

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative T. Williams offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (k) is added to subsection (2) of  
6 section 20.165, Florida Statutes, to read:

7 20.165 Department of Business and Professional  
8 Regulation.--There is created a Department of Business and  
9 Professional Regulation.

10 (2) The following divisions of the Department of Business  
11 and Professional Regulation are established:

12 (k) Division of Service Operations.

13 Section 2. Subsection (1) of section 455.217, Florida  
14 Statutes, is amended to read:

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15 455.217 Examinations.--This section shall be read in  
16 conjunction with the appropriate practice act associated with  
17 each regulated profession under this chapter.

18 (1) The Division of Service Operations Technology of the  
19 Department of Business and Professional Regulation shall  
20 provide, contract, or approve services for the development,  
21 preparation, administration, scoring, score reporting, and  
22 evaluation of all examinations. The division shall seek the  
23 advice of the appropriate board in providing such services.

24 (a) The department, acting in conjunction with the  
25 Division of Service Operations Technology and the Division of  
26 Real Estate, as appropriate, shall ensure that examinations  
27 adequately and reliably measure an applicant's ability to  
28 practice the profession regulated by the department. After an  
29 examination developed or approved by the department has been  
30 administered, the board or department may reject any question  
31 which does not reliably measure the general areas of competency  
32 specified in the rules of the board or department, when there is  
33 no board. The department shall use outside qualified  
34 ~~professional~~ testing vendors services for the development,  
35 preparation, and evaluation of examinations, when the use of  
36 such vendors is economically and viably services are available  
37 and ~~approved by the board~~.

38 (b) For each examination developed by the department or  
39 contracted vendor, to the extent not otherwise specified by  
40 statute, the board or the department when there is no board,  
41 shall by rule specify the general areas of competency to be  
42 covered by the examination, the relative weight to be assigned

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43 in grading each area tested, the score necessary to achieve a  
44 passing grade, and the fees, where applicable, to cover the  
45 actual cost for any purchase, development, and administration of  
46 the required examination. However, statutory fee caps in each  
47 practice act shall apply. This subsection does not apply to  
48 national examinations approved and administered pursuant to  
49 paragraph (d).

50 (c) If a practical examination is deemed to be necessary,  
51 rules shall specify the criteria by which examiners are to be  
52 selected, the grading criteria to be used by the examiner, the  
53 relative weight to be assigned in grading each criterion, and  
54 the score necessary to achieve a passing grade. When a mandatory  
55 standardization exercise for a practical examination is required  
56 by law, the board may conduct such exercise. Therefore, board  
57 members may serve as examiners at a practical examination with  
58 the consent of the board.

59 (d) A board, or the department when there is no board, may  
60 approve by rule the use of any national examination which the  
61 department has certified as meeting requirements of national  
62 examinations and generally accepted testing standards pursuant  
63 to department rules. Providers of examinations, which may be  
64 either profit or nonprofit entities, seeking certification by  
65 the department shall pay the actual costs incurred by the  
66 department in making a determination regarding the  
67 certification. The department shall use any national examination  
68 which is available, certified by the department, and approved by  
69 the board. The name and number of a candidate may be provided to  
70 a national contractor for the limited purpose of preparing the  
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71 grade tape and information to be returned to the board or  
72 department or, to the extent otherwise specified by rule, the  
73 candidate may apply directly to the vendor of the national  
74 examination. The department may delegate to the board the duty  
75 to provide and administer the examination. Any national  
76 examination approved by a board, or the department when there is  
77 no board, prior to October 1, 1997, is deemed certified under  
78 this paragraph. Any licensing or certification examination that  
79 is not developed or administered by the department in-house or  
80 provided as a national examination shall be competitively bid.

81 (e) The department shall adopt rules regarding the  
82 security and monitoring of examinations. In order to maintain  
83 the security of examinations, the department may employ the  
84 procedures set forth in s. 455.228 to seek fines and injunctive  
85 relief against an examinee who violates the provisions of s.  
86 455.2175 or the rules adopted pursuant to this paragraph. The  
87 department, or any agent thereof, may, for the purposes of  
88 investigation, confiscate any written, photographic, or  
89 recording material or device in the possession of the examinee  
90 at the examination site which the department deems necessary to  
91 enforce such provisions or rules.

92 (f) If the professional board with jurisdiction over an  
93 examination concurs, the department may, for a fee, share with  
94 any other state's licensing authority an examination developed  
95 by or for the department unless prohibited by a contract entered  
96 into by the department for development or purchase of the  
97 examination. The department, with the concurrence of the  
98 appropriate board, shall establish guidelines that ensure

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99 security of a shared exam and shall require that any other  
100 state's licensing authority comply with those guidelines. Those  
101 guidelines shall be approved by the appropriate professional  
102 board. All fees paid by the user shall be applied to the  
103 department's examination and development program for professions  
104 regulated by this chapter. All fees paid by the user for  
105 professions not regulated by this chapter shall be applied to  
106 offset the fees for the development and administration of that  
107 profession's examination. If both a written and a practical  
108 examination are given, an applicant shall be required to retake  
109 only the portion of the examination for which he or she failed  
110 to achieve a passing grade, if he or she successfully passes  
111 that portion within a reasonable time of his or her passing the  
112 other portion.

113 Section 3. Section 509.233, Florida Statutes, is amended  
114 to read:

115 509.233 Public food service establishment requirements;  
116 local exemption for dogs in designated outdoor portions; ~~pilot~~  
117 ~~program.~~--

118 ~~(1) INTENT.--It is the intent of the Legislature by this~~  
119 ~~section to establish a 3-year pilot program for local~~  
120 ~~governments to allow patrons' dogs within certain designated~~  
121 ~~outdoor portions of public food service establishments.~~

122 (1)(2) LOCAL EXEMPTION AUTHORIZED.--Notwithstanding s.  
123 509.032(7), the governing body of a local government may  
124 ~~participating in the pilot program is authorized to~~ establish,  
125 by ordinance, a local exemption procedure to certain provisions  
126 of the Food and Drug Administration Food Code, as currently  
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127 adopted by the division, in order to allow patrons' dogs within  
128 certain designated outdoor portions of public food service  
129 establishments.

130 ~~(2)~~~~(3)~~ LOCAL DISCRETION; CODIFICATION.--

131 (a) The adoption of the local exemption procedure shall be  
132 at the sole discretion of the governing body of a participating  
133 local government. Nothing in this section shall be construed to  
134 require or compel a local governing body to adopt an ordinance  
135 pursuant to this section.

136 (b) Any ordinance adopted pursuant to this section shall  
137 provide for codification within the land development code of a  
138 participating local government.

139 ~~(3)~~~~(4)~~ LIMITATIONS ON EXEMPTION; PERMIT REQUIREMENTS.--

140 (a) Any local exemption procedure adopted pursuant to this  
141 section shall only provide a variance to those portions of the  
142 currently adopted Food and Drug Administration Food Code in  
143 order to allow patrons' dogs within certain designated outdoor  
144 portions of public food service establishments.

145 (b) In order to protect the health, safety, and general  
146 welfare of the public, the local exemption procedure shall  
147 require participating public food service establishments to  
148 apply for and receive a permit from the governing body of the  
149 local government before allowing patrons' dogs on their  
150 premises. The local government shall require from the applicant  
151 such information as the local government deems reasonably  
152 necessary to enforce the provisions of this section, but shall  
153 require, at a minimum, the following information:

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154 1. The name, location, and mailing address of the public  
155 food service establishment.

156 2. The name, mailing address, and telephone contact  
157 information of the permit applicant.

158 3. A diagram and description of the outdoor area to be  
159 designated as available to patrons' dogs, including dimensions  
160 of the designated area; a depiction of the number and placement  
161 of tables, chairs, and restaurant equipment, if any; the  
162 entryways and exits to the designated outdoor area; the  
163 boundaries of the designated area and of other areas of outdoor  
164 dining not available for patrons' dogs; any fences or other  
165 barriers; surrounding property lines and public rights-of-way,  
166 including sidewalks and common pathways; and such other  
167 information reasonably required by the permitting authority. The  
168 diagram or plan shall be accurate and to scale but need not be  
169 prepared by a licensed design professional.

170 4. A description of the days of the week and hours of  
171 operation that patrons' dogs will be permitted in the designated  
172 outdoor area.

173 (c) In order to protect the health, safety, and general  
174 welfare of the public, the local exemption ordinance shall  
175 include such regulations and limitations as deemed necessary by  
176 the participating local government and shall include, but not be  
177 limited to, the following requirements:

178 1. All public food service establishment employees shall  
179 wash their hands promptly after touching, petting, or otherwise  
180 handling dogs. Employees shall be prohibited from touching,  
181 petting, or otherwise handling dogs while serving food or

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182 beverages or handling tableware or before entering other parts  
183 of the public food service establishment.

184 2. Patrons in a designated outdoor area shall be advised  
185 that they should wash their hands before eating. Waterless hand  
186 sanitizer shall be provided at all tables in the designated  
187 outdoor area.

188 3. Employees and patrons shall be instructed that they  
189 shall not allow dogs to come into contact with serving dishes,  
190 utensils, tableware, linens, paper products, or any other items  
191 involved in food service operations.

192 4. Patrons shall keep their dogs on a leash at all times  
193 and shall keep their dogs under reasonable control.

194 5. Dogs shall not be allowed on chairs, tables, or other  
195 furnishings.

196 6. All table and chair surfaces shall be cleaned and  
197 sanitized with an approved product between seating of patrons.  
198 Spilled food and drink shall be removed from the floor or ground  
199 between seating of patrons.

200 7. Accidents involving dog waste shall be cleaned  
201 immediately and the area sanitized with an approved product. A  
202 kit with the appropriate materials for this purpose shall be  
203 kept near the designated outdoor area.

204 8. A sign or signs reminding employees of the applicable  
205 rules shall be posted on premises in a manner and place as  
206 determined by the local permitting authority.

207 9. A sign or signs reminding patrons of the applicable  
208 rules shall be posted on premises in a manner and place as  
209 determined by the local permitting authority.

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210 10. A sign or signs shall be posted in a manner and place  
211 as determined by the local permitting authority that places the  
212 public on notice that the designated outdoor area is available  
213 for the use of patrons and patrons' dogs.

214 11. Dogs shall not be permitted to travel through indoor  
215 or nondesignated outdoor portions of the public food service  
216 establishment, and ingress and egress to the designated outdoor  
217 portions of the public food service establishment must not  
218 require entrance into or passage through any indoor area of the  
219 food establishment.

220 (d) A permit issued pursuant to this section shall not be  
221 transferred to a subsequent owner upon the sale of a public food  
222 service establishment but shall expire automatically upon the  
223 sale of the establishment. The subsequent owner shall be  
224 required to reapply for a permit pursuant to this section if the  
225 subsequent owner wishes to continue to accommodate patrons'  
226 dogs.

227 (4) ~~(5)~~ POWERS; ENFORCEMENT.--Participating local  
228 governments shall have such powers as are reasonably necessary  
229 to regulate and enforce the provisions of this section.

230 (5) ~~(6)~~ STATE AND LOCAL COOPERATION.--The division shall  
231 provide reasonable assistance to participating local governments  
232 in the development of enforcement procedures and regulations,  
233 and participating local governments shall monitor permitholders  
234 for compliance in cooperation with the division. At a minimum,  
235 participating local governments shall establish a procedure to  
236 accept, document, and respond to complaints and to timely report  
237 to the division all such complaints and the participating local  
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238 governments' enforcement responses to such complaints. A  
239 participating local government shall provide the division with a  
240 copy of all approved applications and permits issued, and the  
241 participating local government shall require that all  
242 applications, permits, and other related materials contain the  
243 appropriate division-issued license number for each public food  
244 service establishment.

245 ~~(7) FUTURE REVIEW AND REPEAL.--This section shall expire~~  
246 ~~July 1, 2009, unless reviewed and saved from repeal through~~  
247 ~~reenactment by the Legislature.~~

248 Section 4. (1) Except as provided in subsection (4), and  
249 in recognition of 2009 real estate market conditions, any permit  
250 issued by the Department of Environmental Protection or a water  
251 management district pursuant to part IV of chapter 373, Florida  
252 Statutes, that has an expiration date of September 1, 2008,  
253 through January 1, 2012, is extended and renewed for a period of  
254 2 years following its date of expiration. This extension  
255 includes any local government-issued development order or  
256 building permit. The 2-year extension also applies to build out  
257 dates including any build out date extension previously granted  
258 under s. 380.06(19)(c), Florida Statutes. This section may not  
259 be construed to prohibit conversion from the construction phase  
260 to the operation phase upon completion of construction.

261 (2) The commencement and completion dates for any required  
262 mitigation associated with a phased construction project shall  
263 be extended so that mitigation takes place in the same timeframe  
264 relative to the phase as originally permitted.

265 (3) The holder of a valid permit or other authorization

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266 that is eligible for the 2-year extension shall notify the  
267 authorizing agency in writing no later than December 31, 2009,  
268 identifying the specific authorization for which the holder  
269 intends to use the extension and anticipated timeframe for  
270 acting on the authorization.

271 (4) The extensions provided for in subsection (1) do not  
272 apply to:

273 (a) A permit or other authorization under any programmatic  
274 or regional general permit issued by the Army Corps of  
275 Engineers.

276 (b) A permit or other authorization held by an owner or  
277 operator determined to be in significant noncompliance with the  
278 conditions of the permit or authorization as established through  
279 the issuance of a warning letter or notice of violation, the  
280 initiation of formal enforcement, or other equivalent action by  
281 the authorizing agency.

282 (5) Permits extended under this section shall continue to  
283 be governed by rules in effect at the time the permit was  
284 issued, except where it can be demonstrated that the rules in  
285 effect at the time the permit was issued would create an  
286 immediate threat to public safety or health. This section shall  
287 apply to any modification of the plans, terms, and conditions of  
288 the permit that lessens the environmental impact, except that  
289 any such modification shall not extend the time limit beyond 2  
290 additional years.

291 (6) Nothing in this section shall impair the authority of  
292 a county or municipality to require the owner of a property,  
293 which has noticed the county or municipality that it intends to

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294 receive the extension of time granted by this section, to  
295 maintain and secure the property in a safe and sanitary  
296 condition in compliance with applicable laws and ordinances.

297 Section 5. Subsection (1) of section 120.569, Florida  
298 Statutes, is amended to read:

299 120.569 Decisions which affect substantial interests.--

300 (1) The provisions of this section apply in all  
301 proceedings in which the substantial interests of a party are  
302 determined by an agency, unless the parties are proceeding under  
303 s. 120.573 or s. 120.574. Unless waived by all parties, s.  
304 120.57(1) applies whenever the proceeding involves a disputed  
305 issue of material fact. Unless otherwise agreed, s. 120.57(2)  
306 applies in all other cases. If a disputed issue of material fact  
307 arises during a proceeding under s. 120.57(2), then, unless  
308 waived by all parties, the proceeding under s. 120.57(2) shall  
309 be terminated and a proceeding under s. 120.57(1) shall be  
310 conducted. Parties shall be notified of any order, including a  
311 final order. Unless waived, a copy of the order shall be  
312 delivered or mailed to each party or the party's attorney of  
313 record at the address of record. Each notice shall inform the  
314 recipient of any administrative hearing or judicial review that  
315 is available under this section, s. 120.57, or s. 120.68; shall  
316 indicate the procedure which must be followed to obtain the  
317 hearing or judicial review; and shall state the time limits  
318 which apply. Notwithstanding any other provision of law, notice  
319 of the procedure to obtain an administrative hearing or judicial  
320 review, including any items required by the uniform rules  
321 adopted pursuant to s. 120.54(5), may be provided via a link to  
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322 | a publicly available Internet site.

323 |       Section 6. Subsection (1) of section 120.60, Florida  
324 | Statutes, is amended to read:

325 |       120.60 Licensing.--

326 |       (1) Upon receipt of an application for a license, an  
327 | agency shall examine the application and, within 30 days after  
328 | such receipt, notify the applicant of any apparent errors or  
329 | omissions and request any additional information the agency is  
330 | permitted by law to require. If the applicant believes the  
331 | request for such additional information is not authorized by law  
332 | or agency rule, the agency, at the applicant's request, shall  
333 | proceed to process the permit application. An agency shall not  
334 | deny a license for failure to correct an error or omission or to  
335 | supply additional information unless the agency timely notified  
336 | the applicant within this 30-day period. An application shall be  
337 | considered complete upon receipt of all requested information  
338 | and correction of any error or omission for which the applicant  
339 | was timely notified or when the time for such notification has  
340 | expired. Every application for a license shall be approved or  
341 | denied within 90 days after receipt of a completed application  
342 | unless a shorter period of time for agency action is provided by  
343 | law. The 90-day time period shall be tolled by the initiation of  
344 | a proceeding under ss. 120.569 and 120.57. Any application for a  
345 | license that is not approved or denied within the 90-day or  
346 | shorter time period, within 15 days after conclusion of a public  
347 | hearing held on the application, or within 45 days after a  
348 | recommended order is submitted to the agency and the parties,  
349 | whichever action and timeframe is latest and applicable, is  
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350 considered approved unless the recommended order recommends that  
351 the agency deny the license. Subject to the satisfactory  
352 completion of an examination if required as a prerequisite to  
353 licensure, any license that is considered approved shall be  
354 issued and may include such reasonable conditions as are  
355 authorized by law. Any applicant for licensure seeking to claim  
356 licensure by default under this subsection shall notify the  
357 agency clerk of the licensing agency, in writing, of the intent  
358 to rely upon the default license provision of this subsection,  
359 and shall not take any action based upon the default license  
360 until after receipt of such notice by the agency clerk.

361 Section 7. Section 125.022, Florida Statutes, is amended  
362 to read:

363 125.022 Development permits.--When a county denies an  
364 application for a development permit, the county shall give  
365 written notice to the applicant. The notice must include a  
366 citation to the applicable portions of an ordinance, rule,  
367 statute, or other legal authority for the denial of the permit.  
368 As used in this section, the term "development permit" has the  
369 same meaning as in s. 163.3164. A county may not require as a  
370 condition of approval for a development permit that an applicant  
371 obtain a permit or approval from any other state or federal  
372 agency. Issuance of a development permit by a county does not in  
373 any way create any rights on the part of an applicant to obtain  
374 a permit from another state or federal agency and does not  
375 create any liability on the part of the county for issuance of  
376 the permit in the event that an applicant fails to fulfill its  
377 legal obligations to obtain requisite approvals or fulfill the

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378 obligations imposed by other state or federal agencies. A county  
379 may attach such a disclaimer to the issuance of development  
380 permits and may include a permit condition that all other  
381 applicable state or federal permits must be obtained prior to  
382 development. This section shall not be construed to prohibit a  
383 county from providing information to an applicant regarding what  
384 other state or federal permits may be applicable.

385 Section 8. Section 161.032, Florida Statutes, is created  
386 to read:

387 161.032 Application review; request for additional  
388 information.--

389 (1) Within 30 days after receipt of an application for a  
390 permit under this part, the department shall review the  
391 application and shall request submission of any additional  
392 information the department is permitted by law to require. If  
393 the applicant believes a request for additional information is  
394 not authorized by law or rule, the applicant may request a  
395 hearing pursuant to s. 120.57. Within 30 days after receipt of  
396 such additional information, the department shall review such  
397 additional information and may request only that information  
398 needed to clarify such additional information or to answer new  
399 questions raised by or directly related to such additional  
400 information. If the applicant believes the request for such  
401 additional information by the department is not authorized by  
402 law or rule, the department, at the applicant's request, shall  
403 proceed to process the permit application.

404 (2) Notwithstanding the provisions of s. 120.60, an  
405 applicant for a permit under this part shall have 90 days after  
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406 the date of a timely request for additional information to  
407 submit such information. If an applicant requires more than 90  
408 days to respond to a request for additional information, the  
409 applicant must notify the agency processing the permit  
410 application in writing of the circumstances, at which time the  
411 application shall be held in active status for no more than one  
412 additional period of up to 90 days. Additional extensions may be  
413 granted for good cause shown by the applicant. A showing that  
414 the applicant is making a diligent effort to obtain the  
415 requested additional information shall constitute good cause.  
416 Failure of an applicant to provide the timely requested  
417 information by the applicable deadline shall result in denial of  
418 the application without prejudice.

419 Section 9. Section 166.033, Florida Statutes, is amended  
420 to read:

421 166.033 Development permits.--When a municipality denies  
422 an application for a development permit, the municipality shall  
423 give written notice to the applicant. The notice must include a  
424 citation to the applicable portions of an ordinance, rule,  
425 statute, or other legal authority for the denial of the permit.  
426 As used in this section, the term "development permit" has the  
427 same meaning as in s. 163.3164. A municipality may not require  
428 as a condition of approval for a development permit that an  
429 applicant obtain a permit or approval from any other state or  
430 federal agency. Issuance of a development permit by a  
431 municipality does not in any way create any right on the part of  
432 an applicant to obtain a permit from another state or federal  
433 agency and does not create any liability on the part of the

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434 municipality for issuance of the permit in the event that an  
435 applicant fails to fulfill its legal obligations to obtain  
436 requisite approvals or fulfill the obligations imposed by other  
437 state or federal agencies. A municipality may attach such a  
438 disclaimer to the issuance of development permits and may  
439 include a permit condition that all other applicable state or  
440 federal permits must be obtained prior to development. This  
441 section shall not be construed to prohibit a municipality from  
442 providing information to an applicant regarding what other state  
443 or federal permits may be applicable.

444 Section 10. Subsection (13) of section 253.034, Florida  
445 Statutes, is amended to read:

446 253.034 State-owned lands; uses.--

447 (13) The deposition of dredged material on state-owned  
448 submerged lands for the purpose of restoring previously dredged  
449 holes to natural conditions shall be conducted in such a manner  
450 as to maximize environmental benefits. In such cases, the  
451 dredged material shall be placed in the dredge hole at an  
452 elevation consistent with the surrounding area to allow light  
453 penetration so as to maximize propagation of native vegetation.  
454 When available dredged material is of insufficient quantity to  
455 raise the entire dredge hole to prior natural elevations, then  
456 placement shall be limited to a portion of the dredge hole where  
457 elevations can be restored to natural elevations ~~Notwithstanding~~  
458 ~~the provisions of this section, funds from the sale of property~~  
459 ~~by the Department of Highway Safety and Motor Vehicles located~~  
460 ~~in Palm Beach County are authorized to be deposited into the~~  
461 ~~Highway Safety Operating Trust Fund to facilitate the exchange~~  
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462 ~~as provided in the General Appropriations Act, provided that at~~  
463 ~~the conclusion of both exchanges the values are equalized. This~~  
464 ~~subsection expires July 1, 2009.~~

465 Section 11. Paragraph (e) of subsection (3) of section  
466 258.42, Florida Statutes, is amended to read:

467 258.42 Maintenance of preserves.--The Board of Trustees of  
468 the Internal Improvement Trust Fund shall maintain such aquatic  
469 preserves subject to the following provisions:

470 (3)

471 (e) There shall be no erection of structures within the  
472 preserve, except:

473 1. Private residential docks may be approved for  
474 reasonable ingress or egress of riparian owners. Slips located  
475 at private residential single-family docks that contain boat  
476 lifts or davits which do not float in the water when loaded may  
477 be roofed, but may not be in whole or in part enclosed with  
478 walls, provided that the roof shall not overhang more that 1-  
479 foot beyond the footprint of the boat lift. Such roofs shall not  
480 be considered to be part of the square-footage calculations of  
481 the terminal platform.

482 2. Private residential multislip docks may be approved if  
483 located within a reasonable distance of a publicly maintained  
484 navigation channel, or a natural channel of adequate depth and  
485 width to allow operation of the watercraft for which the docking  
486 facility is designed without the craft having an adverse impact  
487 on marine resources. The distance shall be determined in  
488 accordance with criteria established by the trustees by rule,  
489 based on a consideration of the depth of the water, nature and  
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490 condition of bottom, and presence of manatees.

491 3. Commercial docking facilities shown to be consistent  
492 with the use or management criteria of the preserve may be  
493 approved if the facilities are located within a reasonable  
494 distance of a publicly maintained navigation channel, or a  
495 natural channel of adequate depth and width to allow operation  
496 of the watercraft for which the docking facility is designed  
497 without the craft having an adverse impact on marine resources.  
498 The distance shall be determined in accordance with criteria  
499 established by the trustees by rule, based on a consideration of  
500 the depth of the water, nature and condition of bottom, and  
501 presence of manatees.

502 4. Structures for shore protection, including restoration  
503 of seawalls at their previous location or upland of or within 18  
504 inches waterward of their previous location, approved  
505 navigational aids, or public utility crossings authorized under  
506 paragraph (a) may be approved.

507  
508 No structure under this paragraph or chapter 253 shall be  
509 prohibited solely because the local government fails to adopt a  
510 marina plan or other policies dealing with the siting of such  
511 structures in its local comprehensive plan.

512 Section 12. Subsection (10) is added to section 373.026,  
513 Florida Statutes, to read:

514 373.026 General powers and duties of the department.--The  
515 department, or its successor agency, shall be responsible for  
516 the administration of this chapter at the state level. However,  
517 it is the policy of the state that, to the greatest extent

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518 possible, the department may enter into interagency or  
519 interlocal agreements with any other state agency, any water  
520 management district, or any local government conducting programs  
521 related to or materially affecting the water resources of the  
522 state. All such agreements shall be subject to the provisions of  
523 s. 373.046. In addition to its other powers and duties, the  
524 department shall, to the greatest extent possible:

525 (10) Expand the use of Internet-based self-certification  
526 services for appropriate exemptions and general permits issued  
527 by the department and the water management districts, providing  
528 such expansion is economically feasible. In addition to  
529 expanding the use of Internet-based self-certification services  
530 for appropriate exemptions and general permits, the department  
531 and water management districts shall identify and develop  
532 general permits for activities currently requiring individual  
533 review that could be expedited through the use of professional  
534 certification.

535 Section 13. Paragraph (a) of subsection (4) of section  
536 373.079, Florida Statutes, is amended to read:

537 373.079 Members of governing board; oath of office;  
538 staff.--

539 (4) (a) The governing board of the district is authorized  
540 to employ an executive director, ombudsman, and such engineers,  
541 other professional persons, and other personnel and assistants  
542 as it deems necessary and under such terms and conditions as it  
543 may determine and to terminate such employment. The appointment  
544 of an executive director by the governing board is subject to  
545 approval by the Governor and must be initially confirmed by the  
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546 Florida Senate. The governing board may delegate all or part of  
547 its authority under this paragraph to the executive director.  
548 However, the governing board shall delegate all of its authority  
549 to take final action on permit applications under part II or  
550 part IV, or petitions for variances or waivers of permitting  
551 requirements under part II or part IV, except as provided under  
552 ss. 373.083(5) and 373.118(4). This delegation shall not be  
553 subject to the rulemaking requirements of chapter 120. The  
554 executive director may execute such delegated authority through  
555 designated staff members. The executive director must be  
556 confirmed by the Senate upon employment and must be confirmed or  
557 reconfirmed by the Senate during the second regular session of  
558 the Legislature following a gubernatorial election.

559 Section 14. Subsection (5) of section 373.083, Florida  
560 Statutes, is amended to read:

561 373.083 General powers and duties of the governing  
562 board.--In addition to other powers and duties allowed it by  
563 law, the governing board is authorized to:

564 (5) Execute any of the powers, duties, and functions  
565 vested in the governing board through a member or members  
566 thereof, the executive director, or other district staff as  
567 designated by the governing board. The governing board may  
568 establish the scope and terms of any delegation. ~~However, if~~ The  
569 governing board shall delegate to the executive director  
570 ~~delegates~~ the authority to take final action on permit  
571 applications under part II or part IV, or petitions for  
572 variances or waivers of permitting requirements under part II or  
573 part IV, and the executive director may execute such delegated

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574 authority through designated staff. Such delegation shall not be  
575 subject to the rulemaking requirements of chapter 120. However,  
576 the governing board shall provide a process for referring any  
577 denial of such application or petition to the governing board to  
578 take final action. Such process shall expressly prohibit any  
579 member of a governing board from intervening in the review of an  
580 application prior to the application being referred to the  
581 governing board for final action. The authority in this  
582 subsection is supplemental to any other provision of this  
583 chapter granting authority to the governing board to delegate  
584 specific powers, duties, or functions.

585 Section 15. Subsection (4) of section 373.118, Florida  
586 Statutes, is amended to read:

587 373.118 General permits; delegation.--

588 (4) To provide for greater efficiency, the governing board  
589 shall may delegate by rule its powers and duties pertaining to  
590 general permits to the executive director and such delegation  
591 shall not be subject to the rulemaking requirements of chapter  
592 120. The executive director may execute such delegated authority  
593 through designated staff. However, when delegating the authority  
594 to take final action on permit applications under part II or  
595 part IV or petitions for variances or waivers of permitting  
596 requirements under part II or part IV, the governing board shall  
597 provide a process for referring any denial of such application  
598 or petition to the governing board to take such final action.

599 Section 16. Subsections (6) and (7) are added to section  
600 373.236, Florida Statutes, to read:

601 373.236 Duration of permits; compliance reports.--

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602       (6) (a) The Legislature finds that the need for alternative  
603 water supply development projects to meet anticipated public  
604 water supply demands of the state is such that it is essential  
605 to encourage participation in and contribution to such projects  
606 by private rural landowners who characteristically have  
607 relatively modest near-term water demands but substantially  
608 increasing demands after the 20-year planning period provided in  
609 s. 373.0361. Therefore, where such landowners make extraordinary  
610 contributions of lands or construction funding to enable the  
611 expeditious implementation of such projects, water management  
612 districts and the department are authorized to grant permits for  
613 such projects for a period of up to 50 years to municipalities,  
614 counties, special districts, regional water supply authorities,  
615 multijurisdictional water supply entities, and publicly or  
616 privately owned utilities created for or by the private  
617 landowners on or before April 1, 2009, which have entered into  
618 an agreement with the private landowner for the purposes of more  
619 efficiently pursuing alternative public water supply development  
620 projects identified in a district's regional water supply plan  
621 and meeting water demands of both the applicant and the  
622 landowner.

