



LEGISLATIVE ACTION

Senate	.	House
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Floor: WD/3R	.	
05/01/2009 03:22 PM	.	
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Senator Bennett moved the following:

Senate Amendment (with title amendment)

Between lines 106 and 107
insert:

Section 8. (1) Except as provided in subsection (4), and in recognition of 2009 real estate market conditions, any permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373, Florida Statutes, that has an expiration date of September 1, 2008, through January 1, 2012, is extended and renewed for a period of 2 years following its date of expiration. This extension includes any local government-issued development order or



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13 building permit. The 2-year extension also applies to build out
14 dates including any build out date extension previously granted
15 under s. 380.06(19)(c), Florida Statutes. This section may not
16 be construed to prohibit conversion from the construction phase
17 to the operation phase upon completion of construction.

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

22 (3) The holder of a valid permit or other authorization
23 that is eligible for the 2-year extension shall notify the
24 authorizing agency in writing no later than December 31, 2009,
25 identifying the specific authorization for which the holder
26 intends to use the extension and anticipated timeframe for
27 acting on the authorization.

28 (4) The extensions provided for in subsection (1) do not
29 apply to:

30 (a) A permit or other authorization under any programmatic
31 or regional general permit issued by the Army Corps of
32 Engineers.

33 (b) A permit or other authorization held by an owner or
34 operator determined to be in significant noncompliance with the
35 conditions of the permit or authorization as established through
36 the issuance of a warning letter or notice of violation, the
37 initiation of formal enforcement, or other equivalent action by
38 the authorizing agency.

39 (5) Permits extended under this section shall continue to
40 be governed by rules in effect at the time the permit was
41 issued, except where it can be demonstrated that the rules in



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42 effect at the time the permit was issued would create an
43 immediate threat to public safety or health. This section shall
44 apply to any modification of the plans, terms, and conditions of
45 the permit that lessens the environmental impact, except that
46 any such modification shall not extend the time limit beyond 2
47 additional years.

48 (6) Nothing in this section shall impair the authority of a
49 county or municipality to require the owner of a property, which
50 has noticed the county or municipality that it intends to
51 receive the extension of time granted by this section, to
52 maintain and secure the property in a safe and sanitary
53 condition in compliance with applicable laws and ordinances.

54 Section 9. Subsection (1) of section 120.569, Florida
55 Statutes, is amended to read:

56 120.569 Decisions which affect substantial interests.—

57 (1) The provisions of this section apply in all proceedings
58 in which the substantial interests of a party are determined by
59 an agency, unless the parties are proceeding under s. 120.573 or
60 s. 120.574. Unless waived by all parties, s. 120.57(1) applies
61 whenever the proceeding involves a disputed issue of material
62 fact. Unless otherwise agreed, s. 120.57(2) applies in all other
63 cases. If a disputed issue of material fact arises during a
64 proceeding under s. 120.57(2), then, unless waived by all
65 parties, the proceeding under s. 120.57(2) shall be terminated
66 and a proceeding under s. 120.57(1) shall be conducted. Parties
67 shall be notified of any order, including a final order. Unless
68 waived, a copy of the order shall be delivered or mailed to each
69 party or the party's attorney of record at the address of
70 record. Each notice shall inform the recipient of any



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71 administrative hearing or judicial review that is available
72 under this section, s. 120.57, or s. 120.68; shall indicate the
73 procedure which must be followed to obtain the hearing or
74 judicial review; and shall state the time limits which apply.
75 Notwithstanding any other provision of law, notice of the
76 procedure to obtain an administrative hearing or judicial
77 review, including any items required by the uniform rules
78 adopted pursuant to s. 120.54(5), may be provided via a link to
79 a publicly available Internet site.

80 Section 10. Subsection (1) of section 120.60, Florida
81 Statutes, is amended to read:

82 120.60 Licensing.—

83 (1) Upon receipt of an application for a license, an agency
84 shall examine the application and, within 30 days after such
85 receipt, notify the applicant of any apparent errors or
86 omissions and request any additional information the agency is
87 permitted by law to require. If the applicant believes the
88 request for such additional information is not authorized by law
89 or agency rule, the agency, at the applicant's request, shall
90 proceed to process the permit application. An agency shall not
91 deny a license for failure to correct an error or omission or to
92 supply additional information unless the agency timely notified
93 the applicant within this 30-day period. An application shall be
94 considered complete upon receipt of all requested information
95 and correction of any error or omission for which the applicant
96 was timely notified or when the time for such notification has
97 expired. Every application for a license shall be approved or
98 denied within 90 days after receipt of a completed application
99 unless a shorter period of time for agency action is provided by



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100 law. The 90-day time period shall be tolled by the initiation of
101 a proceeding under ss. 120.569 and 120.57. Any application for a
102 license that is not approved or denied within the 90-day or
103 shorter time period, within 15 days after conclusion of a public
104 hearing held on the application, or within 45 days after a
105 recommended order is submitted to the agency and the parties,
106 whichever action and timeframe is latest and applicable, is
107 considered approved unless the recommended order recommends that
108 the agency deny the license. Subject to the satisfactory
109 completion of an examination if required as a prerequisite to
110 licensure, any license that is considered approved shall be
111 issued and may include such reasonable conditions as are
112 authorized by law. Any applicant for licensure seeking to claim
113 licensure by default under this subsection shall notify the
114 agency clerk of the licensing agency, in writing, of the intent
115 to rely upon the default license provision of this subsection,
116 and shall not take any action based upon the default license
117 until after receipt of such notice by the agency clerk.

118 Section 11. Section 125.022, Florida Statutes, is amended
119 to read:

120 125.022 Development permits.—When a county denies an
121 application for a development permit, the county shall give
122 written notice to the applicant. The notice must include a
123 citation to the applicable portions of an ordinance, rule,
124 statute, or other legal authority for the denial of the permit.
125 As used in this section, the term “development permit” has the
126 same meaning as in s. 163.3164. A county may not require as a
127 condition of approval for a development permit that an applicant
128 obtain a permit or approval from any other state or federal



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129 agency. Issuance of a development permit by a county does not in
130 any way create any rights on the part of an applicant to obtain
131 a permit from another state or federal agency and does not
132 create any liability on the part of the county for issuance of
133 the permit in the event that an applicant fails to fulfill its
134 legal obligations to obtain requisite approvals or fulfill the
135 obligations imposed by other state or federal agencies. A county
136 may attach such a disclaimer to the issuance of development
137 permits and may include a permit condition that all other
138 applicable state or federal permits must be obtained prior to
139 development. This section shall not be construed to prohibit a
140 county from providing information to an applicant regarding what
141 other state or federal permits may be applicable.

142 Section 12. Section 161.032, Florida Statutes, is created
143 to read:

144 161.032 Application review; request for additional
145 information.-

146 (1) Within 30 days after receipt of an application for a
147 permit under this part, the department shall review the
148 application and shall request submission of any additional
149 information the department is permitted by law to require. If
150 the applicant believes a request for additional information is
151 not authorized by law or rule, the applicant may request a
152 hearing pursuant to s. 120.57. Within 30 days after receipt of
153 such additional information, the department shall review such
154 additional information and may request only that information
155 needed to clarify such additional information or to answer new
156 questions raised by or directly related to such additional
157 information. If the applicant believes the request for such



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158 additional information by the department is not authorized by
159 law or rule, the department, at the applicant's request, shall
160 proceed to process the permit application.

161 (2) Notwithstanding the provisions of s. 120.60, an
162 applicant for a permit under this part shall have 90 days after
163 the date of a timely request for additional information to
164 submit such information. If an applicant requires more than 90
165 days to respond to a request for additional information, the
166 applicant must notify the agency processing the permit
167 application in writing of the circumstances, at which time the
168 application shall be held in active status for no more than one
169 additional period of up to 90 days. Additional extensions may be
170 granted for good cause shown by the applicant. A showing that
171 the applicant is making a diligent effort to obtain the
172 requested additional information shall constitute good cause.
173 Failure of an applicant to provide the timely requested
174 information by the applicable deadline shall result in denial of
175 the application without prejudice.

176 Section 13. Section 166.033, Florida Statutes, is amended
177 to read:

178 166.033 Development permits.—When a municipality denies an
179 application for a development permit, the municipality shall
180 give written notice to the applicant. The notice must include a
181 citation to the applicable portions of an ordinance, rule,
182 statute, or other legal authority for the denial of the permit.
183 As used in this section, the term "development permit" has the
184 same meaning as in s. 163.3164. A municipality may not require
185 as a condition of approval for a development permit that an
186 applicant obtain a permit or approval from any other state or



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187 federal agency. Issuance of a development permit by a
188 municipality does not in any way create any right on the part of
189 an applicant to obtain a permit from another state or federal
190 agency and does not create any liability on the part of the
191 municipality for issuance of the permit in the event that an
192 applicant fails to fulfill its legal obligations to obtain
193 requisite approvals or fulfill the obligations imposed by other
194 state or federal agencies. A municipality may attach such a
195 disclaimer to the issuance of development permits and may
196 include a permit condition that all other applicable state or
197 federal permits must be obtained prior to development. This
198 section shall not be construed to prohibit a municipality from
199 providing information to an applicant regarding what other state
200 or federal permits may be applicable.

201 Section 14. Subsection (13) of section 253.034, Florida
202 Statutes, is amended to read:

203 253.034 State-owned lands; uses.-

204 (13) The deposition of dredged material on state-owned
205 submerged lands for the purpose of restoring previously dredged
206 holes to natural conditions shall be conducted in such a manner
207 as to maximize environmental benefits. In such cases, the
208 dredged material shall be placed in the dredge hole at an
209 elevation consistent with the surrounding area to allow light
210 penetration so as to maximize propagation of native vegetation.
211 When available dredged material is of insufficient quantity to
212 raise the entire dredge hole to prior natural elevations, then
213 placement shall be limited to a portion of the dredge hole where
214 elevations can be restored to natural elevations ~~Notwithstanding~~
215 ~~the provisions of this section, funds from the sale of property~~



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216 ~~by the Department of Highway Safety and Motor Vehicles located~~
217 ~~in Palm Beach County are authorized to be deposited into the~~
218 ~~Highway Safety Operating Trust Fund to facilitate the exchange~~
219 ~~as provided in the General Appropriations Act, provided that at~~
220 ~~the conclusion of both exchanges the values are equalized. This~~
221 ~~subsection expires July 1, 2009.~~

222 Section 15. Paragraph (e) of subsection (3) of section
223 258.42, Florida Statutes, is amended to read:

224 258.42 Maintenance of preserves.—The Board of Trustees of
225 the Internal Improvement Trust Fund shall maintain such aquatic
226 preserves subject to the following provisions:

227 (3)

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

230 1. Private residential docks may be approved for reasonable
231 ingress or egress of riparian owners. Slips located at private
232 residential single-family docks that contain boat lifts or
233 davits which do not float in the water when loaded may be
234 roofed, but may not be in whole or in part enclosed with walls,
235 provided that the roof shall not overhang more that 1-foot
236 beyond the footprint of the boat lift. Such roofs shall not be
237 considered to be part of the square-footage calculations of the
238 terminal platform.

239 2. Private residential multislip docks may be approved if
240 located within a reasonable distance of a publicly maintained
241 navigation channel, or a natural channel of adequate depth and
242 width to allow operation of the watercraft for which the docking
243 facility is designed without the craft having an adverse impact
244 on marine resources. The distance shall be determined in



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245 accordance with criteria established by the trustees by rule,
246 based on a consideration of the depth of the water, nature and
247 condition of bottom, and presence of manatees.

248 3. Commercial docking facilities shown to be consistent
249 with the use or management criteria of the preserve may be
250 approved if the facilities are located within a reasonable
251 distance of a publicly maintained navigation channel, or a
252 natural channel of adequate depth and width to allow operation
253 of the watercraft for which the docking facility is designed
254 without the craft having an adverse impact on marine resources.
255 The distance shall be determined in accordance with criteria
256 established by the trustees by rule, based on a consideration of
257 the depth of the water, nature and condition of bottom, and
258 presence of manatees.

259 4. Structures for shore protection, including restoration
260 of seawalls at their previous location or upland of or within 18
261 inches waterward of their previous location, approved
262 navigational aids, or public utility crossings authorized under
263 paragraph (a) may be approved.

264
265 No structure under this paragraph or chapter 253 shall be
266 prohibited solely because the local government fails to adopt a
267 marina plan or other policies dealing with the siting of such
268 structures in its local comprehensive plan.

269 Section 16. Subsection (10) is added to section 373.026,
270 Florida Statutes, to read:

271 373.026 General powers and duties of the department.—The
272 department, or its successor agency, shall be responsible for
273 the administration of this chapter at the state level. However,



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274 it is the policy of the state that, to the greatest extent
275 possible, the department may enter into interagency or
276 interlocal agreements with any other state agency, any water
277 management district, or any local government conducting programs
278 related to or materially affecting the water resources of the
279 state. All such agreements shall be subject to the provisions of
280 s. 373.046. In addition to its other powers and duties, the
281 department shall, to the greatest extent possible:

282 (10) Expand the use of Internet-based self-certification
283 services for appropriate exemptions and general permits issued
284 by the department and the water management districts, providing
285 such expansion is economically feasible. In addition to
286 expanding the use of Internet-based self-certification services
287 for appropriate exemptions and general permits, the department
288 and water management districts shall identify and develop
289 general permits for activities currently requiring individual
290 review that could be expedited through the use of professional
291 certification.

292 Section 17. Paragraph (a) of subsection (4) of section
293 373.079, Florida Statutes, is amended to read:

294 373.079 Members of governing board; oath of office; staff.-

295 (4) (a) The governing board of the district is authorized to
296 employ an executive director, ombudsman, and such engineers,
297 other professional persons, and other personnel and assistants
298 as it deems necessary and under such terms and conditions as it
299 may determine and to terminate such employment. The appointment
300 of an executive director by the governing board is subject to
301 approval by the Governor and must be initially confirmed by the
302 Florida Senate. The governing board may delegate all or part of



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303 its authority under this paragraph to the executive director.
304 However, the governing board shall delegate all of its authority
305 to take final action on permit applications under part II or
306 part IV, or petitions for variances or waivers of permitting
307 requirements under part II or part IV, except as provided under
308 ss. 373.083(5) and 373.118(4). This delegation shall not be
309 subject to the rulemaking requirements of chapter 120. The
310 executive director may execute such delegated authority through
311 designated staff members. The executive director must be
312 confirmed by the Senate upon employment and must be confirmed or
313 reconfirmed by the Senate during the second regular session of
314 the Legislature following a gubernatorial election.

315 Section 18. Subsection (5) of section 373.083, Florida
316 Statutes, is amended to read:

317 373.083 General powers and duties of the governing board.—
318 In addition to other powers and duties allowed it by law, the
319 governing board is authorized to:

320 (5) Execute any of the powers, duties, and functions vested
321 in the governing board through a member or members thereof, the
322 executive director, or other district staff as designated by the
323 governing board. The governing board may establish the scope and
324 terms of any delegation. ~~However, if~~ The governing board shall
325 delegate to the executive director ~~delegates~~ the authority to
326 take final action on permit applications under part II or part
327 IV, or petitions for variances or waivers of permitting
328 requirements under part II or part IV, and the executive
329 director may execute such delegated authority through designated
330 staff. Such delegation shall not be subject to the rulemaking
331 requirements of chapter 120. However, the governing board shall



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332 provide a process for referring any denial of such application
333 or petition to the governing board to take final action. Such
334 process shall expressly prohibit any member of a governing board
335 from intervening in the review of an application prior to the
336 application being referred to the governing board for final
337 action. The authority in this subsection is supplemental to any
338 other provision of this chapter granting authority to the
339 governing board to delegate specific powers, duties, or
340 functions.

341 Section 19. Subsection (4) of section 373.118, Florida
342 Statutes, is amended to read:

343 373.118 General permits; delegation.—

344 (4) To provide for greater efficiency, the governing board
345 shall may delegate by rule its powers and duties pertaining to
346 general permits to the executive director and such delegation
347 shall not be subject to the rulemaking requirements of chapter
348 120. The executive director may execute such delegated authority
349 through designated staff. However, when delegating the authority
350 to take final action on permit applications under part II or
351 part IV or petitions for variances or waivers of permitting
352 requirements under part II or part IV, the governing board shall
353 provide a process for referring any denial of such application
354 or petition to the governing board to take such final action.

355 Section 20. Subsections (6) and (7) are added to section
356 373.236, Florida Statutes, to read:

357 373.236 Duration of permits; compliance reports.—

358 (6) (a) The Legislature finds that the need for alternative
359 water supply development projects to meet anticipated public
360 water supply demands of the state is such that it is essential



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361 to encourage participation in and contribution to such projects
362 by private rural landowners who characteristically have
363 relatively modest near-term water demands but substantially
364 increasing demands after the 20-year planning period provided in
365 s. 373.0361. Therefore, where such landowners make extraordinary
366 contributions of lands or construction funding to enable the
367 expeditious implementation of such projects, water management
368 districts and the department are authorized to grant permits for
369 such projects for a period of up to 50 years to municipalities,
370 counties, special districts, regional water supply authorities,
371 multijurisdictional water supply entities, and publicly or
372 privately owned utilities created for or by the private
373 landowners on or before April 1, 2009, which have entered into
374 an agreement with the private landowner for the purposes of more
375 efficiently pursuing alternative public water supply development
376 projects identified in a district's regional water supply plan
377 and meeting water demands of both the applicant and the
378 landowner.

379 (b) Any permit granted pursuant to paragraph (a) shall be
380 granted only for that period of time for which there is
381 sufficient data to provide reasonable assurance that the
382 conditions for permit issuance will be met. Such a permit shall
383 require a compliance report by the permittee every 5 years
384 during the term of the permit. The report shall contain
385 sufficient data to maintain reasonable assurance that the
386 conditions for permit issuance applicable at the time of
387 district review of the compliance report are met. Following
388 review of the report, the governing board or the department may
389 modify the permit to ensure that the use meets the conditions



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390 for issuance. This subsection shall not limit the existing
391 authority of the department or the governing board to modify or
392 revoke a consumptive use permit.

393 (7) A permit that is approved for the use of water for a
394 renewable energy generating facility or for cultivating
395 agricultural products on lands of 1,000 acres or more for
396 renewable energy, as defined in s. 366.91(2)(d), shall be
397 granted for a term of at least 25 years upon the applicant's
398 request, based on the anticipated life of the facility, if there
399 is sufficient data to provide reasonable assurance that the
400 conditions for permit issuance will be met for the duration of
401 the permit. Otherwise, a permit may be issued for a shorter
402 duration that reflects the longest period for which such
403 reasonable assurances are provided. The permittee shall provide
404 a compliance report every 5 years during the term of the permit,
405 as required in subsection (4).

406 Section 21. Subsection (4) of section 373.243, Florida
407 Statutes, is amended to read:

408 373.243 Revocation of permits.—The governing board or the
409 department may revoke a permit as follows:

410 (4) For nonuse of the water supply allowed by the permit
411 for a period of 2 years or more, the governing board or the
412 department may revoke the permit permanently and in whole unless
413 the user can prove that his or her nonuse was due to extreme
414 hardship caused by factors beyond the user's control. For a
415 permit having a duration determined under s. 373.236(7), the
416 governing board or the department has revocation authority only
417 if the nonuse of the water supply allowed by the permit is for a
418 period of 4 years or more.



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419 Section 22. Subsection (12) is added to section 373.406,
420 Florida Statutes, to read:

421 373.406 Exemptions.—The following exemptions shall apply:

422 (12) (a) Construction of public use facilities in accordance
423 with Federal or state grant-approved projects on county-owned
424 natural lands or natural areas held by a county under at least a
425 25-year lease. Such facilities may include a parking lot,
426 including an access road, not to exceed a total size of 0.7
427 acres that is located entirely in uplands; at-grade access
428 trails located entirely in uplands; pile-supported boardwalks
429 having a maximum width of 6 feet, with exceptions for ADA
430 compliance; and pile-supported observation platforms each of
431 which shall not exceed 120 square feet in size.

432 (b) No fill shall be placed in, on, or over wetlands or
433 other surface waters except pilings for boardwalks and
434 observation platforms, all of which structures located in, on,
435 or over wetlands and other surface waters shall be sited,
436 constructed, and elevated to minimize adverse impacts to native
437 vegetation and shall be limited to a combined area over wetlands
438 and other surface waters not to exceed 0.5 acres. All stormwater
439 flow from roads, parking areas, and trails shall sheet flow into
440 uplands, and the use of pervious pavement is encouraged.

441 Section 23. Section 373.1181, Florida Statutes, is created
442 to read:

443 373.1181 Noticed general permit to counties for
444 environmental restoration activities.—

445 (1) A general permit is granted to counties to construct,
446 operate, alter, maintain, or remove systems for the purposes of
447 environmental restoration or water quality improvements, subject



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448 to the limitations and conditions of this section.

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

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

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

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

469 (d) Scrape down of spoil islands to an intertidal elevation
470 or a lower elevation at which light penetration is expected to
471 allow for seagrass or other native submerged aquatic vegetation
472 recruitment.

473 (e) Backfilling of existing dredge holes that are at least
474 5 feet deeper than surrounding natural grades to an intertidal
475 elevation if doing so provides a regional net environmental
476 benefit or, at a minimum, to an elevation at which light



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477 penetration is expected to allow for seagrass recruitment, with
478 no more than minimum displacement of highly organic sediments.

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

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

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

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

489 (c) The project may not be considered as mitigation for any
490 other project.

491 (d) Activities in tidal waters are limited to those
492 waterbodies given priority restoration status pursuant to s.
493 373.453(1)(c).

494 (e) Prior to submittal of a notice to use this general
495 permit, the county shall conduct at least one preapplication
496 meeting with appropriate district or department staff to discuss
497 project designs, implementation details, resource concerns, and
498 conditions for meeting applicable state water quality standards.

499 (4) This general permit shall be subject to the following
500 specific conditions:

501 (a) A project under this general permit shall not
502 significantly impede navigation or unreasonably infringe upon
503 the riparian rights of others. When a court of competent
504 jurisdiction determines that riparian rights have been
505 unlawfully affected, the structure or activity shall be modified



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506 in accordance with the court's decision.

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

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

512 (d) Except as otherwise allowed under this general permit
513 fill material used to backfill dredge holes or seawall planter
514 areas shall be local, native material legally removed from
515 nearby submerged lands or shall be similar material brought to
516 the site, either of which shall comply with the standard of not
517 more than 10 percent of the material passing through a #200
518 standard sieve and containing no more than 10 percent organic
519 content, and is free of contaminants that will cause violations
520 of state water quality standards.

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

525 (f) Equipment, barges, and staging areas shall not be
526 stored or operated so as to adversely impact seagrass, coral,
527 sponge, or other protected freshwater or marine communities.

528 (g) Structures shall be maintained in a functional
529 condition and shall be repaired or removed if they become
530 dilapidated to such an extent that they are no longer
531 functional. This shall not be construed to prohibit the repair
532 or replacement subject to the provisions of rule 18-21.005,
533 Florida Administrative Code, within 1 year after a structure is
534 damaged in a discrete event such as a storm, flood, accident, or



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535 fire.

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

539 (i) Construction, use, or operation of the structure or
540 activity shall not adversely affect any species that is
541 endangered, threatened or of special concern, as listed in rules
542 68A-27.003, 68A-27.004, and 68A-27.005, Florida Administrative
543 Code.

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

548 (5) The district or department, as applicable, shall
549 provide written notification as to whether the proposed activity
550 qualifies for the general permit within 30 days after receipt of
551 written notice of a county's intent to use the general permit.
552 If the district or department notifies the county that the
553 system does not qualify for a noticed general permit due to an
554 error or omission in the original notice to the district or the
555 department, the county shall have 30 days from the date of the
556 notification to amend the notice to use the general permit and
557 submit such additional information to correct such error or
558 omission.

559 (6) This general permit constitutes a letter of consent by
560 the Board of Trustees of the Internal Improvement Trust Fund
561 under chapters 253 and 258, where applicable, and chapters 18-
562 18, 18-20, and 18-21, Florida Administrative Code, where
563 applicable, for the county to enter upon and use state-owned



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564 submerged lands to the extent necessary to complete the
565 activities. Activities conducted under this general permit do
566 not divest the state from the continued ownership of lands that
567 were state-owned lands prior to any use, construction, or
568 implementation of this general permit.

569 Section 24. Subsection (2) of section 373.4141, Florida
570 Statutes, is amended to read:

571 373.4141 Permits; processing.—

572 (2) Notwithstanding the provisions of s. 120.60, an
573 applicant for a permit under this part shall have 90 days after
574 the date of a timely request for additional information to
575 submit such information. If an applicant requires more than 90
576 days to respond to a request for additional information, the
577 applicant must notify the agency processing the permit
578 application in writing of the circumstances, at which time the
579 application shall be held in active status for no more than one
580 additional period of up to 90 days. Additional extensions may be
581 granted for good cause shown by the applicant. A showing that
582 the applicant is making a diligent effort to obtain the
583 requested additional information shall constitute good cause.
584 Failure of an applicant to provide the timely requested
585 information by the applicable deadline shall result in denial of
586 the application without prejudice ~~A permit shall be approved or~~
587 ~~denied within 90 days after receipt of the original application,~~
588 ~~the last item of timely requested additional material, or the~~
589 ~~applicant's written request to begin processing the permit~~
590 ~~application.~~

591 Section 25. Subsection (4) is added to section 373.441,
592 Florida Statutes, to read:



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593 373.441 Role of counties, municipalities, and local
594 pollution control programs in permit processing.—

595 (4) Upon delegation to a qualified local government, the
596 department and water management district shall not regulate the
597 activities subject to the delegation within that jurisdiction
598 unless regulation is required pursuant to the terms of the
599 delegation agreement.

600 Section 26. Subsection (29) of section 403.061, Florida
601 Statutes, is amended, subsection (40) is renumbered as section
602 (43), and new subsections (40), (41), and (42) are added to that
603 section, to read:

604 403.061 Department; powers and duties.—The department shall
605 have the power and the duty to control and prohibit pollution of
606 air and water in accordance with the law and rules adopted and
607 promulgated by it and, for this purpose, to:

608 (29) Adopt by rule special criteria to protect Class II
609 shellfish harvesting waters. Rules previously adopted by the
610 department in rule 17-4.28(8)(a), Florida Administrative Code,
611 are hereby ratified and determined to be a valid exercise of
612 delegated legislative authority and shall remain in effect
613 unless amended by the ~~Environmental Regulation Commission~~. Such
614 rules may include special criteria for approval of docking
615 facilities with 10 or fewer slips where construction and
616 operation of such facilities will not result in the closure of
617 shellfish waters.

