

1 A bill to be entitled
2 An act relating to regulatory reform; extending certain
3 construction, operating, and building permits and
4 development orders for a specified period of time;
5 providing exceptions; specifying retroactive applicability
6 for such extensions; providing requirements; providing
7 applicability; amending s. 120.569, F.S.; providing for
8 specified electronic notice of the procedure to obtain an
9 administrative hearing or judicial review; amending s.
10 120.60, F.S.; revising provisions relating to licensing
11 under the Administrative Procedure Act; providing for
12 objection to an agency's request for additional
13 information; requiring an agency to process a permit
14 application at the request of an applicant under certain
15 circumstances; amending s. 125.022, F.S.; prohibiting a
16 county from requiring an applicant to obtain certain
17 permits or approval as a condition for approval of a
18 development permit; creating s. 161.032, F.S.; requiring
19 the Department of Environmental Protection to request
20 additional information for coastal construction permit
21 applications within a specified period of time; providing
22 for the objection to such request by the applicant;
23 extending the period of time for applicants to provide
24 additional information to the department; providing for
25 the denial of an application under certain conditions;
26 amending s. 163.033, F.S.; prohibiting a municipality from
27 requiring an applicant to obtain certain permits or
28 approval as a condition for approval of a development

29 permit; amending s. 253.034, F.S.; providing for the
30 deposition of dredged materials on state-owned submerged
31 lands in certain circumstances and for certain purposes;
32 amending s. 258.42, F.S.; authorizing the placement of
33 roofs on specified docks; providing requirements;
34 providing an exemption from certain calculations; amending
35 s. 373.026, F.S.; directing the Department of
36 Environmental Protection to expand the use of Internet-
37 based self-certification services for certain exemptions
38 and general permits; directing the department and the
39 water management districts to identify and develop
40 professional certification for certain permitted
41 activities; amending ss. 373.079, 373.083, and 373.118,
42 F.S.; requiring a water management district's governing
43 board to delegate to the executive director its authority
44 to approve certain permits or grant variances or waivers
45 of permitting requirements; providing that such delegation
46 is not subject to certain rulemaking requirements;
47 providing delegation authority to the executive director;
48 providing delegation authority to the executive director;
49 prohibiting board members from intervening in application
50 review prior to referral for final action; amending s.
51 373.236, F.S.; authorizing water management districts to
52 issue 50-year consumptive use permits to specified
53 entities for certain alternative water supply development
54 projects; providing for compliance reporting and review,
55 modification, and revocation relating to such permits;
56 amending s. 373.406, F.S.; providing an exemption from

57 | permitting requirements for construction of specified
58 | public use facilities; creating s. 373.1181, F.S.;
59 | providing for issuance of a general permit to counties to
60 | construct, operate, alter, maintain, or remove systems for
61 | the purposes of environmental restoration; specifying
62 | requirements for such permits; requiring the water
63 | management district or the department to provide counties
64 | with certain written notification; providing that the
65 | permit constitutes a letter of consent by the Board of
66 | Trustees of the Internal Improvement Trust Fund to
67 | complete certain activities; amending s. 373.4141, F.S.;
68 | extending the period of time for applicants to provide
69 | additional information for certain permit applications;
70 | providing for the denial of an application under certain
71 | conditions; amending s. 373.441, F.S.; revising provisions
72 | relating to the regulation of activities subject to
73 | delegation to a qualified local government; amending s.
74 | 403.061, F.S.; authorizing the department to adopt rules
75 | that include special criteria for approval of construction
76 | and operation of certain docking facilities; authorizing
77 | the department to maintain a list of projects or
78 | activities for applicants to consider when developing
79 | certain proposals; authorizing the department to develop a
80 | project management plan to implement an e-permitting
81 | program; authorizing the department to expand online self-
82 | certification for certain exemptions and general permits;
83 | prohibiting local governments from specifying the method
84 | or form of documentation by which a project meets

85 | specified provisions; amending s. 403.813, F.S.;

86 | clarifying provisions relating to permits issued at

87 | district centers; authorizing the use of certain materials

88 | and deviations for the replacement or repair of docks and

89 | piers; amending s. 403.814, F.S.; directing the Department

90 | of Environmental Protection to expand the use of Internet-

91 | based self-certification services for certain exemptions

92 | and general permits; requiring the department to submit a

93 | report to the Legislature by a specified date; amending s.

94 | 403.973, F.S.; removing the authority of the Office of

95 | Tourism, Trade, and Economic Development to approve

96 | expedited permitting and comprehensive plan amendments and

97 | providing such authority to the Secretary of Environmental

98 | Protection; revising criteria for businesses submitting

99 | permit applications or local comprehensive plan

100 | amendments; providing that permit applications and local

101 | comprehensive plan amendments for specified biofuel and

102 | renewable energy projects are eligible for the expedited

103 | permitting process; providing for the establishment of

104 | regional permit action teams through the execution of

105 | memoranda of agreement developed by permit applicants and

106 | the secretary; providing for the appeal of a local

107 | government's approval of an expedited permit or

108 | comprehensive plan amendment and requiring such appeals to

109 | be consolidated with challenges to state agency actions;

110 | specifying the form of the memoranda of agreement

111 | developed by the secretary; revising the time by which

112 | certain final orders must be issued; providing additional

113 requirements for recommended orders; providing for
114 challenges to state agency action related to expedited
115 permitting for specified renewable energy projects;
116 revising provisions relating to the review of sites
117 proposed for the location of facilities eligible for the
118 Innovation Incentive Program; specifying expedited review
119 eligibility for certain electrical power projects;
120 amending ss. 14.2015, 288.0655, and 380.06, F.S.;
121 conforming cross-references; amending s. 373.414, F.S.,
122 providing for satisfaction of certain mitigation
123 requirements for permits that provide conceptual approval
124 of the long-term build out or expansion of an airport
125 located within the Upper Kissimmee Planning Unit under
126 certain conditions; providing for the duration of such
127 permits; amending s. 373.185, F.S.; revising the
128 definition of Florida-friendly landscaping; deleting
129 references to "xeriscape"; requiring water management
130 districts to provide model Florida-friendly landscaping
131 ordinances to local governments; revising eligibility
132 criteria for certain water management district incentive
133 programs; requiring certain local government ordinances
134 and amendments to include certain design standards and
135 identify specified invasive exotic plant species;
136 requiring water management districts to consult with
137 additional entities for activities relating to Florida-
138 friendly landscaping practices; specifying programs for
139 the delivery of educational programs relating to such
140 practices; providing legislative findings; providing that

141 certain regulations prohibiting the implementation of
142 Florida-friendly landscaping or conflicting with
143 provisions governing the permitting of consumptive uses of
144 water are prohibited; providing construction; creating s.
145 373.187, F.S.; requiring water management districts to
146 implement Florida-friendly landscaping practices on
147 specified properties; requiring districts to develop
148 specified programs for implementing such practices;
149 amending s. 373.228, F.S.; requiring water management
150 districts to consider certain information in evaluating
151 water use applications from public water suppliers;
152 conforming provisions to changes made by the act; amending
153 s. 373.323, F.S.; revising application requirements for
154 water well contractor licensure; requiring applicants to
155 provide specified documentation; amending s. 373.333,
156 F.S.; authorizing an administrative fine to be imposed for
157 each occurrence of unlicensed well water contracting;
158 amending ss. 125.568, 166.048, 255.259, 335.167, 380.061,
159 388.291, 481.303, and 720.3075, F.S.; conforming
160 provisions to changes made by the act; revising provisions
161 requiring the use of Florida-friendly landscaping for
162 specified public properties and highway construction and
163 maintenance projects; amending s. 369.317, F.S.;
164 clarifying mitigation offsets in the Wekiva Study Area;
165 establishing a task force to develop recommendations
166 relating to stormwater management system design;
167 specifying study criteria; providing for task force
168 membership, meetings, and expiration; requiring the task

169 force to submit findings and legislative recommendations
170 to the Legislature by a specified date; amending s.
171 378.901, F.S.; conforming provisions to the redesignation
172 of the Bureau of Mine Reclamation as the Bureau of Mining
173 and Mineral Regulation; providing authority to the
174 Department of Environmental Protection to issue a life-of-
175 the-mine permit to operators of limerock mines; amending
176 s. 399.02, F.S.; exempting certain elevators from
177 provisions requiring modifications to heat sensors and
178 electronic controls; amending s. 399.15, F.S.; providing
179 an alternative method to allow regional emergency elevator
180 access; providing for a uniform lock box; providing for a
181 master key; providing the Division of State Fire Marshal
182 with enforcement authority; directing the Department of
183 Financial Services to select the provider of the uniform
184 lock box; amending s. 468.8311, F.S.; effective July 1,
185 2010, revising the term "home inspection services" to
186 include the visual examination of additional components;
187 amending s. 468.8312, F.S.; effective July 1, 2010,
188 providing for fee increases for home inspection licenses;
189 amending s. 468.8319, F.S.; effective July 1, 2010,
190 revising certain prohibitions with respect to providers of
191 home inspection services; amending s. 468.832, F.S.;
192 effective July 1, 2010, authorizing the Department of
193 Business and Professional Regulation to impose penalties
194 against a licensee found guilty of certain violations;
195 amending s. 468.8324, F.S.; providing additional
196 requirements for licensure as a home inspector; amending

197 s. 215.5586, F.S.; effective July 1, 2010, adding home
198 inspectors licensed under s. 468.83, F.S., to the list of
199 wind certification entities that may be selected by the
200 Department of Financial Services to provide hurricane
201 mitigation inspections; amending s. 627.351, F.S.;
202 deleting a requirement for opening protections for
203 designated property for purposes of coverage by the
204 Citizens Property Insurance Corporation; amending s.
205 627.711, F.S.; effective July 1, 2010, authorizing the
206 Financial Services Commission to accept as valid a uniform
207 mitigation verification form signed by a licensed home
208 inspector; repealing s. 718.113(6), F.S., relating to
209 requirements for 5-year inspections of certain condominium
210 improvements; amending s. 553.37, F.S.; authorizing
211 manufacturers to pay inspection fees directly to the
212 provider of inspection services; providing rulemaking
213 authority to the Department of Community Affairs;
214 authorizing the department to enter into contracts for the
215 performance of certain administrative duties; revising
216 inspection requirements for certain custom manufactured
217 buildings; amending s. 553.375, F.S.; revising the
218 requirement for recertification of manufactured buildings
219 prior to relocation; amending s. 553.73, F.S.; authorizing
220 the Florida Building Commission to adopt amendments
221 relating to equivalency of standards; authorizing the
222 adoption of amendments necessary to accommodate state
223 agency rules to meet federal requirements for design
224 criteria relating to public educational facilities and

225 state-licensed facilities; exempting certain mausoleums
226 from the requirements of the Florida Building Code;
227 exempting certain temporary housing provided by the
228 Department of Corrections from the requirements of the
229 Florida Building Code; restricting the code or an code
230 enforcement agency from imposing requirements on certain
231 air conditioning systems; amending s. 553.76, F.S.;
232 authorizing the Florida Building Commission to adopt rules
233 related to consensus-building decisionmaking; amending s.
234 553.775, F.S.; authorizing the commission to charge a fee
235 for nonbinding interpretations; amending s. 553.79, F.S.;
236 requiring state agencies to contract for inspection
237 services under the alternative plans review and inspection
238 process or with a local governmental entity; amending s.
239 553.791, F.S.; prohibiting a local enforcement agency,
240 local building official, or local government from imposing
241 a fee or other charge for certain plan reviews and
242 building inspections; prohibiting a local enforcement
243 agency, local building official, or local government from
244 imposing a higher permit fee or other fee or charge for
245 certain plan reviews and building inspections; amending s.
246 553.841, F.S.; deleting provisions requiring that the
247 Department of Community Affairs maintain, update, develop,
248 or cause to be developed a core curriculum for persons who
249 enforce the Florida Building Code; amending s. 553.842,
250 F.S.; authorizing rules requiring the payment of product
251 evaluation fees directly to the administrator of the
252 product evaluation and approval system; requiring that the

253 provider remit a portion of the fees to the department to
254 cover its costs; providing requirements for the approval
255 of applications for state approval of a product; providing
256 for certain approved products to be immediately added to
257 the list of state-approved products; requiring that the
258 commission's oversight committee review approved products;
259 revising the list of approved evaluation entities;
260 deleting obsolete provisions governing evaluation
261 entities; amending s. 553.844, F.S.; providing an
262 exemption from requirements from roof and opening
263 protections for certain exposed mechanical equipment or
264 appliances; amending s. 553.885, F.S.; revising
265 requirements for carbon monoxide alarms; providing an
266 exception for buildings undergoing alterations or repairs;
267 defining the term "addition"; amending s. 553.9061, F.S.;
268 revising the energy-efficiency performance options and
269 elements identified by the commission for purposes of
270 meeting certain goals; repealing ss. 468.627(6),
271 481.215(5), and 481.313(5), F.S., relating to building
272 code inspectors, renewal of the license for architects,
273 interior designers, and landscape architects,
274 respectively; amending ss. 471.0195, 489.115, 489.1455,
275 489.517, and 627.711, F.S., conforming provisions relating
276 to the deletion of core curriculum courses relating to the
277 Florida Building Code; reenacting s. 553.80(1), F.S.,
278 relating to the enforcement of the Florida Building Code,
279 to incorporate the amendments made to s. 553.79, F.S., in
280 a reference thereto; amending s. 633.0215, F.S.; providing

281 guidelines for the State Fire Marshal to use in issuing an
282 expedited declaratory statement; requiring the State Fire
283 Marshal to issue an expedited declaratory statement under
284 certain circumstances; providing requirements for a
285 petition requesting an expedited declaratory statement;
286 amending s. 633.026, F.S.; providing legislative intent;
287 providing for the establishment of the Fire Code
288 Interpretation Committee; providing for the membership of
289 the committee and requirements for membership; requiring
290 that nonbinding interpretations of the Florida Fire
291 Prevention Code be issued within a specified period after
292 a request is received; providing for the waiver of such
293 requirement under certain conditions; requiring the
294 Division of State Fire Marshal to charge a fee for
295 nonbinding interpretations; providing that fees may be
296 paid directly to a contract provider; providing
297 requirements for requesting a nonbinding interpretation;
298 requiring the Division of State Fire Marshal to develop a
299 form for submitting a petition for a nonbinding
300 interpretation; providing for a formal interpretation by
301 the State Fire Marshal; requiring that an interpretation
302 of the Florida Fire Prevention Code be published on the
303 division's website and the Florida Administrative Weekly;
304 amending s. 633.081, F.S.; requiring the Division of State
305 Fire Marshal and the Florida Building Code Administrator
306 and Inspectors Board enter into a reciprocity agreement
307 for purposes of recertifying building code inspectors,
308 plan inspectors, building code administrators, and

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309 firesafety inspectors; amending s. 633.352, F.S.;
310 providing an exception to requirements for recertification
311 as a firefighter; amending s. 633.521, F.S.; revising
312 requirements for certification as a fire protection system
313 contractor; revising the prerequisites for taking the
314 certification examination; authorizing the State Fire
315 Marshal to accept more than one source of professional
316 certification; revising legislative intent; amending s.
317 633.524, F.S.; authorizing the State Fire Marshal to enter
318 into contracts for examination services; providing for
319 direct payment of examination fees to contract providers;
320 amending s. 633.537, F.S.; revising the continuing
321 education requirements for certain permitholders; amending
322 633.72, F.S.; revising the terms of service for members of
323 the Fire Code Advisory Council; amending s. 553.509, F.S.,
324 deleting requirements for alternate power sources for
325 elevators for purposes of operating during an emergency;
326 directing the Florida Building Commission to conform
327 provisions of the Florida Building Code with revisions
328 made by the act relating to the operation of elevators;
329 providing an effective date.

330

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

332

333 Section 1. (1) Except as provided in subsection (4), and
334 in recognition of 2009 real estate market conditions, any permit
335 issued by the Department of Environmental Protection or a water
336 management district pursuant to part IV of chapter 373, Florida

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337 Statutes, that has an expiration date of September 1, 2008,
338 through September 1, 2011, is extended and renewed for a period
339 of 2 years following its date of expiration. This extension
340 includes any local government-issued development order or
341 building permit. The 2-year extension also applies to build out
342 dates including any build out date extension previously granted
343 under s. 380.06(19)(c), Florida Statutes. This section may not
344 be construed to prohibit conversion from the construction phase
345 to the operation phase upon completion of construction.

346 (2) The completion date for any required mitigation
347 associated with a phased construction project shall be extended
348 so that mitigation takes place in the same timeframe relative to
349 the phase as originally permitted.

350 (3) The holder of a valid permit or other authorization
351 that is eligible for the 2-year extension shall notify the
352 authorizing agency in writing no later than December 31, 2009,
353 identifying the specific authorization for which the holder
354 intends to use the extension and anticipated timeframe for
355 acting on the authorization.

356 (4) The extensions provided for in subsection (1) do not
357 apply to:

358 (a) A permit or other authorization under any programmatic
359 or regional general permit issued by the Army Corps of
360 Engineers.

361 (b) A permit or other authorization held by an owner or
362 operator determined to be in significant noncompliance with the
363 conditions of the permit or authorization as established through
364 the issuance of a warning letter or notice of violation, the

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365 initiation of formal enforcement, or other equivalent action by
366 the authorizing agency.

367 (c) A permit or other authorization, if granted an
368 extension, would contravene the due process or other legal
369 rights of parties with a direct interest in the timely
370 fulfillment of the requirements of the development order, or
371 would delay or prevent compliance with a court order.

372 (5) Permits extended under this section shall continue to
373 be governed by rules in effect at the time the permit was
374 issued, except where it can be demonstrated that the rules in
375 effect at the time the permit was issued would create an
376 immediate threat to public safety or health. This section shall
377 apply to any modification of the plans, terms, and conditions of
378 the permit that lessens the environmental impact, except that
379 any such modification shall not extend the time limit beyond 2
380 additional years.

381 (6) Nothing in this section shall impair the authority of
382 a county or municipality to require the owner of a property,
383 which has noticed the county or municipality that it intends to
384 receive the extension of time granted by this section, to
385 maintain and secure the property in a safe and sanitary
386 condition in compliance with applicable laws and ordinances.

387 Section 2. Subsection (1) of section 120.569, Florida
388 Statutes, is amended to read:

389 120.569 Decisions which affect substantial interests.--

390 (1) The provisions of this section apply in all
391 proceedings in which the substantial interests of a party are
392 determined by an agency, unless the parties are proceeding under

393 s. 120.573 or s. 120.574. Unless waived by all parties, s.
394 120.57(1) applies whenever the proceeding involves a disputed
395 issue of material fact. Unless otherwise agreed, s. 120.57(2)
396 applies in all other cases. If a disputed issue of material fact
397 arises during a proceeding under s. 120.57(2), then, unless
398 waived by all parties, the proceeding under s. 120.57(2) shall
399 be terminated and a proceeding under s. 120.57(1) shall be
400 conducted. Parties shall be notified of any order, including a
401 final order. Unless waived, a copy of the order shall be
402 delivered or mailed to each party or the party's attorney of
403 record at the address of record. Each notice shall inform the
404 recipient of any administrative hearing or judicial review that
405 is available under this section, s. 120.57, or s. 120.68; shall
406 indicate the procedure which must be followed to obtain the
407 hearing or judicial review; and shall state the time limits
408 which apply. Notwithstanding any other provision of law, notice
409 of the procedure to obtain an administrative hearing or judicial
410 review, including any items required by the uniform rules
411 adopted pursuant to s. 120.54(5), may be provided via a link to
412 a publicly available Internet site.

413 Section 3. Subsection (1) of section 120.60, Florida
414 Statutes, is amended to read:

415 120.60 Licensing.--

416 (1) Upon receipt of an application for a license, an
417 agency shall examine the application and, within 30 days after
418 such receipt, notify the applicant of any apparent errors or
419 omissions and request any additional information the agency is
420 permitted by law to require. If the applicant believes the

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421 request for such additional information is not authorized by law
422 or agency rule, the agency, at the applicant's request, shall
423 proceed to process the permit application. An agency shall not
424 deny a license for failure to correct an error or omission or to
425 supply additional information unless the agency timely notified
426 the applicant within this 30-day period. An application shall be
427 considered complete upon receipt of all requested information
428 and correction of any error or omission for which the applicant
429 was timely notified or when the time for such notification has
430 expired. Every application for a license shall be approved or
431 denied within 90 days after receipt of a completed application
432 unless a shorter period of time for agency action is provided by
433 law. The 90-day time period shall be tolled by the initiation of
434 a proceeding under ss. 120.569 and 120.57. Any application for a
435 license that is not approved or denied within the 90-day or
436 shorter time period, within 15 days after conclusion of a public
437 hearing held on the application, or within 45 days after a
438 recommended order is submitted to the agency and the parties,
439 whichever action and timeframe is latest and applicable, is
440 considered approved unless the recommended order recommends that
441 the agency deny the license. Subject to the satisfactory
442 completion of an examination if required as a prerequisite to
443 licensure, any license that is considered approved shall be
444 issued and may include such reasonable conditions as are
445 authorized by law. Any applicant for licensure seeking to claim
446 licensure by default under this subsection shall notify the
447 agency clerk of the licensing agency, in writing, of the intent
448 to rely upon the default license provision of this subsection,

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

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449 and shall not take any action based upon the default license
450 until after receipt of such notice by the agency clerk.

451 Section 4. Section 125.022, Florida Statutes, is amended
452 to read:

453 125.022 Development permits.--When a county denies an
454 application for a development permit, the county shall give
455 written notice to the applicant. The notice must include a
456 citation to the applicable portions of an ordinance, rule,
457 statute, or other legal authority for the denial of the permit.
458 As used in this section, the term "development permit" has the
459 same meaning as in s. 163.3164. A county may not require as a
460 condition of approval for a development permit that an applicant
461 obtain a permit or approval from any other state or federal
462 agency. Issuance of a development permit by a county does not in
463 any way create any rights on the part of an applicant to obtain
464 a permit from another state or federal agency and does not
465 create any liability on the part of the county for issuance of
466 the permit in the event that an applicant fails to fulfill its
467 legal obligations to obtain requisite approvals or fulfill the
468 obligations imposed by other state or federal agencies. A county
469 may attach such a disclaimer to the issuance of development
470 permits and may include a permit condition that all other
471 applicable state or federal permits must be obtained prior to
472 development. This section shall not be construed to prohibit a
473 county from providing information to an applicant regarding what
474 other state or federal permits may be applicable.

475 Section 5. Section 161.032, Florida Statutes, is created
476 to read:

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477 161.032 Application review; request for additional
478 information.--

479 (1) Within 30 days after receipt of an application for a
480 permit under this part, the department shall review the
481 application and shall request submission of any additional
482 information the department is permitted by law to require. If
483 the applicant believes a request for additional information is
484 not authorized by law or rule, the applicant may request a
485 hearing pursuant to s. 120.57. Within 30 days after receipt of
486 such additional information, the department shall review such
487 additional information and may request only that information
488 needed to clarify such additional information or to answer new
489 questions raised by or directly related to such additional
490 information. If the applicant believes the request for such
491 additional information by the department is not authorized by
492 law or rule, the department, at the applicant's request, shall
493 proceed to process the permit application.

494 (2) Notwithstanding the provisions of s. 120.60, an
495 applicant for a permit under this part shall have 90 days after
496 the date of a timely request for additional information to
497 submit such information. If an applicant requires more than 90
498 days to respond to a request for additional information, the
499 applicant must notify the agency processing the permit
500 application in writing of the circumstances, at which time the
501 application shall be held in active status for no more than one
502 additional period of up to 90 days. Additional extensions may be
503 granted for good cause shown by the applicant. A showing that
504 the applicant is making a diligent effort to obtain the

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505 requested additional information shall constitute good cause.
506 Failure of an applicant to provide the timely requested
507 information by the applicable deadline shall result in denial of
508 the application without prejudice.

509 Section 6. Section 166.033, Florida Statutes, is amended
510 to read:

511 166.033 Development permits.--When a municipality denies
512 an application for a development permit, the municipality shall
513 give written notice to the applicant. The notice must include a
514 citation to the applicable portions of an ordinance, rule,
515 statute, or other legal authority for the denial of the permit.
516 As used in this section, the term "development permit" has the
517 same meaning as in s. 163.3164. A municipality may not require
518 as a condition of approval for a development permit that an
519 applicant obtain a permit or approval from any other state or
520 federal agency. Issuance of a development permit by a
521 municipality does not in any way create any right on the part of
522 an applicant to obtain a permit from another state or federal
523 agency and does not create any liability on the part of the
524 municipality for issuance of the permit in the event that an
525 applicant fails to fulfill its legal obligations to obtain
526 requisite approvals or fulfill the obligations imposed by other
527 state or federal agencies. A municipality may attach such a
528 disclaimer to the issuance of development permits and may
529 include a permit condition that all other applicable state or
530 federal permits must be obtained prior to development. This
531 section shall not be construed to prohibit a municipality from
532 providing information to an applicant regarding what other state

533 or federal permits may be applicable.