623       (b) Any permit granted pursuant to paragraph (a) shall be  
624 granted only for that period of time for which there is  
625 sufficient data to provide reasonable assurance that the  
626 conditions for permit issuance will be met. Such a permit shall  
627 require a compliance report by the permittee every 5 years  
628 during the term of the permit. The report shall contain  
629 sufficient data to maintain reasonable assurance that the

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630 conditions for permit issuance applicable at the time of  
631 district review of the compliance report are met. Following  
632 review of the report, the governing board or the department may  
633 modify the permit to ensure that the use meets the conditions  
634 for issuance. This subsection shall not limit the existing  
635 authority of the department or the governing board to modify or  
636 revoke a consumptive use permit.

637 (7) A permit that is approved for the use of water for a  
638 renewable energy generating facility or for cultivating  
639 agricultural products on lands of 1,000 acres or more for  
640 renewable energy, as defined in s. 366.91(2)(d), shall be  
641 granted for a term of at least 25 years upon the applicant's  
642 request, based on the anticipated life of the facility, if there  
643 is sufficient data to provide reasonable assurance that the  
644 conditions for permit issuance will be met for the duration of  
645 the permit. Otherwise, a permit may be issued for a shorter  
646 duration that reflects the longest period for which such  
647 reasonable assurances are provided. The permittee shall provide  
648 a compliance report every 5 years during the term of the permit,  
649 as required in subsection (4).

650 Section 17. Subsection (4) of section 373.243, Florida  
651 Statutes, is amended to read:

652 373.243 Revocation of permits.--The governing board or the  
653 department may revoke a permit as follows:

654 (4) For nonuse of the water supply allowed by the permit  
655 for a period of 2 years or more, the governing board or the  
656 department may revoke the permit permanently and in whole unless  
657 the user can prove that his or her nonuse was due to extreme

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658 hardship caused by factors beyond the user's control. For a  
659 permit having a duration determined under s. 373.236(7), the  
660 governing board or the department has revocation authority only  
661 if the nonuse of the water supply allowed by the permit is for a  
662 period of 4 years or more.

663 Section 18. Subsection (12) is added to section 373.406,  
664 Florida Statutes, to read:

665 373.406 Exemptions.--The following exemptions shall apply:

666 (12) (a) Construction of public use facilities in  
667 accordance with Federal or state grant-approved projects on  
668 county-owned natural lands or natural areas held by a county  
669 under at least a 25-year lease. Such facilities may include a  
670 parking lot, including an access road, not to exceed a total  
671 size of 0.7 acres that is located entirely in uplands; at-grade  
672 access trails located entirely in uplands; pile-supported  
673 boardwalks having a maximum width of 6 feet, with exceptions for  
674 ADA compliance; and pile-supported observation platforms each of  
675 which shall not exceed 120 square feet in size.

676 (b) No fill shall be placed in, on, or over wetlands or  
677 other surface waters except pilings for boardwalks and  
678 observation platforms, all of which structures located in, on,  
679 or over wetlands and other surface waters shall be sited,  
680 constructed, and elevated to minimize adverse impacts to native  
681 vegetation and shall be limited to a combined area over wetlands  
682 and other surface waters not to exceed 0.5 acres. All stormwater  
683 flow from roads, parking areas, and trails shall sheet flow into  
684 uplands, and the use of pervious pavement is encouraged.

685 Section 19. Section 373.1181, Florida Statutes, is created  
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to read:

373.1181 Noticed general permit to counties for  
environmental restoration activities.--

(1) A general permit is granted to counties to construct,  
operate, alter, maintain, or remove systems for the purposes of  
environmental restoration or water quality improvements, subject  
to the limitations and conditions of this section.

(2) The following restoration activities are authorized by  
this general permit:

(a) Backfilling of existing agricultural or drainage  
ditches, without piping, for the sole purpose of restoring a  
more natural hydroperiod to publicly owned lands, provided that  
offsite properties are not adversely affected.

(b) Placement of riprap within 15 feet waterward of the  
mean or ordinary high-water line for the purpose of preventing  
or abating erosion of a predominantly natural shoreline,  
provided that mangrove, seagrass, coral, sponge, and other  
protected fresh water or marine communities are not adversely  
affected.

(c) Placement of riprap within 10 feet waterward of an  
existing seawall or bulkhead and backfilling of the area between  
the riprap and seawall or bulkhead with clean fill to an  
intertidal elevation for the sole purpose of planting native  
wetland vegetation provided that seagrass, coral, sponge, and  
other protected fresh water or marine communities are not  
adversely affected and all vegetation is obtained from an upland  
nursery or from permitted donor locations.

(d) Scrape down of spoil islands to an intertidal

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714 elevation or a lower elevation at which light penetration is  
715 expected to allow for seagrass or other native submerged aquatic  
716 vegetation recruitment.

717 (e) Backfilling of existing dredge holes that are at least  
718 5 feet deeper than surrounding natural grades to an intertidal  
719 elevation if doing so provides a regional net environmental  
720 benefit or, at a minimum, to an elevation at which light  
721 penetration is expected to allow for seagrass recruitment, with  
722 no more than minimum displacement of highly organic sediments.

723 (f) Placement of rock riprap or clean concrete in existing  
724 dredge holes that are at least 5 feet deeper than surrounding  
725 natural grades, provided that placed rock or concrete does not  
726 protrude above surrounding natural grades.

727 (3) In order to qualify for this general permit, the  
728 activity must comply with the following requirements:

729 (a) The project must be included in a management plan that  
730 has been the subject of at least one public workshop.

731 (b) The county commission must conduct at least one public  
732 hearing within 1 year before project initiation.

733 (c) The project may not be considered as mitigation for  
734 any other project.

735 (d) Activities in tidal waters are limited to those  
736 waterbodies given priority restoration status pursuant to s.  
737 373.453(1)(c).

738 (e) Prior to submittal of a notice to use this general  
739 permit, the county shall conduct at least one preapplication  
740 meeting with appropriate district or department staff to discuss  
741 project designs, implementation details, resource concerns, and

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742 conditions for meeting applicable state water quality standards.

743 (4) This general permit shall be subject to the following  
744 specific conditions:

745 (a) A project under this general permit shall not  
746 significantly impede navigation or unreasonably infringe upon  
747 the riparian rights of others. When a court of competent  
748 jurisdiction determines that riparian rights have been  
749 unlawfully affected, the structure or activity shall be modified  
750 in accordance with the court's decision.

751 (b) All erodible surfaces, including intertidal slopes  
752 shall be revegetated with appropriate native plantings within 72  
753 hours after completion of construction.

754 (c) Riprap material shall be clean limestone, granite, or  
755 other native rock measuring 1 foot to 3 feet in diameter.

756 (d) Except as otherwise allowed under this general permit  
757 fill material used to backfill dredge holes or seawall planter  
758 areas shall be local, native material legally removed from  
759 nearby submerged lands or shall be similar material brought to  
760 the site, either of which shall comply with the standard of not  
761 more than 10 percent of the material passing through a #200  
762 standard sieve and containing no more than 10 percent organic  
763 content, and is free of contaminants that will cause violations  
764 of state water quality standards.

765 (e) Turbidity shall be monitored and controlled at all  
766 times such that turbidity immediately outside the project area  
767 complies with rules 62-302 and 62-4.242, Florida Administrative  
768 Code.

769 (f) Equipment, barges, and staging areas shall not be

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770 stored or operated so as to adversely impact seagrass, coral,  
771 sponge, or other protected freshwater or marine communities.

772 (g) Structures shall be maintained in a functional  
773 condition and shall be repaired or removed if they become  
774 dilapidated to such an extent that they are no longer  
775 functional. This shall not be construed to prohibit the repair  
776 or replacement subject to the provisions of rule 18-21.005,  
777 Florida Administrative Code, within 1 year after a structure is  
778 damaged in a discrete event such as a storm, flood, accident, or  
779 fire.

780 (h) All work under this general permit shall be conducted  
781 in conformance with the general conditions of rule 62-341.215,  
782 Florida Administrative Code.

783 (i) Construction, use, or operation of the structure or  
784 activity shall not adversely affect any species that is  
785 endangered, threatened or of special concern, as listed in rules  
786 68A-27.003, 68A-27.004, and 68A-27.005, Florida Administrative  
787 Code.

788 (j) The activity may not adversely impact vessels or  
789 structures of archaeological or historical value relating to the  
790 history, government, and culture of the state which are defined  
791 as historic properties in s. 267.021.

792 (5) The district or department, as applicable, shall  
793 provide written notification as to whether the proposed activity  
794 qualifies for the general permit within 30 days after receipt of  
795 written notice of a county's intent to use the general permit.  
796 If the district or department notifies the county that the  
797 system does not qualify for a noticed general permit due to an

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798 error or omission in the original notice to the district or the  
799 department, the county shall have 30 days from the date of the  
800 notification to amend the notice to use the general permit and  
801 submit such additional information to correct such error or  
802 omission.

803 (6) This general permit constitutes a letter of consent by  
804 the Board of Trustees of the Internal Improvement Trust Fund  
805 under chapters 253 and 258, where applicable, and chapters 18-  
806 18, 18-20, and 18-21, Florida Administrative Code, where  
807 applicable, for the county to enter upon and use state-owned  
808 submerged lands to the extent necessary to complete the  
809 activities. Activities conducted under this general permit do  
810 not divest the state from the continued ownership of lands that  
811 were state-owned lands prior to any use, construction, or  
812 implementation of this general permit.

813 Section 20. Subsection (2) of section 373.4141, Florida  
814 Statutes, is amended to read:

815 373.4141 Permits; processing.--

816 (2) Notwithstanding the provisions of s. 120.60, an  
817 applicant for a permit under this part shall have 90 days after  
818 the date of a timely request for additional information to  
819 submit such information. If an applicant requires more than 90  
820 days to respond to a request for additional information, the  
821 applicant must notify the agency processing the permit  
822 application in writing of the circumstances, at which time the  
823 application shall be held in active status for no more than one  
824 additional period of up to 90 days. Additional extensions may be  
825 granted for good cause shown by the applicant. A showing that

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826 the applicant is making a diligent effort to obtain the  
827 requested additional information shall constitute good cause.  
828 Failure of an applicant to provide the timely requested  
829 information by the applicable deadline shall result in denial of  
830 the application without prejudice ~~A permit shall be approved or~~  
831 ~~denied within 90 days after receipt of the original application,~~  
832 ~~the last item of timely requested additional material, or the~~  
833 ~~applicant's written request to begin processing the permit~~  
834 ~~application.~~

835 Section 21. Subsection (4) is added to section 373.441,  
836 Florida Statutes, to read:

837 373.441 Role of counties, municipalities, and local  
838 pollution control programs in permit processing.--

839 (4) Upon delegation to a qualified local government, the  
840 department and water management district shall not regulate the  
841 activities subject to the delegation within that jurisdiction  
842 unless regulation is required pursuant to the terms of the  
843 delegation agreement.

844 Section 22. Subsection (29) of section 403.061, Florida  
845 Statutes, is amended, subsection (40) is renumbered as section  
846 (43), and new subsections (40), (41), and (42) are added to that  
847 section, to read:

848 403.061 Department; powers and duties.--The department  
849 shall have the power and the duty to control and prohibit  
850 pollution of air and water in accordance with the law and rules  
851 adopted and promulgated by it and, for this purpose, to:

852 (29) Adopt by rule special criteria to protect Class II  
853 shellfish harvesting waters. Rules previously adopted by the  
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854 department in rule 17-4.28(8)(a), Florida Administrative Code,  
855 are hereby ratified and determined to be a valid exercise of  
856 delegated legislative authority and shall remain in effect  
857 unless amended ~~by the Environmental Regulation Commission~~. Such  
858 rules may include special criteria for approval of docking  
859 facilities with 10 or fewer slips where construction and  
860 operation of such facilities will not result in the closure of  
861 shellfish waters.

862 (40) Maintain a list of projects or activities, including  
863 mitigation banks, that applicants may consider when developing  
864 proposals to meet the mitigation or public interest requirements  
865 of this chapter, chapter 253, or chapter 373. The contents of  
866 such a list are not a rule as defined in chapter 120, and  
867 listing a specific project or activity does not imply approval  
868 by the department for such project or activity. Each county  
869 government is encouraged to develop an inventory of projects or  
870 activities for inclusion on the list by obtaining input from  
871 local stakeholder groups in the public, private, and nonprofit  
872 sectors, including local governments, port authorities, marine  
873 contractors, other representatives of the marine construction  
874 industry, environmental or conservation organizations, and other  
875 interested parties. A county may establish dedicated funds for  
876 depositing public interest donations into a reserve for future  
877 public interest projects, including improving on-water law  
878 enforcement.

879 (41) Develop a project management plan to implement an e-  
880 permitting program that allows for timely submission and  
881 exchange of permit application and compliance information that

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882 yields positive benefits in support of the department's mission,  
883 permit applicants, permitholders, and the public. The plan shall  
884 include an implementation timetable, estimated costs, and  
885 transaction fees. The department shall submit the plan to the  
886 President of the Senate, the Speaker of the House of  
887 Representatives, and the Legislative Committee on  
888 Intergovernmental Relations by January 15, 2010.

889 (42) Expand the use of online self-certification for  
890 appropriate exemptions and general permits issued by the  
891 department and the water management districts providing such  
892 expansion is economically feasible. Notwithstanding any other  
893 provision of law, a local government is prohibited from  
894 specifying the method or form of documentation that a project  
895 meets the provisions for authorization under chapter 161,  
896 chapter 253, chapter 373, or chapter 403. This shall include  
897 Internet-based programs of the department that provide for self-  
898 certification.

899  
900 The department shall implement such programs in conjunction with  
901 its other powers and duties and shall place special emphasis on  
902 reducing and eliminating contamination that presents a threat to  
903 humans, animals or plants, or to the environment.

904 Section 23. Subsections (1) and (2) of section 403.813,  
905 Florida Statutes, as amended by section 52 of chapter 2009-21,  
906 Laws of Florida, are amended to read:

907 403.813 Permits issued at district centers; exceptions.--

908 (1) A permit is not required under this chapter, chapter  
909 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
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910 chapter 25270, 1949, Laws of Florida, for activities associated  
911 with the following types of projects; however, except as  
912 otherwise provided in this subsection, ~~nothing in this~~  
913 subsection does not relieve ~~relieves~~ an applicant from any  
914 requirement to obtain permission to use or occupy lands owned by  
915 the Board of Trustees of the Internal Improvement Trust Fund or  
916 any water management district in its governmental or proprietary  
917 capacity or from complying with applicable local pollution  
918 control programs authorized under this chapter or other  
919 requirements of county and municipal governments:

920 (a) The installation of overhead transmission lines, with  
921 support structures which are not constructed in waters of the  
922 state and which do not create a navigational hazard.

923 (b) The installation and repair of mooring pilings and  
924 dolphins associated with private docking facilities or piers and  
925 the installation of private docks, piers and recreational  
926 docking facilities, or piers and recreational docking facilities  
927 of local governmental entities when the local governmental  
928 entity's activities will not take place in any manatee habitat,  
929 any of which docks:

930 1. Has 500 square feet or less of over-water surface area  
931 for a dock which is located in an area designated as Outstanding  
932 Florida Waters or 1,000 square feet or less of over-water  
933 surface area for a dock which is located in an area which is not  
934 designated as Outstanding Florida Waters;

935 2. Is constructed on or held in place by pilings or is a  
936 floating dock which is constructed so as not to involve filling  
937 or dredging other than that necessary to install the pilings;

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938           3. Shall not substantially impede the flow of water or  
939 create a navigational hazard;

940           4. Is used for recreational, noncommercial activities  
941 associated with the mooring or storage of boats and boat  
942 paraphernalia; and

943           5. Is the sole dock constructed pursuant to this exemption  
944 as measured along the shoreline for a distance of 65 feet,  
945 unless the parcel of land or individual lot as platted is less  
946 than 65 feet in length along the shoreline, in which case there  
947 may be one exempt dock allowed per parcel or lot.

948

949 Nothing in this paragraph shall prohibit the department from  
950 taking appropriate enforcement action pursuant to this chapter  
951 to abate or prohibit any activity otherwise exempt from  
952 permitting pursuant to this paragraph if the department can  
953 demonstrate that the exempted activity has caused water  
954 pollution in violation of this chapter.

955           (c) The installation and maintenance to design  
956 specifications of boat ramps on artificial bodies of water where  
957 navigational access to the proposed ramp exists or the  
958 installation of boat ramps open to the public in any waters of  
959 the state where navigational access to the proposed ramp exists  
960 and where the construction of the proposed ramp will be less  
961 than 30 feet wide and will involve the removal of less than 25  
962 cubic yards of material from the waters of the state, and the  
963 maintenance to design specifications of such ramps; however, the  
964 material to be removed shall be placed upon a self-contained  
965 upland site so as to prevent the escape of the spoil material  
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966 into the waters of the state.

967 (d) The replacement or repair of existing docks and piers,  
968 except that no fill material is to be used and provided that the  
969 replacement or repaired dock or pier is in the same location and  
970 of the same configuration and dimensions as the dock or pier  
971 being replaced or repaired. This does not preclude the use of  
972 different construction materials or minor deviations to allow  
973 upgrades to current structural and design standards.

974 (e) The restoration of seawalls at their previous  
975 locations or upland of, or within 1 foot waterward of, their  
976 previous locations. However, this shall not affect the  
977 permitting requirements of chapter 161, and department rules  
978 shall clearly indicate that this exception does not constitute  
979 an exception from the permitting requirements of chapter 161.

980 (f) The performance of maintenance dredging of existing  
981 manmade canals, channels, intake and discharge structures, and  
982 previously dredged portions of natural water bodies within  
983 drainage rights-of-way or drainage easements which have been  
984 recorded in the public records of the county, where the spoil  
985 material is to be removed and deposited on a self-contained,  
986 upland spoil site which will prevent the escape of the spoil  
987 material into the waters of the state, provided that no more  
988 dredging is to be performed than is necessary to restore the  
989 canals, channels, and intake and discharge structures, and  
990 previously dredged portions of natural water bodies, to original  
991 design specifications or configurations, provided that the work  
992 is conducted in compliance with s. 379.2431(2)(d), provided that  
993 no significant impacts occur to previously undisturbed natural  
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994 areas, and provided that control devices for return flow and  
995 best management practices for erosion and sediment control are  
996 utilized to prevent bank erosion and scouring and to prevent  
997 turbidity, dredged material, and toxic or deleterious substances  
998 from discharging into adjacent waters during maintenance  
999 dredging. Further, for maintenance dredging of previously  
1000 dredged portions of natural water bodies within recorded  
1001 drainage rights-of-way or drainage easements, an entity that  
1002 seeks an exemption must notify the department or water  
1003 management district, as applicable, at least 30 days prior to  
1004 dredging and provide documentation of original design  
1005 specifications or configurations where such exist. This  
1006 exemption applies to all canals and previously dredged portions  
1007 of natural water bodies within recorded drainage rights-of-way  
1008 or drainage easements constructed prior to April 3, 1970, and to  
1009 those canals and previously dredged portions of natural water  
1010 bodies constructed on or after April 3, 1970, pursuant to all  
1011 necessary state permits. This exemption does not apply to the  
1012 removal of a natural or manmade barrier separating a canal or  
1013 canal system from adjacent waters. When no previous permit has  
1014 been issued by the Board of Trustees of the Internal Improvement  
1015 Trust Fund or the United States Army Corps of Engineers for  
1016 construction or maintenance dredging of the existing manmade  
1017 canal or intake or discharge structure, such maintenance  
1018 dredging shall be limited to a depth of no more than 5 feet  
1019 below mean low water. The Board of Trustees of the Internal  
1020 Improvement Trust Fund may fix and recover from the permittee an  
1021 amount equal to the difference between the fair market value and  
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1022 the actual cost of the maintenance dredging for material removed  
1023 during such maintenance dredging. However, no charge shall be  
1024 exacted by the state for material removed during such  
1025 maintenance dredging by a public port authority. The removing  
1026 party may subsequently sell such material; however, proceeds  
1027 from such sale that exceed the costs of maintenance dredging  
1028 shall be remitted to the state and deposited in the Internal  
1029 Improvement Trust Fund.

1030 (g) The maintenance of existing insect control structures,  
1031 dikes, and irrigation and drainage ditches, provided that spoil  
1032 material is deposited on a self-contained, upland spoil site  
1033 which will prevent the escape of the spoil material into waters  
1034 of the state. In the case of insect control structures, if the  
1035 cost of using a self-contained upland spoil site is so  
1036 excessive, as determined by the Department of Health, pursuant  
1037 to s. 403.088(1), that it will inhibit proposed insect control,  
1038 then-existing spoil sites or dikes may be used, upon  
1039 notification to the department. In the case of insect control  
1040 where upland spoil sites are not used pursuant to this  
1041 exemption, turbidity control devices shall be used to confine  
1042 the spoil material discharge to that area previously disturbed  
1043 when the receiving body of water is used as a potable water  
1044 supply, is designated as shellfish harvesting waters, or  
1045 functions as a habitat for commercially or recreationally  
1046 important shellfish or finfish. In all cases, no more dredging  
1047 is to be performed than is necessary to restore the dike or  
1048 irrigation or drainage ditch to its original design  
1049 specifications.

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1050 (h) The repair or replacement of existing functional pipes  
1051 or culverts the purpose of which is the discharge or conveyance  
1052 of stormwater. In all cases, the invert elevation, the diameter,  
1053 and the length of the culvert shall not be changed. However, the  
1054 material used for the culvert may be different from the  
1055 original.

1056 (i) The construction of private docks of 1,000 square feet  
1057 or less of over-water surface area and seawalls in artificially  
1058 created waterways where such construction will not violate  
1059 existing water quality standards, impede navigation, or affect  
1060 flood control. This exemption does not apply to the construction  
1061 of vertical seawalls in estuaries or lagoons unless the proposed  
1062 construction is within an existing manmade canal where the  
1063 shoreline is currently occupied in whole or part by vertical  
1064 seawalls.

1065 (j) The construction and maintenance of swales.

1066 (k) The installation of aids to navigation and buoys  
1067 associated with such aids, provided the devices are marked  
1068 pursuant to s. 327.40.

1069 (l) The replacement or repair of existing open-trestle  
1070 foot bridges and vehicular bridges that are 100 feet or less in  
1071 length and two lanes or less in width, provided that no more  
1072 dredging or filling of submerged lands is performed other than  
1073 that which is necessary to replace or repair pilings and that  
1074 the structure to be replaced or repaired is the same length, the  
1075 same configuration, and in the same location as the original  
1076 bridge. No debris from the original bridge shall be allowed to  
1077 remain in the waters of the state.

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1078 (m) The installation of subaqueous transmission and  
1079 distribution lines laid on, or embedded in, the bottoms of  
1080 waters in the state, except in Class I and Class II waters and  
1081 aquatic preserves, provided no dredging or filling is necessary.

1082 (n) The replacement or repair of subaqueous transmission  
1083 and distribution lines laid on, or embedded in, the bottoms of  
1084 waters of the state.

1085 (o) The construction of private seawalls in wetlands or  
1086 other surface waters where such construction is between and  
1087 adjoins at both ends existing seawalls; follows a continuous and  
1088 uniform seawall construction line with the existing seawalls; is  
1089 no more than 150 feet in length; and does not violate existing  
1090 water quality standards, impede navigation, or affect flood  
1091 control. However, in estuaries and lagoons the construction of  
1092 vertical seawalls is limited to the circumstances and purposes  
1093 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect  
1094 the permitting requirements of chapter 161, and department rules  
1095 must clearly indicate that this exception does not constitute an  
1096 exception from the permitting requirements of chapter 161.

1097 (p) The restoration of existing insect control impoundment  
1098 dikes which are less than 100 feet in length. Such impoundments  
1099 shall be connected to tidally influenced waters for 6 months  
1100 each year beginning September 1 and ending February 28 if  
1101 feasible or operated in accordance with an impoundment  
1102 management plan approved by the department. A dike restoration  
1103 may involve no more dredging than is necessary to restore the  
1104 dike to its original design specifications. For the purposes of  
1105 this paragraph, restoration does not include maintenance of

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1106 impoundment dikes of operating insect control impoundments.

1107 (q) The construction, operation, or maintenance of  
1108 stormwater management facilities which are designed to serve  
1109 single-family residential projects, including duplexes,  
1110 triplexes, and quadruplexes, if they are less than 10 acres  
1111 total land and have less than 2 acres of impervious surface and  
1112 if the facilities:

1113 1. Comply with all regulations or ordinances applicable to  
1114 stormwater management and adopted by a city or county;

1115 2. Are not part of a larger common plan of development or  
1116 sale; and

1117 3. Discharge into a stormwater discharge facility exempted  
1118 or permitted by the department under this chapter which has  
1119 sufficient capacity and treatment capability as specified in  
1120 this chapter and is owned, maintained, or operated by a city,  
1121 county, special district with drainage responsibility, or water  
1122 management district; however, this exemption does not authorize  
1123 discharge to a facility without the facility owner's prior  
1124 written consent.

1125 (r) The removal of aquatic plants, the removal of  
1126 tussocks, the associated replanting of indigenous aquatic  
1127 plants, and the associated removal from lakes of organic  
1128 detrital material when such planting or removal is performed and  
1129 authorized by permit or exemption granted under s. 369.20 or s.  
1130 369.25, provided that:

1131 1. Organic detrital material that exists on the surface of  
1132 natural mineral substrate shall be allowed to be removed to a  
1133 depth of 3 feet or to the natural mineral substrate, whichever  
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1134 is less;

1135       2. All material removed pursuant to this paragraph shall  
1136 be deposited in an upland site in a manner that will prevent the  
1137 reintroduction of the material into waters in the state except  
1138 when spoil material is permitted to be used to create wildlife  
1139 islands in freshwater bodies of the state when a governmental  
1140 entity is permitted pursuant to s. 369.20 to create such islands  
1141 as a part of a restoration or enhancement project;

1142       3. All activities are performed in a manner consistent  
1143 with state water quality standards; and

1144       4. No activities under this exemption are conducted in  
1145 wetland areas, as defined by s. 373.019(25), which are supported  
1146 by a natural soil as shown in applicable United States  
1147 Department of Agriculture county soil surveys, except when a  
1148 governmental entity is permitted pursuant to s. 369.20 to  
1149 conduct such activities as a part of a restoration or  
1150 enhancement project.

1151  
1152 The department may not adopt implementing rules for this  
1153 paragraph, notwithstanding any other provision of law.

1154       (s) The construction, installation, operation, or  
1155 maintenance of floating vessel platforms or floating boat lifts,  
1156 provided that such structures:

1157       1. Float at all times in the water for the sole purpose of  
1158 supporting a vessel so that the vessel is out of the water when  
1159 not in use;

1160       2. Are wholly contained within a boat slip previously  
1161 permitted under ss. 403.91-403.929, 1984 Supplement to the  
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1162 Florida Statutes 1983, as amended, or part IV of chapter 373, or  
1163 do not exceed a combined total of 500 square feet, or 200 square  
1164 feet in an Outstanding Florida Water, when associated with a  
1165 dock that is exempt under this subsection or associated with a  
1166 permitted dock with no defined boat slip or attached to a  
1167 bulkhead on a parcel of land where there is no other docking  
1168 structure;

1169 3. Are not used for any commercial purpose or for mooring  
1170 vessels that remain in the water when not in use, and do not  
1171 substantially impede the flow of water, create a navigational  
1172 hazard, or unreasonably infringe upon the riparian rights of  
1173 adjacent property owners, as defined in s. 253.141;

1174 4. Are constructed and used so as to minimize adverse  
1175 impacts to submerged lands, wetlands, shellfish areas, aquatic  
1176 plant and animal species, and other biological communities,  
1177 including locating such structures in areas where seagrasses are  
1178 least dense adjacent to the dock or bulkhead; and

1179 5. Are not constructed in areas specifically prohibited  
1180 for boat mooring under conditions of a permit issued in  
1181 accordance with ss. 403.91-403.929, 1984 Supplement to the  
1182 Florida Statutes 1983, as amended, or part IV of chapter 373, or  
1183 other form of authorization issued by a local government.

1184  
1185 Structures that qualify for this exemption are relieved from any  
1186 requirement to obtain permission to use or occupy lands owned by  
1187 the Board of Trustees of the Internal Improvement Trust Fund  
1188 and, with the exception of those structures attached to a  
1189 bulkhead on a parcel of land where there is no docking

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1190 structure, shall not be subject to any more stringent permitting  
1191 requirements, registration requirements, or other regulation by  
1192 any local government. Local governments may require either  
1193 permitting or one-time registration of floating vessel platforms  
1194 to be attached to a bulkhead on a parcel of land where there is  
1195 no other docking structure as necessary to ensure compliance  
1196 with local ordinances, codes, or regulations. Local governments  
1197 may require either permitting or one-time registration of all  
1198 other floating vessel platforms as necessary to ensure  
1199 compliance with the exemption criteria in this section; to  
1200 ensure compliance with local ordinances, codes, or regulations  
1201 relating to building or zoning, which are no more stringent than  
1202 the exemption criteria in this section or address subjects other  
1203 than subjects addressed by the exemption criteria in this  
1204 section; and to ensure proper installation, maintenance, and  
1205 precautionary or evacuation action following a tropical storm or  
1206 hurricane watch of a floating vessel platform or floating boat  
1207 lift that is proposed to be attached to a bulkhead or parcel of  
1208 land where there is no other docking structure. The exemption  
1209 provided in this paragraph shall be in addition to the exemption  
1210 provided in paragraph (b). The department shall adopt a general  
1211 permit by rule for the construction, installation, operation, or  
1212 maintenance of those floating vessel platforms or floating boat  
1213 lifts that do not qualify for the exemption provided in this  
1214 paragraph but do not cause significant adverse impacts to occur  
1215 individually or cumulatively. The issuance of such general  
1216 permit shall also constitute permission to use or occupy lands  
1217 owned by the Board of Trustees of the Internal Improvement Trust  
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1218 Fund. No local government shall impose a more stringent  
1219 regulation, permitting requirement, registration requirement, or  
1220 other regulation covered by such general permit. Local  
1221 governments may require either permitting or one-time  
1222 registration of floating vessel platforms as necessary to ensure  
1223 compliance with the general permit in this section; to ensure  
1224 compliance with local ordinances, codes, or regulations relating  
1225 to building or zoning that are no more stringent than the  
1226 general permit in this section; and to ensure proper  
1227 installation and maintenance of a floating vessel platform or  
1228 floating boat lift that is proposed to be attached to a bulkhead  
1229 or parcel of land where there is no other docking structure.

