 eminent domain; amending s. 73.013, F.S.; authorizing
4 a condemning authority to convey, without restriction,
5 lands condemned for specific noise mitigation or noise
6 compatibility programs at certain large hub airports
7 to a person or private entity; providing an effective
8 date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (1) of section 73.013, Florida
13 Statutes, is amended to read:

14 73.013 Conveyance of property taken by eminent domain;
15 preservation of government entity communications services
16 eminent domain limitation; exception to restrictions on power of
17 eminent domain.—

18 (1) Notwithstanding any other provision of law, including
19 any charter provision, ordinance, statute, or special law, if
20 the state, any political subdivision as defined in s. 1.01 ~~s.~~
21 ~~1.01(8)~~, or any other entity to which the power of eminent
22 domain is delegated files a petition of condemnation on or after
23 the effective date of this section regarding a parcel of real
24 property in this state, ownership or control of property
25 acquired pursuant to such petition may not be conveyed by the
26 condemning authority or any other entity to a natural person or
27 private entity, by lease or otherwise, except that ownership or
28 control of property acquired pursuant to such petition may be
29 conveyed, by lease or otherwise, to a natural person or private
30 entity:

31 (a) For use in providing common carrier services or
32 systems;

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33 (b)1. For use as a road or other right-of-way or means that
34 is open to the public for transportation, whether at no charge
35 or by toll;

36 2. For use in the provision of transportation-related
37 services, business opportunities, and products pursuant to s.
38 338.234, on a toll road;

39 (c) That is a public or private utility for use in
40 providing electricity services or systems, natural or
41 manufactured gas services or systems, water and wastewater
42 services or systems, stormwater or runoff services or systems,
43 sewer services or systems, pipeline facilities, telephone
44 services or systems, or similar services or systems;

45 (d) For use in providing public infrastructure;

46 (e) That occupies, pursuant to a lease, an incidental part
47 of a public property or a public facility for the purpose of
48 providing goods or services to the public;

49 (f) Without restriction, after public notice and
50 competitive bidding unless otherwise provided by general law, if
51 less than 10 years have elapsed since the condemning authority
52 acquired title to the property and the following conditions are
53 met:

54 1. The condemning authority or governmental entity holding
55 title to the property documents that the property is no longer
56 needed for the use or purpose for which it was acquired by the
57 condemning authority or for which it was transferred to the
58 current titleholder; and

59 2. The owner from whom the property was taken by eminent
60 domain is given the opportunity to repurchase the property at
61 the price that he or she received from the condemning authority;

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20161480__

62 (g) After public notice and competitive bidding unless
63 otherwise provided by general law, if the property was owned and
64 controlled by the condemning authority or a governmental entity
65 for at least 10 years after the condemning authority acquired
66 title to the property; ~~or~~

67 (h) In accordance with subsection (2); or

68 (i) Without restriction, if the condemning authority
69 condemns the property pursuant to a noise mitigation or noise
70 compatibility program at an airport governed by Federal Aviation
71 Administration requirements. The decision to condemn must be
72 made on the basis that the property is deemed incompatible with
73 residential land use under the standards provided in 14 C.F.R.
74 part 150, Appendix A, or on the basis of noise mitigation
75 measures or measures required for the safety, utility, or
76 efficiency of an airport identified in a Record of Decision or
77 other evaluation issued by the Federal Aviation Administration
78 in connection with an airport development project. This
79 paragraph applies only to large hub airports identified in the
80 National Plan of Integrated Airport Systems prepared in
81 accordance with 49 U.S.C. s. 47103.

82 Section 2. 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)

2/1/16

Meeting Date

1480

Bill Number (if applicable)

Topic CONVEYANCE OF PROPERTY

Amendment Barcode (if applicable)

Name CAROLE DUNCANSON

Job Title

Address 113 E COLLEGE AVE #310

Phone 566 9056

Street

TALLAHASSEE FL 32301

Email CAROLEC@D

City

State

Zip

Speaking: [] For [] Against [X] Information

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

Representing City of DANIA BEACH

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

Lobbyist registered with Legislature: [X] 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)

2/1/2016

Meeting Date

and SB 1480
Bill Number (if applicable)

797724

Topic Conveyance of Property Acquired by Eminent Domain Amendment Barcode (if applicable)

Name Edward G. Labrador

Job Title Director, Intergovernmental Affairs

Address 115 S Andrews Avenue, Room 426

Phone 954-357-7575

Street

Fort Lauderdale FL 33301

City

State

Zip

Email elabrador@broward.org

Speaking: For Against Information

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

Representing Broward 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:
Children, Families, and Elder Affairs, *Chair*
Health Policy, *Vice Chair*
Agriculture
Education Pre-K-12
Appropriations Subcommittee on Health
and Human Services

SENATOR ELEANOR SOBEL

33rd District

January 19, 2016

Senator Wilton Simpson
Chair of the Committee on Community Affairs
322 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399

Dear Chair Simpson,

This letter is to request that **SB 1480**, relating to the **Conveyance of Property Taken by Eminent Domain**, be placed on the agenda of the next scheduled meeting of the Committee on Community Affairs. Senate Bill 1480 authorizes a condemning authority to convey, without restriction, lands condemned for specific noise mitigation or noise compatibility programs at certain large hub airports to a person or private entity.

Thank you for your consideration of this request. If you have any questions, please don't hesitate to contact me or my staff.

Respectfully,



Eleanor Sobel
State Senator, 33rd District

REPLY TO:

- The "Old" Library, First Floor, 2600 Hollywood Blvd., Hollywood, Florida 33020 (954) 924-3693 FAX: (954) 924-3695
- 410 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SB 1480
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, February 1, 2016
TIME: 1:30—3:30 p.m.
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS	1/26/2016 ¹ Motion to Temporarily Postpone		2/01/2016 ² Amendment 797724		Yea	Nay
Yea	Nay		Brandes		Hutson			
			Yea	Nay	Yea	Nay		
X		Abruzzo						
X		Bradley						
VA		Dean						
		Diaz de la Portilla						
X		Hutson						
X		Thompson						
VA		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
7	0	TOTALS	FAV	-	RCS	-	Yea	Nay
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

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 Committee on Community Affairs

BILL: CS/CS/SB 744

INTRODUCER: Community Affairs Committee; Ethics and Elections Committee; and Senator Bean

SUBJECT: Addresses of Legal Residence

DATE: February 1, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	Fav/CS
2.	Cochran	Yeatman	CA	Fav/CS
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 744 defines “address of legal residence.” The bill requires voter registration applications to contain the applicant’s address of legal residence, including an apartment, suite, lot, room, dormitory room number, or other appropriate identifier. The bill states that failure to provide a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier on a voter registration application does not impact a voter’s eligibility to register to vote or to cast a ballot. The bill also provides that failure to provide a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier on a voter registration application may not serve as the basis for a challenge to a voter’s eligibility or reason to not count a ballot.

Under the bill, supervisors of elections are required to include within their list of valid residential street addresses all information necessary to distinguish residences including a distinguishing apartment, suite, lot, room, or dormitory room number, or other identifier. The bill also requires supervisors of elections to make all reasonable efforts to obtain differentiating information if a voter registration application does not include such information.

II. Present Situation:

The Florida Voter Registration Act (FVRA)¹ delineates the qualifications and requirements necessary for a person to register to vote in Florida.² In order to be a registered voter in Florida, a

¹ Part II, ch. 97, F.S.

² See ss. 97.041-97.105, F.S.

person must be at least 18 years of age, a citizen of the United States, a legal resident of Florida, a legal resident of the county in which the person seeks to be registered, and register pursuant to the Florida Election Code.³

The Department of State must prescribe by rule a uniform statewide voter registration application.⁴ The uniform statewide voter registration application must be designed to elicit certain information from the applicant.⁵ A voter registration application is considered complete if it contains the following information necessary to establish the applicant's eligibility:⁶

- The applicant's name, legal residence address,⁷ and date of birth.
- A mark in the checkbox affirming the applicant is a citizen of the United States.
- The applicant's current and valid Florida driver's license number or identification number, or if the applicant does not have a Florida driver's license or identification card, then the last four numbers of his or her social security number.⁸
- A mark in the checkbox affirming that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.
- A mark in the checkbox affirming that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.
- The applicant's signature or a digital signature transmitted by the Department of Highway Safety and Motor Vehicles.

The term "legal residence" is not defined in the Florida Election Code;⁹ however, the term has been defined in case law.¹⁰ A legal residence "is the place where a person has fixed an abode with the present intention of making it their permanent home."¹¹ According to the Florida Supreme Court a "legal residence consists of the concurrence of both fact and intention."¹²

Supervisors of elections (supervisors) act as the receivers and custodians of new voter registrations, as well as the receivers and custodians of any changes in the status of current registered electors within their respective counties.¹³ Each supervisor must maintain a list of

³ Section 97.041(1)(a), F.S.

⁴ Section 97.052(1), F.S.; Fla. Admin. Code R. 1S-2.040 incorporating form DS-DE 39.

⁵ See s. 97.052(2), F.S.

⁶ Section 97.053(5)(a), F.S.

⁷ The Florida Voter Registration Application, incorporated by the Division of Elections into rule, has distinct sections for an applicant's: street address, apt/lot/unit number, city, county, and zip code. Fla. Admin. Code R. 1S-2.040 incorporating form DS-DE 39.

⁸ If an applicant has not been issued a current and valid Florida driver license, identification card, or social security number, the applicant must affirm this fact in the manner prescribed in the uniform statewide voter registration application.

⁹ "No provision of the Florida Election Code defines legal residency. However, this office and Florida courts have consistently construed legal residence to mean a permanent residence, domicile, or permanent abode, rather than a residence that is temporary." Op. Div. of Elections, DE 93-05.

¹⁰ *Minick v. Minick*, 149 So. 483 (Fla. 1933).

¹¹ *Id.*

¹² *Bloomfield v. City of St. Petersburg Beach*, 82 So.2d 364 (Fla. 1955).

¹³ Section 98.015(3), F.S.

valid residential street addresses¹⁴ for the purpose of verifying the legal addresses of voters residing within his or her county.¹⁵

III. Effect of Proposed Changes:

Section 1 creates a new s. 97.021(3), F.S., and renumbers the current subsections accordingly. The new subsection defines the term “address of legal residence” for purposes of the Florida Election Code to mean the legal residential address of the elector and includes all information necessary to differentiate one residence from another, including, but not limited to, a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier.

Section 2 amends s. 97.053(5)(a), F.S., requiring the voter registration application to include the applicant’s address of legal residence in order to be considered complete. However, the bill states that failure to provide a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier on a voter registration application does not impact a voter’s eligibility to register to vote or to cast a ballot. The bill also provides that failure to provide a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier on a voter registration application may not serve as the basis for a challenge to a voter’s eligibility or as a reason to not count a ballot.

Section 3 amends s. 97.057, F.S., incorporating the new term “address of legal residence.”

Section 4 amends s. 98.015, F.S., requiring supervisors to include within their list of valid residential addresses, to the maximum extent practicable, information necessary to differentiate one address from another, such as an apartment, suite, lot, room, dormitory room number, or other appropriate identifier. This section also requires a supervisor to make all reasonable efforts to obtain differentiating information if it is not provided in a voter registration application.

Section 5 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.

¹⁴ “Each county Supervisor shall submit electronically, at least monthly, by the 10th of each month, to the Division of Elections to the FVRS [Florida Voter Registration System] an uploaded index of valid residential street addresses so that the legal addresses on application can be verified as valid at the time of registering or updating a registration record.” Fla. Admin. Code R 1S-2.039(12)(a).

¹⁵ Section 98.015(12), F.S.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Supervisors may experience a cost associated with revising their list of valid residential addresses to include information such as an apartment, suite, lot, room, or dormitory room number; however, it is likely the cost will be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 97.021, 97.053, 97.057, and 98.015.

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

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

CS/CS by Community Affairs on February 1, 2016:

Requires supervisors to make all reasonable efforts to obtain necessary differentiating information if it is not provided in a voter registration application.

CS by Ethics and Elections on January 20, 2016:

- Provides that failure to provide a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier on a voter registration application does not impact a voter's eligibility to register to vote or to cast a ballot; and
- Provides that failure to provide a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier on a voter registration application may not serve as the basis for a challenge to a voter's eligibility or reason to not count a ballot.

B. Amendments:

None.

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



199030

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
	.	
	.	
	.	

The Committee on Community Affairs (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 100 and 101

insert:

If a voter registration application does not include information necessary to differentiate one residence from another, the supervisor shall make all reasonable efforts to obtain such information in order to maintain the list of valid residential street address.



199030

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

12 And the title is amended as follows:

13 Delete line 14

14 and insert:

15 distinguishing information; requiring the supervisor

16 to make reasonable efforts to obtain residence

17 information omitted on voter registration

18 applications; providing an effective

By the Committee on Ethics and Elections; and Senator Bean

582-02341-16

2016744c1

1 A bill to be entitled
 2 An act relating to addresses of legal residence;
 3 amending s. 97.021, F.S.; defining the term "address
 4 of legal residence"; amending s. 97.053, F.S.;
 5 requiring a complete voter registration application to
 6 include the applicant's address of legal residence;
 7 specifying that an applicant's failure to include
 8 additional distinguishing information on an
 9 application does not affect his or her qualifications
 10 to register or vote; amending s. 97.057, F.S.;
 11 conforming a provision; amending s. 98.015, F.S.;
 12 providing that a list of valid addresses maintained by
 13 a supervisor of elections include certain additional
 14 distinguishing information; providing an effective
 15 date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Present subsections (3) through (44) of section
 20 97.021, Florida Statutes, are renumbered as subsections (4)
 21 through (45), respectively, and a new subsection (3) is added to
 22 that section, to read:

23 97.021 Definitions.—For the purposes of this code, except
 24 where the context clearly indicates otherwise, the term:

25 (3) "Address of legal residence" means the legal
 26 residential address of the elector and includes all information
 27 necessary to differentiate one residence from another,
 28 including, but not limited to, a distinguishing apartment,
 29 suite, lot, room, or dormitory room number or other identifier.

30 Section 2. Paragraph (a) of subsection (5) of section
 31 97.053, Florida Statutes, is amended to read:

32 97.053 Acceptance of voter registration applications.—

582-02341-16

2016744c1

33 (5) (a) A voter registration application is complete if it
34 contains the following information necessary to establish the
35 applicant's eligibility pursuant to s. 97.041, including:

36 1. The applicant's name.

37 2. The applicant's address of legal residence ~~address~~.

38 Failure to include a distinguishing apartment, suite, lot, room,
39 or dormitory room number or other identifier on a voter
40 registration application does not impact a voter's eligibility
41 to register to vote or cast a ballot, and such an omission may
42 not serve as the basis for a challenge to a voter's eligibility
43 or as a reason to not count a ballot.

44 3. The applicant's date of birth.

45 4. A mark in the checkbox affirming that the applicant is a
46 citizen of the United States.

47 5.a. The applicant's current and valid Florida driver
48 license number or the identification number from a Florida
49 identification card issued under s. 322.051, or

50 b. If the applicant has not been issued a current and valid
51 Florida driver license or a Florida identification card, the
52 last four digits of the applicant's social security number.

53
54 In case an applicant has not been issued a current and valid
55 Florida driver license, Florida identification card, or social
56 security number, the applicant shall affirm this fact in the
57 manner prescribed in the uniform statewide voter registration
58 application.

59 6. A mark in the checkbox affirming that the applicant has
60 not been convicted of a felony or that, if convicted, has had
61 his or her civil rights restored.

582-02341-16

2016744c1

62 7. A mark in the checkbox affirming that the applicant has
63 not been adjudicated mentally incapacitated with respect to
64 voting or that, if so adjudicated, has had his or her right to
65 vote restored.

66 8. The original signature or a digital signature
67 transmitted by the Department of Highway Safety and Motor
68 Vehicles of the applicant swearing or affirming under the
69 penalty for false swearing pursuant to s. 104.011 that the
70 information contained in the registration application is true
71 and subscribing to the oath required by s. 3, Art. VI of the
72 State Constitution and s. 97.051.

73 Section 3. Subsection (10) of section 97.057, Florida
74 Statutes, is amended to read:

75 97.057 Voter registration by the Department of Highway
76 Safety and Motor Vehicles.—

77 (10) The department shall provide the Department of Highway
78 Safety and Motor Vehicles with an electronic database of street
79 addresses valid for use as an address of ~~the~~ legal residence
80 ~~address~~ as required in s. 97.053(5). The Department of Highway
81 Safety and Motor Vehicles shall compare the address provided by
82 the applicant against the database of valid street addresses. If
83 the address provided by the applicant does not match a valid
84 street address in the database, the applicant will be asked to
85 verify the address provided. The Department of Highway Safety
86 and Motor Vehicles may ~~shall~~ not reject any application for
87 voter registration for which a valid match cannot be made.

88 Section 4. Subsection (12) of section 98.015, Florida
89 Statutes, is amended to read:

90 98.015 Supervisor of elections; election, tenure of office,

582-02341-16

2016744c1

91 compensation, custody of registration-related documents, office
92 hours, successor, seal; appointment of deputy supervisors;
93 duties.-

94 (12) Each supervisor shall maintain a list of valid
95 residential street addresses for purposes of verifying the legal
96 addresses of voters residing in the supervisor's county. To the
97 maximum extent practicable, the list must include information
98 necessary to differentiate one residence from another,
99 including, but not limited to, a distinguishing apartment,
100 suite, lot, room, or dormitory room number or other identifier.
101 The supervisor shall make all reasonable efforts to coordinate
102 with county 911 service providers, property appraisers, the
103 United States Postal Service, or other agencies as necessary to
104 ensure the continued accuracy of such list. The supervisor shall
105 provide the list of valid residential addresses to the statewide
106 voter registration system in the manner and frequency specified
107 by rule of the department.

108 Section 5. This act shall take effect July 1, 2016.



The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 26, 2016

I respectfully request that **Senate Bill #744**, relating to Addresses of Legal Residences, be placed on the:

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

A handwritten signature in blue ink that reads "Aaron Bean".

Senator Aaron Bean
Florida Senate, District 4



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Appropriations Subcommittee on Health
and Human Services
Commerce and Tourism
Fiscal Policy
Judiciary
Regulated Industries

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR AARON BEAN

4th District

MEMORANDUM

To: Chair Simpson
From: Senator Bean
Subject: SB 744 Presentation
Date: February 1, 2016

Dear Chair Simpson:

This letter is to request that my legislative aide, Joe Endicott be allowed to present my bill SB 744 Addresses of Legal Residences at today's meeting of the committee on Community Affairs in the event of my absence. Meeting Date: 2/1/2016

Thank you for your review.

Sincerely,

A handwritten signature in blue ink that reads "Aaron Bean".

Aaron Bean
State Senator | 4th District

/JE

Cc: Tom Yeatman, Staff Director

REPLY TO:

- 1919 Atlantic Boulevard, Jacksonville, Florida 32207 (904) 346-5039 FAX: (888) 263-1578
- 302 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5004 FAX: (850) 410-4805

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: CS/SB 744
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, February 1, 2016
TIME: 1:30—3:30 p.m.
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS	2/01/2016 ¹ Amendment 199030					
			Brandes		Yea	Nay	Yea	Nay
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
X		Bradley						
VA		Dean						
		Diaz de la Portilla						
X		Hutson						
X		Thompson						
VA		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
7	0	TOTALS	RCS	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

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 Committee on Community Affairs

BILL: CS/SB 704

INTRODUCER: Community Affairs Committee and Senator Hutson

SUBJECT: Building Codes

DATE: January 29, 2016 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	Fav/CS
2.			AGG	
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.

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

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.

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

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 5 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 4 years, with at least 1 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 4 years, with at least 1 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 5 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 2 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.

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.

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.

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 5 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 5 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 5 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 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

⁷ Section 489.101, F.S.

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.

According to 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 under ch. 489, F.S.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 Dep’t 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 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, Laws of Fla.

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 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 DBPR rules, “The Board 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 Board shall be considered final agency action.”²⁰

Section 489.129, F.S., grants the CILB the authority to take actions against any certificateholder 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 Dep’t 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 Dep’t 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 Board-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 1 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 Board 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, 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 Florida Building Commission 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 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 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 Florida Council of Handicapped Organizations; and
- A representative from the Paralyzed Veterans of America.

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

All Accessibility Advisory Council members are limited to two 4-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 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 DBPR and deposited in the Professional Regulation Trust Fund quarterly. These monies fund the Florida Building Code Compliance and Mitigation Program and the FBC.³⁸ Section 553.721, F.S., provides that the Florida Building Code Compliance and Mitigation 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 DBPR as well as funds to be transferred to DOH shall be as prescribed in the annual General Appropriations Act.

³⁹ Funds used by 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 Florida Building Code or the Florida Fire Prevention Code and the Life Safety Code, the board may not alter the decision unless the 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 Florida Building 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:

403.6.1 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 delayed the effective date of this provision until June 30, 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

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 2015 SB 2502-A (Implementing Bill for General Appropriations Act).

⁴⁹ Section 553.79(1), F.S.

construction before completion of all building plans review, including, but not limited to, special permits for the foundation only.⁵⁰

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

⁵⁰ Section 553.79(6), F.S.

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).

it has used the procedure and been denied just compensation.”⁵⁵ Florida courts have adopted this federal ripeness requirement.⁵⁶

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 fee schedules 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

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).

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.

administrative fees including repermitting fees, time extension fees, reinspection fees, and licensure and workers' compensation recording fees.⁶³

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,

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>.

⁶⁴ Florida Dep't 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).

platforms, curbs, or slabs is not required. The provision was set to expire on the effective date of the most recent Code.⁶⁸

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

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

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.mL09s4Q2.dpbs> (last visited Jan. 27, 2016).

⁷¹ *Id.*

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.

In Special Session 2015-A, prior to the Code going into effect, the Legislature delayed 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 3 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 3 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.

⁷² See 2015 SB 2502-A (Implementing Bill for General Appropriations Act).

⁷³ Section 633.104, F.S.

⁷⁴ Section 633.202, F.S.

⁷⁵ Section 553.73(7)(g), F.S.

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

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:⁷⁸

- The distance measured from the building face to one of the following:
 - 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.”

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

⁷⁶ Section 553.73(7)(g), F.S.

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.

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.

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 Florida Building Code contains a more stringent standard for certain buildings. Specifically, the Florida Building 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

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

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

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.

Calder Sloan Swimming Pool Electrical Safety Task Force

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 of the Florida Administrative Code.

Current construction rules for public pools require that written approval must be received from 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 of the Florida Administrative Code, 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 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 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 2 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

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.

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).

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 5 years to 3 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 Board or a firesafety inspector license issued pursuant to ch. 633, F.S., and:

- Has at least 5 years of verifiable full-time experience as an inspector or plans examiner in a standard certification category currently held or has a minimum of 5 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 certificateholder, 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 amends s. 468.627, F.S., conforming terminology.

Section 3 amends s. 471.0195, F.S., conforming terminology.

Section 4 amends s. 481.215, F.S., conforming terminology.

Section 5 amends s. 481.313, F.S., conforming terminology.

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.

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 8 amends s. 489.115, F.S., conforming terminology.

Section 9 amends s. 489.1401, F.S., relating to the Florida Homeowners' Construction Recovery Fund, to revise legislative intent.

Section 10 amends s. 489.1402, F.S., to revise definitions relating to the Florida Homeowners' Construction Recovery Fund.

Section 11 amends s. 489.141, F.S., relating to claims against the Florida Homeowners' Construction Recovery Fund.

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 Florida Homeowners' Construction Recovery Fund. The bill revises the law to include Division II contractors within the parameters of the 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., conforming terminology.

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. The bill provides funding from the existing funds of the Florida Building Code Compliance and Mitigation 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 Florida Building Code. The bill authorizes local boards that are created to address issues arising under the Florida Building 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.

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

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.

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 Florida Building Code Compliance and Mitigation Program. The bill authorizes, rather than directs, DBPR to develop code-related training, in place of advanced modules, for each profession when administering the Florida Building Code Compliance and Mitigation 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 Florida Building Code Compliance and Mitigation 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 Florida Building 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 Florida Building 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
- 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 Building Code-Accessibility. 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

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).

division 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.

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 6 feet or more and the projections between that building and an adjacent building is 4 feet or more.

Section 36 creates the Construction Industry Workforce Task Force within the University of Florida Rinker School of Construction. 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 Rinker School of Construction 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.