618 (40) Maintain a list of projects or activities, including
619 mitigation banks, that applicants may consider when developing
620 proposals to meet the mitigation or public interest requirements
621 of this chapter, chapter 253, or chapter 373. The contents of



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622 such a list are not a rule as defined in chapter 120, and
623 listing a specific project or activity does not imply approval
624 by the department for such project or activity. Each county
625 government is encouraged to develop an inventory of projects or
626 activities for inclusion on the list by obtaining input from
627 local stakeholder groups in the public, private, and nonprofit
628 sectors, including local governments, port authorities, marine
629 contractors, other representatives of the marine construction
630 industry, environmental or conservation organizations, and other
631 interested parties. A county may establish dedicated funds for
632 depositing public interest donations into a reserve for future
633 public interest projects, including improving on-water law
634 enforcement.

635 (41) Develop a project management plan to implement an e-
636 permitting program that allows for timely submission and
637 exchange of permit application and compliance information that
638 yields positive benefits in support of the department's mission,
639 permit applicants, permit holders, and the public. The plan shall
640 include an implementation timetable, estimated costs, and
641 transaction fees. The department shall submit the plan to the
642 President of the Senate, the Speaker of the House of
643 Representatives, and the Legislative Committee on
644 Intergovernmental Relations by January 15, 2010.

645 (42) Expand the use of online self-certification for
646 appropriate exemptions and general permits issued by the
647 department and the water management districts providing such
648 expansion is economically feasible. Notwithstanding any other
649 provision of law, a local government is prohibited from
650 specifying the method or form of documentation that a project



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651 meets the provisions for authorization under chapter 161,
652 chapter 253, chapter 373, or chapter 403. This shall include
653 Internet-based programs of the department that provide for self-
654 certification.

655

656 The department shall implement such programs in conjunction with
657 its other powers and duties and shall place special emphasis on
658 reducing and eliminating contamination that presents a threat to
659 humans, animals or plants, or to the environment.

660 Section 27. Subsections (1) and (2) of section 403.813,
661 Florida Statutes, as amended by section 52 of chapter 2009-21, ,
662 Laws of Florida, are amended to read:

663 403.813 Permits issued at district centers; exceptions.—

664 (1) A permit is not required under this chapter, chapter
665 373, chapter 61-691, Laws of Florida, or chapter 25214 or
666 chapter 25270, 1949, Laws of Florida, for activities associated
667 with the following types of projects; however, except as
668 otherwise provided in this subsection, ~~nothing in this~~
669 subsection does not relieve ~~relieves~~ an applicant from any
670 requirement to obtain permission to use or occupy lands owned by
671 the Board of Trustees of the Internal Improvement Trust Fund or
672 any water management district in its governmental or proprietary
673 capacity or from complying with applicable local pollution
674 control programs authorized under this chapter or other
675 requirements of county and municipal governments:

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

679 (b) The installation and repair of mooring pilings and



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680 dolphins associated with private docking facilities or piers and
681 the installation of private docks, piers and recreational
682 docking facilities, or piers and recreational docking facilities
683 of local governmental entities when the local governmental
684 entity's activities will not take place in any manatee habitat,
685 any of which docks:

686 1. Has 500 square feet or less of over-water surface area
687 for a dock which is located in an area designated as Outstanding
688 Florida Waters or 1,000 square feet or less of over-water
689 surface area for a dock which is located in an area which is not
690 designated as Outstanding Florida Waters;

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

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

696 4. Is used for recreational, noncommercial activities
697 associated with the mooring or storage of boats and boat
698 paraphernalia; and

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

704
705 Nothing in this paragraph shall prohibit the department from
706 taking appropriate enforcement action pursuant to this chapter
707 to abate or prohibit any activity otherwise exempt from
708 permitting pursuant to this paragraph if the department can



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709 demonstrate that the exempted activity has caused water
710 pollution in violation of this chapter.

711 (c) The installation and maintenance to design
712 specifications of boat ramps on artificial bodies of water where
713 navigational access to the proposed ramp exists or the
714 installation of boat ramps open to the public in any waters of
715 the state where navigational access to the proposed ramp exists
716 and where the construction of the proposed ramp will be less
717 than 30 feet wide and will involve the removal of less than 25
718 cubic yards of material from the waters of the state, and the
719 maintenance to design specifications of such ramps; however, the
720 material to be removed shall be placed upon a self-contained
721 upland site so as to prevent the escape of the spoil material
722 into the waters of the state.

723 (d) The replacement or repair of existing docks and piers,
724 except that no fill material is to be used and provided that the
725 replacement or repaired dock or pier is in the same location and
726 of the same configuration and dimensions as the dock or pier
727 being replaced or repaired. This does not preclude the use of
728 different construction materials or minor deviations to allow
729 upgrades to current structural and design standards.

730 (e) The restoration of seawalls at their previous locations
731 or upland of, or within 1 foot waterward of, their previous
732 locations. However, this shall not affect the permitting
733 requirements of chapter 161, and department rules shall clearly
734 indicate that this exception does not constitute an exception
735 from the permitting requirements of chapter 161.

736 (f) The performance of maintenance dredging of existing
737 manmade canals, channels, intake and discharge structures, and



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738 previously dredged portions of natural water bodies within
739 drainage rights-of-way or drainage easements which have been
740 recorded in the public records of the county, where the spoil
741 material is to be removed and deposited on a self-contained,
742 upland spoil site which will prevent the escape of the spoil
743 material into the waters of the state, provided that no more
744 dredging is to be performed than is necessary to restore the
745 canals, channels, and intake and discharge structures, and
746 previously dredged portions of natural water bodies, to original
747 design specifications or configurations, provided that the work
748 is conducted in compliance with s. 379.2431(2)(d), provided that
749 no significant impacts occur to previously undisturbed natural
750 areas, and provided that control devices for return flow and
751 best management practices for erosion and sediment control are
752 utilized to prevent bank erosion and scouring and to prevent
753 turbidity, dredged material, and toxic or deleterious substances
754 from discharging into adjacent waters during maintenance
755 dredging. Further, for maintenance dredging of previously
756 dredged portions of natural water bodies within recorded
757 drainage rights-of-way or drainage easements, an entity that
758 seeks an exemption must notify the department or water
759 management district, as applicable, at least 30 days prior to
760 dredging and provide documentation of original design
761 specifications or configurations where such exist. This
762 exemption applies to all canals and previously dredged portions
763 of natural water bodies within recorded drainage rights-of-way
764 or drainage easements constructed prior to April 3, 1970, and to
765 those canals and previously dredged portions of natural water
766 bodies constructed on or after April 3, 1970, pursuant to all



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767 necessary state permits. This exemption does not apply to the
768 removal of a natural or manmade barrier separating a canal or
769 canal system from adjacent waters. When no previous permit has
770 been issued by the Board of Trustees of the Internal Improvement
771 Trust Fund or the United States Army Corps of Engineers for
772 construction or maintenance dredging of the existing manmade
773 canal or intake or discharge structure, such maintenance
774 dredging shall be limited to a depth of no more than 5 feet
775 below mean low water. The Board of Trustees of the Internal
776 Improvement Trust Fund may fix and recover from the permittee an
777 amount equal to the difference between the fair market value and
778 the actual cost of the maintenance dredging for material removed
779 during such maintenance dredging. However, no charge shall be
780 exacted by the state for material removed during such
781 maintenance dredging by a public port authority. The removing
782 party may subsequently sell such material; however, proceeds
783 from such sale that exceed the costs of maintenance dredging
784 shall be remitted to the state and deposited in the Internal
785 Improvement Trust Fund.

786 (g) The maintenance of existing insect control structures,
787 dikes, and irrigation and drainage ditches, provided that spoil
788 material is deposited on a self-contained, upland spoil site
789 which will prevent the escape of the spoil material into waters
790 of the state. In the case of insect control structures, if the
791 cost of using a self-contained upland spoil site is so
792 excessive, as determined by the Department of Health, pursuant
793 to s. 403.088(1), that it will inhibit proposed insect control,
794 then-existing spoil sites or dikes may be used, upon
795 notification to the department. In the case of insect control



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796 where upland spoil sites are not used pursuant to this
797 exemption, turbidity control devices shall be used to confine
798 the spoil material discharge to that area previously disturbed
799 when the receiving body of water is used as a potable water
800 supply, is designated as shellfish harvesting waters, or
801 functions as a habitat for commercially or recreationally
802 important shellfish or finfish. In all cases, no more dredging
803 is to be performed than is necessary to restore the dike or
804 irrigation or drainage ditch to its original design
805 specifications.

806 (h) The repair or replacement of existing functional pipes
807 or culverts the purpose of which is the discharge or conveyance
808 of stormwater. In all cases, the invert elevation, the diameter,
809 and the length of the culvert shall not be changed. However, the
810 material used for the culvert may be different from the
811 original.

812 (i) The construction of private docks of 1,000 square feet
813 or less of over-water surface area and seawalls in artificially
814 created waterways where such construction will not violate
815 existing water quality standards, impede navigation, or affect
816 flood control. This exemption does not apply to the construction
817 of vertical seawalls in estuaries or lagoons unless the proposed
818 construction is within an existing manmade canal where the
819 shoreline is currently occupied in whole or part by vertical
820 seawalls.

821 (j) The construction and maintenance of swales.

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



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825 (1) The replacement or repair of existing open-trestle foot
826 bridges and vehicular bridges that are 100 feet or less in
827 length and two lanes or less in width, provided that no more
828 dredging or filling of submerged lands is performed other than
829 that which is necessary to replace or repair pilings and that
830 the structure to be replaced or repaired is the same length, the
831 same configuration, and in the same location as the original
832 bridge. No debris from the original bridge shall be allowed to
833 remain in the waters of the state.

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

838 (n) The replacement or repair of subaqueous transmission
839 and distribution lines laid on, or embedded in, the bottoms of
840 waters of the state.

841 (o) The construction of private seawalls in wetlands or
842 other surface waters where such construction is between and
843 adjoins at both ends existing seawalls; follows a continuous and
844 uniform seawall construction line with the existing seawalls; is
845 no more than 150 feet in length; and does not violate existing
846 water quality standards, impede navigation, or affect flood
847 control. However, in estuaries and lagoons the construction of
848 vertical seawalls is limited to the circumstances and purposes
849 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
850 the permitting requirements of chapter 161, and department rules
851 must clearly indicate that this exception does not constitute an
852 exception from the permitting requirements of chapter 161.

853 (p) The restoration of existing insect control impoundment



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854 dikes which are less than 100 feet in length. Such impoundments
855 shall be connected to tidally influenced waters for 6 months
856 each year beginning September 1 and ending February 28 if
857 feasible or operated in accordance with an impoundment
858 management plan approved by the department. A dike restoration
859 may involve no more dredging than is necessary to restore the
860 dike to its original design specifications. For the purposes of
861 this paragraph, restoration does not include maintenance of
862 impoundment dikes of operating insect control impoundments.

863 (q) The construction, operation, or maintenance of
864 stormwater management facilities which are designed to serve
865 single-family residential projects, including duplexes,
866 triplexes, and quadruplexes, if they are less than 10 acres
867 total land and have less than 2 acres of impervious surface and
868 if the facilities:

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

871 2. Are not part of a larger common plan of development or
872 sale; and

873 3. Discharge into a stormwater discharge facility exempted
874 or permitted by the department under this chapter which has
875 sufficient capacity and treatment capability as specified in
876 this chapter and is owned, maintained, or operated by a city,
877 county, special district with drainage responsibility, or water
878 management district; however, this exemption does not authorize
879 discharge to a facility without the facility owner's prior
880 written consent.

881 (r) The removal of aquatic plants, the removal of tussocks,
882 the associated replanting of indigenous aquatic plants, and the



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883 associated removal from lakes of organic detrital material when
884 such planting or removal is performed and authorized by permit
885 or exemption granted under s. 369.20 or s. 369.25, provided
886 that:

887 1. Organic detrital material that exists on the surface of
888 natural mineral substrate shall be allowed to be removed to a
889 depth of 3 feet or to the natural mineral substrate, whichever
890 is less;

891 2. All material removed pursuant to this paragraph shall be
892 deposited in an upland site in a manner that will prevent the
893 reintroduction of the material into waters in the state except
894 when spoil material is permitted to be used to create wildlife
895 islands in freshwater bodies of the state when a governmental
896 entity is permitted pursuant to s. 369.20 to create such islands
897 as a part of a restoration or enhancement project;

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

900 4. No activities under this exemption are conducted in
901 wetland areas, as defined by s. 373.019(25), which are supported
902 by a natural soil as shown in applicable United States
903 Department of Agriculture county soil surveys, except when a
904 governmental entity is permitted pursuant to s. 369.20 to
905 conduct such activities as a part of a restoration or
906 enhancement project.

907

908 The department may not adopt implementing rules for this
909 paragraph, notwithstanding any other provision of law.

910 (s) The construction, installation, operation, or
911 maintenance of floating vessel platforms or floating boat lifts,



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912 provided that such structures:

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

916 2. Are wholly contained within a boat slip previously
917 permitted under ss. 403.91-403.929, 1984 Supplement to the
918 Florida Statutes 1983, as amended, or part IV of chapter 373, or
919 do not exceed a combined total of 500 square feet, or 200 square
920 feet in an Outstanding Florida Water, when associated with a
921 dock that is exempt under this subsection or associated with a
922 permitted dock with no defined boat slip or attached to a
923 bulkhead on a parcel of land where there is no other docking
924 structure;

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

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

935 5. Are not constructed in areas specifically prohibited for
936 boat mooring under conditions of a permit issued in accordance
937 with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes
938 1983, as amended, or part IV of chapter 373, or other form of
939 authorization issued by a local government.

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941 Structures that qualify for this exemption are relieved from any
942 requirement to obtain permission to use or occupy lands owned by
943 the Board of Trustees of the Internal Improvement Trust Fund
944 and, with the exception of those structures attached to a
945 bulkhead on a parcel of land where there is no docking
946 structure, shall not be subject to any more stringent permitting
947 requirements, registration requirements, or other regulation by
948 any local government. Local governments may require either
949 permitting or one-time registration of floating vessel platforms
950 to be attached to a bulkhead on a parcel of land where there is
951 no other docking structure as necessary to ensure compliance
952 with local ordinances, codes, or regulations. Local governments
953 may require either permitting or one-time registration of all
954 other floating vessel platforms as necessary to ensure
955 compliance with the exemption criteria in this section; to
956 ensure compliance with local ordinances, codes, or regulations
957 relating to building or zoning, which are no more stringent than
958 the exemption criteria in this section or address subjects other
959 than subjects addressed by the exemption criteria in this
960 section; and to ensure proper installation, maintenance, and
961 precautionary or evacuation action following a tropical storm or
962 hurricane watch of a floating vessel platform or floating boat
963 lift that is proposed to be attached to a bulkhead or parcel of
964 land where there is no other docking structure. The exemption
965 provided in this paragraph shall be in addition to the exemption
966 provided in paragraph (b). The department shall adopt a general
967 permit by rule for the construction, installation, operation, or
968 maintenance of those floating vessel platforms or floating boat
969 lifts that do not qualify for the exemption provided in this



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970 paragraph but do not cause significant adverse impacts to occur
971 individually or cumulatively. The issuance of such general
972 permit shall also constitute permission to use or occupy lands
973 owned by the Board of Trustees of the Internal Improvement Trust
974 Fund. No local government shall impose a more stringent
975 regulation, permitting requirement, registration requirement, or
976 other regulation covered by such general permit. Local
977 governments may require either permitting or one-time
978 registration of floating vessel platforms as necessary to ensure
979 compliance with the general permit in this section; to ensure
980 compliance with local ordinances, codes, or regulations relating
981 to building or zoning that are no more stringent than the
982 general permit in this section; and to ensure proper
983 installation and maintenance of a floating vessel platform or
984 floating boat lift that is proposed to be attached to a bulkhead
985 or parcel of land where there is no other docking structure.

986 (t) The repair, stabilization, or paving of existing county
987 maintained roads and the repair or replacement of bridges that
988 are part of the roadway, within the Northwest Florida Water
989 Management District and the Suwannee River Water Management
990 District, provided:

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

994 2. The construction activity does not realign the road or
995 expand the number of existing traffic lanes of the existing
996 road; however, the work may include the provision of safety
997 shoulders, clearance of vegetation, and other work reasonably
998 necessary to repair, stabilize, pave, or repave the road,



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999 provided that the work is constructed by generally accepted
1000 engineering standards;

1001 3. The construction activity does not expand the existing
1002 width of an existing vehicular bridge in excess of that
1003 reasonably necessary to properly connect the bridge with the
1004 road being repaired, stabilized, paved, or repaved to safely
1005 accommodate the traffic expected on the road, which may include
1006 expanding the width of the bridge to match the existing
1007 connected road. However, no debris from the original bridge
1008 shall be allowed to remain in waters of the state, including
1009 wetlands;

1010 4. Best management practices for erosion control shall be
1011 employed as necessary to prevent water quality violations;

1012 5. Roadside swales or other effective means of stormwater
1013 treatment must be incorporated as part of the project;

1014 6. No more dredging or filling of wetlands or water of the
1015 state is performed than that which is reasonably necessary to
1016 repair, stabilize, pave, or repave the road or to repair or
1017 replace the bridge, in accordance with generally accepted
1018 engineering standards; and

1019 7. Notice of intent to use the exemption is provided to the
1020 department, if the work is to be performed within the Northwest
1021 Florida Water Management District, or to the Suwannee River
1022 Water Management District, if the work is to be performed within
1023 the Suwannee River Water Management District, 30 days prior to
1024 performing any work under the exemption.

1025

1026 Within 30 days after this act becomes a law, the department
1027 shall initiate rulemaking to adopt a no fee general permit for



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1028 the repair, stabilization, or paving of existing roads that are
1029 maintained by the county and the repair or replacement of
1030 bridges that are part of the roadway where such activities do
1031 not cause significant adverse impacts to occur individually or
1032 cumulatively. The general permit shall apply statewide and, with
1033 no additional rulemaking required, apply to qualified projects
1034 reviewed by the Suwannee River Water Management District, the
1035 St. Johns River Water Management District, the Southwest Florida
1036 Water Management District, and the South Florida Water
1037 Management District under the division of responsibilities
1038 contained in the operating agreements applicable to part IV of
1039 chapter 373. Upon adoption, this general permit shall, pursuant
1040 to the provisions of subsection (2), supersede and replace the
1041 exemption in this paragraph.

1042 (u) Notwithstanding any provision to the contrary in this
1043 subsection, a permit or other authorization under chapter 253,
1044 chapter 369, chapter 373, or this chapter is not required for an
1045 individual residential property owner for the removal of organic
1046 detrital material from freshwater rivers or lakes that have a
1047 natural sand or rocky substrate and that are not Aquatic
1048 Preserves or for the associated removal and replanting of
1049 aquatic vegetation for the purpose of environmental enhancement,
1050 providing that:

1051 1. No activities under this exemption are conducted in
1052 wetland areas, as defined by s. 373.019(25), which are supported
1053 by a natural soil as shown in applicable United States
1054 Department of Agriculture county soil surveys.

1055 2. No filling or peat mining is allowed.

1056 3. No removal of native wetland trees, including, but not



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1057 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

1058 4. When removing organic detrital material, no portion of
1059 the underlying natural mineral substrate or rocky substrate is
1060 removed.

1061 5. Organic detrital material and plant material removed is
1062 deposited in an upland site in a manner that will not cause
1063 water quality violations.

1064 6. All activities are conducted in such a manner, and with
1065 appropriate turbidity controls, so as to prevent any water
1066 quality violations outside the immediate work area.

1067 7. Replanting with a variety of aquatic plants native to
1068 the state shall occur in a minimum of 25 percent of the
1069 preexisting vegetated areas where organic detrital material is
1070 removed, except for areas where the material is removed to bare
1071 rocky substrate; however, an area may be maintained clear of
1072 vegetation as an access corridor. The access corridor width may
1073 not exceed 50 percent of the property owner's frontage or 50
1074 feet, whichever is less, and may be a sufficient length
1075 waterward to create a corridor to allow access for a boat or
1076 swimmer to reach open water. Replanting must be at a minimum
1077 density of 2 feet on center and be completed within 90 days
1078 after removal of existing aquatic vegetation, except that under
1079 dewatered conditions replanting must be completed within 90 days
1080 after reflooding. The area to be replanted must extend waterward
1081 from the ordinary high water line to a point where normal water
1082 depth would be 3 feet or the preexisting vegetation line,
1083 whichever is less. Individuals are required to make a reasonable
1084 effort to maintain planting density for a period of 6 months
1085 after replanting is complete, and the plants, including



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1086 naturally recruited native aquatic plants, must be allowed to
1087 expand and fill in the revegetation area. Native aquatic plants
1088 to be used for revegetation must be salvaged from the
1089 enhancement project site or obtained from an aquatic plant
1090 nursery regulated by the Department of Agriculture and Consumer
1091 Services. Plants that are not native to the state may not be
1092 used for replanting.

1093 8. No activity occurs any farther than 100 feet waterward
1094 of the ordinary high water line, and all activities must be
1095 designed and conducted in a manner that will not unreasonably
1096 restrict or infringe upon the riparian rights of adjacent upland
1097 riparian owners.

1098 9. The person seeking this exemption notifies the
1099 applicable department district office in writing at least 30
1100 days before commencing work and allows the department to conduct
1101 a preconstruction site inspection. Notice must include an
1102 organic-detrital-material removal and disposal plan and, if
1103 applicable, a vegetation-removal and revegetation plan.

1104 10. The department is provided written certification of
1105 compliance with the terms and conditions of this paragraph
1106 within 30 days after completion of any activity occurring under
1107 this exemption.

1108 (2) The provisions of subsection (1) are superseded by
1109 general permits established pursuant to ss. 373.118 and 403.814
1110 which include the same activities. Until such time as general
1111 permits are established, or if ~~should~~ general permits are ~~be~~
1112 suspended or repealed, the exemptions under subsection (1) shall
1113 remain or shall be reestablished in full force and effect.

1114 Section 28. Subsection (12) is added to section 403.814,



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1115 Florida Statutes, to read:

1116 403.814 General permits; delegation.—

1117 (12) The department shall expand the use of Internet-based
1118 self-certification services for appropriate exemptions and
1119 general permits issued by the department and water management
1120 districts, providing such expansion is economically feasible. In
1121 addition, the department shall identify and develop general
1122 permits for activities currently requiring individual review
1123 which could be expedited through the use of professional
1124 certifications. The department shall submit a report on progress
1125 of these efforts to the President of the Senate and the Speaker
1126 of the House of Representatives by January 15, 2010.

1127 Section 29. Section 403.973, Florida Statutes, is amended
1128 to read:

1129 403.973 Expedited permitting; comprehensive plan
1130 amendments.—

1131 (1) It is the intent of the Legislature to encourage and
1132 facilitate the location and expansion of those types of economic
1133 development projects which offer job creation and high wages,
1134 strengthen and diversify the state's economy, and have been
1135 thoughtfully planned to take into consideration the protection
1136 of the state's environment. It is also the intent of the
1137 Legislature to provide for an expedited permitting and
1138 comprehensive plan amendment process for such projects.

1139 (2) As used in this section, the term:

1140 (a) "Duly noticed" means publication in a newspaper of
1141 general circulation in the municipality or county with
1142 jurisdiction. The notice shall appear on at least 2 separate
1143 days, one of which shall be at least 7 days before the meeting.



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1144 The notice shall state the date, time, and place of the meeting
1145 scheduled to discuss or enact the memorandum of agreement, and
1146 the places within the municipality or county where such proposed
1147 memorandum of agreement may be inspected by the public. The
1148 notice must be one-eighth of a page in size and must be
1149 published in a portion of the paper other than the legal notices
1150 section. The notice shall also advise that interested parties
1151 may appear at the meeting and be heard with respect to the
1152 memorandum of agreement.

1153 (b) "Jobs" means permanent, full-time equivalent positions
1154 not including construction jobs.

1155 ~~(c) "Office" means the Office of Tourism, Trade, and~~
1156 ~~Economic Development.~~

1157 (c) ~~(d)~~ "Permit applications" means state permits and
1158 licenses, and at the option of a participating local government,
1159 local development permits or orders.

1160 (d) "Secretary" means the Secretary of Environmental
1161 Protection or his or her designee.

1162 (3) (a) The secretary ~~Governor, through the office,~~ shall
1163 direct the creation of regional permit action teams, for the
1164 purpose of expediting review of permit applications and local
1165 comprehensive plan amendments submitted by:

- 1166 1. Businesses creating at least 50 ~~100~~ jobs, or
1167 2. Businesses creating at least 25 ~~50~~ jobs if the project
1168 is located in an enterprise zone, or in a county having a
1169 population of less than 75,000 or in a county having a
1170 population of less than 100,000 which is contiguous to a county
1171 having a population of less than 75,000, as determined by the
1172 most recent decennial census, residing in incorporated and



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1173 unincorporated areas of the county, or

1174 (b) On a case-by-case basis and at the request of a county
1175 or municipal government, the secretary ~~office~~ may certify as
1176 eligible for expedited review a project not meeting the minimum
1177 job creation thresholds but creating a minimum of 10 jobs. The
1178 recommendation from the governing body of the county or
1179 municipality in which the project may be located is required in
1180 order for the secretary ~~office~~ to certify that any project is
1181 eligible for expedited review under this paragraph. When
1182 considering projects that do not meet the minimum job creation
1183 thresholds but that are recommended by the governing body in
1184 which the project may be located, the secretary ~~office~~ shall
1185 consider economic impact factors that include, but are not
1186 limited to:

- 1187 1. The proposed wage and skill levels relative to those
1188 existing in the area in which the project may be located;
1189 2. The project's potential to diversify and strengthen the
1190 area's economy;
1191 3. The amount of capital investment; and
1192 4. The number of jobs that will be made available for
1193 persons served by the welfare transition program.

1194 (c) At the request of a county or municipal government, the
1195 secretary ~~office~~ or a Quick Permitting County may certify
1196 projects located in counties where the ratio of new jobs per
1197 participant in the welfare transition program, as determined by
1198 Workforce Florida, Inc., is less than one or otherwise critical,
1199 as eligible for the expedited permitting process. Such projects
1200 must meet the numerical job creation criteria of this
1201 subsection, but the jobs created by the project do not have to



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1202 be high-wage jobs that diversify the state's economy.

1203 (d) Projects located in a designated brownfield area are
1204 eligible for the expedited permitting process.

1205 (e) Projects that are part of the state-of-the-art
1206 biomedical research institution and campus to be established in
1207 this state by the grantee under s. 288.955 are eligible for the
1208 expedited permitting process, if the projects are designated as
1209 part of the institution or campus by the board of county
1210 commissioners of the county in which the institution and campus
1211 are established.