534 Section 7. Subsection (13) of section 253.034, Florida
 535 Statutes, is amended to read:

536 253.034 State-owned lands; uses.--

537 (13) The deposition of dredged material on state-owned
 538 submerged lands for the purpose of restoring previously dredged
 539 holes to natural conditions shall be conducted in such a manner
 540 as to maximize environmental benefits. In such cases, the
 541 dredged material shall be placed in the dredge hole at an
 542 elevation consistent with the surrounding area to allow light
 543 penetration so as to maximize propagation of native vegetation.
 544 When available dredged material is of insufficient quantity to
 545 raise the entire dredge hole to prior natural elevations, then
 546 placement shall be limited to a portion of the dredge hole where
 547 elevations can be restored to natural elevations ~~Notwithstanding~~
 548 ~~the provisions of this section, funds from the sale of property~~
 549 ~~by the Department of Highway Safety and Motor Vehicles located~~
 550 ~~in Palm Beach County are authorized to be deposited into the~~
 551 ~~Highway Safety Operating Trust Fund to facilitate the exchange~~
 552 ~~as provided in the General Appropriations Act, provided that at~~
 553 ~~the conclusion of both exchanges the values are equalized. This~~
 554 ~~subsection expires July 1, 2009.~~

555 Section 8. Paragraph (e) of subsection (3) of section
 556 258.42, Florida Statutes, is amended to read:

557 258.42 Maintenance of preserves.--The Board of Trustees of
 558 the Internal Improvement Trust Fund shall maintain such aquatic
 559 preserves subject to the following provisions:

560 (3)

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

563 1. Private residential docks may be approved for
564 reasonable ingress or egress of riparian owners. Slips located
565 at private residential single-family docks that contain boat
566 lifts or davits which do not float in the water when loaded may
567 be roofed, but may not be in whole or in part enclosed with
568 walls, provided that the roof shall not overhang more that 1-
569 foot beyond the footprint of the boat lift. Such roofs shall not
570 be considered to be part of the square-footage calculations of
571 the terminal platform.

572 2. Private residential multislip docks may be approved if
573 located within a reasonable distance of a publicly maintained
574 navigation channel, or a natural channel of adequate depth and
575 width to allow operation of the watercraft for which the docking
576 facility is designed without the craft having an adverse impact
577 on marine resources. The distance shall be determined in
578 accordance with criteria established by the trustees by rule,
579 based on a consideration of the depth of the water, nature and
580 condition of bottom, and presence of manatees.

581 3. Commercial docking facilities shown to be consistent
582 with the use or management criteria of the preserve may be
583 approved if the facilities are located within a reasonable
584 distance of a publicly maintained navigation channel, or a
585 natural channel of adequate depth and width to allow operation
586 of the watercraft for which the docking facility is designed
587 without the craft having an adverse impact on marine resources.
588 The distance shall be determined in accordance with criteria

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589 established by the trustees by rule, based on a consideration of
 590 the depth of the water, nature and condition of bottom, and
 591 presence of manatees.

592 4. Structures for shore protection, including restoration
 593 of seawalls at their previous location or upland of or within 18
 594 inches waterward of their previous location, approved
 595 navigational aids, or public utility crossings authorized under
 596 paragraph (a) may be approved.

597
 598 No structure under this paragraph or chapter 253 shall be
 599 prohibited solely because the local government fails to adopt a
 600 marina plan or other policies dealing with the siting of such
 601 structures in its local comprehensive plan.

602 Section 9. Subsection (10) is added to section 373.026,
 603 Florida Statutes, to read:

604 373.026 General powers and duties of the department.--The
 605 department, or its successor agency, shall be responsible for
 606 the administration of this chapter at the state level. However,
 607 it is the policy of the state that, to the greatest extent
 608 possible, the department may enter into interagency or
 609 interlocal agreements with any other state agency, any water
 610 management district, or any local government conducting programs
 611 related to or materially affecting the water resources of the
 612 state. All such agreements shall be subject to the provisions of
 613 s. 373.046. In addition to its other powers and duties, the
 614 department shall, to the greatest extent possible:

615 (10) Expand the use of Internet-based self-certification
 616 services for appropriate exemptions and general permits issued

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617 by the department and the water management districts, providing
618 such expansion is economically feasible. In addition to
619 expanding the use of Internet-based self-certification services
620 for appropriate exemptions and general permits, the department
621 and water management districts shall identify and develop
622 general permits for activities currently requiring individual
623 review that could be expedited through the use of professional
624 certification.

625 Section 10. Paragraph (a) of subsection (4) of section
626 373.079, Florida Statutes, is amended to read:

627 373.079 Members of governing board; oath of office;
628 staff.--

629 (4) (a) The governing board of the district is authorized
630 to employ an executive director, ombudsman, and such engineers,
631 other professional persons, and other personnel and assistants
632 as it deems necessary and under such terms and conditions as it
633 may determine and to terminate such employment. The appointment
634 of an executive director by the governing board is subject to
635 approval by the Governor and must be initially confirmed by the
636 Florida Senate. The governing board may delegate all or part of
637 its authority under this paragraph to the executive director.
638 However, the governing board shall delegate all of its authority
639 to take final action on permit applications under part II or
640 part IV, or petitions for variances or waivers of permitting
641 requirements under part II or part IV, except as provided under
642 ss. 373.083(5) and 373.118(4). This delegation shall not be
643 subject to the rulemaking requirements of chapter 120. The
644 executive director may execute such delegated authority through

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645 designated staff members. The executive director must be
646 confirmed by the Senate upon employment and must be confirmed or
647 reconfirmed by the Senate during the second regular session of
648 the Legislature following a gubernatorial election.

649 Section 11. Subsection (5) of section 373.083, Florida
650 Statutes, is amended to read:

651 373.083 General powers and duties of the governing
652 board.--In addition to other powers and duties allowed it by
653 law, the governing board is authorized to:

654 (5) Execute any of the powers, duties, and functions
655 vested in the governing board through a member or members
656 thereof, the executive director, or other district staff as
657 designated by the governing board. The governing board may
658 establish the scope and terms of any delegation. ~~However, if~~ The
659 governing board shall delegate to the executive director
660 ~~delegates~~ the authority to take final action on permit
661 applications under part II or part IV, or petitions for
662 variances or waivers of permitting requirements under part II or
663 part IV, and the executive director may execute such delegated
664 authority through designated staff. Such delegation shall not be
665 subject to the rulemaking requirements of chapter 120. However,
666 the governing board shall provide a process for referring any
667 denial of such application or petition to the governing board to
668 take final action. Such process shall expressly prohibit any
669 member of a governing board from intervening in the review of an
670 application prior to the application being referred to the
671 governing board for final action. The authority in this
672 subsection is supplemental to any other provision of this

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673 chapter granting authority to the governing board to delegate
 674 specific powers, duties, or functions.

675 Section 12. Subsection (4) of section 373.118, Florida
 676 Statutes, is amended to read:

677 373.118 General permits; delegation.--

678 (4) To provide for greater efficiency, the governing board
 679 shall ~~may~~ delegate ~~by rule~~ its powers and duties pertaining to
 680 general permits to the executive director and such delegation
 681 shall not be subject to the rulemaking requirements of chapter
 682 120. The executive director may execute such delegated authority
 683 through designated staff. However, when delegating the authority
 684 to take final action on permit applications under part II or
 685 part IV or petitions for variances or waivers of permitting
 686 requirements under part II or part IV, the governing board shall
 687 provide a process for referring any denial of such application
 688 or petition to the governing board to take such final action.

689 Section 13. Subsection (6) is added to section 373.236,
 690 Florida Statutes, to read:

691 373.236 Duration of permits; compliance reports.--

692 (6) (a) The Legislature finds that the need for alternative
 693 water supply development projects to meet anticipated public
 694 water supply demands of the state is such that it is essential
 695 to encourage participation in and contribution to such projects
 696 by private rural landowners who characteristically have
 697 relatively modest near-term water demands but substantially
 698 increasing demands after the 20-year planning period provided in
 699 s. 373.0361. Therefore, where such landowners make extraordinary
 700 contributions of lands or construction funding to enable the

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701 expeditious implementation of such projects, water management
702 districts and the department are authorized to grant permits for
703 such projects for a period of up to 50 years to municipalities,
704 counties, special districts, regional water supply authorities,
705 multijurisdictional water supply entities, and publicly or
706 privately owned utilities created for or by the private
707 landowners on or before April 1, 2009, which have entered into
708 an agreement with the private landowner for the purposes of more
709 efficiently pursuing alternative public water supply development
710 projects identified in a district's regional water supply plan
711 and meeting water demands of both the applicant and the
712 landowner.

713 (b) Any permit granted pursuant to paragraph (a) shall be
714 granted only for that period of time for which there is
715 sufficient data to provide reasonable assurance that the
716 conditions for permit issuance will be met. Such a permit shall
717 require a compliance report by the permittee every 5 years
718 during the term of the permit. The report shall contain
719 sufficient data to maintain reasonable assurance that the
720 conditions for permit issuance applicable at the time of
721 district review of the compliance report are met. Following
722 review of the report, the governing board or the department may
723 modify the permit to ensure that the use meets the conditions
724 for issuance. This subsection shall not limit the existing
725 authority of the department or the governing board to modify or
726 revoke a consumptive use permit.

727 Section 14. Subsection (12) is added to section 373.406,
728 Florida Statutes, to read:

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729 373.406 Exemptions.--The following exemptions shall apply:

730 (12) (a) Construction of public use facilities in
731 accordance with Federal or state grant-approved projects on
732 county-owned natural lands or natural areas held by a county
733 under at least a 25-year lease. Such facilities may include a
734 parking lot, including an access road, not to exceed a total
735 size of 0.7 acres that is located entirely in uplands; at-grade
736 access trails located entirely in uplands; pile-supported
737 boardwalks having a maximum width of 6 feet, with exceptions for
738 ADA compliance; and pile-supported observation platforms each of
739 which shall not exceed 120 square feet in size.

740 (b) No fill shall be placed in, on, or over wetlands or
741 other surface waters except pilings for boardwalks and
742 observation platforms, all of which structures located in, on,
743 or over wetlands and other surface waters shall be sited,
744 constructed, and elevated to minimize adverse impacts to native
745 vegetation and shall be limited to a combined area over wetlands
746 and other surface waters not to exceed 0.5 acres. All stormwater
747 flow from roads, parking areas, and trails shall sheet flow into
748 uplands, and the use of pervious pavement is encouraged.

749 Section 15. Section 373.1181, Florida Statutes, is created
750 to read:

751 373.1181 Noticed general permit to counties for
752 environmental restoration activities.--

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

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

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

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

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

777 (d) Scrape down of spoil islands to an intertidal
778 elevation or a lower elevation at which light penetration is
779 expected to allow for seagrass or other native submerged aquatic
780 vegetation recruitment.

781 (e) Backfilling of existing dredge holes that are at least
782 5 feet deeper than surrounding natural grades to an intertidal
783 elevation if doing so provides a regional net environmental
784 benefit or, at a minimum, to an elevation at which light

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

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

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

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

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

797 (c) The project may not be considered as mitigation for
798 any other project.

799 (d) Activities in tidal waters are limited to those
800 waterbodies given priority restoration status pursuant to s.
801 373.453(1)(c).

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

807 (4) This general permit shall be subject to the following
808 specific conditions:

809 (a) A project under this general permit shall not
810 significantly impede navigation or unreasonably infringe upon
811 the riparian rights of others. When a court of competent
812 jurisdiction determines that riparian rights have been

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813 unlawfully affected, the structure or activity shall be modified
814 in accordance with the court's decision.

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

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

820 (d) Except as otherwise allowed under this general permit
821 fill material used to backfill dredge holes or seawall planter
822 areas shall be local, native material legally removed from
823 nearby submerged lands or shall be similar material brought to
824 the site, either of which shall comply with the standard of not
825 more than 10 percent of the material passing through a #200
826 standard sieve and containing no more than 10 percent organic
827 content, and is free of contaminants that will cause violations
828 of state water quality standards.

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

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

836 (g) Structures shall be maintained in a functional
837 condition and shall be repaired or removed if they become
838 dilapidated to such an extent that they are no longer
839 functional. This shall not be construed to prohibit the repair
840 or replacement subject to the provisions of rule 18-21.005,

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841 Florida Administrative Code, within 1 year after a structure is
842 damaged in a discrete event such as a storm, flood, accident, or
843 fire.

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

847 (i) Construction, use, or operation of the structure or
848 activity shall not adversely affect any species that is
849 endangered, threatened or of special concern, as listed in rules
850 68A-27.003, 68A-27.004, and 68A-27.005, Florida Administrative
851 Code.

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

856 (5) The district or department, as applicable, shall
857 provide written notification as to whether the proposed activity
858 qualifies for the general permit within 30 days after receipt of
859 written notice of a county's intent to use the general permit.
860 If the district or department notifies the county that the
861 system does not qualify for a noticed general permit due to an
862 error or omission in the original notice to the district or the
863 department, the county shall have 30 days from the date of the
864 notification to amend the notice to use the general permit and
865 submit such additional information to correct such error or
866 omission.

867 (6) This general permit constitutes a letter of consent by
868 the Board of Trustees of the Internal Improvement Trust Fund

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869 under chapters 253 and 258, where applicable, and chapters 18-
870 18, 18-20, and 18-21, Florida Administrative Code, where
871 applicable, for the county to enter upon and use state-owned
872 submerged lands to the extent necessary to complete the
873 activities. Activities conducted under this general permit do
874 not divest the state from the continued ownership of lands that
875 were state-owned lands prior to any use, construction, or
876 implementation of this general permit.

877 Section 16. Subsection (2) of section 373.4141, Florida
878 Statutes, is amended to read:

879 373.4141 Permits; processing.--

880 (2) Notwithstanding the provisions of s. 120.60, an
881 applicant for a permit under this part shall have 90 days after
882 the date of a timely request for additional information to
883 submit such information. If an applicant requires more than 90
884 days to respond to a request for additional information, the
885 applicant must notify the agency processing the permit
886 application in writing of the circumstances, at which time the
887 application shall be held in active status for no more than one
888 additional period of up to 90 days. Additional extensions may be
889 granted for good cause shown by the applicant. A showing that
890 the applicant is making a diligent effort to obtain the
891 requested additional information shall constitute good cause.
892 Failure of an applicant to provide the timely requested
893 information by the applicable deadline shall result in denial of
894 the application without prejudice ~~A permit shall be approved or~~
895 ~~denied within 90 days after receipt of the original application,~~
896 ~~the last item of timely requested additional material, or the~~

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897 ~~applicant's written request to begin processing the permit~~
 898 ~~application.~~

899 Section 17. Subsection (4) is added to section 373.441,
 900 Florida Statutes, to read:

901 373.441 Role of counties, municipalities, and local
 902 pollution control programs in permit processing.--

903 (4) Upon delegation to a qualified local government, the
 904 department and water management district shall not regulate the
 905 activities subject to the delegation within that jurisdiction
 906 unless regulation is required pursuant to the terms of the
 907 delegation agreement.

908 Section 18. Subsection (29) of section 403.061, Florida
 909 Statutes, is amended, subsection (40) is renumbered as section
 910 (43), and new subsections (40), (41), and (42) are added to that
 911 section, to read:

912 403.061 Department; powers and duties.--The department
 913 shall have the power and the duty to control and prohibit
 914 pollution of air and water in accordance with the law and rules
 915 adopted and promulgated by it and, for this purpose, to:

916 (29) Adopt by rule special criteria to protect Class II
 917 shellfish harvesting waters. Rules previously adopted by the
 918 department in rule 17-4.28(8)(a), Florida Administrative Code,
 919 are hereby ratified and determined to be a valid exercise of
 920 delegated legislative authority and shall remain in effect
 921 unless amended ~~by the Environmental Regulation Commission.~~ Such
 922 rules may include special criteria for approval of docking
 923 facilities with 10 or fewer slips where construction and
 924 operation of such facilities will not result in the closure of

925 shellfish waters.

926 (40) Maintain a list of projects or activities, including
927 mitigation banks, that applicants may consider when developing
928 proposals to meet the mitigation or public interest requirements
929 of this chapter, chapter 253, or chapter 373. The contents of
930 such a list are not a rule as defined in chapter 120, and
931 listing a specific project or activity does not imply approval
932 by the department for such project or activity. Each county
933 government is encouraged to develop an inventory of projects or
934 activities for inclusion on the list by obtaining input from
935 local stakeholder groups in the public, private, and nonprofit
936 sectors, including local governments, port authorities, marine
937 contractors, other representatives of the marine construction
938 industry, environmental or conservation organizations, and other
939 interested parties. A county may establish dedicated funds for
940 depositing public interest donations into a reserve for future
941 public interest projects, including improving on-water law
942 enforcement.

943 (41) Develop a project management plan to implement an e-
944 permitting program that allows for timely submission and
945 exchange of permit application and compliance information that
946 yields positive benefits in support of the department's mission,
947 permit applicants, permitholders, and the public. The plan shall
948 include an implementation timetable, estimated costs, and
949 transaction fees. The department shall submit the plan to the
950 President of the Senate, the Speaker of the House of
951 Representatives, and the Legislative Committee on
952 Intergovernmental Relations by January 15, 2010.

953 (42) Expand the use of online self-certification for
 954 appropriate exemptions and general permits issued by the
 955 department and the water management districts providing such
 956 expansion is economically feasible. Notwithstanding any other
 957 provision of law, a local government is prohibited from
 958 specifying the method or form of documentation that a project
 959 meets the provisions for authorization under chapter 161,
 960 chapter 253, chapter 373, or chapter 403. This shall include
 961 Internet-based programs of the department that provide for self-
 962 certification.

963
 964 The department shall implement such programs in conjunction with
 965 its other powers and duties and shall place special emphasis on
 966 reducing and eliminating contamination that presents a threat to
 967 humans, animals or plants, or to the environment.

968 Section 19. Subsections (1) and (2) of section 403.813,
 969 Florida Statutes, as amended by section 52 of chapter 2009-21,
 970 Laws of Florida, are amended to read:

971 403.813 Permits issued at district centers; exceptions.--

972 (1) A permit is not required under this chapter, chapter
 973 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 974 chapter 25270, 1949, Laws of Florida, for activities associated
 975 with the following types of projects; however, except as
 976 otherwise provided in this subsection, ~~nothing in this~~
 977 subsection does not relieve ~~relieves~~ an applicant from any
 978 requirement to obtain permission to use or occupy lands owned by
 979 the Board of Trustees of the Internal Improvement Trust Fund or
 980 any water management district in its governmental or proprietary

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981 capacity or from complying with applicable local pollution
 982 control programs authorized under this chapter or other
 983 requirements of county and municipal governments:

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

987 (b) The installation and repair of mooring pilings and
 988 dolphins associated with private docking facilities or piers and
 989 the installation of private docks, piers and recreational
 990 docking facilities, or piers and recreational docking facilities
 991 of local governmental entities when the local governmental
 992 entity's activities will not take place in any manatee habitat,
 993 any of which docks:

994 1. Has 500 square feet or less of over-water surface area
 995 for a dock which is located in an area designated as Outstanding
 996 Florida Waters or 1,000 square feet or less of over-water
 997 surface area for a dock which is located in an area which is not
 998 designated as Outstanding Florida Waters;

999 2. Is constructed on or held in place by pilings or is a
 1000 floating dock which is constructed so as not to involve filling
 1001 or dredging other than that necessary to install the pilings;

1002 3. Shall not substantially impede the flow of water or
 1003 create a navigational hazard;

1004 4. Is used for recreational, noncommercial activities
 1005 associated with the mooring or storage of boats and boat
 1006 paraphernalia; and

1007 5. Is the sole dock constructed pursuant to this exemption
 1008 as measured along the shoreline for a distance of 65 feet,

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1009 unless the parcel of land or individual lot as platted is less
 1010 than 65 feet in length along the shoreline, in which case there
 1011 may be one exempt dock allowed per parcel or lot.

1012
 1013 Nothing in this paragraph shall prohibit the department from
 1014 taking appropriate enforcement action pursuant to this chapter
 1015 to abate or prohibit any activity otherwise exempt from
 1016 permitting pursuant to this paragraph if the department can
 1017 demonstrate that the exempted activity has caused water
 1018 pollution in violation of this chapter.

1019 (c) The installation and maintenance to design
 1020 specifications of boat ramps on artificial bodies of water where
 1021 navigational access to the proposed ramp exists or the
 1022 installation of boat ramps open to the public in any waters of
 1023 the state where navigational access to the proposed ramp exists
 1024 and where the construction of the proposed ramp will be less
 1025 than 30 feet wide and will involve the removal of less than 25
 1026 cubic yards of material from the waters of the state, and the
 1027 maintenance to design specifications of such ramps; however, the
 1028 material to be removed shall be placed upon a self-contained
 1029 upland site so as to prevent the escape of the spoil material
 1030 into the waters of the state.

1031 (d) The replacement or repair of existing docks and piers,
 1032 except that no fill material is to be used and provided that the
 1033 replacement or repaired dock or pier is in the same location and
 1034 of the same configuration and dimensions as the dock or pier
 1035 being replaced or repaired. This does not preclude the use of
 1036 different construction materials or minor deviations to allow

1037 upgrades to current structural and design standards.

1038 (e) The restoration of seawalls at their previous
 1039 locations or upland of, or within 1 foot waterward of, their
 1040 previous locations. However, this shall not affect the
 1041 permitting requirements of chapter 161, and department rules
 1042 shall clearly indicate that this exception does not constitute
 1043 an exception from the permitting requirements of chapter 161.

1044 (f) The performance of maintenance dredging of existing
 1045 manmade canals, channels, intake and discharge structures, and
 1046 previously dredged portions of natural water bodies within
 1047 drainage rights-of-way or drainage easements which have been
 1048 recorded in the public records of the county, where the spoil
 1049 material is to be removed and deposited on a self-contained,
 1050 upland spoil site which will prevent the escape of the spoil
 1051 material into the waters of the state, provided that no more
 1052 dredging is to be performed than is necessary to restore the
 1053 canals, channels, and intake and discharge structures, and
 1054 previously dredged portions of natural water bodies, to original
 1055 design specifications or configurations, provided that the work
 1056 is conducted in compliance with s. 379.2431(2)(d), provided that
 1057 no significant impacts occur to previously undisturbed natural
 1058 areas, and provided that control devices for return flow and
 1059 best management practices for erosion and sediment control are
 1060 utilized to prevent bank erosion and scouring and to prevent
 1061 turbidity, dredged material, and toxic or deleterious substances
 1062 from discharging into adjacent waters during maintenance
 1063 dredging. Further, for maintenance dredging of previously
 1064 dredged portions of natural water bodies within recorded

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1065 drainage rights-of-way or drainage easements, an entity that
1066 seeks an exemption must notify the department or water
1067 management district, as applicable, at least 30 days prior to
1068 dredging and provide documentation of original design
1069 specifications or configurations where such exist. This
1070 exemption applies to all canals and previously dredged portions
1071 of natural water bodies within recorded drainage rights-of-way
1072 or drainage easements constructed prior to April 3, 1970, and to
1073 those canals and previously dredged portions of natural water
1074 bodies constructed on or after April 3, 1970, pursuant to all
1075 necessary state permits. This exemption does not apply to the
1076 removal of a natural or manmade barrier separating a canal or
1077 canal system from adjacent waters. When no previous permit has
1078 been issued by the Board of Trustees of the Internal Improvement
1079 Trust Fund or the United States Army Corps of Engineers for
1080 construction or maintenance dredging of the existing manmade
1081 canal or intake or discharge structure, such maintenance
1082 dredging shall be limited to a depth of no more than 5 feet
1083 below mean low water. The Board of Trustees of the Internal
1084 Improvement Trust Fund may fix and recover from the permittee an
1085 amount equal to the difference between the fair market value and
1086 the actual cost of the maintenance dredging for material removed
1087 during such maintenance dredging. However, no charge shall be
1088 exacted by the state for material removed during such
1089 maintenance dredging by a public port authority. The removing
1090 party may subsequently sell such material; however, proceeds
1091 from such sale that exceed the costs of maintenance dredging
1092 shall be remitted to the state and deposited in the Internal

1093 Improvement Trust Fund.

1094 (g) The maintenance of existing insect control structures,
 1095 dikes, and irrigation and drainage ditches, provided that spoil
 1096 material is deposited on a self-contained, upland spoil site
 1097 which will prevent the escape of the spoil material into waters
 1098 of the state. In the case of insect control structures, if the
 1099 cost of using a self-contained upland spoil site is so
 1100 excessive, as determined by the Department of Health, pursuant
 1101 to s. 403.088(1), that it will inhibit proposed insect control,
 1102 then-existing spoil sites or dikes may be used, upon
 1103 notification to the department. In the case of insect control
 1104 where upland spoil sites are not used pursuant to this
 1105 exemption, turbidity control devices shall be used to confine
 1106 the spoil material discharge to that area previously disturbed
 1107 when the receiving body of water is used as a potable water
 1108 supply, is designated as shellfish harvesting waters, or
 1109 functions as a habitat for commercially or recreationally
 1110 important shellfish or finfish. In all cases, no more dredging
 1111 is to be performed than is necessary to restore the dike or
 1112 irrigation or drainage ditch to its original design
 1113 specifications.