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

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 Department of Business and Professional Regulation will provide \$50,000 from funds available for the Florida Building Code Compliance and Mitigation Program to the University of Florida Rinker School of Construction. 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:

Homeowners who have been harmed by Division II contractors and receive restitution from the Florida Homeowners' Construction 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 is authorized to collect a surcharge that is 1.5 percent of the permit fees associated with enforcement of the building code. The Florida Building Code Compliance and Mitigation Program receives \$925,000 annually from the surcharge. The bill provides up to \$15,000 in recurring funding from Florida Building Code Compliance and Mitigation Program to the State Fire Marshal in the Department of Financial Services. The bill also provides funding from the Florida Building Code Compliance and Mitigation Program, not to exceed \$30,000 in Fiscal Year 2016-2017, for the recommendations made by the Building Code System Uniform Implementation Evaluation Workgroup. The bill provides \$50,000 from the Florida Building Code Compliance and Mitigation Program to the University of Florida Rinker School of Construction for the Construction Industry Workforce Task Force.

The Department of Business and Professional Regulation estimates a reduction in revenues related to application fees of \$5,000 annually, a corresponding reduction to the Service Charge to General Revenue of \$400 annually, and a recurring positive fiscal impact of \$22,000 from a reduction in expenditures from no longer needing a continuing course accreditation program administrator.⁹⁴

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 not clear how many counties require these fees.

⁹⁴ Dep't of Business and Professional Regulation, *Legislative Bill Analysis for SB 704* (Dec. 10, 2015)

VI. Technical Deficiencies:

None.

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.

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.



303364

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
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The Committee on Community Affairs (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 804 - 1409

and insert:

the hearing impaired; a representative from the Pensacola Pen
Wheels, Inc., Employ the Handicapped Council President, Florida
Council of Handicapped Organizations; and a representative of
the Paralyzed Veterans of America. The terms for the first three
council members appointed subsequent to October 1, 1991, shall
be for 4 years, the terms for the next two council members



11 appointed shall be for 3 years, and the terms for the next two
12 members shall be for 2 years. Thereafter, all council member
13 appointments shall be for terms of 4 years. No council member
14 shall serve more than two 4-year terms subsequent to October 1,
15 1991. Any member of the council may be replaced by the secretary
16 upon three unexcused absences. Upon application made in the form
17 provided, an individual waiver or modification may be granted by
18 the commission so long as such modification or waiver is not in
19 conflict with more stringent standards provided in another
20 chapter.

21 Section 20. Section 553.721, Florida Statutes, is amended
22 to read:

23 553.721 Surcharge.—In order for the Department of Business
24 and Professional Regulation to administer and carry out the
25 purposes of this part and related activities, there is created a
26 surcharge, to be assessed at the rate of 1.5 percent of the
27 permit fees associated with enforcement of the Florida Building
28 Code as defined by the uniform account criteria and specifically
29 the uniform account code for building permits adopted for local
30 government financial reporting pursuant to s. 218.32. The
31 minimum amount collected on any permit issued shall be \$2. The
32 unit of government responsible for collecting a permit fee
33 pursuant to s. 125.56(4) or s. 166.201 shall collect the
34 surcharge and electronically remit the funds collected to the
35 department on a quarterly calendar basis for the preceding
36 quarter and continuing each third month thereafter. The unit of
37 government shall retain 10 percent of the surcharge collected to
38 fund the participation of building departments in the national
39 and state building code adoption processes and to provide



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40 education related to enforcement of the Florida Building Code.
41 All funds remitted to the department pursuant to this section
42 shall be deposited in the Professional Regulation Trust Fund.
43 Funds collected from the surcharge shall be allocated to fund
44 the Florida Building Commission and the Florida Building Code
45 Compliance and Mitigation Program under s. 553.841. Funds
46 allocated to the Florida Building Code Compliance and Mitigation
47 Program shall be \$925,000 each fiscal year. The Florida Building
48 Code Compliance and Mitigation Program shall fund the
49 recommendations made by the Building Code System Uniform
50 Implementation Evaluation Workgroup, dated April 8, 2013, from
51 existing resources, not to exceed \$30,000 in the 2016-2017
52 fiscal year. Funds collected from the surcharge shall also be
53 used to fund Florida Fire Prevention Code informal
54 interpretations managed by the State Fire Marshal and shall be
55 limited to \$15,000 each fiscal year. The State Fire Marshal
56 shall adopt rules to address the implementation and expenditure
57 of the funds allocated to fund the Florida Fire Prevention Code
58 informal interpretations under this section. The funds collected
59 from the surcharge may not be used to fund research on
60 techniques for mitigation of radon in existing buildings. Funds
61 used by the department as well as funds to be transferred to the
62 Department of Health and the State Fire Marshal shall be as
63 prescribed in the annual General Appropriations Act. The
64 department shall adopt rules governing the collection and
65 remittance of surcharges pursuant to chapter 120.

66 Section 21. Subsections (11) and (15) of section 553.73,
67 Florida Statutes, are amended, and subsection (19) is added to
68 that section, to read:



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69 553.73 Florida Building Code.—

70 (11) (a) In the event of a conflict between the Florida
71 Building Code and the Florida Fire Prevention Code and the Life
72 Safety Code as applied to a specific project, the conflict shall
73 be resolved by agreement between the local building code
74 enforcement official and the local fire code enforcement
75 official in favor of the requirement of the code which offers
76 the greatest degree of lifesafety or alternatives which would
77 provide an equivalent degree of lifesafety and an equivalent
78 method of construction. Local boards created to address issues
79 arising under the Florida Building Code or the Florida Fire
80 Prevention Code may combine the appeals boards to create a
81 single, local board having jurisdiction over matters arising
82 under either code or both codes. The combined local appeals
83 board may grant alternatives or modifications through procedures
84 outlined in NFPA 1, Section 1.4, but may not waive the
85 requirements of the Florida Fire Prevention Code. To meet the
86 quorum requirement for convening the combined local appeals
87 board, at least one member of the board who is a fire protection
88 contractor, a fire protection design professional, a fire
89 department operations professional, or a fire code enforcement
90 professional must be present.

91 (b) Any decision made by the local fire official regarding
92 application, interpretation, or enforcement of the Florida Fire
93 Prevention Code, by ~~and~~ the local building official regarding
94 application, interpretation, or enforcement of the Florida
95 Building Code, or the appropriate application of either code or
96 both codes in the case of a conflict between the codes may be
97 appealed to a local administrative board designated by the



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98 municipality, county, or special district having firesafety
99 responsibilities. If the decision of the local fire official and
100 the local building official is to apply the provisions of either
101 the Florida Building Code or the Florida Fire Prevention Code
102 and the Life Safety Code, the board may not alter the decision
103 unless the board determines that the application of such code is
104 not reasonable. If the decision of the local fire official and
105 the local building official is to adopt an alternative to the
106 codes, the local administrative board shall give due regard to
107 the decision rendered by the local officials and may modify that
108 decision if the administrative board adopts a better
109 alternative, taking into consideration all relevant
110 circumstances. In any case in which the local administrative
111 board adopts alternatives to the decision rendered by the local
112 fire official and the local building official, such alternatives
113 shall provide an equivalent degree of lifesafety and an
114 equivalent method of construction as the decision rendered by
115 the local officials.

116 (c) If the local building official and the local fire
117 official are unable to agree on a resolution of the conflict
118 between the Florida Building Code and the Florida Fire
119 Prevention Code and the Life Safety Code, the local
120 administrative board shall resolve the conflict in favor of the
121 code which offers the greatest degree of lifesafety or
122 alternatives which would provide an equivalent degree of
123 lifesafety and an equivalent method of construction.

124 (d) All decisions of the local administrative board, or, if
125 none exists, ~~the decisions of~~ the local building official and
126 the local fire official in regard to the application,



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127 enforcement, or interpretation of the Florida Fire Prevention
128 Code, or conflicts between the Florida Fire Prevention Code and
129 the Florida Building Code, are subject to review by a joint
130 committee composed of members of the Florida Building Commission
131 and the Fire Code Advisory Council. If the joint committee is
132 unable to resolve conflicts between the codes as applied to a
133 specific project, the matter shall be resolved pursuant to ~~the~~
134 provisions of paragraph (1) (d). Decisions of the local
135 administrative board related solely to the Florida Building Code
136 are subject to review as set forth in s. 553.775.

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

140 (f) All decisions of the local building official and local
141 fire official and all decisions of the administrative board
142 shall be in writing and shall be binding upon a person but do
143 not limit the authority of the State Fire Marshal or the Florida
144 Building Commission pursuant to paragraph (1) (d) and ss. 633.104
145 and 633.228. Decisions of general application shall be indexed
146 by building and fire code sections and shall be available for
147 inspection during normal business hours.

148 (15) An agency or local government may not require that
149 existing mechanical equipment located on or above the surface of
150 a roof be installed in compliance with the requirements of the
151 Florida Building Code except during reroofing when the equipment
152 is being replaced or moved ~~during reroofing~~ and is not in
153 compliance with the provisions of the Florida Building Code
154 relating to roof-mounted mechanical units.

155 (19) The Florida Building Code may not require more than



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156 one fire service access elevator in a residential occupancy
157 where the highest occupiable floor is less than 420 feet above
158 the level of fire service access and all remaining elevators are
159 provided with Phase I and II emergency operations. Where fire
160 service access elevators are required, the code may not require
161 a 1-hour fire-rated fire service access elevator lobby with
162 direct access from the fire service access elevators if the fire
163 service access elevators open into an exit access corridor that
164 is at least 150 square feet with the exception of door openings;
165 is no less than 6 feet wide for its entire length; and has a
166 minimum 1-hour fire rating with three-quarter hour fire and
167 smoke rated openings and if, and during a fire event, the fire
168 service access elevators are pressurized and floor-to-floor
169 smoke control is provided. However, where transient residential
170 occupancies occur at floor levels above 420 feet above the level
171 of fire service access, a 1-hour fire-rated fire service access
172 elevator lobby with direct access from the fire service access
173 elevators is required. The requirement for a second fire service
174 access elevator is not considered a part of the Florida Building
175 Code and therefore does not take effect until July 1, 2017.

176 Section 22. Paragraph (c) of subsection (3) of section
177 553.775, Florida Statutes, is amended to read:

178 553.775 Interpretations.—

179 (3) The following procedures may be invoked regarding
180 interpretations of the Florida Building Code or the Florida
181 Accessibility Code for Building Construction:

182 (c) The commission shall review decisions of local building
183 officials and local enforcement agencies regarding
184 interpretations of the Florida Building Code or the Florida



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185 Accessibility Code for Building Construction after the local
186 board of appeals has considered the decision, if such board
187 exists, and if such appeals process is concluded within 25
188 business days.

189 1. The commission shall coordinate with the Building
190 Officials Association of Florida, Inc., to designate a panel
191 ~~panels~~ composed of seven ~~five~~ members to hear requests to review
192 decisions of local building officials. Five ~~The~~ members must be
193 licensed as building code administrators under part XII of
194 chapter 468, one member must be licensed as an architect under
195 chapter 481, and one member must be licensed as an engineer
196 under chapter 471. Each member ~~and~~ must have experience
197 interpreting ~~or~~ ~~and~~ enforcing provisions of the Florida Building
198 Code and the Florida Accessibility Code for Building
199 Construction.

200 2. Requests to review a decision of a local building
201 official interpreting provisions of the Florida Building Code or
202 the Florida Accessibility Code for Building Construction may be
203 initiated by any substantially affected person, including an
204 owner or builder subject to a decision of a local building
205 official or an association of owners or builders having members
206 who are subject to a decision of a local building official. In
207 order to initiate review, the substantially affected person must
208 file a petition with the commission. The commission shall adopt
209 a form for the petition, which shall be published on the
210 Building Code Information System. The form shall, at a minimum,
211 require the following:

212 a. The name and address of the county or municipality in
213 which provisions of the Florida Building Code or the Florida



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214 Accessibility Code for Building Construction are being
215 interpreted.

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

218 c. The name, address, and telephone number of the
219 petitioner; the name, address, and telephone number of the
220 petitioner's representative, if any; and an explanation of how
221 the petitioner's substantial interests are being affected by the
222 local interpretation of the Florida Building Code or the Florida
223 Accessibility Code for Building Construction.

224 d. A statement of the provisions of the Florida Building
225 Code or the Florida Accessibility Code for Building Construction
226 which are being interpreted by the local building official.

227 e. A statement of the interpretation given to provisions of
228 the Florida Building Code or the Florida Accessibility Code for
229 Building Construction by the local building official and the
230 manner in which the interpretation was rendered.

231 f. A statement of the interpretation that the petitioner
232 contends should be given to the provisions of the Florida
233 Building Code or the Florida Accessibility Code for Building
234 Construction and a statement supporting the petitioner's
235 interpretation.

236 g. Space for the local building official to respond in
237 writing. The space shall, at a minimum, require the local
238 building official to respond by providing a statement admitting
239 or denying the statements contained in the petition and a
240 statement of the interpretation of the provisions of the Florida
241 Building Code or the Florida Accessibility Code for Building
242 Construction which the local jurisdiction or the local building



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243 official contends is correct, including the basis for the
244 interpretation.

245 3. The petitioner shall submit the petition to the local
246 building official, who shall place the date of receipt on the
247 petition. The local building official shall respond to the
248 petition in accordance with the form and shall return the
249 petition along with his or her response to the petitioner within
250 5 days after receipt, exclusive of Saturdays, Sundays, and legal
251 holidays. The petitioner may file the petition with the
252 commission at any time after the local building official
253 provides a response. If no response is provided by the local
254 building official, the petitioner may file the petition with the
255 commission 10 days after submission of the petition to the local
256 building official and shall note that the local building
257 official did not respond.

258 4. Upon receipt of a petition that meets the requirements
259 of subparagraph 2., the commission shall immediately provide
260 copies of the petition to the a panel, and the commission shall
261 publish the petition, including any response submitted by the
262 local building official, on the Building Code Information System
263 in a manner that allows interested persons to address the issues
264 by posting comments.

265 5. The panel shall conduct proceedings as necessary to
266 resolve the issues; shall give due regard to the petitions, the
267 response, and to comments posed on the Building Code Information
268 System; and shall issue an interpretation regarding the
269 provisions of the Florida Building Code or the Florida
270 Accessibility Code for Building Construction within 21 days
271 after the filing of the petition. The panel shall render a



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272 determination based upon the Florida Building Code or the
273 Florida Accessibility Code for Building Construction or, if the
274 code is ambiguous, the intent of the code. The panel's
275 interpretation shall be provided to the commission, which shall
276 publish the interpretation on the Building Code Information
277 System and in the Florida Administrative Register. The
278 interpretation shall be considered an interpretation entered by
279 the commission, and shall be binding upon the parties and upon
280 all jurisdictions subject to the Florida Building Code or the
281 Florida Accessibility Code for Building Construction, unless it
282 is superseded by a declaratory statement issued by the Florida
283 Building Commission or by a final order entered after an appeal
284 proceeding conducted in accordance with subparagraph 7.

285 6. It is the intent of the Legislature that review
286 proceedings be completed within 21 days after the date that a
287 petition seeking review is filed with the commission, and the
288 time periods set forth in this paragraph may be waived only upon
289 consent of all parties.

290 7. Any substantially affected person may appeal an
291 interpretation rendered by the ~~a hearing officer~~ panel by filing
292 a petition with the commission. Such appeals shall be initiated
293 in accordance with chapter 120 and the uniform rules of
294 procedure and must be filed within 30 days after publication of
295 the interpretation on the Building Code Information System or in
296 the Florida Administrative Register. Hearings shall be conducted
297 pursuant to chapter 120 and the uniform rules of procedure.
298 Decisions of the commission are subject to judicial review
299 pursuant to s. 120.68. The final order of the commission is
300 binding upon the parties and upon all jurisdictions subject to



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301 the Florida Building Code or the Florida Accessibility Code for
302 Building Construction.

303 8. The burden of proof in any proceeding initiated in
304 accordance with subparagraph 7. is on the party who initiated
305 the appeal.

306 9. In any review proceeding initiated in accordance with
307 this paragraph, including any proceeding initiated in accordance
308 with subparagraph 7., the fact that an owner or builder has
309 proceeded with construction may not be grounds for determining
310 an issue to be moot if the issue is one that is likely to arise
311 in the future.

312

313 This paragraph provides the exclusive remedy for addressing
314 requests to review local interpretations of the Florida Building
315 Code or the Florida Accessibility Code for Building Construction
316 and appeals from review proceedings.

317 Section 23. Subsection (6) of section 553.79, Florida
318 Statutes, is amended, and subsection (20) is added to that
319 section, to read:

320 553.79 Permits; applications; issuance; inspections.—

321 (6) A permit may not be issued for any building
322 construction, erection, alteration, modification, repair, or
323 addition unless the applicant for such permit complies with the
324 requirements for plan review established by the Florida Building
325 Commission within the Florida Building Code. However, the code
326 shall set standards and criteria to authorize preliminary
327 construction before completion of all building plans review,
328 including, but not limited to, special permits for the
329 foundation only, and such standards shall take effect concurrent



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330 with the first effective date of the Florida Building Code.
331 After submittal of the appropriate construction documents, the
332 building official may issue a permit for the construction of
333 foundations or any other part of a building or structure before
334 the construction documents for the whole building or structure
335 have been submitted. The holder of such permit for the
336 foundation or other parts of a building or structure shall
337 proceed at the holder's own risk and without assurance that a
338 permit for the entire structure will be granted. Corrections may
339 be required to meet the requirements of the technical codes.

340 (20) Notwithstanding any municipal ordinance to the
341 contrary, a municipality may not deny a development permit
342 application for a single-family home on any lot or combination
343 of lots solely because such lot or combination of lots does not
344 meet the current underlying zoning dimensional standards for
345 minimum lot size and area. For the purposes of this subsection,
346 the term "combination of lots" means a parcel of property which
347 consists of more than one lot and which is under common
348 ownership.

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

351 553.80 Enforcement.—

352 (7) The governing bodies of local governments may provide a
353 schedule of reasonable fees, as authorized by s. 125.56(2) or s.
354 166.222 and this section, for enforcing this part. These fees,
355 and any fines or investment earnings related to the fees, shall
356 be used solely for carrying out the local government's
357 responsibilities in enforcing the Florida Building Code. When
358 providing a schedule of reasonable fees, the total estimated



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359 annual revenue derived from fees, and the fines and investment
360 earnings related to the fees, may not exceed the total estimated
361 annual costs of allowable activities. Any unexpended balances
362 shall be carried forward to future years for allowable
363 activities or shall be refunded at the discretion of the local
364 government. The basis for a fee structure for allowable
365 activities shall relate to the level of service provided by the
366 local government and shall include consideration for refunding
367 fees due to reduced services based on services provided as
368 prescribed by s. 553.791, but not provided by the local
369 government. Fees charged shall be consistently applied.

370 (d) The local enforcement agency may not require the
371 payment of any additional fees, charges, or expenses associated
372 with:

- 373 1. Providing proof of licensure pursuant to this chapter;
374 2. Recording or filing a license issued pursuant to this
375 chapter; or
376 3. Providing, recording, or filing evidence of workers'
377 compensation insurance coverage as required by chapter 440.

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

380 553.841 Building code compliance and mitigation program.—

381 (4) In administering the Florida Building Code Compliance
382 and Mitigation Program, the department may ~~shall~~ maintain,
383 update, develop, or cause to be developed code-related training
384 and education advanced modules designed for use by each
385 profession.

386 ~~(7) The Florida Building Commission shall provide by rule~~
387 ~~for the accreditation of courses related to the Florida Building~~



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388 ~~Code by accreditors approved by the commission. The commission~~
389 ~~shall establish qualifications of accreditors and criteria for~~
390 ~~the accreditation of courses by rule. The commission may revoke~~
391 ~~the accreditation of a course by an accreditor if the~~
392 ~~accreditation is demonstrated to violate this part or the rules~~
393 ~~of the commission.~~

394 Section 26. Paragraph (a) of subsection (8) of section
395 553.842, Florida Statutes, is amended to read:

396 553.842 Product evaluation and approval.—

397 (8) The commission may adopt rules to approve the following
398 types of entities that produce information on which product
399 approvals are based. All of the following entities, including
400 engineers and architects, must comply with a nationally
401 recognized standard demonstrating independence or no conflict of
402 interest:

403 (a) Evaluation entities approved pursuant to this
404 paragraph. The commission shall specifically approve the
405 National Evaluation Service, the International Association of
406 Plumbing and Mechanical Officials Evaluation Service, the
407 International Code Council Evaluation Services, Underwriters
408 Laboratories, Inc., and the Miami-Dade County Building Code
409 Compliance Office Product Control Division. Architects and
410 engineers licensed in this state are also approved to conduct
411 product evaluations as provided in subsection (5).

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

414 553.844 Windstorm loss mitigation; requirements for roofs
415 and opening protection.—

416 (4) Notwithstanding the provisions of this section, exposed



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417 mechanical equipment or appliances fastened to a roof or
418 installed on the ground in compliance with the code using rated
419 stands, platforms, curbs, slabs, walls, or other means are
420 deemed to comply with the wind resistance requirements of the
421 2007 Florida Building Code, as amended. Further support or
422 enclosure of such mechanical equipment or appliances is not
423 required by a state or local official having authority to
424 enforce the Florida Building Code. ~~This subsection expires on~~
425 ~~the effective date of the 2013 Florida Building Code.~~

426 Section 28. Section 553.908, Florida Statutes, is amended
427 to read:

428 553.908 Inspection.—Before construction or renovation is
429 completed, the local enforcement agency shall inspect buildings
430 for compliance with the standards of this part. Notwithstanding
431 any other provision of the code or law, effective July 1, 2016,
432 section R402.4.1 of the Florida Building Code, 5th Edition
433 (2014) Energy Conservation, which became effective on June 30,
434 2015, shall cease to be effective. Instead, section 402.4.2 of
435 the Florida Building Code (2010) Energy Conservation, relating
436 to air sealing and insulation, in effect before June 30, 2015,
437 shall govern and apply, effective June 30, 2016, and thereafter.
438 Additionally, a state or local enforcement agency or code
439 official may not require any type of mandatory blower door test
440 or air infiltration test to determine specific air infiltration
441 levels or air leakage rates in a residential building or
442 dwelling unit and may not require the installation of any
443 mechanical ventilation devices designed to filter outside air
444 through an HVAC system as a condition of a permit or to
445 determine compliance with the code. However, if section R402.4.1



446 of the 5th Edition (2014) of the Florida Building Code, Energy
447 Conservation is voluntarily used, the local enforcement agency
448 shall inspect the construction or renovation for compliance with
449 that section.

450 Section 29. Subsections (17) and (18) are added to section
451 633.202, Florida Statutes, to read:

452 633.202 Florida Fire Prevention Code.-

453 (17) The authority having jurisdiction shall determine the
454 minimum radio signal strength for fire department communications
455 in all new high-rise and existing high-rise buildings. Existing
456 buildings are not required to comply with minimum radio strength
457 for fire department communications and two-way radio system
458 enhancement communications as required by the Florida Fire
459 Prevention Code until January 1, 2022. However, by December 31,
460 2019, an existing building that is not in compliance with the
461 requirements for minimum radio strength for fire department
462 communications must apply for an appropriate permit for the
463 required installation with the local governmental agency having
464 jurisdiction and must demonstrate that the building will become
465 compliant by January 1, 2022. Existing apartment buildings are
466 not required to comply until January 1, 2025. However, existing
467 apartment buildings are required to apply for the appropriate
468 permit for the required communications installation by December
469 31, 2022.

470 (18) Areas of refuge shall be provided if required by the
471 Florida Accessibility Code for Building Construction. Required
472 portions of an area of refuge shall be accessible from the space
473 they serve by an accessible means of egress.

474 Section 30. Subsection (5) is added to section 633.206,



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475 Florida Statutes, to read:

476 633.206 Uniform firesafety standards—The Legislature hereby
477 determines that to protect the public health, safety, and
478 welfare it is necessary to provide for firesafety standards
479 governing the construction and utilization of certain buildings
480 and structures. The Legislature further determines that certain
481 buildings or structures, due to their specialized use or to the
482 special characteristics of the person utilizing or occupying
483 these buildings or structures, should be subject to firesafety
484 standards reflecting these special needs as may be appropriate.

485 (5) The home environment provisions in the most current
486 edition of the codes adopted by the division may be applied to
487 existing assisted living facilities, at the option of each
488 facility, notwithstanding the edition of the codes applied at
489 the time of construction.