1212 (f) Projects that result in the production of biofuels
1213 cultivated on lands that are 1,000 acres or more or the
1214 construction of a biofuel or biodiesel processing facility or a
1215 facility generating renewable energy as defined in s.
1216 366.91(2)(d) are eligible for the expedited permitting process.

1217 (4) The regional teams shall be established through the
1218 execution of memoranda of agreement developed by the applicant
1219 and between the secretary, with input solicited from office and
1220 the respective heads of the Department of Environmental
1221 Protection, the Department of Community Affairs, the Department
1222 of Transportation and its district offices, the Department of
1223 Agriculture and Consumer Services, the Fish and Wildlife
1224 Conservation Commission, appropriate regional planning councils,
1225 appropriate water management districts, and voluntarily
1226 participating municipalities and counties. The memoranda of
1227 agreement should also accommodate participation in this
1228 expedited process by other local governments and federal
1229 agencies as circumstances warrant.

1230 (5) In order to facilitate local government's option to



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1231 participate in this expedited review process, the secretary
1232 ~~office~~ shall, in cooperation with local governments and
1233 participating state agencies, create a standard form memorandum
1234 of agreement. A local government shall hold a duly noticed
1235 public workshop to review and explain to the public the
1236 expedited permitting process and the terms and conditions of the
1237 standard form memorandum of agreement.

1238 (6) The local government shall hold a duly noticed public
1239 hearing to execute a memorandum of agreement for each qualified
1240 project. Notwithstanding any other provision of law, and at the
1241 option of the local government, the workshop provided for in
1242 subsection (5) may be conducted on the same date as the public
1243 hearing held under this subsection. The memorandum of agreement
1244 that a local government signs shall include a provision
1245 identifying necessary local government procedures and time
1246 limits that will be modified to allow for the local government
1247 decision on the project within 90 days. The memorandum of
1248 agreement applies to projects, on a case-by-case basis, that
1249 qualify for special review and approval as specified in this
1250 section. The memorandum of agreement must make it clear that
1251 this expedited permitting and review process does not modify,
1252 qualify, or otherwise alter existing local government
1253 nonprocedural standards for permit applications, unless
1254 expressly authorized by law.

1255 (7) ~~At the option of the participating local government,~~
1256 Appeals of local government approvals ~~its final approval~~ for a
1257 project shall ~~may~~ be pursuant to the summary hearing provisions
1258 of s. 120.574, pursuant to subsection (14), and be consolidated
1259 with the challenge of any applicable state agency actions ~~or~~



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1260 ~~pursuant to other appellate processes available to the local~~
1261 ~~government. The local government's decision to enter into a~~
1262 ~~summary hearing must be made as provided in s. 120.574 or in the~~
1263 ~~memorandum of agreement.~~

1264 (8) Each memorandum of agreement shall include a process
1265 for final agency action on permit applications and local
1266 comprehensive plan amendment approvals within 90 days after
1267 receipt of a completed application, unless the applicant agrees
1268 to a longer time period or the secretary ~~office~~ determines that
1269 unforeseen or uncontrollable circumstances preclude final agency
1270 action within the 90-day timeframe. Permit applications governed
1271 by federally delegated or approved permitting programs whose
1272 requirements would prohibit or be inconsistent with the 90-day
1273 timeframe are exempt from this provision, but must be processed
1274 by the agency with federally delegated or approved program
1275 responsibility as expeditiously as possible.

1276 (9) The secretary ~~office~~ shall inform the Legislature by
1277 October 1 of each year which agencies have not entered into or
1278 implemented an agreement and identify any barriers to achieving
1279 success of the program.

1280 (10) The memoranda of agreement may provide for the waiver
1281 or modification of procedural rules prescribing forms, fees,
1282 procedures, or time limits for the review or processing of
1283 permit applications under the jurisdiction of those agencies
1284 that are party to the memoranda of agreement. Notwithstanding
1285 any other provision of law to the contrary, a memorandum of
1286 agreement must to the extent feasible provide for proceedings
1287 and hearings otherwise held separately by the parties to the
1288 memorandum of agreement to be combined into one proceeding or



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1289 held jointly and at one location. Such waivers or modifications
1290 shall not be available for permit applications governed by
1291 federally delegated or approved permitting programs, the
1292 requirements of which would prohibit, or be inconsistent with,
1293 such a waiver or modification.

1294 (11) The standard form memoranda of agreement shall include
1295 guidelines to be used in working with state, regional, and local
1296 permitting authorities. Guidelines may include, but are not
1297 limited to, the following:

1298 (a) A central contact point for filing permit applications
1299 and local comprehensive plan amendments and for obtaining
1300 information on permit and local comprehensive plan amendment
1301 requirements;

1302 (b) Identification of the individual or individuals within
1303 each respective agency who will be responsible for processing
1304 the expedited permit application or local comprehensive plan
1305 amendment for that agency;

1306 (c) A mandatory preapplication review process to reduce
1307 permitting conflicts by providing guidance to applicants
1308 regarding the permits needed from each agency and governmental
1309 entity, site planning and development, site suitability and
1310 limitations, facility design, and steps the applicant can take
1311 to ensure expeditious permit application and local comprehensive
1312 plan amendment review. As a part of this process, the first
1313 interagency meeting to discuss a project shall be held within 14
1314 days after the secretary's ~~office's~~ determination that the
1315 project is eligible for expedited review. Subsequent interagency
1316 meetings may be scheduled to accommodate the needs of
1317 participating local governments that are unable to meet public



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1318 notice requirements for executing a memorandum of agreement
1319 within this timeframe. This accommodation may not exceed 45 days
1320 from the secretary's ~~office's~~ determination that the project is
1321 eligible for expedited review;

1322 (d) The preparation of a single coordinated project
1323 description form and checklist and an agreement by state and
1324 regional agencies to reduce the burden on an applicant to
1325 provide duplicate information to multiple agencies;

1326 (e) Establishment of a process for the adoption and review
1327 of any comprehensive plan amendment needed by any certified
1328 project within 90 days after the submission of an application
1329 for a comprehensive plan amendment. However, the memorandum of
1330 agreement may not prevent affected persons as defined in s.
1331 163.3184 from appealing or participating in this expedited plan
1332 amendment process and any review or appeals of decisions made
1333 under this paragraph; and

1334 (f) Additional incentives for an applicant who proposes a
1335 project that provides a net ecosystem benefit.

1336 (12) The applicant, the regional permit action team, and
1337 participating local governments may agree to incorporate into a
1338 single document the permits, licenses, and approvals that are
1339 obtained through the expedited permit process. This consolidated
1340 permit is subject to the summary hearing provisions set forth in
1341 subsection (14).

1342 (13) Notwithstanding any other provisions of law:

1343 (a) Local comprehensive plan amendments for projects
1344 qualified under this section are exempt from the twice-a-year
1345 limits provision in s. 163.3187; and

1346 (b) Projects qualified under this section are not subject



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1347 to interstate highway level-of-service standards adopted by the
1348 Department of Transportation for concurrency purposes. The
1349 memorandum of agreement specified in subsection (5) must include
1350 a process by which the applicant will be assessed a fair share
1351 of the cost of mitigating the project's significant traffic
1352 impacts, as defined in chapter 380 and related rules. The
1353 agreement must also specify whether the significant traffic
1354 impacts on the interstate system will be mitigated through the
1355 implementation of a project or payment of funds to the
1356 Department of Transportation. Where funds are paid, the
1357 Department of Transportation must include in the 5-year work
1358 program transportation projects or project phases, in an amount
1359 equal to the funds received, to mitigate the traffic impacts
1360 associated with the proposed project.

1361 (14) (a) Challenges to state agency action in the expedited
1362 permitting process for projects processed under this section are
1363 subject to the summary hearing provisions of s. 120.574, except
1364 that the administrative law judge's decision, as provided in s.
1365 120.574(2) (f), shall be in the form of a recommended order and
1366 shall not constitute the final action of the state agency. In
1367 those proceedings where the action of only one agency of the
1368 state other than the Department of Environmental Protection is
1369 challenged, the agency of the state shall issue the final order
1370 within 45 ~~10~~ working days after ~~of~~ receipt of the administrative
1371 law judge's recommended order. The recommended order shall
1372 inform the parties of the right to file exceptions to the
1373 recommended order and to file responses thereto in accordance
1374 with the Uniform Rules of Procedure. In those proceedings where
1375 the actions of more than one agency of the state are challenged,



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1376 the Governor shall issue the final order, except for the
1377 issuance of department licenses required under any federally
1378 delegated or approved permit program for which the department
1379 shall enter the final order, within 45 ~~10~~ working days after ~~of~~
1380 receipt of the administrative law judge's recommended order. The
1381 recommended order shall inform the parties of the right to file
1382 exceptions to the recommended order and to file responses
1383 thereto in accordance with the Uniform Rules of Procedure. The
1384 participating agencies of the state may opt at the preliminary
1385 hearing conference to allow the administrative law judge's
1386 decision to constitute the final agency action. If a
1387 participating local government agrees to participate in the
1388 summary hearing provisions of s. 120.574 for purposes of review
1389 of local government comprehensive plan amendments, s.
1390 163.3184(9) and (10) apply.

1391 (b) Challenges to state agency action in the expedited
1392 permitting process for establishment of a state-of-the-art
1393 biomedical research institution and campus in this state by the
1394 grantee under s. 288.955 or projects identified in paragraph
1395 (3)(f) are subject to the same requirements as challenges
1396 brought under paragraph (a), except that, notwithstanding s.
1397 120.574, summary proceedings must be conducted within 30 days
1398 after a party files the motion for summary hearing, regardless
1399 of whether the parties agree to the summary proceeding.

1400 (15) The secretary office, working with the agencies
1401 providing cooperative assistance and input to ~~participating in~~
1402 the memoranda of agreement, shall review sites proposed for the
1403 location of facilities eligible for the Innovation Incentive
1404 Program under s. 288.1089. Within 20 days after the request for



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1405 the review by the secretary ~~office~~, the agencies shall provide
1406 to the secretary ~~office~~ a statement as to each site's necessary
1407 permits under local, state, and federal law and an
1408 identification of significant permitting issues, which if
1409 unresolved, may result in the denial of an agency permit or
1410 approval or any significant delay caused by the permitting
1411 process.

1412 (16) This expedited permitting process shall not modify,
1413 qualify, or otherwise alter existing agency nonprocedural
1414 standards for permit applications or local comprehensive plan
1415 amendments, unless expressly authorized by law. If it is
1416 determined that the applicant is not eligible to use this
1417 process, the applicant may apply for permitting of the project
1418 through the normal permitting processes.

1419 (17) The secretary ~~office~~ shall be responsible for
1420 certifying a business as eligible for undergoing expedited
1421 review under this section. Enterprise Florida, Inc., a county or
1422 municipal government, or the Rural Economic Development
1423 Initiative may recommend to the secretary ~~Office of Tourism,~~
1424 ~~Trade, and Economic Development~~ that a project meeting the
1425 minimum job creation threshold undergo expedited review.

1426 (18) The secretary ~~office~~, working with the Rural Economic
1427 Development Initiative and the agencies participating in the
1428 memoranda of agreement, shall provide technical assistance in
1429 preparing permit applications and local comprehensive plan
1430 amendments for counties having a population of less than 75,000
1431 residents, or counties having fewer than 100,000 residents which
1432 are contiguous to counties having fewer than 75,000 residents.
1433 Additional assistance may include, but not be limited to,



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1434 guidance in land development regulations and permitting
1435 processes, working cooperatively with state, regional, and local
1436 entities to identify areas within these counties which may be
1437 suitable or adaptable for preclearance review of specified types
1438 of land uses and other activities requiring permits.

1439 (19) The following projects are ineligible for review under
1440 this part:

1441 (a) A project funded and operated by a local government, as
1442 defined in s. 377.709, and located within that government's
1443 jurisdiction.

1444 (b) A project, the primary purpose of which is to:

1445 1. Effect the final disposal of solid waste, biomedical
1446 waste, or hazardous waste in this state.

1447 2. Produce electrical power, unless the production of
1448 electricity is incidental and not the primary function of the
1449 project or the electrical power is derived from a fuel source
1450 for renewable energy as defined in s. 366.91(2)(d).

1451 3. Extract natural resources.

1452 4. Produce oil.

1453 5. Construct, maintain, or operate an oil, petroleum,
1454 natural gas, or sewage pipeline.

1455 Section 30. Paragraph (f) of subsection (2) of section
1456 14.2015, Florida Statutes, is amended to read:

1457 14.2015 Office of Tourism, Trade, and Economic Development;
1458 creation; powers and duties.—

1459 (2) The purpose of the Office of Tourism, Trade, and
1460 Economic Development is to assist the Governor in working with
1461 the Legislature, state agencies, business leaders, and economic
1462 development professionals to formulate and implement coherent



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1463 and consistent policies and strategies designed to provide
1464 economic opportunities for all Floridians. To accomplish such
1465 purposes, the Office of Tourism, Trade, and Economic Development
1466 shall:

1467 (f)1. Administer the Florida Enterprise Zone Act under ss.
1468 290.001-290.016, the community contribution tax credit program
1469 under ss. 220.183 and 624.5105, the tax refund program for
1470 qualified target industry businesses under s. 288.106, the tax-
1471 refund program for qualified defense contractors and space
1472 flight business contractors under s. 288.1045, contracts for
1473 transportation projects under s. 288.063, the sports franchise
1474 facility program under s. 288.1162, the professional golf hall
1475 of fame facility program under s. 288.1168, ~~the expedited~~
1476 ~~permitting process under s. 403.973~~, the Rural Community
1477 Development Revolving Loan Fund under s. 288.065, the Regional
1478 Rural Development Grants Program under s. 288.018, the Certified
1479 Capital Company Act under s. 288.99, the Florida State Rural
1480 Development Council, the Rural Economic Development Initiative,
1481 and other programs that are specifically assigned to the office
1482 by law, by the appropriations process, or by the Governor.
1483 Notwithstanding any other provisions of law, the office may
1484 expend interest earned from the investment of program funds
1485 deposited in the Grants and Donations Trust Fund to contract for
1486 the administration of the programs, or portions of the programs,
1487 enumerated in this paragraph or assigned to the office by law,
1488 by the appropriations process, or by the Governor. Such
1489 expenditures shall be subject to review under chapter 216.

1490 2. The office may enter into contracts in connection with
1491 the fulfillment of its duties concerning the Florida First



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1492 Business Bond Pool under chapter 159, tax incentives under
1493 chapters 212 and 220, tax incentives under the Certified Capital
1494 Company Act in chapter 288, foreign offices under chapter 288,
1495 the Enterprise Zone program under chapter 290, the Seaport
1496 Employment Training program under chapter 311, the Florida
1497 Professional Sports Team License Plates under chapter 320,
1498 Spaceport Florida under chapter 331, ~~Expedited Permitting under~~
1499 ~~chapter 403~~, and in carrying out other functions that are
1500 specifically assigned to the office by law, by the
1501 appropriations process, or by the Governor.

1502 Section 31. Paragraph (e) of subsection (2) of section
1503 288.0655, Florida Statutes, is amended to read:

1504 288.0655 Rural Infrastructure Fund.—

1505 (2)

1506 (e) To enable local governments to access the resources
1507 available pursuant to s. 403.973(18), the office, working with
1508 the Secretary of Environmental Protection, may award grants for
1509 surveys, feasibility studies, and other activities related to
1510 the identification and preclearance review of land which is
1511 suitable for preclearance review. Authorized grants under this
1512 paragraph shall not exceed \$75,000 each, except in the case of a
1513 project in a rural area of critical economic concern, in which
1514 case the grant shall not exceed \$300,000. Any funds awarded
1515 under this paragraph must be matched at a level of 50 percent
1516 with local funds, except that any funds awarded for a project in
1517 a rural area of critical economic concern must be matched at a
1518 level of 33 percent with local funds. In evaluating applications
1519 under this paragraph, the office shall consider the extent to
1520 which the application seeks to minimize administrative and



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1521 consultant expenses.

1522 Section 32. Paragraph (d) of subsection (2) and paragraph
1523 (b) of subsection (19) of section 380.06, Florida Statutes, are
1524 amended to read:

1525 380.06 Developments of regional impact.—

1526 (2) STATEWIDE GUIDELINES AND STANDARDS.—

1527 (d) The guidelines and standards shall be applied as
1528 follows:

1529 1. Fixed thresholds.—

1530 a. A development that is below 100 percent of all numerical
1531 thresholds in the guidelines and standards shall not be required
1532 to undergo development-of-regional-impact review.

1533 b. A development that is at or above 120 percent of any
1534 numerical threshold shall be required to undergo development-of-
1535 regional-impact review.

1536 c. Projects certified under s. 403.973 which create at
1537 least 50 ~~100~~ jobs and meet the criteria of the Secretary of
1538 Environmental Protection ~~Office of Tourism, Trade, and Economic~~
1539 ~~Development~~ as to their impact on an area's economy, employment,
1540 and prevailing wage and skill levels that are at or below 100
1541 percent of the numerical thresholds for industrial plants,
1542 industrial parks, distribution, warehousing or wholesaling
1543 facilities, office development or multiuse projects other than
1544 residential, as described in s. 380.0651(3)(c), (d), and (h),
1545 are not required to undergo development-of-regional-impact
1546 review.

1547 2. Rebuttable presumption. It shall be presumed that a
1548 development that is at 100 percent or between 100 and 120
1549 percent of a numerical threshold shall be required to undergo



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1550 development-of-regional-impact review.

1551 (19) SUBSTANTIAL DEVIATIONS.—

1552 (b) Any proposed change to a previously approved
1553 development of regional impact or development order condition
1554 which, either individually or cumulatively with other changes,
1555 exceeds any of the following criteria shall constitute a
1556 substantial deviation and shall cause the development to be
1557 subject to further development-of-regional-impact review without
1558 the necessity for a finding of same by the local government:

1559 1. An increase in the number of parking spaces at an
1560 attraction or recreational facility by 10 percent or 330 spaces,
1561 whichever is greater, or an increase in the number of spectators
1562 that may be accommodated at such a facility by 10 percent or
1563 1,100 spectators, whichever is greater.

1564 2. A new runway, a new terminal facility, a 25-percent
1565 lengthening of an existing runway, or a 25-percent increase in
1566 the number of gates of an existing terminal, but only if the
1567 increase adds at least three additional gates.

1568 3. An increase in industrial development area by 10 percent
1569 or 35 acres, whichever is greater.

1570 4. An increase in the average annual acreage mined by 10
1571 percent or 11 acres, whichever is greater, or an increase in the
1572 average daily water consumption by a mining operation by 10
1573 percent or 330,000 gallons, whichever is greater. A net increase
1574 in the size of the mine by 10 percent or 825 acres, whichever is
1575 less. For purposes of calculating any net increases in size,
1576 only additions and deletions of lands that have not been mined
1577 shall be considered. An increase in the size of a heavy mineral
1578 mine as defined in s. 378.403(7) will only constitute a



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1579 substantial deviation if the average annual acreage mined is
1580 more than 550 acres and consumes more than 3.3 million gallons
1581 of water per day.

1582 5. An increase in land area for office development by 10
1583 percent or an increase of gross floor area of office development
1584 by 10 percent or 66,000 gross square feet, whichever is greater.

1585 6. An increase in the number of dwelling units by 10
1586 percent or 55 dwelling units, whichever is greater.

1587 7. An increase in the number of dwelling units by 50
1588 percent or 200 units, whichever is greater, provided that 15
1589 percent of the proposed additional dwelling units are dedicated
1590 to affordable workforce housing, subject to a recorded land use
1591 restriction that shall be for a period of not less than 20 years
1592 and that includes resale provisions to ensure long-term
1593 affordability for income-eligible homeowners and renters and
1594 provisions for the workforce housing to be commenced prior to
1595 the completion of 50 percent of the market rate dwelling. For
1596 purposes of this subparagraph, the term "affordable workforce
1597 housing" means housing that is affordable to a person who earns
1598 less than 120 percent of the area median income, or less than
1599 140 percent of the area median income if located in a county in
1600 which the median purchase price for a single-family existing
1601 home exceeds the statewide median purchase price of a single-
1602 family existing home. For purposes of this subparagraph, the
1603 term "statewide median purchase price of a single-family
1604 existing home" means the statewide purchase price as determined
1605 in the Florida Sales Report, Single-Family Existing Homes,
1606 released each January by the Florida Association of Realtors and
1607 the University of Florida Real Estate Research Center.



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1608 8. An increase in commercial development by 55,000 square
1609 feet of gross floor area or of parking spaces provided for
1610 customers for 330 cars or a 10-percent increase of either of
1611 these, whichever is greater.

1612 9. An increase in hotel or motel rooms by 10 percent or 83
1613 rooms, whichever is greater.

1614 10. An increase in a recreational vehicle park area by 10
1615 percent or 110 vehicle spaces, whichever is less.

1616 11. A decrease in the area set aside for open space of 5
1617 percent or 20 acres, whichever is less.

1618 12. A proposed increase to an approved multiuse development
1619 of regional impact where the sum of the increases of each land
1620 use as a percentage of the applicable substantial deviation
1621 criteria is equal to or exceeds 110 percent. The percentage of
1622 any decrease in the amount of open space shall be treated as an
1623 increase for purposes of determining when 110 percent has been
1624 reached or exceeded.

1625 13. A 15-percent increase in the number of external vehicle
1626 trips generated by the development above that which was
1627 projected during the original development-of-regional-impact
1628 review.

1629 14. Any change which would result in development of any
1630 area which was specifically set aside in the application for
1631 development approval or in the development order for
1632 preservation or special protection of endangered or threatened
1633 plants or animals designated as endangered, threatened, or
1634 species of special concern and their habitat, any species
1635 protected by 16 U.S.C. ss. 668a-668d, primary dunes, or
1636 archaeological and historical sites designated as significant by



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1637 the Division of Historical Resources of the Department of State.
1638 The refinement of the boundaries and configuration of such areas
1639 shall be considered under sub-subparagraph (e)2.j.

1640
1641 The substantial deviation numerical standards in subparagraphs
1642 3., 5., 8., 9., and 12., excluding residential uses, and in
1643 subparagraph 13., are increased by 100 percent for a project
1644 certified under s. 403.973 which creates jobs and meets criteria
1645 established by the Secretary of Environmental Protection Office
1646 ~~of Tourism, Trade, and Economic Development~~ as to its impact on
1647 an area's economy, employment, and prevailing wage and skill
1648 levels. The substantial deviation numerical standards in
1649 subparagraphs 3., 5., 6., 7., 8., 9., 12., and 13. are increased
1650 by 50 percent for a project located wholly within an urban
1651 infill and redevelopment area designated on the applicable
1652 adopted local comprehensive plan future land use map and not
1653 located within the coastal high hazard area.

1654 Section 33. Subsection (20) is added to section 373.414,
1655 Florida Statutes, to read:

1656 373.414 Additional criteria for activities in surface
1657 waters and wetlands.—

1658 (20) (a) The mitigation requirements under this part shall
1659 be deemed satisfied for permits providing conceptual approval of
1660 the long-term build out or expansion of an existing airport
1661 which is operated by an aviation authority created by a special
1662 act and located within the Upper Kissimmee Planning Unit
1663 established under s. 403.067 if:

1664 1. The amount of mitigation required to offset impacts to
1665 wetlands and other surface waters associated with such build out



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1666 or expansion is determined by the methodology established
1667 pursuant to subsection (18);

1668 2. The specific measures acceptable to the authority to
1669 offset the impacts to wetlands and other surface waters are
1670 provided for in the permits authorizing the actual construction
1671 of the airport build out or expansion; and

1672 3. The mitigation required for such impacts is identified
1673 by the authority and committed within three years of issuance of
1674 the conceptual approval permit.

1675 (b) Conceptual approval permits issued to such authorities
1676 under this subsection may be issued for durations of up to 5
1677 years.

1678 Section 34. Section 373.185, Florida Statutes, is amended
1679 to read:

1680 373.185 Local Florida-friendly landscaping ~~Xeriscape~~
1681 ordinances.—

1682 (1) As used in this section, the term:

1683 (a) "Local government" means any county or municipality of
1684 the state.

1685 (b) ~~"Xeriscape" or~~ "Florida-friendly landscaping landscape"
1686 means quality landscapes that conserve water, and protect the
1687 environment, and are adaptable to local conditions, and ~~which~~
1688 are drought tolerant. The principles of Florida-friendly
1689 landscaping ~~Xeriscape~~ include planting the right plant in the
1690 right place, efficient watering, appropriate fertilization,
1691 mulching, attraction of wildlife, responsible management of yard
1692 pests, recycling yard waste, reduction of stormwater runoff, and
1693 waterfront protection. The principles of Florida-friendly
1694 landscaping include practices such as landscape planning and



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1695 design, ~~appropriate choice of plants,~~ soil analysis, ~~which may~~
1696 ~~include~~ the appropriate use of solid waste compost, minimizing
1697 the use of efficient irrigation, ~~practical use of turf,~~
1698 ~~appropriate use of mulches,~~ and proper maintenance.

1699 (2) Each water management district shall design and
1700 implement an incentive program to encourage all local
1701 governments within its district to adopt new ordinances or amend
1702 existing ordinances to require Florida-friendly Xeriscape
1703 landscaping for development permitted after the effective date
1704 of the new ordinance or amendment. ~~Each district shall adopt~~
1705 ~~rules governing the implementation of its incentive program and~~
1706 ~~governing the review and approval of local government Xeriscape~~
1707 ~~ordinances or amendments which are intended to qualify a local~~
1708 ~~government for the incentive program.~~ Each district shall assist
1709 the local governments within its jurisdiction by providing a
1710 model Florida-friendly landscaping ordinance ~~Xeriscape code~~ and
1711 other technical assistance. Each district may develop its own
1712 model or use a model contained in the "Florida-Friendly
1713 Landscape Guidance Models for Ordinances, Covenants, and
1714 Restrictions" manual developed by the Department of
1715 Environmental Protection. A local government Florida-friendly
1716 landscaping ~~Xeriscape~~ ordinance or amendment, in order to
1717 qualify the local government for a district's incentive program,
1718 must include, at a minimum:

1719 (a) Landscape design, installation, and maintenance
1720 standards that result in water conservation and water quality
1721 protection or restoration. Such standards shall address the use
1722 of plant groupings, soil analysis including the promotion of the
1723 use of solid waste compost, efficient irrigation systems, and



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1724 other water-conserving practices.

1725 (b) Identification of prohibited invasive exotic plant
1726 species consistent with the provisions of s. 581.091.

1727 (c) Identification of controlled plant species, accompanied
1728 by the conditions under which such plants may be used.

1729 (d) A provision specifying the maximum percentage of
1730 irrigated turf and the maximum percentage of impervious surfaces
1731 allowed in a Florida-friendly landscaped ~~xeriscaped~~ area and
1732 addressing the practical selection and installation of turf.

1733 (e) Specific standards for land clearing and requirements
1734 for the preservation of existing native vegetation.