1114 (h) The repair or replacement of existing functional pipes
 1115 or culverts the purpose of which is the discharge or conveyance
 1116 of stormwater. In all cases, the invert elevation, the diameter,
 1117 and the length of the culvert shall not be changed. However, the
 1118 material used for the culvert may be different from the
 1119 original.

1120 (i) The construction of private docks of 1,000 square feet

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1121 or less of over-water surface area and seawalls in artificially
 1122 created waterways where such construction will not violate
 1123 existing water quality standards, impede navigation, or affect
 1124 flood control. This exemption does not apply to the construction
 1125 of vertical seawalls in estuaries or lagoons unless the proposed
 1126 construction is within an existing manmade canal where the
 1127 shoreline is currently occupied in whole or part by vertical
 1128 seawalls.

1129 (j) The construction and maintenance of swales.

1130 (k) The installation of aids to navigation and buoys
 1131 associated with such aids, provided the devices are marked
 1132 pursuant to s. 327.40.

1133 (l) The replacement or repair of existing open-trestle
 1134 foot bridges and vehicular bridges that are 100 feet or less in
 1135 length and two lanes or less in width, provided that no more
 1136 dredging or filling of submerged lands is performed other than
 1137 that which is necessary to replace or repair pilings and that
 1138 the structure to be replaced or repaired is the same length, the
 1139 same configuration, and in the same location as the original
 1140 bridge. No debris from the original bridge shall be allowed to
 1141 remain in the waters of the state.

1142 (m) The installation of subaqueous transmission and
 1143 distribution lines laid on, or embedded in, the bottoms of
 1144 waters in the state, except in Class I and Class II waters and
 1145 aquatic preserves, provided no dredging or filling is necessary.

1146 (n) The replacement or repair of subaqueous transmission
 1147 and distribution lines laid on, or embedded in, the bottoms of
 1148 waters of the state.

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1149 (o) The construction of private seawalls in wetlands or
1150 other surface waters where such construction is between and
1151 adjoins at both ends existing seawalls; follows a continuous and
1152 uniform seawall construction line with the existing seawalls; is
1153 no more than 150 feet in length; and does not violate existing
1154 water quality standards, impede navigation, or affect flood
1155 control. However, in estuaries and lagoons the construction of
1156 vertical seawalls is limited to the circumstances and purposes
1157 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
1158 the permitting requirements of chapter 161, and department rules
1159 must clearly indicate that this exception does not constitute an
1160 exception from the permitting requirements of chapter 161.

1161 (p) The restoration of existing insect control impoundment
1162 dikes which are less than 100 feet in length. Such impoundments
1163 shall be connected to tidally influenced waters for 6 months
1164 each year beginning September 1 and ending February 28 if
1165 feasible or operated in accordance with an impoundment
1166 management plan approved by the department. A dike restoration
1167 may involve no more dredging than is necessary to restore the
1168 dike to its original design specifications. For the purposes of
1169 this paragraph, restoration does not include maintenance of
1170 impoundment dikes of operating insect control impoundments.

1171 (q) The construction, operation, or maintenance of
1172 stormwater management facilities which are designed to serve
1173 single-family residential projects, including duplexes,
1174 triplexes, and quadruplexes, if they are less than 10 acres
1175 total land and have less than 2 acres of impervious surface and
1176 if the facilities:

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1177 1. Comply with all regulations or ordinances applicable to
 1178 stormwater management and adopted by a city or county;

1179 2. Are not part of a larger common plan of development or
 1180 sale; and

1181 3. Discharge into a stormwater discharge facility exempted
 1182 or permitted by the department under this chapter which has
 1183 sufficient capacity and treatment capability as specified in
 1184 this chapter and is owned, maintained, or operated by a city,
 1185 county, special district with drainage responsibility, or water
 1186 management district; however, this exemption does not authorize
 1187 discharge to a facility without the facility owner's prior
 1188 written consent.

1189 (r) The removal of aquatic plants, the removal of
 1190 tussocks, the associated replanting of indigenous aquatic
 1191 plants, and the associated removal from lakes of organic
 1192 detrital material when such planting or removal is performed and
 1193 authorized by permit or exemption granted under s. 369.20 or s.
 1194 369.25, provided that:

1195 1. Organic detrital material that exists on the surface of
 1196 natural mineral substrate shall be allowed to be removed to a
 1197 depth of 3 feet or to the natural mineral substrate, whichever
 1198 is less;

1199 2. All material removed pursuant to this paragraph shall
 1200 be deposited in an upland site in a manner that will prevent the
 1201 reintroduction of the material into waters in the state except
 1202 when spoil material is permitted to be used to create wildlife
 1203 islands in freshwater bodies of the state when a governmental
 1204 entity is permitted pursuant to s. 369.20 to create such islands

1205 as a part of a restoration or enhancement project;

1206 3. All activities are performed in a manner consistent
1207 with state water quality standards; and

1208 4. No activities under this exemption are conducted in
1209 wetland areas, as defined by s. 373.019(25), which are supported
1210 by a natural soil as shown in applicable United States
1211 Department of Agriculture county soil surveys, except when a
1212 governmental entity is permitted pursuant to s. 369.20 to
1213 conduct such activities as a part of a restoration or
1214 enhancement project.

1215

1216 The department may not adopt implementing rules for this
1217 paragraph, notwithstanding any other provision of law.

1218 (s) The construction, installation, operation, or
1219 maintenance of floating vessel platforms or floating boat lifts,
1220 provided that such structures:

1221 1. Float at all times in the water for the sole purpose of
1222 supporting a vessel so that the vessel is out of the water when
1223 not in use;

1224 2. Are wholly contained within a boat slip previously
1225 permitted under ss. 403.91-403.929, 1984 Supplement to the
1226 Florida Statutes 1983, as amended, or part IV of chapter 373, or
1227 do not exceed a combined total of 500 square feet, or 200 square
1228 feet in an Outstanding Florida Water, when associated with a
1229 dock that is exempt under this subsection or associated with a
1230 permitted dock with no defined boat slip or attached to a
1231 bulkhead on a parcel of land where there is no other docking
1232 structure;

1233 3. Are not used for any commercial purpose or for mooring
 1234 vessels that remain in the water when not in use, and do not
 1235 substantially impede the flow of water, create a navigational
 1236 hazard, or unreasonably infringe upon the riparian rights of
 1237 adjacent property owners, as defined in s. 253.141;

1238 4. Are constructed and used so as to minimize adverse
 1239 impacts to submerged lands, wetlands, shellfish areas, aquatic
 1240 plant and animal species, and other biological communities,
 1241 including locating such structures in areas where seagrasses are
 1242 least dense adjacent to the dock or bulkhead; and

1243 5. Are not constructed in areas specifically prohibited
 1244 for boat mooring under conditions of a permit issued in
 1245 accordance with ss. 403.91-403.929, 1984 Supplement to the
 1246 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 1247 other form of authorization issued by a local government.

1248
 1249 Structures that qualify for this exemption are relieved from any
 1250 requirement to obtain permission to use or occupy lands owned by
 1251 the Board of Trustees of the Internal Improvement Trust Fund
 1252 and, with the exception of those structures attached to a
 1253 bulkhead on a parcel of land where there is no docking
 1254 structure, shall not be subject to any more stringent permitting
 1255 requirements, registration requirements, or other regulation by
 1256 any local government. Local governments may require either
 1257 permitting or one-time registration of floating vessel platforms
 1258 to be attached to a bulkhead on a parcel of land where there is
 1259 no other docking structure as necessary to ensure compliance
 1260 with local ordinances, codes, or regulations. Local governments

1261 may require either permitting or one-time registration of all
 1262 other floating vessel platforms as necessary to ensure
 1263 compliance with the exemption criteria in this section; to
 1264 ensure compliance with local ordinances, codes, or regulations
 1265 relating to building or zoning, which are no more stringent than
 1266 the exemption criteria in this section or address subjects other
 1267 than subjects addressed by the exemption criteria in this
 1268 section; and to ensure proper installation, maintenance, and
 1269 precautionary or evacuation action following a tropical storm or
 1270 hurricane watch of a floating vessel platform or floating boat
 1271 lift that is proposed to be attached to a bulkhead or parcel of
 1272 land where there is no other docking structure. The exemption
 1273 provided in this paragraph shall be in addition to the exemption
 1274 provided in paragraph (b). The department shall adopt a general
 1275 permit by rule for the construction, installation, operation, or
 1276 maintenance of those floating vessel platforms or floating boat
 1277 lifts that do not qualify for the exemption provided in this
 1278 paragraph but do not cause significant adverse impacts to occur
 1279 individually or cumulatively. The issuance of such general
 1280 permit shall also constitute permission to use or occupy lands
 1281 owned by the Board of Trustees of the Internal Improvement Trust
 1282 Fund. No local government shall impose a more stringent
 1283 regulation, permitting requirement, registration requirement, or
 1284 other regulation covered by such general permit. Local
 1285 governments may require either permitting or one-time
 1286 registration of floating vessel platforms as necessary to ensure
 1287 compliance with the general permit in this section; to ensure
 1288 compliance with local ordinances, codes, or regulations relating

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1289 | to building or zoning that are no more stringent than the
 1290 | general permit in this section; and to ensure proper
 1291 | installation and maintenance of a floating vessel platform or
 1292 | floating boat lift that is proposed to be attached to a bulkhead
 1293 | or parcel of land where there is no other docking structure.

1294 | (t) The repair, stabilization, or paving of existing
 1295 | county maintained roads and the repair or replacement of bridges
 1296 | that are part of the roadway, within the Northwest Florida Water
 1297 | Management District and the Suwannee River Water Management
 1298 | District, provided:

1299 | 1. The road and associated bridge were in existence and in
 1300 | use as a public road or bridge, and were maintained by the
 1301 | county as a public road or bridge on or before January 1, 2002;

1302 | 2. The construction activity does not realign the road or
 1303 | expand the number of existing traffic lanes of the existing
 1304 | road; however, the work may include the provision of safety
 1305 | shoulders, clearance of vegetation, and other work reasonably
 1306 | necessary to repair, stabilize, pave, or repave the road,
 1307 | provided that the work is constructed by generally accepted
 1308 | engineering standards;

1309 | 3. The construction activity does not expand the existing
 1310 | width of an existing vehicular bridge in excess of that
 1311 | reasonably necessary to properly connect the bridge with the
 1312 | road being repaired, stabilized, paved, or repaved to safely
 1313 | accommodate the traffic expected on the road, which may include
 1314 | expanding the width of the bridge to match the existing
 1315 | connected road. However, no debris from the original bridge
 1316 | shall be allowed to remain in waters of the state, including

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1317 wetlands;

1318 4. Best management practices for erosion control shall be
 1319 employed as necessary to prevent water quality violations;

1320 5. Roadside swales or other effective means of stormwater
 1321 treatment must be incorporated as part of the project;

1322 6. No more dredging or filling of wetlands or water of the
 1323 state is performed than that which is reasonably necessary to
 1324 repair, stabilize, pave, or repave the road or to repair or
 1325 replace the bridge, in accordance with generally accepted
 1326 engineering standards; and

1327 7. Notice of intent to use the exemption is provided to
 1328 the department, if the work is to be performed within the
 1329 Northwest Florida Water Management District, or to the Suwannee
 1330 River Water Management District, if the work is to be performed
 1331 within the Suwannee River Water Management District, 30 days
 1332 prior to performing any work under the exemption.

1333
 1334 Within 30 days after this act becomes a law, the department
 1335 shall initiate rulemaking to adopt a no fee general permit for
 1336 the repair, stabilization, or paving of existing roads that are
 1337 maintained by the county and the repair or replacement of
 1338 bridges that are part of the roadway where such activities do
 1339 not cause significant adverse impacts to occur individually or
 1340 cumulatively. The general permit shall apply statewide and, with
 1341 no additional rulemaking required, apply to qualified projects
 1342 reviewed by the Suwannee River Water Management District, the
 1343 St. Johns River Water Management District, the Southwest Florida
 1344 Water Management District, and the South Florida Water

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1345 Management District under the division of responsibilities
 1346 contained in the operating agreements applicable to part IV of
 1347 chapter 373. Upon adoption, this general permit shall, pursuant
 1348 to the provisions of subsection (2), supersede and replace the
 1349 exemption in this paragraph.

1350 (u) Notwithstanding any provision to the contrary in this
 1351 subsection, a permit or other authorization under chapter 253,
 1352 chapter 369, chapter 373, or this chapter is not required for an
 1353 individual residential property owner for the removal of organic
 1354 detrital material from freshwater rivers or lakes that have a
 1355 natural sand or rocky substrate and that are not Aquatic
 1356 Preserves or for the associated removal and replanting of
 1357 aquatic vegetation for the purpose of environmental enhancement,
 1358 providing that:

1359 1. No activities under this exemption are conducted in
 1360 wetland areas, as defined by s. 373.019(25), which are supported
 1361 by a natural soil as shown in applicable United States
 1362 Department of Agriculture county soil surveys.

1363 2. No filling or peat mining is allowed.

1364 3. No removal of native wetland trees, including, but not
 1365 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

1366 4. When removing organic detrital material, no portion of
 1367 the underlying natural mineral substrate or rocky substrate is
 1368 removed.

1369 5. Organic detrital material and plant material removed is
 1370 deposited in an upland site in a manner that will not cause
 1371 water quality violations.

1372 6. All activities are conducted in such a manner, and with

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1373 appropriate turbidity controls, so as to prevent any water
1374 quality violations outside the immediate work area.

1375 7. Replanting with a variety of aquatic plants native to
1376 the state shall occur in a minimum of 25 percent of the
1377 preexisting vegetated areas where organic detrital material is
1378 removed, except for areas where the material is removed to bare
1379 rocky substrate; however, an area may be maintained clear of
1380 vegetation as an access corridor. The access corridor width may
1381 not exceed 50 percent of the property owner's frontage or 50
1382 feet, whichever is less, and may be a sufficient length
1383 waterward to create a corridor to allow access for a boat or
1384 swimmer to reach open water. Replanting must be at a minimum
1385 density of 2 feet on center and be completed within 90 days
1386 after removal of existing aquatic vegetation, except that under
1387 dewatered conditions replanting must be completed within 90 days
1388 after reflooding. The area to be replanted must extend waterward
1389 from the ordinary high water line to a point where normal water
1390 depth would be 3 feet or the preexisting vegetation line,
1391 whichever is less. Individuals are required to make a reasonable
1392 effort to maintain planting density for a period of 6 months
1393 after replanting is complete, and the plants, including
1394 naturally recruited native aquatic plants, must be allowed to
1395 expand and fill in the revegetation area. Native aquatic plants
1396 to be used for revegetation must be salvaged from the
1397 enhancement project site or obtained from an aquatic plant
1398 nursery regulated by the Department of Agriculture and Consumer
1399 Services. Plants that are not native to the state may not be
1400 used for replanting.

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1401 8. No activity occurs any farther than 100 feet waterward
 1402 of the ordinary high water line, and all activities must be
 1403 designed and conducted in a manner that will not unreasonably
 1404 restrict or infringe upon the riparian rights of adjacent upland
 1405 riparian owners.

1406 9. The person seeking this exemption notifies the
 1407 applicable department district office in writing at least 30
 1408 days before commencing work and allows the department to conduct
 1409 a preconstruction site inspection. Notice must include an
 1410 organic-detrital-material removal and disposal plan and, if
 1411 applicable, a vegetation-removal and revegetation plan.

1412 10. The department is provided written certification of
 1413 compliance with the terms and conditions of this paragraph
 1414 within 30 days after completion of any activity occurring under
 1415 this exemption.

1416 (2) The provisions of subsection (1) are superseded by
 1417 general permits established pursuant to ss. 373.118 and 403.814
 1418 which include the same activities. Until such time as general
 1419 permits are established, or if ~~should~~ general permits are ~~be~~
 1420 suspended or repealed, the exemptions under subsection (1) shall
 1421 remain or shall be reestablished in full force and effect.

1422 Section 20. Subsection (12) is added to section 403.814,
 1423 Florida Statutes, to read:

1424 403.814 General permits; delegation.--

1425 (12) The department shall expand the use of Internet-based
 1426 self-certification services for appropriate exemptions and
 1427 general permits issued by the department and water management
 1428 districts, providing such expansion is economically feasible. In

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1429 addition, the department shall identify and develop general
1430 permits for activities currently requiring individual review
1431 which could be expedited through the use of professional
1432 certifications. The department shall submit a report on progress
1433 of these efforts to the President of the Senate and the Speaker
1434 of the House of Representatives by January 15, 2010.

1435 Section 21. Section 403.973, Florida Statutes, is amended
1436 to read:

1437 403.973 Expedited permitting; comprehensive plan
1438 amendments.--

1439 (1) It is the intent of the Legislature to encourage and
1440 facilitate the location and expansion of those types of economic
1441 development projects which offer job creation and high wages,
1442 strengthen and diversify the state's economy, and have been
1443 thoughtfully planned to take into consideration the protection
1444 of the state's environment. It is also the intent of the
1445 Legislature to provide for an expedited permitting and
1446 comprehensive plan amendment process for such projects.

1447 (2) As used in this section, the term:

1448 (a) "Duly noticed" means publication in a newspaper of
1449 general circulation in the municipality or county with
1450 jurisdiction. The notice shall appear on at least 2 separate
1451 days, one of which shall be at least 7 days before the meeting.
1452 The notice shall state the date, time, and place of the meeting
1453 scheduled to discuss or enact the memorandum of agreement, and
1454 the places within the municipality or county where such proposed
1455 memorandum of agreement may be inspected by the public. The
1456 notice must be one-eighth of a page in size and must be

1457 published in a portion of the paper other than the legal notices
 1458 section. The notice shall also advise that interested parties
 1459 may appear at the meeting and be heard with respect to the
 1460 memorandum of agreement.

1461 (b) "Jobs" means permanent, full-time equivalent positions
 1462 not including construction jobs.

1463 ~~(c) "Office" means the Office of Tourism, Trade, and~~
 1464 ~~Economic Development.~~

1465 (c) ~~(d)~~ "Permit applications" means state permits and
 1466 licenses, and at the option of a participating local government,
 1467 local development permits or orders.

1468 (d) "Secretary" means the Secretary of Environmental
 1469 Protection or his or her designee.

1470 (3) (a) The secretary ~~Governor, through the office,~~ shall
 1471 direct the creation of regional permit action teams, for the
 1472 purpose of expediting review of permit applications and local
 1473 comprehensive plan amendments submitted by:

- 1474 1. Businesses creating at least 50 ~~100~~ jobs, or
- 1475 2. Businesses creating at least 25 ~~50~~ jobs if the project
 1476 is located in an enterprise zone, or in a county having a
 1477 population of less than 75,000 or in a county having a
 1478 population of less than 100,000 which is contiguous to a county
 1479 having a population of less than 75,000, as determined by the
 1480 most recent decennial census, residing in incorporated and
 1481 unincorporated areas of the county, or

1482 (b) On a case-by-case basis and at the request of a county
 1483 or municipal government, the secretary ~~office~~ may certify as
 1484 eligible for expedited review a project not meeting the minimum

1485 job creation thresholds but creating a minimum of 10 jobs. The
 1486 recommendation from the governing body of the county or
 1487 municipality in which the project may be located is required in
 1488 order for the secretary ~~office~~ to certify that any project is
 1489 eligible for expedited review under this paragraph. When
 1490 considering projects that do not meet the minimum job creation
 1491 thresholds but that are recommended by the governing body in
 1492 which the project may be located, the secretary ~~office~~ shall
 1493 consider economic impact factors that include, but are not
 1494 limited to:

- 1495 1. The proposed wage and skill levels relative to those
- 1496 existing in the area in which the project may be located;
- 1497 2. The project's potential to diversify and strengthen the
- 1498 area's economy;
- 1499 3. The amount of capital investment; and
- 1500 4. The number of jobs that will be made available for
- 1501 persons served by the welfare transition program.

1502 (c) At the request of a county or municipal government,
 1503 the secretary ~~office~~ or a Quick Permitting County may certify
 1504 projects located in counties where the ratio of new jobs per
 1505 participant in the welfare transition program, as determined by
 1506 Workforce Florida, Inc., is less than one or otherwise critical,
 1507 as eligible for the expedited permitting process. Such projects
 1508 must meet the numerical job creation criteria of this
 1509 subsection, but the jobs created by the project do not have to
 1510 be high-wage jobs that diversify the state's economy.

1511 (d) Projects located in a designated brownfield area are
 1512 eligible for the expedited permitting process.

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1513 (e) Projects that are part of the state-of-the-art
 1514 biomedical research institution and campus to be established in
 1515 this state by the grantee under s. 288.955 are eligible for the
 1516 expedited permitting process, if the projects are designated as
 1517 part of the institution or campus by the board of county
 1518 commissioners of the county in which the institution and campus
 1519 are established.

1520 (f) Projects that result in the production of biofuels
 1521 cultivated on lands that are 1,000 acres or more or the
 1522 construction of a biofuel or biodiesel processing facility or a
 1523 facility generating renewable energy as defined in s.
 1524 366.91(2)(d) are eligible for the expedited permitting process.

1525 (4) The regional teams shall be established through the
 1526 execution of memoranda of agreement developed by the applicant
 1527 and between the secretary, with input solicited from office and
 1528 the respective heads of the Department of Environmental
 1529 Protection, the Department of Community Affairs, the Department
 1530 of Transportation and its district offices, the Department of
 1531 Agriculture and Consumer Services, the Fish and Wildlife
 1532 Conservation Commission, appropriate regional planning councils,
 1533 appropriate water management districts, and voluntarily
 1534 participating municipalities and counties. The memoranda of
 1535 agreement should also accommodate participation in this
 1536 expedited process by other local governments and federal
 1537 agencies as circumstances warrant.

1538 (5) In order to facilitate local government's option to
 1539 participate in this expedited review process, the secretary
 1540 ~~office~~ shall, in cooperation with local governments and

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1541 participating state agencies, create a standard form memorandum
1542 of agreement. A local government shall hold a duly noticed
1543 public workshop to review and explain to the public the
1544 expedited permitting process and the terms and conditions of the
1545 standard form memorandum of agreement.

1546 (6) The local government shall hold a duly noticed public
1547 hearing to execute a memorandum of agreement for each qualified
1548 project. Notwithstanding any other provision of law, and at the
1549 option of the local government, the workshop provided for in
1550 subsection (5) may be conducted on the same date as the public
1551 hearing held under this subsection. The memorandum of agreement
1552 that a local government signs shall include a provision
1553 identifying necessary local government procedures and time
1554 limits that will be modified to allow for the local government
1555 decision on the project within 90 days. The memorandum of
1556 agreement applies to projects, on a case-by-case basis, that
1557 qualify for special review and approval as specified in this
1558 section. The memorandum of agreement must make it clear that
1559 this expedited permitting and review process does not modify,
1560 qualify, or otherwise alter existing local government
1561 nonprocedural standards for permit applications, unless
1562 expressly authorized by law.