490 Section 31. Subsection (5) of section 633.208, Florida
491 Statutes, is amended to read:

492 633.208 Minimum firesafety standards.—

493 (5) With regard to existing buildings, the Legislature
494 recognizes that it is not always practical to apply any or all
495 of the provisions of the Florida Fire Prevention Code and that
496 physical limitations may require disproportionate effort or
497 expense with little increase in fire or life safety. Before
498 ~~Prior to~~ applying the minimum firesafety code to an existing
499 building, the local fire official shall determine whether ~~that~~ a
500 threat to lifesafety or property exists. If a threat to
501 lifesafety or property exists, the fire official shall apply the
502 applicable firesafety code for existing buildings to the extent
503 practical to ensure ~~assure~~ a reasonable degree of lifesafety and



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504 safety of property or the fire official shall fashion a
505 reasonable alternative that ~~which~~ affords an equivalent degree
506 of lifesafety and safety of property. The local fire official
507 may consider the firesafety evaluation systems found in NFPA
508 101A, Guide on Alternative Solutions to Life Safety, adopted by
509 the State Fire Marshal, as acceptable systems for the
510 identification of low-cost, reasonable alternatives. It is
511 acceptable to use the Fire Safety Evaluation System for Board
512 and Care Facilities using prompt evacuation capabilities
513 parameter values on existing residential high-rise buildings.

514 The decision of the local fire official may be appealed to the
515 local administrative board described in s. 553.73.

516 Section 32. Section 633.336, Florida Statutes, is amended
517 to read:

518 633.336 Contracting without certificate prohibited;
519 violations; penalty.—

520 (1) It is unlawful for any organization or individual to
521 engage in the business of layout, fabrication, installation,
522 inspection, alteration, repair, or service of a fire protection
523 system, other than a preengineered system, act in the capacity
524 of a fire protection contractor, or advertise itself as being a
525 fire protection contractor without having been duly certified
526 and holding a valid and existing certificate, except as
527 hereinafter provided. The holder of a certificate used to
528 qualify an organization must be a full-time employee of the
529 qualified organization or business. A certificateholder who is
530 employed by more than one fire protection contractor during the
531 same time is deemed not to be a full-time employee of either
532 contractor. The State Fire Marshal shall revoke, for a period



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533 determined by the State Fire Marshal, the certificate of a
534 certificateholder who allows the use of the certificate to
535 qualify a company of which the certificateholder is not a full-
536 time employee. A contractor who maintains more than one place of
537 business must employ a certificateholder at each location. This
538 subsection does not prohibit an employee acting on behalf of
539 governmental entities from inspecting and enforcing firesafety
540 codes, provided such employee is certified under s. 633.216.

541 (2) A fire protection contractor certified under this
542 chapter may not:

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

547 (b) Apply for or obtain a construction permit for fire
548 protection work unless the fire protection contractor or the
549 business organization qualified by the fire protection
550 contractor has contracted to conduct the work specified in the
551 application for the permit.

552 (3) The Legislature recognizes that special expertise is
553 required for fire pump control panels and maintenance of
554 electric and diesel pump drivers and that it is not economically
555 feasible for all contractors to employ these experts full-time
556 whose work may be limited. It is therefore deemed acceptable for
557 a fire protection contractor licensed under chapter 633 to
558 subcontract with companies providing advanced technical services
559 for the installation, servicing, and maintenance of fire pump
560 control panels and pump drivers. To ensure the integrity of the
561 system and to protect the interests of the property owner, those



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562 providing technical support services for fire pump control
563 panels and pump drivers must be under contract with a licensed
564 fire protection contractor.

565 (4)(3) A person who violates any provision of this act or
566 commits any of the acts constituting cause for disciplinary
567 action as herein set forth commits a misdemeanor of the second
568 degree, punishable as provided in s. 775.082 or s. 775.083.

569 (5)(4) In addition to the penalties provided in subsection
570 (4) (3), a fire protection contractor certified under this
571 chapter who violates any provision of this section or who
572 commits any act constituting cause for disciplinary action is
573 subject to suspension or revocation of the certificate and
574 administrative fines pursuant to s. 633.338.

575 Section 33. The Florida Building Commission shall define
576 the term "fire separation distance" in Chapter 2, Definitions,
577 of the Florida Building Code, 5th Edition (2014) Residential, as
578 follows:

579
580 "FIRE SEPARATION DISTANCE. The distance measured from the
581 building face to one of the following:
582 1. To the closest interior lot line;
583 2. To the centerline of a street, an alley, or a public way;
584 3. To an imaginary line between two buildings on the lot; or
585 4. To an imaginary line between two buildings when the exterior
586 wall of one building is located on a zero lot line.

587
588 The distance shall be measured at a right angle from the face of
589 the wall."

590 Section 34. The Florida Building Commission shall amend the



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591 Florida Building Code, 5th Edition (2014) Residential, to allow
592 openings and roof overhang projections on the exterior wall of a
593 building located on a zero lot line, when the building exterior
594 wall is separated from an adjacent building exterior wall by a
595 distance of 6 feet or more and the roof overhang projection is
596 separated from an adjacent building projection by a distance of
597 4 feet or more, with 1-hour fire-resistant construction on the
598 underside of the overhang required, unless the separation
599 between projections is 6 feet or more.

600 Section 35. Construction Industry Workforce Task Force.—

601 (1) The Construction Industry Workforce Task Force is
602 created within the University of Florida M.E. Rinker, Sr. School
603 of Building Construction Management. The goals of the task force
604 are to:

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

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

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

612 (d) Review current methods and resources available for
613 construction training.

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

616 (f) Address training issues relating to building code
617 inspectors to increase the number of qualified inspectors.

618 (2) The task force shall consist of 19 members. Except as
619 otherwise specified, each member shall be chosen by the



303364

- 620 association that he or she represents, as follows:
- 621 (a) A member of the House of Representatives appointed by
622 the Speaker of the House of Representatives.
- 623 (b) A member of the Senate appointed by the President of
624 the Senate.
- 625 (c) A member representing the Associated General
626 Contractors of Greater Florida.
- 627 (d) A member representing the Associated Builders and
628 Contractors of Florida.
- 629 (e) A member representing the Florida Home Builders
630 Association.
- 631 (f) A member representing the Florida Fire Sprinkler
632 Association.
- 633 (g) A member representing the Florida Roofing, Sheet Metal
634 and Air Conditioning Contractors Association.
- 635 (h) A member representing the Florida Refrigeration and Air
636 Conditioning Contractors Association.
- 637 (i) A member representing the Florida Association of
638 Plumbing, Heating, and Cooling Contractors.
- 639 (j) A member representing the Florida Swimming Pool
640 Association.
- 641 (k) A member representing the National Utility Contractors
642 Association of Florida.
- 643 (l) A member representing the Florida Concrete and Products
644 Association.
- 645 (m) A member representing the Alarm Association of Florida.
- 646 (n) A member representing the Independent Electrical
647 Contractors.
- 648 (o) A member representing the Florida AFL-CIO.



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- 649 (p) A member representing the Building Officials
650 Association of Florida.
- 651 (q) A member representing the Asphalt Contractors
652 Association of Florida.
- 653 (r) A member representing the American Fire Sprinkler
654 Association-Florida Chapter.
- 655 (s) The chair of the Florida Building Commission.
- 656 (3) The task force shall elect a chair from among its
657 members.
- 658 (4) The University of Florida M.E. Rinker, Sr. School of
659 Construction Management shall provide such assistance as is
660 reasonably necessary to assist the task force in carrying out
661 its responsibilities.
- 662 (5) The task force shall meet as often as necessary to
663 fulfill its responsibilities but not fewer than three times. The
664 first meeting must be held no later than September 1, 2016.
665 Meetings may be conducted by conference call, teleconferencing,
666 or similar technology.
- 667 (6) The task force shall submit a final report to the
668 Governor, the President of the Senate, and the Speaker of the
669 House of Representatives by February 1, 2017.
- 670 (7) The Department of Business and Professional Regulation
671 shall provide \$50,000 from funds available for the Florida
672 Building Code Compliance and Mitigation Program under s.
673 553.841(5), Florida Statutes, to the University of Florida M.E.
674 Rinker, Sr. School of Construction Management for purposes of
675 implementing this section.
- 676 (8) This section expires July 1, 2017.
677



303364

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

679 And the title is amended as follows:

680 Delete lines 98 - 143

681 and insert:

682 prohibiting a municipality from denying certain
683 development permit applications under certain
684 circumstances; amending s. 553.80, F.S.; prohibiting a
685 local enforcement agency from charging additional fees
686 related to the recording of a contractor's license or
687 workers' compensation insurance; amending s. 553.841,
688 F.S.; authorizing the Department of Business and
689 Professional Regulation to maintain, update, develop,
690 or cause to be developed code-related training and
691 education; removing provisions related to the
692 development of advanced courses with respect to the
693 Florida Building Code Compliance and Mitigation
694 Program and the accreditation of courses related to
695 the Florida Building Code; amending s. 553.842, F.S.;
696 providing that Underwriters Laboratories, Inc., is an
697 approved evaluation entity; amending s. 553.844, F.S.;
698 deleting an obsolete provision; amending s. 553.908,
699 F.S.; providing that certain provisions of the Florida
700 Building Code or laws relating to air sealing and
701 insulation cease to be effective on a specified date;
702 providing for application of a specified section of
703 the Florida Building Code (2010) in lieu of the later
704 version of the code; prohibiting certain governmental
705 entities from requiring certain HVAC type tests in
706 specific buildings; authorizing such testing if a



303364

707 certain code is voluntarily used; amending s. 633.202,
708 F.S.; requiring all new high-rise and existing high-
709 rise buildings to maintain a minimum radio signal
710 strength for fire department communications; providing
711 a transitory period for compliance; requiring existing
712 buildings and existing apartment buildings that are
713 not in compliance to initiate an application for an
714 appropriate permit by a specified date; requiring
715 areas of refuge to be required as determined by the
716 Florida Building Code, Accessibility; amending s.
717 633.206, F.S.; providing that certain provisions may
718 be applied to existing assisted living facilities
719 notwithstanding the edition of the codes applied at
720 the time of construction; amending s. 633.208, F.S.;
721 authorizing fire officials to consider certain systems
722 as acceptable systems when identifying low-cost
723 alternatives; amending s. 633.336, F.S.; authorizing a
724 licensed fire protection contractor to subcontract for
725 advanced technical services under certain
726 circumstances; requiring the Florida Building
727 Commission to adopt a specified definition of the term
728 "fire separation distance" in the Florida Building
729 Code; ; requiring the commission to amend the Florida
730 Building Code to allow specified openings and roof
731 overhang projections in certain circumstances;
732 creating the Construction Industry Workforce Task
733 Force within the University of Florida M.E. Rinker,
734 Sr. School of Construction Management; specifying the
735 goals of the task force; providing for membership;



303364

736 requiring the University of Florida M.E. Rinker, Sr.
737 School of Construction Management to provide
738 assistance to the task force; providing that members
739 of the task force may receive per diem and travel
740 expenses; providing for meetings; requiring a report
741 to the Governor and Legislature by a specified date;
742 providing an appropriation from specified funds
743 available to the Department of Business and
744 Professional Regulation; providing for expiration of
745 the task force; creating the Calder Sloan



254638

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
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The Committee on Community Affairs (Simpson) recommended the following:

1 **Senate Amendment to Amendment (303364) (with title**
2 **amendment)**

3
4 Between lines 676 and 677
5 insert:

6 Section 36. Notwithstanding any law, rule, or regulation to
7 the contrary, a restaurant, a cafeteria, or a similar dining
8 facility, including an associated commercial kitchen, shall have
9 a fire area occupancy load requiring sprinklers consistent with
10 the Florida Fire Prevention Code.



254638

11
12
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19

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

And the title is amended as follows:

Delete line 745

and insert:

the task force; requiring a restaurant, a cafeteria,
or a similar dining facility, including an associated
commercial kitchen, to have a specified fire area
occupancy load; creating the Calder Sloan



502700

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
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The Committee on Community Affairs (Hutson) recommended the following:

Senate Amendment (with title amendment)

Between lines 1437 and 1438

insert:

Section 35. The Florida Building Commission shall adopt into the Florida Building Code the following:

"Section 406 relating to the Alternative Performance Path, Energy Rating Index of the 2015 International Energy Conservation Code (IECC) may be used as an option for chapter



502700

11 553 and Florida Building Code compliance. TABLE R406.4 MAXIMUM
12 ENERGY RATING INDEX shall reflect for Climate Zone 1, an index
13 of 65; for Climate Zone 2, an index of 65."

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 line 153

18 and insert:

19 future repeal of the task force; directing the Florida
20 Building Commission to adopt a specific energy rating
21 index as an option for code compliance; specifying
22 Climate Zone indices; providing an



252590

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/01/2016	.	
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	.	

The Committee on Community Affairs (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 348 - 388
and insert:
electric water heaters or to existing electric heating,
ventilation, and air-conditioning systems if:

(a) The employee:

1. Does not hold himself or herself or his or her employer
out to be licensed or qualified by a licensee.

2. Does not perform any acts, other than acts authorized by



252590

11 this exemption, which constitute contracting.

12 3. Receives compensation from and is under the supervision
13 and control of an employer who deducts the FICA and withholding
14 tax and who provides workers' compensation, as prescribed by
15 law.

16 4. Holds a current certificate for apartment maintenance
17 technicians issued by the National Apartment Association and
18 accredited by the American National Standards Institute.

19 Requirements for obtaining such certificate must include at
20 least:

21 a. One year of apartment or rental housing maintenance
22 experience.

23 b. Successful completion of at least 90 hours of courses or
24 online content that covers electrical maintenance and repair;
25 plumbing maintenance and repair; heating, ventilation, or air-
26 conditioning system maintenance and repair; appliance
27 maintenance and repair; and interior and exterior maintenance
28 and repair.

29 c. Completion of all examination requirements.

30 (b) The equipment:

31 1. Is already installed on the property owned by the
32 apartment community or managed by the apartment community
33 management company.

34 2. Is not being modified except to replace components
35 necessary to return the equipment to its original condition and
36 the partial disassembly associated with the replacement.

37 3. Is a type of equipment commonly installed in similar
38 locations.

39 4. Is repaired with new parts that are functionally



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40 identical to the parts being replaced.

41 (c) An individual repair does not involve replacement parts
42 that cost more than \$500. An individual repair may not be so
43 extensive as to be a functional replacement of the electric
44 water heater or the existing electric heating, ventilation, or
45 air-conditioning system being repaired. For purposes of this
46 section, an individual repair may not be a part of a larger or
47 major project that is divided for the purpose of evading this
48 part or otherwise.

49

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

51 And the title is amended as follows:

52 Delete line 15

53 and insert:

54 electric heating, ventilation, and air-conditioning



931130

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/01/2016	.	
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	.	

The Committee on Community Affairs (Abruzzo) recommended the following:

Senate Amendment (with title amendment)

Delete lines 343 - 391.

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

And the title is amended as follows:

Delete lines 12 - 16

and insert:

courses; amending s.



423720

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
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The Committee on Community Affairs (Brandes) recommended the following:

1 **Senate Amendment to Amendment (303364) (with title**
2 **amendment)**

3
4 Between lines 425 and 426
5 insert:

6 Section 1. Section 553.883, Florida Statutes, is amended to
7 read:

8 553.883 Smoke alarms in one-family and two-family dwellings
9 and townhomes.—One-family and two-family dwellings and townhomes
10 undergoing a repair, or a level 1 alteration as defined in the



423720

11 Florida Building Code, may use smoke alarms powered by 10-year
12 nonremovable, nonreplaceable batteries in lieu of retrofitting
13 such dwelling with smoke alarms powered by the dwelling's
14 electrical system. Effective January 1, 2015, a battery-powered
15 smoke alarm that is newly installed or replaces an existing
16 battery-powered smoke alarm must be powered by a nonremovable,
17 nonreplaceable battery that powers the alarm for at least 10
18 years. The battery requirements of this section do not apply to
19 a fire alarm, smoke detector, smoke alarm, or ancillary
20 component that is electronically connected as a part of a
21 centrally monitored or supervised alarm system; that uses a low-
22 power, radio frequency wireless communication signal; or that
23 contains multiple sensors, such as a smoke alarm combined with a
24 carbon monoxide alarm or other devices as the State Fire Marshal
25 designates by rule.

26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete line 698

30 and insert:

31 deleting an obsolete provision; amending s. 553.883,
32 F.S.; exempting certain devices from certain smoke
33 alarm battery requirements; amending s. 553.908,



559890

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/01/2016	.	
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The Committee on Community Affairs (Hutson) recommended the following:

Senate Amendment (with title amendment)

Between lines 304 and 305

insert:

Section 3. Section 468.833, Florida Statutes, is created to read:

468.833 Pasco County Combination Inspector Pilot Program.-

(1) The Pasco County Combination Inspector Pilot Program is established in the Pasco County Building Department.

(2) The Legislature finds that home inspectors are not only



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11 required to pass the examination required by the department, but
12 are required to complete a course of study of at least 120 hours
13 before they can begin performing home inspections in this state.
14 The required training artificially inflates the cost of doing
15 residential inspections and effectively limits the availability
16 of combination inspectors, who can perform building, mechanical,
17 plumbing, and electrical inspections in a single visit. Due to
18 the current training requirement, it is extraordinarily
19 difficult for an inspector to satisfy the training requirements
20 that would allow him or her to perform inspections in each of
21 the four areas of residential construction.

22 (3) (a) Notwithstanding s. 468.8313, the Pasco County
23 building official and the assistant county administrator for
24 development services may waive the minimum 120 hours of course
25 study required under that section to obtain a home inspector
26 license.

27 (b) The Pasco County building official and the assistant
28 county administrator shall require 100 hours of on-the-job
29 training for a home inspector in each area of residential
30 construction in which he or she wishes to perform inspections.
31 The 100 hours of on-the-job training must be achieved through
32 home inspections in Pasco County and must be overseen by a Pasco
33 County licensed home inspector who has completed the minimum 120
34 hours of course study required pursuant to s. 468.8313.

35 (4) The Pasco County Building Official and Assistant County
36 Administrator for Development Services shall each provide a
37 report on the implementation of the pilot program to the chairs
38 of the Regulated Industries and Regulatory Affairs Committees by
39 March 1, 2017, and March 1, 2018. At a minimum, the reports must



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40 include the advantages and disadvantages of replacing the
41 minimum 120 hours of course study with 100 hours of on-the-job
42 training, the estimated cost savings of the pilot program at the
43 county and state level, and recommendations to improve the pilot
44 program.

45 (5) The Pasco County Combination Inspector Program shall
46 expire on June 30, 2018, unless otherwise provided by law.

47
48 ===== T I T L E A M E N D M E N T =====

49 And the title is amended as follows:

50 Delete lines 8 - 9

51 and insert:

52 provisional certificates; amending s. 468.627, F.S.;

53 requiring a licensee or certificateholder to undergo

54 code-related training as part of his or her continuing

55 education courses; creating s. 468.833, F.S.;

56 establishing the Pasco County Combination Inspector

57 Pilot Program within the Pasco County Building

58 Department; providing legislative findings; providing

59 education and licensing requirements for certain

60 inspectors; requiring reports to be submitted to the

61 chairs of the Regulated Industries and Regulatory

62 Affairs Committees by specified dates; providing

63 requirements for the report; providing for future

64 expiration of the pilot program; amending ss.

65 471.0195, 481.215, and 481.313, F.S.; requiring a



303722

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
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The Committee on Community Affairs (Simpson) recommended the following:

Senate Amendment (with title amendment)

Between lines 304 and 305

insert:

Section 3. Section 468.609, Florida Statutes, is amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(1) Except as provided in this part, any person who desires to be certified shall apply to the board, in writing upon forms



303722

11 approved and furnished by the board, to take the certification
12 examination.

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

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

17 (b) Is of good moral character.

18 (c) Meets eligibility requirements according to one of the
19 following criteria:

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

23 2. Demonstrates a combination of postsecondary education in
24 the field of construction or a related field and experience
25 which totals 4 years, with at least 1 year of such total being
26 experience in construction, building code inspection, or plans
27 review;

28 3. Demonstrates a combination of technical education in the
29 field of construction or a related field and experience which
30 totals 4 years, with at least 1 year of such total being
31 experience in construction, building code inspection, or plans
32 review;

33 4. Currently holds a standard certificate as issued by the
34 board, or a fire safety inspector license issued pursuant to
35 chapter 633, has a minimum of 5 years' verifiable full-time
36 experience in inspection or plan review, and satisfactorily
37 completes a building code inspector or plans examiner training
38 program of not less than 200 hours in the certification category
39 sought. The board shall establish by rule criteria for the



303722

40 development and implementation of the training programs; or
41 5. Demonstrates a combination of the completion of an
42 approved training program in the field of building code
43 inspection or plan review and a minimum of 2 years' experience
44 in the field of building code inspection, plan review, fire code
45 inspections and fire plans review of new buildings as a
46 firesafety inspector certified under s. 633.216, or
47 construction. The approved training portion of this requirement
48 shall include proof of satisfactory completion of a training
49 program of not less than 300 hours which is approved by the
50 board in the chosen category of building code inspection or plan
51 review in the certification category sought with not less than
52 20 hours of instruction in state laws, rules, and ethics
53 relating to professional standards of practice, duties, and
54 responsibilities of a certificateholder. The board shall
55 coordinate with the Building Officials Association of Florida,
56 Inc., to establish by rule the development and implementation of
57 the training program.

58 (3) Notwithstanding any law to the contrary, a local
59 jurisdiction may allow an individual who possesses a residential
60 certification issued by the International Code Council to be a
61 residential building code inspector or plans examiner within
62 said jurisdiction.

63 (4)~~(3)~~ A person may take the examination for certification
64 as a building code administrator pursuant to this part if the
65 person:

- 66 (a) Is at least 18 years of age.
- 67 (b) Is of good moral character.
- 68 (c) Meets eligibility requirements according to one of the



303722

69 following criteria:

70 1. Demonstrates 10 years' combined experience as an
71 architect, engineer, plans examiner, building code inspector,
72 registered or certified contractor, or construction
73 superintendent, with at least 5 years of such experience in
74 supervisory positions; or

75 2. Demonstrates a combination of postsecondary education in
76 the field of construction or related field, no more than 5 years
77 of which may be applied, and experience as an architect,
78 engineer, plans examiner, building code inspector, registered or
79 certified contractor, or construction superintendent which
80 totals 10 years, with at least 5 years of such total being
81 experience in supervisory positions.

82 ~~(5)-(4)~~ No person may engage in the duties of a building
83 code administrator, plans examiner, or building code inspector
84 pursuant to this part after October 1, 1993, unless such person
85 possesses one of the following types of certificates, currently
86 valid, issued by the board attesting to the person's
87 qualifications to hold such position:

88 (a) A standard certificate.

89 (b) A limited certificate.

90 (c) A provisional certificate.

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

92 ~~(6)-(5)~~ (a) To obtain a standard certificate, an individual
93 must pass an examination approved by the board which
94 demonstrates that the applicant has fundamental knowledge of the
95 state laws and codes relating to the construction of buildings
96 for which the applicant has building code administration, plans
97 examination, or building code inspection responsibilities. It is



303722

98 the intent of the Legislature that the examination approved for
99 certification pursuant to this part be substantially equivalent
100 to the examinations administered by the International Code
101 Council.

102 (b) A standard certificate shall be issued to each
103 applicant who successfully completes the examination, which
104 certificate authorizes the individual named thereon to practice
105 throughout the state as a building code administrator, plans
106 examiner, or building code inspector within such class and level
107 as is specified by the board.

108 (c) The board may accept proof that the applicant has
109 passed an examination which is substantially equivalent to the
110 board-approved examination set forth in this section.

111 ~~(7)~~(6)(a) A building code administrator, plans examiner, or
112 building code inspector holding office on July 1, 1993, shall
113 not be required to possess a standard certificate as a condition
114 of tenure or continued employment, but shall be required to
115 obtain a limited certificate as described in this subsection.

116 (b) By October 1, 1993, individuals who were employed on
117 July 1, 1993, as building code administrators, plans examiners,
118 or building code inspectors, who are not eligible for a standard
119 certificate, but who wish to continue in such employment, shall
120 submit to the board the appropriate application and
121 certification fees and shall receive a limited certificate
122 qualifying them to engage in building code administration, plans
123 examination, or building code inspection in the class, at the
124 performance level, and within the governmental jurisdiction in
125 which such person is employed.

126 (c) The limited certificate shall be valid only as an



303722

127 authorization for the building code administrator, plans
128 examiner, or building code inspector to continue in the position
129 held, and to continue performing all functions assigned to that
130 position, on July 1, 1993.

131 (d) A building code administrator, plans examiner, or
132 building code inspector holding a limited certificate can be
133 promoted to a position requiring a higher level certificate only
134 upon issuance of a standard certificate or provisional
135 certificate appropriate for such new position.