1230 (t) The repair, stabilization, or paving of existing  
1231 county maintained roads and the repair or replacement of bridges  
1232 that are part of the roadway, within the Northwest Florida Water  
1233 Management District and the Suwannee River Water Management  
1234 District, provided:

1235 1. The road and associated bridge were in existence and in  
1236 use as a public road or bridge, and were maintained by the  
1237 county as a public road or bridge on or before January 1, 2002;

1238 2. The construction activity does not realign the road or  
1239 expand the number of existing traffic lanes of the existing  
1240 road; however, the work may include the provision of safety  
1241 shoulders, clearance of vegetation, and other work reasonably  
1242 necessary to repair, stabilize, pave, or repave the road,  
1243 provided that the work is constructed by generally accepted  
1244 engineering standards;

1245 3. The construction activity does not expand the existing  
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1246 width of an existing vehicular bridge in excess of that  
1247 reasonably necessary to properly connect the bridge with the  
1248 road being repaired, stabilized, paved, or repaved to safely  
1249 accommodate the traffic expected on the road, which may include  
1250 expanding the width of the bridge to match the existing  
1251 connected road. However, no debris from the original bridge  
1252 shall be allowed to remain in waters of the state, including  
1253 wetlands;

1254 4. Best management practices for erosion control shall be  
1255 employed as necessary to prevent water quality violations;

1256 5. Roadside swales or other effective means of stormwater  
1257 treatment must be incorporated as part of the project;

1258 6. No more dredging or filling of wetlands or water of the  
1259 state is performed than that which is reasonably necessary to  
1260 repair, stabilize, pave, or repave the road or to repair or  
1261 replace the bridge, in accordance with generally accepted  
1262 engineering standards; and

1263 7. Notice of intent to use the exemption is provided to  
1264 the department, if the work is to be performed within the  
1265 Northwest Florida Water Management District, or to the Suwannee  
1266 River Water Management District, if the work is to be performed  
1267 within the Suwannee River Water Management District, 30 days  
1268 prior to performing any work under the exemption.

1269  
1270 Within 30 days after this act becomes a law, the department  
1271 shall initiate rulemaking to adopt a no fee general permit for  
1272 the repair, stabilization, or paving of existing roads that are  
1273 maintained by the county and the repair or replacement of

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1274 bridges that are part of the roadway where such activities do  
1275 not cause significant adverse impacts to occur individually or  
1276 cumulatively. The general permit shall apply statewide and, with  
1277 no additional rulemaking required, apply to qualified projects  
1278 reviewed by the Suwannee River Water Management District, the  
1279 St. Johns River Water Management District, the Southwest Florida  
1280 Water Management District, and the South Florida Water  
1281 Management District under the division of responsibilities  
1282 contained in the operating agreements applicable to part IV of  
1283 chapter 373. Upon adoption, this general permit shall, pursuant  
1284 to the provisions of subsection (2), supersede and replace the  
1285 exemption in this paragraph.

1286 (u) Notwithstanding any provision to the contrary in this  
1287 subsection, a permit or other authorization under chapter 253,  
1288 chapter 369, chapter 373, or this chapter is not required for an  
1289 individual residential property owner for the removal of organic  
1290 detrital material from freshwater rivers or lakes that have a  
1291 natural sand or rocky substrate and that are not Aquatic  
1292 Preserves or for the associated removal and replanting of  
1293 aquatic vegetation for the purpose of environmental enhancement,  
1294 providing that:

1295 1. No activities under this exemption are conducted in  
1296 wetland areas, as defined by s. 373.019(25), which are supported  
1297 by a natural soil as shown in applicable United States  
1298 Department of Agriculture county soil surveys.

1299 2. No filling or peat mining is allowed.

1300 3. No removal of native wetland trees, including, but not  
1301 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

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1302 4. When removing organic detrital material, no portion of  
1303 the underlying natural mineral substrate or rocky substrate is  
1304 removed.

1305 5. Organic detrital material and plant material removed is  
1306 deposited in an upland site in a manner that will not cause  
1307 water quality violations.

1308 6. All activities are conducted in such a manner, and with  
1309 appropriate turbidity controls, so as to prevent any water  
1310 quality violations outside the immediate work area.

1311 7. Replanting with a variety of aquatic plants native to  
1312 the state shall occur in a minimum of 25 percent of the  
1313 preexisting vegetated areas where organic detrital material is  
1314 removed, except for areas where the material is removed to bare  
1315 rocky substrate; however, an area may be maintained clear of  
1316 vegetation as an access corridor. The access corridor width may  
1317 not exceed 50 percent of the property owner's frontage or 50  
1318 feet, whichever is less, and may be a sufficient length  
1319 waterward to create a corridor to allow access for a boat or  
1320 swimmer to reach open water. Replanting must be at a minimum  
1321 density of 2 feet on center and be completed within 90 days  
1322 after removal of existing aquatic vegetation, except that under  
1323 dewatered conditions replanting must be completed within 90 days  
1324 after reflooding. The area to be replanted must extend waterward  
1325 from the ordinary high water line to a point where normal water  
1326 depth would be 3 feet or the preexisting vegetation line,  
1327 whichever is less. Individuals are required to make a reasonable  
1328 effort to maintain planting density for a period of 6 months  
1329 after replanting is complete, and the plants, including

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1330 naturally recruited native aquatic plants, must be allowed to  
1331 expand and fill in the revegetation area. Native aquatic plants  
1332 to be used for revegetation must be salvaged from the  
1333 enhancement project site or obtained from an aquatic plant  
1334 nursery regulated by the Department of Agriculture and Consumer  
1335 Services. Plants that are not native to the state may not be  
1336 used for replanting.

1337 8. No activity occurs any farther than 100 feet waterward  
1338 of the ordinary high water line, and all activities must be  
1339 designed and conducted in a manner that will not unreasonably  
1340 restrict or infringe upon the riparian rights of adjacent upland  
1341 riparian owners.

1342 9. The person seeking this exemption notifies the  
1343 applicable department district office in writing at least 30  
1344 days before commencing work and allows the department to conduct  
1345 a preconstruction site inspection. Notice must include an  
1346 organic-detrital-material removal and disposal plan and, if  
1347 applicable, a vegetation-removal and revegetation plan.

1348 10. The department is provided written certification of  
1349 compliance with the terms and conditions of this paragraph  
1350 within 30 days after completion of any activity occurring under  
1351 this exemption.

1352 (2) The provisions of subsection (1) are superseded by  
1353 general permits established pursuant to ss. 373.118 and 403.814  
1354 which include the same activities. Until such time as general  
1355 permits are established, or if ~~should~~ general permits are ~~be~~  
1356 suspended or repealed, the exemptions under subsection (1) shall  
1357 remain or shall be reestablished in full force and effect.

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1358 Section 24. Subsection (12) is added to section 403.814,  
1359 Florida Statutes, to read:

1360 403.814 General permits; delegation.--

1361 (12) The department shall expand the use of Internet-based  
1362 self-certification services for appropriate exemptions and  
1363 general permits issued by the department and water management  
1364 districts, providing such expansion is economically feasible. In  
1365 addition, the department shall identify and develop general  
1366 permits for activities currently requiring individual review  
1367 which could be expedited through the use of professional  
1368 certifications. The department shall submit a report on progress  
1369 of these efforts to the President of the Senate and the Speaker  
1370 of the House of Representatives by January 15, 2010.

1371 Section 25. Section 403.973, Florida Statutes, is amended  
1372 to read:

1373 403.973 Expedited permitting; comprehensive plan  
1374 amendments.--

1375 (1) It is the intent of the Legislature to encourage and  
1376 facilitate the location and expansion of those types of economic  
1377 development projects which offer job creation and high wages,  
1378 strengthen and diversify the state's economy, and have been  
1379 thoughtfully planned to take into consideration the protection  
1380 of the state's environment. It is also the intent of the  
1381 Legislature to provide for an expedited permitting and  
1382 comprehensive plan amendment process for such projects.

1383 (2) As used in this section, the term:

1384 (a) "Duly noticed" means publication in a newspaper of  
1385 general circulation in the municipality or county with

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1386 jurisdiction. The notice shall appear on at least 2 separate  
1387 days, one of which shall be at least 7 days before the meeting.  
1388 The notice shall state the date, time, and place of the meeting  
1389 scheduled to discuss or enact the memorandum of agreement, and  
1390 the places within the municipality or county where such proposed  
1391 memorandum of agreement may be inspected by the public. The  
1392 notice must be one-eighth of a page in size and must be  
1393 published in a portion of the paper other than the legal notices  
1394 section. The notice shall also advise that interested parties  
1395 may appear at the meeting and be heard with respect to the  
1396 memorandum of agreement.

1397 (b) "Jobs" means permanent, full-time equivalent positions  
1398 not including construction jobs.

1399 ~~(c) "Office" means the Office of Tourism, Trade, and~~  
1400 ~~Economic Development.~~

1401 (c) ~~(d)~~ "Permit applications" means state permits and  
1402 licenses, and at the option of a participating local government,  
1403 local development permits or orders.

1404 (d) "Secretary" means the Secretary of Environmental  
1405 Protection or his or her designee.

1406 (3) (a) The secretary ~~Governor, through the office,~~ shall  
1407 direct the creation of regional permit action teams, for the  
1408 purpose of expediting review of permit applications and local  
1409 comprehensive plan amendments submitted by:

- 1410 1. Businesses creating at least 50 ~~100~~ jobs, or
- 1411 2. Businesses creating at least 25 ~~50~~ jobs if the project  
1412 is located in an enterprise zone, or in a county having a  
1413 population of less than 75,000 or in a county having a

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1414 population of less than 100,000 which is contiguous to a county  
1415 having a population of less than 75,000, as determined by the  
1416 most recent decennial census, residing in incorporated and  
1417 unincorporated areas of the county, or

1418 (b) On a case-by-case basis and at the request of a county  
1419 or municipal government, the secretary ~~office~~ may certify as  
1420 eligible for expedited review a project not meeting the minimum  
1421 job creation thresholds but creating a minimum of 10 jobs. The  
1422 recommendation from the governing body of the county or  
1423 municipality in which the project may be located is required in  
1424 order for the secretary ~~office~~ to certify that any project is  
1425 eligible for expedited review under this paragraph. When  
1426 considering projects that do not meet the minimum job creation  
1427 thresholds but that are recommended by the governing body in  
1428 which the project may be located, the secretary ~~office~~ shall  
1429 consider economic impact factors that include, but are not  
1430 limited to:

- 1431 1. The proposed wage and skill levels relative to those  
1432 existing in the area in which the project may be located;
- 1433 2. The project's potential to diversify and strengthen the  
1434 area's economy;
- 1435 3. The amount of capital investment; and
- 1436 4. The number of jobs that will be made available for  
1437 persons served by the welfare transition program.

1438 (c) At the request of a county or municipal government,  
1439 the secretary ~~office~~ or a Quick Permitting County may certify  
1440 projects located in counties where the ratio of new jobs per  
1441 participant in the welfare transition program, as determined by  
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1442 Workforce Florida, Inc., is less than one or otherwise critical,  
1443 as eligible for the expedited permitting process. Such projects  
1444 must meet the numerical job creation criteria of this  
1445 subsection, but the jobs created by the project do not have to  
1446 be high-wage jobs that diversify the state's economy.

1447 (d) Projects located in a designated brownfield area are  
1448 eligible for the expedited permitting process.

1449 (e) Projects that are part of the state-of-the-art  
1450 biomedical research institution and campus to be established in  
1451 this state by the grantee under s. 288.955 are eligible for the  
1452 expedited permitting process, if the projects are designated as  
1453 part of the institution or campus by the board of county  
1454 commissioners of the county in which the institution and campus  
1455 are established.

1456 (f) Projects that result in the production of biofuels  
1457 cultivated on lands that are 1,000 acres or more or the  
1458 construction of a biofuel or biodiesel processing facility or a  
1459 facility generating renewable energy as defined in s.  
1460 366.91(2)(d) are eligible for the expedited permitting process.

1461 (4) The regional teams shall be established through the  
1462 execution of memoranda of agreement developed by the applicant  
1463 and between the secretary, with input solicited from office and  
1464 the respective heads of the Department of Environmental  
1465 Protection, the Department of Community Affairs, the Department  
1466 of Transportation and its district offices, the Department of  
1467 Agriculture and Consumer Services, the Fish and Wildlife  
1468 Conservation Commission, appropriate regional planning councils,  
1469 appropriate water management districts, and voluntarily

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1470 participating municipalities and counties. The memoranda of  
1471 agreement should also accommodate participation in this  
1472 expedited process by other local governments and federal  
1473 agencies as circumstances warrant.

1474 (5) In order to facilitate local government's option to  
1475 participate in this expedited review process, the secretary  
1476 ~~office~~ shall, in cooperation with local governments and  
1477 participating state agencies, create a standard form memorandum  
1478 of agreement. A local government shall hold a duly noticed  
1479 public workshop to review and explain to the public the  
1480 expedited permitting process and the terms and conditions of the  
1481 standard form memorandum of agreement.

1482 (6) The local government shall hold a duly noticed public  
1483 hearing to execute a memorandum of agreement for each qualified  
1484 project. Notwithstanding any other provision of law, and at the  
1485 option of the local government, the workshop provided for in  
1486 subsection (5) may be conducted on the same date as the public  
1487 hearing held under this subsection. The memorandum of agreement  
1488 that a local government signs shall include a provision  
1489 identifying necessary local government procedures and time  
1490 limits that will be modified to allow for the local government  
1491 decision on the project within 90 days. The memorandum of  
1492 agreement applies to projects, on a case-by-case basis, that  
1493 qualify for special review and approval as specified in this  
1494 section. The memorandum of agreement must make it clear that  
1495 this expedited permitting and review process does not modify,  
1496 qualify, or otherwise alter existing local government  
1497 nonprocedural standards for permit applications, unless

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1498 expressly authorized by law.

1499 ~~(7) At the option of the participating local government,~~  
1500 Appeals of local government approvals ~~its final approval~~ for a  
1501 project shall ~~may~~ be pursuant to the summary hearing provisions  
1502 of s. 120.574, pursuant to subsection (14), and be consolidated  
1503 with the challenge of any applicable state agency actions ~~or~~  
1504 ~~pursuant to other appellate processes available to the local~~  
1505 ~~government. The local government's decision to enter into a~~  
1506 ~~summary hearing must be made as provided in s. 120.574 or in the~~  
1507 ~~memorandum of agreement.~~

1508 (8) Each memorandum of agreement shall include a process  
1509 for final agency action on permit applications and local  
1510 comprehensive plan amendment approvals within 90 days after  
1511 receipt of a completed application, unless the applicant agrees  
1512 to a longer time period or the secretary ~~office~~ determines that  
1513 unforeseen or uncontrollable circumstances preclude final agency  
1514 action within the 90-day timeframe. Permit applications governed  
1515 by federally delegated or approved permitting programs whose  
1516 requirements would prohibit or be inconsistent with the 90-day  
1517 timeframe are exempt from this provision, but must be processed  
1518 by the agency with federally delegated or approved program  
1519 responsibility as expeditiously as possible.

1520 (9) The secretary ~~office~~ shall inform the Legislature by  
1521 October 1 of each year which agencies have not entered into or  
1522 implemented an agreement and identify any barriers to achieving  
1523 success of the program.

1524 (10) The memoranda of agreement may provide for the waiver  
1525 or modification of procedural rules prescribing forms, fees,  
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1526 | procedures, or time limits for the review or processing of  
1527 | permit applications under the jurisdiction of those agencies  
1528 | that are party to the memoranda of agreement. Notwithstanding  
1529 | any other provision of law to the contrary, a memorandum of  
1530 | agreement must to the extent feasible provide for proceedings  
1531 | and hearings otherwise held separately by the parties to the  
1532 | memorandum of agreement to be combined into one proceeding or  
1533 | held jointly and at one location. Such waivers or modifications  
1534 | shall not be available for permit applications governed by  
1535 | federally delegated or approved permitting programs, the  
1536 | requirements of which would prohibit, or be inconsistent with,  
1537 | such a waiver or modification.

1538 |       (11) The standard form memoranda of agreement shall  
1539 | include guidelines to be used in working with state, regional,  
1540 | and local permitting authorities. Guidelines may include, but  
1541 | are not limited to, the following:

1542 |       (a) A central contact point for filing permit applications  
1543 | and local comprehensive plan amendments and for obtaining  
1544 | information on permit and local comprehensive plan amendment  
1545 | requirements;

1546 |       (b) Identification of the individual or individuals within  
1547 | each respective agency who will be responsible for processing  
1548 | the expedited permit application or local comprehensive plan  
1549 | amendment for that agency;

1550 |       (c) A mandatory preapplication review process to reduce  
1551 | permitting conflicts by providing guidance to applicants  
1552 | regarding the permits needed from each agency and governmental  
1553 | entity, site planning and development, site suitability and  
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1554 limitations, facility design, and steps the applicant can take  
1555 to ensure expeditious permit application and local comprehensive  
1556 plan amendment review. As a part of this process, the first  
1557 interagency meeting to discuss a project shall be held within 14  
1558 days after the secretary's ~~office's~~ determination that the  
1559 project is eligible for expedited review. Subsequent interagency  
1560 meetings may be scheduled to accommodate the needs of  
1561 participating local governments that are unable to meet public  
1562 notice requirements for executing a memorandum of agreement  
1563 within this timeframe. This accommodation may not exceed 45 days  
1564 from the secretary's ~~office's~~ determination that the project is  
1565 eligible for expedited review;

1566 (d) The preparation of a single coordinated project  
1567 description form and checklist and an agreement by state and  
1568 regional agencies to reduce the burden on an applicant to  
1569 provide duplicate information to multiple agencies;

1570 (e) Establishment of a process for the adoption and review  
1571 of any comprehensive plan amendment needed by any certified  
1572 project within 90 days after the submission of an application  
1573 for a comprehensive plan amendment. However, the memorandum of  
1574 agreement may not prevent affected persons as defined in s.  
1575 163.3184 from appealing or participating in this expedited plan  
1576 amendment process and any review or appeals of decisions made  
1577 under this paragraph; and

1578 (f) Additional incentives for an applicant who proposes a  
1579 project that provides a net ecosystem benefit.

1580 (12) The applicant, the regional permit action team, and  
1581 participating local governments may agree to incorporate into a  
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1582 single document the permits, licenses, and approvals that are  
1583 obtained through the expedited permit process. This consolidated  
1584 permit is subject to the summary hearing provisions set forth in  
1585 subsection (14).

1586 (13) Notwithstanding any other provisions of law:

1587 (a) Local comprehensive plan amendments for projects  
1588 qualified under this section are exempt from the twice-a-year  
1589 limits provision in s. 163.3187; and

1590 (b) Projects qualified under this section are not subject  
1591 to interstate highway level-of-service standards adopted by the  
1592 Department of Transportation for concurrency purposes. The  
1593 memorandum of agreement specified in subsection (5) must include  
1594 a process by which the applicant will be assessed a fair share  
1595 of the cost of mitigating the project's significant traffic  
1596 impacts, as defined in chapter 380 and related rules. The  
1597 agreement must also specify whether the significant traffic  
1598 impacts on the interstate system will be mitigated through the  
1599 implementation of a project or payment of funds to the  
1600 Department of Transportation. Where funds are paid, the  
1601 Department of Transportation must include in the 5-year work  
1602 program transportation projects or project phases, in an amount  
1603 equal to the funds received, to mitigate the traffic impacts  
1604 associated with the proposed project.

1605 (14) (a) Challenges to state agency action in the expedited  
1606 permitting process for projects processed under this section are  
1607 subject to the summary hearing provisions of s. 120.574, except  
1608 that the administrative law judge's decision, as provided in s.  
1609 120.574(2)(f), shall be in the form of a recommended order and  
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1610 shall not constitute the final action of the state agency. In  
1611 those proceedings where the action of only one agency of the  
1612 state other than the Department of Environmental Protection is  
1613 challenged, the agency of the state shall issue the final order  
1614 within 45 ~~10~~ working days after ~~of~~ receipt of the administrative  
1615 law judge's recommended order. The recommended order shall  
1616 inform the parties of the right to file exceptions to the  
1617 recommended order and to file responses thereto in accordance  
1618 with the Uniform Rules of Procedure. In those proceedings where  
1619 the actions of more than one agency of the state are challenged,  
1620 the Governor shall issue the final order, except for the  
1621 issuance of department licenses required under any federally  
1622 delegated or approved permit program for which the department  
1623 shall enter the final order, within 45 ~~10~~ working days after ~~of~~  
1624 receipt of the administrative law judge's recommended order. The  
1625 recommended order shall inform the parties of the right to file  
1626 exceptions to the recommended order and to file responses  
1627 thereto in accordance with the Uniform Rules of Procedure. The  
1628 participating agencies of the state may opt at the preliminary  
1629 hearing conference to allow the administrative law judge's  
1630 decision to constitute the final agency action. If a  
1631 participating local government agrees to participate in the  
1632 summary hearing provisions of s. 120.574 for purposes of review  
1633 of local government comprehensive plan amendments, s.  
1634 163.3184(9) and (10) apply.

1635 (b) Challenges to state agency action in the expedited  
1636 permitting process for establishment of a state-of-the-art  
1637 biomedical research institution and campus in this state by the  
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1638 grantee under s. 288.955 or projects identified in paragraph  
1639 (3)(f) are subject to the same requirements as challenges  
1640 brought under paragraph (a), except that, notwithstanding s.  
1641 120.574, summary proceedings must be conducted within 30 days  
1642 after a party files the motion for summary hearing, regardless  
1643 of whether the parties agree to the summary proceeding.

1644 (15) The secretary office, working with the agencies  
1645 providing cooperative assistance and input to participating in  
1646 the memoranda of agreement, shall review sites proposed for the  
1647 location of facilities eligible for the Innovation Incentive  
1648 Program under s. 288.1089. Within 20 days after the request for  
1649 the review by the secretary office, the agencies shall provide  
1650 to the secretary office a statement as to each site's necessary  
1651 permits under local, state, and federal law and an  
1652 identification of significant permitting issues, which if  
1653 unresolved, may result in the denial of an agency permit or  
1654 approval or any significant delay caused by the permitting  
1655 process.

1656 (16) This expedited permitting process shall not modify,  
1657 qualify, or otherwise alter existing agency nonprocedural  
1658 standards for permit applications or local comprehensive plan  
1659 amendments, unless expressly authorized by law. If it is  
1660 determined that the applicant is not eligible to use this  
1661 process, the applicant may apply for permitting of the project  
1662 through the normal permitting processes.

1663 (17) The secretary office shall be responsible for  
1664 certifying a business as eligible for undergoing expedited  
1665 review under this section. Enterprise Florida, Inc., a county or  
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1666 municipal government, or the Rural Economic Development  
1667 Initiative may recommend to the secretary ~~Office of Tourism,~~  
1668 ~~Trade, and Economic Development~~ that a project meeting the  
1669 minimum job creation threshold undergo expedited review.

1670 (18) The secretary ~~office~~, working with the Rural Economic  
1671 Development Initiative and the agencies participating in the  
1672 memoranda of agreement, shall provide technical assistance in  
1673 preparing permit applications and local comprehensive plan  
1674 amendments for counties having a population of less than 75,000  
1675 residents, or counties having fewer than 100,000 residents which  
1676 are contiguous to counties having fewer than 75,000 residents.  
1677 Additional assistance may include, but not be limited to,  
1678 guidance in land development regulations and permitting  
1679 processes, working cooperatively with state, regional, and local  
1680 entities to identify areas within these counties which may be  
1681 suitable or adaptable for preclearance review of specified types  
1682 of land uses and other activities requiring permits.

1683 (19) The following projects are ineligible for review  
1684 under this part:

1685 (a) A project funded and operated by a local government,  
1686 as defined in s. 377.709, and located within that government's  
1687 jurisdiction.

1688 (b) A project, the primary purpose of which is to:

1689 1. Effect the final disposal of solid waste, biomedical  
1690 waste, or hazardous waste in this state.

1691 2. Produce electrical power, unless the production of  
1692 electricity is incidental and not the primary function of the  
1693 project or the electrical power is derived from a fuel source

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1694 for renewable energy as defined in s. 366.91(2)(d).

1695 3. Extract natural resources.

1696 4. Produce oil.

1697 5. Construct, maintain, or operate an oil, petroleum,  
1698 natural gas, or sewage pipeline.

1699 Section 26. Paragraph (f) of subsection (2) of section  
1700 14.2015, Florida Statutes, is amended to read:

1701 14.2015 Office of Tourism, Trade, and Economic  
1702 Development; creation; powers and duties.--

1703 (2) The purpose of the Office of Tourism, Trade, and  
1704 Economic Development is to assist the Governor in working with  
1705 the Legislature, state agencies, business leaders, and economic  
1706 development professionals to formulate and implement coherent  
1707 and consistent policies and strategies designed to provide  
1708 economic opportunities for all Floridians. To accomplish such  
1709 purposes, the Office of Tourism, Trade, and Economic Development  
1710 shall:

1711 (f)1. Administer the Florida Enterprise Zone Act under ss.  
1712 290.001-290.016, the community contribution tax credit program  
1713 under ss. 220.183 and 624.5105, the tax refund program for  
1714 qualified target industry businesses under s. 288.106, the tax-  
1715 refund program for qualified defense contractors and space  
1716 flight business contractors under s. 288.1045, contracts for  
1717 transportation projects under s. 288.063, the sports franchise  
1718 facility program under s. 288.1162, the professional golf hall  
1719 of fame facility program under s. 288.1168, ~~the expedited~~  
1720 ~~permitting process under s. 403.973,~~ the Rural Community  
1721 Development Revolving Loan Fund under s. 288.065, the Regional  
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HOUSE AMENDMENT  
Bill No. CS/CS/SB 682

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1722 Rural Development Grants Program under s. 288.018, the Certified  
1723 Capital Company Act under s. 288.99, the Florida State Rural  
1724 Development Council, the Rural Economic Development Initiative,  
1725 and other programs that are specifically assigned to the office  
1726 by law, by the appropriations process, or by the Governor.  
1727 Notwithstanding any other provisions of law, the office may  
1728 expend interest earned from the investment of program funds  
1729 deposited in the Grants and Donations Trust Fund to contract for  
1730 the administration of the programs, or portions of the programs,  
1731 enumerated in this paragraph or assigned to the office by law,  
1732 by the appropriations process, or by the Governor. Such  
1733 expenditures shall be subject to review under chapter 216.

1734         2. The office may enter into contracts in connection with  
1735 the fulfillment of its duties concerning the Florida First  
1736 Business Bond Pool under chapter 159, tax incentives under  
1737 chapters 212 and 220, tax incentives under the Certified Capital  
1738 Company Act in chapter 288, foreign offices under chapter 288,  
1739 the Enterprise Zone program under chapter 290, the Seaport  
1740 Employment Training program under chapter 311, the Florida  
1741 Professional Sports Team License Plates under chapter 320,  
1742 Spaceport Florida under chapter 331, ~~Expedited Permitting under~~  
1743 ~~chapter 403~~, and in carrying out other functions that are  
1744 specifically assigned to the office by law, by the  
1745 appropriations process, or by the Governor.

1746         Section 27. Paragraph (e) of subsection (2) of section  
1747 288.0655, Florida Statutes, is amended to read:

1748             288.0655 Rural Infrastructure Fund.--

1749             (2)

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1750 (e) To enable local governments to access the resources  
1751 available pursuant to s. 403.973(18), the office, working with  
1752 the Secretary of Environmental Protection, may award grants for  
1753 surveys, feasibility studies, and other activities related to  
1754 the identification and preclearance review of land which is  
1755 suitable for preclearance review. Authorized grants under this  
1756 paragraph shall not exceed \$75,000 each, except in the case of a  
1757 project in a rural area of critical economic concern, in which  
1758 case the grant shall not exceed \$300,000. Any funds awarded  
1759 under this paragraph must be matched at a level of 50 percent  
1760 with local funds, except that any funds awarded for a project in  
1761 a rural area of critical economic concern must be matched at a  
1762 level of 33 percent with local funds. In evaluating applications  
1763 under this paragraph, the office shall consider the extent to  
1764 which the application seeks to minimize administrative and  
1765 consultant expenses.

1766 Section 28. Paragraph (d) of subsection (2) and paragraph  
1767 (b) of subsection (19) of section 380.06, Florida Statutes, are  
1768 amended to read:

1769 380.06 Developments of regional impact.--

1770 (2) STATEWIDE GUIDELINES AND STANDARDS.--

1771 (d) The guidelines and standards shall be applied as  
1772 follows:

1773 1. Fixed thresholds.--

1774 a. A development that is below 100 percent of all  
1775 numerical thresholds in the guidelines and standards shall not  
1776 be required to undergo development-of-regional-impact review.

1777 b. A development that is at or above 120 percent of any  
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1778 numerical threshold shall be required to undergo development-of-  
1779 regional-impact review.