1735 (f) A monitoring program for ordinance implementation and
1736 compliance.

1737
1738 In addition to developing and implementing an incentive program,
1739 each district ~~The districts also~~ shall work with local
1740 governments, the Department of Environmental Protection, county
1741 extension agents or offices, nursery and landscape industry
1742 groups, and other interested stakeholders to promote, through
1743 educational programs, ~~and~~ publications, and other activities of
1744 the district authorized under this chapter, the use of Florida-
1745 friendly landscaping ~~Xeriscape~~ practices, including the use of
1746 solid waste compost, in ~~existing~~ residential and commercial
1747 development. In these activities, each district shall use the
1748 materials developed by the department, the Institute of Food and
1749 Agricultural Sciences at the University of Florida, and the
1750 Center for Landscape Conservation and Ecology Florida-friendly
1751 landscaping program, including, but not limited to, the Florida
1752 Yards and Neighborhoods Program for homeowners, the Florida



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1753 Yards and Neighborhoods Builder Developer Program for
1754 developers, and the Green Industries Best Management Practices
1755 Program for landscaping professionals. Each district may develop
1756 supplemental materials as appropriate to address the physical
1757 and natural characteristics of the district. The districts shall
1758 coordinate with the department and the Institute of Food and
1759 Agricultural Sciences at the University of Florida if revisions
1760 to the educational materials of the department or university are
1761 needed. This section may not be construed to limit the authority
1762 of the districts to require Xeriscape ordinances or practices as
1763 a condition of any consumptive use permit.

1764 (3) (a) The Legislature finds that the use of Florida-
1765 friendly landscaping and other water use and pollution
1766 prevention measures that conserve or protect the state's water
1767 resources serves a compelling public interest and that the
1768 participation of homeowners' associations and local governments
1769 is essential to state water conservation and water quality
1770 protection and restoration efforts.

1771 (b) A deed restriction or covenant entered after October 1,
1772 2001, or local government ordinance may not prohibit or be
1773 enforced to prohibit any property owner from implementing
1774 Xeriscape or Florida-friendly landscaping landscape on his or
1775 her land or create any requirement or limitation in conflict
1776 with any provision of part II of this chapter or a water
1777 shortage order, other order, consumptive use permit, or rule
1778 adopted or issued pursuant to part II of this chapter.

1779 (c) A local government ordinance may not prohibit or be
1780 enforced so as to prohibit any property owner from implementing
1781 Florida-friendly landscaping on his or her land.



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1782 (4) This section may not be construed to limit the
1783 authority of the department or the districts to require Florida-
1784 friendly landscaping ordinances or practices as a condition of
1785 any permit under this chapter.

1786 Section 35. Section 373.187, Florida Statutes, is created
1787 to read:

1788 373.187 Water management district implementation of
1789 Florida-friendly landscaping.—Each water management district
1790 shall use Florida-friendly landscaping, as defined in s.
1791 373.185, on public property associated with buildings and
1792 facilities owned by the water management district and
1793 constructed after June 30, 2009. Each water management district
1794 shall also develop a 5-year program for phasing in the use of
1795 Florida-friendly landscaping on public property associated with
1796 buildings or facilities owned by the water management district
1797 and constructed before July 1, 2009.

1798 Section 36. Section 373.228, Florida Statutes, is amended
1799 to read:

1800 373.228 Landscape irrigation design.—

1801 (1) The Legislature finds that multiple areas throughout
1802 the state have been identified by water management districts as
1803 water resource caution areas, which indicates that in the near
1804 future water demand in those areas will exceed the current
1805 available water supply and that conservation is one of the
1806 mechanisms by which future water demand will be met.

1807 (2) The Legislature finds that landscape irrigation
1808 comprises a significant portion of water use and that the
1809 current typical landscape irrigation system and Florida-friendly
1810 landscaping ~~landscape~~ designs offer significant potential water



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1811 conservation benefits.

1812 (3) It is the intent of the Legislature to improve
1813 landscape irrigation water use efficiency by ensuring that
1814 landscape irrigation systems meet or exceed minimum design
1815 criteria.

1816 (4) The water management districts shall work with the
1817 Florida Nursery Nurserymen and Growers and Landscape
1818 Association, the Florida Native Plant Society, the Florida
1819 Chapter of the American Society of Landscape Architects, the
1820 Florida Irrigation Society, the Department of Agriculture and
1821 Consumer Services, the Institute of Food and Agricultural
1822 Sciences, the Department of Environmental Protection, the
1823 Department of Transportation, the Florida League of Cities, the
1824 Florida Association of Counties, and the Florida Association of
1825 Community Developers to develop landscape irrigation and
1826 Florida-friendly landscaping ~~xeriscape~~ design standards for new
1827 construction which incorporate a landscape irrigation system and
1828 develop scientifically based model guidelines for urban,
1829 commercial, and residential landscape irrigation, including drip
1830 irrigation, for plants, trees, sod, and other landscaping. The
1831 landscape and irrigation design standards shall be based on the
1832 irrigation code defined in the Florida Building Code, Plumbing
1833 Volume, Appendix F. Local governments shall use the standards
1834 and guidelines when developing landscape irrigation and Florida-
1835 friendly landscaping ~~xeriscape~~ ordinances. By January 1, 2011,
1836 the agencies and entities specified in this subsection shall
1837 review the standards and guidelines to determine whether new
1838 research findings require a change or modification of the
1839 standards and guidelines.



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1840 (5) In evaluating water use applications from public water
1841 suppliers, water management districts shall consider whether the
1842 applicable local government has adopted ordinances for
1843 landscaping and irrigation systems consistent with the Florida-
1844 friendly landscaping provisions of s. 373.185.

1845 Section 37. Subsection (3) of section 373.323, Florida
1846 Statutes, is amended to read:

1847 373.323 Licensure of water well contractors; application,
1848 qualifications, and examinations; equipment identification.—

1849 (3) An applicant who meets the following requirements shall
1850 be entitled to take the water well contractor licensure
1851 examination ~~to practice water well contracting~~:

1852 (a) Is at least 18 years of age.

1853 (b) Has at least 2 years of experience in constructing,
1854 repairing, or abandoning water wells. Satisfactory proof of such
1855 experience shall be demonstrated by providing:

1856 1. Evidence of the length of time the applicant has been
1857 engaged in the business of the construction, repair, or
1858 abandonment of water wells as a major activity, as attested to
1859 by a letter from each of three of the following persons:

1860 a. A water well contractor.

1861 b. A water well driller.

1862 c. A water well parts and equipment vendor.

1863 d. A water well inspector employed by a governmental
1864 agency.

1865 2. A list of at least 10 water wells that the applicant has
1866 constructed, repaired, or abandoned within the preceding 5
1867 years. Of these wells, at least seven must have been
1868 constructed, as defined in s. 373.303(2), by the applicant. The



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1869 list shall also include:

1870 a. The name and address of the owner or owners of each
1871 well.

1872 b. The location, primary use, and approximate depth and
1873 diameter of each well the applicant has constructed, repaired,
1874 or abandoned.

1875 c. The approximate date the construction, repair, or
1876 abandonment of each well was completed.

1877 (c) Has completed the application form and remitted a
1878 nonrefundable application fee.

1879 Section 38. Subsection (8) of section 373.333, Florida
1880 Statutes, is amended to read:

1881 373.333 Disciplinary guidelines; adoption and enforcement;
1882 license suspension or revocation.—

1883 (8) The water management district may impose through an
1884 order an administrative fine not to exceed \$5,000 per occurrence
1885 against an unlicensed person if ~~when~~ it determines that the
1886 unlicensed person has engaged in the practice of water well
1887 contracting~~7~~ for which a license is required.

1888 Section 39. Section 125.568, Florida Statutes, is amended
1889 to read:

1890 125.568 Conservation of water; Florida-friendly landscaping
1891 ~~Xeriscape~~.—

1892 (1) (a) The Legislature finds that Florida-friendly
1893 landscaping ~~Xeriscape~~ contributes to the conservation,
1894 protection, and restoration of water. In an effort to meet the
1895 water needs of this state in a manner that will supply adequate
1896 and dependable supplies of water where needed, it is the intent
1897 of the Legislature that Florida-friendly landscaping ~~Xeriscape~~



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1898 be an essential part of water conservation and water quality
1899 protection and restoration planning.

1900 (b) As used in this section, "Xeriscape" or "Florida-
1901 friendly landscaping" has the same meaning as provided in s.
1902 373.185 landscape" ~~means quality landscapes that conserve water~~
1903 ~~and protect the environment and are adaptable to local~~
1904 ~~conditions and which are drought tolerant. The principles of~~
1905 ~~Xeriscape include planning and design, appropriate choice of~~
1906 ~~plants, soil analysis which may include the use of solid waste~~
1907 ~~compost, practical use of turf, efficient irrigation,~~
1908 ~~appropriate use of mulches, and proper maintenance.~~

1909 (2) The board of county commissioners of each county shall
1910 consider enacting ordinances, consistent with the provisions of
1911 s. 373.185, requiring the use of Florida-friendly landscaping
1912 ~~Xeriscape~~ as a water conservation or water quality protection or
1913 restoration measure. If the board determines that Florida-
1914 friendly landscaping ~~Xeriscape~~ would be of significant benefit
1915 as a water conservation or water quality protection or
1916 restoration measure, especially for waters designated as
1917 impaired pursuant to s. 403.067, relative to the cost to
1918 implement Florida-friendly ~~Xeriscape~~ landscaping in its area of
1919 jurisdiction, the board shall enact a Florida-friendly
1920 landscaping ~~Xeriscape~~ ordinance. Further, the board of county
1921 commissioners shall consider promoting Florida-friendly
1922 landscaping ~~Xeriscape~~ as a water conservation or water quality
1923 protection or restoration measure by: using Florida-friendly
1924 landscaping ~~Xeriscape~~ in any, around, or near facilities, parks,
1925 ~~and other common~~ areas under its jurisdiction that ~~which~~ are
1926 landscaped after the effective date of this act; providing



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1927 public education on Florida-friendly landscaping ~~Xeriscape~~, its
1928 uses in increasing as a water conservation and water quality
1929 protection or restoration tool, and its long-term cost-
1930 effectiveness; and offering incentives to local residents and
1931 businesses to implement Florida-friendly ~~Xeriscape~~ landscaping.

1932 (3) (a) The Legislature finds that the use of Florida-
1933 friendly landscaping and other water use and pollution
1934 prevention measures that conserve or protect the state's water
1935 resources serves a compelling public interest and that the
1936 participation of homeowners' associations and local governments
1937 is essential to state water conservation and water quality
1938 protection and restoration efforts.

1939 (b) A deed restriction or covenant entered after October 1,
1940 2001, or local government ordinance may not prohibit or be
1941 enforced to prohibit any property owner from implementing
1942 ~~Xeriscape~~ or Florida-friendly landscaping landscape on his or
1943 her land or create any requirement or limitation in conflict
1944 with any provision of part II of chapter 373 or a water shortage
1945 order, other order, consumptive use permit, or rule adopted or
1946 issued pursuant to part II of chapter 373.

1947 (c) A local government ordinance may not prohibit or be
1948 enforced so as to prohibit any property owner from implementing
1949 Florida-friendly landscaping on his or her land.

1950 Section 40. Section 166.048, Florida Statutes, is amended
1951 to read:

1952 166.048 Conservation of water; Florida-friendly landscaping
1953 ~~Xeriscape~~.—

1954 (1) (a) The Legislature finds that Florida-friendly
1955 landscaping ~~Xeriscape~~ contributes to the conservation,



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1956 protection, and restoration of water. In an effort to meet the
1957 water needs of this state in a manner that will supply adequate
1958 and dependable supplies of water where needed, it is the intent
1959 of the Legislature that Florida-friendly landscaping ~~Xeriscape~~
1960 be an essential part of water conservation and water quality
1961 protection and restoration planning.

1962 (b) As used in this section, "Xeriscape" or "Florida-
1963 friendly landscaping" has the same meaning as provided in s.
1964 373.185 ~~landscape" means quality landscapes that conserve water~~
1965 ~~and protect the environment and are adaptable to local~~
1966 ~~conditions and which are drought tolerant. The principles of~~
1967 ~~Xeriscape include planning and design, appropriate choice of~~
1968 ~~plants, soil analysis which may include the use of solid waste~~
1969 ~~compost, practical use of turf, efficient irrigation,~~
1970 ~~appropriate use of mulches, and proper maintenance.~~

1971 (2) The governing body of each municipality shall consider
1972 enacting ordinances, consistent with the provisions of s.
1973 373.185, requiring the use of Florida-friendly landscaping
1974 ~~Xeriscape~~ as a water conservation or water quality protection or
1975 restoration measure. If the governing body determines that
1976 Florida-friendly landscaping ~~Xeriscape~~ would be of significant
1977 benefit as a water conservation or water quality protection or
1978 restoration measure, especially for waters designated as
1979 impaired pursuant to s. 403.067, relative to the cost to
1980 implement Florida-friendly ~~Xeriscape~~ landscaping in its area of
1981 jurisdiction in the municipality, the governing body ~~board~~ shall
1982 enact a Florida-friendly landscaping ~~Xeriscape~~ ordinance.
1983 Further, the governing body shall consider promoting Florida-
1984 friendly landscaping ~~Xeriscape~~ as a water conservation or water



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1985 quality protection or restoration measure by+ using Florida-
1986 friendly landscaping Xeriscape in any, around, or near
1987 facilities, parks, and other common areas under its jurisdiction
1988 that ~~which~~ are landscaped after the effective date of this act;
1989 providing public education on Florida-friendly landscaping
1990 ~~Xeriscape~~, its uses in increasing as a water conservation and
1991 water quality protection or restoration tool, and its long-term
1992 cost-effectiveness; and offering incentives to local residents
1993 and businesses to implement Florida-friendly Xeriscape
1994 landscaping.

1995 (3) (a) The Legislature finds that the use of Florida-
1996 friendly landscaping and other water use and pollution
1997 prevention measures that conserve or protect the state's water
1998 resources serves a compelling public interest and that the
1999 participation of homeowners' associations and local governments
2000 is essential to state water conservation and water quality
2001 protection and restoration efforts.

2002 (b) A deed restriction or covenant entered after October 1,
2003 2001, or local government ordinance may not prohibit or be
2004 enforced to prohibit any property owner from implementing
2005 ~~Xeriscape~~ or Florida-friendly landscaping landscape on his or
2006 her land or create any requirement or limitation in conflict
2007 with any provision of part II of chapter 373 or a water shortage
2008 order, other order, consumptive use permit, or rule adopted or
2009 issued pursuant to part II of chapter 373.

2010 (c) A local government ordinance may not prohibit or be
2011 enforced so as to prohibit any property owner from implementing
2012 Florida-friendly landscaping on his or her land.

2013 Section 41. Section 255.259, Florida Statutes, is amended



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2014 to read:

2015 255.259 Florida-friendly ~~Xeriscape~~ landscaping on public
2016 property.—

2017 (1) The Legislature finds that water conservation and water
2018 quality protection and restoration are ~~is~~ increasingly critical
2019 to the continuance of an adequate water supply and healthy
2020 surface and ground waters ~~for the citizens of this state~~. The
2021 Legislature further finds that "Florida-friendly landscaping
2022 ~~Xeriscape~~," as defined in s. 373.185, can contribute
2023 significantly to water ~~the~~ conservation and ~~of~~ water quality
2024 protection and restoration. Finally, the Legislature finds that
2025 state government has the responsibility to promote Florida-
2026 friendly landscaping ~~Xeriscape~~ as a water conservation and water
2027 quality protection and restoration measure by using Florida-
2028 friendly landscaping ~~Xeriscape~~ on public property associated
2029 with publicly owned buildings or facilities.

2030 (2) As used in this section, "publicly owned buildings or
2031 facilities" means those construction projects under the purview
2032 of the Department of Management Services. It does not include
2033 environmentally endangered land or roads and highway
2034 construction under the purview of the Department of
2035 Transportation.

2036 (3) The Department of Management Services, in consultation
2037 with the Department of Environmental Protection, shall adopt
2038 rules and guidelines for the required use of Florida-friendly
2039 landscaping ~~Xeriscape~~ on public property associated with
2040 publicly owned buildings or facilities constructed after June
2041 30, 2009 ~~1992~~. The Department of Management Services also shall
2042 develop a 5-year program for phasing in the use of Florida-



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2043 friendly landscaping ~~Xeriscape~~ on public property associated
2044 with publicly owned buildings or facilities constructed before
2045 July 1, 2009 ~~1992~~. In accomplishing these tasks, the Department
2046 of Management Services shall take into account the provisions of
2047 guidelines set out in s. 373.185(2)(a)-(f). The Department of
2048 Transportation shall implement Florida-friendly ~~Xeriscape~~
2049 landscaping pursuant to s. 335.167.

2050 (4) (a) The Legislature finds that the use of Florida-
2051 friendly landscaping and other water use and pollution
2052 prevention measures that conserve or protect the state's water
2053 resources serves a compelling public interest and that the
2054 participation of homeowners' associations and local governments
2055 is essential to state water conservation and water quality
2056 protection and restoration efforts.

2057 (b) A deed restriction or covenant entered after October 1,
2058 2001, or local government ordinance may not prohibit or be
2059 enforced to prohibit any property owner from implementing
2060 ~~Xeriscape~~ or Florida-friendly landscaping landscape on his or
2061 her land or create any requirement or limitation in conflict
2062 with any provision of part II of chapter 373 or a water shortage
2063 order, other order, consumptive use permit, or rule adopted or
2064 issued pursuant to part II of chapter 373.

2065 (c) A local government ordinance may not prohibit or be
2066 enforced so as to prohibit any property owner from implementing
2067 Florida-friendly landscaping on his or her land.

2068 Section 42. Section 335.167, Florida Statutes, is amended
2069 to read:

2070 335.167 State highway construction and maintenance;
2071 ~~Xeriscape~~ or Florida-friendly landscaping.-



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2072 (1) The department shall use and require the use of
2073 Florida-friendly landscaping ~~Xeriscape~~ practices, as defined in
2074 s. 373.185(1), in the construction and maintenance of all new
2075 state highways, wayside parks, access roads, welcome stations,
2076 and other state highway rights-of-way constructed upon or
2077 acquired after June 30, 2009 ~~1992~~. The department shall develop
2078 a 5-year program for phasing in the use of Florida-friendly
2079 landscaping ~~Xeriscape~~, including the use of solid waste compost,
2080 in state highway rights-of-way constructed upon or acquired
2081 before July 1, 2009 ~~1992~~. In accomplishing these tasks, the
2082 department shall employ the guidelines set out in s.
2083 373.185(2) (a) ~~-(f)~~.

2084 (2) (a) The Legislature finds that the use of Florida-
2085 friendly landscaping and other water use and pollution
2086 prevention measures that conserve or protect the state's water
2087 resources serves a compelling public interest and that the
2088 participation of homeowners' associations and local governments
2089 is essential to state water conservation and water quality
2090 protection and restoration efforts.

2091 (b) A deed restriction or covenant entered after October 1,
2092 2001, or local government ordinance may not prohibit or be
2093 enforced to prohibit any property owner from implementing
2094 Xeriscape or Florida-friendly landscaping landscape on his or
2095 her land or create any requirement or limitation in conflict
2096 with any provision of part II of chapter 373 or a water shortage
2097 order, other order, consumptive use permit, or rule adopted or
2098 issued pursuant to part II of chapter 373.

2099 (c) A local government ordinance may not prohibit or be
2100 enforced so as to prohibit any property owner from implementing



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2101 Florida-friendly landscaping on his or her land.

2102 Section 43. Paragraph (a) of subsection (3) of section
2103 380.061, Florida Statutes, is amended to read:

2104 380.061 The Florida Quality Developments program.—

2105 (3) (a) To be eligible for designation under this program,
2106 the developer shall comply with each of the following
2107 requirements which is applicable to the site of a qualified
2108 development:

2109 1. Have donated or entered into a binding commitment to
2110 donate the fee or a lesser interest sufficient to protect, in
2111 perpetuity, the natural attributes of the types of land listed
2112 below. In lieu of the above requirement, the developer may enter
2113 into a binding commitment which runs with the land to set aside
2114 such areas on the property, in perpetuity, as open space to be
2115 retained in a natural condition or as otherwise permitted under
2116 this subparagraph. Under the requirements of this subparagraph,
2117 the developer may reserve the right to use such areas for the
2118 purpose of passive recreation that is consistent with the
2119 purposes for which the land was preserved.

2120 a. Those wetlands and water bodies throughout the state as
2121 would be delineated if the provisions of s. 373.4145(1) (b) were
2122 applied. The developer may use such areas for the purpose of
2123 site access, provided other routes of access are unavailable or
2124 impracticable; may use such areas for the purpose of stormwater
2125 or domestic sewage management and other necessary utilities to
2126 the extent that such uses are permitted pursuant to chapter 403;
2127 or may redesign or alter wetlands and water bodies within the
2128 jurisdiction of the Department of Environmental Protection which
2129 have been artificially created, if the redesign or alteration is



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2130 done so as to produce a more naturally functioning system.
2131 b. Active beach or primary and, where appropriate,
2132 secondary dunes, to maintain the integrity of the dune system
2133 and adequate public accessways to the beach. However, the
2134 developer may retain the right to construct and maintain
2135 elevated walkways over the dunes to provide access to the beach.
2136 c. Known archaeological sites determined to be of
2137 significance by the Division of Historical Resources of the
2138 Department of State.
2139 d. Areas known to be important to animal species designated
2140 as endangered or threatened animal species by the United States
2141 Fish and Wildlife Service or by the Fish and Wildlife
2142 Conservation Commission, for reproduction, feeding, or nesting;
2143 for traveling between such areas used for reproduction, feeding,
2144 or nesting; or for escape from predation.
2145 e. Areas known to contain plant species designated as
2146 endangered plant species by the Department of Agriculture and
2147 Consumer Services.
2148 2. Produce, or dispose of, no substances designated as
2149 hazardous or toxic substances by the United States Environmental
2150 Protection Agency or by the Department of Environmental
2151 Protection or the Department of Agriculture and Consumer
2152 Services. This subparagraph is not intended to apply to the
2153 production of these substances in nonsignificant amounts as
2154 would occur through household use or incidental use by
2155 businesses.
2156 3. Participate in a downtown reuse or redevelopment program
2157 to improve and rehabilitate a declining downtown area.
2158 4. Incorporate no dredge and fill activities in, and no



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2159 stormwater discharge into, waters designated as Class II,
2160 aquatic preserves, or Outstanding Florida Waters, except as
2161 activities in those waters are permitted pursuant to s.
2162 403.813(2) and the developer demonstrates that those activities
2163 meet the standards under Class II waters, Outstanding Florida
2164 Waters, or aquatic preserves, as applicable.

2165 5. Include open space, recreation areas, Florida-friendly
2166 landscaping ~~Xeriscape~~ as defined in s. 373.185, and energy
2167 conservation and minimize impermeable surfaces as appropriate to
2168 the location and type of project.

2169 6. Provide for construction and maintenance of all onsite
2170 infrastructure necessary to support the project and enter into a
2171 binding commitment with local government to provide an
2172 appropriate fair-share contribution toward the offsite impacts
2173 which the development will impose on publicly funded facilities
2174 and services, except offsite transportation, and condition or
2175 phase the commencement of development to ensure that public
2176 facilities and services, except offsite transportation, will be
2177 available concurrent with the impacts of the development. For
2178 the purposes of offsite transportation impacts, the developer
2179 shall comply, at a minimum, with the standards of the state land
2180 planning agency's development-of-regional-impact transportation
2181 rule, the approved strategic regional policy plan, any
2182 applicable regional planning council transportation rule, and
2183 the approved local government comprehensive plan and land
2184 development regulations adopted pursuant to part II of chapter
2185 163.

2186 7. Design and construct the development in a manner that is
2187 consistent with the adopted state plan, the applicable strategic



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2188 regional policy plan, and the applicable adopted local
2189 government comprehensive plan.

2190 Section 44. Subsection (3) of section 388.291, Florida
2191 Statutes, is amended to read:

2192 388.291 Source reduction measures; supervision by
2193 department.—

2194 (3) Property owners in a developed residential area are
2195 required to maintain their property in such a manner so as not
2196 to create or maintain any standing freshwater condition capable
2197 of breeding mosquitoes or other arthropods in significant
2198 numbers so as to constitute a public health, welfare, or
2199 nuisance problem. Nothing in this subsection shall permit the
2200 alteration of permitted stormwater management systems or
2201 prohibit maintained fish ponds, Florida-friendly landscaping
2202 ~~xeriscaping~~, or other maintained systems of landscaping or
2203 vegetation. If such a condition is found to exist, the local
2204 arthropod control agency shall serve notice on the property
2205 owner to treat, remove, or abate the condition. Such notice
2206 shall serve as prima facie evidence of maintaining a nuisance,
2207 and upon failure of the property owner to treat, remove, or
2208 abate the condition, the local arthropod control agency or any
2209 affected citizen may proceed pursuant to s. 60.05 to enjoin the
2210 nuisance and may recover costs and attorney's fees if they
2211 prevail in the action.

2212 Section 45. Paragraph (a) of subsection (6) of section
2213 481.303, Florida Statutes, is amended to read:

2214 481.303 Definitions.—As used in this chapter:

2215 (6) "Landscape architecture" means professional services,
2216 including, but not limited to, the following:



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2217 (a) Consultation, investigation, research, planning,
2218 design, preparation of drawings, specifications, contract
2219 documents and reports, responsible construction supervision, or
2220 landscape management in connection with the planning and
2221 development of land and incidental water areas, including the
2222 use of Florida-friendly landscaping ~~Xeriscape~~ as defined in s.
2223 373.185, where, and to the extent that, the dominant purpose of
2224 such services or creative works is the preservation,
2225 conservation, enhancement, or determination of proper land uses,
2226 natural land features, ground cover and plantings, or
2227 naturalistic and aesthetic values;

2228 Section 46. Subsection (4) of section 720.3075, Florida
2229 Statutes, is amended to read:

2230 720.3075 Prohibited clauses in association documents.—

2231 (4) (a) The Legislature finds that the use of Florida-
2232 friendly landscaping and other water use and pollution
2233 prevention measures that conserve or protect the state's water
2234 resources serves a compelling public interest and that the
2235 participation of homeowners' associations and local governments
2236 is essential to state water conservation and water quality
2237 protection and restoration efforts.

2238 (b) Homeowners' association documents, including
2239 declarations of covenants, articles of incorporation, or bylaws,
2240 ~~entered after October 1, 2001,~~ may not prohibit or be enforced
2241 to prohibit any property owner from implementing ~~Xeriscape or~~
2242 Florida-friendly landscaping ~~landscape~~, as defined in s.
2243 373.185(1), on his or her land or create any requirement or
2244 limitation in conflict with any provision of part II of chapter
2245 373 or a water shortage order, other order, consumptive use



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2246 permit, or rule adopted or issued pursuant to part II of chapter
2247 373.