136 (e) By March 1, 2003, or 1 year after the Florida Building
137 Code is implemented, whichever is later, individuals who were
138 employed by an educational board, the Department of Education,
139 or the State University System as building code administrators,
140 plans examiners, or inspectors, who do not wish to apply for a
141 standard certificate but who wish to continue in such
142 employment, shall submit to the board the appropriate
143 application and certification fees and shall receive a limited
144 certificate qualifying such individuals to engage in building
145 code administration, plans examination, or inspection in the
146 class, at the performance level, and within the governmental
147 jurisdiction in which such person is employed.

148 (8)~~(7)~~(a) The board may provide for the issuance of
149 provisional certificates valid for 1 year, as specified by board
150 rule, to any newly employed or promoted building code inspector
151 or plans examiner who meets the eligibility requirements
152 described in subsection (2) and any newly employed or promoted
153 building code administrator who meets the eligibility
154 requirements described in subsection (4) ~~(3)~~. The provisional
155 license may be renewed by the board for just cause; however, a



156 provisional license is not valid for a period longer than 3
157 years.

158 (b) No building code administrator, plans examiner, or
159 building code inspector may have a provisional certificate
160 extended beyond the specified period by renewal or otherwise.

161 (c) The board may provide for appropriate levels of
162 provisional certificates and may issue these certificates with
163 such special conditions or requirements relating to the place of
164 employment of the person holding the certificate, the
165 supervision of such person on a consulting or advisory basis, or
166 other matters as the board may deem necessary to protect the
167 public safety and health.

168 (d) A newly employed or hired person may perform the duties
169 of a plans examiner or building code inspector for 120 days if a
170 provisional certificate application has been submitted if such
171 person is under the direct supervision of a certified building
172 code administrator who holds a standard certification and who
173 has found such person qualified for a provisional certificate.
174 Direct supervision and the determination of qualifications may
175 also be provided by a building code administrator who holds a
176 limited or provisional certificate in a county having a
177 population of fewer than 75,000 and in a municipality located
178 within such county.

179 ~~(9)-(8)~~ Any individual applying to the board may be issued a
180 certificate valid for multiple building code inspection classes,
181 as deemed appropriate by the board.

182 ~~(10)-(9)~~ Certification and training classes may be developed
183 in coordination with degree career education centers, community
184 colleges, the State University System, or other entities



303722

185 offering certification and training classes.

186 ~~(11)~~~~(10)~~ The board may by rule create categories of
187 certification in addition to those defined in s. 468.603(6) and
188 (7). Such certification categories shall not be mandatory and
189 shall not act to diminish the scope of any certificate created
190 by statute.

191

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

193 And the title is amended as follows:

194 Delete line 8

195 and insert:

196 provisional certificates; amending s. 468.609, F.S.;

197 authorizing a local jurisdiction to allow an

198 individual who possesses a specified certification to

199 be a residential building code inspector or plans

200 examiner within said jurisdiction; conforming a cross-

201 reference; amending ss. 468.627,

By Senator Hutson

6-00049A-16

2016704__

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; requiring
6 the Florida Building Code Administrators and
7 Inspectors Board to provide for issuance of certain
8 provisional certificates; amending ss. 468.627,
9 471.0195, 481.215, and 481.313, F.S.; requiring a
10 licensee or certificateholder to undergo code-related
11 training as part of his or her continuing education
12 courses; amending s. 489.103, F.S.; providing an
13 exemption for certain employees who make minor repairs
14 to existing electric water heaters and to existing
15 electric heating, venting, and air-conditioning
16 systems under specified circumstances; amending s.
17 489.105, F.S.; revising the definition of the term
18 "plumbing contractor"; amending s. 489.115, F.S.;
19 requiring a certificateholder or registrant to undergo
20 code-related training as part of his or her continuing
21 education requirements; amending s. 489.1401, F.S.;
22 revising legislative intent with respect to the
23 purpose of the Florida Homeowners' Construction
24 Recovery Fund; providing legislative intent that
25 Division II contractors set apart funds to participate
26 in the fund; amending s. 489.1402, F.S.; revising
27 definitions; amending s. 489.141, F.S.; authorizing
28 certain claimants to make a claim against the recovery
29 fund for certain contracts entered into before a

6-00049A-16

2016704__

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

6-00049A-16

2016704__

59 interpretations; requiring the State Fire Marshal to
60 adopt specified rules; amending s. 553.73, F.S.;
61 authorizing local boards created to address specified
62 issues to combine the appeals boards to create a
63 single, local board; authorizing the local board to
64 grant alternatives or modifications through specified
65 procedures; requiring at least one member of a board
66 to be a fire protection contractor, a fire protection
67 design professional, a fire department operations
68 professional, or a fire code enforcement professional
69 in order to meet a specified quorum requirement;
70 authorizing the appeal to a local administrative board
71 of specified decisions made by a local fire official;
72 specifying the decisions of the local building
73 official and the local fire official which are subject
74 to review; prohibiting an agency or local government
75 from requiring that existing mechanical equipment
76 located on or above the surface of a roof be installed
77 in compliance with the Florida Building Code under
78 certain circumstances; prohibiting the Florida
79 Building Code from requiring more than one fire access
80 elevator in certain buildings; prohibiting a 1-hour
81 fire-rated fire service access elevator lobby from
82 being required in certain circumstances; requiring a
83 1-hour fire-related fire service access elevator lobby
84 in certain circumstances; providing that the
85 requirement for a second fire service access elevator
86 is not considered a part of the Florida Building Code;
87 amending s. 553.775, F.S.; revising membership on a

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88 panel that hears requests to review decisions of local
89 building officials; amending s. 553.79, F.S.;

90 authorizing a building official to issue a permit for
91 the construction of the foundation or any other part
92 of a building or structure before the construction
93 documents for the whole building or structure have
94 been submitted; providing that the holder of such
95 permit shall begin building at the holder's own risk
96 with the building operation and without assurance that
97 a permit for the entire structure will be granted;

98 amending s. 553.841, F.S.; authorizing the Department
99 of Business and Professional Regulation to maintain,
100 update, develop, or cause to be developed code-related
101 training and education; removing provisions related to
102 the development of advanced courses with respect to
103 the Florida Building Code Compliance and Mitigation
104 Program and the accreditation of courses related to
105 the Florida Building Code; amending s. 553.842, F.S.;

106 providing that Underwriters Laboratories, LLC, is an
107 approved evaluation entity; amending s. 553.883, F.S.;

108 exempting certain devices from certain smoke alarm
109 battery requirements; amending s. 553.908, F.S.;

110 restricting certain provisions of the Florida Building
111 Code or law relating to air sealing and insulation
112 from becoming effective; prohibiting certain
113 governmental entities from requiring certain HVAC type
114 tests in specific buildings; amending s. 633.202,
115 F.S.; requiring all new high-rise and existing high-
116 rise buildings to maintain a minimum radio signal

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117 strength for fire department communications; providing
118 a transitory period for compliance; requiring existing
119 buildings and existing apartment buildings that are
120 not in compliance to initiate an application for an
121 appropriate permit by a specified date; requiring
122 areas of refuge to be required as determined by the
123 Florida Building Code-Accessibility; amending s.
124 633.206, F.S.; providing that certain provisions may
125 be applied to existing assisted living facilities
126 notwithstanding the edition of the codes applied at
127 the time of construction; amending s. 633.208, F.S.;
128 authorizing fire officials to consider certain systems
129 as acceptable systems when identifying low-cost
130 alternatives; amending s. 633.336, F.S.; authorizing a
131 licensed fire protection contractor to subcontract for
132 advanced technical services under certain
133 circumstances; amending s. 120.541, F.S., relating to
134 statements of estimated regulatory costs; deleting
135 exemptions from legislative ratification for certain
136 updates and amendments to the Florida Building Code
137 and the Florida Fire Prevention Code; amending s.
138 120.80, F.S.; revising the exemption from legislative
139 ratification for certain provisions of the Florida
140 Building Code and the Florida Fire Prevention Code;
141 requiring a statement of estimated regulatory costs to
142 evaluate each new section of certain codes under
143 certain circumstances; creating the Calder Sloan
144 Swimming Pool Electrical-Safety Task Force within the
145 Florida Building Commission; specifying the purpose of

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146 the task force; requiring a report to the Governor and
147 the Legislature by a specified date; providing for
148 membership; requiring the Florida Building Commission
149 to provide staff, information, and other assistance to
150 the task force; providing that members of the task
151 force serve without compensation; authorizing the task
152 force to meet as often as necessary; providing for
153 future repeal of the task force; providing an
154 effective date.

155
156 Be It Enacted by the Legislature of the State of Florida:

157
158 Section 1. Subsections (2), (3), and (7) of section
159 468.609, Florida Statutes, are amended to read:

160 468.609 Administration of this part; standards for
161 certification; additional categories of certification.—

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

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

166 (b) Is of good moral character.

167 (c) Meets eligibility requirements according to one of the
168 following criteria:

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

172 2. Demonstrates a combination of postsecondary education in
173 the field of construction or a related field and experience
174 which totals 4 years, with at least 1 year of such total being

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175 experience in construction, building code inspection, or plans
176 review;

177 3. Demonstrates a combination of technical education in the
178 field of construction or a related field and experience which
179 totals 4 years, with at least 1 year of such total being
180 experience in construction, building code inspection, or plans
181 review;

182 4. Currently holds a standard certificate ~~as~~ issued by the
183 board, or a firesafety ~~fire-safety~~ inspector license issued
184 pursuant to chapter 633, has a minimum of 3 ~~5~~ years' verifiable
185 full-time experience in inspection or plan review, and has
186 satisfactorily completed ~~completes~~ a building code inspector or
187 plans examiner training program that provides at least 100 hours
188 but not more ~~of not less~~ than 200 hours of cross-training in the
189 certification category sought. The board shall establish by rule
190 criteria for the development and implementation of the training
191 programs. The board shall accept all classroom training offered
192 by an approved provider if the content substantially meets the
193 intent of the classroom component of the training program; ~~or~~

194 5. Demonstrates a combination of the completion of an
195 approved training program in the field of building code
196 inspection or plan review and a minimum of 2 years' experience
197 in the field of building code inspection, plan review, fire code
198 inspections and fire plans review of new buildings as a
199 firesafety inspector certified under s. 633.216, or
200 construction. The approved training portion of this requirement
201 shall include proof of satisfactory completion of a training
202 program that provides at least 200 hours but not more ~~of not~~
203 ~~less~~ than 300 hours of cross-training that ~~which~~ is approved by

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204 the board in the chosen category of building code inspection or
205 plan review in the certification category sought with at least
206 ~~not less than~~ 20 hours but not more than 30 hours of instruction
207 in state laws, rules, and ethics relating to professional
208 standards of practice, duties, and responsibilities of a
209 certificateholder. The board shall coordinate with the Building
210 Officials Association of Florida, Inc., to establish by rule the
211 development and implementation of the training program. However,
212 the board shall accept all classroom training offered by an
213 approved provider if the content substantially meets the intent
214 of the classroom component of the training program; or

215 6. Currently holds a standard certificate issued by the
216 board or a firesafety inspector license issued pursuant to
217 chapter 633 and:

218 a. Has at least 5 years' verifiable full-time experience as
219 an inspector or plans examiner in a standard certification
220 category currently held or has a minimum of 5 years' verifiable
221 full-time experience as a firesafety inspector licensed pursuant
222 to chapter 633.

223 b. Has satisfactorily completed a building code inspector
224 or plans examiner classroom training course or program that
225 provides at least 200 but not more than 300 hours in the
226 certification category sought, except for one-family and two-
227 family dwelling training programs, which are required to provide
228 at least 500 but not more than 800 hours of training as
229 prescribed by the board. The board shall establish by rule
230 criteria for the development and implementation of classroom
231 training courses and programs in each certification category.

232 (3) A person may take the examination for certification as

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233 a building code administrator pursuant to this part if the
234 person:

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

236 (b) Is of good moral character.

237 (c) Meets eligibility requirements according to one of the
238 following criteria:

239 1. Demonstrates 10 years' combined experience as an
240 architect, engineer, plans examiner, building code inspector,
241 registered or certified contractor, or construction
242 superintendent, with at least 5 years of such experience in
243 supervisory positions; or

244 2. Demonstrates a combination of postsecondary education in
245 the field of construction or related field, no more than 5 years
246 of which may be applied, and experience as an architect,
247 engineer, plans examiner, building code inspector, registered or
248 certified contractor, or construction superintendent which
249 totals 10 years, with at least 5 years of such total being
250 experience in supervisory positions. In addition, the applicant
251 must have completed training consisting of at least 20 hours,
252 but not more than 30 hours, of instruction in state laws, rules,
253 and ethics relating to the professional standards of practice,
254 duties, and responsibilities of a certificateholder.

255 (7) (a) The board shall ~~may~~ provide for the issuance of
256 provisional certificates valid for 1 year, as specified by board
257 rule, to any newly employed or promoted building code inspector
258 or plans examiner who meets the eligibility requirements
259 described in subsection (2) and any newly employed or promoted
260 building code administrator who meets the eligibility
261 requirements described in subsection (3). The provisional

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262 license may be renewed by the board for just cause; however, a
263 provisional license is not valid for a period longer than 3
264 years.

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

268 (c) The board shall ~~may~~ provide for appropriate levels of
269 provisional certificates and may issue these certificates with
270 such special conditions or requirements relating to the place of
271 employment of the person holding the certificate, the
272 supervision of such person on a consulting or advisory basis, or
273 other matters as the board may deem necessary to protect the
274 public safety and health.

275 (d) A newly employed or hired person may perform the duties
276 of a plans examiner or building code inspector for 120 days if a
277 provisional certificate application has been submitted if such
278 person is under the direct supervision of a certified building
279 code administrator who holds a standard certification and who
280 has found such person qualified for a provisional certificate.
281 Direct supervision and the determination of qualifications may
282 also be provided by a building code administrator who holds a
283 limited or provisional certificate in a county having a
284 population of fewer than 75,000 and in a municipality located
285 within such county.

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

288 468.627 Application; examination; renewal; fees.—

289 (5) The certificateholder shall provide proof, in a form
290 established by board rule, that the certificateholder has

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291 completed at least 14 classroom hours of at least 50 minutes
292 each of continuing education courses during each biennium since
293 the issuance or renewal of the certificate, including code-
294 related training ~~the specialized or advanced coursework approved~~
295 ~~by the Florida Building Commission~~, as part of the building code
296 training program established pursuant to s. 553.841, appropriate
297 to the licensing category sought. A minimum of 3 of the required
298 14 classroom hours must be on state law, rules, and ethics
299 relating to professional standards of practice, duties, and
300 responsibilities of the certificateholder. The board shall by
301 rule establish criteria for approval of continuing education
302 courses and providers, and may by rule establish criteria for
303 accepting alternative nonclassroom continuing education on an
304 hour-for-hour basis.

305 Section 3. Section 471.0195, Florida Statutes, is amended
306 to read:

307 471.0195 Florida Building Code training for engineers.—All
308 licensees actively participating in the design of engineering
309 works or systems in connection with buildings, structures, or
310 facilities and systems covered by the Florida Building Code
311 shall take continuing education courses and submit proof to the
312 board, at such times and in such manner as established by the
313 board by rule, that the licensee has completed any specialized
314 or code-related training ~~advanced courses~~ on any portion of the
315 Florida Building Code applicable to the licensee's area of
316 practice. The board shall record reported continuing education
317 courses on a system easily accessed by code enforcement
318 jurisdictions for evaluation when determining license status for
319 purposes of processing design documents. Local jurisdictions

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320 shall be responsible for notifying the board when design
321 documents are submitted for building construction permits by
322 persons who are not in compliance with this section. The board
323 shall take appropriate action as provided by its rules when such
324 noncompliance is determined to exist.

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

327 481.215 Renewal of license.—

328 (5) The board shall require, by rule adopted pursuant to
329 ss. 120.536(1) and 120.54, a specified number of hours in
330 specialized or code-related training ~~advanced courses, approved~~
331 ~~by the Florida Building Commission,~~ on any portion of the
332 Florida Building Code, adopted pursuant to part IV of chapter
333 553, relating to the licensee's respective area of practice.

334 Section 5. Subsection (5) of section 481.313, Florida
335 Statutes, is amended to read:

336 481.313 Renewal of license.—

337 (5) The board shall require, by rule adopted pursuant to
338 ss. 120.536(1) and 120.54, a specified number of hours in
339 specialized or code-related training ~~advanced courses, approved~~
340 ~~by the Florida Building Commission,~~ on any portion of the
341 Florida Building Code, adopted pursuant to part IV of chapter
342 553, relating to the licensee's respective area of practice.

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

345 489.103 Exemptions.—This part does not apply to:

346 (23) An employee of an apartment community or apartment
347 community management company who makes minor repairs to existing
348 electric water heaters or to existing electric heating, venting,

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349 and air-conditioning systems if:

350 (a) The employee:

351 1. Does not hold himself or herself or his or her employer
352 out to be licensed or qualified by a licensee.

353 2. Does not perform any acts, other than acts authorized by
354 this exemption, which constitute contracting.

355 3. Receives compensation from and is under the supervision
356 and control of an employer who deducts the FICA and withholding
357 tax and who provides workers' compensation, as prescribed by
358 law.

359 4. Holds a current certificate for apartment maintenance
360 technicians issued by the National Apartment Association and
361 accredited by the American National Standards Institute.
362 Requirements for obtaining such certificate must include at
363 least:

364 a. One year of apartment or rental housing maintenance
365 experience.

366 b. Successful completion of at least 90 hours of courses or
367 online content that covers electrical maintenance and repair;
368 plumbing maintenance and repair; heating, venting, or air-
369 conditioning system maintenance and repair; appliance
370 maintenance and repair; and interior and exterior maintenance
371 and repair.

372 c. Completion of all examination requirements.

373 (b) The equipment:

374 1. Is already installed on the property owned by the
375 apartment community or managed by the apartment community
376 management company.

377 2. Is not being modified except to replace components

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378 necessary to return the equipment to its original condition and
379 the partial disassembly associated with the replacement.

380 3. Is a type of equipment commonly installed in similar
381 locations.

382 4. Is repaired with new parts that are functionally
383 identical to the parts being replaced.

384 (c) An individual repair does not involve replacement parts
385 that cost more than \$1,000. An individual repair may not be so
386 extensive as to be a functional replacement of the electric
387 water heater or the existing electric heating, venting, or air-
388 conditioning system being repaired.

389 (d) The property owned by the apartment community or
390 managed by the apartment community management company includes
391 at least 100 apartments.

392 Section 7. Paragraph (m) of subsection (3) of section
393 489.105, Florida Statutes, is amended to read:

394 489.105 Definitions.—As used in this part:

395 (3) "Contractor" means the person who is qualified for, and
396 is only responsible for, the project contracted for and means,
397 except as exempted in this part, the person who, for
398 compensation, undertakes to, submits a bid to, or does himself
399 or herself or by others construct, repair, alter, remodel, add
400 to, demolish, subtract from, or improve any building or
401 structure, including related improvements to real estate, for
402 others or for resale to others; and whose job scope is
403 substantially similar to the job scope described in one of the
404 paragraphs of this subsection. For the purposes of regulation
405 under this part, the term "demolish" applies only to demolition
406 of steel tanks more than 50 feet in height; towers more than 50

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407 feet in height; other structures more than 50 feet in height;
408 and all buildings or residences. Contractors are subdivided into
409 two divisions, Division I, consisting of those contractors
410 defined in paragraphs (a)-(c), and Division II, consisting of
411 those contractors defined in paragraphs (d)-(q):

412 (m) "Plumbing contractor" means a contractor whose services
413 are unlimited in the plumbing trade and includes contracting
414 business consisting of the execution of contracts requiring the
415 experience, financial means, knowledge, and skill to install,
416 maintain, repair, alter, extend, or, if not prohibited by law,
417 design plumbing. A plumbing contractor may install, maintain,
418 repair, alter, extend, or, if not prohibited by law, design the
419 following without obtaining an additional local regulatory
420 license, certificate, or registration: sanitary drainage or
421 storm drainage facilities, water and sewer plants and
422 substations, venting systems, public or private water supply
423 systems, septic tanks, drainage and supply wells, swimming pool
424 piping, irrigation systems, and solar heating water systems and
425 all appurtenances, apparatus, or equipment used in connection
426 therewith, including boilers and pressure process piping and
427 including the installation of water, natural gas, liquefied
428 petroleum gas and related venting, and storm and sanitary sewer
429 lines. The scope of work of the plumbing contractor also
430 includes the design, if not prohibited by law, and installation,
431 maintenance, repair, alteration, or extension of air-piping,
432 vacuum line piping, oxygen line piping, nitrous oxide piping,
433 and all related medical gas systems; fire line standpipes and
434 fire sprinklers if authorized by law; ink and chemical lines;
435 fuel oil and gasoline piping and tank and pump installation,

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436 except bulk storage plants; and pneumatic control piping
437 systems, all in a manner that complies with all plans,
438 specifications, codes, laws, and regulations applicable. The
439 scope of work of the plumbing contractor applies to private
440 property and public property, including any excavation work
441 incidental thereto, and includes the work of the specialty
442 plumbing contractor. Such contractor shall subcontract, with a
443 qualified contractor in the field concerned, all other work
444 incidental to the work but which is specified as being the work
445 of a trade other than that of a plumbing contractor. This
446 definition does not limit the scope of work of any specialty
447 contractor certified pursuant to s. 489.113(6), and does not
448 require certification or registration under this part as a
449 category I liquefied petroleum gas dealer, LP gas installer, or
450 specialty installer who is licensed under chapter 527 or an ~~of~~
451 ~~any~~ authorized employee of a public natural gas utility or of a
452 private natural gas utility regulated by the Public Service
453 Commission when disconnecting and reconnecting water lines in
454 the servicing or replacement of an existing water heater. A
455 plumbing contractor may perform drain cleaning and clearing and
456 install or repair rainwater catchment systems; however, a
457 mandatory licensing requirement is not established for the
458 performance of these specific services.

459 Section 8. Paragraph (b) of subsection (4) of section
460 489.115, Florida Statutes, is amended to read:

461 489.115 Certification and registration; endorsement;
462 reciprocity; renewals; continuing education.—

463 (4)

464 (b)1. Each certificateholder or registrant shall provide

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465 proof, in a form established by rule of the board, that the
466 certificateholder or registrant has completed at least 14
467 classroom hours of at least 50 minutes each of continuing
468 education courses during each biennium since the issuance or
469 renewal of the certificate or registration. The board shall
470 establish by rule that a portion of the required 14 hours must
471 deal with the subject of workers' compensation, business
472 practices, workplace safety, and, for applicable licensure
473 categories, wind mitigation methodologies, and 1 hour of which
474 must deal with laws and rules. The board shall by rule establish
475 criteria for the approval of continuing education courses and
476 providers, including requirements relating to the content of
477 courses and standards for approval of providers, and may by rule
478 establish criteria for accepting alternative nonclassroom
479 continuing education on an hour-for-hour basis. The board shall
480 prescribe by rule the continuing education, if any, which is
481 required during the first biennium of initial licensure. A
482 person who has been licensed for less than an entire biennium
483 must not be required to complete the full 14 hours of continuing
484 education.

485 2. In addition, the board may approve specialized
486 continuing education courses on compliance with the wind
487 resistance provisions for one and two family dwellings contained
488 in the Florida Building Code and any alternate methodologies for
489 providing such wind resistance which have been approved for use
490 by the Florida Building Commission. Division I
491 certificateholders or registrants who demonstrate proficiency
492 upon completion of such specialized courses may certify plans
493 and specifications for one and two family dwellings to be in

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494 compliance with the code or alternate methodologies, as
495 appropriate, except for dwellings located in floodways or
496 coastal hazard areas as defined in ss. 60.3D and E of the
497 National Flood Insurance Program.

498 3. The board shall require, by rule adopted pursuant to ss.
499 120.536(1) and 120.54, a specified number of hours in
500 specialized or code-related training advanced module courses,
501 ~~approved by the Florida Building Commission~~, on any portion of
502 the Florida Building Code, adopted pursuant to part IV of
503 chapter 553, relating to the contractor's respective discipline.

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

506 489.1401 Legislative intent.—

507 (2) It is the intent of the Legislature that the sole
508 purpose of the Florida Homeowners' Construction Recovery Fund is
509 to compensate an ~~any~~ aggrieved claimant who contracted for the
510 construction or improvement of the homeowner's residence located
511 within this state and who has obtained a final judgment in a a ~~any~~
512 court of competent jurisdiction, was awarded restitution by the
513 Construction Industry Licensing Board, or received an award in
514 arbitration against a licensee on grounds of financial
515 mismanagement or misconduct, abandoning a construction project,
516 or making a false statement with respect to a project. Such
517 grievance must arise ~~and arising~~ directly out of a a ~~any~~
518 transaction conducted when the judgment debtor was licensed and
519 must involve an act ~~performed any of the activities~~ enumerated
520 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence~~.