1563 (7) ~~At the option of the participating local government,~~
1564 Appeals of local government approvals ~~its final approval~~ for a
1565 project shall ~~may~~ be pursuant to the summary hearing provisions
1566 of s. 120.574, pursuant to subsection (14), and be consolidated
1567 with the challenge of any applicable state agency actions ~~or~~
1568 ~~pursuant to other appellate processes available to the local~~

1569 ~~government. The local government's decision to enter into a~~
 1570 ~~summary hearing must be made as provided in s. 120.574 or in the~~
 1571 ~~memorandum of agreement.~~

1572 (8) Each memorandum of agreement shall include a process
 1573 for final agency action on permit applications and local
 1574 comprehensive plan amendment approvals within 90 days after
 1575 receipt of a completed application, unless the applicant agrees
 1576 to a longer time period or the secretary ~~office~~ determines that
 1577 unforeseen or uncontrollable circumstances preclude final agency
 1578 action within the 90-day timeframe. Permit applications governed
 1579 by federally delegated or approved permitting programs whose
 1580 requirements would prohibit or be inconsistent with the 90-day
 1581 timeframe are exempt from this provision, but must be processed
 1582 by the agency with federally delegated or approved program
 1583 responsibility as expeditiously as possible.

1584 (9) The secretary ~~office~~ shall inform the Legislature by
 1585 October 1 of each year which agencies have not entered into or
 1586 implemented an agreement and identify any barriers to achieving
 1587 success of the program.

1588 (10) The memoranda of agreement may provide for the waiver
 1589 or modification of procedural rules prescribing forms, fees,
 1590 procedures, or time limits for the review or processing of
 1591 permit applications under the jurisdiction of those agencies
 1592 that are party to the memoranda of agreement. Notwithstanding
 1593 any other provision of law to the contrary, a memorandum of
 1594 agreement must to the extent feasible provide for proceedings
 1595 and hearings otherwise held separately by the parties to the
 1596 memorandum of agreement to be combined into one proceeding or

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1597 held jointly and at one location. Such waivers or modifications
1598 shall not be available for permit applications governed by
1599 federally delegated or approved permitting programs, the
1600 requirements of which would prohibit, or be inconsistent with,
1601 such a waiver or modification.

1602 (11) The standard form memoranda of agreement shall
1603 include guidelines to be used in working with state, regional,
1604 and local permitting authorities. Guidelines may include, but
1605 are not limited to, the following:

1606 (a) A central contact point for filing permit applications
1607 and local comprehensive plan amendments and for obtaining
1608 information on permit and local comprehensive plan amendment
1609 requirements;

1610 (b) Identification of the individual or individuals within
1611 each respective agency who will be responsible for processing
1612 the expedited permit application or local comprehensive plan
1613 amendment for that agency;

1614 (c) A mandatory preapplication review process to reduce
1615 permitting conflicts by providing guidance to applicants
1616 regarding the permits needed from each agency and governmental
1617 entity, site planning and development, site suitability and
1618 limitations, facility design, and steps the applicant can take
1619 to ensure expeditious permit application and local comprehensive
1620 plan amendment review. As a part of this process, the first
1621 interagency meeting to discuss a project shall be held within 14
1622 days after the secretary's ~~office's~~ determination that the
1623 project is eligible for expedited review. Subsequent interagency
1624 meetings may be scheduled to accommodate the needs of

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1625 participating local governments that are unable to meet public
1626 notice requirements for executing a memorandum of agreement
1627 within this timeframe. This accommodation may not exceed 45 days
1628 from the secretary's ~~office's~~ determination that the project is
1629 eligible for expedited review;

1630 (d) The preparation of a single coordinated project
1631 description form and checklist and an agreement by state and
1632 regional agencies to reduce the burden on an applicant to
1633 provide duplicate information to multiple agencies;

1634 (e) Establishment of a process for the adoption and review
1635 of any comprehensive plan amendment needed by any certified
1636 project within 90 days after the submission of an application
1637 for a comprehensive plan amendment. However, the memorandum of
1638 agreement may not prevent affected persons as defined in s.
1639 163.3184 from appealing or participating in this expedited plan
1640 amendment process and any review or appeals of decisions made
1641 under this paragraph; and

1642 (f) Additional incentives for an applicant who proposes a
1643 project that provides a net ecosystem benefit.

1644 (12) The applicant, the regional permit action team, and
1645 participating local governments may agree to incorporate into a
1646 single document the permits, licenses, and approvals that are
1647 obtained through the expedited permit process. This consolidated
1648 permit is subject to the summary hearing provisions set forth in
1649 subsection (14).

1650 (13) Notwithstanding any other provisions of law:

1651 (a) Local comprehensive plan amendments for projects
1652 qualified under this section are exempt from the twice-a-year

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1653 limits provision in s. 163.3187; and

1654 (b) Projects qualified under this section are not subject
1655 to interstate highway level-of-service standards adopted by the
1656 Department of Transportation for concurrency purposes. The
1657 memorandum of agreement specified in subsection (5) must include
1658 a process by which the applicant will be assessed a fair share
1659 of the cost of mitigating the project's significant traffic
1660 impacts, as defined in chapter 380 and related rules. The
1661 agreement must also specify whether the significant traffic
1662 impacts on the interstate system will be mitigated through the
1663 implementation of a project or payment of funds to the
1664 Department of Transportation. Where funds are paid, the
1665 Department of Transportation must include in the 5-year work
1666 program transportation projects or project phases, in an amount
1667 equal to the funds received, to mitigate the traffic impacts
1668 associated with the proposed project.

1669 (14) (a) Challenges to state agency action in the expedited
1670 permitting process for projects processed under this section are
1671 subject to the summary hearing provisions of s. 120.574, except
1672 that the administrative law judge's decision, as provided in s.
1673 120.574(2)(f), shall be in the form of a recommended order and
1674 shall not constitute the final action of the state agency. In
1675 those proceedings where the action of only one agency of the
1676 state other than the Department of Environmental Protection is
1677 challenged, the agency of the state shall issue the final order
1678 within 45 ~~10~~ working days after ~~of~~ receipt of the administrative
1679 law judge's recommended order. The recommended order shall
1680 inform the parties of the right to file exceptions to the

1681 recommended order and to file responses thereto in accordance
 1682 with the Uniform Rules of Procedure. In those proceedings where
 1683 the actions of more than one agency of the state are challenged,
 1684 the Governor shall issue the final order, except for the
 1685 issuance of department licenses required under any federally
 1686 delegated or approved permit program for which the department
 1687 shall enter the final order, within 45 ~~10~~ working days after ~~of~~
 1688 receipt of the administrative law judge's recommended order. The
 1689 recommended order shall inform the parties of the right to file
 1690 exceptions to the recommended order and to file responses
 1691 thereto in accordance with the Uniform Rules of Procedure. The
 1692 participating agencies of the state may opt at the preliminary
 1693 hearing conference to allow the administrative law judge's
 1694 decision to constitute the final agency action. If a
 1695 participating local government agrees to participate in the
 1696 summary hearing provisions of s. 120.574 for purposes of review
 1697 of local government comprehensive plan amendments, s.
 1698 163.3184(9) and (10) apply.

1699 (b) Challenges to state agency action in the expedited
 1700 permitting process for establishment of a state-of-the-art
 1701 biomedical research institution and campus in this state by the
 1702 grantee under s. 288.955 or projects identified in paragraph
 1703 (3) (f) are subject to the same requirements as challenges
 1704 brought under paragraph (a), except that, notwithstanding s.
 1705 120.574, summary proceedings must be conducted within 30 days
 1706 after a party files the motion for summary hearing, regardless
 1707 of whether the parties agree to the summary proceeding.

1708 (15) The secretary ~~office~~, working with the agencies

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1709 providing cooperative assistance and input to ~~participating in~~
1710 the memoranda of agreement, shall review sites proposed for the
1711 location of facilities eligible for the Innovation Incentive
1712 Program under s. 288.1089. Within 20 days after the request for
1713 the review by the secretary ~~office~~, the agencies shall provide
1714 to the secretary ~~office~~ a statement as to each site's necessary
1715 permits under local, state, and federal law and an
1716 identification of significant permitting issues, which if
1717 unresolved, may result in the denial of an agency permit or
1718 approval or any significant delay caused by the permitting
1719 process.

1720 (16) This expedited permitting process shall not modify,
1721 qualify, or otherwise alter existing agency nonprocedural
1722 standards for permit applications or local comprehensive plan
1723 amendments, unless expressly authorized by law. If it is
1724 determined that the applicant is not eligible to use this
1725 process, the applicant may apply for permitting of the project
1726 through the normal permitting processes.

1727 (17) The secretary ~~office~~ shall be responsible for
1728 certifying a business as eligible for undergoing expedited
1729 review under this section. Enterprise Florida, Inc., a county or
1730 municipal government, or the Rural Economic Development
1731 Initiative may recommend to the secretary ~~Office of Tourism,~~
1732 ~~Trade, and Economic Development~~ that a project meeting the
1733 minimum job creation threshold undergo expedited review.

1734 (18) The secretary ~~office~~, working with the Rural Economic
1735 Development Initiative and the agencies participating in the
1736 memoranda of agreement, shall provide technical assistance in

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1737 preparing permit applications and local comprehensive plan
 1738 amendments for counties having a population of less than 75,000
 1739 residents, or counties having fewer than 100,000 residents which
 1740 are contiguous to counties having fewer than 75,000 residents.
 1741 Additional assistance may include, but not be limited to,
 1742 guidance in land development regulations and permitting
 1743 processes, working cooperatively with state, regional, and local
 1744 entities to identify areas within these counties which may be
 1745 suitable or adaptable for preclearance review of specified types
 1746 of land uses and other activities requiring permits.

1747 (19) The following projects are ineligible for review
 1748 under this part:

1749 (a) A project funded and operated by a local government,
 1750 as defined in s. 377.709, and located within that government's
 1751 jurisdiction.

1752 (b) A project, the primary purpose of which is to:

1753 1. Effect the final disposal of solid waste, biomedical
 1754 waste, or hazardous waste in this state.

1755 2. Produce electrical power, unless the production of
 1756 electricity is incidental and not the primary function of the
 1757 project or the electrical power is derived from a fuel source
 1758 for renewable energy as defined in s. 366.91(2)(d).

1759 3. Extract natural resources.

1760 4. Produce oil.

1761 5. Construct, maintain, or operate an oil, petroleum,
 1762 natural gas, or sewage pipeline.

1763 Section 22. Paragraph (f) of subsection (2) of section
 1764 14.2015, Florida Statutes, is amended to read:

1765 14.2015 Office of Tourism, Trade, and Economic
 1766 Development; creation; powers and duties.--

1767 (2) The purpose of the Office of Tourism, Trade, and
 1768 Economic Development is to assist the Governor in working with
 1769 the Legislature, state agencies, business leaders, and economic
 1770 development professionals to formulate and implement coherent
 1771 and consistent policies and strategies designed to provide
 1772 economic opportunities for all Floridians. To accomplish such
 1773 purposes, the Office of Tourism, Trade, and Economic Development
 1774 shall:

1775 (f)1. Administer the Florida Enterprise Zone Act under ss.
 1776 290.001-290.016, the community contribution tax credit program
 1777 under ss. 220.183 and 624.5105, the tax refund program for
 1778 qualified target industry businesses under s. 288.106, the tax-
 1779 refund program for qualified defense contractors and space
 1780 flight business contractors under s. 288.1045, contracts for
 1781 transportation projects under s. 288.063, the sports franchise
 1782 facility program under s. 288.1162, the professional golf hall
 1783 of fame facility program under s. 288.1168, ~~the expedited~~
 1784 ~~permitting process under s. 403.973,~~ the Rural Community
 1785 Development Revolving Loan Fund under s. 288.065, the Regional
 1786 Rural Development Grants Program under s. 288.018, the Certified
 1787 Capital Company Act under s. 288.99, the Florida State Rural
 1788 Development Council, the Rural Economic Development Initiative,
 1789 and other programs that are specifically assigned to the office
 1790 by law, by the appropriations process, or by the Governor.
 1791 Notwithstanding any other provisions of law, the office may
 1792 expend interest earned from the investment of program funds

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1793 deposited in the Grants and Donations Trust Fund to contract for
 1794 the administration of the programs, or portions of the programs,
 1795 enumerated in this paragraph or assigned to the office by law,
 1796 by the appropriations process, or by the Governor. Such
 1797 expenditures shall be subject to review under chapter 216.

1798 2. The office may enter into contracts in connection with
 1799 the fulfillment of its duties concerning the Florida First
 1800 Business Bond Pool under chapter 159, tax incentives under
 1801 chapters 212 and 220, tax incentives under the Certified Capital
 1802 Company Act in chapter 288, foreign offices under chapter 288,
 1803 the Enterprise Zone program under chapter 290, the Seaport
 1804 Employment Training program under chapter 311, the Florida
 1805 Professional Sports Team License Plates under chapter 320,
 1806 Spaceport Florida under chapter 331, ~~Expedited Permitting under~~
 1807 ~~chapter 403,~~ and in carrying out other functions that are
 1808 specifically assigned to the office by law, by the
 1809 appropriations process, or by the Governor.

1810 Section 23. Paragraph (e) of subsection (2) of section
 1811 288.0655, Florida Statutes, is amended to read:

1812 288.0655 Rural Infrastructure Fund.--

1813 (2)

1814 (e) To enable local governments to access the resources
 1815 available pursuant to s. 403.973(18), the office, working with
 1816 the Secretary of Environmental Protection, may award grants for
 1817 surveys, feasibility studies, and other activities related to
 1818 the identification and preclearance review of land which is
 1819 suitable for preclearance review. Authorized grants under this
 1820 paragraph shall not exceed \$75,000 each, except in the case of a

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1821 project in a rural area of critical economic concern, in which
 1822 case the grant shall not exceed \$300,000. Any funds awarded
 1823 under this paragraph must be matched at a level of 50 percent
 1824 with local funds, except that any funds awarded for a project in
 1825 a rural area of critical economic concern must be matched at a
 1826 level of 33 percent with local funds. In evaluating applications
 1827 under this paragraph, the office shall consider the extent to
 1828 which the application seeks to minimize administrative and
 1829 consultant expenses.

1830 Section 24. Paragraph (d) of subsection (2) and paragraph
 1831 (b) of subsection (19) of section 380.06, Florida Statutes, are
 1832 amended to read:

1833 380.06 Developments of regional impact.--

1834 (2) STATEWIDE GUIDELINES AND STANDARDS.--

1835 (d) The guidelines and standards shall be applied as
 1836 follows:

1837 1. Fixed thresholds.--

1838 a. A development that is below 100 percent of all
 1839 numerical thresholds in the guidelines and standards shall not
 1840 be required to undergo development-of-regional-impact review.

1841 b. A development that is at or above 120 percent of any
 1842 numerical threshold shall be required to undergo development-of-
 1843 regional-impact review.

1844 c. Projects certified under s. 403.973 which create at
 1845 least 50 ~~100~~ jobs and meet the criteria of the Secretary of
 1846 Environmental Protection Office of Tourism, Trade, and Economic
 1847 ~~Development~~ as to their impact on an area's economy, employment,
 1848 and prevailing wage and skill levels that are at or below 100

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1849 percent of the numerical thresholds for industrial plants,
1850 industrial parks, distribution, warehousing or wholesaling
1851 facilities, office development or multiuse projects other than
1852 residential, as described in s. 380.0651(3)(c), (d), and (h),
1853 are not required to undergo development-of-regional-impact
1854 review.

1855 2. Rebuttable presumption.--It shall be presumed that a
1856 development that is at 100 percent or between 100 and 120
1857 percent of a numerical threshold shall be required to undergo
1858 development-of-regional-impact review.

1859 (19) SUBSTANTIAL DEVIATIONS.--

1860 (b) Any proposed change to a previously approved
1861 development of regional impact or development order condition
1862 which, either individually or cumulatively with other changes,
1863 exceeds any of the following criteria shall constitute a
1864 substantial deviation and shall cause the development to be
1865 subject to further development-of-regional-impact review without
1866 the necessity for a finding of same by the local government:

1867 1. An increase in the number of parking spaces at an
1868 attraction or recreational facility by 10 percent or 330 spaces,
1869 whichever is greater, or an increase in the number of spectators
1870 that may be accommodated at such a facility by 10 percent or
1871 1,100 spectators, whichever is greater.

1872 2. A new runway, a new terminal facility, a 25-percent
1873 lengthening of an existing runway, or a 25-percent increase in
1874 the number of gates of an existing terminal, but only if the
1875 increase adds at least three additional gates.

1876 3. An increase in industrial development area by 10

1877 | percent or 35 acres, whichever is greater.

1878 | 4. An increase in the average annual acreage mined by 10
 1879 | percent or 11 acres, whichever is greater, or an increase in the
 1880 | average daily water consumption by a mining operation by 10
 1881 | percent or 330,000 gallons, whichever is greater. A net increase
 1882 | in the size of the mine by 10 percent or 825 acres, whichever is
 1883 | less. For purposes of calculating any net increases in size,
 1884 | only additions and deletions of lands that have not been mined
 1885 | shall be considered. An increase in the size of a heavy mineral
 1886 | mine as defined in s. 378.403(7) will only constitute a
 1887 | substantial deviation if the average annual acreage mined is
 1888 | more than 550 acres and consumes more than 3.3 million gallons
 1889 | of water per day.

1890 | 5. An increase in land area for office development by 10
 1891 | percent or an increase of gross floor area of office development
 1892 | by 10 percent or 66,000 gross square feet, whichever is greater.

1893 | 6. An increase in the number of dwelling units by 10
 1894 | percent or 55 dwelling units, whichever is greater.

1895 | 7. An increase in the number of dwelling units by 50
 1896 | percent or 200 units, whichever is greater, provided that 15
 1897 | percent of the proposed additional dwelling units are dedicated
 1898 | to affordable workforce housing, subject to a recorded land use
 1899 | restriction that shall be for a period of not less than 20 years
 1900 | and that includes resale provisions to ensure long-term
 1901 | affordability for income-eligible homeowners and renters and
 1902 | provisions for the workforce housing to be commenced prior to
 1903 | the completion of 50 percent of the market rate dwelling. For
 1904 | purposes of this subparagraph, the term "affordable workforce

1905 housing" means housing that is affordable to a person who earns
 1906 less than 120 percent of the area median income, or less than
 1907 140 percent of the area median income if located in a county in
 1908 which the median purchase price for a single-family existing
 1909 home exceeds the statewide median purchase price of a single-
 1910 family existing home. For purposes of this subparagraph, the
 1911 term "statewide median purchase price of a single-family
 1912 existing home" means the statewide purchase price as determined
 1913 in the Florida Sales Report, Single-Family Existing Homes,
 1914 released each January by the Florida Association of Realtors and
 1915 the University of Florida Real Estate Research Center.

1916 8. An increase in commercial development by 55,000 square
 1917 feet of gross floor area or of parking spaces provided for
 1918 customers for 330 cars or a 10-percent increase of either of
 1919 these, whichever is greater.

1920 9. An increase in hotel or motel rooms by 10 percent or 83
 1921 rooms, whichever is greater.

1922 10. An increase in a recreational vehicle park area by 10
 1923 percent or 110 vehicle spaces, whichever is less.

1924 11. A decrease in the area set aside for open space of 5
 1925 percent or 20 acres, whichever is less.

1926 12. A proposed increase to an approved multiuse
 1927 development of regional impact where the sum of the increases of
 1928 each land use as a percentage of the applicable substantial
 1929 deviation criteria is equal to or exceeds 110 percent. The
 1930 percentage of any decrease in the amount of open space shall be
 1931 treated as an increase for purposes of determining when 110
 1932 percent has been reached or exceeded.

1933 13. A 15-percent increase in the number of external
 1934 vehicle trips generated by the development above that which was
 1935 projected during the original development-of-regional-impact
 1936 review.

1937 14. Any change which would result in development of any
 1938 area which was specifically set aside in the application for
 1939 development approval or in the development order for
 1940 preservation or special protection of endangered or threatened
 1941 plants or animals designated as endangered, threatened, or
 1942 species of special concern and their habitat, any species
 1943 protected by 16 U.S.C. ss. 668a-668d, primary dunes, or
 1944 archaeological and historical sites designated as significant by
 1945 the Division of Historical Resources of the Department of State.
 1946 The refinement of the boundaries and configuration of such areas
 1947 shall be considered under sub-subparagraph (e)2.j.

1948
 1949 The substantial deviation numerical standards in subparagraphs
 1950 3., 5., 8., 9., and 12., excluding residential uses, and in
 1951 subparagraph 13., are increased by 100 percent for a project
 1952 certified under s. 403.973 which creates jobs and meets criteria
 1953 established by the Secretary of Environmental Protection ~~Office~~
 1954 ~~of Tourism, Trade, and Economic Development~~ as to its impact on
 1955 an area's economy, employment, and prevailing wage and skill
 1956 levels. The substantial deviation numerical standards in
 1957 subparagraphs 3., 5., 6., 7., 8., 9., 12., and 13. are increased
 1958 by 50 percent for a project located wholly within an urban
 1959 infill and redevelopment area designated on the applicable
 1960 adopted local comprehensive plan future land use map and not

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1961 | located within the coastal high hazard area.

1962 | Section 25. Subsection (20) is added to section 373.414,
1963 | Florida Statutes, to read:

1964 | 373.414 Additional criteria for activities in surface
1965 | waters and wetlands.--

1966 | (20) (a) The mitigation requirements under this part shall
1967 | be deemed satisfied for permits providing conceptual approval of
1968 | the long-term build out or expansion of an existing airport
1969 | which is operated by an aviation authority created by a special
1970 | act and located within the Upper Kissimmee Planning Unit
1971 | established under s. 403.067 if:

1972 | 1. The amount of mitigation required to offset impacts to
1973 | wetlands and other surface waters associated with such build out
1974 | or expansion is determined by the methodology established
1975 | pursuant to subsection (18); and

1976 | 2. The specific measures acceptable to the authority to
1977 | offset the impacts to wetlands and other surface waters are
1978 | provided for in the permits authorizing the actual construction
1979 | of the airport build out or expansion.

1980 | (b) Conceptual approval permits issued to such authorities
1981 | under this subsection may be issued for durations of up to 5
1982 | years.

1983 | Section 26. Section 373.185, Florida Statutes, is amended
1984 | to read:

1985 | 373.185 Local Florida-friendly landscaping ~~Xeriscape~~
1986 | ordinances.--

1987 | (1) As used in this section, the term:

1988 | (a) "Local government" means any county or municipality of

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1989 | the state.

1990 | (b) ~~"Xeriscape" or "Florida-friendly landscaping~~

1991 | ~~landscape"~~ means quality landscapes that conserve water, and

1992 | protect the environment, and are adaptable to local conditions,

1993 | and ~~which~~ are drought tolerant. The principles of Florida-

1994 | friendly landscaping ~~Xeriscape~~ include planting the right plant

1995 | in the right place, efficient watering, appropriate

1996 | fertilization, mulching, attraction of wildlife, responsible

1997 | management of yard pests, recycling yard waste, reduction of

1998 | stormwater runoff, and waterfront protection. The principles of

1999 | Florida-friendly landscaping include practices such as landscape

2000 | planning and design, appropriate choice of plants, soil

2001 | analysis, which may include the appropriate use of solid waste

2002 | compost, minimizing the use of efficient irrigation, practical

2003 | use of turf, appropriate use of mulches, and proper maintenance.

2004 | (2) Each water management district shall design and

2005 | implement an incentive program to encourage all local

2006 | governments within its district to adopt new ordinances or amend

2007 | existing ordinances to require Florida-friendly ~~Xeriscape~~

2008 | landscaping for development permitted after the effective date

2009 | of the new ordinance or amendment. ~~Each district shall adopt~~

2010 | ~~rules governing the implementation of its incentive program and~~

2011 | ~~governing the review and approval of local government Xeriscape~~

2012 | ~~ordinances or amendments which are intended to qualify a local~~

2013 | ~~government for the incentive program.~~ Each district shall assist

2014 | the local governments within its jurisdiction by providing a

2015 | model Florida-friendly landscaping ordinance ~~Xeriscape code~~ and

2016 | other technical assistance. Each district may develop its own

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2017 model or use a model contained in the "Florida-Friendly
 2018 Landscape Guidance Models for Ordinances, Covenants, and
 2019 Restrictions" manual developed by the Department of
 2020 Environmental Protection. A local government Florida-friendly
 2021 landscaping ~~Xeriscape~~ ordinance or amendment, in order to
 2022 qualify the local government for a district's incentive program,
 2023 must include, at a minimum:

2024 (a) Landscape design, installation, and maintenance
 2025 standards that result in water conservation and water quality
 2026 protection or restoration. Such standards shall address the use
 2027 of plant groupings, soil analysis including the promotion of the
 2028 use of solid waste compost, efficient irrigation systems, and
 2029 other water-conserving practices.

2030 (b) Identification of prohibited invasive exotic plant
 2031 species consistent with the provisions of s. 581.091.