1780 c. Projects certified under s. 403.973 which create at  
1781 least 50 ~~100~~ jobs and meet the criteria of the Secretary of  
1782 Environmental Protection ~~Office of Tourism, Trade, and Economic~~  
1783 ~~Development~~ as to their impact on an area's economy, employment,  
1784 and prevailing wage and skill levels that are at or below 100  
1785 percent of the numerical thresholds for industrial plants,  
1786 industrial parks, distribution, warehousing or wholesaling  
1787 facilities, office development or multiuse projects other than  
1788 residential, as described in s. 380.0651(3)(c), (d), and (h),  
1789 are not required to undergo development-of-regional-impact  
1790 review.

1791 2. Rebuttable presumption.--It shall be presumed that a  
1792 development that is at 100 percent or between 100 and 120  
1793 percent of a numerical threshold shall be required to undergo  
1794 development-of-regional-impact review.

1795 (19) SUBSTANTIAL DEVIATIONS.--

1796 (b) Any proposed change to a previously approved  
1797 development of regional impact or development order condition  
1798 which, either individually or cumulatively with other changes,  
1799 exceeds any of the following criteria shall constitute a  
1800 substantial deviation and shall cause the development to be  
1801 subject to further development-of-regional-impact review without  
1802 the necessity for a finding of same by the local government:

1803 1. An increase in the number of parking spaces at an  
1804 attraction or recreational facility by 10 percent or 330 spaces,  
1805 whichever is greater, or an increase in the number of spectators

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1806 that may be accommodated at such a facility by 10 percent or  
1807 1,100 spectators, whichever is greater.

1808 2. A new runway, a new terminal facility, a 25-percent  
1809 lengthening of an existing runway, or a 25-percent increase in  
1810 the number of gates of an existing terminal, but only if the  
1811 increase adds at least three additional gates.

1812 3. An increase in industrial development area by 10  
1813 percent or 35 acres, whichever is greater.

1814 4. An increase in the average annual acreage mined by 10  
1815 percent or 11 acres, whichever is greater, or an increase in the  
1816 average daily water consumption by a mining operation by 10  
1817 percent or 330,000 gallons, whichever is greater. A net increase  
1818 in the size of the mine by 10 percent or 825 acres, whichever is  
1819 less. For purposes of calculating any net increases in size,  
1820 only additions and deletions of lands that have not been mined  
1821 shall be considered. An increase in the size of a heavy mineral  
1822 mine as defined in s. 378.403(7) will only constitute a  
1823 substantial deviation if the average annual acreage mined is  
1824 more than 550 acres and consumes more than 3.3 million gallons  
1825 of water per day.

1826 5. An increase in land area for office development by 10  
1827 percent or an increase of gross floor area of office development  
1828 by 10 percent or 66,000 gross square feet, whichever is greater.

1829 6. An increase in the number of dwelling units by 10  
1830 percent or 55 dwelling units, whichever is greater.

1831 7. An increase in the number of dwelling units by 50  
1832 percent or 200 units, whichever is greater, provided that 15  
1833 percent of the proposed additional dwelling units are dedicated

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1834 to affordable workforce housing, subject to a recorded land use  
1835 restriction that shall be for a period of not less than 20 years  
1836 and that includes resale provisions to ensure long-term  
1837 affordability for income-eligible homeowners and renters and  
1838 provisions for the workforce housing to be commenced prior to  
1839 the completion of 50 percent of the market rate dwelling. For  
1840 purposes of this subparagraph, the term "affordable workforce  
1841 housing" means housing that is affordable to a person who earns  
1842 less than 120 percent of the area median income, or less than  
1843 140 percent of the area median income if located in a county in  
1844 which the median purchase price for a single-family existing  
1845 home exceeds the statewide median purchase price of a single-  
1846 family existing home. For purposes of this subparagraph, the  
1847 term "statewide median purchase price of a single-family  
1848 existing home" means the statewide purchase price as determined  
1849 in the Florida Sales Report, Single-Family Existing Homes,  
1850 released each January by the Florida Association of Realtors and  
1851 the University of Florida Real Estate Research Center.

1852 8. An increase in commercial development by 55,000 square  
1853 feet of gross floor area or of parking spaces provided for  
1854 customers for 330 cars or a 10-percent increase of either of  
1855 these, whichever is greater.

1856 9. An increase in hotel or motel rooms by 10 percent or 83  
1857 rooms, whichever is greater.

1858 10. An increase in a recreational vehicle park area by 10  
1859 percent or 110 vehicle spaces, whichever is less.

1860 11. A decrease in the area set aside for open space of 5  
1861 percent or 20 acres, whichever is less.

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1862           12. A proposed increase to an approved multiuse  
1863 development of regional impact where the sum of the increases of  
1864 each land use as a percentage of the applicable substantial  
1865 deviation criteria is equal to or exceeds 110 percent. The  
1866 percentage of any decrease in the amount of open space shall be  
1867 treated as an increase for purposes of determining when 110  
1868 percent has been reached or exceeded.

1869           13. A 15-percent increase in the number of external  
1870 vehicle trips generated by the development above that which was  
1871 projected during the original development-of-regional-impact  
1872 review.

1873           14. Any change which would result in development of any  
1874 area which was specifically set aside in the application for  
1875 development approval or in the development order for  
1876 preservation or special protection of endangered or threatened  
1877 plants or animals designated as endangered, threatened, or  
1878 species of special concern and their habitat, any species  
1879 protected by 16 U.S.C. ss. 668a-668d, primary dunes, or  
1880 archaeological and historical sites designated as significant by  
1881 the Division of Historical Resources of the Department of State.  
1882 The refinement of the boundaries and configuration of such areas  
1883 shall be considered under sub-subparagraph (e)2.j.

1884  
1885 The substantial deviation numerical standards in subparagraphs  
1886 3., 5., 8., 9., and 12., excluding residential uses, and in  
1887 subparagraph 13., are increased by 100 percent for a project  
1888 certified under s. 403.973 which creates jobs and meets criteria  
1889 established by the Secretary of Environmental Protection Office  
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1890 ~~of Tourism, Trade, and Economic Development~~ as to its impact on  
1891 an area's economy, employment, and prevailing wage and skill  
1892 levels. The substantial deviation numerical standards in  
1893 subparagraphs 3., 5., 6., 7., 8., 9., 12., and 13. are increased  
1894 by 50 percent for a project located wholly within an urban  
1895 infill and redevelopment area designated on the applicable  
1896 adopted local comprehensive plan future land use map and not  
1897 located within the coastal high hazard area.

1898 Section 29. Subsection (20) is added to section 373.414,  
1899 Florida Statutes, to read:

1900 373.414 Additional criteria for activities in surface  
1901 waters and wetlands.--

1902 (20) (a) The mitigation requirements under this part shall  
1903 be deemed satisfied for permits providing conceptual approval of  
1904 the long-term build out or expansion of an existing airport  
1905 which is operated by an aviation authority created by a special  
1906 act and located within the Upper Kissimmee Planning Unit  
1907 established under s. 403.067 if:

1908 1. The amount of mitigation required to offset impacts to  
1909 wetlands and other surface waters associated with such build out  
1910 or expansion is determined by the methodology established  
1911 pursuant to subsection (18);

1912 2. The specific measures acceptable to the authority to  
1913 offset the impacts to wetlands and other surface waters are  
1914 provided for in the permits authorizing the actual construction  
1915 of the airport build out or expansion; and

1916 3. The mitigation required for such impacts is identified  
1917 by the authority and committed within three years of issuance of

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1918 the conceptual approval permit.

1919 (b) Conceptual approval permits issued to such authorities  
1920 under this subsection may be issued for durations of up to 5  
1921 years.

1922 Section 30. Section 373.185, Florida Statutes, is amended  
1923 to read:

1924 373.185 Local Florida-friendly landscaping ~~Xeriscape~~  
1925 ordinances.--

1926 (1) As used in this section, the term:

1927 (a) "Local government" means any county or municipality of  
1928 the state.

1929 (b) ~~"Xeriscape" or~~ "Florida-friendly landscaping  
1930 ~~landscape~~" means quality landscapes that conserve water, and  
1931 protect the environment, and are adaptable to local conditions,  
1932 and ~~which~~ are drought tolerant. The principles of Florida-  
1933 friendly landscaping ~~Xeriscape~~ include planting the right plant  
1934 in the right place, efficient watering, appropriate  
1935 fertilization, mulching, attraction of wildlife, responsible  
1936 management of yard pests, recycling yard waste, reduction of  
1937 stormwater runoff, and waterfront protection. The principles of  
1938 Florida-friendly landscaping include practices such as landscape  
1939 planning and design, appropriate choice of plants, soil  
1940 analysis, which may include the appropriate use of solid waste  
1941 compost, minimizing the use of efficient irrigation, practical  
1942 use of turf, appropriate use of mulches, and proper maintenance.

1943 (2) Each water management district shall design and  
1944 implement an incentive program to encourage all local  
1945 governments within its district to adopt new ordinances or amend  
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1946 existing ordinances to require Florida-friendly Xeriscape  
1947 landscaping for development permitted after the effective date  
1948 of the new ordinance or amendment. ~~Each district shall adopt~~  
1949 ~~rules governing the implementation of its incentive program and~~  
1950 ~~governing the review and approval of local government Xeriscape~~  
1951 ~~ordinances or amendments which are intended to qualify a local~~  
1952 ~~government for the incentive program.~~ Each district shall assist  
1953 the local governments within its jurisdiction by providing a  
1954 model Florida-friendly landscaping ordinance Xeriscape code and  
1955 other technical assistance. Each district may develop its own  
1956 model or use a model contained in the "Florida-Friendly  
1957 Landscape Guidance Models for Ordinances, Covenants, and  
1958 Restrictions" manual developed by the Department of  
1959 Environmental Protection. A local government Florida-friendly  
1960 landscaping Xeriscape ordinance or amendment, in order to  
1961 qualify the local government for a district's incentive program,  
1962 must include, at a minimum:

1963 (a) Landscape design, installation, and maintenance  
1964 standards that result in water conservation and water quality  
1965 protection or restoration. Such standards shall address the use  
1966 of plant groupings, soil analysis including the promotion of the  
1967 use of solid waste compost, efficient irrigation systems, and  
1968 other water-conserving practices.

1969 (b) Identification of prohibited invasive exotic plant  
1970 species consistent with the provisions of s. 581.091.

1971 (c) Identification of controlled plant species,  
1972 accompanied by the conditions under which such plants may be  
1973 used.

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1974 (d) A provision specifying the maximum percentage of  
1975 irrigated turf and the maximum percentage of impervious surfaces  
1976 allowed in a Florida-friendly landscaped ~~xeriscaped~~ area and  
1977 addressing the practical selection and installation of turf.

1978 (e) Specific standards for land clearing and requirements  
1979 for the preservation of existing native vegetation.

1980 (f) A monitoring program for ordinance implementation and  
1981 compliance.

1982  
1983 In addition to developing and implementing an incentive program,  
1984 each district ~~The districts also~~ shall work with local  
1985 governments, the Department of Environmental Protection, county  
1986 extension agents or offices, nursery and landscape industry  
1987 groups, and other interested stakeholders to promote, through  
1988 educational programs, ~~and~~ publications, and other activities of  
1989 the district authorized under this chapter, the use of Florida-  
1990 friendly landscaping ~~xeriscape~~ practices, including the use of  
1991 solid waste compost, in ~~existing~~ residential and commercial  
1992 development. In these activities, each district shall use the  
1993 materials developed by the department, the Institute of Food and  
1994 Agricultural Sciences at the University of Florida, and the  
1995 Center for Landscape Conservation and Ecology Florida-friendly  
1996 landscaping program, including, but not limited to, the Florida  
1997 Yards and Neighborhoods Program for homeowners, the Florida  
1998 Yards and Neighborhoods Builder Developer Program for  
1999 developers, and the Green Industries Best Management Practices  
2000 Program for landscaping professionals. Each district may develop  
2001 supplemental materials as appropriate to address the physical

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2002 and natural characteristics of the district. The districts shall  
2003 coordinate with the department and the Institute of Food and  
2004 Agricultural Sciences at the University of Florida if revisions  
2005 to the educational materials of the department or university are  
2006 needed. This section may not be construed to limit the authority  
2007 of the districts to require Xeriscape ordinances or practices as  
2008 a condition of any consumptive use permit.

2009 (3) (a) The Legislature finds that the use of Florida-  
2010 friendly landscaping and other water use and pollution  
2011 prevention measures that conserve or protect the state's water  
2012 resources serves a compelling public interest and that the  
2013 participation of homeowners' associations and local governments  
2014 is essential to state water conservation and water quality  
2015 protection and restoration efforts.

2016 (b) A deed restriction or covenant entered after October  
2017 1, 2001, or local government ordinance may not prohibit or be  
2018 enforced to prohibit any property owner from implementing  
2019 Xeriscape or Florida-friendly landscaping landscape on his or  
2020 her land or create any requirement or limitation in conflict  
2021 with any provision of part II of this chapter or a water  
2022 shortage order, other order, consumptive use permit, or rule  
2023 adopted or issued pursuant to part II of this chapter.

2024 (c) A local government ordinance may not prohibit or be  
2025 enforced so as to prohibit any property owner from implementing  
2026 Florida-friendly landscaping on his or her land.

2027 (4) This section may not be construed to limit the  
2028 authority of the department or the districts to require Florida-  
2029 friendly landscaping ordinances or practices as a condition of

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2030 any permit under this chapter.

2031 Section 31. Section 373.187, Florida Statutes, is created  
2032 to read:

2033 373.187 Water management district implementation of  
2034 Florida-friendly landscaping.--Each water management district  
2035 shall use Florida-friendly landscaping, as defined in s.  
2036 373.185, on public property associated with buildings and  
2037 facilities owned by the water management district and  
2038 constructed after June 30, 2009. Each water management district  
2039 shall also develop a 5-year program for phasing in the use of  
2040 Florida-friendly landscaping on public property associated with  
2041 buildings or facilities owned by the water management district  
2042 and constructed before July 1, 2009.

2043 Section 32. Section 373.228, Florida Statutes, is amended  
2044 to read:

2045 373.228 Landscape irrigation design.--

2046 (1) The Legislature finds that multiple areas throughout  
2047 the state have been identified by water management districts as  
2048 water resource caution areas, which indicates that in the near  
2049 future water demand in those areas will exceed the current  
2050 available water supply and that conservation is one of the  
2051 mechanisms by which future water demand will be met.

2052 (2) The Legislature finds that landscape irrigation  
2053 comprises a significant portion of water use and that the  
2054 current typical landscape irrigation system and Florida-friendly  
2055 landscaping ~~xeriscape~~ designs offer significant potential water  
2056 conservation benefits.

2057 (3) It is the intent of the Legislature to improve

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2058 landscape irrigation water use efficiency by ensuring that  
2059 landscape irrigation systems meet or exceed minimum design  
2060 criteria.

2061 (4) The water management districts shall work with the  
2062 Florida Nursery Nurserymen and Growers and Landscape  
2063 Association, the Florida Native Plant Society, the Florida  
2064 Chapter of the American Society of Landscape Architects, the  
2065 Florida Irrigation Society, the Department of Agriculture and  
2066 Consumer Services, the Institute of Food and Agricultural  
2067 Sciences, the Department of Environmental Protection, the  
2068 Department of Transportation, the Florida League of Cities, the  
2069 Florida Association of Counties, and the Florida Association of  
2070 Community Developers to develop landscape irrigation and  
2071 Florida-friendly landscaping xeriscape design standards for new  
2072 construction which incorporate a landscape irrigation system and  
2073 develop scientifically based model guidelines for urban,  
2074 commercial, and residential landscape irrigation, including drip  
2075 irrigation, for plants, trees, sod, and other landscaping. The  
2076 landscape and irrigation design standards shall be based on the  
2077 irrigation code defined in the Florida Building Code, Plumbing  
2078 Volume, Appendix F. Local governments shall use the standards  
2079 and guidelines when developing landscape irrigation and Florida-  
2080 friendly landscaping xeriscape ordinances. By January 1, 2011,  
2081 the agencies and entities specified in this subsection shall  
2082 review the standards and guidelines to determine whether new  
2083 research findings require a change or modification of the  
2084 standards and guidelines.

2085 (5) In evaluating water use applications from public water  
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2086 suppliers, water management districts shall consider whether the  
2087 applicable local government has adopted ordinances for  
2088 landscaping and irrigation systems consistent with the Florida-  
2089 friendly landscaping provisions of s. 373.185.

2090 Section 33. Subsection (3) of section 373.323, Florida  
2091 Statutes, is amended to read:

2092 373.323 Licensure of water well contractors; application,  
2093 qualifications, and examinations; equipment identification.--

2094 (3) An applicant who meets the following requirements  
2095 shall be entitled to take the water well contractor licensure  
2096 examination ~~to practice water well contracting~~:

2097 (a) Is at least 18 years of age.

2098 (b) Has at least 2 years of experience in constructing,  
2099 repairing, or abandoning water wells. Satisfactory proof of such  
2100 experience shall be demonstrated by providing:

2101 1. Evidence of the length of time the applicant has been  
2102 engaged in the business of the construction, repair, or  
2103 abandonment of water wells as a major activity, as attested to  
2104 by a letter from each of three of the following persons:

2105 a. A water well contractor.

2106 b. A water well driller.

2107 c. A water well parts and equipment vendor.

2108 d. A water well inspector employed by a governmental  
2109 agency.

2110 2. A list of at least 10 water wells that the applicant  
2111 has constructed, repaired, or abandoned within the preceding 5  
2112 years. Of these wells, at least seven must have been  
2113 constructed, as defined in s. 373.303(2), by the applicant. The

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2114 list shall also include:

2115 a. The name and address of the owner or owners of each  
2116 well.

2117 b. The location, primary use, and approximate depth and  
2118 diameter of each well the applicant has constructed, repaired,  
2119 or abandoned.

2120 c. The approximate date the construction, repair, or  
2121 abandonment of each well was completed.

2122 (c) Has completed the application form and remitted a  
2123 nonrefundable application fee.

2124 Section 34. Subsection (8) of section 373.333, Florida  
2125 Statutes, is amended to read:

2126 373.333 Disciplinary guidelines; adoption and enforcement;  
2127 license suspension or revocation.--

2128 (8) The water management district may impose through an  
2129 order an administrative fine not to exceed \$5,000 per occurrence  
2130 against an unlicensed person if ~~when~~ it determines that the  
2131 unlicensed person has engaged in the practice of water well  
2132 contracting, for which a license is required.

2133 Section 35. Section 125.568, Florida Statutes, is amended  
2134 to read:

2135 125.568 Conservation of water; Florida-friendly  
2136 landscaping ~~Xeriscape~~.--

2137 (1) (a) The Legislature finds that Florida-friendly  
2138 landscaping ~~Xeriscape~~ contributes to the conservation,  
2139 protection, and restoration of water. In an effort to meet the  
2140 water needs of this state in a manner that will supply adequate  
2141 and dependable supplies of water where needed, it is the intent  
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2142 of the Legislature that Florida-friendly landscaping ~~Xeriscape~~  
2143 be an essential part of water conservation and water quality  
2144 protection and restoration planning.

2145 (b) As used in this section, "Xeriscape" or "Florida-  
2146 friendly landscaping" has the same meaning as provided in s.  
2147 373.185 ~~landscape" means quality landscapes that conserve water~~  
2148 ~~and protect the environment and are adaptable to local~~  
2149 ~~conditions and which are drought tolerant. The principles of~~  
2150 ~~Xeriscape include planning and design, appropriate choice of~~  
2151 ~~plants, soil analysis which may include the use of solid waste~~  
2152 ~~compost, practical use of turf, efficient irrigation,~~  
2153 ~~appropriate use of mulches, and proper maintenance.~~

2154 (2) The board of county commissioners of each county shall  
2155 consider enacting ordinances, consistent with the provisions of  
2156 s. 373.185, requiring the use of Florida-friendly landscaping  
2157 ~~Xeriscape~~ as a water conservation or water quality protection or  
2158 restoration measure. If the board determines that Florida-  
2159 friendly landscaping ~~Xeriscape~~ would be of significant benefit  
2160 as a water conservation or water quality protection or  
2161 restoration measure, especially for waters designated as  
2162 impaired pursuant to s. 403.067, relative to the cost to  
2163 implement Florida-friendly ~~Xeriscape~~ landscaping in its area of  
2164 jurisdiction, the board shall enact a Florida-friendly  
2165 landscaping ~~Xeriscape~~ ordinance. Further, the board of county  
2166 commissioners shall consider promoting Florida-friendly  
2167 landscaping ~~Xeriscape~~ as a water conservation or water quality  
2168 protection or restoration measure by ~~+~~ using Florida-friendly  
2169 landscaping ~~Xeriscape~~ in any, around, or near facilities, parks,  
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2170 ~~and other common~~ areas under its jurisdiction that ~~which~~ are  
2171 landscaped after the effective date of this act; providing  
2172 public education on Florida-friendly landscaping Xeriscape, its  
2173 uses in increasing as a water conservation and water quality  
2174 protection or restoration ~~tool~~, and its long-term cost-  
2175 effectiveness; and offering incentives to local residents and  
2176 businesses to implement Florida-friendly Xeriscape landscaping.

2177 (3) (a) The Legislature finds that the use of Florida-  
2178 friendly landscaping and other water use and pollution  
2179 prevention measures that conserve or protect the state's water  
2180 resources serves a compelling public interest and that the  
2181 participation of homeowners' associations and local governments  
2182 is essential to state water conservation and water quality  
2183 protection and restoration efforts.

2184 (b) A deed restriction or covenant ~~entered after October~~  
2185 ~~1, 2001, or local government ordinance~~ may not prohibit or be  
2186 enforced to prohibit any property owner from implementing  
2187 ~~Xeriscape or Florida-friendly landscaping~~ landscape on his or  
2188 her land or create any requirement or limitation in conflict  
2189 with any provision of part II of chapter 373 or a water shortage  
2190 order, other order, consumptive use permit, or rule adopted or  
2191 issued pursuant to part II of chapter 373.

2192 (c) A local government ordinance may not prohibit or be  
2193 enforced so as to prohibit any property owner from implementing  
2194 Florida-friendly landscaping on his or her land.

2195 Section 36. Section 166.048, Florida Statutes, is amended  
2196 to read:

2197 166.048 Conservation of water; Florida-friendly  
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2198 landscaping Xeriscape.--

2199 (1) (a) The Legislature finds that Florida-friendly  
2200 landscaping Xeriscape contributes to the conservation,  
2201 protection, and restoration of water. In an effort to meet the  
2202 water needs of this state in a manner that will supply adequate  
2203 and dependable supplies of water where needed, it is the intent  
2204 of the Legislature that Florida-friendly landscaping Xeriscape  
2205 be an essential part of water conservation and water quality  
2206 protection and restoration planning.

2207 (b) As used in this section, "Xeriscape" or "Florida-  
2208 friendly landscaping" has the same meaning as provided in s.  
2209 373.185 landscape" means quality landscapes that conserve water  
2210 and protect the environment and are adaptable to local  
2211 conditions and which are drought tolerant. The principles of  
2212 Xeriscape include planning and design, appropriate choice of  
2213 plants, soil analysis which may include the use of solid waste  
2214 compost, practical use of turf, efficient irrigation,  
2215 appropriate use of mulches, and proper maintenance.

2216 (2) The governing body of each municipality shall consider  
2217 enacting ordinances, consistent with the provisions of s.  
2218 373.185, requiring the use of Florida-friendly landscaping  
2219 Xeriscape as a water conservation or water quality protection or  
2220 restoration measure. If the governing body determines that  
2221 Florida-friendly landscaping Xeriscape would be of significant  
2222 benefit as a water conservation or water quality protection or  
2223 restoration measure, especially for waters designated as  
2224 impaired pursuant to s. 403.067, relative to the cost to  
2225 implement Florida-friendly Xeriscape landscaping in its area of  
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2226 jurisdiction in the municipality, the governing body ~~board~~ shall  
2227 enact a Florida-friendly landscaping ~~Xeriscape~~ ordinance.

2228 Further, the governing body shall consider promoting Florida-  
2229 friendly landscaping ~~Xeriscape~~ as a water conservation or water  
2230 quality protection or restoration measure by: using Florida-  
2231 friendly landscaping ~~Xeriscape~~ in any, ~~around,~~ ~~or near~~  
2232 ~~facilities, parks, and other common~~ areas under its jurisdiction  
2233 that ~~which~~ are landscaped after the effective date of this act;  
2234 providing public education on Florida-friendly landscaping  
2235 ~~Xeriscape~~, its uses in increasing ~~as a~~ water conservation and  
2236 water quality protection or restoration ~~tool~~, and its long-term  
2237 cost-effectiveness; and offering incentives to local residents  
2238 and businesses to implement Florida-friendly ~~Xeriscape~~  
2239 landscaping.

2240 (3) (a) The Legislature finds that the use of Florida-  
2241 friendly landscaping and other water use and pollution  
2242 prevention measures that conserve or protect the state's water  
2243 resources serves a compelling public interest and that the  
2244 participation of homeowners' associations and local governments  
2245 is essential to state water conservation and water quality  
2246 protection and restoration efforts.

2247 (b) A deed restriction or covenant ~~entered after October~~  
2248 ~~1, 2001, or local government ordinance~~ may not prohibit or be  
2249 enforced to prohibit any property owner from implementing  
2250 ~~Xeriscape~~ or Florida-friendly landscaping ~~landscape~~ on his or  
2251 her land or create any requirement or limitation in conflict  
2252 with any provision of part II of chapter 373 or a water shortage  
2253 order, other order, consumptive use permit, or rule adopted or

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2254 issued pursuant to part II of chapter 373.

2255 (c) A local government ordinance may not prohibit or be  
2256 enforced so as to prohibit any property owner from implementing  
2257 Florida-friendly landscaping on his or her land.

2258 Section 37. Section 255.259, Florida Statutes, is amended  
2259 to read:

2260 255.259 Florida-friendly Xeriscape landscaping on public  
2261 property.--

2262 (1) The Legislature finds that water conservation and  
2263 water quality protection and restoration are ~~is~~ increasingly  
2264 critical to the continuance of an adequate water supply and  
2265 healthy surface and ground waters ~~for the citizens of this~~  
2266 ~~state~~. The Legislature further finds that "Florida-friendly  
2267 landscaping Xeriscape," as defined in s. 373.185, can contribute  
2268 significantly to water ~~the~~ conservation and ~~of~~ water quality  
2269 protection and restoration. Finally, the Legislature finds that  
2270 state government has the responsibility to promote Florida-  
2271 friendly landscaping Xeriscape as a water conservation and water  
2272 quality protection and restoration measure by using Florida-  
2273 friendly landscaping Xeriscape on public property associated  
2274 with publicly owned buildings or facilities.

2275 (2) As used in this section, "publicly owned buildings or  
2276 facilities" means those construction projects under the purview  
2277 of the Department of Management Services. It does not include  
2278 environmentally endangered land or roads and highway  
2279 construction under the purview of the Department of  
2280 Transportation.

2281 (3) The Department of Management Services, in consultation  
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2282 with the Department of Environmental Protection, shall adopt  
2283 rules and guidelines for the required use of Florida-friendly  
2284 landscaping ~~Xeriscape~~ on public property associated with  
2285 publicly owned buildings or facilities constructed after June  
2286 30, 2009 ~~1992~~. The Department of Management Services also shall  
2287 develop a 5-year program for phasing in the use of Florida-  
2288 friendly landscaping ~~Xeriscape~~ on public property associated  
2289 with publicly owned buildings or facilities constructed before  
2290 July 1, 2009 ~~1992~~. In accomplishing these tasks, the Department  
2291 of Management Services shall take into account the provisions of  
2292 guidelines set out in s. 373.185(2)(a)-(f). The Department of  
2293 Transportation shall implement Florida-friendly ~~Xeriscape~~  
2294 landscaping pursuant to s. 335.167.

2295 (4) (a) The Legislature finds that the use of Florida-  
2296 friendly landscaping and other water use and pollution  
2297 prevention measures that conserve or protect the state's water  
2298 resources serves a compelling public interest and that the  
2299 participation of homeowners' associations and local governments  
2300 is essential to state water conservation and water quality  
2301 protection and restoration efforts.

2302 (b) A deed restriction or covenant ~~entered after October~~  
2303 ~~1, 2001, or local government ordinance~~ may not prohibit or be  
2304 enforced to prohibit any property owner from implementing  
2305 ~~Xeriscape or Florida-friendly landscaping landscape~~ on his or  
2306 her land or create any requirement or limitation in conflict  
2307 with any provision of part II of chapter 373 or a water shortage  
2308 order, other order, consumptive use permit, or rule adopted or  
2309 issued pursuant to part II of chapter 373.

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2310        (c) A local government ordinance may not prohibit or be  
2311 enforced so as to prohibit any property owner from implementing  
2312 Florida-friendly landscaping on his or her land.

2313            Section 38. Section 335.167, Florida Statutes, is amended  
2314 to read:

2315            335.167 State highway construction and maintenance;  
2316 ~~Xeriscape or Florida-friendly landscaping.--~~

2317            (1) The department shall use and require the use of  
2318 Florida-friendly landscaping ~~Xeriscape~~ practices, as defined in  
2319 s. 373.185(1), in the construction and maintenance of all new  
2320 state highways, wayside parks, access roads, welcome stations,  
2321 and other state highway rights-of-way constructed upon or  
2322 acquired after June 30, 2009 ~~1992~~. The department shall develop  
2323 a 5-year program for phasing in the use of Florida-friendly  
2324 landscaping ~~Xeriscape~~, including the use of solid waste compost,  
2325 in state highway rights-of-way constructed upon or acquired  
2326 before July 1, 2009 ~~1992~~. In accomplishing these tasks, the  
2327 department shall employ the guidelines set out in s.  
2328 373.185(2) (a) ~~(f)~~.

2329            (2) (a) The Legislature finds that the use of Florida-  
2330 friendly landscaping and other water use and pollution  
2331 prevention measures that conserve or protect the state's water  
2332 resources serves a compelling public interest and that the  
2333 participation of homeowners' associations and local governments  
2334 is essential to state water conservation and water quality  
2335 protection and restoration efforts.