2248 Section 47. Subsection (6) of section 369.317, Florida
2249 Statutes, is amended to read:

2250 369.317 Wekiva Parkway.—

2251 (6) The Orlando-Orange County Expressway Authority is
2252 hereby granted the authority to act as a third-party acquisition
2253 agent, pursuant to s. 259.041 on behalf of the Board of Trustees
2254 or chapter 373 on behalf of the governing board of the St. Johns
2255 River Water Management District, for the acquisition of all
2256 necessary lands, property and all interests in property
2257 identified herein, including fee simple or less-than-fee simple
2258 interests. The lands subject to this authority are identified in
2259 paragraph 10.a., State of Florida, Office of the Governor,
2260 Executive Order 03-112 of July 1, 2003, and in Recommendation 16
2261 of the Wekiva Basin Area Task Force created by Executive Order
2262 2002-259, such lands otherwise known as Neighborhood Lakes, a
2263 1,587+/- acre parcel located in Orange and Lake Counties within
2264 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
2265 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
2266 Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake
2267 County within Section 37, Township 19 South, Range 28 East; New
2268 Garden Coal; a 1,605+/- acre parcel in Lake County within
2269 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
2270 East; Pine Plantation, a 617+/- acre tract consisting of eight
2271 individual parcels within the Apopka City limits. The Department
2272 of Transportation, the Department of Environmental Protection,
2273 the St. Johns River Water Management District, and other land
2274 acquisition entities shall participate and cooperate in



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2275 providing information and support to the third-party acquisition
2276 agent. The land acquisition process authorized by this paragraph
2277 shall begin no later than December 31, 2004. Acquisition of the
2278 properties identified as Neighborhood Lakes, Pine Plantation,
2279 and New Garden Coal, or approval as a mitigation bank shall be
2280 concluded no later than December 31, 2010. Department of
2281 Transportation and Orlando-Orange County Expressway Authority
2282 funds expended to purchase an interest in those lands identified
2283 in this subsection shall be eligible as environmental mitigation
2284 for road construction related impacts in the Wekiva Study Area.
2285 If any of the lands identified in this subsection are used as
2286 environmental mitigation for road construction related impacts
2287 incurred by the Department of Transportation or Orlando-Orange
2288 County Expressway Authority, or for other impacts incurred by
2289 other entities, within the Wekiva Study Area or within the
2290 Wekiva parkway alignment corridor, and if the mitigation offsets
2291 these impacts, the St. Johns River Water Management District and
2292 the Department of Environmental Protection shall consider the
2293 activity regulated under part IV of chapter 373 to meet the
2294 cumulative impact requirements of s. 373.414(8) (a).

2295 (a) Acquisition of the land described in this section is
2296 required to provide right of way for the Wekiva Parkway, a
2297 limited access roadway linking State Road 429 to Interstate 4,
2298 an essential component in meeting regional transportation needs
2299 to provide regional connectivity, improve safety, accommodate
2300 projected population and economic growth, and satisfy critical
2301 transportation requirements caused by increased traffic volume
2302 growth and travel demands.

2303 (b) Acquisition of the lands described in this section is



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2304 also required to protect the surface water and groundwater
2305 resources of Lake, Orange, and Seminole counties, otherwise
2306 known as the Wekiva Study Area, including recharge within the
2307 springshed that provides for the Wekiva River system. Protection
2308 of this area is crucial to the long term viability of the Wekiva
2309 River and springs and the central Florida region's water supply.
2310 Acquisition of the lands described in this section is also
2311 necessary to alleviate pressure from growth and development
2312 affecting the surface and groundwater resources within the
2313 recharge area.

2314 (c) Lands acquired pursuant to this section that are needed
2315 for transportation facilities for the Wekiva Parkway shall be
2316 determined not necessary for conservation purposes pursuant to
2317 ss. 253.034(6) and 373.089(5) and shall be transferred to or
2318 retained by the Orlando-Orange County Expressway Authority or
2319 the Department of Transportation upon reimbursement of the full
2320 purchase price and acquisition costs.

2321 Section 48. (1) Effective July 1, 2009, a task force is
2322 established to develop legislative recommendations relating to
2323 stormwater management system design in the state. The task force
2324 shall:

2325 (a) Review the Joint Professional Engineers and Landscape
2326 Architecture Committee Report conducted pursuant to s. 17,
2327 chapter 88-347, Laws of Florida, and determine the current
2328 validity of the report and the need to revise any of the
2329 conclusions or recommendations.

2330 (b) Determine how a licensed and registered professional
2331 might demonstrate competency for stormwater management system
2332 design.



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2333 (c) Determine how the Board of Professional Engineers and
2334 the Board of Landscape Architecture might administer
2335 certification tests or continuing education requirements for
2336 stormwater management system design.

2337 (d) Provide recommendations for grandfathering the rights
2338 of licensed professionals who currently practice stormwater
2339 management design in a manner that will allow them to continue
2340 to practice without meeting any new requirements the task force
2341 recommends be placed on licensed professionals in the future.

2342 (2) (a) The Board of Landscape Architecture, the Board of
2343 Professional Engineers, the Florida Engineering Society, the
2344 Florida Chapter of the American Society of Landscape Architects,
2345 the Secretary of Environmental Protection, and the Secretary of
2346 Transportation shall each appoint one member to the task force.

2347 (b) Members of the task force may not be reimbursed for
2348 travel, per diem, or any other costs associated with serving on
2349 the task force.

2350 (c) The task force shall meet a minimum of four times
2351 either in person or via teleconference; however, a minimum of
2352 two meetings shall be public hearings with testimony.

2353 (d) The task force shall expire on November 1, 2009.

2354 (3) The task force shall provide its findings and
2355 legislative recommendations to the President of the Senate and
2356 the Speaker of the House of Representatives by November 1, 2009.

2357 Section 49. Subsections (1) and (3) of section 378.901,
2358 Florida Statutes, are amended to read:

2359 378.901 Life-of-the-mine permit.—

2360 (1) As used in this section, the term:

2361 (a) "Bureau" means the Bureau of Mining and Minerals



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2362 Regulation ~~Mine Reclamation~~ of the Division of Water Resource
2363 Management of the Department of Environmental Protection.

2364 (b) "Life-of-the-mine permit" means a permit authorizing
2365 activities regulated under part IV of chapter 373 and part IV of
2366 this chapter.

2367 (3) The bureau may also issue life-of-the-mine permits to
2368 operators of limerock mines and sand mines as part of the
2369 consideration for conveyance to the Board of Trustees of the
2370 Internal Improvement Trust Fund of environmentally sensitive
2371 lands in an amount equal to or greater than the acreage included
2372 in the life-of-the-mine permit and provided such environmentally
2373 sensitive lands are contiguous to or within reasonable proximity
2374 to the lands included in the life-of-the-mine permit. In the
2375 event there exists evidence that any limerock life-of-the-mine
2376 permit authorizing activities regulated under part IV of chapter
2377 373 will have a detrimental effect on a wellfield or wellfield
2378 protection area or will have a significant detrimental public
2379 health, safety, welfare, or environmental effect, then the
2380 life-of-the-mine permit may be reopened.

2381 Section 50. Subsection (6) of section 399.02, Florida
2382 Statutes, is amended to read:

2383 399.02 General requirements.—

2384 (6) The department is empowered to carry out all of the
2385 provisions of this chapter relating to the inspection and
2386 regulation of elevators and to enforce the provisions of the
2387 Florida Building Code, except that updates to the code requiring
2388 modifications for heat sensors and electronic controls on
2389 existing elevators, as amended into the Safety Code for Existing
2390 Elevators and Escalators, ANSI/ASME A17.1 and A17.3, may not be



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2391 enforced on elevators issued a certificate of operation by the
2392 department as of July 1, 2008, until such time as the elevator
2393 is replaced. This exception does not apply to any building for
2394 which a building permit was issued after July 1, 2008.

2395 Section 51. Present subsection (7) of section 399.15,
2396 Florida Statutes, is redesignated as subsection (8), and a new
2397 subsection (7) is added to that section, to read:

2398 399.15 Regional emergency elevator access.—

2399 (7) As an alternative to complying with the requirements of
2400 subsection (1), each building in this state which is required to
2401 meet the provisions of subsections (1) and (2) may instead
2402 provide for the installation of a uniform lock box that contains
2403 the keys to all elevators in the building which allow public
2404 access, including service and freight elevators. The uniform
2405 lock box must be keyed so as to allow all uniform lock boxes in
2406 each of the seven state emergency response regions to operate in
2407 fire emergency situations using one master key. The uniform lock
2408 box master key may be issued only to the fire department. The
2409 Division of State Fire Marshal of the Department of Financial
2410 Services shall enforce this subsection. The Department of
2411 Financial Services shall select the provider of the uniform lock
2412 box to be installed in each building in which the requirements
2413 of this subsection are implemented.

2414 Section 52. Effective July 1, 2010, subsection (4) of
2415 section 468.8311, Florida Statutes, is amended to read:

2416 468.8311 Definitions.—As used in this part, the term:

2417 (4) "Home inspection services" means a limited visual
2418 examination of one or more of the following readily accessible
2419 installed systems and components of a home: the structure,



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2420 electrical system, HVAC system, roof covering, plumbing system,
2421 interior components, windows, doors, walls, floors, ceilings,
2422 exterior components, and site conditions that affect the
2423 structure, for the purposes of providing a written professional
2424 opinion of the condition of the home.

2425 Section 53. Effective July 1, 2010, section 468.8312,
2426 Florida Statutes, is amended to read:

2427 468.8312 Fees.—

2428 (1) The department, by rule, may establish fees to be paid
2429 for applications, examination, reexamination, licensing and
2430 renewal, inactive status application and reactivation of
2431 inactive licenses, recordkeeping, and applications for providers
2432 of continuing education. The department may also establish by
2433 rule a delinquency fee. Fees shall be based on department
2434 estimates of the revenue required to implement the provisions of
2435 this part. All fees shall be remitted with the appropriate
2436 application, examination, or license.

2437 (2) The initial application and examination fee shall not
2438 exceed \$250 ~~\$125~~ plus the actual per applicant cost to the
2439 department to purchase an examination, if the department chooses
2440 to purchase the examination. The examination fee shall be in an
2441 amount that covers the cost of obtaining and administering the
2442 examination and shall be refunded if the applicant is found
2443 ineligible to sit for the examination. The application fee shall
2444 be nonrefundable.

2445 (3) The initial license fee shall not exceed \$400 ~~\$200~~.

2446 (4) The fee for a certificate of authorization shall not
2447 exceed \$250 ~~\$125~~.

2448 (5) The biennial renewal fee shall not exceed \$400 ~~\$200~~.



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2449 (6) The fee for licensure by endorsement shall not exceed
2450 \$400 ~~\$200~~.

2451 (7) The fee for application for inactive status or for
2452 reactivation of an inactive license shall not exceed \$400 ~~\$200~~.

2453 (8) The fee for applications from providers of continuing
2454 education may not exceed \$500.

2455 Section 54. Effective July 1, 2010, section 468.8319,
2456 Florida Statutes, is amended to read:

2457 468.8319 Prohibitions; penalties.—

2458 (1) A person ~~A home inspector, a company that employs a~~
2459 ~~home inspector, or a company that is controlled by a company~~
2460 ~~that also has a financial interest in a company employing a home~~
2461 ~~inspector~~ may not:

2462 (a) Practice or offer to practice home inspection services
2463 unless the person has complied with the provisions of this part;

2464 (b) Use the name or title "certified home inspector,"
2465 "registered home inspector," "licensed home inspector," "home
2466 inspector," "professional home inspector," or any combination
2467 thereof unless the person has complied with the provisions of
2468 this part;

2469 (c) Present as his or her own the license of another;

2470 (d) Knowingly give false or forged evidence to the
2471 department or an employee thereof;

2472 (e) Use or attempt to use a license that has been suspended
2473 or revoked;

2474 (f) Perform or offer to perform, prior to closing, for any
2475 additional fee, any repairs to a home on which the inspector or
2476 the inspector's company has prepared a home inspection report.
2477 This paragraph does not apply to a home warranty company that is



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2478 affiliated with or retains a home inspector to perform repairs
2479 pursuant to a claim made under a home warranty contract;

2480 (g) Inspect for a fee any property in which the inspector
2481 or the inspector's company has any financial or transfer
2482 interest;

2483 (h) Offer or deliver any compensation, inducement, or
2484 reward to any broker or agent therefor for the referral of the
2485 owner of the inspected property to the inspector or the
2486 inspection company; or

2487 (i) Accept an engagement to make an omission or prepare a
2488 report in which the inspection itself, or the fee payable for
2489 the inspection, is contingent upon either the conclusions in the
2490 report, preestablished findings, or the close of escrow.

2491 (2) Any person who is found to be in violation of any
2492 provision of this section commits a misdemeanor of the first
2493 degree, punishable as provided in s. 775.082 or s. 775.083.

2494 Section 55. Effective July 1, 2010, section 468.832,
2495 Florida Statutes, is amended to read:

2496 468.832 Disciplinary proceedings.—

2497 (1) The following acts constitute grounds for which the
2498 disciplinary actions in subsection (2) may be taken:

2499 (a) Violation of any provision of this part or s.
2500 455.227(1);

2501 (b) Attempting to procure a license to practice home
2502 inspection services by bribery or fraudulent misrepresentation;

2503 (c) Having a license to practice home inspection services
2504 revoked, suspended, or otherwise acted against, including the
2505 denial of licensure, by the licensing authority of another
2506 state, territory, or country;



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2507 (d) Being convicted or found guilty of, or entering a plea
2508 of nolo contendere to, regardless of adjudication, a crime in
2509 any jurisdiction that directly relates to the practice of home
2510 inspection services or the ability to practice home inspection
2511 services;

2512 (e) Making or filing a report or record that the licensee
2513 knows to be false, willfully failing to file a report or record
2514 required by state or federal law, willfully impeding or
2515 obstructing such filing, or inducing another person to impede or
2516 obstruct such filing. Such reports or records shall include only
2517 those that are signed in the capacity of a licensed home
2518 inspector;

2519 (f) Advertising goods or services in a manner that is
2520 fraudulent, false, deceptive, or misleading in form or content;

2521 (g) Engaging in fraud or deceit, or negligence,
2522 incompetency, or misconduct, in the practice of home inspection
2523 services;

2524 (h) Failing to perform any statutory or legal obligation
2525 placed upon a licensed home inspector; violating any provision
2526 of this chapter, a rule of the department, or a lawful order of
2527 the department previously entered in a disciplinary hearing; or
2528 failing to comply with a lawfully issued subpoena of the
2529 department; or

2530 (i) Practicing on a revoked, suspended, inactive, or
2531 delinquent license.

2532 (2) When the department finds any licensee ~~home inspector~~
2533 guilty of any of the grounds set forth in subsection (1), it may
2534 enter an order imposing one or more of the following penalties:

2535 (a) Denial of an application for licensure.



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2536 (b) Revocation or suspension of a license.
2537 (c) Imposition of an administrative fine not to exceed
2538 \$5,000 for each count or separate offense.
2539 (d) Issuance of a reprimand.
2540 (e) Placement of the home inspector on probation for a
2541 period of time and subject to such conditions as the department
2542 may specify.
2543 (f) Restriction of the authorized scope of practice by the
2544 home inspector.
2545 (3) In addition to any other sanction imposed under this
2546 part, in any final order that imposes sanctions, the department
2547 may assess costs related to the investigation and prosecution of
2548 the case.
2549 Section 56. Effective July 1, 2009, and notwithstanding
2550 section 4 of chapter 2007-236, section 468.8324, Florida
2551 Statutes, is amended to read:
2552 468.8324 Grandfather clause.—A person who performs home
2553 inspection services as defined in this part before July 1, 2010,
2554 may qualify to be licensed by the department as a home inspector
2555 if the person meets the licensure requirements of this part, and
2556 if the person: by July 1, 2010.
2557 (1) Has received compensation as a home inspector for not
2558 less than 1 year prior to July 1, 2010; or
2559 (2) Has performed no fewer than 50 home inspections and
2560 received compensation for such inspections prior to July 1,
2561 2010.
2562 Section 57. Subsection (2) of section 627.711, Florida
2563 Statutes, is amended to read:
2564 627.711 Notice of premium discounts for hurricane loss



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2565 mitigation; uniform mitigation verification inspection form.—
2566 (2) By July 1, 2007, the Financial Services Commission
2567 shall develop by rule a uniform mitigation verification
2568 inspection form that shall be used by all insurers when
2569 submitted by policyholders for the purpose of factoring
2570 discounts for wind insurance. In developing the form, the
2571 commission shall seek input from insurance, construction, and
2572 building code representatives. Further, the commission shall
2573 provide guidance as to the length of time the inspection results
2574 are valid. An insurer shall accept as valid a uniform mitigation
2575 verification form certified by the Department of Financial
2576 Services or signed by:
2577 (a) A hurricane mitigation inspector employed by an
2578 approved My Safe Florida Home wind certification entity;
2579 (b) A building code inspector certified under s. 468.607;
2580 (c) A general or residential contractor licensed under s.
2581 489.111;
2582 (d) A professional engineer licensed under s. 471.015 ~~who~~
2583 ~~has passed the appropriate equivalency test of the Building Code~~
2584 ~~Training Program as required by s. 553.841; or~~
2585 (e) A professional architect licensed under s. 481.213.
2586 Section 58. Subsection (6) of section 718.113, Florida
2587 Statutes, is repealed.
2588 Section 59. Subsections (2), (8), and (9) of section
2589 553.37, Florida Statutes, are amended, and section (12) is added
2590 to that section, to read:
2591 553.37 Rules; inspections; and insignia.—
2592 (2) The department shall adopt rules to address:
2593 (a) Procedures and qualifications for approval of third-



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2594 party plan review and inspection agencies and of those who
2595 perform inspections and plan reviews.

2596 (b) Investigation of consumer complaints of noncompliance
2597 of manufactured buildings with the Florida Building Code and the
2598 Florida Fire Prevention Code.

2599 (c) Issuance, cancellation, and revocation of any insignia
2600 issued by the department and procedures for auditing and
2601 accounting for disposition of them.

2602 (d) Monitoring the manufacturers', inspection agencies',
2603 and plan review agencies' compliance with this part and the
2604 Florida Building Code. Monitoring may include, but is not
2605 limited to, performing audits of plans, inspections of
2606 manufacturing facilities and observation of the manufacturing
2607 and inspection process, and onsite inspections of buildings.

2608 (e) The performance by the department and its designees and
2609 contractors of any other functions required by this part.

2610 (8) The department, by rule, shall establish a schedule of
2611 fees to pay the cost of the administration and enforcement of
2612 this part. The rule may provide for manufacturers to pay fees to
2613 the administrator directly, including charges incurred for plans
2614 review and inspection services, via the Building Code
2615 Information System (BCIS) and for the administrator to disburse
2616 the funds as necessary.

2617 (9) The department may delegate its enforcement authority
2618 to a state department having building construction
2619 responsibilities or a local government, and may enter into
2620 contracts for the performance of its administrative duties under
2621 this part. The department may delegate its plan review and
2622 inspection authority to one or more of the following in any



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2623 combination:

2624 (a) A state department having building construction
2625 responsibilities;

2626 (b) A local government;

2627 (c) An approved inspection agency;

2628 (d) An approved plan review agency; or

2629 (e) An agency of another state.

2630 (12) Custom or one-of-a-kind prototype manufactured
2631 buildings are not required to have state approval, but must be
2632 in compliance with all local requirements of the governmental
2633 agency having jurisdiction at the installation site.

2634 Section 60. Section 553.375, Florida Statutes, is amended
2635 to read:

2636 553.375 Recertification of manufactured buildings.—Prior to
2637 the relocation to a site that has a higher design wind speed,
2638 modification, or change of occupancy of a manufactured building
2639 within the state, the manufacturer, dealer, or owner thereof may
2640 apply to the department for recertification of that manufactured
2641 building. The department shall, by rule, provide what
2642 information the applicant must submit for recertification and
2643 for plan review and inspection of such manufactured buildings
2644 and shall establish fees for recertification. Upon a
2645 determination by the department that the manufactured building
2646 complies with the applicable building codes, the department
2647 shall issue a recertification insignia. A manufactured building
2648 that bears recertification insignia does not require any
2649 additional approval by an enforcement jurisdiction in which the
2650 building is sold or installed, and is considered to comply with
2651 all applicable codes. As an alternative to recertification by



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2652 the department, the manufacturer, dealer, or owner of a
2653 manufactured building may seek appropriate permitting and a
2654 certificate of occupancy from the local jurisdiction in
2655 accordance with procedures generally applicable under the
2656 Florida Building Code.

2657 Section 61. Subsections (7) and (9) of section 553.73,
2658 Florida Statutes, are amended, and subsection (14) is added to
2659 that section, to read:

2660 553.73 Florida Building Code.—

2661 (7) Notwithstanding the provisions of subsection (3) or
2662 subsection (6), the commission may address issues identified in
2663 this subsection by amending the code pursuant only to the rule
2664 adoption procedures contained in chapter 120. Provisions of the
2665 Florida Building Code, including those contained in referenced
2666 standards and criteria, relating to wind resistance or the
2667 prevention of water intrusion may not be amended pursuant to
2668 this subsection to diminish those construction requirements;
2669 however, the commission may, subject to conditions in this
2670 subsection, amend the provisions to enhance those construction
2671 requirements. Following the approval of any amendments to the
2672 Florida Building Code by the commission and publication of the
2673 amendments on the commission's website, authorities having
2674 jurisdiction to enforce the Florida Building Code may enforce
2675 the amendments. The commission may approve amendments that are
2676 needed to address:

2677 (a) Conflicts within the updated code;

2678 (b) Conflicts between the updated code and the Florida Fire
2679 Prevention Code adopted pursuant to chapter 633;

2680 (c) The omission of previously adopted Florida-specific



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2681 amendments to the updated code if such omission is not supported
2682 by a specific recommendation of a technical advisory committee
2683 or particular action by the commission;

2684 (d) Unintended results from the integration of previously
2685 adopted Florida-specific amendments with the model code;

2686 (e) Equivalency of standards;

2687 (f) The specific needs of state agencies when agency rules
2688 must be updated to reflect federal requirements relating to
2689 design criteria for public educational facilities and state-
2690 licensed facilities;

2691 (g) ~~(e)~~ Changes to or inconsistencies with federal or state
2692 law; or

2693 (h) ~~(f)~~ Adoption of an updated edition of the National
2694 Electrical Code if the commission finds that delay of
2695 implementing the updated edition causes undue hardship to
2696 stakeholders or otherwise threatens the public health, safety,
2697 and welfare.

2698 (9) The following buildings, structures, and facilities are
2699 exempt from the Florida Building Code as provided by law, and
2700 any further exemptions shall be as determined by the Legislature
2701 and provided by law:

2702 (a) Buildings and structures specifically regulated and
2703 preempted by the Federal Government.

2704 (b) Railroads and ancillary facilities associated with the
2705 railroad.

2706 (c) Nonresidential farm buildings on farms.

2707 (d) Temporary buildings or sheds used exclusively for
2708 construction purposes.

2709 (e) Mobile or modular structures used as temporary offices,



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2710 except that the provisions of part II relating to accessibility
2711 by persons with disabilities shall apply to such mobile or
2712 modular structures.

2713 (f) Those structures or facilities of electric utilities,
2714 as defined in s. 366.02, which are directly involved in the
2715 generation, transmission, or distribution of electricity.

2716 (g) Temporary sets, assemblies, or structures used in
2717 commercial motion picture or television production, or any
2718 sound-recording equipment used in such production, on or off the
2719 premises.

2720 (h) Storage sheds that are not designed for human
2721 habitation and that have a floor area of 720 square feet or less
2722 are not required to comply with the mandatory wind-borne-debris-
2723 impact standards of the Florida Building Code.

2724 (i) Chickees constructed by the Miccosukee Tribe of Indians
2725 of Florida or the Seminole Tribe of Florida. As used in this
2726 paragraph, the term "chickee" means an open-sided wooden hut
2727 that has a thatched roof of palm or palmetto or other
2728 traditional materials, and that does not incorporate any
2729 electrical, plumbing, or other nonwood features.

2730 (j) Family mausoleums that are prefabricated and assembled
2731 on site, or preassembled and delivered on site; that have walls,
2732 roofs, and a floor constructed of granite, marble, or reinforced
2733 concrete; and that do not exceed 250 square feet in area.

2734
2735 With the exception of paragraphs (a), (b), (c), and (f), in
2736 order to preserve the health, safety, and welfare of the public,
2737 the Florida Building Commission may, by rule adopted pursuant to
2738 chapter 120, provide for exceptions to the broad categories of



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2739 buildings exempted in this section, including exceptions for
2740 application of specific sections of the code or standards
2741 adopted therein. The Department of Agriculture and Consumer
2742 Services shall have exclusive authority to adopt by rule,
2743 pursuant to chapter 120, exceptions to nonresidential farm
2744 buildings exempted in paragraph (c) when reasonably necessary to
2745 preserve public health, safety, and welfare. The exceptions must
2746 be based upon specific criteria, such as under-roof floor area,
2747 aggregate electrical service capacity, HVAC system capacity, or
2748 other building requirements. Further, the commission may
2749 recommend to the Legislature additional categories of buildings,
2750 structures, or facilities which should be exempted from the
2751 Florida Building Code, to be provided by law. The Florida
2752 Building Code does not apply to temporary housing provided by
2753 the Department of Corrections to any prisoner in the state
2754 correctional system.

2755 (14) The Florida Building Code may not require that an
2756 existing air conditioning system installed on the surface of a
2757 roof as of July 1, 2009, be raised 18 inches up from the surface
2758 on which it is installed until such time as the system is
2759 replaced, and an agency or local government having authority to
2760 enforce the Florida Building Code or a local building code may
2761 not require otherwise.

2762 Section 62. Subsection (2) of section 553.76, Florida
2763 Statutes, is amended to read:

2764 553.76 General powers of the commission.—The commission is
2765 authorized to:

2766 (2) Issue memoranda of procedure for its internal
2767 management and control. The commission may adopt rules related



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2768 to its consensus-based decisionmaking process, including, but
2769 not limited to, super majority voting requirements for
2770 commission actions relating to the adoption of amendments to or
2771 the adoption of the Florida Building Code.

2772 Section 63. Subsection (4) of section 553.775, Florida
2773 Statutes, is amended to read:

2774 553.775 Interpretations.—

2775 (4) In order to administer this section, the commission may
2776 adopt by rule and impose a fee for binding and nonbinding
2777 interpretations to recoup the cost of the proceedings which may
2778 not exceed \$250 for each request for a review or interpretation.
2779 For proceedings conducted by or in coordination with a third-
2780 party, the rule may provide that payment be made directly to the
2781 third party, who shall remit to the department that portion of
2782 the fee necessary to cover the costs of the department.