2032 (c) Identification of controlled plant species,
 2033 accompanied by the conditions under which such plants may be
 2034 used.

2035 (d) A provision specifying the maximum percentage of
 2036 irrigated turf and the maximum percentage of impervious surfaces
 2037 allowed in a Florida-friendly landscaped ~~xeriscaped~~ area and
 2038 addressing the practical selection and installation of turf.

2039 (e) Specific standards for land clearing and requirements
 2040 for the preservation of existing native vegetation.

2041 (f) A monitoring program for ordinance implementation and
 2042 compliance.

2043
 2044 In addition to developing and implementing an incentive program,

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2045 each district ~~The districts also~~ shall work with local
 2046 governments, the Department of Environmental Protection, county
 2047 extension agents or offices, nursery and landscape industry
 2048 groups, and other interested stakeholders to promote, through
 2049 educational programs, and publications, and other activities of
 2050 the district authorized under this chapter, the use of Florida-
 2051 friendly landscaping ~~Xeriscape~~ practices, including the use of
 2052 solid waste compost, in ~~existing~~ residential and commercial
 2053 development. In these activities, each district shall use the
 2054 materials developed by the department, the Institute of Food and
 2055 Agricultural Sciences at the University of Florida, and the
 2056 Center for Landscape Conservation and Ecology Florida-friendly
 2057 landscaping program, including, but not limited to, the Florida
 2058 Yards and Neighborhoods Program for homeowners, the Florida
 2059 Yards and Neighborhoods Builder Developer Program for
 2060 developers, and the Green Industries Best Management Practices
 2061 Program for landscaping professionals. Each district may develop
 2062 supplemental materials as appropriate to address the physical
 2063 and natural characteristics of the district. The districts shall
 2064 coordinate with the department and the Institute of Food and
 2065 Agricultural Sciences at the University of Florida if revisions
 2066 to the educational materials of the department or university are
 2067 needed. This section may not be construed to limit the authority
 2068 ~~of the districts to require Xeriscape ordinances or practices as~~
 2069 ~~a condition of any consumptive use permit.~~

2070 (3) (a) The Legislature finds that the use of Florida-
 2071 friendly landscaping and other water use and pollution
 2072 prevention measures that conserve or protect the state's water

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2073 resources serves a compelling public interest and that the
 2074 participation of homeowners' associations and local governments
 2075 is essential to state water conservation and water quality
 2076 protection and restoration efforts.

2077 (b) A deed restriction or covenant entered after October
 2078 1, 2001, or local government ordinance may not prohibit or be
 2079 enforced to prohibit any property owner from implementing
 2080 Xeriscape or Florida-friendly landscaping landscape on his or
 2081 her land or create any requirement or limitation in conflict
 2082 with any provision of part II of this chapter or a water
 2083 shortage order, other order, consumptive use permit, or rule
 2084 adopted or issued pursuant to part II of this chapter.

2085 (c) A local government ordinance may not prohibit or be
 2086 enforced so as to prohibit any property owner from implementing
 2087 Florida-friendly landscaping on his or her land.

2088 (4) This section may not be construed to limit the
 2089 authority of the department or the districts to require Florida-
 2090 friendly landscaping ordinances or practices as a condition of
 2091 any permit under this chapter.

2092 Section 27. Section 373.187, Florida Statutes, is created
 2093 to read:

2094 373.187 Water management district implementation of
 2095 Florida-friendly landscaping.--Each water management district
 2096 shall use Florida-friendly landscaping, as defined in s.
 2097 373.185, on public property associated with buildings and
 2098 facilities owned by the water management district and
 2099 constructed after June 30, 2009. Each water management district
 2100 shall also develop a 5-year program for phasing in the use of

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2101 Florida-friendly landscaping on public property associated with
 2102 buildings or facilities owned by the water management district
 2103 and constructed before July 1, 2009.

2104 Section 28. Section 373.228, Florida Statutes, is amended
 2105 to read:

2106 373.228 Landscape irrigation design.--

2107 (1) The Legislature finds that multiple areas throughout
 2108 the state have been identified by water management districts as
 2109 water resource caution areas, which indicates that in the near
 2110 future water demand in those areas will exceed the current
 2111 available water supply and that conservation is one of the
 2112 mechanisms by which future water demand will be met.

2113 (2) The Legislature finds that landscape irrigation
 2114 comprises a significant portion of water use and that the
 2115 current typical landscape irrigation system and Florida-friendly
 2116 landscaping ~~landscape~~ designs offer significant potential water
 2117 conservation benefits.

2118 (3) It is the intent of the Legislature to improve
 2119 landscape irrigation water use efficiency by ensuring that
 2120 landscape irrigation systems meet or exceed minimum design
 2121 criteria.

2122 (4) The water management districts shall work with the
 2123 Florida Nursery Nurserymen and Growers and Landscape
 2124 Association, the Florida Native Plant Society, the Florida
 2125 Chapter of the American Society of Landscape Architects, the
 2126 Florida Irrigation Society, the Department of Agriculture and
 2127 Consumer Services, the Institute of Food and Agricultural
 2128 Sciences, the Department of Environmental Protection, the

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2129 Department of Transportation, the Florida League of Cities, the
 2130 Florida Association of Counties, and the Florida Association of
 2131 Community Developers to develop landscape irrigation and
 2132 Florida-friendly landscaping ~~eriscape~~ design standards for new
 2133 construction which incorporate a landscape irrigation system and
 2134 develop scientifically based model guidelines for urban,
 2135 commercial, and residential landscape irrigation, including drip
 2136 irrigation, for plants, trees, sod, and other landscaping. The
 2137 landscape and irrigation design standards shall be based on the
 2138 irrigation code defined in the Florida Building Code, Plumbing
 2139 Volume, Appendix F. Local governments shall use the standards
 2140 and guidelines when developing landscape irrigation and Florida-
 2141 friendly landscaping ~~eriscape~~ ordinances. By January 1, 2011,
 2142 the agencies and entities specified in this subsection shall
 2143 review the standards and guidelines to determine whether new
 2144 research findings require a change or modification of the
 2145 standards and guidelines.

2146 (5) In evaluating water use applications from public water
 2147 suppliers, water management districts shall consider whether the
 2148 applicable local government has adopted ordinances for
 2149 landscaping and irrigation systems consistent with the Florida-
 2150 friendly landscaping provisions of s. 373.185.

2151 Section 29. Subsection (3) of section 373.323, Florida
 2152 Statutes, is amended to read:

2153 373.323 Licensure of water well contractors; application,
 2154 qualifications, and examinations; equipment identification.--

2155 (3) An applicant who meets the following requirements
 2156 shall be entitled to take the water well contractor licensure

2157 ~~examination to practice water well contracting:~~
 2158 (a) Is at least 18 years of age.
 2159 (b) Has at least 2 years of experience in constructing,
 2160 repairing, or abandoning water wells. Satisfactory proof of such
 2161 experience shall be demonstrated by providing:
 2162 1. Evidence of the length of time the applicant has been
 2163 engaged in the business of the construction, repair, or
 2164 abandonment of water wells as a major activity, as attested to
 2165 by a letter from each of three of the following persons:
 2166 a. A water well contractor.
 2167 b. A water well driller.
 2168 c. A water well parts and equipment vendor.
 2169 d. A water well inspector employed by a governmental
 2170 agency.
 2171 2. A list of at least 10 water wells that the applicant
 2172 has constructed, repaired, or abandoned within the preceding 5
 2173 years. Of these wells, at least seven must have been
 2174 constructed, as defined in s. 373.303(2), by the applicant. The
 2175 list shall also include:
 2176 a. The name and address of the owner or owners of each
 2177 well.
 2178 b. The location, primary use, and approximate depth and
 2179 diameter of each well the applicant has constructed, repaired,
 2180 or abandoned.
 2181 c. The approximate date the construction, repair, or
 2182 abandonment of each well was completed.
 2183 (c) Has completed the application form and remitted a
 2184 nonrefundable application fee.

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2185 Section 30. Subsection (8) of section 373.333, Florida
 2186 Statutes, is amended to read:

2187 373.333 Disciplinary guidelines; adoption and enforcement;
 2188 license suspension or revocation.--

2189 (8) The water management district may impose through an
 2190 order an administrative fine not to exceed \$5,000 per occurrence
 2191 against an unlicensed person if ~~when~~ it determines that the
 2192 unlicensed person has engaged in the practice of water well
 2193 contracting, for which a license is required.

2194 Section 31. Section 125.568, Florida Statutes, is amended
 2195 to read:

2196 125.568 Conservation of water; Florida-friendly
 2197 landscaping ~~Xeriscape~~.--

2198 (1) (a) The Legislature finds that Florida-friendly
 2199 landscaping ~~Xeriscape~~ contributes to the conservation,
 2200 protection, and restoration of water. In an effort to meet the
 2201 water needs of this state in a manner that will supply adequate
 2202 and dependable supplies of water where needed, it is the intent
 2203 of the Legislature that Florida-friendly landscaping ~~Xeriscape~~
 2204 be an essential part of water conservation and water quality
 2205 protection and restoration planning.

2206 (b) As used in this section, "Xeriscape" or "Florida-
 2207 friendly landscaping" has the same meaning as provided in s.
 2208 373.185 landscape" means quality landscapes that conserve water
 2209 and protect the environment and are adaptable to local
 2210 conditions and which are drought tolerant. The principles of
 2211 Xeriscape include planning and design, appropriate choice of
 2212 plants, soil analysis which may include the use of solid waste

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2213 ~~compost, practical use of turf, efficient irrigation,~~
 2214 ~~appropriate use of mulches, and proper maintenance.~~

2215 (2) The board of county commissioners of each county shall
 2216 consider enacting ordinances, consistent with the provisions of
 2217 s. 373.185, requiring the use of Florida-friendly landscaping
 2218 ~~Xeriscape~~ as a water conservation or water quality protection or
 2219 restoration measure. If the board determines that Florida-
 2220 friendly landscaping ~~Xeriscape~~ would be of significant benefit
 2221 as a water conservation or water quality protection or
 2222 restoration measure, especially for waters designated as
 2223 impaired pursuant to s. 403.067, relative to the cost to
 2224 implement Florida-friendly ~~Xeriscape~~ landscaping in its area of
 2225 jurisdiction, the board shall enact a Florida-friendly
 2226 landscaping ~~Xeriscape~~ ordinance. Further, the board of county
 2227 commissioners shall consider promoting Florida-friendly
 2228 landscaping ~~Xeriscape~~ as a water conservation or water quality
 2229 protection or restoration measure by+ using Florida-friendly
 2230 landscaping ~~Xeriscape~~ in ~~any, around, or near facilities, parks,~~
 2231 ~~and other common~~ areas under its jurisdiction that which are
 2232 landscaped after the effective date of this act; providing
 2233 public education on Florida-friendly landscaping ~~Xeriscape~~, its
 2234 uses in increasing as a water conservation and water quality
 2235 protection or restoration ~~tool~~, and its long-term cost-
 2236 effectiveness; and offering incentives to local residents and
 2237 businesses to implement Florida-friendly ~~Xeriscape~~ landscaping.

2238 (3) (a) The Legislature finds that the use of Florida-
 2239 friendly landscaping and other water use and pollution
 2240 prevention measures that conserve or protect the state's water

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2241 resources serves a compelling public interest and that the
 2242 participation of homeowners' associations and local governments
 2243 is essential to state water conservation and water quality
 2244 protection and restoration efforts.

2245 (b) A deed restriction or covenant entered after October
 2246 1, 2001, or local government ordinance may not prohibit or be
 2247 enforced to prohibit any property owner from implementing
 2248 ~~Xeriscape~~ or Florida-friendly landscaping landscape on his or
 2249 her land or create any requirement or limitation in conflict
 2250 with any provision of part II of chapter 373 or a water shortage
 2251 order, other order, consumptive use permit, or rule adopted or
 2252 issued pursuant to part II of chapter 373.

2253 (c) A local government ordinance may not prohibit or be
 2254 enforced so as to prohibit any property owner from implementing
 2255 Florida-friendly landscaping on his or her land.

2256 Section 32. Section 166.048, Florida Statutes, is amended
 2257 to read:

2258 166.048 Conservation of water; Florida-friendly
 2259 landscaping ~~Xeriscape~~.--

2260 (1) (a) The Legislature finds that Florida-friendly
 2261 landscaping ~~Xeriscape~~ contributes to the conservation,
 2262 protection, and restoration of water. In an effort to meet the
 2263 water needs of this state in a manner that will supply adequate
 2264 and dependable supplies of water where needed, it is the intent
 2265 of the Legislature that Florida-friendly landscaping ~~Xeriscape~~
 2266 be an essential part of water conservation and water quality
 2267 protection and restoration planning.

2268 (b) As used in this section, "Xeriscape" or "Florida-

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2269 friendly landscaping" has the same meaning as provided in s.
 2270 373.185 landscape" ~~means quality landscapes that conserve water~~
 2271 ~~and protect the environment and are adaptable to local~~
 2272 ~~conditions and which are drought tolerant. The principles of~~
 2273 ~~Xeriscape include planning and design, appropriate choice of~~
 2274 ~~plants, soil analysis which may include the use of solid waste~~
 2275 ~~compost, practical use of turf, efficient irrigation,~~
 2276 ~~appropriate use of mulches, and proper maintenance.~~

2277 (2) The governing body of each municipality shall consider
 2278 enacting ordinances, consistent with the provisions of s.
 2279 373.185, requiring the use of Florida-friendly landscaping
 2280 ~~Xeriscape~~ as a water conservation or water quality protection or
 2281 restoration measure. If the governing body determines that
 2282 Florida-friendly landscaping ~~Xeriscape~~ would be of significant
 2283 benefit as a water conservation or water quality protection or
 2284 restoration measure, especially for waters designated as
 2285 impaired pursuant to s. 403.067, relative to the cost to
 2286 implement Florida-friendly ~~Xeriscape~~ landscaping in its area of
 2287 jurisdiction in the municipality, the governing body ~~board~~ shall
 2288 enact a Florida-friendly landscaping ~~Xeriscape~~ ordinance.
 2289 Further, the governing body shall consider promoting Florida-
 2290 friendly landscaping ~~Xeriscape~~ as a water conservation or water
 2291 quality protection or restoration measure by ~~÷~~ using Florida-
 2292 friendly landscaping ~~Xeriscape~~ in any, ~~around, or near~~
 2293 ~~facilities, parks, and other common~~ areas under its jurisdiction
 2294 that ~~which~~ are landscaped after the effective date of this act;
 2295 providing public education on Florida-friendly landscaping
 2296 ~~Xeriscape,~~ its uses in increasing ~~as a~~ water conservation and

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2297 water quality protection or restoration tool, and its long-term
 2298 cost-effectiveness; and offering incentives to local residents
 2299 and businesses to implement Florida-friendly Xeriscape
 2300 landscaping.

2301 (3) (a) The Legislature finds that the use of Florida-
 2302 friendly landscaping and other water use and pollution
 2303 prevention measures that conserve or protect the state's water
 2304 resources serves a compelling public interest and that the
 2305 participation of homeowners' associations and local governments
 2306 is essential to state water conservation and water quality
 2307 protection and restoration efforts.

2308 (b) A deed restriction or covenant ~~entered after October~~
 2309 ~~1, 2001, or local government ordinance~~ may not prohibit or be
 2310 enforced to prohibit any property owner from implementing
 2311 ~~Xeriscape or Florida-friendly landscaping~~ landscape on his or
 2312 her land or create any requirement or limitation in conflict
 2313 with any provision of part II of chapter 373 or a water shortage
 2314 order, other order, consumptive use permit, or rule adopted or
 2315 issued pursuant to part II of chapter 373.

2316 (c) A local government ordinance may not prohibit or be
 2317 enforced so as to prohibit any property owner from implementing
 2318 Florida-friendly landscaping on his or her land.

2319 Section 33. Section 255.259, Florida Statutes, is amended
 2320 to read:

2321 255.259 Florida-friendly Xeriscape landscaping on public
 2322 property.--

2323 (1) The Legislature finds that water conservation and
 2324 water quality protection and restoration are ~~is~~ increasingly

2325 | critical to the continuance of an adequate water supply and
 2326 | healthy surface and ground waters ~~for the citizens of this~~
 2327 | ~~state~~. The Legislature further finds that "Florida-friendly
 2328 | landscaping Xeriscape," as defined in s. 373.185, can contribute
 2329 | significantly to water ~~the~~ conservation and ~~of~~ water quality
 2330 | protection and restoration. Finally, the Legislature finds that
 2331 | state government has the responsibility to promote Florida-
 2332 | friendly landscaping Xeriscape as a water conservation and water
 2333 | quality protection and restoration measure by using Florida-
 2334 | friendly landscaping Xeriscape on public property associated
 2335 | with publicly owned buildings or facilities.

2336 | (2) As used in this section, "publicly owned buildings or
 2337 | facilities" means those construction projects under the purview
 2338 | of the Department of Management Services. It does not include
 2339 | environmentally endangered land or roads and highway
 2340 | construction under the purview of the Department of
 2341 | Transportation.

2342 | (3) The Department of Management Services, in consultation
 2343 | with the Department of Environmental Protection, shall adopt
 2344 | rules and guidelines for the required use of Florida-friendly
 2345 | landscaping Xeriscape on public property associated with
 2346 | publicly owned buildings or facilities constructed after June
 2347 | 30, 2009 ~~1992~~. The Department of Management Services also shall
 2348 | develop a 5-year program for phasing in the use of Florida-
 2349 | friendly landscaping Xeriscape on public property associated
 2350 | with publicly owned buildings or facilities constructed before
 2351 | July 1, 2009 ~~1992~~. In accomplishing these tasks, the Department
 2352 | of Management Services shall take into account the provisions of

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2353 ~~guidelines set out in s. 373.185(2)(a)-(f).~~ The Department of
 2354 Transportation shall implement Florida-friendly Xeriscape
 2355 landscaping pursuant to s. 335.167.

2356 (4) (a) The Legislature finds that the use of Florida-
 2357 friendly landscaping and other water use and pollution
 2358 prevention measures that conserve or protect the state's water
 2359 resources serves a compelling public interest and that the
 2360 participation of homeowners' associations and local governments
 2361 is essential to state water conservation and water quality
 2362 protection and restoration efforts.

2363 (b) A deed restriction or covenant ~~entered after October~~
 2364 ~~1, 2001, or local government ordinance~~ may not prohibit or be
 2365 enforced to prohibit any property owner from implementing
 2366 ~~Xeriscape or Florida-friendly landscaping landscape~~ on his or
 2367 her land or create any requirement or limitation in conflict
 2368 with any provision of part II of chapter 373 or a water shortage
 2369 order, other order, consumptive use permit, or rule adopted or
 2370 issued pursuant to part II of chapter 373.

2371 (c) A local government ordinance may not prohibit or be
 2372 enforced so as to prohibit any property owner from implementing
 2373 Florida-friendly landscaping on his or her land.

2374 Section 34. Section 335.167, Florida Statutes, is amended
 2375 to read:

2376 335.167 State highway construction and maintenance;
 2377 ~~Xeriscape or Florida-friendly landscaping.--~~

2378 (1) The department shall use and require the use of
 2379 Florida-friendly landscaping Xeriscape practices, as defined in
 2380 s. 373.185(1), in the construction and maintenance of all new

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2381 state highways, wayside parks, access roads, welcome stations,
 2382 and other state highway rights-of-way constructed upon or
 2383 acquired after June 30, 2009 ~~1992~~. The department shall develop
 2384 a 5-year program for phasing in the use of Florida-friendly
 2385 landscaping ~~Xeriscape~~, including the use of solid waste compost,
 2386 in state highway rights-of-way constructed upon or acquired
 2387 before July 1, 2009 ~~1992~~. In accomplishing these tasks, the
 2388 department shall employ the guidelines set out in s.
 2389 373.185(2)(a) ~~-(f)~~.

2390 (2)(a) The Legislature finds that the use of Florida-
 2391 friendly landscaping and other water use and pollution
 2392 prevention measures that conserve or protect the state's water
 2393 resources serves a compelling public interest and that the
 2394 participation of homeowners' associations and local governments
 2395 is essential to state water conservation and water quality
 2396 protection and restoration efforts.

2397 (b) A deed restriction or covenant entered after October
 2398 1, 2001, or local government ordinance may not prohibit or be
 2399 enforced to prohibit any property owner from implementing
 2400 Xeriscape or Florida-friendly landscaping landscape on his or
 2401 her land or create any requirement or limitation in conflict
 2402 with any provision of part II of chapter 373 or a water shortage
 2403 order, other order, consumptive use permit, or rule adopted or
 2404 issued pursuant to part II of chapter 373.

2405 (c) A local government ordinance may not prohibit or be
 2406 enforced so as to prohibit any property owner from implementing
 2407 Florida-friendly landscaping on his or her land.

2408 Section 35. Paragraph (a) of subsection (3) of section

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2409 380.061, Florida Statutes, is amended to read:

2410 380.061 The Florida Quality Developments program.--

2411 (3) (a) To be eligible for designation under this program,
 2412 the developer shall comply with each of the following
 2413 requirements which is applicable to the site of a qualified
 2414 development:

2415 1. Have donated or entered into a binding commitment to
 2416 donate the fee or a lesser interest sufficient to protect, in
 2417 perpetuity, the natural attributes of the types of land listed
 2418 below. In lieu of the above requirement, the developer may enter
 2419 into a binding commitment which runs with the land to set aside
 2420 such areas on the property, in perpetuity, as open space to be
 2421 retained in a natural condition or as otherwise permitted under
 2422 this subparagraph. Under the requirements of this subparagraph,
 2423 the developer may reserve the right to use such areas for the
 2424 purpose of passive recreation that is consistent with the
 2425 purposes for which the land was preserved.

2426 a. Those wetlands and water bodies throughout the state as
 2427 would be delineated if the provisions of s. 373.4145(1) (b) were
 2428 applied. The developer may use such areas for the purpose of
 2429 site access, provided other routes of access are unavailable or
 2430 impracticable; may use such areas for the purpose of stormwater
 2431 or domestic sewage management and other necessary utilities to
 2432 the extent that such uses are permitted pursuant to chapter 403;
 2433 or may redesign or alter wetlands and water bodies within the
 2434 jurisdiction of the Department of Environmental Protection which
 2435 have been artificially created, if the redesign or alteration is
 2436 done so as to produce a more naturally functioning system.

2437 b. Active beach or primary and, where appropriate,
 2438 secondary dunes, to maintain the integrity of the dune system
 2439 and adequate public accessways to the beach. However, the
 2440 developer may retain the right to construct and maintain
 2441 elevated walkways over the dunes to provide access to the beach.

2442 c. Known archaeological sites determined to be of
 2443 significance by the Division of Historical Resources of the
 2444 Department of State.

2445 d. Areas known to be important to animal species
 2446 designated as endangered or threatened animal species by the
 2447 United States Fish and Wildlife Service or by the Fish and
 2448 Wildlife Conservation Commission, for reproduction, feeding, or
 2449 nesting; for traveling between such areas used for reproduction,
 2450 feeding, or nesting; or for escape from predation.

2451 e. Areas known to contain plant species designated as
 2452 endangered plant species by the Department of Agriculture and
 2453 Consumer Services.

2454 2. Produce, or dispose of, no substances designated as
 2455 hazardous or toxic substances by the United States Environmental
 2456 Protection Agency or by the Department of Environmental
 2457 Protection or the Department of Agriculture and Consumer
 2458 Services. This subparagraph is not intended to apply to the
 2459 production of these substances in nonsignificant amounts as
 2460 would occur through household use or incidental use by
 2461 businesses.

2462 3. Participate in a downtown reuse or redevelopment
 2463 program to improve and rehabilitate a declining downtown area.

2464 4. Incorporate no dredge and fill activities in, and no

2465 stormwater discharge into, waters designated as Class II,
 2466 aquatic preserves, or Outstanding Florida Waters, except as
 2467 activities in those waters are permitted pursuant to s.
 2468 403.813(2) and the developer demonstrates that those activities
 2469 meet the standards under Class II waters, Outstanding Florida
 2470 Waters, or aquatic preserves, as applicable.

2471 5. Include open space, recreation areas, Florida-friendly
 2472 landscaping ~~Xeriscape~~ as defined in s. 373.185, and energy
 2473 conservation and minimize impermeable surfaces as appropriate to
 2474 the location and type of project.