2336            (b) ~~A deed restriction or covenant entered after October~~  
2337 ~~1, 2001, or local government ordinance may not prohibit or be~~

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2338 enforced to prohibit any property owner from implementing  
2339 ~~Xeriscape or~~ Florida-friendly landscaping ~~landscape~~ on his or  
2340 her land or create any requirement or limitation in conflict  
2341 with any provision of part II of chapter 373 or a water shortage  
2342 order, other order, consumptive use permit, or rule adopted or  
2343 issued pursuant to part II of chapter 373.

2344 (c) A local government ordinance may not prohibit or be  
2345 enforced so as to prohibit any property owner from implementing  
2346 Florida-friendly landscaping on his or her land.

2347 Section 39. Paragraph (a) of subsection (3) of section  
2348 380.061, Florida Statutes, is amended to read:

2349 380.061 The Florida Quality Developments program.--

2350 (3) (a) To be eligible for designation under this program,  
2351 the developer shall comply with each of the following  
2352 requirements which is applicable to the site of a qualified  
2353 development:

2354 1. Have donated or entered into a binding commitment to  
2355 donate the fee or a lesser interest sufficient to protect, in  
2356 perpetuity, the natural attributes of the types of land listed  
2357 below. In lieu of the above requirement, the developer may enter  
2358 into a binding commitment which runs with the land to set aside  
2359 such areas on the property, in perpetuity, as open space to be  
2360 retained in a natural condition or as otherwise permitted under  
2361 this subparagraph. Under the requirements of this subparagraph,  
2362 the developer may reserve the right to use such areas for the  
2363 purpose of passive recreation that is consistent with the  
2364 purposes for which the land was preserved.

2365 a. Those wetlands and water bodies throughout the state as  
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2366 would be delineated if the provisions of s. 373.4145(1)(b) were  
2367 applied. The developer may use such areas for the purpose of  
2368 site access, provided other routes of access are unavailable or  
2369 impracticable; may use such areas for the purpose of stormwater  
2370 or domestic sewage management and other necessary utilities to  
2371 the extent that such uses are permitted pursuant to chapter 403;  
2372 or may redesign or alter wetlands and water bodies within the  
2373 jurisdiction of the Department of Environmental Protection which  
2374 have been artificially created, if the redesign or alteration is  
2375 done so as to produce a more naturally functioning system.

2376 b. Active beach or primary and, where appropriate,  
2377 secondary dunes, to maintain the integrity of the dune system  
2378 and adequate public accessways to the beach. However, the  
2379 developer may retain the right to construct and maintain  
2380 elevated walkways over the dunes to provide access to the beach.

2381 c. Known archaeological sites determined to be of  
2382 significance by the Division of Historical Resources of the  
2383 Department of State.

2384 d. Areas known to be important to animal species  
2385 designated as endangered or threatened animal species by the  
2386 United States Fish and Wildlife Service or by the Fish and  
2387 Wildlife Conservation Commission, for reproduction, feeding, or  
2388 nesting; for traveling between such areas used for reproduction,  
2389 feeding, or nesting; or for escape from predation.

2390 e. Areas known to contain plant species designated as  
2391 endangered plant species by the Department of Agriculture and  
2392 Consumer Services.

2393 2. Produce, or dispose of, no substances designated as  
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2394 hazardous or toxic substances by the United States Environmental  
2395 Protection Agency or by the Department of Environmental  
2396 Protection or the Department of Agriculture and Consumer  
2397 Services. This subparagraph is not intended to apply to the  
2398 production of these substances in nonsignificant amounts as  
2399 would occur through household use or incidental use by  
2400 businesses.

2401 3. Participate in a downtown reuse or redevelopment  
2402 program to improve and rehabilitate a declining downtown area.

2403 4. Incorporate no dredge and fill activities in, and no  
2404 stormwater discharge into, waters designated as Class II,  
2405 aquatic preserves, or Outstanding Florida Waters, except as  
2406 activities in those waters are permitted pursuant to s.  
2407 403.813(2) and the developer demonstrates that those activities  
2408 meet the standards under Class II waters, Outstanding Florida  
2409 Waters, or aquatic preserves, as applicable.

2410 5. Include open space, recreation areas, Florida-friendly  
2411 landscaping ~~Xeriscape~~ as defined in s. 373.185, and energy  
2412 conservation and minimize impermeable surfaces as appropriate to  
2413 the location and type of project.

2414 6. Provide for construction and maintenance of all onsite  
2415 infrastructure necessary to support the project and enter into a  
2416 binding commitment with local government to provide an  
2417 appropriate fair-share contribution toward the offsite impacts  
2418 which the development will impose on publicly funded facilities  
2419 and services, except offsite transportation, and condition or  
2420 phase the commencement of development to ensure that public  
2421 facilities and services, except offsite transportation, will be

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2422 available concurrent with the impacts of the development. For  
2423 the purposes of offsite transportation impacts, the developer  
2424 shall comply, at a minimum, with the standards of the state land  
2425 planning agency's development-of-regional-impact transportation  
2426 rule, the approved strategic regional policy plan, any  
2427 applicable regional planning council transportation rule, and  
2428 the approved local government comprehensive plan and land  
2429 development regulations adopted pursuant to part II of chapter  
2430 163.

2431 7. Design and construct the development in a manner that  
2432 is consistent with the adopted state plan, the applicable  
2433 strategic regional policy plan, and the applicable adopted local  
2434 government comprehensive plan.

2435 Section 40. Subsection (3) of section 388.291, Florida  
2436 Statutes, is amended to read:

2437 388.291 Source reduction measures; supervision by  
2438 department.--

2439 (3) Property owners in a developed residential area are  
2440 required to maintain their property in such a manner so as not  
2441 to create or maintain any standing freshwater condition capable  
2442 of breeding mosquitoes or other arthropods in significant  
2443 numbers so as to constitute a public health, welfare, or  
2444 nuisance problem. Nothing in this subsection shall permit the  
2445 alteration of permitted stormwater management systems or  
2446 prohibit maintained fish ponds, Florida-friendly landscaping  
2447 ~~eriscaping~~, or other maintained systems of landscaping or  
2448 vegetation. If such a condition is found to exist, the local  
2449 arthropod control agency shall serve notice on the property

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2450 owner to treat, remove, or abate the condition. Such notice  
2451 shall serve as prima facie evidence of maintaining a nuisance,  
2452 and upon failure of the property owner to treat, remove, or  
2453 abate the condition, the local arthropod control agency or any  
2454 affected citizen may proceed pursuant to s. 60.05 to enjoin the  
2455 nuisance and may recover costs and attorney's fees if they  
2456 prevail in the action.

2457 Section 41. Paragraph (a) of subsection (6) of section  
2458 481.303, Florida Statutes, is amended to read:

2459 481.303 Definitions.--As used in this chapter:

2460 (6) "Landscape architecture" means professional services,  
2461 including, but not limited to, the following:

2462 (a) Consultation, investigation, research, planning,  
2463 design, preparation of drawings, specifications, contract  
2464 documents and reports, responsible construction supervision, or  
2465 landscape management in connection with the planning and  
2466 development of land and incidental water areas, including the  
2467 use of Florida-friendly landscaping ~~Xeriscape~~ as defined in s.  
2468 373.185, where, and to the extent that, the dominant purpose of  
2469 such services or creative works is the preservation,  
2470 conservation, enhancement, or determination of proper land uses,  
2471 natural land features, ground cover and plantings, or  
2472 naturalistic and aesthetic values;

2473 Section 42. Subsection (4) of section 720.3075, Florida  
2474 Statutes, is amended to read:

2475 720.3075 Prohibited clauses in association documents.--

2476 (4)(a) The Legislature finds that the use of Florida-  
2477 friendly landscaping and other water use and pollution

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2478 prevention measures that conserve or protect the state's water  
2479 resources serves a compelling public interest and that the  
2480 participation of homeowners' associations and local governments  
2481 is essential to state water conservation and water quality  
2482 protection and restoration efforts.

2483 (b) Homeowners' association documents, including  
2484 declarations of covenants, articles of incorporation, or bylaws,  
2485 entered after October 1, 2001, may not prohibit or be enforced  
2486 to prohibit any property owner from implementing Xeriscape or  
2487 Florida-friendly landscaping landscape, as defined in s.  
2488 373.185(1), on his or her land or create any requirement or  
2489 limitation in conflict with any provision of part II of chapter  
2490 373 or a water shortage order, other order, consumptive use  
2491 permit, or rule adopted or issued pursuant to part II of chapter  
2492 373.

2493 Section 43. Subsection (6) of section 369.317, Florida  
2494 Statutes, is amended to read:

2495 369.317 Wekiva Parkway.--

2496 (6) The Orlando-Orange County Expressway Authority is  
2497 hereby granted the authority to act as a third-party acquisition  
2498 agent, pursuant to s. 259.041 on behalf of the Board of Trustees  
2499 or chapter 373 on behalf of the governing board of the St. Johns  
2500 River Water Management District, for the acquisition of all  
2501 necessary lands, property and all interests in property  
2502 identified herein, including fee simple or less-than-fee simple  
2503 interests. The lands subject to this authority are identified in  
2504 paragraph 10.a., State of Florida, Office of the Governor,  
2505 Executive Order 03-112 of July 1, 2003, and in Recommendation 16  
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2506 of the Wekiva Basin Area Task Force created by Executive Order  
2507 2002-259, such lands otherwise known as Neighborhood Lakes, a  
2508 1,587+/- acre parcel located in Orange and Lake Counties within  
2509 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,  
2510 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;  
2511 Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake  
2512 County within Section 37, Township 19 South, Range 28 East; New  
2513 Garden Coal; a 1,605+/- acre parcel in Lake County within  
2514 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28  
2515 East; Pine Plantation, a 617+/- acre tract consisting of eight  
2516 individual parcels within the Apopka City limits. The Department  
2517 of Transportation, the Department of Environmental Protection,  
2518 the St. Johns River Water Management District, and other land  
2519 acquisition entities shall participate and cooperate in  
2520 providing information and support to the third-party acquisition  
2521 agent. The land acquisition process authorized by this paragraph  
2522 shall begin no later than December 31, 2004. Acquisition of the  
2523 properties identified as Neighborhood Lakes, Pine Plantation,  
2524 and New Garden Coal, or approval as a mitigation bank shall be  
2525 concluded no later than December 31, 2010. Department of  
2526 Transportation and Orlando-Orange County Expressway Authority  
2527 funds expended to purchase an interest in those lands identified  
2528 in this subsection shall be eligible as environmental mitigation  
2529 for road construction related impacts in the Wekiva Study Area.  
2530 If any of the lands identified in this subsection are used as  
2531 environmental mitigation for road construction related impacts  
2532 incurred by the Department of Transportation or Orlando-Orange  
2533 County Expressway Authority, or for other impacts incurred by  
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2534 other entities, within the Wekiva Study Area or within the  
2535 Wekiva parkway alignment corridor, and if the mitigation offsets  
2536 these impacts, the St. Johns River Water Management District and  
2537 the Department of Environmental Protection shall consider the  
2538 activity regulated under part IV of chapter 373 to meet the  
2539 cumulative impact requirements of s. 373.414(8) (a).

2540 (a) Acquisition of the land described in this section is  
2541 required to provide right of way for the Wekiva Parkway, a  
2542 limited access roadway linking State Road 429 to Interstate 4,  
2543 an essential component in meeting regional transportation needs  
2544 to provide regional connectivity, improve safety, accommodate  
2545 projected population and economic growth, and satisfy critical  
2546 transportation requirements caused by increased traffic volume  
2547 growth and travel demands.

2548 (b) Acquisition of the lands described in this section is  
2549 also required to protect the surface water and groundwater  
2550 resources of Lake, Orange, and Seminole counties, otherwise  
2551 known as the Wekiva Study Area, including recharge within the  
2552 springshed that provides for the Wekiva River system. Protection  
2553 of this area is crucial to the long term viability of the Wekiva  
2554 River and springs and the central Florida region's water supply.  
2555 Acquisition of the lands described in this section is also  
2556 necessary to alleviate pressure from growth and development  
2557 affecting the surface and groundwater resources within the  
2558 recharge area.

2559 (c) Lands acquired pursuant to this section that are  
2560 needed for transportation facilities for the Wekiva Parkway  
2561 shall be determined not necessary for conservation purposes

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2562 pursuant to ss. 253.034(6) and 373.089(5) and shall be  
2563 transferred to or retained by the Orlando-Orange County  
2564 Expressway Authority or the Department of Transportation upon  
2565 reimbursement of the full purchase price and acquisition costs.

2566 Section 44. (1) Effective July 1, 2009, a task force is  
2567 established to develop legislative recommendations relating to  
2568 stormwater management system design in the state. The task force  
2569 shall:

2570 (a) Review the Joint Professional Engineers and Landscape  
2571 Architecture Committee Report conducted pursuant to s. 17,  
2572 chapter 88-347, Laws of Florida, and determine the current  
2573 validity of the report and the need to revise any of the  
2574 conclusions or recommendations.

2575 (b) Determine how a licensed and registered professional  
2576 might demonstrate competency for stormwater management system  
2577 design.

2578 (c) Determine how the Board of Professional Engineers and  
2579 the Board of Landscape Architecture might administer  
2580 certification tests or continuing education requirements for  
2581 stormwater management system design.

2582 (d) Provide recommendations for grandfathering the rights  
2583 of licensed professionals who currently practice stormwater  
2584 management design in a manner that will allow them to continue  
2585 to practice without meeting any new requirements the task force  
2586 recommends be placed on licensed professionals in the future.

2587 (2) (a) The Board of Landscape Architecture, the Board of  
2588 Professional Engineers, the Florida Engineering Society, the  
2589 Florida Chapter of the American Society of Landscape Architects,  
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2590 the Secretary of Environmental Protection, and the Secretary of  
2591 Transportation shall each appoint one member to the task force.

2592 (b) Members of the task force may not be reimbursed for  
2593 travel, per diem, or any other costs associated with serving on  
2594 the task force.

2595 (c) The task force shall meet a minimum of four times  
2596 either in person or via teleconference; however, a minimum of  
2597 two meetings shall be public hearings with testimony.

2598 (d) The task force shall expire on November 1, 2009.

2599 (3) The task force shall provide its findings and  
2600 legislative recommendations to the President of the Senate and  
2601 the Speaker of the House of Representatives by November 1, 2009.

2602 Section 45. Subsections (1) and (3) of section 378.901,  
2603 Florida Statutes, are amended to read:

2604 378.901 Life-of-the-mine permit.--

2605 (1) As used in this section, the term:

2606 (a) "Bureau" means the Bureau of Mining and Minerals  
2607 Regulation ~~Mine Reclamation~~ of the Division of Water Resource  
2608 Management of the Department of Environmental Protection.

2609 (b) "Life-of-the-mine permit" means a permit authorizing  
2610 activities regulated under part IV of chapter 373 and part IV of  
2611 this chapter.

2612 (3) The bureau may also issue life-of-the-mine permits to  
2613 operators of limerock mines and sand mines as part of the  
2614 consideration for conveyance to the Board of Trustees of the  
2615 Internal Improvement Trust Fund of environmentally sensitive  
2616 lands in an amount equal to or greater than the acreage included  
2617 in the life-of-the-mine permit and provided such environmentally  
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2618 sensitive lands are contiguous to or within reasonable proximity  
2619 to the lands included in the life-of-the-mine permit. In the  
2620 event there exists evidence that any limerock life-of-the-mine  
2621 permit authorizing activities regulated under part IV of chapter  
2622 373 will have a detrimental effect on a wellfield or wellfield  
2623 protection area or will have a significant detrimental public  
2624 health, safety, welfare, or environmental effect, then the  
2625 life-of-the-mine permit may be reopened.

2626 Section 46. Subsection (6) of section 399.02, Florida  
2627 Statutes, is amended to read:

2628 399.02 General requirements.--

2629 (6) The department is empowered to carry out all of the  
2630 provisions of this chapter relating to the inspection and  
2631 regulation of elevators and to enforce the provisions of the  
2632 Florida Building Code, except that updates to the code requiring  
2633 modifications for heat sensors and electronic controls on  
2634 existing elevators, as amended into the Safety Code for Existing  
2635 Elevators and Escalators, ANSI/ASME A17.1 and A17.3, may not be  
2636 enforced on elevators issued a certificate of operation by the  
2637 department as of July 1, 2008, until such time as the elevator  
2638 is replaced. This exception does not apply to any building for  
2639 which a building permit was issued after July 1, 2008.

2640 Section 47. Present subsection (7) of section 399.15,  
2641 Florida Statutes, is redesignated as subsection (8), and a new  
2642 subsection (7) is added to that section, to read:

2643 399.15 Regional emergency elevator access.--

2644 (7) As an alternative to complying with the requirements  
2645 of subsection (1), each building in this state which is required

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2646 to meet the provisions of subsections (1) and (2) may instead  
2647 provide for the installation of a uniform lock box that contains  
2648 the keys to all elevators in the building which allow public  
2649 access, including service and freight elevators. The uniform  
2650 lock box must be keyed so as to allow all uniform lock boxes in  
2651 each of the seven state emergency response regions to operate in  
2652 fire emergency situations using one master key. The uniform lock  
2653 box master key may be issued only to the fire department. The  
2654 Division of State Fire Marshal of the Department of Financial  
2655 Services shall enforce this subsection. The Department of  
2656 Financial Services shall select the provider of the uniform lock  
2657 box to be installed in each building in which the requirements  
2658 of this subsection are implemented.

2659 Section 48. Effective July 1, 2010, subsection (4) of  
2660 section 468.8311, Florida Statutes, is amended to read:

2661 468.8311 Definitions.--As used in this part, the term:

2662 (4) "Home inspection services" means a limited visual  
2663 examination of one or more of the following readily accessible  
2664 installed systems and components of a home: the structure,  
2665 electrical system, HVAC system, roof covering, plumbing system,  
2666 interior components, windows, doors, walls, floors, ceilings,  
2667 exterior components, and site conditions that affect the  
2668 structure, for the purposes of providing a written professional  
2669 opinion of the condition of the home.

2670 Section 49. Effective July 1, 2010, section 468.8312,  
2671 Florida Statutes, is amended to read:

2672 468.8312 Fees.--

2673 (1) The department, by rule, may establish fees to be paid  
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2674 for applications, examination, reexamination, licensing and  
2675 renewal, inactive status application and reactivation of  
2676 inactive licenses, recordkeeping, and applications for providers  
2677 of continuing education. The department may also establish by  
2678 rule a delinquency fee. Fees shall be based on department  
2679 estimates of the revenue required to implement the provisions of  
2680 this part. All fees shall be remitted with the appropriate  
2681 application, examination, or license.

2682 (2) The initial application and examination fee shall not  
2683 exceed \$250 ~~\$125~~ plus the actual per applicant cost to the  
2684 department to purchase an examination, if the department chooses  
2685 to purchase the examination. The examination fee shall be in an  
2686 amount that covers the cost of obtaining and administering the  
2687 examination and shall be refunded if the applicant is found  
2688 ineligible to sit for the examination. The application fee shall  
2689 be nonrefundable.

2690 (3) The initial license fee shall not exceed \$400 ~~\$200~~.

2691 (4) The fee for a certificate of authorization shall not  
2692 exceed \$250 ~~\$125~~.

2693 (5) The biennial renewal fee shall not exceed \$400 ~~\$200~~.

2694 (6) The fee for licensure by endorsement shall not exceed  
2695 \$400 ~~\$200~~.

2696 (7) The fee for application for inactive status or for  
2697 reactivation of an inactive license shall not exceed \$400 ~~\$200~~.

2698 (8) The fee for applications from providers of continuing  
2699 education may not exceed \$500.

2700 Section 50. Effective July 1, 2010, section 468.8319,  
2701 Florida Statutes, is amended to read:

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2702 468.8319 Prohibitions; penalties.--

2703 (1) A person ~~A home inspector, a company that employs a~~  
2704 ~~home inspector, or a company that is controlled by a company~~  
2705 ~~that also has a financial interest in a company employing a home~~  
2706 ~~inspector~~ may not:

2707 (a) Practice or offer to practice home inspection services  
2708 unless the person has complied with the provisions of this part;

2709 (b) Use the name or title "certified home inspector,"  
2710 "registered home inspector," "licensed home inspector," "home  
2711 inspector," "professional home inspector," or any combination  
2712 thereof unless the person has complied with the provisions of  
2713 this part;

2714 (c) Present as his or her own the license of another;

2715 (d) Knowingly give false or forged evidence to the  
2716 department or an employee thereof;

2717 (e) Use or attempt to use a license that has been  
2718 suspended or revoked;

2719 (f) Perform or offer to perform, prior to closing, for any  
2720 additional fee, any repairs to a home on which the inspector or  
2721 the inspector's company has prepared a home inspection report.  
2722 This paragraph does not apply to a home warranty company that is  
2723 affiliated with or retains a home inspector to perform repairs  
2724 pursuant to a claim made under a home warranty contract;

2725 (g) Inspect for a fee any property in which the inspector  
2726 or the inspector's company has any financial or transfer  
2727 interest;

2728 (h) Offer or deliver any compensation, inducement, or  
2729 reward to any broker or agent therefor for the referral of the  
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2730 owner of the inspected property to the inspector or the  
2731 inspection company; or

2732 (i) Accept an engagement to make an omission or prepare a  
2733 report in which the inspection itself, or the fee payable for  
2734 the inspection, is contingent upon either the conclusions in the  
2735 report, preestablished findings, or the close of escrow.

2736 (2) Any person who is found to be in violation of any  
2737 provision of this section commits a misdemeanor of the first  
2738 degree, punishable as provided in s. 775.082 or s. 775.083.

2739 Section 51. Effective July 1, 2010, section 468.832,  
2740 Florida Statutes, is amended to read:

2741 468.832 Disciplinary proceedings.--

2742 (1) The following acts constitute grounds for which the  
2743 disciplinary actions in subsection (2) may be taken:

2744 (a) Violation of any provision of this part or s.  
2745 455.227(1);

2746 (b) Attempting to procure a license to practice home  
2747 inspection services by bribery or fraudulent misrepresentation;

2748 (c) Having a license to practice home inspection services  
2749 revoked, suspended, or otherwise acted against, including the  
2750 denial of licensure, by the licensing authority of another  
2751 state, territory, or country;

2752 (d) Being convicted or found guilty of, or entering a plea  
2753 of nolo contendere to, regardless of adjudication, a crime in  
2754 any jurisdiction that directly relates to the practice of home  
2755 inspection services or the ability to practice home inspection  
2756 services;

2757 (e) Making or filing a report or record that the licensee  
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2758 knows to be false, willfully failing to file a report or record  
2759 required by state or federal law, willfully impeding or  
2760 obstructing such filing, or inducing another person to impede or  
2761 obstruct such filing. Such reports or records shall include only  
2762 those that are signed in the capacity of a licensed home  
2763 inspector;

2764 (f) Advertising goods or services in a manner that is  
2765 fraudulent, false, deceptive, or misleading in form or content;

2766 (g) Engaging in fraud or deceit, or negligence,  
2767 incompetency, or misconduct, in the practice of home inspection  
2768 services;

2769 (h) Failing to perform any statutory or legal obligation  
2770 placed upon a licensed home inspector; violating any provision  
2771 of this chapter, a rule of the department, or a lawful order of  
2772 the department previously entered in a disciplinary hearing; or  
2773 failing to comply with a lawfully issued subpoena of the  
2774 department; or

2775 (i) Practicing on a revoked, suspended, inactive, or  
2776 delinquent license.

2777 (2) When the department finds any licensee ~~home inspector~~  
2778 guilty of any of the grounds set forth in subsection (1), it may  
2779 enter an order imposing one or more of the following penalties:

2780 (a) Denial of an application for licensure.

2781 (b) Revocation or suspension of a license.

2782 (c) Imposition of an administrative fine not to exceed  
2783 \$5,000 for each count or separate offense.

2784 (d) Issuance of a reprimand.

2785 (e) Placement of the home inspector on probation for a

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2786 period of time and subject to such conditions as the department  
2787 may specify.

2788 (f) Restriction of the authorized scope of practice by the  
2789 home inspector.

2790 (3) In addition to any other sanction imposed under this  
2791 part, in any final order that imposes sanctions, the department  
2792 may assess costs related to the investigation and prosecution of  
2793 the case.

2794 Section 52. Effective July 1, 2009, and notwithstanding  
2795 section 4 of chapter 2007-236, section 468.8324, Florida  
2796 Statutes, is amended to read:

2797 468.8324 Grandfather clause.--A person who performs home  
2798 inspection services as defined in this part before July 1, 2010,  
2799 may qualify to be licensed by the department as a home inspector  
2800 if the person meets the licensure requirements of this part, and  
2801 if the person: by July 1, 2010.

2802 (1) Has received compensation as a home inspector for not  
2803 less than 1 year prior to July 1, 2010; or

2804 (2) Has performed no fewer than 50 home inspections and  
2805 received compensation for such inspections prior to July 1,  
2806 2010.

2807 Section 53. Subsection (2) of section 627.711, Florida  
2808 Statutes, is amended to read:

2809 627.711 Notice of premium discounts for hurricane loss  
2810 mitigation; uniform mitigation verification inspection form.--

2811 (2) By July 1, 2007, the Financial Services Commission  
2812 shall develop by rule a uniform mitigation verification  
2813 inspection form that shall be used by all insurers when

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2814 submitted by policyholders for the purpose of factoring  
2815 discounts for wind insurance. In developing the form, the  
2816 commission shall seek input from insurance, construction, and  
2817 building code representatives. Further, the commission shall  
2818 provide guidance as to the length of time the inspection results  
2819 are valid. An insurer shall accept as valid a uniform mitigation  
2820 verification form certified by the Department of Financial  
2821 Services or signed by:

2822 (a) A hurricane mitigation inspector employed by an  
2823 approved My Safe Florida Home wind certification entity;

2824 (b) A building code inspector certified under s. 468.607;

2825 (c) A general or residential contractor licensed under s.  
2826 489.111;

2827 (d) A professional engineer licensed under s. 471.015 ~~who~~  
2828 ~~has passed the appropriate equivalency test of the Building Code~~  
2829 ~~Training Program as required by s. 553.841; or~~

2830 (e) A professional architect licensed under s. 481.213.

2831 Section 54. Subsection (6) of section 718.113, Florida  
2832 Statutes, is repealed.

2833 Section 55. Subsections (2), (8), and (9) of section  
2834 553.37, Florida Statutes, are amended, and section (12) is added  
2835 to that section, to read:

2836 553.37 Rules; inspections; and insignia.--

2837 (2) The department shall adopt rules to address:

2838 (a) Procedures and qualifications for approval of third-  
2839 party plan review and inspection agencies and of those who  
2840 perform inspections and plan reviews.

2841 (b) Investigation of consumer complaints of noncompliance  
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2842 of manufactured buildings with the Florida Building Code and the  
2843 Florida Fire Prevention Code.

2844 (c) Issuance, cancellation, and revocation of any insignia  
2845 issued by the department and procedures for auditing and  
2846 accounting for disposition of them.

2847 (d) Monitoring the manufacturers', inspection agencies',  
2848 and plan review agencies' compliance with this part and the  
2849 Florida Building Code. Monitoring may include, but is not  
2850 limited to, performing audits of plans, inspections of  
2851 manufacturing facilities and observation of the manufacturing  
2852 and inspection process, and onsite inspections of buildings.

2853 (e) The performance by the department and its designees  
2854 and contractors of any other functions required by this part.

2855 (8) The department, by rule, shall establish a schedule of  
2856 fees to pay the cost of the administration and enforcement of  
2857 this part. The rule may provide for manufacturers to pay fees to  
2858 the administrator directly, including charges incurred for plans  
2859 review and inspection services, via the Building Code  
2860 Information System (BCIS) and for the administrator to disburse  
2861 the funds as necessary.

2862 (9) The department may delegate its enforcement authority  
2863 to a state department having building construction  
2864 responsibilities or a local government, and may enter into  
2865 contracts for the performance of its administrative duties under  
2866 this part. The department may delegate its plan review and  
2867 inspection authority to one or more of the following in any  
2868 combination:

2869 (a) A state department having building construction

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2870 responsibilities;

2871 (b) A local government;

2872 (c) An approved inspection agency;

2873 (d) An approved plan review agency; or

2874 (e) An agency of another state.

2875 (12) Custom or one-of-a-kind prototype manufactured  
2876 buildings are not required to have state approval, but must be  
2877 in compliance with all local requirements of the governmental  
2878 agency having jurisdiction at the installation site.

2879 Section 56. Section 553.375, Florida Statutes, is amended  
2880 to read:

2881 553.375 Recertification of manufactured buildings.--Prior  
2882 to the relocation to a site that has a higher design wind speed,  
2883 modification, or change of occupancy of a manufactured building  
2884 within the state, the manufacturer, dealer, or owner thereof may  
2885 apply to the department for recertification of that manufactured  
2886 building. The department shall, by rule, provide what  
2887 information the applicant must submit for recertification and  
2888 for plan review and inspection of such manufactured buildings  
2889 and shall establish fees for recertification. Upon a  
2890 determination by the department that the manufactured building  
2891 complies with the applicable building codes, the department  
2892 shall issue a recertification insignia. A manufactured building  
2893 that bears recertification insignia does not require any  
2894 additional approval by an enforcement jurisdiction in which the  
2895 building is sold or installed, and is considered to comply with  
2896 all applicable codes. As an alternative to recertification by  
2897 the department, the manufacturer, dealer, or owner of a

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2898 manufactured building may seek appropriate permitting and a  
2899 certificate of occupancy from the local jurisdiction in  
2900 accordance with procedures generally applicable under the  
2901 Florida Building Code.