2783 Section 64. Subsection (9) of section 553.79, Florida
2784 Statutes, is amended to read:

2785 553.79 Permits; applications; issuance; inspections.—

2786 (9) Any state agency whose enabling legislation authorizes
2787 it to enforce provisions of the Florida Building Code may enter
2788 into an agreement with any other unit of government to delegate
2789 its responsibility to enforce those provisions and may expend
2790 public funds for permit and inspection fees, which fees may be
2791 no greater than the fees charged others. Inspection services
2792 that are not required to be performed by a state agency under a
2793 federal delegation of responsibility or by a state agency under
2794 the Florida Building Code must be performed under the
2795 alternative plans review and inspection process created in s.
2796 553.791 or by a local governmental entity having authority to



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2797 enforce the Florida Building Code.

2798 Section 65. Section 553.841, Florida Statutes, is amended
2799 to read:

2800 553.841 Building code compliance and mitigation program.—

2801 (1) The Legislature finds that knowledge and understanding
2802 by persons licensed in the design and construction industries of
2803 the importance and need for complying with the Florida Building
2804 Code is vital to the public health, safety, and welfare of this
2805 state, especially for mitigating damage caused by hurricanes to
2806 residents and visitors to the state. The Legislature further
2807 finds that the Florida Building Code can be effective only if
2808 all participants in the design and construction industries
2809 maintain a thorough knowledge of the code and additions thereto
2810 which improve construction standards to protect against storm
2811 and other damage. Consequently, the Legislature finds that there
2812 is a need for a program to provide ongoing education and
2813 outreach activities concerning compliance with the Florida
2814 Building Code and hurricane mitigation.

2815 (2) The Department of Community Affairs shall administer a
2816 program, designated as the Florida Building Code Compliance and
2817 Mitigation Program, to develop, coordinate, and maintain
2818 education and outreach to persons required to comply with the
2819 Florida Building Code and ensure consistent education, training,
2820 and communication of the code's requirements, including, but not
2821 limited to, methods for mitigation of storm-related damage. The
2822 program shall also operate a clearinghouse through which design,
2823 construction, and building code enforcement licensees,
2824 suppliers, and consumers in this state may find others in order
2825 to exchange information relating to mitigation and facilitate



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2826 repairs in the aftermath of a natural disaster.

2827 (3) All services and materials under the Florida Building
2828 Code Compliance and Mitigation Program must be provided by a
2829 private, nonprofit corporation under contract with the
2830 department. The term of the contract shall be for 4 years, with
2831 the option of one 4-year renewal at the end of the contract
2832 term. The initial contract must be in effect no later than
2833 November 1, 2007. The private, nonprofit corporation must be an
2834 organization whose membership includes trade and professional
2835 organizations whose members consist primarily of persons and
2836 entities that are required to comply with the Florida Building
2837 Code and that are licensed under part XII of chapter 468,
2838 chapter 471, chapter 481, or chapter 489. When selecting the
2839 private, nonprofit corporation for the program, the department
2840 must give primary consideration to the corporation's
2841 demonstrated experience and the ability to:

2842 (a) Develop and deliver building code-related education,
2843 training, and outreach;

2844 (b) Directly access the majority of persons licensed in the
2845 occupations of design, construction, and building code
2846 enforcement individually and through established statewide trade
2847 and professional association networks;

2848 (c) Serve as a clearinghouse to deliver education and
2849 outreach throughout the state. The clearinghouse must serve as a
2850 focal point at which persons licensed to design, construct, and
2851 enforce building codes and suppliers and consumers can find each
2852 other in order to exchange information relating to mitigation
2853 and facilitate repairs in the aftermath of a natural disaster;

2854 (d) Accept input from the Florida Building Commission,



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2855 licensing regulatory boards, local building departments, and the
2856 design and construction industries in order to improve its
2857 education and outreach programs; and

2858 (e) Promote design and construction techniques and
2859 materials for mitigating hurricane damage at a Florida-based
2860 trade conference that includes participants from the broadest
2861 possible range of design and construction trades and
2862 professions, including from those private and public sector
2863 entities having jurisdiction over building codes and design and
2864 construction licensure.

2865 (4) The department, in administering the Florida Building
2866 Code Compliance and Mitigation Program, shall maintain, update,
2867 develop, or cause to be developed, ~~+~~

2868 ~~(a) A core curriculum that is prerequisite to the advanced~~
2869 ~~module coursework.~~

2870 ~~(b) advanced modules designed for use by each profession.~~

2871 ~~(c) The core curriculum developed under this subsection~~
2872 ~~must be submitted to the Department of Business and Professional~~
2873 ~~Regulation for approval. Advanced modules developed under this~~
2874 ~~paragraph must be approved by the commission and submitted to~~
2875 ~~the respective boards for approval.~~

2876 ~~(5) The core curriculum shall cover the information~~
2877 ~~required to have all categories of participants appropriately~~
2878 ~~informed as to their technical and administrative~~
2879 ~~responsibilities in the effective execution of the code process~~
2880 ~~by all individuals currently licensed under part XII of chapter~~
2881 ~~468, chapter 471, chapter 481, or chapter 489, except as~~
2882 ~~otherwise provided in s. 471.017. The core curriculum shall be~~
2883 ~~prerequisite to the advanced module coursework for all licensees~~



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2884 ~~and shall be completed by individuals licensed in all categories~~
2885 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~
2886 ~~chapter 489 within the first 2 year period after initial~~
2887 ~~licensure. Core course hours taken by licensees to complete this~~
2888 ~~requirement shall count toward fulfillment of required~~
2889 ~~continuing education units under part XII of chapter 468,~~
2890 ~~chapter 471, chapter 481, or chapter 489.~~

2891 (6)~~(6)~~ Each biennium, upon receipt of funds by the
2892 Department of Community Affairs from the Construction Industry
2893 Licensing Board and the Electrical Contractors' Licensing Board
2894 provided under ss. 489.109(3) and 489.509(3), the department
2895 shall determine the amount of funds available for the Florida
2896 Building Code Compliance and Mitigation Program.

2897 (6)~~(7)~~ If the projects provided through the Florida
2898 Building Code Compliance and Mitigation Program in any state
2899 fiscal year do not require the use of all available funds, the
2900 unused funds shall be carried forward and allocated for use
2901 during the following fiscal year.

2902 (7)~~(8)~~ The Florida Building Commission shall provide by
2903 rule for the accreditation of courses related to the Florida
2904 Building Code by accreditors approved by the commission. The
2905 commission shall establish qualifications of accreditors and
2906 criteria for the accreditation of courses by rule. The
2907 commission may revoke the accreditation of a course by an
2908 accreditor if the accreditation is demonstrated to violate this
2909 part or the rules of the commission.

2910 (8)~~(9)~~ This section does not prohibit or limit the subject
2911 areas or development of continuing education or training on the
2912 Florida Building Code by any qualified entity.



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2913 Section 66. Subsections (1), (5), (8), and (17) of section
2914 553.842, Florida Statutes, are amended to read:

2915 553.842 Product evaluation and approval.—

2916 (1) The commission shall adopt rules under ss. 120.536(1)
2917 and 120.54 to develop and implement a product evaluation and
2918 approval system that applies statewide to operate in
2919 coordination with the Florida Building Code. The commission may
2920 enter into contracts to provide for administration of the
2921 product evaluation and approval system. The commission's rules
2922 and any applicable contract may provide that payment of fees
2923 related to approvals be made directly to the administrator, who
2924 shall remit to the department that portion of the fee necessary
2925 to cover the department's costs. The product evaluation and
2926 approval system shall provide:

2927 (a) Appropriate promotion of innovation and new
2928 technologies.

2929 (b) Processing submittals of products from manufacturers in
2930 a timely manner.

2931 (c) Independent, third-party qualified and accredited
2932 testing and laboratory facilities, product evaluation entities,
2933 quality assurance agencies, certification agencies, and
2934 validation entities.

2935 (d) An easily accessible product acceptance list to
2936 entities subject to the Florida Building Code.

2937 (e) Development of stringent but reasonable testing
2938 criteria based upon existing consensus standards, when
2939 available, for products.

2940 (f) Long-term approvals, where feasible. State and local
2941 approvals will be valid until the requirements of the code on



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2942 which the approval is based change, the product changes in a
2943 manner affecting its performance as required by the code, or the
2944 approval is revoked.

2945 (g) Criteria for revocation of a product approval.

2946 (h) Cost-effectiveness.

2947 (5) Statewide approval of products, methods, or systems of
2948 construction may be achieved by one of the following methods.
2949 One of these methods must be used by the commission to approve
2950 the following categories of products: panel walls, exterior
2951 doors, roofing, skylights, windows, shutters, and structural
2952 components as established by the commission by rule.

2953 (a) Products for which the code establishes standardized
2954 testing or comparative or rational analysis methods shall be
2955 approved by submittal and validation of one of the following
2956 reports or listings indicating that the product or method or
2957 system of construction was evaluated to be in compliance with
2958 the Florida Building Code and that the product or method or
2959 system of construction is, for the purpose intended, at least
2960 equivalent to that required by the Florida Building Code:

2961 1. A certification mark or listing of an approved
2962 certification agency, which may be used only for products for
2963 which the code designates standardized testing;

2964 2. A test report from an approved testing laboratory;

2965 3. A product evaluation report based upon testing or
2966 comparative or rational analysis, or a combination thereof, from
2967 an approved product evaluation entity; or

2968 4. A product evaluation report based upon testing or
2969 comparative or rational analysis, or a combination thereof,
2970 developed and signed and sealed by a professional engineer or



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2971 architect, licensed in this state.

2972

2973 A product evaluation report or a certification mark or listing
2974 of an approved certification agency which demonstrates that the
2975 product or method or system of construction complies with the
2976 Florida Building Code for the purpose intended shall be
2977 equivalent to a test report and test procedure as referenced in
2978 the Florida Building Code. An application for state approval of
2979 a product under subparagraph 1. shall be approved by the
2980 department after the commission staff or a designee verifies
2981 within 10 days after receipt that the application and related
2982 documentation are complete. Upon approval by the department, the
2983 product shall be immediately added to the list of state-approved
2984 products maintained under subsection (13). Approvals by the
2985 department shall be reviewed and ratified by the commission's
2986 program oversight committee except for a showing of good cause.

2987 (b) Products, methods, or systems of construction for which
2988 there are no specific standardized testing or comparative or
2989 rational analysis methods established in the code may be
2990 approved by submittal and validation of one of the following:

2991 1. A product evaluation report based upon testing or
2992 comparative or rational analysis, or a combination thereof, from
2993 an approved product evaluation entity indicating that the
2994 product or method or system of construction was evaluated to be
2995 in compliance with the intent of the Florida Building Code and
2996 that the product or method or system of construction is, for the
2997 purpose intended, at least equivalent to that required by the
2998 Florida Building Code; or

2999 2. A product evaluation report based upon testing or



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3000 comparative or rational analysis, or a combination thereof,
3001 developed and signed and sealed by a professional engineer or
3002 architect, licensed in this state, who certifies that the
3003 product or method or system of construction is, for the purpose
3004 intended, at least equivalent to that required by the Florida
3005 Building Code.

3006 (8) The commission may adopt rules to approve the following
3007 types of entities that produce information on which product
3008 approvals are based. All of the following entities, including
3009 engineers and architects, must comply with a nationally
3010 recognized standard demonstrating independence or no conflict of
3011 interest:

3012 (a) Evaluation entities that meet the criteria for approval
3013 adopted by the commission by rule. The commission shall
3014 specifically approve the National Evaluation Service, the
3015 International Association of Plumbing and Mechanical Officials
3016 Evaluation Service ~~the International Conference of Building~~
3017 ~~Officials Evaluation Services~~, the International Code Council
3018 Evaluation Services, ~~the Building Officials and Code~~
3019 ~~Administrators International Evaluation Services~~, ~~the Southern~~
3020 ~~Building Code Congress International Evaluation Services~~, and
3021 the Miami-Dade County Building Code Compliance Office Product
3022 Control. Architects and engineers licensed in this state are
3023 also approved to conduct product evaluations as provided in
3024 subsection (5).

3025 (b) Testing laboratories accredited by national
3026 organizations, such as A2LA and the National Voluntary
3027 Laboratory Accreditation Program, laboratories accredited by
3028 evaluation entities approved under paragraph (a), and



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3029 laboratories that comply with other guidelines for testing
3030 laboratories selected by the commission and adopted by rule.

3031 (c) Quality assurance entities approved by evaluation
3032 entities approved under paragraph (a) and by certification
3033 agencies approved under paragraph (d) and other quality
3034 assurance entities that comply with guidelines selected by the
3035 commission and adopted by rule.

3036 (d) Certification agencies accredited by nationally
3037 recognized accreditors and other certification agencies that
3038 comply with guidelines selected by the commission and adopted by
3039 rule.

3040 (e) Validation entities that comply with accreditation
3041 standards established by the commission by rule.

3042 ~~(17) (a) The Florida Building Commission shall review the~~
3043 ~~list of evaluation entities in subsection (8) and, in the annual~~
3044 ~~report required under s. 553.77, shall either recommend~~
3045 ~~amendments to the list to add evaluation entities the commission~~
3046 ~~determines should be authorized to perform product evaluations~~
3047 ~~or shall report on the criteria adopted by rule or to be adopted~~
3048 ~~by rule allowing the commission to approve evaluation entities~~
3049 ~~that use the commission's product evaluation process. If the~~
3050 ~~commission adopts criteria by rule, the rulemaking process must~~
3051 ~~be completed by July 1, 2009.~~

3052 ~~(b) Notwithstanding paragraph (8) (a), the International~~
3053 ~~Association of Plumbing and Mechanical Officials Evaluation~~
3054 ~~Services is approved as an evaluation entity until October 1,~~
3055 ~~2009. If the association does not obtain permanent approval by~~
3056 ~~the commission as an evaluation entity by October 1, 2009,~~
3057 ~~products approved on the basis of an association evaluation must~~



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3058 ~~be substituted by an alternative, approved entity by December~~
3059 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
3060 ~~the commission based on an association evaluation is void.~~

3061 Section 67. Subsection (4) is added to section 553.844,
3062 Florida Statutes, to read:

3063 553.844 Windstorm loss mitigation; requirements for roofs
3064 and opening protection.—

3065 (4) Notwithstanding the provisions of this section, exposed
3066 mechanical equipment or appliances fastened to rated stands,
3067 platforms, curbs, or slabs are deemed to comply with the wind
3068 resistance requirements for wind-borne debris regions as defined
3069 in s. 1609.2, Buildings Volume, 2007 Florida Building Code, as
3070 amended, and no further support or enclosure may be required by
3071 a state or local official having authority to enforce the
3072 Florida Building Code. This subsection expires on December 31,
3073 2011.

3074 Section 68. Section 553.885, Florida Statutes, is amended
3075 to read:

3076 553.885 Carbon monoxide alarm required.—

3077 (1) Every separate building or addition to an existing
3078 building, other than a hospital, an inpatient hospice facility,
3079 or a nursing home facility licensed by the Agency for Health
3080 Care Administration, constructed for which a building permit is
3081 issued for new construction on or after July 1, 2008, and having
3082 a fossil-fuel-burning heater or appliance, a fireplace, or an
3083 attached garage, or other feature, fixture, or element that
3084 emits carbon monoxide as a byproduct of combustion shall have an
3085 approved operational carbon monoxide alarm installed within 10
3086 feet of each room used for sleeping purposes in the new building



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3087 or addition, or at such other locations as required by the
3088 Florida Building Code. The requirements of this subsection may
3089 be satisfied with the installation of a battery-powered carbon
3090 monoxide alarm or a battery-powered combination carbon monoxide
3091 and smoke alarm. For a new hospital, an inpatient hospice
3092 facility, or a nursing home facility licensed by the Agency for
3093 Health Care Administration, an approved operational carbon
3094 monoxide detector shall be installed inside or directly outside
3095 of each room or area within the hospital or facility where a
3096 fossil-fuel-burning heater, engine, or appliance is located.
3097 This detector shall be connected to the fire alarm system of the
3098 hospital or facility as a supervisory signal. This subsection
3099 does not apply to existing buildings that are undergoing
3100 alterations or repairs unless the alteration is an addition as
3101 defined in subsection (3).

3102 (2) The Florida Building Commission shall adopt rules to
3103 administer this section and shall incorporate such requirements
3104 into its next revision of the Florida Building Code.

3105 (3) As used in this section, the term:

3106 (a) "Carbon monoxide alarm" means a device that is meant
3107 for the purpose of detecting carbon monoxide, that produces a
3108 distinct audible alarm, and that meets the requirements of and
3109 is approved by the Florida Building Commission.

3110 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases, or
3111 other petroleum or hydrocarbon product that emits carbon
3112 monoxide as a by-product of combustion.

3113 (c) "Addition" means an extension or increase in floor
3114 area, number of stories, or height of a building or structure.

3115 Section 69. Subsection (2) of section 553.9061, Florida



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3116 Statutes, is amended to read:

3117 553.9061 Scheduled increases in thermal efficiency
3118 standards.—

3119 (2) The Florida Building Commission shall identify within
3120 code support and compliance documentation the specific building
3121 options and elements available to meet the energy performance
3122 goals established in subsection (1). Energy efficiency
3123 performance options and elements include, but are not limited
3124 to:

3125 (a) Energy-efficient water heating systems, including solar
3126 water heating.

3127 (b) Energy-efficient appliances.

3128 (c) Energy-efficient windows, doors, and skylights.

3129 (d) Low solar-absorption roofs, also known as "cool roofs."

3130 (e) Enhanced ceiling and wall insulation.

3131 (f) Reduced-leak duct systems and energy-saving devices and
3132 features installed within duct systems.

3133 (g) Programmable thermostats.

3134 (h) Energy-efficient lighting systems.

3135 (i) Energy-saving quality installation procedures for
3136 replacement air conditioning systems, including, but not limited
3137 to, equipment sizing analysis and duct inspection.

3138 (j) Energy-saving weatherization methods and air barriers
3139 such as wraps, seals, caulks, gaskets, or tapes to minimize
3140 building air leakage.

3141 (l) Energy-efficient centralized computer data centers in
3142 office buildings.

3143 Section 70. Section 553.912, Florida Statutes, is amended
3144 to read:



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3145 553.912 Air conditioners.—All air conditioners which are
3146 sold or installed in the state shall meet the minimum efficiency
3147 ratings of the Florida Energy Efficiency Code for Building
3148 Construction. These efficiency ratings shall be minimums and may
3149 be updated in the Florida Energy Efficiency Code for Building
3150 Construction by the department in accordance with s. 553.901,
3151 following its determination that more cost-effective energy-
3152 saving equipment and techniques are available. All replacement
3153 air conditioning systems which are installed in the state shall
3154 be installed utilizing energy-saving quality installation
3155 procedures, including, but not limited to, equipment sizing
3156 analysis and duct inspection.

3157 Section 71. Paragraph (d) of subsection (3) of section
3158 468.609, Florida Statutes, is amended to read:

3159 468.609 Administration of this part; standards for
3160 certification; additional categories of certification.—

3161 (3) A person may take the examination for certification as
3162 a building code administrator pursuant to this part if the
3163 person:

3164 ~~(d) After the building code training program is established~~
3165 ~~under s. 553.841, demonstrates successful completion of the core~~
3166 ~~curriculum approved by the Florida Building Commission,~~
3167 ~~appropriate to the licensing category sought.~~

3168 Section 72. Subsection (6) of section 468.627, Florida
3169 Statutes, is repealed.

3170 Section 73. Section 471.0195, Florida Statutes, is amended
3171 to read:

3172 471.0195 Florida Building Code training for engineers.—All
3173 licensees actively participating in the design of engineering



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3174 works or systems in connection with buildings, structures, or
3175 facilities and systems covered by the Florida Building Code
3176 shall take continuing education courses and submit proof to the
3177 board, at such times and in such manner as established by the
3178 board by rule, that the licensee has completed ~~the core~~
3179 ~~curriculum courses and~~ any specialized or advanced courses on
3180 any portion of the Florida Building Code applicable to the
3181 licensee's area of practice ~~or has passed the appropriate~~
3182 ~~equivalency test of the Building Code Training Program as~~
3183 ~~required by s. 553.841.~~ The board shall record reported
3184 continuing education courses on a system easily accessed by code
3185 enforcement jurisdictions for evaluation when determining
3186 license status for purposes of processing design documents.
3187 Local jurisdictions shall be responsible for notifying the board
3188 when design documents are submitted for building construction
3189 permits by persons who are not in compliance with this section.
3190 The board shall take appropriate action as provided by its rules
3191 when such noncompliance is determined to exist.

3192 Section 74. Subsection (5) of section 481.215, Florida
3193 Statutes, is repealed.

3194 Section 75. Subsection (5) of section 481.313, Florida
3195 Statutes, is repealed.

3196 Section 76. Paragraph (b) of subsection (4) of section
3197 489.115, Florida Statutes, is amended to read:

3198 489.115 Certification and registration; endorsement;
3199 reciprocity; renewals; continuing education.—

3200 (4)

3201 (b)1. Each certificateholder or registrant shall provide
3202 proof, in a form established by rule of the board, that the



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3203 certificateholder or registrant has completed at least 14
3204 classroom hours of at least 50 minutes each of continuing
3205 education courses during each biennium since the issuance or
3206 renewal of the certificate or registration. The board shall
3207 establish by rule that a portion of the required 14 hours must
3208 deal with the subject of workers' compensation, business
3209 practices, workplace safety, and, for applicable licensure
3210 categories, wind mitigation methodologies, and 1 hour of which
3211 must deal with laws and rules. The board shall by rule establish
3212 criteria for the approval of continuing education courses and
3213 providers, including requirements relating to the content of
3214 courses and standards for approval of providers, and may by rule
3215 establish criteria for accepting alternative nonclassroom
3216 continuing education on an hour-for-hour basis. The board shall
3217 prescribe by rule the continuing education, if any, which is
3218 required during the first biennium of initial licensure. A
3219 person who has been licensed for less than an entire biennium
3220 must not be required to complete the full 14 hours of continuing
3221 education.

3222 2. In addition, the board may approve specialized
3223 continuing education courses on compliance with the wind
3224 resistance provisions for one and two family dwellings contained
3225 in the Florida Building Code and any alternate methodologies for
3226 providing such wind resistance which have been approved for use
3227 by the Florida Building Commission. Division I
3228 certificateholders or registrants who demonstrate proficiency
3229 upon completion of such specialized courses may certify plans
3230 and specifications for one and two family dwellings to be in
3231 compliance with the code or alternate methodologies, as



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3232 appropriate, except for dwellings located in floodways or
3233 coastal hazard areas as defined in ss. 60.3D and E of the
3234 National Flood Insurance Program.

3235 ~~3. Each certificateholder or registrant shall provide to~~
3236 ~~the board proof of completion of the core curriculum courses, or~~
3237 ~~passing the equivalency test of the Building Code Training~~
3238 ~~Program established under s. 553.841, specific to the licensing~~
3239 ~~category sought, within 2 years after commencement of the~~
3240 ~~program or of initial certification or registration, whichever~~
3241 ~~is later. Classroom hours spent taking core curriculum courses~~
3242 ~~shall count toward the number required for renewal of~~
3243 ~~certificates or registration. A certificateholder or registrant~~
3244 ~~who passes the equivalency test in lieu of taking the core~~
3245 ~~curriculum courses shall receive full credit for core curriculum~~
3246 ~~course hours.~~

3247 ~~3.4.~~ The board shall require, by rule adopted pursuant to
3248 ss. 120.536(1) and 120.54, a specified number of hours in
3249 specialized or advanced module courses, approved by the Florida
3250 Building Commission, on any portion of the Florida Building
3251 Code, adopted pursuant to part IV of chapter 553, relating to
3252 the contractor's respective discipline.

3253 Section 77. Subsection (1) of section 489.1455, Florida
3254 Statutes, is amended to read:

3255 489.1455 Journeyman; reciprocity; standards.—

3256 (1) An individual who holds a valid, active journeyman
3257 license in the plumbing/pipe fitting, mechanical, or HVAC trades
3258 issued by any county or municipality in this state may work as a
3259 journeyman in the trade in which he or she is licensed in any
3260 county or municipality of this state without taking an



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3261 additional examination or paying an additional license fee, if
3262 he or she:

3263 (a) Has scored at least 70 percent, or after October 1,
3264 1997, at least 75 percent, on a proctored journeyman Block and
3265 Associates examination or other proctored examination approved
3266 by the board for the trade in which he or she is licensed;

3267 (b) Has completed an apprenticeship program registered with
3268 the Department of Labor and Employment Security and demonstrates
3269 4 years' verifiable practical experience in the trade for which
3270 he or she is licensed, or demonstrates 6 years' verifiable
3271 practical experience in the trade for which he or she is
3272 licensed;

3273 (c) Has satisfactorily completed specialized and advanced
3274 module coursework approved by the Florida Building Commission,
3275 as part of the Building Code Training Program established in s.
3276 553.841, specific to the discipline, ~~and successfully completed~~
3277 ~~the program's core curriculum courses or passed an equivalency~~
3278 ~~test in lieu of taking the core curriculum courses and provided~~
3279 ~~proof of completion of such curriculum courses or examination~~
3280 ~~and obtained a certificate from the board pursuant to this part~~
3281 or, pursuant to authorization by the certifying authority,
3282 provides proof of completion of such curriculum or coursework
3283 within 6 months after such certification; and

3284 (d) Has not had a license suspended or revoked within the
3285 last 5 years.

3286 Section 78. Subsection (3) of section 489.517, Florida
3287 Statutes, is amended to read:

3288 489.517 Renewal of certificate or registration; continuing
3289 education.—



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3290 (3) ~~(a)~~ Each certificateholder or registrant shall provide
3291 proof, in a form established by rule of the board, that the
3292 certificateholder or registrant has completed at least 14
3293 classroom hours of at least 50 minutes each of continuing
3294 education courses during each biennium since the issuance or
3295 renewal of the certificate or registration. The board shall by
3296 rule establish criteria for the approval of continuing education
3297 courses and providers and may by rule establish criteria for
3298 accepting alternative nonclassroom continuing education on an
3299 hour-for-hour basis.