521 (3) It is the intent of the Legislature that Division I and
522 Division II contractors set apart funds for the specific

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523 objective of participating in the fund.

524 Section 10. Paragraphs (d), (i), (k), and (l) of subsection
525 (1) of section 489.1402, Florida Statutes, are amended to read:

526 489.1402 Homeowners' Construction Recovery Fund;
527 definitions.—

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

529 (d) "Contractor" means a Division I or Division II
530 contractor performing his or her respective services described
531 in s. 489.105(3)(a)-(q) ~~489.105(3)(a)-(e)~~.

532 (i) "Residence" means a single-family residence, an
533 individual residential condominium or cooperative unit, or a
534 residential building containing not more than two residential
535 units in which the owner contracting for the improvement is
536 residing or will reside 6 months or more each calendar year upon
537 completion of the improvement.

538 (k) "Same transaction" means a contract, or a ~~any~~ series of
539 contracts, between a claimant and a contractor or qualified
540 business, when such contract or contracts involve the same
541 property or contiguous properties and are entered into either at
542 one time or serially.

543 (l) "Valid and current license," for the purpose of s.
544 489.141(2)(d), means a ~~any~~ license issued pursuant to this part
545 to a licensee, including a license in an active, inactive,
546 delinquent, or suspended status.

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

549 489.141 Conditions for recovery; eligibility.—

550 (1) A ~~Any~~ claimant is eligible to seek recovery from the
551 recovery fund after making ~~having made~~ a claim and exhausting

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552 the limits of any available bond, cash bond, surety, guarantee,
553 warranty, letter of credit, or policy of insurance if, ~~provided~~
554 ~~that~~ each of the following conditions is satisfied:

555 (a) The claimant has received a final judgment in a court
556 of competent jurisdiction in this state or has received an award
557 in arbitration or the Construction Industry Licensing Board has
558 issued a final order directing the licensee to pay restitution
559 to the claimant. The board may waive this requirement if:

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

562 2. The claimant has sought to have assets involving the
563 transaction that gave rise to the claim removed from the
564 bankruptcy proceedings so that the matter might be heard in a
565 court of competent jurisdiction in this state and, after due
566 diligence, the claimant is precluded by action of the bankruptcy
567 court from securing a final judgment against the licensee.

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

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

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

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

575 1. The claimant has caused to be issued a writ of execution
576 upon such judgment, and the officer executing the writ has made
577 a return showing that no personal or real property of the
578 judgment debtor or licensee liable to be levied upon in
579 satisfaction of the judgment can be found or that the amount
580 realized on the sale of the judgment debtor's or licensee's

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581 property pursuant to such execution was insufficient to satisfy
582 the judgment;

583 2. If the claimant is unable to comply with subparagraph 1.
584 for a valid reason to be determined by the board, the claimant
585 has made all reasonable searches and inquiries to ascertain
586 whether the judgment debtor or licensee is possessed of real or
587 personal property or other assets subject to being sold or
588 applied in satisfaction of the judgment and by his or her search
589 has discovered no property or assets or has discovered property
590 and assets and has taken all necessary action and proceedings
591 for the application thereof to the judgment but the amount
592 thereby realized was insufficient to satisfy the judgment; and

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

595 (f) A claim for recovery is made within 1 year after the
596 conclusion of any civil, criminal, or administrative action or
597 award in arbitration based on the act. This paragraph applies to
598 any claim filed with the board after October 1, 1998.

599 (g) Any amounts recovered by the claimant from the judgment
600 debtor or licensee, or from any other source, have been applied
601 to the damages awarded by the court or the amount of restitution
602 ordered by the board.

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

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

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

609 (b) The claimant is a licensee who acted as the contractor

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610 in the transaction that ~~which~~ is the subject of the claim;

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

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

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

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

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

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

627 489.1425 Duty of contractor to notify residential property
628 owner of recovery fund.—

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

635

636 FLORIDA HOMEOWNERS' CONSTRUCTION

637 RECOVERY FUND

638

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639 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE
640 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY
641 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS
642 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED
643 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A
644 CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD
645 AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

646

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

649 Section 13. Section 489.143, Florida Statutes, is amended
650 to read:

651 489.143 Payment from the fund.—

652 (1) The fund shall be disbursed as provided in s. 489.141
653 on a final order of the board.

654 (2) A ~~Any~~ claimant who meets all of the conditions
655 prescribed in s. 489.141 may apply to the board to cause payment
656 to be made to a claimant from the recovery fund in an amount
657 equal to the judgment, award, or restitution order or \$25,000,
658 whichever is less, or an amount equal to the unsatisfied portion
659 of such person's judgment, award, or restitution order, but only
660 to the extent and amount of actual damages suffered by the
661 claimant, and only up to the maximum payment allowed for each
662 respective Division I and Division II claim. Payment from the
663 fund for other costs related to or pursuant to civil proceedings
664 such as postjudgment interest, attorney ~~attorney's~~ fees, court
665 costs, medical damages, and punitive damages is prohibited. The
666 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
667 or a restitution order, or any portion thereof, which is not

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668 expressly based on one of the grounds for recovery set forth in
669 s. 489.141.

670 (3) Beginning January 1, 2005, for each Division I contract
671 entered into after July 1, 2004, payment from the recovery fund
672 is shall be subject to a \$50,000 maximum payment for each
673 Division I claim. Beginning January 1, 2017, for each Division
674 II contract entered into on or after July 1, 2016, payment from
675 the recovery fund is subject to a \$15,000 maximum payment for
676 each Division II claim.

677 (4)~~(3)~~ Upon receipt by a claimant under subsection (2) of
678 payment from the recovery fund, the claimant shall assign his or
679 her additional right, title, and interest in the judgment,
680 award, or restitution order, to the extent of such payment, to
681 the board, and thereupon the board shall be subrogated to the
682 right, title, and interest of the claimant; and any amount
683 subsequently recovered on the judgment, award, or restitution
684 order, to the extent of the right, title, and interest of the
685 board therein, shall be for the purpose of reimbursing the
686 recovery fund.

687 (5)~~(4)~~ Payments for claims arising out of the same
688 transaction shall be limited, in the aggregate, to the lesser of
689 the judgment, award, or restitution order or the maximum payment
690 allowed for a Division I or Division II claim, regardless of the
691 number of claimants involved in the transaction.

692 (6)~~(5)~~ For contracts entered into before July 1, 2004,
693 payments for claims against any one licensee may shall not
694 exceed, in the aggregate, \$100,000 annually, up to a total
695 aggregate of \$250,000. For any claim approved by the board which
696 is in excess of the annual cap, the amount in excess of \$100,000

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697 up to the total aggregate cap of \$250,000 is eligible for
698 payment in the next and succeeding fiscal years, but only after
699 all claims for the then-current calendar year have been paid.
700 Payments may not exceed the aggregate annual or per claimant
701 limits under law. Beginning January 1, 2005, for each Division I
702 contract entered into after July 1, 2004, payment from the
703 recovery fund is subject only to a total aggregate cap of
704 \$500,000 for each Division I licensee. Beginning January 1,
705 2017, for each Division II contract entered into on or after
706 July 1, 2016, payment from the recovery fund is subject only to
707 a total aggregate cap of \$150,000 for each Division II licensee.

708 (7)-(6) Claims shall be paid in the order filed, up to the
709 aggregate limits for each transaction and licensee and to the
710 limits of the amount appropriated to pay claims against the fund
711 for the fiscal year in which the claims were filed. Payments may
712 not exceed the total aggregate cap per license or per claimant
713 limits under this section.

714 (8)-(7) If the annual appropriation is exhausted with claims
715 pending, such claims shall be carried forward to the next fiscal
716 year. Any moneys in excess of pending claims remaining in the
717 recovery fund at the end of the fiscal year shall be paid as
718 provided in s. 468.631.

719 (9)-(8) Upon the payment of any amount from the recovery
720 fund in settlement of a claim in satisfaction of a judgment,
721 award, or restitution order against a licensee as described in
722 s. 489.141, the license of such licensee shall be automatically
723 suspended, without further administrative action, upon the date
724 of payment from the fund. The license of such licensee may ~~shall~~
725 not be reinstated until he or she has repaid in full, plus

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726 interest, the amount paid from the fund. A discharge of
727 bankruptcy does not relieve a person from the penalties and
728 disabilities provided in this section.

729 (10)~~(9)~~ A ~~Any~~ firm, a corporation, a partnership, or an
730 association, or a ~~any~~ person acting in his or her individual
731 capacity, who aids, abets, solicits, or conspires with another
732 ~~any~~ person to knowingly present or cause to be presented a ~~any~~
733 false or fraudulent claim for the payment of a loss under this
734 act commits ~~is guilty of~~ a third-degree felony, punishable as
735 provided in s. 775.082 or s. 775.084 and by a fine of up to not
736 ~~exceeding~~ \$30,000, unless the value of the fraud exceeds that
737 amount, ~~\$30,000~~ in which event the fine may not exceed double
738 the value of the fraud.

739 (11)~~(10)~~ Each payment ~~All payments~~ and disbursement
740 ~~disbursements~~ from the recovery fund shall be made by the Chief
741 Financial Officer upon a voucher signed by the secretary of the
742 department or the secretary's designee.

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

745 489.503 Exemptions.—This part does not apply to:

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

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

752 489.517 Renewal of certificate or registration; continuing
753 education.—

754 (6) The board shall require, by rule adopted pursuant to

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755 ss. 120.536(1) and 120.54, a specialized number of hours in
756 specialized or code-related training advanced module courses,
757 ~~approved by the Florida Building Commission~~, on any portion of
758 the Florida Building Code, adopted pursuant to part IV of
759 chapter 553, relating to the contractor's respective discipline.

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

762 514.011 Definitions.—As used in this chapter:

763 (3) "Private pool" means a facility used only by an
764 individual, family, or living unit members and their guests
765 which does not serve any type of cooperative housing or joint
766 tenancy of five or more living units. For purposes of the
767 exemptions provided under s. 514.0115, the term includes a
768 portable pool used exclusively for providing swimming lessons or
769 related instruction in support of an established educational
770 program sponsored or provided by a county school district.

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

773 514.0115 Exemptions from supervision or regulation;
774 variances.—

775 (3) A private pool used for instructional purposes in
776 swimming ~~may shall~~ not be regulated as a public pool. A portable
777 pool used for instructional purposes or to further an approved
778 educational program may not be regulated as a public pool.

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

781 514.031 Permit necessary to operate public swimming pool.—

782 (5) An owner or operator of a public swimming pool,
783 including, but not limited to, a spa, wading, or special purpose

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784 pool, to which admittance is obtained by membership for a fee
785 shall post in a prominent location within the facility the most
786 recent pool inspection report issued by the department
787 pertaining to the health and safety conditions of such facility.
788 The report shall be legible and readily accessible to members or
789 potential members. The department shall adopt rules to enforce
790 this subsection. A portable pool may not be used as a public
791 pool unless it is exempt under s. 514.0115.

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

794 553.512 Modifications and waivers; advisory council.-

795 (2) The Accessibility Advisory Council shall consist of the
796 following seven members, who shall be knowledgeable in the area
797 of accessibility for persons with disabilities. The Secretary of
798 Business and Professional Regulation shall appoint the
799 following: a representative from the Advocacy Center for Persons
800 with Disabilities, Inc.; a representative from the Division of
801 Blind Services; a representative from the Division of Vocational
802 Rehabilitation; a representative from a statewide organization
803 representing the physically handicapped; a representative from
804 the hearing impaired; a representative from the Pensacola Employ
805 the Handicapped Council and Pensacola Pen Wheels, Inc.
806 ~~President, Florida Council of Handicapped Organizations~~; and a
807 representative of the Paralyzed Veterans of America. The terms
808 for the first three council members appointed subsequent to
809 October 1, 1991, shall be for 4 years, the terms for the next
810 two council members appointed shall be for 3 years, and the
811 terms for the next two members shall be for 2 years. Thereafter,
812 all council member appointments shall be for terms of 4 years.

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813 No council member shall serve more than two 4-year terms
814 subsequent to October 1, 1991. Any member of the council may be
815 replaced by the secretary upon three unexcused absences. Upon
816 application made in the form provided, an individual waiver or
817 modification may be granted by the commission so long as such
818 modification or waiver is not in conflict with more stringent
819 standards provided in another chapter.

820 Section 20. Section 553.721, Florida Statutes, is amended
821 to read:

822 553.721 Surcharge.—In order for the Department of Business
823 and Professional Regulation to administer and carry out the
824 purposes of this part and related activities, there is created a
825 surcharge, to be assessed at the rate of 1.5 percent of the
826 permit fees associated with enforcement of the Florida Building
827 Code as defined by the uniform account criteria and specifically
828 the uniform account code for building permits adopted for local
829 government financial reporting pursuant to s. 218.32. The
830 minimum amount collected on any permit issued shall be \$2. The
831 unit of government responsible for collecting a permit fee
832 pursuant to s. 125.56(4) or s. 166.201 shall collect the
833 surcharge and electronically remit the funds collected to the
834 department on a quarterly calendar basis for the preceding
835 quarter and continuing each third month thereafter. The unit of
836 government shall retain 10 percent of the surcharge collected to
837 fund the participation of building departments in the national
838 and state building code adoption processes and to provide
839 education related to enforcement of the Florida Building Code.
840 All funds remitted to the department pursuant to this section
841 shall be deposited in the Professional Regulation Trust Fund.

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842 Funds collected from the surcharge shall be allocated to fund
843 the Florida Building Commission and the Florida Building Code
844 Compliance and Mitigation Program under s. 553.841. Funds
845 allocated to the Florida Building Code Compliance and Mitigation
846 Program shall be \$925,000 each fiscal year. The Florida Building
847 Code Compliance and Mitigation Program shall fund the
848 recommendations made by the Building Code System Uniform
849 Implementation Evaluation Workgroup, dated April 8, 2013, from
850 existing resources, not to exceed \$30,000 in the 2016-2017
851 fiscal year. Funds collected from the surcharge shall also be
852 used to fund Florida Fire Prevention Code informal
853 interpretations managed by the State Fire Marshal and shall be
854 limited to \$15,000 each fiscal year. The State Fire Marshal
855 shall adopt rules to address the implementation and expenditure
856 of the funds allocated to fund the Florida Fire Prevention Code
857 informal interpretations under this section. The funds collected
858 from the surcharge may not be used to fund research on
859 techniques for mitigation of radon in existing buildings. Funds
860 used by the department as well as funds to be transferred to the
861 Department of Health and the State Fire Marshal shall be as
862 prescribed in the annual General Appropriations Act. The
863 department shall adopt rules governing the collection and
864 remittance of surcharges pursuant to chapter 120.

865 Section 21. Subsections (11) and (15) of section 553.73,
866 Florida Statutes, are amended, and subsection (19) is added to
867 that section, to read:

868 553.73 Florida Building Code.—

869 (11) (a) In the event of a conflict between the Florida
870 Building Code and the Florida Fire Prevention Code and the Life

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871 Safety Code as applied to a specific project, the conflict shall
872 be resolved by agreement between the local building code
873 enforcement official and the local fire code enforcement
874 official in favor of the requirement of the code which offers
875 the greatest degree of lifesafety or alternatives which would
876 provide an equivalent degree of lifesafety and an equivalent
877 method of construction. Local boards created to address issues
878 arising under the Florida Building Code or the Florida Fire
879 Prevention Code may combine the appeals boards to create a
880 single, local board having jurisdiction over matters arising
881 under either code or both codes. The combined local appeals
882 board may grant alternatives or modifications through procedures
883 outlined in NFPA 1, Section 1.4, but may not waive the
884 requirements of the Florida Fire Prevention Code. To meet the
885 quorum requirement for convening the combined local appeals
886 board, at least one member of the board who is a fire protection
887 contractor, a fire protection design professional, a fire
888 department operations professional, or a fire code enforcement
889 professional must be present.

890 (b) Any decision made by the local fire official regarding
891 application, interpretation, or enforcement of the Florida Fire
892 Prevention Code, by ~~and~~ the local building official regarding
893 application, interpretation, or enforcement of the Florida
894 Building Code, or the appropriate application of either code or
895 both codes in the case of a conflict between the codes may be
896 appealed to a local administrative board designated by the
897 municipality, county, or special district having firesafety
898 responsibilities. If the decision of the local fire official and
899 the local building official is to apply the provisions of either

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900 the Florida Building Code or the Florida Fire Prevention Code
901 and the Life Safety Code, the board may not alter the decision
902 unless the board determines that the application of such code is
903 not reasonable. If the decision of the local fire official and
904 the local building official is to adopt an alternative to the
905 codes, the local administrative board shall give due regard to
906 the decision rendered by the local officials and may modify that
907 decision if the administrative board adopts a better
908 alternative, taking into consideration all relevant
909 circumstances. In any case in which the local administrative
910 board adopts alternatives to the decision rendered by the local
911 fire official and the local building official, such alternatives
912 shall provide an equivalent degree of lifesafety and an
913 equivalent method of construction as the decision rendered by
914 the local officials.

915 (c) If the local building official and the local fire
916 official are unable to agree on a resolution of the conflict
917 between the Florida Building Code and the Florida Fire
918 Prevention Code and the Life Safety Code, the local
919 administrative board shall resolve the conflict in favor of the
920 code which offers the greatest degree of lifesafety or
921 alternatives which would provide an equivalent degree of
922 lifesafety and an equivalent method of construction.

923 (d) All decisions of the local administrative board, ~~or,~~ if
924 none exists, the decisions of the local building official and
925 the local fire official in regard to the application,
926 enforcement, or interpretation of the Florida Fire Prevention
927 Code, or conflicts between the Florida Fire Prevention Code and
928 the Florida Building Code, are subject to review by a joint

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929 committee composed of members of the Florida Building Commission
930 and the Fire Code Advisory Council. If the joint committee is
931 unable to resolve conflicts between the codes as applied to a
932 specific project, the matter shall be resolved pursuant to ~~the~~
933 ~~provisions of~~ paragraph (1) (d). Decisions of the local
934 administrative board related solely to the Florida Building Code
935 are subject to review as set forth in s. 553.775.

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

939 (f) All decisions of the local building official and local
940 fire official and all decisions of the administrative board
941 shall be in writing and shall be binding upon a person but do
942 not limit the authority of the State Fire Marshal or the Florida
943 Building Commission pursuant to paragraph (1) (d) and ss. 633.104
944 and 633.228. Decisions of general application shall be indexed
945 by building and fire code sections and shall be available for
946 inspection during normal business hours.

947 (15) An agency or local government may not require that
948 existing mechanical equipment located on or above the surface of
949 a roof be installed in compliance with the requirements of the
950 Florida Building Code except during reroofing when the equipment
951 is being replaced or moved ~~during reroofing~~ and is not in
952 compliance with the provisions of the Florida Building Code
953 relating to roof-mounted mechanical units.

954 (19) The Florida Building Code may not require more than
955 one fire service access elevator in a residential occupancy
956 where the highest occupiable floor is less than 420 feet above
957 the level of fire service access and all remaining elevators are

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958 provided with Phase I and II emergency operations. Where fire
959 service access elevators are required, the code may not require
960 a 1-hour fire-rated fire service access elevator lobby with
961 direct access from the fire service access elevators if the fire
962 service access elevators open into an exit access corridor that
963 is at least 150 square feet with the exception of door openings;
964 is no less than 6 feet wide for its entire length; and has a
965 minimum 1-hour fire rating with three-quarter hour fire and
966 smoke rated openings and if, and during a fire event, the fire
967 service access elevators are pressurized and floor-to-floor
968 smoke control is provided. However, where transient residential
969 occupancies occur at floor levels above 420 feet above the level
970 of fire service access, a 1-hour fire-rated fire service access
971 elevator lobby with direct access from the fire service access
972 elevators is required. The requirement for a second fire service
973 access elevator is not considered a part of the Florida Building
974 Code and therefore does not take effect until July 1, 2017.

975 Section 22. Paragraph (c) of subsection (3) of section
976 553.775, Florida Statutes, is amended to read:

977 553.775 Interpretations.—

978 (3) The following procedures may be invoked regarding
979 interpretations of the Florida Building Code or the Florida
980 Accessibility Code for Building Construction:

981 (c) The commission shall review decisions of local building
982 officials and local enforcement agencies regarding
983 interpretations of the Florida Building Code or the Florida
984 Accessibility Code for Building Construction after the local
985 board of appeals has considered the decision, if such board
986 exists, and if such appeals process is concluded within 25

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987 business days.

988 1. The commission shall coordinate with the Building
989 Officials Association of Florida, Inc., to designate a panel
990 ~~panels~~ composed of seven ~~five~~ members to hear requests to review
991 decisions of local building officials. Five ~~The~~ members must be
992 licensed as building code administrators under part XII of
993 chapter 468, one member must be licensed as an architect under
994 chapter 481, and one member must be licensed as an engineer
995 under chapter 471. Each member ~~and~~ must have experience
996 interpreting or ~~and~~ enforcing provisions of the Florida Building
997 Code and the Florida Accessibility Code for Building
998 Construction.

999 2. Requests to review a decision of a local building
1000 official interpreting provisions of the Florida Building Code or
1001 the Florida Accessibility Code for Building Construction may be
1002 initiated by any substantially affected person, including an
1003 owner or builder subject to a decision of a local building
1004 official or an association of owners or builders having members
1005 who are subject to a decision of a local building official. In
1006 order to initiate review, the substantially affected person must
1007 file a petition with the commission. The commission shall adopt
1008 a form for the petition, which shall be published on the
1009 Building Code Information System. The form shall, at a minimum,
1010 require the following:

1011 a. The name and address of the county or municipality in
1012 which provisions of the Florida Building Code or the Florida
1013 Accessibility Code for Building Construction are being
1014 interpreted.

1015 b. The name and address of the local building official who

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1016 has made the interpretation being appealed.

1017 c. The name, address, and telephone number of the
1018 petitioner; the name, address, and telephone number of the
1019 petitioner's representative, if any; and an explanation of how
1020 the petitioner's substantial interests are being affected by the
1021 local interpretation of the Florida Building Code or the Florida
1022 Accessibility Code for Building Construction.

1023 d. A statement of the provisions of the Florida Building
1024 Code or the Florida Accessibility Code for Building Construction
1025 which are being interpreted by the local building official.

1026 e. A statement of the interpretation given to provisions of
1027 the Florida Building Code or the Florida Accessibility Code for
1028 Building Construction by the local building official and the
1029 manner in which the interpretation was rendered.

1030 f. A statement of the interpretation that the petitioner
1031 contends should be given to the provisions of the Florida
1032 Building Code or the Florida Accessibility Code for Building
1033 Construction and a statement supporting the petitioner's
1034 interpretation.

1035 g. Space for the local building official to respond in
1036 writing. The space shall, at a minimum, require the local
1037 building official to respond by providing a statement admitting
1038 or denying the statements contained in the petition and a
1039 statement of the interpretation of the provisions of the Florida
1040 Building Code or the Florida Accessibility Code for Building
1041 Construction which the local jurisdiction or the local building
1042 official contends is correct, including the basis for the
1043 interpretation.

1044 3. The petitioner shall submit the petition to the local

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1045 building official, who shall place the date of receipt on the
1046 petition. The local building official shall respond to the
1047 petition in accordance with the form and shall return the
1048 petition along with his or her response to the petitioner within
1049 5 days after receipt, exclusive of Saturdays, Sundays, and legal
1050 holidays. The petitioner may file the petition with the
1051 commission at any time after the local building official
1052 provides a response. If no response is provided by the local
1053 building official, the petitioner may file the petition with the
1054 commission 10 days after submission of the petition to the local
1055 building official and shall note that the local building
1056 official did not respond.

1057 4. Upon receipt of a petition that meets the requirements
1058 of subparagraph 2., the commission shall immediately provide
1059 copies of the petition to the a panel, and the commission shall
1060 publish the petition, including any response submitted by the
1061 local building official, on the Building Code Information System
1062 in a manner that allows interested persons to address the issues
1063 by posting comments.