2902 Section 57. Subsections (7) and (9) of section 553.73,  
2903 Florida Statutes, are amended, and subsection (14) is added to  
2904 that section, to read:

2905 553.73 Florida Building Code.--

2906 (7) Notwithstanding the provisions of subsection (3) or  
2907 subsection (6), the commission may address issues identified in  
2908 this subsection by amending the code pursuant only to the rule  
2909 adoption procedures contained in chapter 120. Provisions of the  
2910 Florida Building Code, including those contained in referenced  
2911 standards and criteria, relating to wind resistance or the  
2912 prevention of water intrusion may not be amended pursuant to  
2913 this subsection to diminish those construction requirements;  
2914 however, the commission may, subject to conditions in this  
2915 subsection, amend the provisions to enhance those construction  
2916 requirements. Following the approval of any amendments to the  
2917 Florida Building Code by the commission and publication of the  
2918 amendments on the commission's website, authorities having  
2919 jurisdiction to enforce the Florida Building Code may enforce  
2920 the amendments. The commission may approve amendments that are  
2921 needed to address:

2922 (a) Conflicts within the updated code;

2923 (b) Conflicts between the updated code and the Florida  
2924 Fire Prevention Code adopted pursuant to chapter 633;

2925 (c) The omission of previously adopted Florida-specific  
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2926 amendments to the updated code if such omission is not supported  
2927 by a specific recommendation of a technical advisory committee  
2928 or particular action by the commission;

2929 (d) Unintended results from the integration of previously  
2930 adopted Florida-specific amendments with the model code;

2931 (e) Equivalency of standards;

2932 (f) The specific needs of state agencies when agency rules  
2933 must be updated to reflect federal requirements relating to  
2934 design criteria for public educational facilities and state-  
2935 licensed facilities;

2936 (g) ~~(e)~~ Changes to or inconsistencies with federal or state

2937 law; or  
2938 (h) ~~(f)~~ Adoption of an updated edition of the National  
2939 Electrical Code if the commission finds that delay of  
2940 implementing the updated edition causes undue hardship to  
2941 stakeholders or otherwise threatens the public health, safety,  
2942 and welfare.

2943 (9) The following buildings, structures, and facilities  
2944 are exempt from the Florida Building Code as provided by law,  
2945 and any further exemptions shall be as determined by the  
2946 Legislature and provided by law:

2947 (a) Buildings and structures specifically regulated and  
2948 preempted by the Federal Government.

2949 (b) Railroads and ancillary facilities associated with the  
2950 railroad.

2951 (c) Nonresidential farm buildings on farms.

2952 (d) Temporary buildings or sheds used exclusively for  
2953 construction purposes.

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2954 (e) Mobile or modular structures used as temporary  
2955 offices, except that the provisions of part II relating to  
2956 accessibility by persons with disabilities shall apply to such  
2957 mobile or modular structures.

2958 (f) Those structures or facilities of electric utilities,  
2959 as defined in s. 366.02, which are directly involved in the  
2960 generation, transmission, or distribution of electricity.

2961 (g) Temporary sets, assemblies, or structures used in  
2962 commercial motion picture or television production, or any  
2963 sound-recording equipment used in such production, on or off the  
2964 premises.

2965 (h) Storage sheds that are not designed for human  
2966 habitation and that have a floor area of 720 square feet or less  
2967 are not required to comply with the mandatory wind-borne-debris-  
2968 impact standards of the Florida Building Code.

2969 (i) Chickees constructed by the Miccosukee Tribe of  
2970 Indians of Florida or the Seminole Tribe of Florida. As used in  
2971 this paragraph, the term "chickee" means an open-sided wooden  
2972 hut that has a thatched roof of palm or palmetto or other  
2973 traditional materials, and that does not incorporate any  
2974 electrical, plumbing, or other nonwood features.

2975 (j) Family mausoleums that are prefabricated and assembled  
2976 on site, or preassembled and delivered on site; that have walls,  
2977 roofs, and a floor constructed of granite, marble, or reinforced  
2978 concrete; and that do not exceed 250 square feet in area.

2979  
2980 With the exception of paragraphs (a), (b), (c), and (f), in  
2981 order to preserve the health, safety, and welfare of the public,  
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2982 the Florida Building Commission may, by rule adopted pursuant to  
2983 chapter 120, provide for exceptions to the broad categories of  
2984 buildings exempted in this section, including exceptions for  
2985 application of specific sections of the code or standards  
2986 adopted therein. The Department of Agriculture and Consumer  
2987 Services shall have exclusive authority to adopt by rule,  
2988 pursuant to chapter 120, exceptions to nonresidential farm  
2989 buildings exempted in paragraph (c) when reasonably necessary to  
2990 preserve public health, safety, and welfare. The exceptions must  
2991 be based upon specific criteria, such as under-roof floor area,  
2992 aggregate electrical service capacity, HVAC system capacity, or  
2993 other building requirements. Further, the commission may  
2994 recommend to the Legislature additional categories of buildings,  
2995 structures, or facilities which should be exempted from the  
2996 Florida Building Code, to be provided by law. The Florida  
2997 Building Code does not apply to temporary housing provided by  
2998 the Department of Corrections to any prisoner in the state  
2999 correctional system.

3000 (14) The Florida Building Code may not require that an  
3001 existing air conditioning system installed on the surface of a  
3002 roof as of July 1, 2009, be raised 18 inches up from the surface  
3003 on which it is installed until such time as the system is  
3004 replaced, and an agency or local government having authority to  
3005 enforce the Florida Building Code or a local building code may  
3006 not require otherwise.

3007 Section 58. Subsection (2) of section 553.76, Florida  
3008 Statutes, is amended to read:

3009 553.76 General powers of the commission.--The commission  
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is authorized to:

(2) Issue memoranda of procedure for its internal management and control. The commission may adopt rules related to its consensus-based decisionmaking process, including, but not limited to, super majority voting requirements for commission actions relating to the adoption of amendments to or the adoption of the Florida Building Code.

Section 59. Subsection (4) of section 553.775, Florida Statutes, is amended to read:

553.775 Interpretations.--

(4) In order to administer this section, the commission may adopt by rule and impose a fee for binding and nonbinding interpretations to recoup the cost of the proceedings which may not exceed \$250 for each request for a review or interpretation. For proceedings conducted by or in coordination with a third-party, the rule may provide that payment be made directly to the third party, who shall remit to the department that portion of the fee necessary to cover the costs of the department.

Section 60. Subsection (9) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.--

(9) Any state agency whose enabling legislation authorizes it to enforce provisions of the Florida Building Code may enter into an agreement with any other unit of government to delegate its responsibility to enforce those provisions and may expend public funds for permit and inspection fees, which fees may be no greater than the fees charged others. Inspection services that are not required to be performed by a state agency under a

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3038 federal delegation of responsibility or by a state agency under  
3039 the Florida Building Code must be performed under the  
3040 alternative plans review and inspection process created in s.  
3041 553.791 or by a local governmental entity having authority to  
3042 enforce the Florida Building Code.

3043 Section 61. Section 553.841, Florida Statutes, is amended  
3044 to read:

3045 553.841 Building code compliance and mitigation program.--

3046 (1) The Legislature finds that knowledge and understanding  
3047 by persons licensed in the design and construction industries of  
3048 the importance and need for complying with the Florida Building  
3049 Code is vital to the public health, safety, and welfare of this  
3050 state, especially for mitigating damage caused by hurricanes to  
3051 residents and visitors to the state. The Legislature further  
3052 finds that the Florida Building Code can be effective only if  
3053 all participants in the design and construction industries  
3054 maintain a thorough knowledge of the code and additions thereto  
3055 which improve construction standards to protect against storm  
3056 and other damage. Consequently, the Legislature finds that there  
3057 is a need for a program to provide ongoing education and  
3058 outreach activities concerning compliance with the Florida  
3059 Building Code and hurricane mitigation.

3060 (2) The Department of Community Affairs shall administer a  
3061 program, designated as the Florida Building Code Compliance and  
3062 Mitigation Program, to develop, coordinate, and maintain  
3063 education and outreach to persons required to comply with the  
3064 Florida Building Code and ensure consistent education, training,  
3065 and communication of the code's requirements, including, but not

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3066 limited to, methods for mitigation of storm-related damage. The  
3067 program shall also operate a clearinghouse through which design,  
3068 construction, and building code enforcement licensees,  
3069 suppliers, and consumers in this state may find others in order  
3070 to exchange information relating to mitigation and facilitate  
3071 repairs in the aftermath of a natural disaster.

3072 (3) All services and materials under the Florida Building  
3073 Code Compliance and Mitigation Program must be provided by a  
3074 private, nonprofit corporation under contract with the  
3075 department. The term of the contract shall be for 4 years, with  
3076 the option of one 4-year renewal at the end of the contract  
3077 term. The initial contract must be in effect no later than  
3078 November 1, 2007. The private, nonprofit corporation must be an  
3079 organization whose membership includes trade and professional  
3080 organizations whose members consist primarily of persons and  
3081 entities that are required to comply with the Florida Building  
3082 Code and that are licensed under part XII of chapter 468,  
3083 chapter 471, chapter 481, or chapter 489. When selecting the  
3084 private, nonprofit corporation for the program, the department  
3085 must give primary consideration to the corporation's  
3086 demonstrated experience and the ability to:

3087 (a) Develop and deliver building code-related education,  
3088 training, and outreach;

3089 (b) Directly access the majority of persons licensed in  
3090 the occupations of design, construction, and building code  
3091 enforcement individually and through established statewide trade  
3092 and professional association networks;

3093 (c) Serve as a clearinghouse to deliver education and  
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3094 outreach throughout the state. The clearinghouse must serve as a  
3095 focal point at which persons licensed to design, construct, and  
3096 enforce building codes and suppliers and consumers can find each  
3097 other in order to exchange information relating to mitigation  
3098 and facilitate repairs in the aftermath of a natural disaster;

3099 (d) Accept input from the Florida Building Commission,  
3100 licensing regulatory boards, local building departments, and the  
3101 design and construction industries in order to improve its  
3102 education and outreach programs; and

3103 (e) Promote design and construction techniques and  
3104 materials for mitigating hurricane damage at a Florida-based  
3105 trade conference that includes participants from the broadest  
3106 possible range of design and construction trades and  
3107 professions, including from those private and public sector  
3108 entities having jurisdiction over building codes and design and  
3109 construction licensure.

3110 (4) The department, in administering the Florida Building  
3111 Code Compliance and Mitigation Program, shall maintain, update,  
3112 develop, or cause to be developed, +

3113 ~~(a) A core curriculum that is prerequisite to the advanced~~  
3114 ~~module coursework.~~

3115 ~~(b) advanced modules designed for use by each profession.~~

3116 ~~(c) The core curriculum developed under this subsection~~  
3117 ~~must be submitted to the Department of Business and Professional~~  
3118 ~~Regulation for approval. Advanced modules developed under this~~  
3119 ~~paragraph must be approved by the commission and submitted to~~  
3120 ~~the respective boards for approval.~~

3121 ~~(5) The core curriculum shall cover the information~~

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3122 ~~required to have all categories of participants appropriately~~  
3123 ~~informed as to their technical and administrative~~  
3124 ~~responsibilities in the effective execution of the code process~~  
3125 ~~by all individuals currently licensed under part XII of chapter~~  
3126 ~~468, chapter 471, chapter 481, or chapter 489, except as~~  
3127 ~~otherwise provided in s. 471.017. The core curriculum shall be~~  
3128 ~~prerequisite to the advanced module coursework for all licensees~~  
3129 ~~and shall be completed by individuals licensed in all categories~~  
3130 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~  
3131 ~~chapter 489 within the first 2-year period after initial~~  
3132 ~~licensure. Core course hours taken by licensees to complete this~~  
3133 ~~requirement shall count toward fulfillment of required~~  
3134 ~~continuing education units under part XII of chapter 468,~~  
3135 ~~chapter 471, chapter 481, or chapter 489.~~

3136 (5)~~(6)~~ Each biennium, upon receipt of funds by the  
3137 Department of Community Affairs from the Construction Industry  
3138 Licensing Board and the Electrical Contractors' Licensing Board  
3139 provided under ss. 489.109(3) and 489.509(3), the department  
3140 shall determine the amount of funds available for the Florida  
3141 Building Code Compliance and Mitigation Program.

3142 (6)~~(7)~~ If the projects provided through the Florida  
3143 Building Code Compliance and Mitigation Program in any state  
3144 fiscal year do not require the use of all available funds, the  
3145 unused funds shall be carried forward and allocated for use  
3146 during the following fiscal year.

3147 (7)~~(8)~~ The Florida Building Commission shall provide by  
3148 rule for the accreditation of courses related to the Florida  
3149 Building Code by accreditors approved by the commission. The  
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3150 commission shall establish qualifications of accreditors and  
3151 criteria for the accreditation of courses by rule. The  
3152 commission may revoke the accreditation of a course by an  
3153 accreditor if the accreditation is demonstrated to violate this  
3154 part or the rules of the commission.

3155 ~~(8)(9)~~ This section does not prohibit or limit the subject  
3156 areas or development of continuing education or training on the  
3157 Florida Building Code by any qualified entity.

3158 Section 62. Subsections (1), (5), (8), and (17) of section  
3159 553.842, Florida Statutes, are amended to read:

3160 553.842 Product evaluation and approval.--

3161 (1) The commission shall adopt rules under ss. 120.536(1)  
3162 and 120.54 to develop and implement a product evaluation and  
3163 approval system that applies statewide to operate in  
3164 coordination with the Florida Building Code. The commission may  
3165 enter into contracts to provide for administration of the  
3166 product evaluation and approval system. The commission's rules  
3167 and any applicable contract may provide that payment of fees  
3168 related to approvals be made directly to the administrator, who  
3169 shall remit to the department that portion of the fee necessary  
3170 to cover the department's costs. The product evaluation and  
3171 approval system shall provide:

3172 (a) Appropriate promotion of innovation and new  
3173 technologies.

3174 (b) Processing submittals of products from manufacturers  
3175 in a timely manner.

3176 (c) Independent, third-party qualified and accredited  
3177 testing and laboratory facilities, product evaluation entities,  
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3178 quality assurance agencies, certification agencies, and  
3179 validation entities.

3180 (d) An easily accessible product acceptance list to  
3181 entities subject to the Florida Building Code.

3182 (e) Development of stringent but reasonable testing  
3183 criteria based upon existing consensus standards, when  
3184 available, for products.

3185 (f) Long-term approvals, where feasible. State and local  
3186 approvals will be valid until the requirements of the code on  
3187 which the approval is based change, the product changes in a  
3188 manner affecting its performance as required by the code, or the  
3189 approval is revoked.

3190 (g) Criteria for revocation of a product approval.

3191 (h) Cost-effectiveness.

3192 (5) Statewide approval of products, methods, or systems of  
3193 construction may be achieved by one of the following methods.  
3194 One of these methods must be used by the commission to approve  
3195 the following categories of products: panel walls, exterior  
3196 doors, roofing, skylights, windows, shutters, and structural  
3197 components as established by the commission by rule.

3198 (a) Products for which the code establishes standardized  
3199 testing or comparative or rational analysis methods shall be  
3200 approved by submittal and validation of one of the following  
3201 reports or listings indicating that the product or method or  
3202 system of construction was evaluated to be in compliance with  
3203 the Florida Building Code and that the product or method or  
3204 system of construction is, for the purpose intended, at least  
3205 equivalent to that required by the Florida Building Code:

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3206 1. A certification mark or listing of an approved  
3207 certification agency, which may be used only for products for  
3208 which the code designates standardized testing;

3209 2. A test report from an approved testing laboratory;

3210 3. A product evaluation report based upon testing or  
3211 comparative or rational analysis, or a combination thereof, from  
3212 an approved product evaluation entity; or

3213 4. A product evaluation report based upon testing or  
3214 comparative or rational analysis, or a combination thereof,  
3215 developed and signed and sealed by a professional engineer or  
3216 architect, licensed in this state.

3217  
3218 A product evaluation report or a certification mark or listing  
3219 of an approved certification agency which demonstrates that the  
3220 product or method or system of construction complies with the  
3221 Florida Building Code for the purpose intended shall be  
3222 equivalent to a test report and test procedure as referenced in  
3223 the Florida Building Code. An application for state approval of  
3224 a product under subparagraph 1. shall be approved by the  
3225 department after the commission staff or a designee verifies  
3226 within 10 days after receipt that the application and related  
3227 documentation are complete. Upon approval by the department, the  
3228 product shall be immediately added to the list of state-approved  
3229 products maintained under subsection (13). Approvals by the  
3230 department shall be reviewed and ratified by the commission's  
3231 program oversight committee except for a showing of good cause.

3232 (b) Products, methods, or systems of construction for  
3233 which there are no specific standardized testing or comparative  
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3234 or rational analysis methods established in the code may be  
3235 approved by submittal and validation of one of the following:

3236 1. A product evaluation report based upon testing or  
3237 comparative or rational analysis, or a combination thereof, from  
3238 an approved product evaluation entity indicating that the  
3239 product or method or system of construction was evaluated to be  
3240 in compliance with the intent of the Florida Building Code and  
3241 that the product or method or system of construction is, for the  
3242 purpose intended, at least equivalent to that required by the  
3243 Florida Building Code; or

3244 2. A product evaluation report based upon testing or  
3245 comparative or rational analysis, or a combination thereof,  
3246 developed and signed and sealed by a professional engineer or  
3247 architect, licensed in this state, who certifies that the  
3248 product or method or system of construction is, for the purpose  
3249 intended, at least equivalent to that required by the Florida  
3250 Building Code.

3251 (8) The commission may adopt rules to approve the  
3252 following types of entities that produce information on which  
3253 product approvals are based. All of the following entities,  
3254 including engineers and architects, must comply with a  
3255 nationally recognized standard demonstrating independence or no  
3256 conflict of interest:

3257 (a) Evaluation entities that meet the criteria for  
3258 approval adopted by the commission by rule. The commission shall  
3259 specifically approve the National Evaluation Service, the  
3260 International Association of Plumbing and Mechanical Officials  
3261 Evaluation Service ~~the International Conference of Building~~  
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3262 ~~Officials Evaluation Services,~~ the International Code Council  
3263 Evaluation Services, ~~the Building Officials and Code~~  
3264 ~~Administrators International Evaluation Services,~~ the Southern  
3265 ~~Building Code Congress International Evaluation Services,~~ and  
3266 the Miami-Dade County Building Code Compliance Office Product  
3267 Control. Architects and engineers licensed in this state are  
3268 also approved to conduct product evaluations as provided in  
3269 subsection (5).

3270 (b) Testing laboratories accredited by national  
3271 organizations, such as A2LA and the National Voluntary  
3272 Laboratory Accreditation Program, laboratories accredited by  
3273 evaluation entities approved under paragraph (a), and  
3274 laboratories that comply with other guidelines for testing  
3275 laboratories selected by the commission and adopted by rule.

3276 (c) Quality assurance entities approved by evaluation  
3277 entities approved under paragraph (a) and by certification  
3278 agencies approved under paragraph (d) and other quality  
3279 assurance entities that comply with guidelines selected by the  
3280 commission and adopted by rule.

3281 (d) Certification agencies accredited by nationally  
3282 recognized accreditors and other certification agencies that  
3283 comply with guidelines selected by the commission and adopted by  
3284 rule.

3285 (e) Validation entities that comply with accreditation  
3286 standards established by the commission by rule.

3287 ~~(17) (a) The Florida Building Commission shall review the~~  
3288 ~~list of evaluation entities in subsection (8) and, in the annual~~  
3289 ~~report required under s. 553.77, shall either recommend~~

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3290 ~~amendments to the list to add evaluation entities the commission~~  
3291 ~~determines should be authorized to perform product evaluations~~  
3292 ~~or shall report on the criteria adopted by rule or to be adopted~~  
3293 ~~by rule allowing the commission to approve evaluation entities~~  
3294 ~~that use the commission's product evaluation process. If the~~  
3295 ~~commission adopts criteria by rule, the rulemaking process must~~  
3296 ~~be completed by July 1, 2009.~~

3297 ~~(b) Notwithstanding paragraph (8)(a), the International~~  
3298 ~~Association of Plumbing and Mechanical Officials Evaluation~~  
3299 ~~Services is approved as an evaluation entity until October 1,~~  
3300 ~~2009. If the association does not obtain permanent approval by~~  
3301 ~~the commission as an evaluation entity by October 1, 2009,~~  
3302 ~~products approved on the basis of an association evaluation must~~  
3303 ~~be substituted by an alternative, approved entity by December~~  
3304 ~~31, 2009, and on January 1, 2010, any product approval issued by~~  
3305 ~~the commission based on an association evaluation is void.~~

3306 Section 63. Subsection (4) is added to section 553.844,  
3307 Florida Statutes, to read:

3308 553.844 Windstorm loss mitigation; requirements for roofs  
3309 and opening protection.--

3310 (4) Notwithstanding the provisions of this section,  
3311 exposed mechanical equipment or appliances fastened to rated  
3312 stands, platforms, curbs, or slabs are deemed to comply with the  
3313 wind resistance requirements for wind-borne debris regions as  
3314 defined in s. 1609.2, Buildings Volume, 2007 Florida Building  
3315 Code, as amended, and no further support or enclosure may be  
3316 required by a state or local official having authority to  
3317 enforce the Florida Building Code. This subsection expires on  
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December 31, 2011.

Section 64. Section 553.885, Florida Statutes, is amended to read:

553.885 Carbon monoxide alarm required.--

(1) Every separate building or addition to an existing building, other than a hospital, an inpatient hospice facility, or a nursing home facility licensed by the Agency for Health Care Administration, constructed for which a building permit is issued for new construction on or after July 1, 2008, and having a fossil-fuel-burning heater or appliance, a fireplace, or an attached garage, or other feature, fixture, or element that emits carbon monoxide as a byproduct of combustion shall have an approved operational carbon monoxide alarm installed within 10 feet of each room used for sleeping purposes in the new building or addition, or at such other locations as required by the Florida Building Code. The requirements of this subsection may be satisfied with the installation of a battery-powered carbon monoxide alarm or a battery-powered combination carbon monoxide and smoke alarm. For a new hospital, an inpatient hospice facility, or a nursing home facility licensed by the Agency for Health Care Administration, an approved operational carbon monoxide detector shall be installed inside or directly outside of each room or area within the hospital or facility where a fossil-fuel-burning heater, engine, or appliance is located. This detector shall be connected to the fire alarm system of the hospital or facility as a supervisory signal. This subsection does not apply to existing buildings that are undergoing alterations or repairs unless the alteration is an addition as

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3346 defined in subsection (3).

3347 (2) The Florida Building Commission shall adopt rules to  
3348 administer this section and shall incorporate such requirements  
3349 into its next revision of the Florida Building Code.

3350 (3) As used in this section, the term:

3351 (a) "Carbon monoxide alarm" means a device that is meant  
3352 for the purpose of detecting carbon monoxide, that produces a  
3353 distinct audible alarm, and that meets the requirements of and  
3354 is approved by the Florida Building Commission.

3355 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases,  
3356 or other petroleum or hydrocarbon product that emits carbon  
3357 monoxide as a by-product of combustion.

3358 (c) "Addition" means an extension or increase in floor  
3359 area, number of stories, or height of a building or structure.

3360 Section 65. Subsection (2) of section 553.9061, Florida  
3361 Statutes, is amended to read:

3362 553.9061 Scheduled increases in thermal efficiency  
3363 standards.--

3364 (2) The Florida Building Commission shall identify within  
3365 code support and compliance documentation the specific building  
3366 options and elements available to meet the energy performance  
3367 goals established in subsection (1). Energy efficiency  
3368 performance options and elements include, but are not limited  
3369 to:

3370 (a) Energy-efficient water heating systems, including  
3371 solar water heating.

3372 (b) Energy-efficient appliances.

3373 (c) Energy-efficient windows, doors, and skylights.

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- 3374 (d) Low solar-absorption roofs, also known as "cool  
3375 roofs."  
3376 (e) Enhanced ceiling and wall insulation.  
3377 (f) Reduced-leak duct systems and energy-saving devices  
3378 and features installed within duct systems.  
3379 (g) Programmable thermostats.  
3380 (h) Energy-efficient lighting systems.  
3381 (i) Energy-saving quality installation procedures for  
3382 replacement air conditioning systems, including, but not limited  
3383 to, equipment sizing analysis and duct inspection.  
3384 (j) Energy-saving weatherization methods and air barriers  
3385 such as wraps, seals, caulks, gaskets, or tapes to minimize  
3386 building air leakage.  
3387 (l) Energy-efficient centralized computer data centers in  
3388 office buildings.

3389 Section 66. Section 553.912, Florida Statutes, is amended  
3390 to read:

3391 553.912 Air conditioners.--All air conditioners which are  
3392 sold or installed in the state shall meet the minimum efficiency  
3393 ratings of the Florida Energy Efficiency Code for Building  
3394 Construction. These efficiency ratings shall be minimums and may  
3395 be updated in the Florida Energy Efficiency Code for Building  
3396 Construction by the department in accordance with s. 553.901,  
3397 following its determination that more cost-effective energy-  
3398 saving equipment and techniques are available. All replacement  
3399 air conditioning systems which are installed in the state shall  
3400 be installed utilizing energy-saving quality installation  
3401 procedures, including, but not limited to, equipment sizing

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3402 analysis and duct inspection.

3403 Section 67. Paragraph (d) of subsection (3) of section  
3404 468.609, Florida Statutes, is amended to read:

3405 468.609 Administration of this part; standards for  
3406 certification; additional categories of certification.--

3407 (3) A person may take the examination for certification as  
3408 a building code administrator pursuant to this part if the  
3409 person:

3410 ~~(d) After the building code training program is~~  
3411 ~~established under s. 553.841, demonstrates successful completion~~  
3412 ~~of the core curriculum approved by the Florida Building~~  
3413 ~~Commission, appropriate to the licensing category sought.~~

3414 Section 68. Subsection (6) of section 468.627, Florida  
3415 Statutes, is repealed.

3416 Section 69. Section 471.0195, Florida Statutes, is amended  
3417 to read:

3418 471.0195 Florida Building Code training for  
3419 engineers.--All licensees actively participating in the design  
3420 of engineering works or systems in connection with buildings,  
3421 structures, or facilities and systems covered by the Florida  
3422 Building Code shall take continuing education courses and submit  
3423 proof to the board, at such times and in such manner as  
3424 established by the board by rule, that the licensee has  
3425 completed ~~the core curriculum courses and~~ any specialized or  
3426 advanced courses on any portion of the Florida Building Code  
3427 applicable to the licensee's area of practice ~~or has passed the~~  
3428 ~~appropriate equivalency test of the Building Code Training~~  
3429 ~~Program as required by s. 553.841.~~ The board shall record

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3430 reported continuing education courses on a system easily  
3431 accessed by code enforcement jurisdictions for evaluation when  
3432 determining license status for purposes of processing design  
3433 documents. Local jurisdictions shall be responsible for  
3434 notifying the board when design documents are submitted for  
3435 building construction permits by persons who are not in  
3436 compliance with this section. The board shall take appropriate  
3437 action as provided by its rules when such noncompliance is  
3438 determined to exist.

3439 Section 70. Subsection (5) of section 481.215, Florida  
3440 Statutes, is repealed.

3441 Section 71. Subsection (5) of section 481.313, Florida  
3442 Statutes, is repealed.

3443 Section 72. Paragraph (b) of subsection (4) of section  
3444 489.115, Florida Statutes, is amended to read:

3445 489.115 Certification and registration; endorsement;  
3446 reciprocity; renewals; continuing education.--

3447 (4)

3448 (b)1. Each certificateholder or registrant shall provide  
3449 proof, in a form established by rule of the board, that the  
3450 certificateholder or registrant has completed at least 14  
3451 classroom hours of at least 50 minutes each of continuing  
3452 education courses during each biennium since the issuance or  
3453 renewal of the certificate or registration. The board shall  
3454 establish by rule that a portion of the required 14 hours must  
3455 deal with the subject of workers' compensation, business  
3456 practices, workplace safety, and, for applicable licensure  
3457 categories, wind mitigation methodologies, and 1 hour of which  
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3458 must deal with laws and rules. The board shall by rule establish  
3459 criteria for the approval of continuing education courses and  
3460 providers, including requirements relating to the content of  
3461 courses and standards for approval of providers, and may by rule  
3462 establish criteria for accepting alternative nonclassroom  
3463 continuing education on an hour-for-hour basis. The board shall  
3464 prescribe by rule the continuing education, if any, which is  
3465 required during the first biennium of initial licensure. A  
3466 person who has been licensed for less than an entire biennium  
3467 must not be required to complete the full 14 hours of continuing  
3468 education.

3469       2. In addition, the board may approve specialized  
3470 continuing education courses on compliance with the wind  
3471 resistance provisions for one and two family dwellings contained  
3472 in the Florida Building Code and any alternate methodologies for  
3473 providing such wind resistance which have been approved for use  
3474 by the Florida Building Commission. Division I  
3475 certificateholders or registrants who demonstrate proficiency  
3476 upon completion of such specialized courses may certify plans  
3477 and specifications for one and two family dwellings to be in  
3478 compliance with the code or alternate methodologies, as  
3479 appropriate, except for dwellings located in floodways or  
3480 coastal hazard areas as defined in ss. 60.3D and E of the  
3481 National Flood Insurance Program.

3482       ~~3. Each certificateholder or registrant shall provide to~~  
3483 ~~the board proof of completion of the core curriculum courses, or~~  
3484 ~~passing the equivalency test of the Building Code Training~~  
3485 ~~Program established under s. 553.841, specific to the licensing~~  
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3486 ~~category sought, within 2 years after commencement of the~~  
3487 ~~program or of initial certification or registration, whichever~~  
3488 ~~is later. Classroom hours spent taking core curriculum courses~~  
3489 ~~shall count toward the number required for renewal of~~  
3490 ~~certificates or registration. A certificateholder or registrant~~  
3491 ~~who passes the equivalency test in lieu of taking the core~~  
3492 ~~curriculum courses shall receive full credit for core curriculum~~  
3493 ~~course hours.~~

3494 3.4. The board shall require, by rule adopted pursuant to  
3495 ss. 120.536(1) and 120.54, a specified number of hours in  
3496 specialized or advanced module courses, approved by the Florida  
3497 Building Commission, on any portion of the Florida Building  
3498 Code, adopted pursuant to part IV of chapter 553, relating to  
3499 the contractor's respective discipline.