3300 ~~(b) Each certificateholder or registrant shall provide to~~
3301 ~~the board proof of completion of the core curriculum courses or~~
3302 ~~passing the equivalency test of the Building Code Training~~
3303 ~~Program established under s. 553.841, specific to the licensing~~
3304 ~~category sought, within 2 years after commencement of the~~
3305 ~~program or of initial certification or registration, whichever~~
3306 ~~is later. Classroom hours spent taking core curriculum courses~~
3307 ~~shall count toward the number required for renewal of~~
3308 ~~certificate or registration. A certificateholder or registrant~~
3309 ~~who passes the equivalency test in lieu of taking the core~~
3310 ~~curriculum courses shall receive full credit for core curriculum~~
3311 ~~course hours.~~

3312 Section 79. For the purpose of incorporating the amendment
3313 made by this act to section 553.79, Florida Statutes, in a
3314 reference thereto, subsection (1) of section 553.80, Florida
3315 Statutes, is reenacted to read:

3316 553.80 Enforcement.—

3317 (1) Except as provided in paragraphs (a)-(g), each local
3318 government and each legally constituted enforcement district



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3319 with statutory authority shall regulate building construction
3320 and, where authorized in the state agency's enabling
3321 legislation, each state agency shall enforce the Florida
3322 Building Code required by this part on all public or private
3323 buildings, structures, and facilities, unless such
3324 responsibility has been delegated to another unit of government
3325 pursuant to s. 553.79(9).

3326 (a) Construction regulations relating to correctional
3327 facilities under the jurisdiction of the Department of
3328 Corrections and the Department of Juvenile Justice are to be
3329 enforced exclusively by those departments.

3330 (b) Construction regulations relating to elevator equipment
3331 under the jurisdiction of the Bureau of Elevators of the
3332 Department of Business and Professional Regulation shall be
3333 enforced exclusively by that department.

3334 (c) In addition to the requirements of s. 553.79 and this
3335 section, facilities subject to the provisions of chapter 395 and
3336 part II of chapter 400 shall have facility plans reviewed and
3337 construction surveyed by the state agency authorized to do so
3338 under the requirements of chapter 395 and part II of chapter 400
3339 and the certification requirements of the Federal Government.

3340 (d) Building plans approved under s. 553.77(3) and state-
3341 approved manufactured buildings, including buildings
3342 manufactured and assembled offsite and not intended for
3343 habitation, such as lawn storage buildings and storage sheds,
3344 are exempt from local code enforcing agency plan reviews except
3345 for provisions of the code relating to erection, assembly, or
3346 construction at the site. Erection, assembly, and construction
3347 at the site are subject to local permitting and inspections.



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3348 Lawn storage buildings and storage sheds bearing the insignia of
3349 approval of the department are not subject to s. 553.842. Such
3350 buildings that do not exceed 400 square feet may be delivered
3351 and installed without need of a contractor's or specialty
3352 license.

3353 (e) Construction regulations governing public schools,
3354 state universities, and community colleges shall be enforced as
3355 provided in subsection (6).

3356 (f) The Florida Building Code as it pertains to toll
3357 collection facilities under the jurisdiction of the turnpike
3358 enterprise of the Department of Transportation shall be enforced
3359 exclusively by the turnpike enterprise.

3360 (g) Construction regulations relating to secure mental
3361 health treatment facilities under the jurisdiction of the
3362 Department of Children and Family Services shall be enforced
3363 exclusively by the department in conjunction with the Agency for
3364 Health Care Administration's review authority under paragraph
3365 (c).

3366
3367 The governing bodies of local governments may provide a schedule
3368 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
3369 section, for the enforcement of the provisions of this part.
3370 Such fees shall be used solely for carrying out the local
3371 government's responsibilities in enforcing the Florida Building
3372 Code. The authority of state enforcing agencies to set fees for
3373 enforcement shall be derived from authority existing on July 1,
3374 1998. However, nothing contained in this subsection shall
3375 operate to limit such agencies from adjusting their fee schedule
3376 in conformance with existing authority.



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3377 Section 80. Paragraph (b) of subsection (3) of section
3378 633.0215, Florida Statutes, is amended, and subsection (13) is
3379 added to that section, to read:

3380 633.0215 Florida Fire Prevention Code.-

3381 (3) No later than 180 days before the triennial adoption of
3382 the Florida Fire Prevention Code, the State Fire Marshal shall
3383 notify each municipal, county, and special district fire
3384 department of the triennial code adoption and steps necessary
3385 for local amendments to be included within the code. No later
3386 than 120 days before the triennial adoption of the Florida Fire
3387 Prevention Code, each local jurisdiction shall provide the State
3388 Fire Marshal with copies of its local fire code amendments. The
3389 State Fire Marshal has the option to process local fire code
3390 amendments that are received less than 120 days before the
3391 adoption date of the Florida Fire Prevention Code.

3392 (b) Any local amendment to the Florida Fire Prevention Code
3393 adopted by a local government shall be effective only until the
3394 adoption of the new edition of the Florida Fire Prevention Code,
3395 which shall be every third year. At such time, the State Fire
3396 Marshal shall adopt such amendment as part of the Florida Fire
3397 Prevention Code or rescind the amendment. The State Fire Marshal
3398 shall immediately notify the respective local government of the
3399 rescission of the amendment and the reason for the rescission.
3400 After receiving such notice, the respective local government may
3401 readopt the rescinded amendment. Incorporation of local
3402 amendments as regional and local concerns and variations shall
3403 be considered as adoption of an amendment pursuant to this
3404 section part.

3405 (13) The State Fire Marshal shall issue an expedited



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3406 declaratory statement relating to interpretations of provisions
3407 of the Florida Fire Prevention Code according to the following
3408 guidelines:

3409 (a) The declaratory statement shall be rendered in
3410 accordance with s. 120.565 except that a final decision shall be
3411 issued by the State Fire Marshal within 45 days after the
3412 division's receipt of a petition seeking an expedited
3413 declaratory statement. The State Fire Marshal shall give notice
3414 of the petition and the expedited declaratory statement or the
3415 denial of the petition in the next available issue of the
3416 Florida Administrative Weekly after the petition is filed and
3417 after the statement or denial is rendered.

3418 (b) The petitioner must be the owner of the disputed
3419 project or the owner's representative.

3420 (c) The petition for expedited declaratory statement must
3421 be:

3422 1. Related to an active project that is under construction
3423 or must have been submitted for a permit;

3424 2. The subject of a written notice citing a specific
3425 provision of the Florida Fire Prevention Code which is in
3426 dispute; and

3427 3. Limited to a single question that is capable of being
3428 answered with a "yes" or "no" response.

3429
3430 A petition for declaratory statement which does not meet all of
3431 the requirements of this subsection must be denied without
3432 prejudice. This subsection does not affect the right of the
3433 petitioner as a substantially affected person to seek a
3434 declaratory statement under s. 633.01(6).



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3435 Section 81. Section 633.026, Florida Statutes, is amended
3436 to read:

3437 633.026 Legislative intent; informal interpretations of the
3438 Florida Fire Prevention Code.—It is the intent of the
3439 Legislature that the Florida Fire Prevention Code be interpreted
3440 by fire officials and local enforcement agencies in a manner
3441 that protects the public safety, health, and welfare by ensuring
3442 uniform interpretations throughout this state and by providing
3443 processes for resolving disputes regarding such interpretations
3444 which are just and expeditious. It is the intent of the
3445 Legislature that such processes provide for the expeditious
3446 resolution of the issues presented and that the resulting
3447 interpretation of such issues be published on the website of the
3448 Division of State Fire Marshal.

3449 (1) The Division of State Fire Marshal shall by rule
3450 establish an informal process of rendering nonbinding
3451 interpretations of the Florida Fire Prevention Code. The
3452 Division of State Fire Marshal may contract with and refer
3453 interpretive issues to a nonprofit organization that has
3454 experience in interpreting and enforcing the Florida Fire
3455 Prevention Code. ~~The Division of State Fire Marshal shall~~
3456 ~~immediately implement the process prior to the completion of~~
3457 ~~formal rulemaking.~~ It is the intent of the Legislature that the
3458 Division of State Fire Marshal establish ~~create~~ a Fire Code
3459 Interpretation Committee composed of seven persons and seven
3460 alternates, equally representing each area of the state ~~process~~
3461 ~~to refer questions to a small group of individuals certified~~
3462 ~~under s. 633.081(2), to which a party can pose questions~~
3463 regarding the interpretation of the Florida Fire Prevention Code



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3464 provisions.

3465 (2) Each member and alternate member of the Fire Code
3466 Interpretation Committee must be certified as a firesafety
3467 inspector pursuant to s. 633.081(2) and must have a minimum of 5
3468 years of experience interpreting and enforcing the Florida Fire
3469 Prevention Code and the Life Safety Code. Each member and
3470 alternate member must be approved by the Division of State Fire
3471 Marshal and deemed by the division to have met these
3472 requirements for at least 30 days before participating in a
3473 review of a nonbinding interpretation ~~It is the intent of the~~
3474 ~~Legislature that the process provide for the expeditious~~
3475 ~~resolution of the issues presented and publication of the~~
3476 ~~resulting interpretation on the website of the Division of State~~
3477 ~~Fire Marshal. It is the intent of the Legislature that this~~
3478 ~~program be similar to the program established by the Florida~~
3479 ~~Building Commission in s. 553.775(3)(g).~~

3480 (3) Each nonbinding interpretation of code provisions must
3481 be provided within 10 business days after receipt of a request
3482 for interpretation. The response period established in this
3483 subsection may be waived only with the written consent of the
3484 party requesting the nonbinding interpretation and the Division
3485 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
3486 advisory only and nonbinding on the parties or the State Fire
3487 Marshal.

3488 (4) In order to administer this section, the Division of
3489 State Fire Marshal must charge ~~department may adopt by rule and~~
3490 ~~impose~~ a fee for nonbinding interpretations, with payment made
3491 ~~directly to the third party.~~ The fee may not exceed \$150 for
3492 each request for a review or interpretation. The division may



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3493 authorize payment of fees directly to the nonprofit organization
3494 under contract pursuant to subsection (1).

3495 (5) A party requesting a nonbinding interpretation who
3496 disagrees with the interpretation issued under this section may
3497 apply for a formal interpretation from the State Fire Marshal
3498 pursuant to s. 633.01(6).

3499 (6) The Division of State Fire Marshall shall issue or
3500 cause to be issued a nonbinding interpretation of the Florida
3501 Fire Prevention Code pursuant to this section when requested to
3502 do so upon submission of a petition by the owner or the owner's
3503 representative, or the contractor or the contractor's
3504 representative, of a project in dispute, or by a fire official.
3505 The division shall adopt a petition form by rule and the
3506 petition form must be published on the State Fire Marshal's
3507 website. The form shall, at a minimum, require the following:

3508 (a) The name and address of the local fire official,
3509 including the address of the county, municipal, or special
3510 district.

3511 (b) The name and address of the owner or the owner's
3512 representative, or the contractor or the contractor's
3513 representative.

3514 (c) A statement of the specific sections of the Florida
3515 Fire Prevention Code being interpreted by the local fire
3516 official.

3517 (d) An explanation of how the petitioner's substantial
3518 interests are being affected by the local interpretation of the
3519 Florida Fire Prevention Code.

3520 (e) A statement of the interpretation of the specific
3521 sections of the Florida Fire Prevention Code by the local fire



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3522 official.

3523 (f) A statement of the interpretation that the petitioner
3524 contends should be given to the specific sections of the Florida
3525 Fire Prevention Code and a statement supporting the petitioner's
3526 interpretation.

3527 (7) Upon receipt of a petition that meets the requirements
3528 of subsection (6), the Division of State Fire Marshal shall
3529 immediately provide copies of the petition to the Fire Code
3530 Interpretation Committee, and shall publish the petition and any
3531 response submitted by the local fire official on the State Fire
3532 Marshal's website.

3533 (8) The committee shall conduct proceedings as necessary to
3534 resolve the issues and give due regard to the petition, the
3535 facts of the matter at issue, specific code sections cited, and
3536 any statutory implications affecting the Florida Fire Prevention
3537 Code. The committee shall issue an interpretation regarding the
3538 provisions of the Florida Fire Prevention Code within 10 days
3539 after the filing of a petition. The committee shall issue an
3540 interpretation based upon the Florida Fire Prevention Code or,
3541 if the code is ambiguous, the intent of the code. The
3542 committee's interpretation shall be provided to the petitioner
3543 and shall include a notice that if the petitioner disagrees with
3544 the interpretation, the petitioner may file a request for formal
3545 interpretation by the State Fire Marshal under s. 633.01(6). The
3546 committee's interpretation shall be provided to the State Fire
3547 Marshal, and the division shall publish the interpretation on
3548 the State Fire Marshal's website and in the Florida
3549 Administrative Weekly.

3550 Section 82. Section 633.081, Florida Statutes, is amended



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3551 to read:

3552 633.081 Inspection of buildings and equipment; orders;
3553 firesafety inspection training requirements; certification;
3554 disciplinary action.—The State Fire Marshal and her or his
3555 agents shall, at any reasonable hour, when the State Fire
3556 Marshal department has reasonable cause to believe that a
3557 violation of this chapter or s. 509.215, or a rule promulgated
3558 thereunder, or a minimum firesafety code adopted by a local
3559 authority, may exist, inspect any and all buildings and
3560 structures which are subject to the requirements of this chapter
3561 or s. 509.215 and rules promulgated thereunder. The authority to
3562 inspect shall extend to all equipment, vehicles, and chemicals
3563 which are located within the premises of any such building or
3564 structure.

3565 (1) Each county, municipality, and special district that
3566 has firesafety enforcement responsibilities shall employ or
3567 contract with a firesafety inspector. The firesafety inspector
3568 must conduct all firesafety inspections that are required by
3569 law. The governing body of a county, municipality, or special
3570 district that has firesafety enforcement responsibilities may
3571 provide a schedule of fees to pay only the costs of inspections
3572 conducted pursuant to this subsection and related administrative
3573 expenses. Two or more counties, municipalities, or special
3574 districts that have firesafety enforcement responsibilities may
3575 jointly employ or contract with a firesafety inspector.

3576 (2) Every firesafety inspection conducted pursuant to state
3577 or local firesafety requirements shall be by a person certified
3578 as having met the inspection training requirements set by the
3579 State Fire Marshal. Such person shall:



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- 3580 (a) Be a high school graduate or the equivalent as
3581 determined by the department;
- 3582 (b) Not have been found guilty of, or having pleaded guilty
3583 or nolo contendere to, a felony or a crime punishable by
3584 imprisonment of 1 year or more under the law of the United
3585 States, or of any state thereof, which involves moral turpitude,
3586 without regard to whether a judgment of conviction has been
3587 entered by the court having jurisdiction of such cases;
- 3588 (c) Have her or his fingerprints on file with the
3589 department or with an agency designated by the department;
- 3590 (d) Have good moral character as determined by the
3591 department;
- 3592 (e) Be at least 18 years of age;
- 3593 (f) Have satisfactorily completed the firesafety inspector
3594 certification examination as prescribed by the department; and
- 3595 (g)1. Have satisfactorily completed, as determined by the
3596 department, a firesafety inspector training program of not less
3597 than 200 hours established by the department and administered by
3598 agencies and institutions approved by the department for the
3599 purpose of providing basic certification training for firesafety
3600 inspectors; or
- 3601 2. Have received in another state training which is
3602 determined by the department to be at least equivalent to that
3603 required by the department for approved firesafety inspector
3604 education and training programs in this state.
- 3605 (3) Each special state firesafety inspection which is
3606 required by law and is conducted by or on behalf of an agency of
3607 the state must be performed by an individual who has met the
3608 provision of subsection (2), except that the duration of the



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3609 training program shall not exceed 120 hours of specific training
3610 for the type of property that such special state firesafety
3611 inspectors are assigned to inspect.

3612 (4) A firefighter certified pursuant to s. 633.35 may
3613 conduct firesafety inspections, under the supervision of a
3614 certified firesafety inspector, while on duty as a member of a
3615 fire department company conducting inservice firesafety
3616 inspections without being certified as a firesafety inspector,
3617 if such firefighter has satisfactorily completed an inservice
3618 fire department company inspector training program of at least
3619 24 hours' duration as provided by rule of the department.

3620 (5) Every firesafety inspector or special state firesafety
3621 inspector certificate is valid for a period of 3 years from the
3622 date of issuance. Renewal of certification shall be subject to
3623 the affected person's completing proper application for renewal
3624 and meeting all of the requirements for renewal as established
3625 under this chapter or by rule promulgated thereunder, which
3626 shall include completion of at least 40 hours during the
3627 preceding 3-year period of continuing education as required by
3628 the rule of the department or, in lieu thereof, successful
3629 passage of an examination as established by the department.

3630 (6) The State Fire Marshal may deny, refuse to renew,
3631 suspend, or revoke the certificate of a firesafety inspector or
3632 special state firesafety inspector if it finds that any of the
3633 following grounds exist:

3634 (a) Any cause for which issuance of a certificate could
3635 have been refused had it then existed and been known to the
3636 State Fire Marshal.

3637 (b) Violation of this chapter or any rule or order of the



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3638 State Fire Marshal.

3639 (c) Falsification of records relating to the certificate.

3640 (d) Having been found guilty of or having pleaded guilty or
3641 nolo contendere to a felony, whether or not a judgment of
3642 conviction has been entered.

3643 (e) Failure to meet any of the renewal requirements.

3644 (f) Having been convicted of a crime in any jurisdiction
3645 which directly relates to the practice of fire code inspection,
3646 plan review, or administration.

3647 (g) Making or filing a report or record that the
3648 certificateholder knows to be false, or knowingly inducing
3649 another to file a false report or record, or knowingly failing
3650 to file a report or record required by state or local law, or
3651 knowingly impeding or obstructing such filing, or knowingly
3652 inducing another person to impede or obstruct such filing.

3653 (h) Failing to properly enforce applicable fire codes or
3654 permit requirements within this state which the
3655 certificateholder knows are applicable by committing willful
3656 misconduct, gross negligence, gross misconduct, repeated
3657 negligence, or negligence resulting in a significant danger to
3658 life or property.

3659 (i) Accepting labor, services, or materials at no charge or
3660 at a noncompetitive rate from any person who performs work that
3661 is under the enforcement authority of the certificateholder and
3662 who is not an immediate family member of the certificateholder.
3663 For the purpose of this paragraph, the term "immediate family
3664 member" means a spouse, child, parent, sibling, grandparent,
3665 aunt, uncle, or first cousin of the person or the person's
3666 spouse or any person who resides in the primary residence of the



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3667 certificateholder.

3668 (7) The Division of State Fire Marshal and the Florida
3669 Building Code Administrator and Inspectors Board, established
3670 pursuant to s. 468.605, shall enter into a reciprocity agreement
3671 to facilitate joint recognition of continuing education
3672 recertification hours for certificateholders licensed under s.
3673 468.609 and firesafety inspectors certified under subsection
3674 (2).

3675 (8)~~(7)~~ The department shall provide by rule for the
3676 certification of firesafety inspectors.

3677 Section 83. Section 633.352, Florida Statutes, is amended
3678 to read:

3679 633.352 Retention of firefighter certification.—Any
3680 certified firefighter who has not been active as a firefighter,
3681 or as a volunteer firefighter with an organized fire department,
3682 for a period of 3 years shall be required to retake the
3683 practical portion of the minimum standards state examination
3684 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
3685 Administrative Code, in order to maintain her or his
3686 certification as a firefighter; however, this requirement does
3687 not apply to state-certified firefighters who are certified and
3688 employed as full-time firesafety inspectors or firesafety
3689 instructors, regardless of the firefighter's employment status
3690 as determined by the division. The 3-year period begins on the
3691 date the certificate of compliance is issued or upon termination
3692 of service with an organized fire department.

3693 Section 84. Paragraph (e) of subsection (2) and subsections
3694 (3), (10), and (11) of section 633.521, Florida Statutes, are
3695 amended to read:



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3696 633.521 Certificate application and issuance; permit
3697 issuance; examination and investigation of applicant.—

3698 (2)

3699 (e) An applicant may not be examined more than four times
3700 during 1 year for certification as a contractor pursuant to this
3701 section unless the person is or has been certified and is taking
3702 the examination to change classifications. If an applicant does
3703 not pass one or more parts of the examination, she or he may
3704 take any part of the examination three more times during the 1-
3705 year period beginning upon the date she or he originally filed
3706 an application to take the examination. If the applicant does
3707 not pass the examination within that 1-year period, she or he
3708 must file a new application and pay the application and
3709 examination fees in order to take the examination or a part of
3710 the examination again. However, the applicant may not file a new
3711 application sooner than 6 months after the date of her or his
3712 last examination. An applicant who passes the examination but
3713 does not meet the remaining qualifications as provided in
3714 applicable statutes and rules within 1 year after the
3715 application date must file a new application, pay the
3716 application and examination fee, successfully complete a
3717 prescribed training course approved by the State Fire College or
3718 an equivalent court approved by the State Fire Marshal, and
3719 retake and pass the written examination.

3720 (3) (a) As a prerequisite to taking the examination for
3721 certification as a Contractor I, ~~Contractor II, or Contractor~~
3722 ~~III,~~ the applicant must be at least 18 years of age, be of good
3723 moral character, and shall possess 4 years' proven experience in
3724 the employment of a fire protection system Contractor I,



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3725 ~~Contractor II, or Contractor III~~ or a combination of equivalent
3726 education and experience in both water-based and chemical fire
3727 suppression systems.

3728 (b) As a prerequisite to taking the examination for
3729 certification as a Contractor II, the applicant must be at least
3730 18 years of age, be of good moral character, and have 4 years of
3731 verifiable employment experience with a fire protection system
3732 as a Contractor I or Contractor II, or a combination of
3733 equivalent education and experience in water-based fire
3734 suppression systems.

3735 (c) Required education and experience for certification as
3736 a Contractor I, Contractor II, Contractor III, or Contractor IV
3737 includes training and experience in both installation and system
3738 layout as defined in s. 633.021.

3739 (d) As a prerequisite to taking the examination for
3740 certification as a Contractor III, the applicant must be at
3741 least 18 years of age, be of good moral character, and have 4
3742 years of verifiable employment experience with a fire protection
3743 system as a Contractor I or Contractor II, or a combination of
3744 equivalent education and experience in chemical fire suppression
3745 systems.

3746 (e) As a prerequisite to taking the examination for
3747 certification as a Contractor IV, the applicant ~~must~~ ~~shall~~ be at
3748 least 18 years old, be of good moral character, be licensed as a
3749 certified plumbing contractor under chapter 489, and
3750 successfully complete a training program acceptable to the State
3751 Fire Marshal of not less than 40 contact hours regarding the
3752 applicable installation standard used by the Contractor IV as
3753 described in NFPA 13D. The State Fire Marshal may adopt rules to



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3754 ~~administer this subsection have at least 2 years' proven~~
3755 ~~experience in the employment of a fire protection system~~
3756 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
3757 ~~combination of equivalent education and experience which~~
3758 ~~combination need not include experience in the employment of a~~
3759 ~~fire protection system contractor.~~

3760 (f) As a prerequisite to taking the examination for
3761 certification as a Contractor V, the applicant must ~~shall~~ be at
3762 least 18 years old, be of good moral character, and have been
3763 licensed as a certified underground utility and excavation
3764 contractor or certified plumbing contractor pursuant to chapter
3765 489, have verification by an individual who is licensed as a
3766 certified utility contractor or certified plumbing contractor
3767 pursuant to chapter 489 that the applicant has 4 years' proven
3768 experience in the employ of a certified underground utility and
3769 excavation contractor or certified plumbing contractor, or have
3770 a combination of education and experience equivalent to 4 years'
3771 proven experience in the employ of a certified underground
3772 utility and excavation contractor or certified plumbing
3773 contractor.

3774 (g) Within 30 days after the date of the examination, the
3775 State Fire Marshal shall inform the applicant in writing whether
3776 she or he has qualified or not and, if the applicant has
3777 qualified, that she or he is ready to issue a certificate of
3778 competency, subject to compliance with the requirements of
3779 subsection (4).

3780 (10) Effective July 1, 2008, the State Fire Marshal shall
3781 require the National Institute of Certification in Engineering
3782 Technologies (NICET), Sub-field of Inspection and Testing of



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3783 Fire Protection Systems Level II or equivalent training and
3784 education as determined by the division as proof that the
3785 permitholders are knowledgeable about nationally accepted
3786 standards for the inspection of fire protection systems. ~~It is~~
3787 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
3788 ~~to accept continuing education of all certificateholders'~~
3789 ~~employees who perform inspection functions which specifically~~
3790 ~~prepares the permitholder to qualify for NICET II certification.~~

3791 (11) It is intended that a certificateholder, or a
3792 permitholder who is employed by a certificateholder, conduct
3793 inspections required by this chapter. It is understood that
3794 after July 1, 2008, employee turnover may result in a depletion
3795 of personnel who are certified under the NICET Sub-field of
3796 Inspection and Testing of Fire Protection Systems Level II or
3797 equivalent training and education as required by the Division of
3798 State Fire Marshal which is required for permitholders. The
3799 extensive training and experience necessary to achieve NICET
3800 Level II certification is recognized. A certificateholder may
3801 therefore obtain a provisional permit with an endorsement for
3802 inspection, testing, and maintenance of water-based fire
3803 extinguishing systems for an employee if the employee has
3804 initiated procedures for obtaining Level II certification from
3805 the National Institute for Certification in Engineering
3806 Technologies Sub-field of Inspection and Testing of Fire
3807 Protection Systems and achieved Level I certification or an
3808 equivalent level as determined by the State Fire Marshal through
3809 verification of experience, training, and examination. The State
3810 Fire Marshal may establish rules to administer this subsection.
3811 After 2 years of provisional certification, the employee must



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3812 have achieved NICET Level II certification, or obtain equivalent
3813 training and education as determined by the division, or cease
3814 performing inspections requiring Level II certification. The
3815 provisional permit is valid only for the 2 calendar years after
3816 the date of issuance, may not be extended, and is not renewable.
3817 After the initial 2-year provisional permit expires, the
3818 certificateholder must wait 2 additional years before a new
3819 provisional permit may be issued. The intent is to prohibit the
3820 certificateholder from using employees who never reach NICET
3821 Level II, or equivalent training and education as determined by
3822 the division, status by continuously obtaining provisional
3823 permits.

3824 Section 85. Subsection (3) is added to section 633.524,
3825 Florida Statutes, to read:

3826 633.524 Certificate and permit fees; use and deposit of
3827 collected funds.—

3828 (3) The State Fire Marshal may enter into a contract with
3829 any qualified public entity or private company in accordance
3830 with chapter 287 to provide examinations for any applicant for
3831 any examination administered under the jurisdiction of the State
3832 Fire Marshal. The State Fire Marshal may direct payments from
3833 each applicant for each examination directly to such contracted
3834 entity or company.