2475 6. Provide for construction and maintenance of all onsite
 2476 infrastructure necessary to support the project and enter into a
 2477 binding commitment with local government to provide an
 2478 appropriate fair-share contribution toward the offsite impacts
 2479 which the development will impose on publicly funded facilities
 2480 and services, except offsite transportation, and condition or
 2481 phase the commencement of development to ensure that public
 2482 facilities and services, except offsite transportation, will be
 2483 available concurrent with the impacts of the development. For
 2484 the purposes of offsite transportation impacts, the developer
 2485 shall comply, at a minimum, with the standards of the state land
 2486 planning agency's development-of-regional-impact transportation
 2487 rule, the approved strategic regional policy plan, any
 2488 applicable regional planning council transportation rule, and
 2489 the approved local government comprehensive plan and land
 2490 development regulations adopted pursuant to part II of chapter
 2491 163.

2492 7. Design and construct the development in a manner that

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2493 is consistent with the adopted state plan, the applicable
 2494 strategic regional policy plan, and the applicable adopted local
 2495 government comprehensive plan.

2496 Section 36. Subsection (3) of section 388.291, Florida
 2497 Statutes, is amended to read:

2498 388.291 Source reduction measures; supervision by
 2499 department.--

2500 (3) Property owners in a developed residential area are
 2501 required to maintain their property in such a manner so as not
 2502 to create or maintain any standing freshwater condition capable
 2503 of breeding mosquitoes or other arthropods in significant
 2504 numbers so as to constitute a public health, welfare, or
 2505 nuisance problem. Nothing in this subsection shall permit the
 2506 alteration of permitted stormwater management systems or
 2507 prohibit maintained fish ponds, Florida-friendly landscaping
 2508 ~~scaping~~, or other maintained systems of landscaping or
 2509 vegetation. If such a condition is found to exist, the local
 2510 arthropod control agency shall serve notice on the property
 2511 owner to treat, remove, or abate the condition. Such notice
 2512 shall serve as prima facie evidence of maintaining a nuisance,
 2513 and upon failure of the property owner to treat, remove, or
 2514 abate the condition, the local arthropod control agency or any
 2515 affected citizen may proceed pursuant to s. 60.05 to enjoin the
 2516 nuisance and may recover costs and attorney's fees if they
 2517 prevail in the action.

2518 Section 37. Paragraph (a) of subsection (6) of section
 2519 481.303, Florida Statutes, is amended to read:

2520 481.303 Definitions.--As used in this chapter:

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2521 (6) "Landscape architecture" means professional services,
 2522 including, but not limited to, the following:

2523 (a) Consultation, investigation, research, planning,
 2524 design, preparation of drawings, specifications, contract
 2525 documents and reports, responsible construction supervision, or
 2526 landscape management in connection with the planning and
 2527 development of land and incidental water areas, including the
 2528 use of Florida-friendly landscaping ~~Xeriscape~~ as defined in s.
 2529 373.185, where, and to the extent that, the dominant purpose of
 2530 such services or creative works is the preservation,
 2531 conservation, enhancement, or determination of proper land uses,
 2532 natural land features, ground cover and plantings, or
 2533 naturalistic and aesthetic values;

2534 Section 38. Subsection (4) of section 720.3075, Florida
 2535 Statutes, is amended to read:

2536 720.3075 Prohibited clauses in association documents.--

2537 (4) (a) The Legislature finds that the use of Florida-
 2538 friendly landscaping and other water use and pollution
 2539 prevention measures that conserve or protect the state's water
 2540 resources serves a compelling public interest and that the
 2541 participation of homeowners' associations and local governments
 2542 is essential to state water conservation and water quality
 2543 protection and restoration efforts.

2544 (b) Homeowners' association documents, including
 2545 declarations of covenants, articles of incorporation, or bylaws,
 2546 ~~entered after October 1, 2001,~~ may not prohibit or be enforced
 2547 to prohibit any property owner from implementing ~~Xeriscape or~~
 2548 Florida-friendly landscaping ~~landscape~~, as defined in s.

2549 | 373.185~~(1)~~, on his or her land or create any requirement or
 2550 | limitation in conflict with any provision of part II of chapter
 2551 | 373 or a water shortage order, other order, consumptive use
 2552 | permit, or rule adopted or issued pursuant to part II of chapter
 2553 | 373.

2554 | Section 39. Subsection (6) of section 369.317, Florida
 2555 | Statutes, is amended to read:

2556 | (6) The Orlando-Orange County Expressway Authority is
 2557 | hereby granted the authority to act as a third-party acquisition
 2558 | agent, pursuant to s. 259.041 on behalf of the Board of Trustees
 2559 | or chapter 373 on behalf of the governing board of the St. Johns
 2560 | River Water Management District, for the acquisition of all
 2561 | necessary lands, property and all interests in property
 2562 | identified herein, including fee simple or less-than-fee simple
 2563 | interests. The lands subject to this authority are identified in
 2564 | paragraph 10.a., State of Florida, Office of the Governor,
 2565 | Executive Order 03-112 of July 1, 2003, and in Recommendation 16
 2566 | of the Wekiva Basin Area Task Force created by Executive Order
 2567 | 2002-259, such lands otherwise known as Neighborhood Lakes, a
 2568 | 1,587+/- acre parcel located in Orange and Lake Counties within
 2569 | Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
 2570 | and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
 2571 | Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake
 2572 | County within Section 37, Township 19 South, Range 28 East; New
 2573 | Garden Coal; a 1,605+/- acre parcel in Lake County within
 2574 | Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
 2575 | East; Pine Plantation, a 617+/- acre tract consisting of eight
 2576 | individual parcels within the Apopka City limits. The Department

2577 of Transportation, the Department of Environmental Protection,
 2578 the St. Johns River Water Management District, and other land
 2579 acquisition entities shall participate and cooperate in
 2580 providing information and support to the third-party acquisition
 2581 agent. The land acquisition process authorized by this paragraph
 2582 shall begin no later than December 31, 2004. Acquisition of the
 2583 properties identified as Neighborhood Lakes, Pine Plantation,
 2584 and New Garden Coal, or approval as a mitigation bank shall be
 2585 concluded no later than December 31, 2010. Department of
 2586 Transportation and Orlando-Orange County Expressway Authority
 2587 funds expended to purchase an interest in those lands identified
 2588 in this subsection shall be eligible as environmental mitigation
 2589 for road construction related impacts in the Wekiva Study Area.
 2590 If any of the lands identified in this subsection are used as
 2591 environmental mitigation for road construction related impacts
 2592 incurred by the Department of Transportation or Orlando-Orange
 2593 County Expressway Authority, or for other impacts incurred by
 2594 other entities, within the Wekiva Study Area or within the
 2595 Wekiva parkway alignment corridor, and if the mitigation offsets
 2596 these impacts, the St. Johns River Water Management District and
 2597 the Department of Environmental Protection shall consider the
 2598 activity regulated under part IV of chapter 373 to meet the
 2599 cumulative impact requirements of s. 373.414(8) (a).

2600 (a) Acquisition of the land described in this section is
 2601 required to provide right of way for the Wekiva Parkway, a
 2602 limited access roadway linking State Road 429 to Interstate 4,
 2603 an essential component in meeting regional transportation needs
 2604 to provide regional connectivity, improve safety, accommodate

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2605 | projected population and economic growth, and satisfy critical
 2606 | transportation requirements caused by increased traffic volume
 2607 | growth and travel demands.

2608 | (b) Acquisition of the lands described in this section is
 2609 | also required to protect the surface water and groundwater
 2610 | resources of Lake, Orange, and Seminole counties, otherwise
 2611 | known as the Wekiva Study Area, including recharge within the
 2612 | springshed that provides for the Wekiva River system. Protection
 2613 | of this area is crucial to the long term viability of the Wekiva
 2614 | River and springs and the central Florida region's water supply.
 2615 | Acquisition of the lands described in this section is also
 2616 | necessary to alleviate pressure from growth and development
 2617 | affecting the surface and groundwater resources within the
 2618 | recharge area.

2619 | (c) Lands acquired pursuant to this section that are
 2620 | needed for transportation facilities for the Wekiva Parkway
 2621 | shall be determined not necessary for conservation purposes
 2622 | pursuant to ss. 253.034(6) and 373.089(5) and shall be
 2623 | transferred to or retained by the Orlando-Orange County
 2624 | Expressway Authority or the Department of Transportation upon
 2625 | reimbursement of the full purchase price and acquisition costs.

2626 | Section 40. (1) Effective July 1, 2009, a task force is
 2627 | established to develop legislative recommendations relating to
 2628 | stormwater management system design in the state. The task force
 2629 | shall:

2630 | (a) Review the Joint Professional Engineers and Landscape
 2631 | Architecture Committee Report conducted pursuant to s. 17,
 2632 | chapter 88-347, Laws of Florida, and determine the current

2633 validity of the report and the need to revise any of the
 2634 conclusions or recommendations.

2635 (b) Determine how a licensed and registered professional
 2636 might demonstrate competency for stormwater management system
 2637 design.

2638 (c) Determine how the Board of Professional Engineers and
 2639 the Board of Landscape Architecture might administer
 2640 certification tests or continuing education requirements for
 2641 stormwater management system design.

2642 (d) Provide recommendations for grandfathering the rights
 2643 of licensed professionals who currently practice stormwater
 2644 management design in a manner that will allow them to continue
 2645 to practice without meeting any new requirements the task force
 2646 recommends be placed on licensed professionals in the future.

2647 (2) (a) The Board of Landscape Architecture, the Board of
 2648 Professional Engineers, the Florida Engineering Society, the
 2649 Florida Chapter of the American Society of Landscape Architects,
 2650 the Secretary of Environmental Protection, and the Secretary of
 2651 Transportation shall each appoint one member to the task force.

2652 (b) Members of the task force may not be reimbursed for
 2653 travel, per diem, or any other costs associated with serving on
 2654 the task force.

2655 (c) The task force shall meet a minimum of four times
 2656 either in person or via teleconference; however, a minimum of
 2657 two meetings shall be public hearings with testimony.

2658 (d) The task force shall expire on November 1, 2009.

2659 (3) The task force shall provide its findings and
 2660 legislative recommendations to the President of the Senate and

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2661 the Speaker of the House of Representatives by November 1, 2009.

2662 Section 41. Subsections (1) and (3) of section 378.901,
2663 Florida Statutes, are amended to read:

2664 378.901 Life-of-the-mine permit.--

2665 (1) As used in this section, the term:

2666 (a) "Bureau" means the Bureau of Mining and Minerals
2667 Regulation ~~Mine Reclamation~~ of the Division of Water Resource
2668 Management of the Department of Environmental Protection.

2669 (b) "Life-of-the-mine permit" means a permit authorizing
2670 activities regulated under part IV of chapter 373 and part IV of
2671 this chapter.

2672 (3) The bureau may also issue life-of-the-mine permits to
2673 operators of limerock mines and sand mines as part of the
2674 consideration for conveyance to the Board of Trustees of the
2675 Internal Improvement Trust Fund of environmentally sensitive
2676 lands in an amount equal to or greater than the acreage included
2677 in the life-of-the-mine permit and provided such environmentally
2678 sensitive lands are contiguous to or within reasonable proximity
2679 to the lands included in the life-of-the-mine permit.

2680 Section 42. Subsection (6) of section 399.02, Florida
2681 Statutes, is amended to read:

2682 399.02 General requirements.--

2683 (6) The department is empowered to carry out all of the
2684 provisions of this chapter relating to the inspection and
2685 regulation of elevators and to enforce the provisions of the
2686 Florida Building Code, except that updates to the code requiring
2687 modifications for heat sensors and electronic controls on
2688 existing elevators, as amended into the Safety Code for Existing

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2689 Elevators and Escalators, ANSI/ASME A17.1 and A17.3, may not be
 2690 enforced on elevators issued a certificate of operation by the
 2691 department as of July 1, 2008, until such time as the elevator
 2692 is replaced. This exception does not apply to any building for
 2693 which a building permit was issued after July 1, 2008.

2694 Section 43. Present subsection (7) of section 399.15,
 2695 Florida Statutes, is redesignated as subsection (8), and a new
 2696 subsection (7) is added to that section, to read:

2697 399.15 Regional emergency elevator access.--

2698 (7) As an alternative to complying with the requirements
 2699 of subsection (1), each building in this state which is required
 2700 to meet the provisions of subsections (1) and (2) may instead
 2701 provide for the installation of a uniform lock box that contains
 2702 the keys to all elevators in the building which allow public
 2703 access, including service and freight elevators. The uniform
 2704 lock box must be keyed so as to allow all uniform lock boxes in
 2705 each of the seven state emergency response regions to operate in
 2706 fire emergency situations using one master key. The uniform lock
 2707 box master key may be issued only to the fire department. The
 2708 Division of State Fire Marshal of the Department of Financial
 2709 Services shall enforce this subsection. The Department of
 2710 Financial Services shall select the provider of the uniform lock
 2711 box to be installed in each building in which the requirements
 2712 of this subsection are implemented.

2713 Section 44. Effective July 1, 2010, subsection (4) of
 2714 section 468.8311, Florida Statutes, is amended to read:

2715 468.8311 Definitions.--As used in this part, the term:

2716 (4) "Home inspection services" means a limited visual

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2717 examination of one or more of the following readily accessible
 2718 installed systems and components of a home: the structure,
 2719 electrical system, HVAC system, roof covering, plumbing system,
 2720 interior components, windows, doors, walls, floors, ceilings,
 2721 exterior components, and site conditions that affect the
 2722 structure, for the purposes of providing a written professional
 2723 opinion of the condition of the home.

2724 Section 45. Effective July 1, 2010, section 468.8312,
 2725 Florida Statutes, is amended to read:

2726 468.8312 Fees.--

2727 (1) The department, by rule, may establish fees to be paid
 2728 for applications, examination, reexamination, licensing and
 2729 renewal, inactive status application and reactivation of
 2730 inactive licenses, recordkeeping, and applications for providers
 2731 of continuing education. The department may also establish by
 2732 rule a delinquency fee. Fees shall be based on department
 2733 estimates of the revenue required to implement the provisions of
 2734 this part. All fees shall be remitted with the appropriate
 2735 application, examination, or license.

2736 (2) The initial application and examination fee shall not
 2737 exceed \$250 ~~\$125~~ plus the actual per applicant cost to the
 2738 department to purchase an examination, if the department chooses
 2739 to purchase the examination. The examination fee shall be in an
 2740 amount that covers the cost of obtaining and administering the
 2741 examination and shall be refunded if the applicant is found
 2742 ineligible to sit for the examination. The application fee shall
 2743 be nonrefundable.

2744 (3) The initial license fee shall not exceed \$400 ~~\$200~~.

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2745 (4) The fee for a certificate of authorization shall not
 2746 exceed \$250 ~~\$125~~.

2747 (5) The biennial renewal fee shall not exceed \$400 ~~\$200~~.

2748 (6) The fee for licensure by endorsement shall not exceed
 2749 \$400 ~~\$200~~.

2750 (7) The fee for application for inactive status or for
 2751 reactivation of an inactive license shall not exceed \$400 ~~\$200~~.

2752 (8) The fee for applications from providers of continuing
 2753 education may not exceed \$500.

2754 Section 46. Effective July 1, 2010, section 468.8319,
 2755 Florida Statutes, is amended to read:

2756 468.8319 Prohibitions; penalties.--

2757 (1) A person ~~A home inspector, a company that employs a~~
 2758 ~~home inspector, or a company that is controlled by a company~~
 2759 ~~that also has a financial interest in a company employing a home~~
 2760 ~~inspector~~ may not:

2761 (a) Practice or offer to practice home inspection services
 2762 unless the person has complied with the provisions of this part;

2763 (b) Use the name or title "certified home inspector,"
 2764 "registered home inspector," "licensed home inspector," "home
 2765 inspector," "professional home inspector," or any combination
 2766 thereof unless the person has complied with the provisions of
 2767 this part;

2768 (c) Present as his or her own the license of another;

2769 (d) Knowingly give false or forged evidence to the
 2770 department or an employee thereof;

2771 (e) Use or attempt to use a license that has been
 2772 suspended or revoked;

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2773 (f) Perform or offer to perform, prior to closing, for any
 2774 additional fee, any repairs to a home on which the inspector or
 2775 the inspector's company has prepared a home inspection report.
 2776 This paragraph does not apply to a home warranty company that is
 2777 affiliated with or retains a home inspector to perform repairs
 2778 pursuant to a claim made under a home warranty contract;

2779 (g) Inspect for a fee any property in which the inspector
 2780 or the inspector's company has any financial or transfer
 2781 interest;

2782 (h) Offer or deliver any compensation, inducement, or
 2783 reward to any broker or agent therefor for the referral of the
 2784 owner of the inspected property to the inspector or the
 2785 inspection company; or

2786 (i) Accept an engagement to make an omission or prepare a
 2787 report in which the inspection itself, or the fee payable for
 2788 the inspection, is contingent upon either the conclusions in the
 2789 report, preestablished findings, or the close of escrow.

2790 (2) Any person who is found to be in violation of any
 2791 provision of this section commits a misdemeanor of the first
 2792 degree, punishable as provided in s. 775.082 or s. 775.083.

2793 Section 47. Effective July 1, 2010, section 468.832,
 2794 Florida Statutes, is amended to read:

2795 468.832 Disciplinary proceedings.--

2796 (1) The following acts constitute grounds for which the
 2797 disciplinary actions in subsection (2) may be taken:

2798 (a) Violation of any provision of this part or s.
 2799 455.227(1);

2800 (b) Attempting to procure a license to practice home

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2801 inspection services by bribery or fraudulent misrepresentation;

2802 (c) Having a license to practice home inspection services
 2803 revoked, suspended, or otherwise acted against, including the
 2804 denial of licensure, by the licensing authority of another
 2805 state, territory, or country;

2806 (d) Being convicted or found guilty of, or entering a plea
 2807 of nolo contendere to, regardless of adjudication, a crime in
 2808 any jurisdiction that directly relates to the practice of home
 2809 inspection services or the ability to practice home inspection
 2810 services;

2811 (e) Making or filing a report or record that the licensee
 2812 knows to be false, willfully failing to file a report or record
 2813 required by state or federal law, willfully impeding or
 2814 obstructing such filing, or inducing another person to impede or
 2815 obstruct such filing. Such reports or records shall include only
 2816 those that are signed in the capacity of a licensed home
 2817 inspector;

2818 (f) Advertising goods or services in a manner that is
 2819 fraudulent, false, deceptive, or misleading in form or content;

2820 (g) Engaging in fraud or deceit, or negligence,
 2821 incompetency, or misconduct, in the practice of home inspection
 2822 services;

2823 (h) Failing to perform any statutory or legal obligation
 2824 placed upon a licensed home inspector; violating any provision
 2825 of this chapter, a rule of the department, or a lawful order of
 2826 the department previously entered in a disciplinary hearing; or
 2827 failing to comply with a lawfully issued subpoena of the
 2828 department; or

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2829 (i) Practicing on a revoked, suspended, inactive, or
 2830 delinquent license.

2831 (2) When the department finds any licensee ~~home inspector~~
 2832 guilty of any of the grounds set forth in subsection (1), it may
 2833 enter an order imposing one or more of the following penalties:

2834 (a) Denial of an application for licensure.

2835 (b) Revocation or suspension of a license.

2836 (c) Imposition of an administrative fine not to exceed
 2837 \$5,000 for each count or separate offense.

2838 (d) Issuance of a reprimand.

2839 (e) Placement of the home inspector on probation for a
 2840 period of time and subject to such conditions as the department
 2841 may specify.

2842 (f) Restriction of the authorized scope of practice by the
 2843 home inspector.

2844 (3) In addition to any other sanction imposed under this
 2845 part, in any final order that imposes sanctions, the department
 2846 may assess costs related to the investigation and prosecution of
 2847 the case.

2848 Section 48. Effective July 1, 2009, and notwithstanding
 2849 section 4 of chapter 2007-236, section 468.8324, Florida
 2850 Statutes, is amended to read:

2851 468.8324 Grandfather clause.--A person who performs home
 2852 inspection services as defined in this part before July 1, 2010,
 2853 may qualify to be licensed by the department as a home inspector
 2854 if the person meets the licensure requirements of this part, and
 2855 if the person: by July 1, 2010.

2856 (1) Has received compensation as a home inspector for not

2857 | less than 1 year prior to July 1, 2010; or
 2858 | (2) Has performed no fewer than 50 home inspections and
 2859 | received compensation for such inspections prior to July 1,
 2860 | 2010.

2861 | Section 49. Effective July 1, 2010, subsection (1) of
 2862 | section 215.5586, Florida Statutes, is amended to read:

2863 | 215.5586 My Safe Florida Home Program.--There is
 2864 | established within the Department of Financial Services the My
 2865 | Safe Florida Home Program. The department shall provide fiscal
 2866 | accountability, contract management, and strategic leadership
 2867 | for the program, consistent with this section. This section does
 2868 | not create an entitlement for property owners or obligate the
 2869 | state in any way to fund the inspection or retrofitting of
 2870 | residential property in this state. Implementation of this
 2871 | program is subject to annual legislative appropriations. It is
 2872 | the intent of the Legislature that the My Safe Florida Home
 2873 | Program provide inspections for at least 400,000 site-built,
 2874 | single-family, residential properties and provide grants to at
 2875 | least 35,000 applicants before June 30, 2009. The program shall
 2876 | develop and implement a comprehensive and coordinated approach
 2877 | for hurricane damage mitigation that shall include the
 2878 | following:

2879 | (1) HURRICANE MITIGATION INSPECTIONS.--

2880 | (a) Free home-retrofit inspections of site-built, single-
 2881 | family, residential property shall be offered throughout the
 2882 | state to determine what mitigation measures are needed, what
 2883 | insurance premium discounts may be available, and what
 2884 | improvements to existing residential properties are needed to

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2885 | reduce the property's vulnerability to hurricane damage. The
 2886 | Department of Financial Services shall contract with wind
 2887 | certification entities to provide free hurricane mitigation
 2888 | inspections. The inspections provided to homeowners, at a
 2889 | minimum, must include:

2890 | 1. A home inspection and report that summarizes the
 2891 | results and identifies recommended improvements a homeowner may
 2892 | take to mitigate hurricane damage.

2893 | 2. A range of cost estimates regarding the recommended
 2894 | mitigation improvements.

2895 | 3. Insurer-specific information regarding premium
 2896 | discounts correlated to the current mitigation features and the
 2897 | recommended mitigation improvements identified by the
 2898 | inspection.

2899 | 4. A hurricane resistance rating scale specifying the
 2900 | home's current as well as projected wind resistance
 2901 | capabilities. As soon as practical, the rating scale must be the
 2902 | uniform home grading scale adopted by the Financial Services
 2903 | Commission pursuant to s. 215.55865.

2904 | (b) To qualify for selection by the department as a wind
 2905 | certification entity to provide hurricane mitigation
 2906 | inspections, the entity shall, at a minimum, meet the following
 2907 | requirements:

2908 | 1. Use hurricane mitigation inspectors who:

2909 | a. Are certified as a building inspector under s. 468.607;

2910 | b. Are licensed as a general or residential contractor
 2911 | under s. 489.111;

2912 | c. Are licensed as a professional engineer under s.

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2913 471.015 and who have passed the appropriate equivalency test of
 2914 the Building Code Training Program as required by s. 553.841;

2915 d. Are licensed as a professional architect under s.
 2916 481.213; ~~or~~

2917 e. Are licensed home inspectors under s. 468.83; or

2918 ~~f.e.~~ Have at least 2 years of experience in residential
 2919 construction or residential building inspection and have
 2920 received specialized training in hurricane mitigation
 2921 procedures. Such training may be provided by a class offered
 2922 online or in person.

2923 2. Use hurricane mitigation inspectors who also:

2924 a. Have undergone drug testing and level 2 background
 2925 checks pursuant to s. 435.04. The department may conduct
 2926 criminal record checks of inspectors used by wind certification
 2927 entities. Inspectors must submit a set of the fingerprints to
 2928 the department for state and national criminal history checks
 2929 and must pay the fingerprint processing fee set forth in s.
 2930 624.501. The fingerprints shall be sent by the department to the
 2931 Department of Law Enforcement and forwarded to the Federal
 2932 Bureau of Investigation for processing. The results shall be
 2933 returned to the department for screening. The fingerprints shall
 2934 be taken by a law enforcement agency, designated examination
 2935 center, or other department-approved entity; and

2936 b. Have been certified, in a manner satisfactory to the
 2937 department, to conduct the inspections.

2938 3. Provide a quality assurance program including a
 2939 reinspection component.

2940 (c) The department shall implement a quality assurance

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2941 program that includes a statistically valid number of
 2942 reinspections.