3500 Section 73. Subsection (1) of section 489.1455, Florida  
3501 Statutes, is amended to read:

3502 489.1455 Journeyman; reciprocity; standards.--

3503 (1) An individual who holds a valid, active journeyman  
3504 license in the plumbing/pipe fitting, mechanical, or HVAC trades  
3505 issued by any county or municipality in this state may work as a  
3506 journeyman in the trade in which he or she is licensed in any  
3507 county or municipality of this state without taking an  
3508 additional examination or paying an additional license fee, if  
3509 he or she:

3510 (a) Has scored at least 70 percent, or after October 1,  
3511 1997, at least 75 percent, on a proctored journeyman Block and  
3512 Associates examination or other proctored examination approved  
3513 by the board for the trade in which he or she is licensed;

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3514 (b) Has completed an apprenticeship program registered  
3515 with the Department of Labor and Employment Security and  
3516 demonstrates 4 years' verifiable practical experience in the  
3517 trade for which he or she is licensed, or demonstrates 6 years'  
3518 verifiable practical experience in the trade for which he or she  
3519 is licensed;

3520 (c) Has satisfactorily completed specialized and advanced  
3521 module coursework approved by the Florida Building Commission,  
3522 as part of the Building Code Training Program established in s.  
3523 553.841, specific to the discipline, ~~and successfully completed~~  
3524 ~~the program's core curriculum courses or passed an equivalency~~  
3525 ~~test in lieu of taking the core curriculum courses and provided~~  
3526 ~~proof of completion of such curriculum courses or examination~~  
3527 ~~and obtained a certificate from the board pursuant to this part~~  
3528 or, pursuant to authorization by the certifying authority,  
3529 provides proof of completion of such curriculum or coursework  
3530 within 6 months after such certification; and

3531 (d) Has not had a license suspended or revoked within the  
3532 last 5 years.

3533 Section 74. Subsection (3) of section 489.517, Florida  
3534 Statutes, is amended to read:

3535 489.517 Renewal of certificate or registration; continuing  
3536 education.--

3537 (3)~~(a)~~ Each certificateholder or registrant shall provide  
3538 proof, in a form established by rule of the board, that the  
3539 certificateholder or registrant has completed at least 14  
3540 classroom hours of at least 50 minutes each of continuing  
3541 education courses during each biennium since the issuance or  
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3542 renewal of the certificate or registration. The board shall by  
3543 rule establish criteria for the approval of continuing education  
3544 courses and providers and may by rule establish criteria for  
3545 accepting alternative nonclassroom continuing education on an  
3546 hour-for-hour basis.

3547 ~~(b) Each certificateholder or registrant shall provide to~~  
3548 ~~the board proof of completion of the core curriculum courses or~~  
3549 ~~passing the equivalency test of the Building Code Training~~  
3550 ~~Program established under s. 553.841, specific to the licensing~~  
3551 ~~category sought, within 2 years after commencement of the~~  
3552 ~~program or of initial certification or registration, whichever~~  
3553 ~~is later. Classroom hours spent taking core curriculum courses~~  
3554 ~~shall count toward the number required for renewal of~~  
3555 ~~certificate or registration. A certificateholder or registrant~~  
3556 ~~who passes the equivalency test in lieu of taking the core~~  
3557 ~~curriculum courses shall receive full credit for core curriculum~~  
3558 ~~course hours.~~

3559 Section 75. For the purpose of incorporating the amendment  
3560 made by this act to section 553.79, Florida Statutes, in a  
3561 reference thereto, subsection (1) of section 553.80, Florida  
3562 Statutes, is reenacted to read:

3563 553.80 Enforcement.--

3564 (1) Except as provided in paragraphs (a)-(g), each local  
3565 government and each legally constituted enforcement district  
3566 with statutory authority shall regulate building construction  
3567 and, where authorized in the state agency's enabling  
3568 legislation, each state agency shall enforce the Florida  
3569 Building Code required by this part on all public or private

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3570 buildings, structures, and facilities, unless such  
3571 responsibility has been delegated to another unit of government  
3572 pursuant to s. 553.79(9).

3573 (a) Construction regulations relating to correctional  
3574 facilities under the jurisdiction of the Department of  
3575 Corrections and the Department of Juvenile Justice are to be  
3576 enforced exclusively by those departments.

3577 (b) Construction regulations relating to elevator  
3578 equipment under the jurisdiction of the Bureau of Elevators of  
3579 the Department of Business and Professional Regulation shall be  
3580 enforced exclusively by that department.

3581 (c) In addition to the requirements of s. 553.79 and this  
3582 section, facilities subject to the provisions of chapter 395 and  
3583 part II of chapter 400 shall have facility plans reviewed and  
3584 construction surveyed by the state agency authorized to do so  
3585 under the requirements of chapter 395 and part II of chapter 400  
3586 and the certification requirements of the Federal Government.

3587 (d) Building plans approved under s. 553.77(3) and state-  
3588 approved manufactured buildings, including buildings  
3589 manufactured and assembled offsite and not intended for  
3590 habitation, such as lawn storage buildings and storage sheds,  
3591 are exempt from local code enforcing agency plan reviews except  
3592 for provisions of the code relating to erection, assembly, or  
3593 construction at the site. Erection, assembly, and construction  
3594 at the site are subject to local permitting and inspections.  
3595 Lawn storage buildings and storage sheds bearing the insignia of  
3596 approval of the department are not subject to s. 553.842. Such  
3597 buildings that do not exceed 400 square feet may be delivered

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3598 and installed without need of a contractor's or specialty  
3599 license.

3600 (e) Construction regulations governing public schools,  
3601 state universities, and community colleges shall be enforced as  
3602 provided in subsection (6).

3603 (f) The Florida Building Code as it pertains to toll  
3604 collection facilities under the jurisdiction of the turnpike  
3605 enterprise of the Department of Transportation shall be enforced  
3606 exclusively by the turnpike enterprise.

3607 (g) Construction regulations relating to secure mental  
3608 health treatment facilities under the jurisdiction of the  
3609 Department of Children and Family Services shall be enforced  
3610 exclusively by the department in conjunction with the Agency for  
3611 Health Care Administration's review authority under paragraph  
3612 (c).

3613

3614 The governing bodies of local governments may provide a schedule  
3615 of fees, as authorized by s. 125.56(2) or s. 166.222 and this  
3616 section, for the enforcement of the provisions of this part.  
3617 Such fees shall be used solely for carrying out the local  
3618 government's responsibilities in enforcing the Florida Building  
3619 Code. The authority of state enforcing agencies to set fees for  
3620 enforcement shall be derived from authority existing on July 1,  
3621 1998. However, nothing contained in this subsection shall  
3622 operate to limit such agencies from adjusting their fee schedule  
3623 in conformance with existing authority.

3624 Section 76. Paragraph (b) of subsection (3) of section  
3625 633.0215, Florida Statutes, is amended, and subsection (13) is  
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3626 added to that section, to read:

3627 633.0215 Florida Fire Prevention Code.--

3628 (3) No later than 180 days before the triennial adoption  
3629 of the Florida Fire Prevention Code, the State Fire Marshal  
3630 shall notify each municipal, county, and special district fire  
3631 department of the triennial code adoption and steps necessary  
3632 for local amendments to be included within the code. No later  
3633 than 120 days before the triennial adoption of the Florida Fire  
3634 Prevention Code, each local jurisdiction shall provide the State  
3635 Fire Marshal with copies of its local fire code amendments. The  
3636 State Fire Marshal has the option to process local fire code  
3637 amendments that are received less than 120 days before the  
3638 adoption date of the Florida Fire Prevention Code.

3639 (b) Any local amendment to the Florida Fire Prevention  
3640 Code adopted by a local government shall be effective only until  
3641 the adoption of the new edition of the Florida Fire Prevention  
3642 Code, which shall be every third year. At such time, the State  
3643 Fire Marshal shall adopt such amendment as part of the Florida  
3644 Fire Prevention Code or rescind the amendment. The State Fire  
3645 Marshal shall immediately notify the respective local government  
3646 of the rescission of the amendment and the reason for the  
3647 rescission. After receiving such notice, the respective local  
3648 government may readopt the rescinded amendment. Incorporation of  
3649 local amendments as regional and local concerns and variations  
3650 shall be considered as adoption of an amendment pursuant to this  
3651 section part.

3652 (13) The State Fire Marshal shall issue an expedited  
3653 declaratory statement relating to interpretations of provisions

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3654 of the Florida Fire Prevention Code according to the following  
3655 guidelines:

3656 (a) The declaratory statement shall be rendered in  
3657 accordance with s. 120.565 except that a final decision shall be  
3658 issued by the State Fire Marshal within 45 days after the  
3659 division's receipt of a petition seeking an expedited  
3660 declaratory statement. The State Fire Marshal shall give notice  
3661 of the petition and the expedited declaratory statement or the  
3662 denial of the petition in the next available issue of the  
3663 Florida Administrative Weekly after the petition is filed and  
3664 after the statement or denial is rendered.

3665 (b) The petitioner must be the owner of the disputed  
3666 project or the owner's representative.

3667 (c) The petition for expedited declaratory statement must  
3668 be:

3669 1. Related to an active project that is under construction  
3670 or must have been submitted for a permit;

3671 2. The subject of a written notice citing a specific  
3672 provision of the Florida Fire Prevention Code which is in  
3673 dispute; and

3674 3. Limited to a single question that is capable of being  
3675 answered with a "yes" or "no" response.

3676  
3677 A petition for declaratory statement which does not meet all of  
3678 the requirements of this subsection must be denied without  
3679 prejudice. This subsection does not affect the right of the  
3680 petitioner as a substantially affected person to seek a  
3681 declaratory statement under s. 633.01(6).

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3682 Section 77. Section 633.026, Florida Statutes, is amended  
3683 to read:

3684 633.026 Legislative intent; informal interpretations of  
3685 the Florida Fire Prevention Code.--It is the intent of the  
3686 Legislature that the Florida Fire Prevention Code be interpreted  
3687 by fire officials and local enforcement agencies in a manner  
3688 that protects the public safety, health, and welfare by ensuring  
3689 uniform interpretations throughout this state and by providing  
3690 processes for resolving disputes regarding such interpretations  
3691 which are just and expeditious. It is the intent of the  
3692 Legislature that such processes provide for the expeditious  
3693 resolution of the issues presented and that the resulting  
3694 interpretation of such issues be published on the website of the  
3695 Division of State Fire Marshal.

3696 (1) The Division of State Fire Marshal shall by rule  
3697 establish an informal process of rendering nonbinding  
3698 interpretations of the Florida Fire Prevention Code. The  
3699 Division of State Fire Marshal may contract with and refer  
3700 interpretive issues to a nonprofit organization that has  
3701 experience in interpreting and enforcing the Florida Fire  
3702 Prevention Code. ~~The Division of State Fire Marshal shall~~  
3703 ~~immediately implement the process prior to the completion of~~  
3704 ~~formal rulemaking.~~ It is the intent of the Legislature that the  
3705 Division of State Fire Marshal establish ~~create~~ a Fire Code  
3706 Interpretation Committee composed of seven persons and seven  
3707 alternates, equally representing each area of the state ~~process~~  
3708 ~~to refer questions to a small group of individuals certified~~  
3709 ~~under s. 633.081(2), to which a party can pose questions~~

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3710 regarding the interpretation of the Florida Fire Prevention Code  
3711 provisions.

3712 (2) Each member and alternate member of the Fire Code  
3713 Interpretation Committee must be certified as a firesafety  
3714 inspector pursuant to s. 633.081(2) and must have a minimum of 5  
3715 years of experience interpreting and enforcing the Florida Fire  
3716 Prevention Code and the Life Safety Code. Each member and  
3717 alternate member must be approved by the Division of State Fire  
3718 Marshal and deemed by the division to have met these  
3719 requirements for at least 30 days before participating in a  
3720 review of a nonbinding interpretation ~~It is the intent of the~~  
3721 ~~Legislature that the process provide for the expeditious~~  
3722 ~~resolution of the issues presented and publication of the~~  
3723 ~~resulting interpretation on the website of the Division of State~~  
3724 ~~Fire Marshal. It is the intent of the Legislature that this~~  
3725 ~~program be similar to the program established by the Florida~~  
3726 ~~Building Commission in s. 553.775(3)(g).~~

3727 (3) Each nonbinding interpretation of code provisions must  
3728 be provided within 10 business days after receipt of a request  
3729 for interpretation. The response period established in this  
3730 subsection may be waived only with the written consent of the  
3731 party requesting the nonbinding interpretation and the Division  
3732 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be  
3733 advisory only and nonbinding on the parties or the State Fire  
3734 Marshal.

3735 (4) In order to administer this section, the Division of  
3736 State Fire Marshal must charge ~~department may adopt by rule and~~  
3737 ~~impose~~ a fee for nonbinding interpretations, ~~with payment made~~  
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3738 ~~directly to the third party.~~ The fee may not exceed \$150 for  
3739 each request for a review or interpretation. The division may  
3740 authorize payment of fees directly to the nonprofit organization  
3741 under contract pursuant to subsection (1).

3742 (5) A party requesting a nonbinding interpretation who  
3743 disagrees with the interpretation issued under this section may  
3744 apply for a formal interpretation from the State Fire Marshal  
3745 pursuant to s. 633.01(6).

3746 (6) The Division of State Fire Marshall shall issue or  
3747 cause to be issued a nonbinding interpretation of the Florida  
3748 Fire Prevention Code pursuant to this section when requested to  
3749 do so upon submission of a petition by the owner or the owner's  
3750 representative, or the contractor or the contractor's  
3751 representative, of a project in dispute, or by a fire official.  
3752 The division shall adopt a petition form by rule and the  
3753 petition form must be published on the State Fire Marshal's  
3754 website. The form shall, at a minimum, require the following:

3755 (a) The name and address of the local fire official,  
3756 including the address of the county, municipal, or special  
3757 district.

3758 (b) The name and address of the owner or the owner's  
3759 representative, or the contractor or the contractor's  
3760 representative.

3761 (c) A statement of the specific sections of the Florida  
3762 Fire Prevention Code being interpreted by the local fire  
3763 official.

3764 (d) An explanation of how the petitioner's substantial  
3765 interests are being affected by the local interpretation of the  
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3766 Florida Fire Prevention Code.

3767 (e) A statement of the interpretation of the specific  
3768 sections of the Florida Fire Prevention Code by the local fire  
3769 official.

3770 (f) A statement of the interpretation that the petitioner  
3771 contends should be given to the specific sections of the Florida  
3772 Fire Prevention Code and a statement supporting the petitioner's  
3773 interpretation.

3774 (7) Upon receipt of a petition that meets the requirements  
3775 of subsection (6), the Division of State Fire Marshal shall  
3776 immediately provide copies of the petition to the Fire Code  
3777 Interpretation Committee, and shall publish the petition and any  
3778 response submitted by the local fire official on the State Fire  
3779 Marshal's website.

3780 (8) The committee shall conduct proceedings as necessary  
3781 to resolve the issues and give due regard to the petition, the  
3782 facts of the matter at issue, specific code sections cited, and  
3783 any statutory implications affecting the Florida Fire Prevention  
3784 Code. The committee shall issue an interpretation regarding the  
3785 provisions of the Florida Fire Prevention Code within 10 days  
3786 after the filing of a petition. The committee shall issue an  
3787 interpretation based upon the Florida Fire Prevention Code or,  
3788 if the code is ambiguous, the intent of the code. The  
3789 committee's interpretation shall be provided to the petitioner  
3790 and shall include a notice that if the petitioner disagrees with  
3791 the interpretation, the petitioner may file a request for formal  
3792 interpretation by the State Fire Marshal under s. 633.01(6). The  
3793 committee's interpretation shall be provided to the State Fire

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3794 Marshal, and the division shall publish the interpretation on  
3795 the State Fire Marshal's website and in the Florida  
3796 Administrative Weekly.

3797 Section 78. Section 633.081, Florida Statutes, is amended  
3798 to read:

3799 633.081 Inspection of buildings and equipment; orders;  
3800 firesafety inspection training requirements; certification;  
3801 disciplinary action.--The State Fire Marshal and her or his  
3802 agents shall, at any reasonable hour, when the State Fire  
3803 Marshal department has reasonable cause to believe that a  
3804 violation of this chapter or s. 509.215, or a rule promulgated  
3805 thereunder, or a minimum firesafety code adopted by a local  
3806 authority, may exist, inspect any and all buildings and  
3807 structures which are subject to the requirements of this chapter  
3808 or s. 509.215 and rules promulgated thereunder. The authority to  
3809 inspect shall extend to all equipment, vehicles, and chemicals  
3810 which are located within the premises of any such building or  
3811 structure.

3812 (1) Each county, municipality, and special district that  
3813 has firesafety enforcement responsibilities shall employ or  
3814 contract with a firesafety inspector. The firesafety inspector  
3815 must conduct all firesafety inspections that are required by  
3816 law. The governing body of a county, municipality, or special  
3817 district that has firesafety enforcement responsibilities may  
3818 provide a schedule of fees to pay only the costs of inspections  
3819 conducted pursuant to this subsection and related administrative  
3820 expenses. Two or more counties, municipalities, or special  
3821 districts that have firesafety enforcement responsibilities may  
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3822 jointly employ or contract with a firesafety inspector.

3823 (2) Every firesafety inspection conducted pursuant to  
3824 state or local firesafety requirements shall be by a person  
3825 certified as having met the inspection training requirements set  
3826 by the State Fire Marshal. Such person shall:

3827 (a) Be a high school graduate or the equivalent as  
3828 determined by the department;

3829 (b) Not have been found guilty of, or having pleaded  
3830 guilty or nolo contendere to, a felony or a crime punishable by  
3831 imprisonment of 1 year or more under the law of the United  
3832 States, or of any state thereof, which involves moral turpitude,  
3833 without regard to whether a judgment of conviction has been  
3834 entered by the court having jurisdiction of such cases;

3835 (c) Have her or his fingerprints on file with the  
3836 department or with an agency designated by the department;

3837 (d) Have good moral character as determined by the  
3838 department;

3839 (e) Be at least 18 years of age;

3840 (f) Have satisfactorily completed the firesafety inspector  
3841 certification examination as prescribed by the department; and

3842 (g)1. Have satisfactorily completed, as determined by the  
3843 department, a firesafety inspector training program of not less  
3844 than 200 hours established by the department and administered by  
3845 agencies and institutions approved by the department for the  
3846 purpose of providing basic certification training for firesafety  
3847 inspectors; or

3848 2. Have received in another state training which is  
3849 determined by the department to be at least equivalent to that  
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3850 required by the department for approved firesafety inspector  
3851 education and training programs in this state.

3852 (3) Each special state firesafety inspection which is  
3853 required by law and is conducted by or on behalf of an agency of  
3854 the state must be performed by an individual who has met the  
3855 provision of subsection (2), except that the duration of the  
3856 training program shall not exceed 120 hours of specific training  
3857 for the type of property that such special state firesafety  
3858 inspectors are assigned to inspect.

3859 (4) A firefighter certified pursuant to s. 633.35 may  
3860 conduct firesafety inspections, under the supervision of a  
3861 certified firesafety inspector, while on duty as a member of a  
3862 fire department company conducting inservice firesafety  
3863 inspections without being certified as a firesafety inspector,  
3864 if such firefighter has satisfactorily completed an inservice  
3865 fire department company inspector training program of at least  
3866 24 hours' duration as provided by rule of the department.

3867 (5) Every firesafety inspector or special state firesafety  
3868 inspector certificate is valid for a period of 3 years from the  
3869 date of issuance. Renewal of certification shall be subject to  
3870 the affected person's completing proper application for renewal  
3871 and meeting all of the requirements for renewal as established  
3872 under this chapter or by rule promulgated thereunder, which  
3873 shall include completion of at least 40 hours during the  
3874 preceding 3-year period of continuing education as required by  
3875 the rule of the department or, in lieu thereof, successful  
3876 passage of an examination as established by the department.

3877 (6) The State Fire Marshal may deny, refuse to renew,  
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3878 suspend, or revoke the certificate of a firesafety inspector or  
3879 special state firesafety inspector if it finds that any of the  
3880 following grounds exist:

3881 (a) Any cause for which issuance of a certificate could  
3882 have been refused had it then existed and been known to the  
3883 State Fire Marshal.

3884 (b) Violation of this chapter or any rule or order of the  
3885 State Fire Marshal.

3886 (c) Falsification of records relating to the certificate.

3887 (d) Having been found guilty of or having pleaded guilty  
3888 or nolo contendere to a felony, whether or not a judgment of  
3889 conviction has been entered.

3890 (e) Failure to meet any of the renewal requirements.

3891 (f) Having been convicted of a crime in any jurisdiction  
3892 which directly relates to the practice of fire code inspection,  
3893 plan review, or administration.

3894 (g) Making or filing a report or record that the  
3895 certificateholder knows to be false, or knowingly inducing  
3896 another to file a false report or record, or knowingly failing  
3897 to file a report or record required by state or local law, or  
3898 knowingly impeding or obstructing such filing, or knowingly  
3899 inducing another person to impede or obstruct such filing.

3900 (h) Failing to properly enforce applicable fire codes or  
3901 permit requirements within this state which the  
3902 certificateholder knows are applicable by committing willful  
3903 misconduct, gross negligence, gross misconduct, repeated  
3904 negligence, or negligence resulting in a significant danger to  
3905 life or property.

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3906 (i) Accepting labor, services, or materials at no charge  
3907 or at a noncompetitive rate from any person who performs work  
3908 that is under the enforcement authority of the certificateholder  
3909 and who is not an immediate family member of the  
3910 certificateholder. For the purpose of this paragraph, the term  
3911 "immediate family member" means a spouse, child, parent,  
3912 sibling, grandparent, aunt, uncle, or first cousin of the person  
3913 or the person's spouse or any person who resides in the primary  
3914 residence of the certificateholder.

3915 (7) The Division of State Fire Marshal and the Florida  
3916 Building Code Administrator and Inspectors Board, established  
3917 pursuant to s. 468.605, shall enter into a reciprocity agreement  
3918 to facilitate joint recognition of continuing education  
3919 recertification hours for certificateholders licensed under s.  
3920 468.609 and firesafety inspectors certified under subsection  
3921 (2).

3922 (8)(7) The department shall provide by rule for the  
3923 certification of firesafety inspectors.

3924 Section 79. Section 633.352, Florida Statutes, is amended  
3925 to read:

3926 633.352 Retention of firefighter certification.--Any  
3927 certified firefighter who has not been active as a firefighter,  
3928 or as a volunteer firefighter with an organized fire department,  
3929 for a period of 3 years shall be required to retake the  
3930 practical portion of the minimum standards state examination  
3931 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida  
3932 Administrative Code, in order to maintain her or his  
3933 certification as a firefighter; however, this requirement does  
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3934 not apply to state-certified firefighters who are certified and  
3935 employed as full-time firesafety inspectors or firesafety  
3936 instructors, regardless of the firefighter's employment status  
3937 ~~as determined by the division~~. The 3-year period begins on the  
3938 date the certificate of compliance is issued or upon termination  
3939 of service with an organized fire department.

3940 Section 80. Paragraph (e) of subsection (2) and  
3941 subsections (3), (10), and (11) of section 633.521, Florida  
3942 Statutes, are amended to read:

3943 633.521 Certificate application and issuance; permit  
3944 issuance; examination and investigation of applicant.--

3945 (2)

3946 (e) An applicant may not be examined more than four times  
3947 during 1 year for certification as a contractor pursuant to this  
3948 section unless the person is or has been certified and is taking  
3949 the examination to change classifications. If an applicant does  
3950 not pass one or more parts of the examination, she or he may  
3951 take any part of the examination three more times during the 1-  
3952 year period beginning upon the date she or he originally filed  
3953 an application to take the examination. If the applicant does  
3954 not pass the examination within that 1-year period, she or he  
3955 must file a new application and pay the application and  
3956 examination fees in order to take the examination or a part of  
3957 the examination again. However, the applicant may not file a new  
3958 application sooner than 6 months after the date of her or his  
3959 last examination. An applicant who passes the examination but  
3960 does not meet the remaining qualifications as provided in  
3961 applicable statutes and rules within 1 year after the

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3962 application date must file a new application, pay the  
3963 application and examination fee, successfully complete a  
3964 prescribed training course approved by the State Fire College or  
3965 an equivalent court approved by the State Fire Marshal, and  
3966 retake and pass the written examination.

3967 (3) (a) As a prerequisite to taking the examination for  
3968 certification as a Contractor I, ~~Contractor II, or Contractor~~  
3969 ~~III,~~ the applicant must be at least 18 years of age, be of good  
3970 moral character, and shall possess 4 years' proven experience in  
3971 the employment of a fire protection system Contractor I,  
3972 ~~Contractor II, or Contractor III~~ or a combination of equivalent  
3973 education and experience in both water-based and chemical fire  
3974 suppression systems.

3975 (b) As a prerequisite to taking the examination for  
3976 certification as a Contractor II, the applicant must be at least  
3977 18 years of age, be of good moral character, and have 4 years of  
3978 verifiable employment experience with a fire protection system  
3979 as a Contractor I or Contractor II, or a combination of  
3980 equivalent education and experience in water-based fire  
3981 suppression systems.

3982 (c) Required education and experience for certification as  
3983 a Contractor I, Contractor II, Contractor III, or Contractor IV  
3984 includes training and experience in both installation and system  
3985 layout as defined in s. 633.021.

3986 (d) As a prerequisite to taking the examination for  
3987 certification as a Contractor III, the applicant must be at  
3988 least 18 years of age, be of good moral character, and have 4  
3989 years of verifiable employment experience with a fire protection

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3990 system as a Contractor I or Contractor II, or a combination of  
3991 equivalent education and experience in chemical fire suppression  
3992 systems.

3993 (e) As a prerequisite to taking the examination for  
3994 certification as a Contractor IV, the applicant ~~must shall~~ be at  
3995 least 18 years old, be of good moral character, ~~be licensed as a~~  
3996 certified plumbing contractor under chapter 489, and  
3997 successfully complete a training program acceptable to the State  
3998 Fire Marshal of not less than 40 contact hours regarding the  
3999 applicable installation standard used by the Contractor IV as  
4000 described in NFPA 13D. The State Fire Marshal may adopt rules to  
4001 administer this subsection ~~have at least 2 years' proven~~  
4002 ~~experience in the employment of a fire protection system~~  
4003 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~  
4004 ~~combination of equivalent education and experience which~~  
4005 ~~combination need not include experience in the employment of a~~  
4006 ~~fire protection system contractor.~~

4007 (f) As a prerequisite to taking the examination for  
4008 certification as a Contractor V, the applicant ~~must shall~~ be at  
4009 least 18 years old, be of good moral character, and have been  
4010 licensed as a certified underground utility and excavation  
4011 contractor or certified plumbing contractor pursuant to chapter  
4012 489, have verification by an individual who is licensed as a  
4013 certified utility contractor or certified plumbing contractor  
4014 pursuant to chapter 489 that the applicant has 4 years' proven  
4015 experience in the employ of a certified underground utility and  
4016 excavation contractor or certified plumbing contractor, or have  
4017 a combination of education and experience equivalent to 4 years'

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4018 proven experience in the employ of a certified underground  
4019 utility and excavation contractor or certified plumbing  
4020 contractor.

4021 (g) Within 30 days after the date of the examination, the  
4022 State Fire Marshal shall inform the applicant in writing whether  
4023 she or he has qualified or not and, if the applicant has  
4024 qualified, that she or he is ready to issue a certificate of  
4025 competency, subject to compliance with the requirements of  
4026 subsection (4).

4027 (10) Effective July 1, 2008, the State Fire Marshal shall  
4028 require the National Institute of Certification in Engineering  
4029 Technologies (NICET), Sub-field of Inspection and Testing of  
4030 Fire Protection Systems Level II or equivalent training and  
4031 education as determined by the division as proof that the  
4032 permitholders are knowledgeable about nationally accepted  
4033 standards for the inspection of fire protection systems. ~~It is~~  
4034 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~  
4035 ~~to accept continuing education of all certificateholders'~~  
4036 ~~employees who perform inspection functions which specifically~~  
4037 ~~prepares the permitholder to qualify for NICET II certification.~~

4038 (11) It is intended that a certificateholder, or a  
4039 permitholder who is employed by a certificateholder, conduct  
4040 inspections required by this chapter. It is understood that  
4041 after July 1, 2008, employee turnover may result in a depletion  
4042 of personnel who are certified under the NICET Sub-field of  
4043 Inspection and Testing of Fire Protection Systems Level II or  
4044 equivalent training and education as required by the Division of  
4045 State Fire Marshal ~~which is required for permitholders. The~~

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4046 ~~extensive training and experience necessary to achieve NICET~~  
4047 ~~Level II certification is recognized.~~ A certificateholder may  
4048 therefore obtain a provisional permit with an endorsement for  
4049 inspection, testing, and maintenance of water-based fire  
4050 extinguishing systems for an employee if the employee has  
4051 initiated procedures for obtaining Level II certification from  
4052 the National Institute for Certification in Engineering  
4053 Technologies Sub-field of Inspection and Testing of Fire  
4054 Protection Systems and achieved Level I certification or an  
4055 equivalent level as determined by the State Fire Marshal through  
4056 verification of experience, training, and examination. The State  
4057 Fire Marshal may establish rules to administer this subsection.  
4058 After 2 years of provisional certification, the employee must  
4059 have achieved NICET Level II certification, or obtain equivalent  
4060 training and education as determined by the division, or cease  
4061 performing inspections requiring Level II certification. The  
4062 provisional permit is valid only for the 2 calendar years after  
4063 the date of issuance, may not be extended, and is not renewable.  
4064 After the initial 2-year provisional permit expires, the  
4065 certificateholder must wait 2 additional years before a new  
4066 provisional permit may be issued. The intent is to prohibit the  
4067 certificateholder from using employees who never reach NICET  
4068 Level II, or equivalent training and education as determined by  
4069 the division, status by continuously obtaining provisional  
4070 permits.