3835 Section 86. Subsection (4) of section 633.537, Florida
3836 Statutes, is amended to read:

3837 633.537 Certificate; expiration; renewal; inactive
3838 certificate; continuing education.—

3839 (4) The renewal period for the permit class is the same as
3840 that for the employing certificateholder. The continuing



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3841 education requirements for permitholders are what is required to
3842 maintain NICET Sub-field of Inspection and Testing of Fire
3843 Protection Systems Level II, equivalent training and education
3844 as determined by the division, or higher certification plus 8
3845 contact hours of continuing education approved by the State Fire
3846 Marshal during each biennial renewal period thereafter. ~~The~~
3847 ~~continuing education curriculum from July 1, 2005, until July 1,~~
3848 ~~2008, shall be the preparatory curriculum for NICET II~~
3849 ~~certification; after July 1, 2008, the technical curriculum is~~
3850 ~~at the discretion of the State Fire Marshal and may be used to~~
3851 ~~meet the maintenance of NICET Level II certification and 8~~
3852 ~~contact hours of continuing education requirements.~~ It is the
3853 responsibility of the permitholder to maintain NICET II
3854 certification or equivalent training and education as determined
3855 by the division as a condition of permit renewal after July 1,
3856 2008.

3857 Section 87. Subsection (4) of section 633.72, Florida
3858 Statutes, is amended to read:

3859 633.72 Florida Fire Code Advisory Council.—

3860 (4) Each appointee shall serve a 4-year term. No member
3861 shall serve more than two consecutive terms ~~one term~~. No member
3862 of the council shall be paid a salary as such member, but each
3863 shall receive travel and expense reimbursement as provided in s.
3864 112.061.

3865 Section 88. Section 553.509, Florida Statutes, is amended
3866 to read:

3867 553.509 Vertical accessibility.—

3868 ~~(1)~~ Nothing in ss. 553.501-553.513 or the guidelines shall
3869 be construed to relieve the owner of any building, structure, or



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3870 facility governed by those sections from the duty to provide
3871 vertical accessibility to all levels above and below the
3872 occupiable grade level, regardless of whether the guidelines
3873 require an elevator to be installed in such building, structure,
3874 or facility, except for:

3875 (1)~~(a)~~ Elevator pits, elevator penthouses, mechanical
3876 rooms, piping or equipment catwalks, and automobile lubrication
3877 and maintenance pits and platforms;

3878 (2)~~(b)~~ Unoccupiable spaces, such as rooms, enclosed spaces,
3879 and storage spaces that are not designed for human occupancy,
3880 for public accommodations, or for work areas; and

3881 (3)~~(c)~~ Occupiable spaces and rooms that are not open to the
3882 public and that house no more than five persons, including, but
3883 not limited to, equipment control rooms and projection booths.

3884 ~~(2) (a) Any person, firm, or corporation that owns, manages,~~
3885 ~~or operates a residential multifamily dwelling, including a~~
3886 ~~condominium, that is at least 75 feet high and contains a public~~
3887 ~~elevator, as described in s. 399.035(2) and (3) and rules~~
3888 ~~adopted by the Florida Building Commission, shall have at least~~
3889 ~~one public elevator that is capable of operating on an alternate~~
3890 ~~power source for emergency purposes. Alternate power shall be~~
3891 ~~available for the purpose of allowing all residents access for a~~
3892 ~~specified number of hours each day over a 5-day period following~~
3893 ~~a natural disaster, manmade disaster, emergency, or other civil~~
3894 ~~disturbance that disrupts the normal supply of electricity. The~~
3895 ~~alternate power source that controls elevator operations must~~
3896 ~~also be capable of powering any connected fire alarm system in~~
3897 ~~the building.~~

3898 ~~(b) At a minimum, the elevator must be appropriately~~



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3899 ~~rewired and prepared to accept an alternate power source and~~
3900 ~~must have a connection on the line side of the main disconnect,~~
3901 ~~pursuant to National Electric Code Handbook, Article 700. In~~
3902 ~~addition to the required power source for the elevator and~~
3903 ~~connected fire alarm system in the building, the alternate power~~
3904 ~~supply must be sufficient to provide emergency lighting to the~~
3905 ~~interior lobbies, hallways, and other portions of the building~~
3906 ~~used by the public. Residential multifamily dwellings must have~~
3907 ~~an available generator and fuel source on the property or have~~
3908 ~~proof of a current contract posted in the elevator machine room~~
3909 ~~or other place conspicuous to the elevator inspector affirming a~~
3910 ~~current guaranteed service contract for such equipment and fuel~~
3911 ~~source to operate the elevator on an on-call basis within 24~~
3912 ~~hours after a request. By December 31, 2006, any person, firm or~~
3913 ~~corporation that owns, manages, or operates a residential~~
3914 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
3915 ~~the local building inspection agency verification of engineering~~
3916 ~~plans for residential multifamily dwellings that provide for the~~
3917 ~~capability to generate power by alternate means. Compliance with~~
3918 ~~installation requirements and operational capability~~
3919 ~~requirements must be verified by local building inspectors and~~
3920 ~~reported to the county emergency management agency by December~~
3921 ~~31, 2007.~~

3922 ~~(c) Each newly constructed residential multifamily~~
3923 ~~dwelling, including a condominium, that is at least 75 feet high~~
3924 ~~and contains a public elevator, as described in s. 399.035(2)~~
3925 ~~and (3) and rules adopted by the Florida Building Commission,~~
3926 ~~must have at least one public elevator that is capable of~~
3927 ~~operating on an alternate power source for the purpose of~~



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3928 ~~allowing all residents access for a specified number of hours~~
3929 ~~each day over a 5-day period following a natural disaster,~~
3930 ~~manmade disaster, emergency, or other civil disturbance that~~
3931 ~~disrupts the normal supply of electricity. The alternate power~~
3932 ~~source that controls elevator operations must be capable of~~
3933 ~~powering any connected fire alarm system in the building. In~~
3934 ~~addition to the required power source for the elevator and~~
3935 ~~connected fire alarm system, the alternate power supply must be~~
3936 ~~sufficient to provide emergency lighting to the interior~~
3937 ~~lobbies, hallways, and other portions of the building used by~~
3938 ~~the public. Engineering plans and verification of operational~~
3939 ~~capability must be provided by the local building inspector to~~
3940 ~~the county emergency management agency before occupancy of the~~
3941 ~~newly constructed building.~~

3942 ~~(d) Each person, firm, or corporation that is required to~~
3943 ~~maintain an alternate power source under this subsection shall~~
3944 ~~maintain a written emergency operations plan that details the~~
3945 ~~sequence of operations before, during, and after a natural or~~
3946 ~~manmade disaster or other emergency situation. The plan must~~
3947 ~~include, at a minimum, a lifesafety plan for evacuation,~~
3948 ~~maintenance of the electrical and lighting supply, and~~
3949 ~~provisions for the health, safety, and welfare of the residents.~~
3950 ~~In addition, the owner, manager, or operator of the residential~~
3951 ~~multifamily dwelling must keep written records of any contracts~~
3952 ~~for alternative power generation equipment. Also, quarterly~~
3953 ~~inspection records of lifesafety equipment and alternate power~~
3954 ~~generation equipment must be posted in the elevator machine room~~
3955 ~~or other place conspicuous to the elevator inspector, which~~
3956 ~~confirm that such equipment is properly maintained and in good~~



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3957 ~~working condition, and copies of contracts for alternate power~~
3958 ~~generation equipment shall be maintained on site for~~
3959 ~~verification. The written emergency operations plan and~~
3960 ~~inspection records shall also be open for periodic inspection by~~
3961 ~~local and state government agencies as deemed necessary. The~~
3962 ~~owner or operator must keep a generator key in a lockbox posted~~
3963 ~~at or near any installed generator unit.~~

3964 ~~(e) Multistory affordable residential dwellings for persons~~
3965 ~~age 62 and older that are financed or insured by the United~~
3966 ~~States Department of Housing and Urban Development must make~~
3967 ~~every effort to obtain grant funding from the Federal Government~~
3968 ~~or the Florida Housing Finance Corporation to comply with this~~
3969 ~~subsection. If an owner of such a residential dwelling cannot~~
3970 ~~comply with the requirements of this subsection, the owner must~~
3971 ~~develop a plan with the local emergency management agency to~~
3972 ~~ensure that residents are evacuated to a place of safety in the~~
3973 ~~event of a power outage resulting from a natural or manmade~~
3974 ~~disaster or other emergency situation that disrupts the normal~~
3975 ~~supply of electricity for an extended period of time. A place of~~
3976 ~~safety may include, but is not limited to, relocation to an~~
3977 ~~alternative site within the building or evacuation to a local~~
3978 ~~shelter.~~

3979 ~~(f) As a part of the annual elevator inspection required~~
3980 ~~under s. 399.061, certified elevator inspectors shall confirm~~
3981 ~~that all installed generators required by this chapter are in~~
3982 ~~working order, have current inspection records posted in the~~
3983 ~~elevator machine room or other place conspicuous to the elevator~~
3984 ~~inspector, and that the required generator key is present in the~~
3985 ~~lockbox posted at or near the installed generator. If a building~~



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3986 ~~does not have an installed generator, the inspector shall~~
3987 ~~confirm that the appropriate rewiring and switching~~
3988 ~~capabilities are present and that a statement is posted in the~~
3989 ~~elevator machine room or other place conspicuous to the elevator~~
3990 ~~inspector affirming a current guaranteed contract exists for~~
3991 ~~contingent services for alternate power is current for the~~
3992 ~~operating period.~~

3993
3994 However, buildings, structures, and facilities must, as a
3995 minimum, comply with the requirements in the Americans with
3996 Disabilities Act Accessibility Guidelines.

3997 Section 89. The Florida Building Commission is directed to
3998 adjust the Florida Building Code for consistency with the
3999 revisions to s. 399.02, Florida Statutes, made by this act.

4000
4001 ===== T I T L E A M E N D M E N T =====

4002 And the title is amended as follows:

4003 Delete everything before the enacting clause
4004 and insert:

4005 A bill to be entitled
4006 An act relating to the regulation of businesses and
4007 professions; transferring by a type II transfer the
4008 Bureau of Onsite Sewage from the Department of Health
4009 to the Department of Environmental Protection;
4010 amending s. 20.165, F.S.; creating the Division of
4011 Service Operations of the department; amending s.
4012 455.217, F.S.; conforming provisions and transferring
4013 to the Division of Service Operations from the
4014 Division of Technology certain responsibilities



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4015 related to examinations; revising certain requirements
4016 for the department concerning the use of outside
4017 vendors for the development, preparation, and
4018 evaluation of examinations; repealing s. 509.233(1)
4019 and (7), F.S., relating to a 3-year pilot program for
4020 local governments to allow patrons' dogs within
4021 certain designated outdoor portions of public food
4022 service establishments; abrogating the repeal of the
4023 program; requiring that the Office of Program Policy
4024 Analysis and Government Accountability perform a study
4025 and make certain recommendations to the Legislature by
4026 a specified date regarding the enactment of laws to
4027 provide for protection and remedies from certain
4028 online poker activities; amending s. 509.233, F.S.;
4029 providing a short title; nullifying a provision of
4030 another bill which increases the threshold value of
4031 certain equipment for construction projects below
4032 which a contractor working with such equipment need
4033 not be a licensed engineer; extending certain
4034 construction, operating, and building permits and
4035 development orders for a specified period of time;
4036 providing exceptions; specifying retroactive
4037 applicability for such extensions; providing
4038 requirements; providing applicability; amending s.
4039 120.569, F.S.; providing for specified electronic
4040 notice of the procedure to obtain an administrative
4041 hearing or judicial review; amending s. 120.60, F.S.;
4042 revising provisions relating to licensing under the
4043 Administrative Procedure Act; providing for objection



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4044 to an agency's request for additional information;
4045 requiring an agency to process a permit application at
4046 the request of an applicant under certain
4047 circumstances; amending s. 125.022, F.S.; prohibiting
4048 a county from requiring an applicant to obtain certain
4049 permits or approval as a condition for approval of a
4050 development permit; creating s. 161.032, F.S.;
4051 requiring the Department of Environmental Protection
4052 to request additional information for coastal
4053 construction permit applications within a specified
4054 period of time; providing for the objection to such
4055 request by the applicant; extending the period of time
4056 for applicants to provide additional information to
4057 the department; providing for the denial of an
4058 application under certain conditions; amending s.
4059 163.033, F.S.; prohibiting a municipality from
4060 requiring an applicant to obtain certain permits or
4061 approval as a condition for approval of a development
4062 permit; amending s. 253.034, F.S.; providing for the
4063 deposition of dredged materials on state-owned
4064 submerged lands in certain circumstances and for
4065 certain purposes; amending s. 258.42, F.S.;
4066 authorizing the placement of roofs on specified docks;
4067 providing requirements; providing an exemption from
4068 certain calculations; amending s. 373.026, F.S.;
4069 directing the Department of Environmental Protection
4070 to expand the use of Internet-based self-certification
4071 services for certain exemptions and general permits;
4072 directing the department and the water management



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4073 districts to identify and develop professional
4074 certification for certain permitted activities;
4075 amending ss. 373.079, 373.083, and 373.118, F.S.;
4076 requiring a water management district's governing
4077 board to delegate to the executive director its
4078 authority to approve certain permits or grant
4079 variances or waivers of permitting requirements;
4080 providing that such delegation is not subject to
4081 certain rulemaking requirements; providing delegation
4082 authority to the executive director; providing
4083 delegation authority to the executive director;
4084 prohibiting board members from intervening in
4085 application review prior to referral for final action;
4086 amending s. 373.236, F.S.; authorizing water
4087 management districts to issue consumptive use permits
4088 to specified entities for certain uses and for
4089 alternative water supply development projects;
4090 providing for compliance reporting and review,
4091 modification, and revocation relating to such permits;
4092 amending s. 373.243, F.S.; limiting the authority of a
4093 governing board or the department to revoke certain
4094 permits for nonuse of resource; amending s. 373.406,
4095 F.S.; providing an exemption from permitting
4096 requirements for construction of specified public use
4097 facilities; creating s. 373.1181, F.S.; providing for
4098 issuance of a general permit to counties to construct,
4099 operate, alter, maintain, or remove systems for the
4100 purposes of environmental restoration; specifying
4101 requirements for such permits; requiring the water



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4102 management district or the department to provide
4103 counties with certain written notification; providing
4104 that the permit constitutes a letter of consent by the
4105 Board of Trustees of the Internal Improvement Trust
4106 Fund to complete certain activities; amending s.
4107 373.4141, F.S.; extending the period of time for
4108 applicants to provide additional information for
4109 certain permit applications; providing for the denial
4110 of an application under certain conditions; amending
4111 s. 373.441, F.S.; revising provisions relating to the
4112 regulation of activities subject to delegation to a
4113 qualified local government; amending s. 403.061, F.S.;
4114 authorizing the department to adopt rules that include
4115 special criteria for approval of construction and
4116 operation of certain docking facilities; authorizing
4117 the department to maintain a list of projects or
4118 activities for applicants to consider when developing
4119 certain proposals; authorizing the department to
4120 develop a project management plan to implement an e-
4121 permitting program; authorizing the department to
4122 expand online self-certification for certain
4123 exemptions and general permits; prohibiting local
4124 governments from specifying the method or form of
4125 documentation by which a project meets specified
4126 provisions; amending s. 403.813, F.S.; clarifying
4127 provisions relating to permits issued at district
4128 centers; authorizing the use of certain materials and
4129 deviations for the replacement or repair of docks and
4130 piers; amending s. 403.814, F.S.; directing the



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4131 Department of Environmental Protection to expand the
4132 use of Internet-based self-certification services for
4133 certain exemptions and general permits; requiring the
4134 department to submit a report to the Legislature by a
4135 specified date; amending s. 403.973, F.S.; removing
4136 the authority of the Office of Tourism, Trade, and
4137 Economic Development to approve expedited permitting
4138 and comprehensive plan amendments and providing such
4139 authority to the Secretary of Environmental
4140 Protection; revising criteria for businesses
4141 submitting permit applications or local comprehensive
4142 plan amendments; providing that permit applications
4143 and local comprehensive plan amendments for specified
4144 biofuel and renewable energy projects are eligible for
4145 the expedited permitting process; providing for the
4146 establishment of regional permit action teams through
4147 the execution of memoranda of agreement developed by
4148 permit applicants and the secretary; providing for the
4149 appeal of a local government's approval of an
4150 expedited permit or comprehensive plan amendment and
4151 requiring such appeals to be consolidated with
4152 challenges to state agency actions; specifying the
4153 form of the memoranda of agreement developed by the
4154 secretary; revising the time by which certain final
4155 orders must be issued; providing additional
4156 requirements for recommended orders; providing for
4157 challenges to state agency action related to expedited
4158 permitting for specified renewable energy projects;
4159 revising provisions relating to the review of sites



4160 proposed for the location of facilities eligible for
4161 the Innovation Incentive Program; specifying expedited
4162 review eligibility for certain electrical power
4163 projects; amending ss. 14.2015, 288.0655, and 380.06,
4164 F.S.; conforming cross-references; amending s.
4165 373.414, F.S., providing for satisfaction of certain
4166 mitigation requirements for permits that provide
4167 conceptual approval of the long-term build out or
4168 expansion of an airport located within the Upper
4169 Kissimmee Planning Unit under certain conditions;
4170 providing for the duration of such permits; amending
4171 s. 373.185, F.S.; revising the definition of Florida-
4172 friendly landscaping; deleting references to
4173 "xeriscape"; requiring water management districts to
4174 provide model Florida-friendly landscaping ordinances
4175 to local governments; revising eligibility criteria
4176 for certain water management district incentive
4177 programs; requiring certain local government
4178 ordinances and amendments to include certain design
4179 standards and identify specified invasive exotic plant
4180 species; requiring water management districts to
4181 consult with additional entities for activities
4182 relating to Florida-friendly landscaping practices;
4183 specifying programs for the delivery of educational
4184 programs relating to such practices; providing
4185 legislative findings; providing that certain
4186 regulations prohibiting the implementation of Florida-
4187 friendly landscaping or conflicting with provisions
4188 governing the permitting of consumptive uses of water



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4189 are prohibited; providing construction; creating s.
4190 373.187, F.S.; requiring water management districts to
4191 implement Florida-friendly landscaping practices on
4192 specified properties; requiring districts to develop
4193 specified programs for implementing such practices;
4194 amending s. 373.228, F.S.; requiring water management
4195 districts to consider certain information in
4196 evaluating water use applications from public water
4197 suppliers; conforming provisions to changes made by
4198 the act; amending s. 373.323, F.S.; revising
4199 application requirements for water well contractor
4200 licensure; requiring applicants to provide specified
4201 documentation; amending s. 373.333, F.S.; authorizing
4202 an administrative fine to be imposed for each
4203 occurrence of unlicensed well water contracting;
4204 amending ss. 125.568, 166.048, 255.259, 335.167,
4205 380.061, 388.291, 481.303, and 720.3075, F.S.;
4206 conforming provisions to changes made by the act;
4207 revising provisions requiring the use of Florida-
4208 friendly landscaping for specified public properties
4209 and highway construction and maintenance projects;
4210 amending s. 369.317, F.S.; clarifying mitigation
4211 offsets in the Wekiva Study Area; establishing a task
4212 force to develop recommendations relating to
4213 stormwater management system design; specifying study
4214 criteria; providing for task force membership,
4215 meetings, and expiration; requiring the task force to
4216 submit findings and legislative recommendations to the
4217 Legislature by a specified date; amending s. 378.901,



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4218 F.S.; conforming provisions to the redesignation of
4219 the Bureau of Mine Reclamation as the Bureau of Mining
4220 and Mineral Regulation; providing authority to the
4221 Department of Environmental Protection to issue a
4222 life-of-the-mine permit to operators of limerock
4223 mines; amending s. 399.02, F.S.; exempting certain
4224 elevators from provisions requiring modifications to
4225 heat sensors and electronic controls; amending s.
4226 399.15, F.S.; providing an alternative method to allow
4227 regional emergency elevator access; providing for a
4228 uniform lock box; providing for a master key;
4229 providing the Division of State Fire Marshal with
4230 enforcement authority; directing the Department of
4231 Financial Services to select the provider of the
4232 uniform lock box; amending s. 468.8311, F.S.;
4233 effective July 1, 2010, revising the term "home
4234 inspection services" to include the visual examination
4235 of additional components; amending s. 468.8312, F.S.;
4236 effective July 1, 2010, providing for fee increases
4237 for home inspection licenses; amending s. 468.8319,
4238 F.S.; effective July 1, 2010, revising certain
4239 prohibitions with respect to providers of home
4240 inspection services; amending s. 468.832, F.S.;
4241 effective July 1, 2010, authorizing the Department of
4242 Business and Professional Regulation to impose
4243 penalties against a licensee found guilty of certain
4244 violations; amending s. 468.8324, F.S.; providing
4245 additional requirements for licensure as a home
4246 inspector; amending s. 627.711, F.S., removing a



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4247 testing requirement; repealing s. 718.113(6), F.S.,
4248 relating to requirements for 5-year inspections of
4249 certain condominium improvements; amending s. 553.37,
4250 F.S.; authorizing manufacturers to pay inspection fees
4251 directly to the provider of inspection services;
4252 providing rulemaking authority to the Department of
4253 Community Affairs; authorizing the department to enter
4254 into contracts for the performance of certain
4255 administrative duties; revising inspection
4256 requirements for certain custom manufactured
4257 buildings; amending s. 553.375, F.S.; revising the
4258 requirement for recertification of manufactured
4259 buildings prior to relocation; amending s. 553.73,
4260 F.S.; authorizing the Florida Building Commission to
4261 adopt amendments relating to equivalency of standards;
4262 authorizing the adoption of amendments necessary to
4263 accommodate state agency rules to meet federal
4264 requirements for design criteria relating to public
4265 educational facilities and state-licensed facilities;
4266 exempting certain mausoleums from the requirements of
4267 the Florida Building Code; exempting certain temporary
4268 housing provided by the Department of Corrections from
4269 the requirements of the Florida Building Code;
4270 restricting the code or an code enforcement agency
4271 from imposing requirements on certain air conditioning
4272 systems; amending s. 553.76, F.S.; authorizing the
4273 Florida Building Commission to adopt rules related to
4274 consensus-building decisionmaking; amending s.
4275 553.775, F.S.; authorizing the commission to charge a



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4276 fee for nonbinding interpretations; amending s.
4277 553.79, F.S.; requiring state agencies to contract for
4278 inspection services under the alternative plans review
4279 and inspection process or with a local governmental
4280 entity; amending s. 553.841, F.S.; deleting provisions
4281 requiring that the Department of Community Affairs
4282 maintain, update, develop, or cause to be developed a
4283 core curriculum for persons who enforce the Florida
4284 Building Code; amending s. 553.842, F.S.; authorizing
4285 rules requiring the payment of product evaluation fees
4286 directly to the administrator of the product
4287 evaluation and approval system; requiring that the
4288 provider remit a portion of the fees to the department
4289 to cover its costs; providing requirements for the
4290 approval of applications for state approval of a
4291 product; providing for certain approved products to be
4292 immediately added to the list of state-approved
4293 products; requiring that the commission's oversight
4294 committee review approved products; revising the list
4295 of approved evaluation entities; deleting obsolete
4296 provisions governing evaluation entities; amending s.
4297 553.844, F.S.; providing an exemption from
4298 requirements from roof and opening protections for
4299 certain exposed mechanical equipment or appliances;
4300 providing a sunset provision; amending s. 553.885,
4301 F.S.; revising requirements for carbon monoxide
4302 alarms; providing an exception for buildings
4303 undergoing alterations or repairs; defining the term
4304 "addition"; amending s. 553.9061, F.S.; revising the



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4305 energy-efficiency performance options and elements
4306 identified by the commission for purposes of meeting
4307 certain goals; amending s. 553.912, F.S.; providing
4308 requirements for replacement air conditioners;
4309 repealing ss. 468.627(6), 481.215(5), and 481.313(5),
4310 F.S., relating to building code inspectors, renewal of
4311 the license for architects, interior designers, and
4312 landscape architects, respectively; amending ss.
4313 471.0195, 489.115, 489.1455, 489.517, and 627.711,
4314 F.S., conforming provisions relating to the deletion
4315 of core curriculum courses relating to the Florida
4316 Building Code; reenacting s. 553.80(1), F.S., relating
4317 to the enforcement of the Florida Building Code, to
4318 incorporate the amendments made to s. 553.79, F.S., in
4319 a reference thereto; amending s. 633.0215, F.S.;
4320 providing guidelines for the State Fire Marshal to use
4321 in issuing an expedited declaratory statement;
4322 requiring the State Fire Marshal to issue an expedited
4323 declaratory statement under certain circumstances;
4324 providing requirements for a petition requesting an
4325 expedited declaratory statement; amending s. 633.026,
4326 F.S.; providing legislative intent; providing for the
4327 establishment of the Fire Code Interpretation
4328 Committee; providing for the membership of the
4329 committee and requirements for membership; requiring
4330 that nonbinding interpretations of the Florida Fire
4331 Prevention Code be issued within a specified period
4332 after a request is received; providing for the waiver
4333 of such requirement under certain conditions;



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4334 requiring the Division of State Fire Marshal to charge
4335 a fee for nonbinding interpretations; providing that
4336 fees may be paid directly to a contract provider;
4337 providing requirements for requesting a nonbinding
4338 interpretation; requiring the Division of State Fire
4339 Marshal to develop a form for submitting a petition
4340 for a nonbinding interpretation; providing for a
4341 formal interpretation by the State Fire Marshal;
4342 requiring that an interpretation of the Florida Fire
4343 Prevention Code be published on the division's website
4344 and the Florida Administrative Weekly; amending s.
4345 633.081, F.S.; requiring the Division of State Fire
4346 Marshal and the Florida Building Code Administrator
4347 and Inspectors Board enter into a reciprocity
4348 agreement for purposes of recertifying building code
4349 inspectors, plan inspectors, building code
4350 administrators, and firesafety inspectors; amending s.
4351 633.352, F.S.; providing an exception to requirements
4352 for recertification as a firefighter; amending s.
4353 633.521, F.S.; revising requirements for certification
4354 as a fire protection system contractor; revising the
4355 prerequisites for taking the certification
4356 examination; authorizing the State Fire Marshal to
4357 accept more than one source of professional
4358 certification; revising legislative intent; amending
4359 s. 633.524, F.S.; authorizing the State Fire Marshal
4360 to enter into contracts for examination services;
4361 providing for direct payment of examination fees to
4362 contract providers; amending s. 633.537, F.S.;



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4363 revising the continuing education requirements for
4364 certain permitholders; amending 633.72, F.S.; revising
4365 the terms of service for members of the Fire Code
4366 Advisory Council; amending s. 553.509, F.S., deleting
4367 requirements for alternate power sources for elevators
4368 for purposes of operating during an emergency;
4369 directing the Florida Building Commission to conform
4370 provisions of the Florida Building Code with revisions
4371 made by the act relating to the operation of
4372 elevators; providing an effective date.