1064 5. The panel shall conduct proceedings as necessary to
1065 resolve the issues; shall give due regard to the petitions, the
1066 response, and to comments posed on the Building Code Information
1067 System; and shall issue an interpretation regarding the
1068 provisions of the Florida Building Code or the Florida
1069 Accessibility Code for Building Construction within 21 days
1070 after the filing of the petition. The panel shall render a
1071 determination based upon the Florida Building Code or the
1072 Florida Accessibility Code for Building Construction or, if the
1073 code is ambiguous, the intent of the code. The panel's

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1074 interpretation shall be provided to the commission, which shall
1075 publish the interpretation on the Building Code Information
1076 System and in the Florida Administrative Register. The
1077 interpretation shall be considered an interpretation entered by
1078 the commission, and shall be binding upon the parties and upon
1079 all jurisdictions subject to the Florida Building Code or the
1080 Florida Accessibility Code for Building Construction, unless it
1081 is superseded by a declaratory statement issued by the Florida
1082 Building Commission or by a final order entered after an appeal
1083 proceeding conducted in accordance with subparagraph 7.

1084 6. It is the intent of the Legislature that review
1085 proceedings be completed within 21 days after the date that a
1086 petition seeking review is filed with the commission, and the
1087 time periods set forth in this paragraph may be waived only upon
1088 consent of all parties.

1089 7. Any substantially affected person may appeal an
1090 interpretation rendered by the ~~a hearing officer~~ panel by filing
1091 a petition with the commission. Such appeals shall be initiated
1092 in accordance with chapter 120 and the uniform rules of
1093 procedure and must be filed within 30 days after publication of
1094 the interpretation on the Building Code Information System or in
1095 the Florida Administrative Register. Hearings shall be conducted
1096 pursuant to chapter 120 and the uniform rules of procedure.
1097 Decisions of the commission are subject to judicial review
1098 pursuant to s. 120.68. The final order of the commission is
1099 binding upon the parties and upon all jurisdictions subject to
1100 the Florida Building Code or the Florida Accessibility Code for
1101 Building Construction.

1102 8. The burden of proof in any proceeding initiated in

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1103 accordance with subparagraph 7. is on the party who initiated
1104 the appeal.

1105 9. In any review proceeding initiated in accordance with
1106 this paragraph, including any proceeding initiated in accordance
1107 with subparagraph 7., the fact that an owner or builder has
1108 proceeded with construction may not be grounds for determining
1109 an issue to be moot if the issue is one that is likely to arise
1110 in the future.

1111
1112 This paragraph provides the exclusive remedy for addressing
1113 requests to review local interpretations of the Florida Building
1114 Code or the Florida Accessibility Code for Building Construction
1115 and appeals from review proceedings.

1116 Section 23. Subsection (6) of section 553.79, Florida
1117 Statutes, is amended to read:

1118 553.79 Permits; applications; issuance; inspections.-

1119 (6) A permit may not be issued for any building
1120 construction, erection, alteration, modification, repair, or
1121 addition unless the applicant for such permit complies with the
1122 requirements for plan review established by the Florida Building
1123 Commission within the Florida Building Code. However, the code
1124 shall set standards and criteria to authorize preliminary
1125 construction before completion of all building plans review,
1126 including, but not limited to, special permits for the
1127 foundation only, and such standards shall take effect concurrent
1128 with the first effective date of the Florida Building Code.
1129 After submittal of the appropriate construction documents, the
1130 building official may issue a permit for the construction of
1131 foundations or any other part of a building or structure before

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1132 the construction documents for the whole building or structure
1133 have been submitted. The holder of such permit for the
1134 foundation or other parts of a building or structure shall
1135 proceed at the holder's own risk and without assurance that a
1136 permit for the entire structure will be granted. Corrections may
1137 be required to meet the requirements of the technical codes.

1138 Section 24. Subsections (4) and (7) of section 553.841,
1139 Florida Statutes, are amended to read:

1140 553.841 Building code compliance and mitigation program.—

1141 (4) In administering the Florida Building Code Compliance
1142 and Mitigation Program, the department may ~~shall~~ maintain,
1143 update, develop, or cause to be developed code-related training
1144 and education ~~advanced modules designed~~ for use by each
1145 profession.

1146 ~~(7) The Florida Building Commission shall provide by rule~~
1147 ~~for the accreditation of courses related to the Florida Building~~
1148 ~~Code by accreditors approved by the commission. The commission~~
1149 ~~shall establish qualifications of accreditors and criteria for~~
1150 ~~the accreditation of courses by rule. The commission may revoke~~
1151 ~~the accreditation of a course by an accreditor if the~~
1152 ~~accreditation is demonstrated to violate this part or the rules~~
1153 ~~of the commission.~~

1154 Section 25. Paragraph (a) of subsection (8) of section
1155 553.842, Florida Statutes, is amended to read:

1156 553.842 Product evaluation and approval.—

1157 (8) The commission may adopt rules to approve the following
1158 types of entities that produce information on which product
1159 approvals are based. All of the following entities, including
1160 engineers and architects, must comply with a nationally

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1161 recognized standard demonstrating independence or no conflict of
1162 interest:

1163 (a) Evaluation entities approved pursuant to this
1164 paragraph. The commission shall specifically approve the
1165 National Evaluation Service, the International Association of
1166 Plumbing and Mechanical Officials Evaluation Service, the
1167 International Code Council Evaluation Services, Underwriters
1168 Laboratories, LLC, and the Miami-Dade County Building Code
1169 Compliance Office Product Control Division. Architects and
1170 engineers licensed in this state are also approved to conduct
1171 product evaluations as provided in subsection (5).

1172 Section 26. Section 553.883, Florida Statutes, is amended
1173 to read:

1174 553.883 Smoke alarms in one-family and two-family dwellings
1175 and townhomes.—One-family and two-family dwellings and townhomes
1176 undergoing a repair, or a level 1 alteration as defined in the
1177 Florida Building Code, may use smoke alarms powered by 10-year
1178 nonremovable, nonreplaceable batteries in lieu of retrofitting
1179 such dwelling with smoke alarms powered by the dwelling's
1180 electrical system. Effective January 1, 2015, a battery-powered
1181 smoke alarm that is newly installed or replaces an existing
1182 battery-powered smoke alarm must be powered by a nonremovable,
1183 nonreplaceable battery that powers the alarm for at least 10
1184 years. The battery requirements of this section do not apply to
1185 a fire alarm, smoke detector, smoke alarm, or ancillary
1186 component that is electronically connected as a part of a
1187 centrally monitored or supervised alarm system; or that uses a
1188 low-power, radio frequency wireless communication signal; or
1189 that contains multiple sensors, such as a smoke alarm combined

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1190 with a carbon monoxide alarm or other devices as the State Fire
1191 Marshal designates by rule.

1192 Section 27. Section 553.908, Florida Statutes, is amended
1193 to read:

1194 553.908 Inspection.—Before construction or renovation is
1195 completed, the local enforcement agency shall inspect buildings
1196 for compliance with the standards of this part. Notwithstanding
1197 any other provision of the code or law, effective July 1, 2016,
1198 section R402.4.1 of the 5th Edition (2014) of the Florida
1199 Building Code, Energy Conservation, which became effective on
1200 June 30, 2015, shall cease to be effective. Instead, section
1201 402.4.2 of the 2010 Florida Building Code, Energy Conservation,
1202 relating to air sealing and insulation, in effect before June
1203 30, 2015, shall govern and become applicable and effective on
1204 June 30, 2016, and thereafter. Additionally, a state or local
1205 enforcement agency or code official may not require any type of
1206 mandatory blower door test or air infiltration test to determine
1207 specific air infiltration levels or air leakage rates in a
1208 residential building or dwelling unit and may not require the
1209 installation of any mechanical ventilation devices designed to
1210 filter outside air through an HVAC system as a condition of a
1211 permit or to determine compliance with the code. However, if
1212 section R402.4.1 of the 5th Edition (2014) of the Florida
1213 Building Code, Energy Conservation is voluntarily used, the
1214 local enforcement agency shall inspect the construction or
1215 renovation for compliance with that section.

1216 Section 28. Subsections (17) and (18) are added to section
1217 633.202, Florida Statutes, to read:

1218 633.202 Florida Fire Prevention Code.—

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1219 (17) The authority having jurisdiction shall determine the
1220 minimum radio signal strength for fire department communications
1221 in all new high-rise and existing high-rise buildings. Existing
1222 buildings are not required to comply with minimum radio strength
1223 for fire department communications and two-way radio system
1224 enhancement communications as required by the Florida Fire
1225 Prevention Code until January 1, 2022. However, by December 31,
1226 2019, an existing building that is not in compliance with the
1227 requirements for minimum radio strength for fire department
1228 communications must apply for an appropriate permit for the
1229 required installation with the local governmental agency having
1230 jurisdiction and must demonstrate that the building will become
1231 compliant by January 1, 2022. Existing apartment buildings are
1232 not required to comply until January 1, 2025. However, existing
1233 apartment buildings are required to apply for the appropriate
1234 permit for the required communications installation by December
1235 31, 2022.

1236 (18) Areas of refuge shall be provided if required by the
1237 Florida Building Code, Accessibility. Required portions of an
1238 area of refuge shall be accessible from the space they serve by
1239 an accessible means of egress.

1240 Section 29. Subsection (5) is added to section 633.206,
1241 Florida Statutes, to read:

1242 633.206 Uniform firesafety standards—The Legislature hereby
1243 determines that to protect the public health, safety, and
1244 welfare it is necessary to provide for firesafety standards
1245 governing the construction and utilization of certain buildings
1246 and structures. The Legislature further determines that certain
1247 buildings or structures, due to their specialized use or to the

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1248 special characteristics of the person utilizing or occupying
1249 these buildings or structures, should be subject to firesafety
1250 standards reflecting these special needs as may be appropriate.

1251 (5) The home environment provisions in the most current
1252 edition of the codes adopted by the division may be applied to
1253 existing assisted living facilities, at the option of each
1254 facility, notwithstanding the edition of the codes applied at
1255 the time of construction.

1256 Section 30. Subsection (5) of section 633.208, Florida
1257 Statutes, is amended to read:

1258 633.208 Minimum firesafety standards.-

1259 (5) With regard to existing buildings, the Legislature
1260 recognizes that it is not always practical to apply any or all
1261 of the provisions of the Florida Fire Prevention Code and that
1262 physical limitations may require disproportionate effort or
1263 expense with little increase in fire or life safety. Before
1264 ~~Prior to~~ applying the minimum firesafety code to an existing
1265 building, the local fire official shall determine whether ~~that~~ a
1266 threat to lifesafety or property exists. If a threat to
1267 lifesafety or property exists, the fire official shall apply the
1268 applicable firesafety code for existing buildings to the extent
1269 practical to ensure ~~assure~~ a reasonable degree of lifesafety and
1270 safety of property or the fire official shall fashion a
1271 reasonable alternative that ~~which~~ affords an equivalent degree
1272 of lifesafety and safety of property. The local fire official
1273 may consider the firesafety evaluation systems found in NFPA
1274 101A, Guide on Alternative Solutions to Life Safety, adopted by
1275 the State Fire Marshal, as acceptable systems for the
1276 identification of low-cost, reasonable alternatives. It is

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1277 acceptable to use the Fire Safety Evaluation System for Board
1278 and Care Facilities using prompt evacuation capabilities
1279 parameter values on existing residential high-rise buildings.

1280 The decision of the local fire official may be appealed to the
1281 local administrative board described in s. 553.73.

1282 Section 31. Section 633.336, Florida Statutes, is amended
1283 to read:

1284 633.336 Contracting without certificate prohibited;
1285 violations; penalty.—

1286 (1) It is unlawful for any organization or individual to
1287 engage in the business of layout, fabrication, installation,
1288 inspection, alteration, repair, or service of a fire protection
1289 system, other than a preengineered system, act in the capacity
1290 of a fire protection contractor, or advertise itself as being a
1291 fire protection contractor without having been duly certified
1292 and holding a valid and existing certificate, except as
1293 hereinafter provided. The holder of a certificate used to
1294 qualify an organization must be a full-time employee of the
1295 qualified organization or business. A certificateholder who is
1296 employed by more than one fire protection contractor during the
1297 same time is deemed not to be a full-time employee of either
1298 contractor. The State Fire Marshal shall revoke, for a period
1299 determined by the State Fire Marshal, the certificate of a
1300 certificateholder who allows the use of the certificate to
1301 qualify a company of which the certificateholder is not a full-
1302 time employee. A contractor who maintains more than one place of
1303 business must employ a certificateholder at each location. This
1304 subsection does not prohibit an employee acting on behalf of
1305 governmental entities from inspecting and enforcing firesafety

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1306 codes, provided such employee is certified under s. 633.216.

1307 (2) A fire protection contractor certified under this
1308 chapter may not:

1309 (a) Enter into a written or oral agreement to authorize, or
1310 otherwise knowingly allow, a contractor who is not certified
1311 under this chapter to engage in the business of, or act in the
1312 capacity of, a fire protection contractor.

1313 (b) Apply for or obtain a construction permit for fire
1314 protection work unless the fire protection contractor or the
1315 business organization qualified by the fire protection
1316 contractor has contracted to conduct the work specified in the
1317 application for the permit.

1318 (3) The Legislature recognizes that special expertise is
1319 required for fire pump control panels and maintenance of
1320 electric and diesel pump drivers and that it is not economically
1321 feasible for all contractors to employ these experts full-time
1322 whose work may be limited. It is therefore deemed acceptable for
1323 a fire protection contractor licensed under chapter 633 to
1324 subcontract with companies providing advanced technical services
1325 for the installation, servicing, and maintenance of fire pump
1326 control panels and pump drivers. To ensure the integrity of the
1327 system and to protect the interests of the property owner, those
1328 providing technical support services for fire pump control
1329 panels and pump drivers must be under contract with a licensed
1330 fire protection contractor.

1331 (4)~~(3)~~ A person who violates any provision of this act or
1332 commits any of the acts constituting cause for disciplinary
1333 action as herein set forth commits a misdemeanor of the second
1334 degree, punishable as provided in s. 775.082 or s. 775.083.

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1335 (5)~~(4)~~ In addition to the penalties provided in subsection
 1336 ~~(4)~~~~(3)~~, a fire protection contractor certified under this
 1337 chapter who violates any provision of this section or who
 1338 commits any act constituting cause for disciplinary action is
 1339 subject to suspension or revocation of the certificate and
 1340 administrative fines pursuant to s. 633.338.

1341 Section 32. Paragraphs (b) and (c) of subsection (4) of
 1342 section 120.541, Florida Statutes, are amended to read:

1343 120.541 Statement of estimated regulatory costs.—

1344 (3) If the adverse impact or regulatory costs of the rule
 1345 exceed any of the criteria established in paragraph (2) (a), the
 1346 rule shall be submitted to the President of the Senate and
 1347 Speaker of the House of Representatives no later than 30 days
 1348 prior to the next regular legislative session, and the rule may
 1349 not take effect until it is ratified by the Legislature.

1350 (4) Subsection (3) does not apply to the adoption of:

1351 ~~(b) Triennial updates of and amendments to the Florida~~
 1352 ~~Building Code which are expressly authorized by s. 553.73.~~

1353 ~~(c) Triennial updates of and amendments to the Florida Fire~~
 1354 ~~Prevention Code which are expressly authorized by s. 633.202.~~

1355 Section 33. Subsections (16) and (17) of section 120.80,
 1356 Florida Statutes, are amended to read:

1357 120.80 Exceptions and special requirements; agencies.—

1358 (16) FLORIDA BUILDING COMMISSION.—

1359 (a) Notwithstanding the provisions of s. 120.542, the
 1360 Florida Building Commission may not accept a petition for waiver
 1361 or variance and may not grant any waiver or variance from the
 1362 requirements of the Florida Building Code.

1363 (b) The Florida Building Commission shall adopt within the

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1364 Florida Building Code criteria and procedures for alternative
1365 means of compliance with the code or local amendments thereto,
1366 for enforcement by local governments, local enforcement
1367 districts, or other entities authorized by law to enforce the
1368 Florida Building Code. Appeals from the denial of the use of
1369 alternative means shall be heard by the local board, if one
1370 exists, and may be appealed to the Florida Building Commission.

1371 (c) Notwithstanding ss. 120.565, 120.569, and 120.57, the
1372 Florida Building Commission and hearing officer panels appointed
1373 by the commission in accordance with s. 553.775(3)(c)1. may
1374 conduct proceedings to review decisions of local building code
1375 officials in accordance with s. 553.775(3)(c).

1376 (d) Effective July 1, 2016, section 120.541(3) does not
1377 apply to the adoption of any section of the Florida Building
1378 Code, adopted pursuant to s. 553.73, if the section would not be
1379 subject to ratification as a discrete rule or if the substance
1380 of the section was incorporated in a prior adopted and effective
1381 rule amendments and the triennial update to the Florida Building
1382 Code expressly authorized by s. 553.73.

1383 (e) In adopting the Florida Building Code, a statement of
1384 estimated regulatory costs prepared under s. 120.541 must
1385 evaluate each section of the underlying code developed to form
1386 the foundation of the Florida Building Code pursuant to s.
1387 553.73(3) if the section was not incorporated in the previous
1388 version of the Florida Building Code and the section is expected
1389 to increase construction costs in excess of \$1 million in the
1390 aggregate within 5 years after the implementation of the
1391 section.

1392 (17) STATE FIRE MARSHAL.—

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1393 (a) Effective July 1, 2016, section 120.541(3) does not
1394 apply to the adoption of any section of the Florida Fire
1395 Prevention Code adopted pursuant to s. 633.202 if the section
1396 would not be subject to ratification as a discrete rule or if
1397 the substance of the section was incorporated in a prior adopted
1398 and effective rule amendments and the triennial update to the
1399 Florida Fire Prevention Code expressly authorized by s. 633.202.

1400 (b) In adopting the Florida Fire Prevention Code, a
1401 statement of estimated regulatory costs prepared under s.
1402 120.541 must evaluate each section of the National Fire
1403 Protection Association's Standard 1, Fire Prevention Code and
1404 each section of the Life Safety Code, NFPA 101, adopted by
1405 reference in the Florida Fire Prevention Code, if the section
1406 was not incorporated in the previous version of the Florida Fire
1407 Prevention Code and the section is expected to increase
1408 construction costs in excess of \$1 million in the aggregate
1409 within 5 years after the implementation of the section.

1410 Section 34. The Calder Sloan Swimming Pool Electrical-
1411 Safety Task Force.—There is established within the Florida
1412 Building Commission the Calder Sloan Swimming Pool Electrical-
1413 Safety Task Force.

1414 (1) The purpose of the task force is to study standards on
1415 grounding, bonding, lighting, wiring, and all electrical aspects
1416 for safety in and around public and private swimming pools,
1417 especially with regard to minimizing risks of electrocutions
1418 linked to swimming pools. The task force shall submit a report
1419 of its findings, including recommended revisions to state law,
1420 if any, to the Governor, the President of the Senate, and the
1421 Speaker of the House of Representatives by November 1, 2016.

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1422 (2) The task force shall consist of the swimming pool and
1423 electrical technical advisory committees of the Florida Building
1424 Commission.

1425 (3) The task force shall be chaired by the swimming pool
1426 contractor appointed to the Florida Building Commission pursuant
1427 to s. 553.74, Florida Statutes.

1428 (4) The Florida Building Commission shall provide such
1429 staff, information, and other assistance as is reasonably
1430 necessary to assist the task force in carrying out its
1431 responsibilities.

1432 (5) Members of the task force shall serve without
1433 compensation.

1434 (6) The task force shall meet as often as necessary to
1435 fulfill its responsibilities. Meetings may be conducted by
1436 conference call, teleconferencing, or similar technology.

1437 (7) This section expires December 31, 2016.

1438 Section 35. 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)

Feb 1 2016
Meeting Date

SB 704
Bill Number (if applicable)

Topic LP Gas Contractors / Apartment Maintenance

252590
Amendment Barcode (if applicable)

Name B. H. Smock

Job Title President / Gator Plumbing

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Phone 941-238-7661

Brderton FL 34208
City State Zip

Email B.H.Smock2@qaloo.com

Speaking: For Against Information

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

Representing Gator Plumbing Inc

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)

Feb. 1, 2016

Meeting Date

704

Bill Number (if applicable)

423720

Amendment Barcode (if applicable)

Topic Wireless smokealarm

Name Justin Sayfie

Job Title Partner, Ballard Partners

Address 450 E. Las Olas Blvd #1500

Street

Ft. Lauderdale

City

FL

State

33130

Zip

Phone 954-523-2427

Email justin@ballardfl.com

Speaking: For Against Information

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

Representing Google

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)

2/1/16

Meeting Date

SB 704

Bill Number (if applicable)

303364

Amendment Barcode (if applicable)

Topic

SMOKE ALARMS

Name

KARI HEDRANK

Job Title

413 EAST COLLEGE, SUITE 200

Address

Street

TALLAHASSEE FL 32301

City

State

Zip

Phone

Email

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

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

Representing

etc

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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2/1/16
Meeting Date

SB-704
Bill Number (if applicable)
303364
Amendment Barcode (if applicable)

Topic Building Code

Name Cameron Yarbrough

Job Title 215 S. Monroe

Address Stc 601
Street

Phone 850/528-9034

TALLAHASSEE FL 32301
City State Zip

Email CYarbrough@gunster.com

Speaking: For Against Information

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

Representing Air Condition, 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
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2/1/16
Meeting Date

704
Bill Number (if applicable)
303364
Amendment Barcode (if applicable)

Topic Building Code

Name David Cruz

Job Title Assistant General Counsel

Address P.O. Box 1757
Street

Phone 701-3676

Tallahassee FL 32302
City State Zip

Email DCruz@FLcities.com

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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Feb. 1, 2016

Meeting Date

702

Bill Number (if applicable)

502700

Amendment Barcode (if applicable)

Topic Building Codes

Name Jim Petersen

Job Title Vice President, R&D and Building ~~General~~ Science

Address 900 NW Ave

Phone 305-485-4183

Street

Miami, FL 33172

City

State

Zip

Email jim.petersen@lennar.com

Speaking: For Against Information

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

Representing Lennar Ventures

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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2/1/16
Meeting Date

SB 704
Bill Number (if applicable)

SDA-700
Amendment Barcode (if applicable)

Topic FL Building Code

Name Michael Power

Job Title Director, State Government Affairs

Address 1995 N. Park Pl. Suite 240
Street

Phone 770-421-2991

Atlanta GA 30339
City State Zip

Email MichaelPower@americanchemistry.com

Speaking: For Against Information

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

Representing American Chemistry Council

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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2/1/16 Meeting Date

Bill Number (if applicable)

931130 Amendment Barcode (if applicable)

Topic BUILDING CODES

Name JOFF SHARKEY

Job Title President Capital Alliance Group

Address 150 E College Ave

Street

City

State

Zip

Phone 850 224 1660

Email JOFF@SHARKEYGROUP.COM

Speaking: [X] For [] Against [] Information

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

AMENDMENT

Representing NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

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

Lobbyist registered with Legislature: [X] 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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02/01/2016
Meeting Date

SB 704
Bill Number (if applicable)

931130
Amendment Barcode (if applicable)

Topic Building Codes

Name Enrique Abouy

Job Title Truck Driver

Address 154 Pinewood Cir
Street

Phone 407-591-9755

City Kissimmee State FL Zip 34743

Email Tennessee2@live.com

Speaking: For Against Information

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

Representing ~~_____~~ Self

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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2/1/16
Meeting Date

SB-704
Bill Number (if applicable)
931130
Amendment Barcode (if applicable)

Topic Apartment Exemption

Name Theresa King

Job Title President

Address P.O. Box 10888 /
Street

Phone 850-228-8940

Tallahassee FL 32302
City State Zip

Email fbt.king@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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THE FLORIDA SENATE
APPEARANCE RECORD

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2/1/16
Meeting Date

SB 704
Bill Number (if applicable)

Topic Construction

Adm: 931130
Amendment Barcode (if applicable)

Name Eli Nortelus

Job Title Lobbyist

Address 106 East college Ave
Street
Tallahassee, FL 32301
City State Zip

Phone (850)459-6506

Email eli.nortelus@akemen.com

Speaking: For Against Information

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

Representing Air Conditioning Contractors Professional Association (ACCPA)

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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2/1/16

Meeting Date

704

Bill Number (if applicable)

931130

Amendment Barcode (if applicable)

Topic Building Code

Name ~~Ron Book~~ Kelly Mallette

Job Title _____

Address 104 W. Jefferson Street

Street

Phone (850)224-3427

Tallahassee FL 32301

City

State

Zip

Email ron@rlbookpa.com

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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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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2/1/16

Meeting Date

SB-704

Bill Number (if applicable)

931130

Amendment Barcode (if applicable)

Topic APARTMENT EXEMPTION

Name J. B. CLARK

Job Title LOBBYIST

Address 2071 CYNTHIA DRIVE

Phone

Street

TALLAHASSEE, FL 32303

Email

City

State

Zip

Speaking: [X] For [] Against [] Information

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

Representing FL ELECTRICAL WORKERS ASSN.