2943 (d) An application for an inspection must contain a signed
 2944 or electronically verified statement made under penalty of
 2945 perjury that the applicant has submitted only a single
 2946 application for that home.

2947 (e) The owner of a site-built, single-family, residential
 2948 property may apply for and receive an inspection without also
 2949 applying for a grant pursuant to subsection (2) and without
 2950 meeting the requirements of paragraph (2)(a).

2951 Section 50. Paragraph (a) of subsection (6) of section
 2952 627.351, Florida Statutes, is amended to read:

2953 627.351 Insurance risk apportionment plans.--

2954 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

2955 (a)1. It is the public purpose of this subsection to
 2956 ensure the existence of an orderly market for property insurance
 2957 for Floridians and Florida businesses. The Legislature finds
 2958 that private insurers are unwilling or unable to provide
 2959 affordable property insurance coverage in this state to the
 2960 extent sought and needed. The absence of affordable property
 2961 insurance threatens the public health, safety, and welfare and
 2962 likewise threatens the economic health of the state. The state
 2963 therefore has a compelling public interest and a public purpose
 2964 to assist in assuring that property in the state is insured and
 2965 that it is insured at affordable rates so as to facilitate the
 2966 remediation, reconstruction, and replacement of damaged or
 2967 destroyed property in order to reduce or avoid the negative
 2968 effects otherwise resulting to the public health, safety, and

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2969 welfare, to the economy of the state, and to the revenues of the
2970 state and local governments which are needed to provide for the
2971 public welfare. It is necessary, therefore, to provide
2972 affordable property insurance to applicants who are in good
2973 faith entitled to procure insurance through the voluntary market
2974 but are unable to do so. The Legislature intends by this
2975 subsection that affordable property insurance be provided and
2976 that it continue to be provided, as long as necessary, through
2977 Citizens Property Insurance Corporation, a government entity
2978 that is an integral part of the state, and that is not a private
2979 insurance company. To that end, Citizens Property Insurance
2980 Corporation shall strive to increase the availability of
2981 affordable property insurance in this state, while achieving
2982 efficiencies and economies, and while providing service to
2983 policyholders, applicants, and agents which is no less than the
2984 quality generally provided in the voluntary market, for the
2985 achievement of the foregoing public purposes. Because it is
2986 essential for this government entity to have the maximum
2987 financial resources to pay claims following a catastrophic
2988 hurricane, it is the intent of the Legislature that Citizens
2989 Property Insurance Corporation continue to be an integral part
2990 of the state and that the income of the corporation be exempt
2991 from federal income taxation and that interest on the debt
2992 obligations issued by the corporation be exempt from federal
2993 income taxation.

2994 2. The Residential Property and Casualty Joint
2995 Underwriting Association originally created by this statute
2996 shall be known, as of July 1, 2002, as the Citizens Property

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2997 Insurance Corporation. The corporation shall provide insurance
2998 for residential and commercial property, for applicants who are
2999 in good faith entitled, but are unable, to procure insurance
3000 through the voluntary market. The corporation shall operate
3001 pursuant to a plan of operation approved by order of the
3002 Financial Services Commission. The plan is subject to continuous
3003 review by the commission. The commission may, by order, withdraw
3004 approval of all or part of a plan if the commission determines
3005 that conditions have changed since approval was granted and that
3006 the purposes of the plan require changes in the plan. The
3007 corporation shall continue to operate pursuant to the plan of
3008 operation approved by the Office of Insurance Regulation until
3009 October 1, 2006. For the purposes of this subsection,
3010 residential coverage includes both personal lines residential
3011 coverage, which consists of the type of coverage provided by
3012 homeowner's, mobile home owner's, dwelling, tenant's,
3013 condominium unit owner's, and similar policies, and commercial
3014 lines residential coverage, which consists of the type of
3015 coverage provided by condominium association, apartment
3016 building, and similar policies.

3017 3. Effective January 1, 2009, a personal lines residential
3018 structure that has a dwelling replacement cost of \$2 million or
3019 more, or a single condominium unit that has a combined dwelling
3020 and content replacement cost of \$2 million or more is not
3021 eligible for coverage by the corporation. Such dwellings insured
3022 by the corporation on December 31, 2008, may continue to be
3023 covered by the corporation until the end of the policy term.
3024 However, such dwellings that are insured by the corporation and

3025 become ineligible for coverage due to the provisions of this
 3026 subparagraph may reapply and obtain coverage if the property
 3027 owner provides the corporation with a sworn affidavit from one
 3028 or more insurance agents, on a form provided by the corporation,
 3029 stating that the agents have made their best efforts to obtain
 3030 coverage and that the property has been rejected for coverage by
 3031 at least one authorized insurer and at least three surplus lines
 3032 insurers. If such conditions are met, the dwelling may be
 3033 insured by the corporation for up to 3 years, after which time
 3034 the dwelling is ineligible for coverage. The office shall
 3035 approve the method used by the corporation for valuing the
 3036 dwelling replacement cost for the purposes of this subparagraph.
 3037 If a policyholder is insured by the corporation prior to being
 3038 determined to be ineligible pursuant to this subparagraph and
 3039 such policyholder files a lawsuit challenging the determination,
 3040 the policyholder may remain insured by the corporation until the
 3041 conclusion of the litigation.

3042 4. It is the intent of the Legislature that policyholders,
 3043 applicants, and agents of the corporation receive service and
 3044 treatment of the highest possible level but never less than that
 3045 generally provided in the voluntary market. It also is intended
 3046 that the corporation be held to service standards no less than
 3047 those applied to insurers in the voluntary market by the office
 3048 with respect to responsiveness, timeliness, customer courtesy,
 3049 and overall dealings with policyholders, applicants, or agents
 3050 of the corporation.

3051 5. ~~Effective January 1, 2009, a personal lines residential~~
 3052 ~~structure that is located in the "wind borne debris region," as~~

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3053 ~~defined in s. 1609.2, International Building Code (2006), and~~
 3054 ~~that has an insured value on the structure of \$750,000 or more~~
 3055 ~~is not eligible for coverage by the corporation unless the~~
 3056 ~~structure has opening protections as required under the Florida~~
 3057 ~~Building Code for a newly constructed residential structure in~~
 3058 ~~that area. A residential structure shall be deemed to comply~~
 3059 ~~with the requirements of this subparagraph if it has shutters or~~
 3060 ~~opening protections on all openings and if such opening~~
 3061 ~~protections complied with the Florida Building Code at the time~~
 3062 ~~they were installed.~~ Effective January 1, 2010, for personal
 3063 lines residential property insured by the corporation that is
 3064 located in the wind-borne debris region and has an insured value
 3065 on the structure of \$500,000 or more, a prospective purchaser of
 3066 any such residential property must be provided by the seller a
 3067 written disclosure that contains the structure's windstorm
 3068 mitigation rating based on the uniform home grading scale
 3069 adopted under s. 215.55865. Such rating shall be provided to the
 3070 purchaser at or before the time the purchaser executes a
 3071 contract for sale and purchase.

3072 Section 51. Subsection (2) of section 627.711, Florida
 3073 Statutes, is amended to read

3074 627.711 Notice of premium discounts for hurricane loss
 3075 mitigation; uniform mitigation verification inspection form.--

3076 (2) By July 1, 2007, the Financial Services Commission
 3077 shall develop by rule a uniform mitigation verification
 3078 inspection form that shall be used by all insurers when
 3079 submitted by policyholders for the purpose of factoring
 3080 discounts for wind insurance. In developing the form, the

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3081 commission shall seek input from insurance, construction, and
 3082 building code representatives. Further, the commission shall
 3083 provide guidance as to the length of time the inspection results
 3084 are valid. An insurer shall accept as valid a uniform mitigation
 3085 verification form certified by the Department of Financial
 3086 Services or signed by:

3087 (a) A hurricane mitigation inspector employed by an
 3088 approved My Safe Florida Home wind certification entity;

3089 (b) A building code inspector certified under s. 468.607;

3090 (c) A general or residential contractor licensed under s.
 3091 489.111;

3092 (d) A professional engineer licensed under s. 471.015 ~~who~~
 3093 ~~has passed the appropriate equivalency test of the Building Code~~
 3094 ~~Training Program as required by s. 553.841; or~~

3095 (e) A professional architect licensed under s. 481.213.

3096 Section 52. Effective July 1, 2010, subsection (2) of
 3097 section 627.711, Florida Statutes, is amended to read:

3098 627.711 Notice of premium discounts for hurricane loss
 3099 mitigation; uniform mitigation verification inspection form.--

3100 (2) ~~By July 1, 2007,~~ The Financial Services Commission
 3101 shall develop by rule a uniform mitigation verification
 3102 inspection form that shall be used by all insurers when
 3103 submitted by policyholders for the purpose of factoring
 3104 discounts for wind insurance. In developing the form, the
 3105 commission shall seek input from insurance, construction, and
 3106 building code representatives. Further, the commission shall
 3107 provide guidance as to the length of time the inspection results
 3108 are valid. An insurer shall accept as valid a uniform mitigation

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3109 verification form certified by the Department of Financial
 3110 Services or signed by:

- 3111 (a) A hurricane mitigation inspector employed by an
- 3112 approved My Safe Florida Home wind certification entity;
- 3113 (b) A building code inspector certified under s. 468.607;
- 3114 (c) A general or residential contractor licensed under s.
- 3115 489.111;
- 3116 (d) A professional engineer licensed under s. 471.015 who
- 3117 has passed the appropriate equivalency test of the Building Code
- 3118 Training Program as required by s. 553.841; ~~or~~
- 3119 (e) A professional architect licensed under s. 481.213;
- 3120 or—
- 3121 (f) A home inspector licensed under s. 468.83.

3122 Section 53. Subsection (6) of section 718.113, Florida
 3123 Statutes, is repealed.

3124 Section 54. Subsections (2), (8), and (9) of section
 3125 553.37, Florida Statutes, are amended, and section (12) is added
 3126 to that section, to read:

3127 553.37 Rules; inspections; and insignia.--

- 3128 (2) The department shall adopt rules to address:
- 3129 (a) Procedures and qualifications for approval of third-
- 3130 party plan review and inspection agencies and of those who
- 3131 perform inspections and plan reviews.
- 3132 (b) Investigation of consumer complaints of noncompliance
- 3133 of manufactured buildings with the Florida Building Code and the
- 3134 Florida Fire Prevention Code.
- 3135 (c) Issuance, cancellation, and revocation of any insignia
- 3136 issued by the department and procedures for auditing and

3137 | accounting for disposition of them.

3138 | (d) Monitoring the manufacturers', inspection agencies',
 3139 | and plan review agencies' compliance with this part and the
 3140 | Florida Building Code. Monitoring may include, but is not
 3141 | limited to, performing audits of plans, inspections of
 3142 | manufacturing facilities and observation of the manufacturing
 3143 | and inspection process, and onsite inspections of buildings.

3144 | (e) The performance by the department and its designees
 3145 | and contractors of any other functions required by this part.

3146 | (8) The department, by rule, shall establish a schedule of
 3147 | fees to pay the cost of the administration and enforcement of
 3148 | this part. The rule may provide for manufacturers to pay fees to
 3149 | the administrator directly, including charges incurred for plans
 3150 | review and inspection services, via the Building Code
 3151 | Information System (BCIS) and for the administrator to disburse
 3152 | the funds as necessary.

3153 | (9) The department may delegate its enforcement authority
 3154 | to a state department having building construction
 3155 | responsibilities or a local government, and may enter into
 3156 | contracts for the performance of its administrative duties under
 3157 | this part. The department may delegate its plan review and
 3158 | inspection authority to one or more of the following in any
 3159 | combination:

3160 | (a) A state department having building construction
 3161 | responsibilities;

3162 | (b) A local government;

3163 | (c) An approved inspection agency;

3164 | (d) An approved plan review agency; or

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3165 (e) An agency of another state.

3166 (12) Custom or one-of-a-kind prototype manufactured
 3167 buildings are not required to have state approval, but must be
 3168 in compliance with all local requirements of the governmental
 3169 agency having jurisdiction at the installation site.

3170 Section 55. Section 553.375, Florida Statutes, is amended
 3171 to read:

3172 553.375 Recertification of manufactured buildings.--Prior
 3173 to the relocation to a site that has a higher design wind speed,
 3174 modification, or change of occupancy of a manufactured building
 3175 within the state, the manufacturer, dealer, or owner thereof may
 3176 apply to the department for recertification of that manufactured
 3177 building. The department shall, by rule, provide what
 3178 information the applicant must submit for recertification and
 3179 for plan review and inspection of such manufactured buildings
 3180 and shall establish fees for recertification. Upon a
 3181 determination by the department that the manufactured building
 3182 complies with the applicable building codes, the department
 3183 shall issue a recertification insignia. A manufactured building
 3184 that bears recertification insignia does not require any
 3185 additional approval by an enforcement jurisdiction in which the
 3186 building is sold or installed, and is considered to comply with
 3187 all applicable codes. As an alternative to recertification by
 3188 the department, the manufacturer, dealer, or owner of a
 3189 manufactured building may seek appropriate permitting and a
 3190 certificate of occupancy from the local jurisdiction in
 3191 accordance with procedures generally applicable under the
 3192 Florida Building Code.

3193 Section 56. Subsections (7) and (9) of section 553.73,
 3194 Florida Statutes, are amended, and subsection (14) is added to
 3195 that section, to read:

3196 553.73 Florida Building Code.--

3197 (7) Notwithstanding the provisions of subsection (3) or
 3198 subsection (6), the commission may address issues identified in
 3199 this subsection by amending the code pursuant only to the rule
 3200 adoption procedures contained in chapter 120. Provisions of the
 3201 Florida Building Code, including those contained in referenced
 3202 standards and criteria, relating to wind resistance or the
 3203 prevention of water intrusion may not be amended pursuant to
 3204 this subsection to diminish those construction requirements;
 3205 however, the commission may, subject to conditions in this
 3206 subsection, amend the provisions to enhance those construction
 3207 requirements. Following the approval of any amendments to the
 3208 Florida Building Code by the commission and publication of the
 3209 amendments on the commission's website, authorities having
 3210 jurisdiction to enforce the Florida Building Code may enforce
 3211 the amendments. The commission may approve amendments that are
 3212 needed to address:

3213 (a) Conflicts within the updated code;

3214 (b) Conflicts between the updated code and the Florida
 3215 Fire Prevention Code adopted pursuant to chapter 633;

3216 (c) The omission of previously adopted Florida-specific
 3217 amendments to the updated code if such omission is not supported
 3218 by a specific recommendation of a technical advisory committee
 3219 or particular action by the commission;

3220 (d) Unintended results from the integration of previously

3221 adopted Florida-specific amendments with the model code;
 3222 (e) Equivalency of standards;
 3223 (f) The specific needs of state agencies when agency rules
 3224 must be updated to reflect federal requirements relating to
 3225 design criteria for public educational facilities and state-
 3226 licensed facilities;
 3227 (g)~~(e)~~ Changes to or inconsistencies with federal or state
 3228 law; or
 3229 (h)~~(f)~~ Adoption of an updated edition of the National
 3230 Electrical Code if the commission finds that delay of
 3231 implementing the updated edition causes undue hardship to
 3232 stakeholders or otherwise threatens the public health, safety,
 3233 and welfare.
 3234 (9) The following buildings, structures, and facilities
 3235 are exempt from the Florida Building Code as provided by law,
 3236 and any further exemptions shall be as determined by the
 3237 Legislature and provided by law:
 3238 (a) Buildings and structures specifically regulated and
 3239 preempted by the Federal Government.
 3240 (b) Railroads and ancillary facilities associated with the
 3241 railroad.
 3242 (c) Nonresidential farm buildings on farms.
 3243 (d) Temporary buildings or sheds used exclusively for
 3244 construction purposes.
 3245 (e) Mobile or modular structures used as temporary
 3246 offices, except that the provisions of part II relating to
 3247 accessibility by persons with disabilities shall apply to such
 3248 mobile or modular structures.

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3249 (f) Those structures or facilities of electric utilities,
3250 as defined in s. 366.02, which are directly involved in the
3251 generation, transmission, or distribution of electricity.

3252 (g) Temporary sets, assemblies, or structures used in
3253 commercial motion picture or television production, or any
3254 sound-recording equipment used in such production, on or off the
3255 premises.

3256 (h) Storage sheds that are not designed for human
3257 habitation and that have a floor area of 720 square feet or less
3258 are not required to comply with the mandatory wind-borne-debris-
3259 impact standards of the Florida Building Code.

3260 (i) Chickees constructed by the Miccosukee Tribe of
3261 Indians of Florida or the Seminole Tribe of Florida. As used in
3262 this paragraph, the term "chickee" means an open-sided wooden
3263 hut that has a thatched roof of palm or palmetto or other
3264 traditional materials, and that does not incorporate any
3265 electrical, plumbing, or other nonwood features.

3266 (j) Family mausoleums that are prefabricated and assembled
3267 on site, or preassembled and delivered on site; that have walls,
3268 roofs, and a floor constructed of granite, marble, or reinforced
3269 concrete; and that do not exceed 250 square feet in area.

3270
3271 With the exception of paragraphs (a), (b), (c), and (f), in
3272 order to preserve the health, safety, and welfare of the public,
3273 the Florida Building Commission may, by rule adopted pursuant to
3274 chapter 120, provide for exceptions to the broad categories of
3275 buildings exempted in this section, including exceptions for
3276 application of specific sections of the code or standards

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3277 adopted therein. The Department of Agriculture and Consumer
 3278 Services shall have exclusive authority to adopt by rule,
 3279 pursuant to chapter 120, exceptions to nonresidential farm
 3280 buildings exempted in paragraph (c) when reasonably necessary to
 3281 preserve public health, safety, and welfare. The exceptions must
 3282 be based upon specific criteria, such as under-roof floor area,
 3283 aggregate electrical service capacity, HVAC system capacity, or
 3284 other building requirements. Further, the commission may
 3285 recommend to the Legislature additional categories of buildings,
 3286 structures, or facilities which should be exempted from the
 3287 Florida Building Code, to be provided by law. The Florida
 3288 Building Code does not apply to temporary housing provided by
 3289 the Department of Corrections to any prisoner in the state
 3290 correctional system.

3291 (14) The Florida Building Code may not require that an
 3292 existing air conditioning system installed on the surface of a
 3293 roof as of July 1, 2009, be raised 18 inches up from the surface
 3294 on which it is installed until such time as the system is
 3295 replaced, and an agency or local government having authority to
 3296 enforce the Florida Building Code or a local building code may
 3297 not require otherwise.

3298 Section 57. Subsection (2) of section 553.76, Florida
 3299 Statutes, is amended to read:

3300 553.76 General powers of the commission.--The commission
 3301 is authorized to:

3302 (2) Issue memoranda of procedure for its internal
 3303 management and control. The commission may adopt rules related
 3304 to its consensus-based decisionmaking process, including, but

3305 not limited to, super majority voting requirements for
 3306 commission actions relating to the adoption of amendments to or
 3307 the adoption of the Florida Building Code.

3308 Section 58. Subsection (4) of section 553.775, Florida
 3309 Statutes, is amended to read:

3310 553.775 Interpretations.--

3311 (4) In order to administer this section, the commission
 3312 may adopt by rule and impose a fee for binding and nonbinding
 3313 interpretations to recoup the cost of the proceedings which may
 3314 not exceed \$250 for each request for a review or interpretation.
 3315 For proceedings conducted by or in coordination with a third-
 3316 party, the rule may provide that payment be made directly to the
 3317 third party, who shall remit to the department that portion of
 3318 the fee necessary to cover the costs of the department.

3319 Section 59. Subsection (9) of section 553.79, Florida
 3320 Statutes, is amended to read:

3321 553.79 Permits; applications; issuance; inspections.--

3322 (9) Any state agency whose enabling legislation authorizes
 3323 it to enforce provisions of the Florida Building Code may enter
 3324 into an agreement with any other unit of government to delegate
 3325 its responsibility to enforce those provisions and may expend
 3326 public funds for permit and inspection fees, which fees may be
 3327 no greater than the fees charged others. Inspection services
 3328 that are not required to be performed by a state agency under a
 3329 federal delegation of responsibility or by a state agency under
 3330 the Florida Building Code must be performed under the
 3331 alternative plans review and inspection process created in s.
 3332 553.791 or by a local governmental entity having authority to

3333 | enforce the Florida Building Code.

3334 | Section 60. Paragraph (c) of subsection (15) of section
3335 | 553.791, Florida Statutes, is redesignated as paragraph (e), and
3336 | new paragraphs (c)and (d) are added to that subsection, to read:

3337 | 553.791 Alternative plans review and inspection.--

3338 | (15)

3339 | (c) A local enforcement agency, local building official,
3340 | or local government may not impose a fee or other charge for
3341 | private provider plan reviews or required building inspections.

3342 | (d) A local enforcement agency, local building official,
3343 | or local government may not impose a higher permit fee or other
3344 | fee or charge for private provider plan reviews or required
3345 | building inspections.

3346 | Section 61. Section 553.841, Florida Statutes, is amended
3347 | to read:

3348 | 553.841 Building code compliance and mitigation program.--

3349 | (1) The Legislature finds that knowledge and understanding
3350 | by persons licensed in the design and construction industries of
3351 | the importance and need for complying with the Florida Building
3352 | Code is vital to the public health, safety, and welfare of this
3353 | state, especially for mitigating damage caused by hurricanes to
3354 | residents and visitors to the state. The Legislature further
3355 | finds that the Florida Building Code can be effective only if
3356 | all participants in the design and construction industries
3357 | maintain a thorough knowledge of the code and additions thereto
3358 | which improve construction standards to protect against storm
3359 | and other damage. Consequently, the Legislature finds that there
3360 | is a need for a program to provide ongoing education and

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3361 outreach activities concerning compliance with the Florida
 3362 Building Code and hurricane mitigation.

3363 (2) The Department of Community Affairs shall administer a
 3364 program, designated as the Florida Building Code Compliance and
 3365 Mitigation Program, to develop, coordinate, and maintain
 3366 education and outreach to persons required to comply with the
 3367 Florida Building Code and ensure consistent education, training,
 3368 and communication of the code's requirements, including, but not
 3369 limited to, methods for mitigation of storm-related damage. The
 3370 program shall also operate a clearinghouse through which design,
 3371 construction, and building code enforcement licensees,
 3372 suppliers, and consumers in this state may find others in order
 3373 to exchange information relating to mitigation and facilitate
 3374 repairs in the aftermath of a natural disaster.

3375 (3) All services and materials under the Florida Building
 3376 Code Compliance and Mitigation Program must be provided by a
 3377 private, nonprofit corporation under contract with the
 3378 department. The term of the contract shall be for 4 years, with
 3379 the option of one 4-year renewal at the end of the contract
 3380 term. The initial contract must be in effect no later than
 3381 November 1, 2007. The private, nonprofit corporation must be an
 3382 organization whose membership includes trade and professional
 3383 organizations whose members consist primarily of persons and
 3384 entities that are required to comply with the Florida Building
 3385 Code and that are licensed under part XII of chapter 468,
 3386 chapter 471, chapter 481, or chapter 489. When selecting the
 3387 private, nonprofit corporation for the program, the department
 3388 must give primary consideration to the corporation's

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3389 demonstrated experience and the ability to:

3390 (a) Develop and deliver building code-related education,

3391 training, and outreach;

3392 (b) Directly access the majority of persons licensed in

3393 the occupations of design, construction, and building code

3394 enforcement individually and through established statewide trade

3395 and professional association networks;

3396 (c) Serve as a clearinghouse to deliver education and

3397 outreach throughout the state. The clearinghouse must serve as a

3398 focal point at which persons licensed to design, construct, and

3399 enforce building codes and suppliers and consumers can find each

3400 other in order to exchange information relating to mitigation

3401 and facilitate repairs in the aftermath of a natural disaster;

3402 (d) Accept input from the Florida Building Commission,

3403 licensing regulatory boards, local building departments, and the

3404 design and construction industries in order to improve its

3405 education and outreach programs; and

3406 (e) Promote design and construction techniques and

3407 materials for mitigating hurricane damage at a Florida-based

3408 trade conference that includes participants from the broadest

3409 possible range of design and construction trades and

3410 professions, including from those private and public sector

3411 entities having jurisdiction over building codes and design and

3412 construction licensure.

3413 (4) The department, in administering the Florida Building

3414 Code Compliance and Mitigation Program, shall maintain, update,

3415 develop, or cause to be developed, ±

3416 ~~(a) A core curriculum that is prerequisite to the advanced~~

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3417 ~~module coursework.~~

3418 ~~(b)~~ advanced modules designed for use by each profession.