4071 Section 81. Subsection (3) is added to section 633.524,  
4072 Florida Statutes, to read:

4073 633.524 Certificate and permit fees; use and deposit of  
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4074 collected funds.--

4075 (3) The State Fire Marshal may enter into a contract with  
4076 any qualified public entity or private company in accordance  
4077 with chapter 287 to provide examinations for any applicant for  
4078 any examination administered under the jurisdiction of the State  
4079 Fire Marshal. The State Fire Marshal may direct payments from  
4080 each applicant for each examination directly to such contracted  
4081 entity or company.

4082 Section 82. Subsection (4) of section 633.537, Florida  
4083 Statutes, is amended to read:

4084 633.537 Certificate; expiration; renewal; inactive  
4085 certificate; continuing education.--

4086 (4) The renewal period for the permit class is the same as  
4087 that for the employing certificateholder. The continuing  
4088 education requirements for permitholders are what is required to  
4089 maintain NICET Sub-field of Inspection and Testing of Fire  
4090 Protection Systems Level II, equivalent training and education  
4091 as determined by the division, or higher certification plus 8  
4092 contact hours of continuing education approved by the State Fire  
4093 Marshal during each biennial renewal period thereafter. The  
4094 ~~continuing education curriculum from July 1, 2005, until July 1,~~  
4095 ~~2008, shall be the preparatory curriculum for NICET II~~  
4096 ~~certification; after July 1, 2008, the technical curriculum is~~  
4097 ~~at the discretion of the State Fire Marshal and may be used to~~  
4098 ~~meet the maintenance of NICET Level II certification and 8~~  
4099 ~~contact hours of continuing education requirements. It is the~~  
4100 responsibility of the permitholder to maintain NICET II  
4101 certification or equivalent training and education as determined  
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4102 by the division as a condition of permit renewal after July 1,  
4103 2008.

4104 Section 83. Subsection (4) of section 633.72, Florida  
4105 Statutes, is amended to read:

4106 633.72 Florida Fire Code Advisory Council.--

4107 (4) Each appointee shall serve a 4-year term. No member  
4108 shall serve more than two consecutive terms ~~one term~~. No member  
4109 of the council shall be paid a salary as such member, but each  
4110 shall receive travel and expense reimbursement as provided in s.  
4111 112.061.

4112 Section 84. Section 553.509, Florida Statutes, is amended  
4113 to read:

4114 553.509 Vertical accessibility.--

4115 ~~(1)~~ Nothing in ss. 553.501-553.513 or the guidelines shall  
4116 be construed to relieve the owner of any building, structure, or  
4117 facility governed by those sections from the duty to provide  
4118 vertical accessibility to all levels above and below the  
4119 occupiable grade level, regardless of whether the guidelines  
4120 require an elevator to be installed in such building, structure,  
4121 or facility, except for:

4122 (1) ~~(a)~~ Elevator pits, elevator penthouses, mechanical  
4123 rooms, piping or equipment catwalks, and automobile lubrication  
4124 and maintenance pits and platforms;

4125 (2) ~~(b)~~ Unoccupiable spaces, such as rooms, enclosed  
4126 spaces, and storage spaces that are not designed for human  
4127 occupancy, for public accommodations, or for work areas; and

4128 (3) ~~(c)~~ Occupiable spaces and rooms that are not open to  
4129 the public and that house no more than five persons, including,  
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4130 but not limited to, equipment control rooms and projection  
4131 booths.

4132 ~~(2) (a) Any person, firm, or corporation that owns,~~  
4133 ~~manages, or operates a residential multifamily dwelling,~~  
4134 ~~including a condominium, that is at least 75 feet high and~~  
4135 ~~contains a public elevator, as described in s. 399.035(2) and~~  
4136 ~~(3) and rules adopted by the Florida Building Commission, shall~~  
4137 ~~have at least one public elevator that is capable of operating~~  
4138 ~~on an alternate power source for emergency purposes. Alternate~~  
4139 ~~power shall be available for the purpose of allowing all~~  
4140 ~~residents access for a specified number of hours each day over a~~  
4141 ~~5-day period following a natural disaster, manmade disaster,~~  
4142 ~~emergency, or other civil disturbance that disrupts the normal~~  
4143 ~~supply of electricity. The alternate power source that controls~~  
4144 ~~elevator operations must also be capable of powering any~~  
4145 ~~connected fire alarm system in the building.~~

4146 ~~(b) At a minimum, the elevator must be appropriately~~  
4147 ~~rewired and prepared to accept an alternate power source and~~  
4148 ~~must have a connection on the line side of the main disconnect,~~  
4149 ~~pursuant to National Electric Code Handbook, Article 700. In~~  
4150 ~~addition to the required power source for the elevator and~~  
4151 ~~connected fire alarm system in the building, the alternate power~~  
4152 ~~supply must be sufficient to provide emergency lighting to the~~  
4153 ~~interior lobbies, hallways, and other portions of the building~~  
4154 ~~used by the public. Residential multifamily dwellings must have~~  
4155 ~~an available generator and fuel source on the property or have~~  
4156 ~~proof of a current contract posted in the elevator machine room~~  
4157 ~~or other place conspicuous to the elevator inspector affirming a~~  
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4158 ~~current guaranteed service contract for such equipment and fuel~~  
4159 ~~source to operate the elevator on an on-call basis within 24~~  
4160 ~~hours after a request. By December 31, 2006, any person, firm or~~  
4161 ~~corporation that owns, manages, or operates a residential~~  
4162 ~~multifamily dwelling as defined in paragraph (a) must provide to~~  
4163 ~~the local building inspection agency verification of engineering~~  
4164 ~~plans for residential multifamily dwellings that provide for the~~  
4165 ~~capability to generate power by alternate means. Compliance with~~  
4166 ~~installation requirements and operational capability~~  
4167 ~~requirements must be verified by local building inspectors and~~  
4168 ~~reported to the county emergency management agency by December~~  
4169 ~~31, 2007.~~

4170 ~~(c) Each newly constructed residential multifamily~~  
4171 ~~dwelling, including a condominium, that is at least 75 feet high~~  
4172 ~~and contains a public elevator, as described in s. 399.035(2)~~  
4173 ~~and (3) and rules adopted by the Florida Building Commission,~~  
4174 ~~must have at least one public elevator that is capable of~~  
4175 ~~operating on an alternate power source for the purpose of~~  
4176 ~~allowing all residents access for a specified number of hours~~  
4177 ~~each day over a 5-day period following a natural disaster,~~  
4178 ~~manmade disaster, emergency, or other civil disturbance that~~  
4179 ~~disrupts the normal supply of electricity. The alternate power~~  
4180 ~~source that controls elevator operations must be capable of~~  
4181 ~~powering any connected fire alarm system in the building. In~~  
4182 ~~addition to the required power source for the elevator and~~  
4183 ~~connected fire alarm system, the alternate power supply must be~~  
4184 ~~sufficient to provide emergency lighting to the interior~~  
4185 ~~lobbies, hallways, and other portions of the building used by~~

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4186 ~~the public. Engineering plans and verification of operational~~  
4187 ~~capability must be provided by the local building inspector to~~  
4188 ~~the county emergency management agency before occupancy of the~~  
4189 ~~newly constructed building.~~

4190 ~~(d) Each person, firm, or corporation that is required to~~  
4191 ~~maintain an alternate power source under this subsection shall~~  
4192 ~~maintain a written emergency operations plan that details the~~  
4193 ~~sequence of operations before, during, and after a natural or~~  
4194 ~~manmade disaster or other emergency situation. The plan must~~  
4195 ~~include, at a minimum, a lifesafety plan for evacuation,~~  
4196 ~~maintenance of the electrical and lighting supply, and~~  
4197 ~~provisions for the health, safety, and welfare of the residents.~~  
4198 ~~In addition, the owner, manager, or operator of the residential~~  
4199 ~~multifamily dwelling must keep written records of any contracts~~  
4200 ~~for alternative power generation equipment. Also, quarterly~~  
4201 ~~inspection records of lifesafety equipment and alternate power~~  
4202 ~~generation equipment must be posted in the elevator machine room~~  
4203 ~~or other place conspicuous to the elevator inspector, which~~  
4204 ~~confirm that such equipment is properly maintained and in good~~  
4205 ~~working condition, and copies of contracts for alternate power~~  
4206 ~~generation equipment shall be maintained on site for~~  
4207 ~~verification. The written emergency operations plan and~~  
4208 ~~inspection records shall also be open for periodic inspection by~~  
4209 ~~local and state government agencies as deemed necessary. The~~  
4210 ~~owner or operator must keep a generator key in a lockbox posted~~  
4211 ~~at or near any installed generator unit.~~

4212 ~~(e) Multistory affordable residential dwellings for~~  
4213 ~~persons age 62 and older that are financed or insured by the~~  
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4214 ~~United States Department of Housing and Urban Development must~~  
4215 ~~make every effort to obtain grant funding from the Federal~~  
4216 ~~Government or the Florida Housing Finance Corporation to comply~~  
4217 ~~with this subsection. If an owner of such a residential dwelling~~  
4218 ~~cannot comply with the requirements of this subsection, the~~  
4219 ~~owner must develop a plan with the local emergency management~~  
4220 ~~agency to ensure that residents are evacuated to a place of~~  
4221 ~~safety in the event of a power outage resulting from a natural~~  
4222 ~~or manmade disaster or other emergency situation that disrupts~~  
4223 ~~the normal supply of electricity for an extended period of time.~~  
4224 ~~A place of safety may include, but is not limited to, relocation~~  
4225 ~~to an alternative site within the building or evacuation to a~~  
4226 ~~local shelter.~~

4227 ~~(f) As a part of the annual elevator inspection required~~  
4228 ~~under s. 399.061, certified elevator inspectors shall confirm~~  
4229 ~~that all installed generators required by this chapter are in~~  
4230 ~~working order, have current inspection records posted in the~~  
4231 ~~elevator machine room or other place conspicuous to the elevator~~  
4232 ~~inspector, and that the required generator key is present in the~~  
4233 ~~lockbox posted at or near the installed generator. If a building~~  
4234 ~~does not have an installed generator, the inspector shall~~  
4235 ~~confirm that the appropriate rewiring and switching~~  
4236 ~~capabilities are present and that a statement is posted in the~~  
4237 ~~elevator machine room or other place conspicuous to the elevator~~  
4238 ~~inspector affirming a current guaranteed contract exists for~~  
4239 ~~contingent services for alternate power is current for the~~  
4240 ~~operating period.~~

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4242 However, buildings, structures, and facilities must, as a  
4243 minimum, comply with the requirements in the Americans with  
4244 Disabilities Act Accessibility Guidelines.

4245 Section 85. The Florida Building Commission is directed to  
4246 adjust the Florida Building Code for consistency with the  
4247 revisions to s. 399.02, Florida Statutes, made by this act.

4248 Section 86. This act shall take effect July 1, 2009.

4249 -----  
4250  
4251 **T I T L E A M E N D M E N T**

4252 Remove the entire title and insert:

4253 A bill to be entitled

4254 An act relating to the relating to the regulation of  
4255 businesses and professions; amending s. 20.165, F.S.;  
4256 establishing the Division of Service Operations within the  
4257 department; amending s. 455.217, F.S.; transferring  
4258 certain duties of the Division of Technology relating to  
4259 examinations to the Division of Service Operations;  
4260 requiring the department to use outside qualified testing  
4261 vendors under certain conditions; deleting a requirement  
4262 that the appropriate board approve the department's use of  
4263 professional testing services; amending s. 509.233, F.S.;  
4264 authorizing local governments to establish, by ordinance,  
4265 local exemption procedures to allow patrons' dogs within  
4266 certain designated outdoor portions of public food service  
4267 establishments; deleting provisions for a pilot program  
4268 that limits the authority for such local exemption  
4269 procedures to a specified time; deleting a provision that

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4270 provides for the future review and repeal of such pilot  
4271 program; transferring by a type II transfer the Bureau of  
4272 Onsite Sewage from the Department of Health to the  
4273 Department of Environmental Protection; amending s.  
4274 20.165, F.S.; creating the Division of Service Operations  
4275 of the department; amending s. 455.217, F.S.; conforming  
4276 provisions and transferring to the Division of Service  
4277 Operations from the Division of Technology certain  
4278 responsibilities related to examinations; revising certain  
4279 requirements for the department concerning the use of  
4280 outside vendors for the development, preparation, and  
4281 evaluation of examinations; repealing s. 509.233(1) and  
4282 (7), F.S., relating to a 3-year pilot program for local  
4283 governments to allow patrons' dogs within certain  
4284 designated outdoor portions of public food service  
4285 establishments; abrogating the repeal of the program;  
4286 requiring that the Office of Program Policy Analysis and  
4287 Government Accountability perform a study and make certain  
4288 recommendations to the Legislature by a specified date  
4289 regarding the enactment of laws to provide for protection  
4290 and remedies from certain online poker activities;  
4291 amending s. 509.233, F.S.; providing a short title;  
4292 nullifying a provision of another bill which increases the  
4293 threshold value of certain equipment for construction  
4294 projects below which a contractor working with such  
4295 equipment need not be a licensed engineer; extending  
4296 certain construction, operating, and building permits and  
4297 development orders for a specified period of time;

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HOUSE AMENDMENT  
Bill No. CS/CS/SB 682

Amendment No.

4298 providing exceptions; specifying retroactive applicability  
4299 for such extensions; providing requirements; providing  
4300 applicability; amending s. 120.569, F.S.; providing for  
4301 specified electronic notice of the procedure to obtain an  
4302 administrative hearing or judicial review; amending s.  
4303 120.60, F.S.; revising provisions relating to licensing  
4304 under the Administrative Procedure Act; providing for  
4305 objection to an agency's request for additional  
4306 information; requiring an agency to process a permit  
4307 application at the request of an applicant under certain  
4308 circumstances; amending s. 125.022, F.S.; prohibiting a  
4309 county from requiring an applicant to obtain certain  
4310 permits or approval as a condition for approval of a  
4311 development permit; creating s. 161.032, F.S.; requiring  
4312 the Department of Environmental Protection to request  
4313 additional information for coastal construction permit  
4314 applications within a specified period of time; providing  
4315 for the objection to such request by the applicant;  
4316 extending the period of time for applicants to provide  
4317 additional information to the department; providing for  
4318 the denial of an application under certain conditions;  
4319 amending s. 163.033, F.S.; prohibiting a municipality from  
4320 requiring an applicant to obtain certain permits or  
4321 approval as a condition for approval of a development  
4322 permit; amending s. 253.034, F.S.; providing for the  
4323 deposition of dredged materials on state-owned submerged  
4324 lands in certain circumstances and for certain purposes;  
4325 amending s. 258.42, F.S.; authorizing the placement of

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Amendment No.

4326 roofs on specified docks; providing requirements;  
4327 providing an exemption from certain calculations; amending  
4328 s. 373.026, F.S.; directing the Department of  
4329 Environmental Protection to expand the use of Internet-  
4330 based self-certification services for certain exemptions  
4331 and general permits; directing the department and the  
4332 water management districts to identify and develop  
4333 professional certification for certain permitted  
4334 activities; amending ss. 373.079, 373.083, and 373.118,  
4335 F.S.; requiring a water management district's governing  
4336 board to delegate to the executive director its authority  
4337 to approve certain permits or grant variances or waivers  
4338 of permitting requirements; providing that such delegation  
4339 is not subject to certain rulemaking requirements;  
4340 providing delegation authority to the executive director;  
4341 providing delegation authority to the executive director;  
4342 prohibiting board members from intervening in application  
4343 review prior to referral for final action; amending s.  
4344 373.236, F.S.; authorizing water management districts to  
4345 issue consumptive use permits to specified entities for  
4346 certain uses and for alternative water supply development  
4347 projects; providing for compliance reporting and review,  
4348 modification, and revocation relating to such permits;  
4349 amending s. 373.243, F.S.; limiting the authority of a  
4350 governing board or the department to revoke certain  
4351 permits for nonuse of resource; amending s. 373.406, F.S.;  
4352 providing an exemption from permitting requirements for  
4353 construction of specified public use facilities; creating

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4354 s. 373.1181, F.S.; providing for issuance of a general  
4355 permit to counties to construct, operate, alter, maintain,  
4356 or remove systems for the purposes of environmental  
4357 restoration; specifying requirements for such permits;  
4358 requiring the water management district or the department  
4359 to provide counties with certain written notification;  
4360 providing that the permit constitutes a letter of consent  
4361 by the Board of Trustees of the Internal Improvement Trust  
4362 Fund to complete certain activities; amending s. 373.4141,  
4363 F.S.; extending the period of time for applicants to  
4364 provide additional information for certain permit  
4365 applications; providing for the denial of an application  
4366 under certain conditions; amending s. 373.441, F.S.;  
4367 revising provisions relating to the regulation of  
4368 activities subject to delegation to a qualified local  
4369 government; amending s. 403.061, F.S.; authorizing the  
4370 department to adopt rules that include special criteria  
4371 for approval of construction and operation of certain  
4372 docking facilities; authorizing the department to maintain  
4373 a list of projects or activities for applicants to  
4374 consider when developing certain proposals; authorizing  
4375 the department to develop a project management plan to  
4376 implement an e-permitting program; authorizing the  
4377 department to expand online self-certification for certain  
4378 exemptions and general permits; prohibiting local  
4379 governments from specifying the method or form of  
4380 documentation by which a project meets specified  
4381 provisions; amending s. 403.813, F.S.; clarifying

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4382 provisions relating to permits issued at district centers;  
4383 authorizing the use of certain materials and deviations  
4384 for the replacement or repair of docks and piers; amending  
4385 s. 403.814, F.S.; directing the Department of  
4386 Environmental Protection to expand the use of Internet-  
4387 based self-certification services for certain exemptions  
4388 and general permits; requiring the department to submit a  
4389 report to the Legislature by a specified date; amending s.  
4390 403.973, F.S.; removing the authority of the Office of  
4391 Tourism, Trade, and Economic Development to approve  
4392 expedited permitting and comprehensive plan amendments and  
4393 providing such authority to the Secretary of Environmental  
4394 Protection; revising criteria for businesses submitting  
4395 permit applications or local comprehensive plan  
4396 amendments; providing that permit applications and local  
4397 comprehensive plan amendments for specified biofuel and  
4398 renewable energy projects are eligible for the expedited  
4399 permitting process; providing for the establishment of  
4400 regional permit action teams through the execution of  
4401 memoranda of agreement developed by permit applicants and  
4402 the secretary; providing for the appeal of a local  
4403 government's approval of an expedited permit or  
4404 comprehensive plan amendment and requiring such appeals to  
4405 be consolidated with challenges to state agency actions;  
4406 specifying the form of the memoranda of agreement  
4407 developed by the secretary; revising the time by which  
4408 certain final orders must be issued; providing additional  
4409 requirements for recommended orders; providing for

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4410 challenges to state agency action related to expedited  
4411 permitting for specified renewable energy projects;  
4412 revising provisions relating to the review of sites  
4413 proposed for the location of facilities eligible for the  
4414 Innovation Incentive Program; specifying expedited review  
4415 eligibility for certain electrical power projects;  
4416 amending ss. 14.2015, 288.0655, and 380.06, F.S.;  
4417 conforming cross-references; amending s. 373.414, F.S.,  
4418 providing for satisfaction of certain mitigation  
4419 requirements for permits that provide conceptual approval  
4420 of the long-term build out or expansion of an airport  
4421 located within the Upper Kissimmee Planning Unit under  
4422 certain conditions; providing for the duration of such  
4423 permits; amending s. 373.185, F.S.; revising the  
4424 definition of Florida-friendly landscaping; deleting  
4425 references to "xeriscape"; requiring water management  
4426 districts to provide model Florida-friendly landscaping  
4427 ordinances to local governments; revising eligibility  
4428 criteria for certain water management district incentive  
4429 programs; requiring certain local government ordinances  
4430 and amendments to include certain design standards and  
4431 identify specified invasive exotic plant species;  
4432 requiring water management districts to consult with  
4433 additional entities for activities relating to Florida-  
4434 friendly landscaping practices; specifying programs for  
4435 the delivery of educational programs relating to such  
4436 practices; providing legislative findings; providing that  
4437 certain regulations prohibiting the implementation of

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4438 Florida-friendly landscaping or conflicting with  
4439 provisions governing the permitting of consumptive uses of  
4440 water are prohibited; providing construction; creating s.  
4441 373.187, F.S.; requiring water management districts to  
4442 implement Florida-friendly landscaping practices on  
4443 specified properties; requiring districts to develop  
4444 specified programs for implementing such practices;  
4445 amending s. 373.228, F.S.; requiring water management  
4446 districts to consider certain information in evaluating  
4447 water use applications from public water suppliers;  
4448 conforming provisions to changes made by the act; amending  
4449 s. 373.323, F.S.; revising application requirements for  
4450 water well contractor licensure; requiring applicants to  
4451 provide specified documentation; amending s. 373.333,  
4452 F.S.; authorizing an administrative fine to be imposed for  
4453 each occurrence of unlicensed well water contracting;  
4454 amending ss. 125.568, 166.048, 255.259, 335.167, 380.061,  
4455 388.291, 481.303, and 720.3075, F.S.; conforming  
4456 provisions to changes made by the act; revising provisions  
4457 requiring the use of Florida-friendly landscaping for  
4458 specified public properties and highway construction and  
4459 maintenance projects; amending s. 369.317, F.S.;  
4460 clarifying mitigation offsets in the Wekiva Study Area;  
4461 establishing a task force to develop recommendations  
4462 relating to stormwater management system design;  
4463 specifying study criteria; providing for task force  
4464 membership, meetings, and expiration; requiring the task  
4465 force to submit findings and legislative recommendations

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HOUSE AMENDMENT  
Bill No. CS/CS/SB 682

Amendment No.

4466 to the Legislature by a specified date; amending s.  
4467 378.901, F.S.; conforming provisions to the redesignation  
4468 of the Bureau of Mine Reclamation as the Bureau of Mining  
4469 and Mineral Regulation; providing authority to the  
4470 Department of Environmental Protection to issue a life-of-  
4471 the-mine permit to operators of limerock mines; amending  
4472 s. 399.02, F.S.; exempting certain elevators from  
4473 provisions requiring modifications to heat sensors and  
4474 electronic controls; amending s. 399.15, F.S.; providing  
4475 an alternative method to allow regional emergency elevator  
4476 access; providing for a uniform lock box; providing for a  
4477 master key; providing the Division of State Fire Marshal  
4478 with enforcement authority; directing the Department of  
4479 Financial Services to select the provider of the uniform  
4480 lock box; amending s. 468.8311, F.S.; effective July 1,  
4481 2010, revising the term "home inspection services" to  
4482 include the visual examination of additional components;  
4483 amending s. 468.8312, F.S.; effective July 1, 2010,  
4484 providing for fee increases for home inspection licenses;  
4485 amending s. 468.8319, F.S.; effective July 1, 2010,  
4486 revising certain prohibitions with respect to providers of  
4487 home inspection services; amending s. 468.832, F.S.;  
4488 effective July 1, 2010, authorizing the Department of  
4489 Business and Professional Regulation to impose penalties  
4490 against a licensee found guilty of certain violations;  
4491 amending s. 468.8324, F.S.; providing additional  
4492 requirements for licensure as a home inspector; amending  
4493 s. 627.711, F.S., removing a testing requirement;

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HOUSE AMENDMENT  
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Amendment No.

4494       repealing s. 718.113(6), F.S., relating to requirements  
4495       for 5-year inspections of certain condominium  
4496       improvements; amending s. 553.37, F.S.; authorizing  
4497       manufacturers to pay inspection fees directly to the  
4498       provider of inspection services; providing rulemaking  
4499       authority to the Department of Community Affairs;  
4500       authorizing the department to enter into contracts for the  
4501       performance of certain administrative duties; revising  
4502       inspection requirements for certain custom manufactured  
4503       buildings; amending s. 553.375, F.S.; revising the  
4504       requirement for recertification of manufactured buildings  
4505       prior to relocation; amending s. 553.73, F.S.; authorizing  
4506       the Florida Building Commission to adopt amendments  
4507       relating to equivalency of standards; authorizing the  
4508       adoption of amendments necessary to accommodate state  
4509       agency rules to meet federal requirements for design  
4510       criteria relating to public educational facilities and  
4511       state-licensed facilities; exempting certain mausoleums  
4512       from the requirements of the Florida Building Code;  
4513       exempting certain temporary housing provided by the  
4514       Department of Corrections from the requirements of the  
4515       Florida Building Code; restricting the code or an code  
4516       enforcement agency from imposing requirements on certain  
4517       air conditioning systems; amending s. 553.76, F.S.;  
4518       authorizing the Florida Building Commission to adopt rules  
4519       related to consensus-building decisionmaking; amending s.  
4520       553.775, F.S.; authorizing the commission to charge a fee  
4521       for nonbinding interpretations; amending s. 553.79, F.S.;

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HOUSE AMENDMENT  
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Amendment No.

4522 requiring state agencies to contract for inspection  
4523 services under the alternative plans review and inspection  
4524 process or with a local governmental entity; amending s.  
4525 553.841, F.S.; deleting provisions requiring that the  
4526 Department of Community Affairs maintain, update, develop,  
4527 or cause to be developed a core curriculum for persons who  
4528 enforce the Florida Building Code; amending s. 553.842,  
4529 F.S.; authorizing rules requiring the payment of product  
4530 evaluation fees directly to the administrator of the  
4531 product evaluation and approval system; requiring that the  
4532 provider remit a portion of the fees to the department to  
4533 cover its costs; providing requirements for the approval  
4534 of applications for state approval of a product; providing  
4535 for certain approved products to be immediately added to  
4536 the list of state-approved products; requiring that the  
4537 commission's oversight committee review approved products;  
4538 revising the list of approved evaluation entities;  
4539 deleting obsolete provisions governing evaluation  
4540 entities; amending s. 553.844, F.S.; providing an  
4541 exemption from requirements from roof and opening  
4542 protections for certain exposed mechanical equipment or  
4543 appliances; providing a sunset provision; amending s.  
4544 553.885, F.S.; revising requirements for carbon monoxide  
4545 alarms; providing an exception for buildings undergoing  
4546 alterations or repairs; defining the term "addition";  
4547 amending s. 553.9061, F.S.; revising the energy-efficiency  
4548 performance options and elements identified by the  
4549 commission for purposes of meeting certain goals; amending

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Amendment No.

4550 s. 553.912, F.S.; providing requirements for replacement  
4551 air conditioners; repealing ss. 468.627(6), 481.215(5),  
4552 and 481.313(5), F.S., relating to building code  
4553 inspectors, renewal of the license for architects,  
4554 interior designers, and landscape architects,  
4555 respectively; amending ss. 471.0195, 489.115, 489.1455,  
4556 489.517, and 627.711, F.S., conforming provisions relating  
4557 to the deletion of core curriculum courses relating to the  
4558 Florida Building Code; reenacting s. 553.80(1), F.S.,  
4559 relating to the enforcement of the Florida Building Code,  
4560 to incorporate the amendments made to s. 553.79, F.S., in  
4561 a reference thereto; amending s. 633.0215, F.S.; providing  
4562 guidelines for the State Fire Marshal to use in issuing an  
4563 expedited declaratory statement; requiring the State Fire  
4564 Marshal to issue an expedited declaratory statement under  
4565 certain circumstances; providing requirements for a  
4566 petition requesting an expedited declaratory statement;  
4567 amending s. 633.026, F.S.; providing legislative intent;  
4568 providing for the establishment of the Fire Code  
4569 Interpretation Committee; providing for the membership of  
4570 the committee and requirements for membership; requiring  
4571 that nonbinding interpretations of the Florida Fire  
4572 Prevention Code be issued within a specified period after  
4573 a request is received; providing for the waiver of such  
4574 requirement under certain conditions; requiring the  
4575 Division of State Fire Marshal to charge a fee for  
4576 nonbinding interpretations; providing that fees may be  
4577 paid directly to a contract provider; providing

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Amendment No.

4578 requirements for requesting a nonbinding interpretation;  
4579 requiring the Division of State Fire Marshal to develop a  
4580 form for submitting a petition for a nonbinding  
4581 interpretation; providing for a formal interpretation by  
4582 the State Fire Marshal; requiring that an interpretation  
4583 of the Florida Fire Prevention Code be published on the  
4584 division's website and the Florida Administrative Weekly;  
4585 amending s. 633.081, F.S.; requiring the Division of State  
4586 Fire Marshal and the Florida Building Code Administrator  
4587 and Inspectors Board enter into a reciprocity agreement  
4588 for purposes of recertifying building code inspectors,  
4589 plan inspectors, building code administrators, and  
4590 firesafety inspectors; amending s. 633.352, F.S.;  
4591 providing an exception to requirements for recertification  
4592 as a firefighter; amending s. 633.521, F.S.; revising  
4593 requirements for certification as a fire protection system  
4594 contractor; revising the prerequisites for taking the  
4595 certification examination; authorizing the State Fire  
4596 Marshal to accept more than one source of professional  
4597 certification; revising legislative intent; amending s.  
4598 633.524, F.S.; authorizing the State Fire Marshal to enter  
4599 into contracts for examination services; providing for  
4600 direct payment of examination fees to contract providers;  
4601 amending s. 633.537, F.S.; revising the continuing  
4602 education requirements for certain permitholders; amending  
4603 633.72, F.S.; revising the terms of service for members of  
4604 the Fire Code Advisory Council; amending s. 553.509, F.S.,  
4605 deleting requirements for alternate power sources for

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HOUSE AMENDMENT  
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Amendment No.

4606       elevators for purposes of operating during an emergency;  
4607       directing the Florida Building Commission to conform  
4608       provisions of the Florida Building Code with revisions  
4609       made by the act relating to the operation of elevators;  
4610       providing an effective date.

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