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

Lobbyist registered with Legislature: [X] 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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Bill # 784
931130
Bill Number (if applicable)

Amendment Barcode (if applicable)

2/01/16
Meeting Date

Topic Building Codes

Name Rich Templin

Job Title _____

Address 135 S. Monroe

Phone 850-224-6926

Tallahassee FL 32301
City State Zip

Email _____

Speaking: For Against Information

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

Representing Florida AFL-CIO

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)

2-1-16
Meeting Date

SB 704
Bill Number (if applicable)

Topic CONSTRUCTION

AM 931130
Amendment Barcode (if applicable)

Name AM FENTRISS

Job Title LOBBYIST

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

TALL FL 32312
City State Zip

Email AFENTRISS@AOL.COM

Speaking: For Against Information

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

Representing FCA 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.

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)

2/11/16
Meeting Date

704
Bill Number (if applicable)

931130
Amendment Barcode (if applicable)

Topic Building Code Bill

Name Carol Bowen

Job Title Deputy Chief Lobbyist

Address 3730 Coconut Creek Parkway, Suite 200 Phone (954) 465-6811

Street

Coconut Creek FL 33006

City

State

Zip

Email cbowen@abeastfrank.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

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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)

2/1/16

Meeting Date

704

Bill Number (if applicable)

Topic Building Codes

Amendment Barcode (if applicable)

Name R. Bruce Kershner

Job Title

Address 230 W. Bay

Phone 407-830-1882

Street

Longwood

Email rbkershner@att.net

City

State

Zip

Speaking: [X] For [] Against [] Information

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

Representing Nat. Utility Contractors Assn.

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

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

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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)

2/1/16
Meeting Date

SB 704
Bill Number (if applicable)

Topic Building Code

Amendment Barcode (if applicable)

Name Bill Hunter

Job Title President

Address 307 West Park Ave - Suite 214

Phone 950/681-2176

Street

DAWATASSEE
City

FL
State

32301
Zip

Email afcd@afcd.com

Speaking: For Against Information

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

Representing Assn. of Fla. Community Developers, Inc

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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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)

2/1/16
Meeting Date

SB 704
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Jennifer Hatfield

Job Title _____

Address 411 Lenore Ct.

Phone 941-345-3263

Street

Rockledge FL 32955

City

State

Zip

Email jen@jhattfieldandassociates.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

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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)

2-1-16

Meeting Date

704

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Dale Calhoun

Job Title _____

Address 201 S Monroe St Unit A

Phone 850 681 0496

Tallahassee FL 32301
City State Zip

Email _____

Speaking: For Against Information

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

Representing Florida Propane Gas 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

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

2/1/16
Meeting Date

SB 904
Bill Number (if applicable)

Topic BUILDINGS CODES

Amendment Barcode (if applicable)

Name KARI HERBANK

Job Title

Address 113 EAST COLLEGE

Phone 566-7824

Street
City TAMPA State FL Zip 32301

Email

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

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

2/1/14
Meeting Date

704
Bill Number (if applicable)

Topic BUILDING CODE

Amendment Barcode (if applicable)

Name Jon Pasqualone

Job Title EXECUTIVE DIRECTOR

Address PO Box 325

Phone 772-348-1509

HOME SOUND FL

City State Zip

Email Jon.pasqualone@FFMIA.org

Speaking: For Against Information

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

Representing FL FIRE MARSHALS & INSPECTORS & FL FIRE CHIEFS ASSOCIATIONS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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2/1/16

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

Phone (954) 4165-6811

Street

Coconut Creek FL 33010

Email cbowen@paxeastflorida.com

City

State

Zip

Speaking: For Against Information

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

Representing Associated Builders and Contractors of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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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)

2-1-16

Meeting Date

704

Bill Number (if applicable)

Topic SB 704 - Section 6

Amendment Barcode (if applicable)

Name Armando Ibarra

Job Title Lobbyist

Address 951 Brickell Ave #701

Phone 786-514-2965

Street

Miami

FL

33131

Email armando@iadvisory.com

City

State

Zip

Speaking: For Against Information

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

Representing FL Refrigeration & Air Conditioning 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.

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

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 26, 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 blue ink that reads "Travis Hutson".

Senator Travis Hutson
Florida Senate, District 6

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SB 704
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, February 1, 2016
TIME: 1:30—3:30 p.m.
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS	2/01/2016 1 Amendment 303364		2/01/2016 2 Amendment 254638		2/01/2016 3 Amendment 423720	
			Hutson	Simpson	Brandes			
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
X		Bradley						
X		Dean						
		Diaz de la Portilla						
X		Hutson						
X		Thompson						
X		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
7	0	TOTALS	RCS	-	RCS	-	RCS	-
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SB 704
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, February 1, 2016
TIME: 1:30—3:30 p.m.
PLACE: 301 Senate Office Building

SENATORS	2/01/2016 4 Amendment 502700		2/01/2016 5 Amendment 252590		2/01/2016 6 Amendment 931130		2/01/2016 7 Amendment 559890	
	Hutson		Hutson		Abruzzo		Hutson	
	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
Abruzzo								
Bradley								
Dean								
Diaz de la Portilla								
Hutson								
Thompson								
Brandes, VICE CHAIR								
Simpson, CHAIR								
TOTALS	RCS	-	-	WD	-	WD	-	WD
	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
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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 Committee on Community Affairs

BILL: CS/SB 1622

INTRODUCER: Community Affairs Committee and Senator Abruzzo

SUBJECT: Homestead Property Tax Exemptions

DATE: January 29, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	Fav/CS
2.			FT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1622 is the implementing legislation for SJR 1624. The bill allows the parent or parents of an unmarried veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces to receive ad valorem tax relief equal to the total amount owed on a homestead property.

In order to be eligible for the homestead exemption:

- The United States Government or the United States Department of Veterans Affairs or its predecessor must have issued a letter certifying that the veteran died from service-connected causes while on active duty.
- The veteran must have been a permanent resident of Florida on January 1 of the year in which he or she died.
- The parent or parents must hold legal or beneficial title to the homestead and permanently reside thereon. However, if the parent or parents sell the property, an exemption not to exceed the amount granted under the most recent ad valorem tax roll may be transferred to the new residence as long as it is used as the primary residence.

The bill applies to unmarried veterans who died before, on, or after the effective date of this act, but does not provide a basis for relief from an assessment of taxes not paid or create a right to a refund of taxes paid before January 1, 2017.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.¹ The property appraiser annually determines the “just value”² of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”³ Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31.

The Florida Constitution prohibits the state from levying ad valorem taxes,⁴ and it limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.⁵

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;⁶ however, the Florida Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Properties that receive classified use treatment in Florida include: agricultural land, land producing high water recharge to Florida’s aquifers, and land used exclusively for noncommercial recreational purposes;⁷ land used for conservation purposes;⁸ historic properties when authorized by the county or municipality;⁹ and certain working waterfront property.¹⁰

Property Tax Exemptions for Ex-Servicemembers

Florida grants a number of property tax exemptions for disabled ex-servicemembers. Most of these exemptions carry over to the benefit of the surviving spouse after the ex-servicemember’s death.

\$5,000 Ad Valorem Tax Exemption for Ex-Servicemembers and Surviving Spouses

Up to \$5,000 of property of an ex-servicemember is exempt if the ex-servicemember is a bona fide resident of the state, was discharged under honorable conditions, and has been disabled to a

¹ Both real property and tangible personal property can be subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

² Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art. VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. See *Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So.2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So.2d 4 (Fla. 1973).

³ See s. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ See FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

degree of 10 percent or more by misfortune or while serving during a period of wartime service.¹¹ This exemption carries over to the un-remarried surviving spouse if he or she had been married to the disabled ex-servicemember for at least 5 years on the date of the ex-servicemember's death.¹²

Disabled Veterans Confined to Wheelchairs and Surviving Spouses

Homestead property of an ex-servicemember is totally exempt if the ex-servicemember was honorably discharged with a service-connected total disability, is receiving or has received special pecuniary assistance due to a disability requiring specially adapted housing, and is required to use a wheelchair for his or her transportation.¹³ The exemption carries over to the benefit of the surviving spouse in the event the ex-servicemember predeceases his or her spouse, until the spouse no longer resides on the property, remarries, or otherwise disposes of the property.¹⁴

Ad Valorem Tax Exemption for Surviving Spouses of Veterans Who Died from Service-Connected Causes

Homestead property of a surviving spouse of an ex-servicemember is exempt if the ex-servicemember died from service-connected causes while on active duty.¹⁵

Total Homestead Exemption for Ex-Servicemembers and Surviving Spouses

Homestead property of an ex-servicemember is exempt if the ex-servicemember was honorably discharged with a service-connected total and permanent disability.¹⁶ If the totally and permanently disabled ex-servicemember predeceases his or her spouse, the exemption carries over to the benefit of the surviving spouse until the spouse no longer resides on the property, remarries, or disposes of the property.¹⁷

Combat-Related Partial Ad Valorem Tax Discount for Ex-Servicemembers

Homestead property of an ex-servicemember receives an ad valorem discount if the ex-servicemember was honorably discharged, is 65 years or older, is disabled and the disability is combat-related.¹⁸ The discount percentage is equal to the veteran's percentage of disability, as determined by the U.S. Department of Veterans Affairs.¹⁹ The discount is not currently provided to the surviving spouse upon the death of the disabled veteran.

¹¹ Section 196.24, F.S.

¹² *Id.*

¹³ Section 196.091, F.S.

¹⁴ *Id.*

¹⁵ Section 196.081(4), F.S.

¹⁶ Section 196.081(1), F.S.

¹⁷ Section 196.081(3), F.S.

¹⁸ Section 196.082, F.S.

¹⁹ The U.S. Department of Veterans Affairs (USDVA) assigns a percentage evaluation from 0 percent to 100 percent (in 10 percent increments) for the amount of disability that the USDVA determines the veteran has sustained. The resulting disability percentage rating determines the level of a veteran's monthly disability compensation. The USDVA does not determine whether a disability is combat-related.

III. Effect of Proposed Changes:

Section 1 amends s. 196.081, F.S., to provide that any real estate that is owned and used as a homestead by the parent or parents of an unmarried veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces and for whom a letter from the United States Government or United States Department of Veterans Affairs or its predecessor has been issued certifying that the veteran who died from service-connected causes while on active duty is exempt from taxation if the veteran was a permanent resident of this state on January 1 of the year in which the veteran died.

The production of the letter by the veteran's parent or parents which attests to the veteran's death while on active duty is prima facie evidence that the parent or parents are entitled to the exemption.

The tax exemption carries over to the benefit of the veteran's parent or parents as long as the parent or parents hold legal or beneficial title to the homestead and permanently reside thereon as specified in s. 196.031, F.S. Section 196.031(1), F.S., provides that a person who makes a property his or her permanent resident in good faith is entitled to the exemption. Furthermore, s. 196.031(5), F.S., provides that a person who is receiving or claiming an ad valorem tax exemption or a tax credit in another state where permanent residency is required as the basis for such exemption or tax credit is not entitled to the homestead exemption in Florida.

If the parent or parents sell the property, an exemption not to exceed the amount granted under the most recent ad valorem tax roll may be transferred to the new residence as long as it is used as the primary residence.

Section 2 provides that the revisions to s. 196.081, F.S., made by this act operate prospectively to the 2017 tax roll and do not provide a basis for relief from an assessment of taxes not paid or create a right to a refund of taxes paid before January 1, 2017. The provisions of s. 196.081(7), F.S., apply to the homestead exemption of the parent or parents of an unmarried veteran whose death occurs before, on, or after the effective date of this act.

Section 3 provides that the act shall take effect on the same date that SJR 1624, or a similar joint resolution having substantially the same intent and purpose, takes effect if approved by electors at the general election held in November 2016 or at an earlier special election specifically authorized by law for that purpose.

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:

Parents of unmarried veterans who die in active duty due to service-connected causes may receive property tax relief.

C. Government Sector Impact:

The Department of Revenue would need to amend Rule 12D-7.004, F.A.C., and Forms DR-501, DR-490, DR-489EB, and DR-403EB.²⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

The term “parent” is not defined in the bill. The Federal statute for the Gold star lapel button provides that a parent of a member of the armed forces includes a “mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco parentis.”²¹ It is unclear whether the bill covers such individuals.

It is also unclear how a parent will prove that their veteran child was unmarried.

VIII. Statutes Affected:

This bill substantially amends section 196.081 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:

Inserts the linked bill, SJR 1624, into the effective date of the bill.

²⁰ Florida Dep’t of Revenue, *Legislative Bill Analysis for SB 1622, 2*, (Jan. 22, 2016).

²¹ 10 U.S.C. s. 1126d-2.

B. Amendments:

None.

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



826766

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
	.	
	.	
	.	

The Committee on Community Affairs (Abruzzo) recommended the following:

Senate Amendment

Delete line 167
and insert:
2016, this act shall take effect on the same date that SJR 1624,

By Senator Abruzzo

25-01634-16

20161622__

1 A bill to be entitled

2 An act relating to homestead property tax exemptions;
3 amending s. 196.081, F.S.; exempting from taxation the
4 homestead property of the parent or parents of an
5 unmarried veteran who died from service-connected
6 causes while on active duty as a member of the United
7 States Armed Forces; providing that the production of
8 a certain letter attesting to the veteran's death
9 while on active duty is prima facie evidence for
10 entitlement to the exemption; providing that the tax
11 exemption carries over or transfers under certain
12 circumstances; providing construction with respect to
13 the applicable tax roll and the date of death;
14 providing effective dates, one of which is contingent.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 196.081, Florida Statutes, is amended to
19 read:

20 196.081 Exemption for certain permanently and totally
21 disabled veterans and for surviving spouses of veterans;
22 exemption for surviving spouses of first responders who die in
23 the line of duty; exemption for the parents of unmarried
24 veterans who died from service-connected causes.—

25 (1) Any real estate that is owned and used as a homestead
26 by a veteran who was honorably discharged with a service-
27 connected total and permanent disability and for whom a letter
28 from the United States Government or United States Department of
29 Veterans Affairs or its predecessor has been issued certifying
30 that the veteran is totally and permanently disabled is exempt
31 from taxation, if the veteran is a permanent resident of this
32 state on January 1 of the tax year for which exemption is being

25-01634-16

20161622__

33 claimed or was a permanent resident of this state on January 1
34 of the year the veteran died.

35 (2) The production by a veteran or the spouse or surviving
36 spouse of a letter of total and permanent disability from the
37 United States Government or United States Department of Veterans
38 Affairs or its predecessor before the property appraiser of the
39 county in which property of the veteran lies is prima facie
40 evidence of the fact that the veteran or the surviving spouse is
41 entitled to the exemption.

42 (3) If the totally and permanently disabled veteran
43 predeceases his or her spouse and if, upon the death of the
44 veteran, the spouse holds the legal or beneficial title to the
45 homestead and permanently resides thereon as specified in s.
46 196.031, the exemption from taxation carries over to the benefit
47 of the veteran's spouse until such time as he or she remarries
48 or sells or otherwise disposes of the property. If the spouse
49 sells the property, an exemption not to exceed the amount
50 granted from the most recent ad valorem tax roll may be
51 transferred to his or her new residence, as long as it is used
52 as his or her primary residence and he or she does not remarry.

53 (4) Any real estate that is owned and used as a homestead
54 by the surviving spouse of a veteran who died from service-
55 connected causes while on active duty as a member of the United
56 States Armed Forces and for whom a letter from the United States
57 Government or United States Department of Veterans Affairs or
58 its predecessor has been issued certifying that the veteran who
59 died from service-connected causes while on active duty is
60 exempt from taxation if the veteran was a permanent resident of
61 this state on January 1 of the year in which the veteran died.

25-01634-16

20161622__

62 (a) The production of the letter by the surviving spouse
63 which attests to the veteran's death while on active duty is
64 prima facie evidence that the surviving spouse is entitled to
65 the exemption.

66 (b) The tax exemption carries over to the benefit of the
67 veteran's surviving spouse as long as the spouse holds the legal
68 or beneficial title to the homestead, permanently resides
69 thereon as specified in s. 196.031, and does not remarry. If the
70 surviving spouse sells the property, an exemption not to exceed
71 the amount granted under the most recent ad valorem tax roll may
72 be transferred to his or her new residence as long as it is used
73 as his or her primary residence and he or she does not remarry.

74 (5) An applicant for the exemption under this section may
75 apply for the exemption before receiving the necessary
76 documentation from the United States Government or the United
77 States Department of Veterans Affairs or its predecessor. Upon
78 receipt of the documentation, the exemption shall be granted as
79 of the date of the original application, and the excess taxes
80 paid shall be refunded. Any refund of excess taxes paid shall be
81 limited to those paid during the 4-year period of limitation set
82 forth in s. 197.182(1)(e).

83 (6) Any real estate that is owned and used as a homestead
84 by the surviving spouse of a first responder who died in the
85 line of duty while employed by the state or any political
86 subdivision of the state, including authorities and special
87 districts, and for whom a letter from the state or appropriate
88 political subdivision of the state, or other authority or
89 special district, has been issued which legally recognizes and
90 certifies that the first responder died in the line of duty

25-01634-16

20161622__

91 while employed as a first responder is exempt from taxation if
92 the first responder and his or her surviving spouse were
93 permanent residents of this state on January 1 of the year in
94 which the first responder died.

95 (a) The production of the letter by the surviving spouse
96 which attests to the first responder's death in the line of duty
97 is prima facie evidence that the surviving spouse is entitled to
98 the exemption.

99 (b) The tax exemption applies as long as the surviving
100 spouse holds the legal or beneficial title to the homestead,
101 permanently resides thereon as specified in s. 196.031, and does
102 not remarry. If the surviving spouse sells the property, an
103 exemption not to exceed the amount granted under the most recent
104 ad valorem tax roll may be transferred to his or her new
105 residence if it is used as his or her primary residence and he
106 or she does not remarry.

107 (c) As used in this subsection only, and not applicable to
108 the payment of benefits under s. 112.19 or s. 112.191, the term:

109 1. "First responder" means a law enforcement officer or
110 correctional officer as defined in s. 943.10, a firefighter as
111 defined in s. 633.102, or an emergency medical technician or
112 paramedic as defined in s. 401.23 who is a full-time paid
113 employee, part-time paid employee, or unpaid volunteer.

114 2. "In the line of duty" means:

115 a. While engaging in law enforcement;

116 b. While performing an activity relating to fire
117 suppression and prevention;

118 c. While responding to a hazardous material emergency;

119 d. While performing rescue activity;

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120 e. While providing emergency medical services;

121 f. While performing disaster relief activity;

122 g. While otherwise engaging in emergency response activity;

123 or

124 h. While engaging in a training exercise related to any of
125 the events or activities enumerated in this subparagraph if the
126 training has been authorized by the employing entity.

127
128 A heart attack or stroke that causes death or causes an injury
129 resulting in death must occur within 24 hours after an event or
130 activity enumerated in this subparagraph and must be directly
131 and proximately caused by the event or activity in order to be
132 considered as having occurred in the line of duty.

133 (7) Any real estate that is owned and used as a homestead
134 by the parent or parents of an unmarried veteran who died from
135 service-connected causes while on active duty as a member of the
136 United States Armed Forces and for whom a letter from the United
137 States Government or United States Department of Veterans
138 Affairs or its predecessor has been issued certifying that the
139 veteran who died from service-connected causes while on active
140 duty is exempt from taxation if the veteran was a permanent
141 resident of this state on January 1 of the year in which the
142 veteran died.

143 (a) The production of the letter by the veteran's parent or
144 parents which attests to the veteran's death while on active
145 duty is prima facie evidence that the parent or parents are
146 entitled to the exemption.

147 (b) The tax exemption carries over to the benefit of the
148 veteran's parent or parents as long as the parent or parents

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149 hold legal or beneficial title to the homestead and permanently
150 reside thereon as specified in s. 196.031. If the parent or
151 parents sell the property, an exemption not to exceed the amount
152 granted under the most recent ad valorem tax roll may be
153 transferred to the new residence as long as it is used as the
154 primary residence.

155 Section 2. Construction.—

156 (1) The revisions to s. 196.081, Florida Statutes, made by
157 this act operate prospectively to the 2017 tax roll and do not
158 provide a basis for relief from an assessment of taxes not paid
159 or create a right to a refund of taxes paid before January 1,
160 2017.

161 (2) The provisions of s. 196.081(7), Florida Statutes, as
162 created by this act, apply to the homestead exemption of the
163 parent or parents of an unmarried veteran whose death occurs
164 before, on, or after the effective date of this act.

165 Section 3. Except as otherwise expressly provided in this
166 act and except for this section, which shall take effect July 1,
167 2016, this act shall take effect on the same date that SJR _____,
168 or a similar joint resolution having substantially the same
169 specific intent and purpose, takes effect if approved by the
170 electors at the general election held in November 2016 or at an
171 earlier special election specifically authorized by law for that
172 purpose.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/1/16

Meeting Date

SB 1622

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Colonel Mike Prendergast

Job Title Executive Director

Address The Capitol, Suite 2105

Phone 850-487-1533

Street

Tallahassee

FL

32399

City

State

Zip

Email PrendergastM@FDVA.
State.FL.us

Speaking: For Against Information

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

Representing The Florida Department of Veterans' Affairs

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:

Finance and Tax, *Vice Chair*
Appropriations Subcommittee on Health and
Human Services
Communications, Energy, and Public Utilities
Fiscal Policy
Regulated Industries
Community Affairs

JOINT COMMITTEE:

Joint Legislative Auditing Committee, *Alternating
Chair*

SENATOR JOSEPH ABRUZZO

Minority Whip
25th District

January 21st, 2016

The Honorable Wilton Simpson

308 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Simpson:

I respectfully request Senate Joint Resolution 1622, Homestead Property Tax Exemption, linked to Senate Bill 1624 (Homestead Tax Exemption/Parents of Unmarried Veteran Who Died from Service-connected Causes), be considered for placement on the Community Affairs committee agenda. This Senate Joint Resolution, alongside its substantive component, SB 1624, will allow parents of unmarried veterans who died from service-connected causes to receive the homestead property tax exemption for their homes that spouses receive.

Thank you in advance for your consideration. Please let me know if I can provide you with any additional information.

Sincerely,

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

Joseph Abruzzo

Cc: Tom Yeatman, *Staff Director*

REPLY TO:

- 12300 Forest Hill Boulevard, Suite 200, Wellington, Florida 33414-5785 (561) 791-4774 FAX: (888) 284-6495
- 110 Dr. Martin Luther King, Jr. Boulevard, Belle Glade, Florida 33430-3900 (561) 829-1410
- 222 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

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 Committee on Community Affairs

BILL: SJR 1624

INTRODUCER: Senator Abruzzo

SUBJECT: Homestead Tax Exemption/Parents of Unmarried Veteran Who Died from Service-connected Causes

DATE: January 29, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Present</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
2.	_____	_____	<u>FT</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SJR 1664 proposes an amendment to the Florida Constitution to allow the parent or parents of an unmarried veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces to receive ad valorem tax relief on a homestead property.

The joint resolution will require approval by a three-fifths vote of the membership of each house of the Legislature for passage.

If approved by the voters in the general election held November 2016, the joint resolution will become effective on January 1, 2017, and will first apply to the 2017 property tax roll.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.¹ The property appraiser annually determines the “just value”² of property within the taxing authority and then applies relevant exclusions, assessment limitations, and

¹ Both real property and tangible personal property can be subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

² Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. See *Walter v. Shuler*, 176 So.2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So.2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So.2d 4 (Fla. 1973).

exemptions to determine the property's "taxable value."³ Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31.

The Florida Constitution prohibits the state from levying ad valorem taxes,⁴ and it limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.⁵

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;⁶ however, the Florida Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Properties that receive classified use treatment in Florida include: agricultural land, land producing high water recharge to Florida's aquifers, and land used exclusively for noncommercial recreational purposes;⁷ land used for conservation purposes;⁸ historic properties when authorized by the county or municipality;⁹ and certain working waterfront property.¹⁰

Property Tax Exemptions for Ex-Servicemembers

Florida grants a number of property tax exemptions for disabled ex-servicemembers. Most of these exemptions carry over to the benefit of the surviving spouse after the ex-servicemember's death.

\$5,000 Ad Valorem Tax Exemption for Ex-Servicemembers and Surviving Spouses

Up to \$5,000 of property of an ex-servicemember is exempt if the ex-servicemember is a bona fide resident of the state, was discharged under honorable conditions, and has been disabled to a degree of 10 percent or more by misfortune or while serving during a period of wartime service.¹¹ This exemption carries over to the un-remarried surviving spouse if he or she had been married to the disabled ex-servicemember for at least 5 years on the date of the ex-servicemember's death.¹²

Disabled Veterans Confined to Wheelchairs and Surviving Spouses

Homestead property of an ex-servicemember is totally exempt if the ex-servicemember was honorably discharged with a service-connected total disability, is receiving or has received special pecuniary assistance due to a disability requiring specially adapted housing, and is required to use a wheelchair for his or her transportation.¹³ The exemption carries over to the benefit of the surviving spouse in the event the ex-servicemember predeceases his or her

³ See s. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ See FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

¹¹ Section 196.24, F.S.

¹² *Id.*

¹³ Section 196.091, F.S.

spouse, until the spouse no longer resides on the property, remarries, or otherwise disposes of the property.¹⁴

Ad Valorem Tax Exemption for Surviving Spouses of Veterans Who Died from Service-Connected Causes

Homestead property of a surviving spouse of an ex-servicemember is exempt if the ex-servicemember died from service-connected causes while on active duty.¹⁵

Total Homestead Exemption for Ex-Servicemembers and Surviving Spouses

Homestead property of an ex-servicemember is exempt if the ex-servicemember was honorably discharged with a service-connected total and permanent disability.¹⁶ If the totally and permanently disabled ex-servicemember predeceases his or her spouse, the exemption carries over to the benefit of the surviving spouse until the spouse no longer resides on the property, remarries, or disposes of the property.¹⁷

Combat-Related Partial Ad Valorem Tax Discount for Ex-Servicemembers

Homestead property of an ex-servicemember receives an ad valorem discount if the ex-servicemember was honorably discharged, is 65 years or older, is disabled, and the disability is combat-related.¹⁸ The discount percentage is equal to the veteran's percentage of disability, as determined by the U.S. Department of Veterans Affairs.¹⁹ The discount is not currently provided to the surviving spouse upon the death of the disabled veteran.

III. Effect of Proposed Changes:

The bill proposes an amendment to Article VII, section 6 of the Florida Constitution to allow the parent or parents of an unmarried veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces to receive ad valorem tax relief on a homestead property.

If approved by the voters in the general election held November 2016, or at an earlier special election specifically authorized by law for that purpose, the joint resolution will become effective on January 1, 2017, and will first apply to the 2017 property tax roll.

¹⁴ *Id.*

¹⁵ Section 196.081(4), F.S.

¹⁶ Section 196.081(1), F.S.

¹⁷ Section 196.081(3), F.S.

¹⁸ Section 196.082, F.S.

¹⁹ The U.S. Department of Veterans Affairs (USDVA) assigns a percentage evaluation from 0 percent to 100 percent (in 10 percent increments) for the amount of disability that the USDVA determines the veteran has sustained. The resulting disability percentage rating determines the level of a veteran's monthly disability compensation. The USDVA does not determine whether a disability is combat-related.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The mandate provisions in Article VII, section 18 of the Florida Constitution, do not apply to joint resolutions.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Article XI, section 1 of the Florida Constitution, authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house. The amendment must be placed before the electorate at the next general election held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose.

Article XI, section 5(a) of the Florida Constitution, and s. 101.161(1), F.S., require constitutional amendments submitted to the electors to be printed in clear and unambiguous language on the ballot. In determining whether a ballot title and summary are in compliance with the accuracy requirement, Florida courts utilize a two-prong test, asking “first, whether the ballot title and summary ‘fairly inform the voter of the chief purpose of the amendment,’ and second, ‘whether the language of the title and summary, as written, misleads the public.’”²⁰

Article XI, section 5(e) of the Florida Constitution, requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective on the first Tuesday after the first Monday in January following the election, or on such other date specified in the amendment.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

If the proposed amendment is approved by the electorate, parents of certain deceased veterans may receive property tax relief.

²⁰ *Roberts v. Doyle*, 43 So.3d 654, 659 (Fla. 2010), citing *Florida Dep’t of State v. Slough*, 992 So.2d 142, 147 (Fla. 2008).

C. Government Sector Impact:

Article XI, section 5(d) of the Florida Constitution, requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the 10th week and again in the 6th week immediately preceding the week the election is held. The Division of Elections within the Department of State estimates the full publication costs for advertising the proposed amendment to be approximately \$135.97 per word, for a total minimum publishing cost of approximately \$139,913.²¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The joint resolution amends Article VII, section 6 of the Florida Constitution.

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.

²¹ Florida Dep't of State, *Legislative Bill Analysis for SJR 1624*, (Jan. 27, 2015)

By Senator Abruzzo

25-01627-16

20161624__

Senate Joint Resolution

A joint resolution proposing an amendment to Section 6 of Article VII and the creation of a new section in Article XII of the State Constitution to authorize the Legislature to provide, by general law, ad valorem tax relief on homestead property to the parent or parents of an unmarried veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces.

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

That the following amendment to Section 6 of Article VII and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of twenty-five thousand dollars and, for all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entirety, jointly, in common, as a condominium, or indirectly

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20161624__

33 by stock ownership or membership representing the owner's or
34 member's proprietary interest in a corporation owning a fee or a
35 leasehold initially in excess of ninety-eight years. The
36 exemption shall not apply with respect to any assessment roll
37 until such roll is first determined to be in compliance with the
38 provisions of section 4 by a state agency designated by general
39 law. This exemption is repealed on the effective date of any
40 amendment to this Article which provides for the assessment of
41 homestead property at less than just value.

42 (b) Not more than one exemption shall be allowed any
43 individual or family unit or with respect to any residential
44 unit. No exemption shall exceed the value of the real estate
45 assessable to the owner or, in case of ownership through stock
46 or membership in a corporation, the value of the proportion
47 which the interest in the corporation bears to the assessed
48 value of the property.

49 (c) By general law and subject to conditions specified
50 therein, the Legislature may provide to renters, who are
51 permanent residents, ad valorem tax relief on all ad valorem tax
52 levies. Such ad valorem tax relief shall be in the form and
53 amount established by general law.

54 (d) The legislature may, by general law, allow counties or
55 municipalities, for the purpose of their respective tax levies
56 and subject to the provisions of general law, to grant either or
57 both of the following additional homestead tax exemptions:

58 (1) An exemption not exceeding fifty thousand dollars to
59 any person who has the legal or equitable title to real estate
60 and maintains thereon the permanent residence of the owner and
61 who has attained age sixty-five and whose household income, as

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20161624__

62 defined by general law, does not exceed twenty thousand dollars;
63 or

64 (2) An exemption equal to the assessed value of the
65 property to any person who has the legal or equitable title to
66 real estate with a just value less than two hundred and fifty
67 thousand dollars and who has maintained thereon the permanent
68 residence of the owner for not less than twenty-five years and
69 who has attained age sixty-five and whose household income does
70 not exceed the income limitation prescribed in paragraph (1).

71

72 The general law must allow counties and municipalities to grant
73 these additional exemptions, within the limits prescribed in
74 this subsection, by ordinance adopted in the manner prescribed
75 by general law, and must provide for the periodic adjustment of
76 the income limitation prescribed in this subsection for changes
77 in the cost of living.

78 (e) Each veteran who is age 65 or older who is partially or
79 totally permanently disabled shall receive a discount from the
80 amount of the ad valorem tax otherwise owed on homestead
81 property the veteran owns and resides in if the disability was
82 combat related and the veteran was honorably discharged upon
83 separation from military service. The discount shall be in a
84 percentage equal to the percentage of the veteran's permanent,
85 service-connected disability as determined by the United States
86 Department of Veterans Affairs. To qualify for the discount
87 granted by this subsection, an applicant must submit to the
88 county property appraiser, by March 1, an official letter from
89 the United States Department of Veterans Affairs stating the
90 percentage of the veteran's service-connected disability and

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20161624__

91 such evidence that reasonably identifies the disability as
92 combat related and a copy of the veteran's honorable discharge.
93 If the property appraiser denies the request for a discount, the
94 appraiser must notify the applicant in writing of the reasons
95 for the denial, and the veteran may reapply. The Legislature
96 may, by general law, waive the annual application requirement in
97 subsequent years. This subsection is self-executing and does not
98 require implementing legislation.

99 (f) By general law and subject to conditions and
100 limitations specified therein, the Legislature may provide ad
101 valorem tax relief equal to the total amount or a portion of the
102 ad valorem tax otherwise owed on homestead property to the:

103 (1) Surviving spouse of a veteran who died from service-
104 connected causes while on active duty as a member of the United
105 States Armed Forces.

106 (2) Parent or parents of an unmarried veteran who died from
107 service-connected causes while on active duty as a member of the
108 United States Armed Forces.

109 (3)~~(2)~~ Surviving spouse of a first responder who died in
110 the line of duty.

111
112 ~~(3)~~ As used in this subsection and as further defined by general
113 law, the term:

114 a. "first responder" means a law enforcement officer, a
115 correctional officer, a firefighter, an emergency medical
116 technician, or a paramedic, and the term-

117 b. "in the line of duty" means arising out of and in the
118 actual performance of duty required by employment as a first
119 responder.

25-01627-16

20161624__

ARTICLE XII

SCHEDULE

Ad valorem tax relief for parents of unmarried veterans who died from service-connected causes.—This section and the amendment to Section 6 of Article VII authorizing the legislature to provide ad valorem tax relief on homestead property to parents of unmarried veterans who died from service-connected causes shall take effect January 1, 2017.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 6

ARTICLE XII

HOMESTEAD TAX RELIEF FOR PARENTS OF UNMARRIED VETERANS WHO DIED FROM SERVICE-CONNECTED CAUSES.—Proposing an amendment to the State Constitution to authorize the Legislature to provide ad valorem tax relief on homestead property to the parent or parents of an unmarried veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces. This amendment shall take effect January 1, 2017.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/1/16

SB 1624

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Colonel Mike Prendergast

Job Title Executive Director

Address The Capital, Suite 2105

Phone 850-487-1533

Street Tallahassee FL 32399

Email PrendergastM@FDVA.State,FL.US

Speaking: For Against Information

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

Representing The Florida Department of Veterans' Affairs

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:

Finance and Tax, *Vice Chair*
Appropriations Subcommittee on Health and
Human Services
Communications, Energy, and Public Utilities
Fiscal Policy
Regulated Industries
Community Affairs

JOINT COMMITTEE:

Joint Legislative Auditing Committee, *Alternating
Chair*

SENATOR JOSEPH ABRUZZO

Minority Whip
25th District

January 21st, 2016

The Honorable Wilton Simpson

308 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Simpson:

I respectfully request Senate Joint Resolution 1622, Homestead Property Tax Exemption, linked to Senate Bill 1624 (Homestead Tax Exemption/Parents of Unmarried Veteran Who Died from Service-connected Causes), be considered for placement on the Community Affairs committee agenda. This Senate Joint Resolution, alongside its substantive component, SB 1624, will allow parents of unmarried veterans who died from service-connected causes to receive the homestead property tax exemption for their homes that spouses receive.

Thank you in advance for your consideration. Please let me know if I can provide you with any additional information.

Sincerely,

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

Joseph Abruzzo

Cc: Tom Yeatman, *Staff Director*

REPLY TO:

- 12300 Forest Hill Boulevard, Suite 200, Wellington, Florida 33414-5785 (561) 791-4774 FAX: (888) 284-6495
- 110 Dr. Martin Luther King, Jr. Boulevard, Belle Glade, Florida 33430-3900 (561) 829-1410
- 222 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SJR 1624
FINAL ACTION: Favorable
MEETING DATE: Monday, February 1, 2016
TIME: 1:30—3:30 p.m.
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
X		Bradley						
VA		Dean						
		Diaz de la Portilla						
X		Hutson						
X		Thompson						
VA		Brandes, VICE CHAIR						
X		Simpson, CHAIR						
7	0	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Community Affairs
Finance and Tax
Regulated Industries
Rules

SENATOR MIGUEL DIAZ de la PORTILLA

40th District

January 28, 2016

The Honorable Andy Gardiner
President of the Florida Senate
409 The Capitol

Via email

Dear President Gardiner:

Due to hearings I am handling on behalf of my law firm in Miami, I respectfully request that I be excused from Senate Business on Monday, February 1, and Tuesday, February 2.

I further request that the following bill scheduled for Special Order on Tuesday, February 2, be temporarily postponed:

SR 1184 (2016) Anti-Israel Boycott, Divestment, and Sanctions Campaigns

<http://www.flsenate.gov/Session/Bill/2016/1184>

SENATE - Placed on Special Order Calendar, 02/02/16

Mr. President, thank you for your consideration.

Sincerely,

Miguel Diaz de la Portilla
State Senator, District 40

OK
R Meyer
28 Jan 2016

REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 406 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

FSBA DUES FOR FISCAL YEAR 2015-16

Assessed amount

Recommended, Finance Committee, Dec. 2015

Approved Dec. 2015, General Membership Meeting

ALACHUA	21766
BAKER	9964
BAY	21766
BRADFORD	10375
BREVARD	21766
BROWARD	22718
CALHOUN	8524
CHARLOTTE	14201
CITRUS	14778
CLAY	20096
COLLIER	20869
COLUMBIA	13479
DADE	24621
DESOTO	10586
DIXIE	8271
DUVAL	22718
ESCAMBIA	21766
FLAGLER	9022
FRANKLIN	8409
GADSDEN	14160
GILCHRIST	8037
GLADES	6646
GULF	8950
HAMILTON	8902
HARDEE	10760
HENDRY	11053
HERNANDO	13411
HIGHLANDS	13713
HILLSBOROUGH	22718
HOLMES	9749
INDIAN RIVER	15391
JACKSON	13439
JEFFERSON	9257
LAFAYETTE	6646
LAKE	21596
LEE	21766
LEON	21766
LEVY	10582
LIBERTY	6646

MADISON	9730
MANATEE	21766
MARION	21766
MARTIN	15907
MONROE	15031
NASSAU	13123
OKALOOSA	21766
OKEECHOBEE	11143
ORANGE	21766
OSCEOLA	14822
PALM BEACH	21766
PASCO	21766
PINELLAS	21766
POLK	21766
PUTNAM	15023
ST. JOHNS	16182
ST. LUCIE	20154
SANTA ROSA	18042
SARASOTA	21766
SEMINOLE	21766
SUMTER	10940
SUWANNEE	11157
TAYLOR	10161
UNION	8243
VOLUSIA	21766
WAKULLA	9159
WALTON	10837
WASHINGTON	10819
TOTALS	1020782

CourtSmart Tag Report

Room: SB 301

Case No.:

Type:

Caption: Senate Community Affairs Committee Judge:

Started: 2/1/2016 1:39:41 PM

Ends: 2/1/2016 2:59:01 PM Length: 01:19:21

1:39:44 PM Roll
1:40:02 PM Quorum Present
1:40:32 PM Senator Diaz de la Portilla excused
1:41:03 PM SB 1488 Senator Montford
1:42:19 PM Questions
1:42:22 PM Appearance
1:42:28 PM Chris Doolin - Small County Coalition
1:42:35 PM Loren Levy - General Counsel, Property Appraisers' Assoc. of FL
1:42:37 PM Debate
1:42:40 PM Close
1:42:45 PM Roll SB 1488
1:43:00 PM SB 1488 Reported Favorably
1:43:19 PM SB 1222 Senator Flores
1:44:59 PM Amendment 227944
1:45:05 PM Senator Bradley
1:45:10 PM Senator Flores to Explain
1:45:12 PM Questions
1:45:14 PM Appearance
1:45:16 PM Debate
1:45:24 PM Close
1:45:29 PM Amendment 227944 Adopted
1:45:33 PM Back on Bill as Amended
1:45:35 PM Questions
1:45:37 PM Appearance
1:45:49 PM Davin Suggs - FL Assoc. of Counties
1:48:26 PM Jess McCarty - Miami-Dade County
1:49:09 PM Questions
1:49:11 PM Senator Bradley
1:49:21 PM Jess McCarty
1:50:23 PM Amber Hughes - FL League of Cities
1:51:39 PM Debate
1:51:43 PM Close
1:53:22 PM Roll SB 1222 as CS
1:53:35 PM SB 1222 Reported Favorably
1:53:48 PM SB 868 Senator Smith
1:54:05 PM Representative Moraitis
1:55:00 PM Questions
1:55:05 PM Senator Hutson
1:55:38 PM Appearance
1:55:45 PM Kelly Mallette - Offerdahl's Hand-off Foundation
1:55:48 PM Debate
1:55:49 PM Close
1:55:53 PM Roll SB 868
1:56:03 PM SB 868 Reported Favorably
1:56:23 PM CS/SB 744 Senator Bean
1:56:40 PM Legislative Aide, Joe Endicott
1:57:08 PM Amendment 199030
1:57:12 PM Senator Thompson
1:57:14 PM Late-Filed
1:57:18 PM Introduced
1:57:33 PM Joe Endicott Explain
1:57:42 PM Questions

1:57:45 PM Appearance
1:57:46 PM Debate
1:57:51 PM Close
1:57:56 PM Amendment 199030 Adopted
1:57:59 PM Back on Bill as Amended
1:58:01 PM Questions
1:58:03 PM Appearance
1:58:06 PM Debate
1:58:08 PM Close
1:58:14 PM Roll CS/SB 744 as CS
1:58:25 PM CS/SB 744 Reported Favorably
1:58:39 PM SB 1480 Senator Sobel
1:58:55 PM Legislative Aide, Eric Reinerman
1:59:09 PM Amendment 797724
1:59:13 PM Senator Hutson
1:59:41 PM Questions
1:59:44 PM Appearance
1:59:55 PM Edward Labrador - Broward County
2:00:07 PM Debate
2:00:10 PM Close
2:00:16 PM Amendment 797724 Adopted
2:00:19 PM Back on Bill as Amended
2:00:21 PM Questions
2:00:24 PM Appearance
2:00:30 PM Labrador
2:00:36 PM Carole Duncanson - City of Dania Beach
2:00:37 PM Debate
2:00:40 PM Close
2:00:46 PM Roll SB 1480 as CS
2:00:57 PM SB 1480 Reported Favorably
2:01:23 PM SJR 1624 Senator Abruzzo
2:01:42 PM Questions
2:01:47 PM Appearance
2:01:55 PM Colonel Mike Prendergast - The FL Dept of Veterans' Affairs
2:01:57 PM Debate
2:01:58 PM Close
2:02:14 PM Roll SJR 1624
2:02:26 PM SJR 1624 Reported Favorably
2:02:33 PM SB 1622 Senator Abruzzo
2:02:49 PM Questions
2:02:55 PM Amendment 826766
2:02:58 PM Senator Abruzzo
2:03:03 PM Adopted
2:03:08 PM Back on Bill as Amended
2:03:10 PM Appearance
2:03:13 PM Colonel Pendergast - FL Dept of Veterans' Affairs
2:03:17 PM Debate
2:03:20 PM Close
2:03:52 PM Roll SB 1622 as CS
2:04:10 PM SB 1622 Reported Favorably
2:04:26 PM SB 704 Senator Hutson
2:08:00 PM Questions
2:08:09 PM Amendment 303364
2:08:11 PM Senator Hutson
2:09:22 PM Questions
2:09:30 PM Amendments to Amendment
2:09:38 PM Turn Chair to Senator Brandes
2:10:10 PM Amendment 254638
2:10:14 PM Senator Simpson
2:10:34 PM Questions
2:10:37 PM Appearance
2:10:38 PM Debate

2:10:41 PM Amendment Adopted
2:10:49 PM Turn Chair Back to Senator Simpson
2:10:58 PM Amendment 423720
2:11:00 PM Senator Brandes
2:11:22 PM Questions
2:11:25 PM Appearance
2:12:07 PM Justin Sayfie - Google
2:13:31 PM Kari Hebrank - DTC
2:14:15 PM Questions
2:14:17 PM Debate
2:14:20 PM Close
2:14:31 PM Amendment 423720 Adopted
2:14:35 PM Back on Amendment as Amended
2:14:44 PM Amendment 303364
2:14:46 PM Appearance
2:14:54 PM David Cruz - FL League of Cities
2:15:26 PM Cameron Yarbrough - Air condition, Heating, and Refrigeration Institute
2:15:42 PM Debate
2:15:47 PM Close
2:15:53 PM Amendment 303364 Adopted
2:15:59 PM Amendment 502700
2:16:01 PM Senator Hutson
2:16:16 PM Questions
2:16:18 PM Appearance
2:16:40 PM Michael Power - American Chemisty Council
2:17:20 PM Senator Hutson
2:17:33 PM Tim Petersen - Lennar Ventures
2:17:37 PM Debate
2:17:39 PM Close
2:17:56 PM Amendment 502700 Adopted
2:18:02 PM Amendment 252590
2:18:05 PM Senator Hutson
2:19:08 PM Amendment 252590 Withdrawn
2:19:13 PM Amendment 931130
2:19:15 PM Senator Abruzzo
2:20:36 PM Questions
2:20:41 PM Senator Hutson
2:23:11 PM Appearance
2:23:21 PM Carol Bowen - Assoc. Builders and Contractors
2:23:33 PM Cam Fentriss - FL Refrigeration AC Contractors Assoc.
2:24:01 PM Rich Templin - FL AFL-CIO
2:25:09 PM Senator Hutson
2:28:08 PM J.B. Clarke - FL Electrical Workers Assoc.
2:30:14 PM Kelly Mallette- FL Apartment Assoc.
2:32:15 PM Questions
2:32:18 PM Senator Thompson
2:33:02 PM Senator Hutson
2:34:09 PM Eli Nortelus - Air Conditioning Contractors Professional Assoc.
2:34:14 PM Theresa King - FL Building and Contruction Trades
2:34:28 PM Enrique Aboy - Self
2:34:38 PM Jeff Sharkey - Nat'l Electiral Contract Assoc.
2:34:40 PM Debate
2:35:43 PM J.B. Clark
2:36:50 PM Senator Abruzzo
2:37:42 PM Amendment 931130 Withdrawn
2:37:50 PM Amendment 559890
2:37:52 PM Late-Filed
2:38:05 PM Senator Hutson
2:38:12 PM Amendment 559890 Withdrawn
2:38:18 PM Turn Chair over to Senator Brandes
2:38:24 PM Handwritten Late-Filed Amendment
2:38:32 PM Senator Simpson

2:39:20 PM Questions
2:39:23 PM Appearance
2:39:25 PM Debate
2:39:27 PM Adopted
2:39:30 PM Back on Bill as Amended
2:39:40 PM Turn Chair back over to Senator Simpson
2:39:42 PM Appearance
2:40:03 PM Armando Ibarra - FL Refrigeration and Air Conditioning Contributors Assoc.
2:44:17 PM Question
2:44:21 PM Senator Hutson
2:44:48 PM Carol Bowen - Assoc. Builders and Contractors of FL
2:45:10 PM Jon Pasqualone - FL Fire Marshals and Inspectors of FL Fire Chiefs Assoc.
2:47:01 PM Senator Dean
2:47:28 PM Kari Hebrank - FL Home Builders
2:49:33 PM Questions
2:49:35 PM Senator Bradley
2:52:23 PM Dale Calhoun - FL Propane Gas Assoc.
2:52:29 PM Jennifer Hatfeld - FL Swimming Pool Assoc.
2:52:34 PM Bill Hunter - Assoc. of FL Community Developers, Inc.
2:52:42 PM Bruce Kershner - Nat'l. Utility Contractors Assoc.
2:52:44 PM Debate
2:52:50 PM Close
2:53:15 PM Senator Abruzzo
2:53:47 PM Close
2:54:54 PM Roll SB 704 as CS
2:55:05 PM SB 704 Reported Favorably
2:55:15 PM Senator Dean
2:55:41 PM SB 1324
2:55:44 PM Senator Altman
2:56:24 PM Amendment 949208
2:56:28 PM Senator Bradley
2:56:31 PM Senator Altman
2:56:56 PM Questions
2:56:58 PM Appearance
2:56:59 PM Debate
2:57:00 PM Close
2:57:05 PM Amendment Adopted
2:57:08 PM Back on Bill as Amended
2:57:10 PM Questions
2:57:15 PM Appearance
2:57:33 PM Tim Qualls - FL Tax Collection Assoc.
2:57:49 PM Martha Cleaver - FL Assoc. of Property Appraisers
2:57:51 PM Debate
2:57:53 PM Close
2:58:12 PM Roll SB 1324 as CS
2:58:23 PM SB 1324 Reported Favorably
2:58:37 PM Senator Brandes
2:58:54 PM Meeting Adjourned