3419 ~~(c)~~ ~~The core curriculum developed under this subsection~~
3420 ~~must be submitted to the Department of Business and Professional~~
3421 ~~Regulation for approval. Advanced modules developed under this~~
3422 ~~paragraph must be approved by the commission and submitted to~~
3423 ~~the respective boards for approval.~~

3424 ~~(5)~~ ~~The core curriculum shall cover the information~~
3425 ~~required to have all categories of participants appropriately~~
3426 ~~informed as to their technical and administrative~~
3427 ~~responsibilities in the effective execution of the code process~~
3428 ~~by all individuals currently licensed under part XII of chapter~~
3429 ~~468, chapter 471, chapter 481, or chapter 489, except as~~
3430 ~~otherwise provided in s. 471.017. The core curriculum shall be~~
3431 ~~prerequisite to the advanced module coursework for all licensees~~
3432 ~~and shall be completed by individuals licensed in all categories~~
3433 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~
3434 ~~chapter 489 within the first 2-year period after initial~~
3435 ~~licensure. Core course hours taken by licensees to complete this~~
3436 ~~requirement shall count toward fulfillment of required~~
3437 ~~continuing education units under part XII of chapter 468,~~
3438 ~~chapter 471, chapter 481, or chapter 489.~~

3439 (5)~~(6)~~ Each biennium, upon receipt of funds by the
3440 Department of Community Affairs from the Construction Industry
3441 Licensing Board and the Electrical Contractors' Licensing Board
3442 provided under ss. 489.109(3) and 489.509(3), the department
3443 shall determine the amount of funds available for the Florida
3444 Building Code Compliance and Mitigation Program.

3445 ~~(6)-(7)~~ If the projects provided through the Florida
 3446 Building Code Compliance and Mitigation Program in any state
 3447 fiscal year do not require the use of all available funds, the
 3448 unused funds shall be carried forward and allocated for use
 3449 during the following fiscal year.

3450 ~~(7)-(8)~~ The Florida Building Commission shall provide by
 3451 rule for the accreditation of courses related to the Florida
 3452 Building Code by accreditors approved by the commission. The
 3453 commission shall establish qualifications of accreditors and
 3454 criteria for the accreditation of courses by rule. The
 3455 commission may revoke the accreditation of a course by an
 3456 accreditor if the accreditation is demonstrated to violate this
 3457 part or the rules of the commission.

3458 ~~(8)-(9)~~ This section does not prohibit or limit the subject
 3459 areas or development of continuing education or training on the
 3460 Florida Building Code by any qualified entity.

3461 Section 62. Subsections (1), (5), (8), and (17) of section
 3462 553.842, Florida Statutes, are amended to read:

3463 553.842 Product evaluation and approval.--

3464 (1) The commission shall adopt rules under ss. 120.536(1)
 3465 and 120.54 to develop and implement a product evaluation and
 3466 approval system that applies statewide to operate in
 3467 coordination with the Florida Building Code. The commission may
 3468 enter into contracts to provide for administration of the
 3469 product evaluation and approval system. The commission's rules
 3470 and any applicable contract may provide that payment of fees
 3471 related to approvals be made directly to the administrator, who
 3472 shall remit to the department that portion of the fee necessary

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3473 to cover the department's costs. The product evaluation and
3474 approval system shall provide:

3475 (a) Appropriate promotion of innovation and new
3476 technologies.

3477 (b) Processing submittals of products from manufacturers
3478 in a timely manner.

3479 (c) Independent, third-party qualified and accredited
3480 testing and laboratory facilities, product evaluation entities,
3481 quality assurance agencies, certification agencies, and
3482 validation entities.

3483 (d) An easily accessible product acceptance list to
3484 entities subject to the Florida Building Code.

3485 (e) Development of stringent but reasonable testing
3486 criteria based upon existing consensus standards, when
3487 available, for products.

3488 (f) Long-term approvals, where feasible. State and local
3489 approvals will be valid until the requirements of the code on
3490 which the approval is based change, the product changes in a
3491 manner affecting its performance as required by the code, or the
3492 approval is revoked.

3493 (g) Criteria for revocation of a product approval.

3494 (h) Cost-effectiveness.

3495 (5) Statewide approval of products, methods, or systems of
3496 construction may be achieved by one of the following methods.
3497 One of these methods must be used by the commission to approve
3498 the following categories of products: panel walls, exterior
3499 doors, roofing, skylights, windows, shutters, and structural
3500 components as established by the commission by rule.

3501 (a) Products for which the code establishes standardized
 3502 testing or comparative or rational analysis methods shall be
 3503 approved by submittal and validation of one of the following
 3504 reports or listings indicating that the product or method or
 3505 system of construction was evaluated to be in compliance with
 3506 the Florida Building Code and that the product or method or
 3507 system of construction is, for the purpose intended, at least
 3508 equivalent to that required by the Florida Building Code:

- 3509 1. A certification mark or listing of an approved
- 3510 certification agency, which may be used only for products for
- 3511 which the code designates standardized testing;
- 3512 2. A test report from an approved testing laboratory;
- 3513 3. A product evaluation report based upon testing or
- 3514 comparative or rational analysis, or a combination thereof, from
- 3515 an approved product evaluation entity; or
- 3516 4. A product evaluation report based upon testing or
- 3517 comparative or rational analysis, or a combination thereof,
- 3518 developed and signed and sealed by a professional engineer or
- 3519 architect, licensed in this state.

3520

3521 A product evaluation report or a certification mark or listing
 3522 of an approved certification agency which demonstrates that the
 3523 product or method or system of construction complies with the
 3524 Florida Building Code for the purpose intended shall be
 3525 equivalent to a test report and test procedure as referenced in
 3526 the Florida Building Code. An application for state approval of
 3527 a product under subparagraph 1. shall be approved by the
 3528 department after the commission staff or a designee verifies

3529 within 10 days after receipt that the application and related
 3530 documentation are complete. Upon approval by the department, the
 3531 product shall be immediately added to the list of state-approved
 3532 products maintained under subsection (13). Approvals by the
 3533 department shall be reviewed and ratified by the commission's
 3534 program oversight committee except for a showing of good cause.

3535 (b) Products, methods, or systems of construction for
 3536 which there are no specific standardized testing or comparative
 3537 or rational analysis methods established in the code may be
 3538 approved by submittal and validation of one of the following:

3539 1. A product evaluation report based upon testing or
 3540 comparative or rational analysis, or a combination thereof, from
 3541 an approved product evaluation entity indicating that the
 3542 product or method or system of construction was evaluated to be
 3543 in compliance with the intent of the Florida Building Code and
 3544 that the product or method or system of construction is, for the
 3545 purpose intended, at least equivalent to that required by the
 3546 Florida Building Code; or

3547 2. A product evaluation report based upon testing or
 3548 comparative or rational analysis, or a combination thereof,
 3549 developed and signed and sealed by a professional engineer or
 3550 architect, licensed in this state, who certifies that the
 3551 product or method or system of construction is, for the purpose
 3552 intended, at least equivalent to that required by the Florida
 3553 Building Code.

3554 (8) The commission may adopt rules to approve the
 3555 following types of entities that produce information on which
 3556 product approvals are based. All of the following entities,

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3557 including engineers and architects, must comply with a
3558 nationally recognized standard demonstrating independence or no
3559 conflict of interest:

3560 (a) Evaluation entities that meet the criteria for
3561 approval adopted by the commission by rule. The commission shall
3562 specifically approve the National Evaluation Service, the
3563 International Association of Plumbing and Mechanical Officials
3564 Evaluation Service ~~the International Conference of Building~~
3565 ~~Officials Evaluation Services~~, the International Code Council
3566 Evaluation Services, ~~the Building Officials and Code~~
3567 ~~Administrators International Evaluation Services~~, ~~the Southern~~
3568 ~~Building Code Congress International Evaluation Services~~, and
3569 the Miami-Dade County Building Code Compliance Office Product
3570 Control. Architects and engineers licensed in this state are
3571 also approved to conduct product evaluations as provided in
3572 subsection (5).

3573 (b) Testing laboratories accredited by national
3574 organizations, such as A2LA and the National Voluntary
3575 Laboratory Accreditation Program, laboratories accredited by
3576 evaluation entities approved under paragraph (a), and
3577 laboratories that comply with other guidelines for testing
3578 laboratories selected by the commission and adopted by rule.

3579 (c) Quality assurance entities approved by evaluation
3580 entities approved under paragraph (a) and by certification
3581 agencies approved under paragraph (d) and other quality
3582 assurance entities that comply with guidelines selected by the
3583 commission and adopted by rule.

3584 (d) Certification agencies accredited by nationally

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3585 recognized accreditors and other certification agencies that
 3586 comply with guidelines selected by the commission and adopted by
 3587 rule.

3588 (e) Validation entities that comply with accreditation
 3589 standards established by the commission by rule.

3590 ~~(17) (a) The Florida Building Commission shall review the~~
 3591 ~~list of evaluation entities in subsection (8) and, in the annual~~
 3592 ~~report required under s. 553.77, shall either recommend~~
 3593 ~~amendments to the list to add evaluation entities the commission~~
 3594 ~~determines should be authorized to perform product evaluations~~
 3595 ~~or shall report on the criteria adopted by rule or to be adopted~~
 3596 ~~by rule allowing the commission to approve evaluation entities~~
 3597 ~~that use the commission's product evaluation process. If the~~
 3598 ~~commission adopts criteria by rule, the rulemaking process must~~
 3599 ~~be completed by July 1, 2009.~~

3600 ~~(b) Notwithstanding paragraph (8) (a), the International~~
 3601 ~~Association of Plumbing and Mechanical Officials Evaluation~~
 3602 ~~Services is approved as an evaluation entity until October 1,~~
 3603 ~~2009. If the association does not obtain permanent approval by~~
 3604 ~~the commission as an evaluation entity by October 1, 2009,~~
 3605 ~~products approved on the basis of an association evaluation must~~
 3606 ~~be substituted by an alternative, approved entity by December~~
 3607 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
 3608 ~~the commission based on an association evaluation is void.~~

3609 Section 63. Subsection (4) is added to section 553.844,
 3610 Florida Statutes, to read:

3611 553.844 Windstorm loss mitigation; requirements for roofs
 3612 and opening protection.--

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3613 (4) Notwithstanding the provisions of this section,
3614 exposed mechanical equipment or appliances fastened to rated
3615 stands, platforms, curbs, or slabs are deemed to comply with the
3616 wind resistance requirements for wind-borne debris regions as
3617 defined in s. 1609.2, Buildings Volume, 2007 Florida Building
3618 Code, as amended, and no further support or enclosure may be
3619 required by a state or local official having authority to
3620 enforce the Florida Building Code.

3621 Section 64. Section 553.885, Florida Statutes, is amended
3622 to read:

3623 553.885 Carbon monoxide alarm required.--

3624 (1) Every separate building or addition to an existing
3625 building, other than a hospital, an inpatient hospice facility,
3626 or a nursing home facility licensed by the Agency for Health
3627 Care Administration, ~~constructed for which a building permit is~~
3628 ~~issued for new construction~~ on or after July 1, 2008, and having
3629 a fossil-fuel-burning heater or appliance, a fireplace, or an
3630 attached garage, or other feature, fixture, or element that
3631 emits carbon monoxide as a byproduct of combustion shall have an
3632 approved operational carbon monoxide alarm installed within 10
3633 feet of each room used for sleeping purposes in the new building
3634 or addition, or at such other locations as required by the
3635 Florida Building Code. The requirements of this subsection may
3636 be satisfied with the installation of a battery-powered carbon
3637 monoxide alarm or a battery-powered combination carbon monoxide
3638 and smoke alarm. For a new hospital, an inpatient hospice
3639 facility, or a nursing home facility licensed by the Agency for
3640 Health Care Administration, an approved operational carbon

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3641 monoxide detector shall be installed inside or directly outside
 3642 of each room or area within the hospital or facility where a
 3643 fossil-fuel-burning heater, engine, or appliance is located.
 3644 This detector shall be connected to the fire alarm system of the
 3645 hospital or facility as a supervisory signal. This subsection
 3646 does not apply to existing buildings that are undergoing
 3647 alterations or repairs unless the alteration is an addition as
 3648 defined in subsection (3).

3649 (2) The Florida Building Commission shall adopt rules to
 3650 administer this section and shall incorporate such requirements
 3651 into its next revision of the Florida Building Code.

3652 (3) As used in this section, the term:

3653 (a) "Carbon monoxide alarm" means a device that is meant
 3654 for the purpose of detecting carbon monoxide, that produces a
 3655 distinct audible alarm, and that meets the requirements of and
 3656 is approved by the Florida Building Commission.

3657 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases,
 3658 or other petroleum or hydrocarbon product that emits carbon
 3659 monoxide as a by-product of combustion.

3660 (c) "Addition" means an extension or increase in floor
 3661 area, number of stories, or height of a building or structure.

3662 Section 65. Subsection (2) of section 553.9061, Florida
 3663 Statutes, is amended to read:

3664 553.9061 Scheduled increases in thermal efficiency
 3665 standards.--

3666 (2) The Florida Building Commission shall identify within
 3667 code support and compliance documentation the specific building
 3668 options and elements available to meet the energy performance

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3669 goals established in subsection (1). Energy efficiency
 3670 performance options and elements include, but are not limited
 3671 to:

3672 (a) Energy-efficient water heating systems, including
 3673 solar water heating.

3674 (b) Energy-efficient appliances.

3675 (c) Energy-efficient windows, doors, and skylights.

3676 (d) Low solar-absorption roofs, also known as "cool
 3677 roofs."

3678 (e) Enhanced ceiling and wall insulation.

3679 (f) Reduced-leak duct systems and energy-saving devices
 3680 and features installed within duct systems.

3681 (g) Programmable thermostats.

3682 (h) Energy-efficient lighting systems.

3683 (i) Energy-saving quality installation procedures for
 3684 replacement air conditioning systems, including, but not limited
 3685 to, equipment sizing analysis and duct testing.

3686 (j) Shading devices, sunscreening materials, and
 3687 overhangs.

3688 (k) Weatherstripping, caulking, and sealing of exterior
 3689 openings and penetrations.

3690 Section 66. Paragraph (d) of subsection (3) of section
 3691 468.609, Florida Statutes, is amended to read:

3692 468.609 Administration of this part; standards for
 3693 certification; additional categories of certification.--

3694 (3) A person may take the examination for certification as
 3695 a building code administrator pursuant to this part if the
 3696 person:

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3697 ~~(d) After the building code training program is~~
3698 ~~established under s. 553.841, demonstrates successful completion~~
3699 ~~of the core curriculum approved by the Florida Building~~
3700 ~~Commission, appropriate to the licensing category sought.~~

3701 Section 67. Subsection (6) of section 468.627, Florida
3702 Statutes, is repealed.

3703 Section 68. Section 471.0195, Florida Statutes, is amended
3704 to read:

3705 471.0195 Florida Building Code training for
3706 engineers.--All licensees actively participating in the design
3707 of engineering works or systems in connection with buildings,
3708 structures, or facilities and systems covered by the Florida
3709 Building Code shall take continuing education courses and submit
3710 proof to the board, at such times and in such manner as
3711 established by the board by rule, that the licensee has
3712 completed ~~the core curriculum courses and~~ any specialized or
3713 advanced courses on any portion of the Florida Building Code
3714 applicable to the licensee's area of practice ~~or has passed the~~
3715 ~~appropriate equivalency test of the Building Code Training~~
3716 ~~Program as required by s. 553.841.~~ The board shall record
3717 reported continuing education courses on a system easily
3718 accessed by code enforcement jurisdictions for evaluation when
3719 determining license status for purposes of processing design
3720 documents. Local jurisdictions shall be responsible for
3721 notifying the board when design documents are submitted for
3722 building construction permits by persons who are not in
3723 compliance with this section. The board shall take appropriate
3724 action as provided by its rules when such noncompliance is

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3725 | determined to exist.

3726 | Section 69. Subsection (5) of section 481.215, Florida
 3727 | Statutes, is repealed.

3728 | Section 70. Subsection (5) of section 481.313, Florida
 3729 | Statutes, is repealed.

3730 | Section 71. Paragraph (b) of subsection (4) of section
 3731 | 489.115, Florida Statutes, is amended to read:

3732 | 489.115 Certification and registration; endorsement;
 3733 | reciprocity; renewals; continuing education.--

3734 | (4)

3735 | (b)1. Each certificateholder or registrant shall provide
 3736 | proof, in a form established by rule of the board, that the
 3737 | certificateholder or registrant has completed at least 14
 3738 | classroom hours of at least 50 minutes each of continuing
 3739 | education courses during each biennium since the issuance or
 3740 | renewal of the certificate or registration. The board shall
 3741 | establish by rule that a portion of the required 14 hours must
 3742 | deal with the subject of workers' compensation, business
 3743 | practices, workplace safety, and, for applicable licensure
 3744 | categories, wind mitigation methodologies, and 1 hour of which
 3745 | must deal with laws and rules. The board shall by rule establish
 3746 | criteria for the approval of continuing education courses and
 3747 | providers, including requirements relating to the content of
 3748 | courses and standards for approval of providers, and may by rule
 3749 | establish criteria for accepting alternative nonclassroom
 3750 | continuing education on an hour-for-hour basis. The board shall
 3751 | prescribe by rule the continuing education, if any, which is
 3752 | required during the first biennium of initial licensure. A

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3753 person who has been licensed for less than an entire biennium
3754 must not be required to complete the full 14 hours of continuing
3755 education.

3756 2. In addition, the board may approve specialized
3757 continuing education courses on compliance with the wind
3758 resistance provisions for one and two family dwellings contained
3759 in the Florida Building Code and any alternate methodologies for
3760 providing such wind resistance which have been approved for use
3761 by the Florida Building Commission. Division I
3762 certificateholders or registrants who demonstrate proficiency
3763 upon completion of such specialized courses may certify plans
3764 and specifications for one and two family dwellings to be in
3765 compliance with the code or alternate methodologies, as
3766 appropriate, except for dwellings located in floodways or
3767 coastal hazard areas as defined in ss. 60.3D and E of the
3768 National Flood Insurance Program.

3769 ~~3. Each certificateholder or registrant shall provide to~~
3770 ~~the board proof of completion of the core curriculum courses, or~~
3771 ~~passing the equivalency test of the Building Code Training~~
3772 ~~Program established under s. 553.841, specific to the licensing~~
3773 ~~category sought, within 2 years after commencement of the~~
3774 ~~program or of initial certification or registration, whichever~~
3775 ~~is later. Classroom hours spent taking core curriculum courses~~
3776 ~~shall count toward the number required for renewal of~~
3777 ~~certificates or registration. A certificateholder or registrant~~
3778 ~~who passes the equivalency test in lieu of taking the core~~
3779 ~~curriculum courses shall receive full credit for core curriculum~~
3780 ~~course hours.~~

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3781 ~~3.4.~~ The board shall require, by rule adopted pursuant to
 3782 ss. 120.536(1) and 120.54, a specified number of hours in
 3783 specialized or advanced module courses, approved by the Florida
 3784 Building Commission, on any portion of the Florida Building
 3785 Code, adopted pursuant to part IV of chapter 553, relating to
 3786 the contractor's respective discipline.

3787 Section 72. Subsection (1) of section 489.1455, Florida
 3788 Statutes, is amended to read:

3789 489.1455 Journeyman; reciprocity; standards.--

3790 (1) An individual who holds a valid, active journeyman
 3791 license in the plumbing/pipe fitting, mechanical, or HVAC trades
 3792 issued by any county or municipality in this state may work as a
 3793 journeyman in the trade in which he or she is licensed in any
 3794 county or municipality of this state without taking an
 3795 additional examination or paying an additional license fee, if
 3796 he or she:

3797 (a) Has scored at least 70 percent, or after October 1,
 3798 1997, at least 75 percent, on a proctored journeyman Block and
 3799 Associates examination or other proctored examination approved
 3800 by the board for the trade in which he or she is licensed;

3801 (b) Has completed an apprenticeship program registered
 3802 with the Department of Labor and Employment Security and
 3803 demonstrates 4 years' verifiable practical experience in the
 3804 trade for which he or she is licensed, or demonstrates 6 years'
 3805 verifiable practical experience in the trade for which he or she
 3806 is licensed;

3807 (c) Has satisfactorily completed specialized and advanced
 3808 module coursework approved by the Florida Building Commission,

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3809 as part of the Building Code Training Program established in s.
 3810 553.841, specific to the discipline, ~~and successfully completed~~
 3811 ~~the program's core curriculum courses or passed an equivalency~~
 3812 ~~test in lieu of taking the core curriculum courses and provided~~
 3813 ~~proof of completion of such curriculum courses or examination~~
 3814 ~~and obtained a certificate from the board pursuant to this part~~
 3815 or, pursuant to authorization by the certifying authority,
 3816 provides proof of completion of such curriculum or coursework
 3817 within 6 months after such certification; and

3818 (d) Has not had a license suspended or revoked within the
 3819 last 5 years.

3820 Section 73. Subsection (3) of section 489.517, Florida
 3821 Statutes, is amended to read:

3822 489.517 Renewal of certificate or registration; continuing
 3823 education.--

3824 (3) ~~(a)~~ Each certificateholder or registrant shall provide
 3825 proof, in a form established by rule of the board, that the
 3826 certificateholder or registrant has completed at least 14
 3827 classroom hours of at least 50 minutes each of continuing
 3828 education courses during each biennium since the issuance or
 3829 renewal of the certificate or registration. The board shall by
 3830 rule establish criteria for the approval of continuing education
 3831 courses and providers and may by rule establish criteria for
 3832 accepting alternative nonclassroom continuing education on an
 3833 hour-for-hour basis.

3834 ~~(b) Each certificateholder or registrant shall provide to~~
 3835 ~~the board proof of completion of the core curriculum courses or~~
 3836 ~~passing the equivalency test of the Building Code Training~~

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3837 ~~Program established under s. 553.841, specific to the licensing~~
 3838 ~~category sought, within 2 years after commencement of the~~
 3839 ~~program or of initial certification or registration, whichever~~
 3840 ~~is later. Classroom hours spent taking core curriculum courses~~
 3841 ~~shall count toward the number required for renewal of~~
 3842 ~~certificate or registration. A certificateholder or registrant~~
 3843 ~~who passes the equivalency test in lieu of taking the core~~
 3844 ~~curriculum courses shall receive full credit for core curriculum~~
 3845 ~~course hours.~~

3846 Section 74. For the purpose of incorporating the amendment
 3847 made by this act to section 553.79, Florida Statutes, in a
 3848 reference thereto, subsection (1) of section 553.80, Florida
 3849 Statutes, is reenacted to read:

3850 553.80 Enforcement.--

3851 (1) Except as provided in paragraphs (a)-(g), each local
 3852 government and each legally constituted enforcement district
 3853 with statutory authority shall regulate building construction
 3854 and, where authorized in the state agency's enabling
 3855 legislation, each state agency shall enforce the Florida
 3856 Building Code required by this part on all public or private
 3857 buildings, structures, and facilities, unless such
 3858 responsibility has been delegated to another unit of government
 3859 pursuant to s. 553.79(9).

3860 (a) Construction regulations relating to correctional
 3861 facilities under the jurisdiction of the Department of
 3862 Corrections and the Department of Juvenile Justice are to be
 3863 enforced exclusively by those departments.

3864 (b) Construction regulations relating to elevator

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3865 equipment under the jurisdiction of the Bureau of Elevators of
3866 the Department of Business and Professional Regulation shall be
3867 enforced exclusively by that department.

3868 (c) In addition to the requirements of s. 553.79 and this
3869 section, facilities subject to the provisions of chapter 395 and
3870 part II of chapter 400 shall have facility plans reviewed and
3871 construction surveyed by the state agency authorized to do so
3872 under the requirements of chapter 395 and part II of chapter 400
3873 and the certification requirements of the Federal Government.

3874 (d) Building plans approved under s. 553.77(3) and state-
3875 approved manufactured buildings, including buildings
3876 manufactured and assembled offsite and not intended for
3877 habitation, such as lawn storage buildings and storage sheds,
3878 are exempt from local code enforcing agency plan reviews except
3879 for provisions of the code relating to erection, assembly, or
3880 construction at the site. Erection, assembly, and construction
3881 at the site are subject to local permitting and inspections.
3882 Lawn storage buildings and storage sheds bearing the insignia of
3883 approval of the department are not subject to s. 553.842. Such
3884 buildings that do not exceed 400 square feet may be delivered
3885 and installed without need of a contractor's or specialty
3886 license.

3887 (e) Construction regulations governing public schools,
3888 state universities, and community colleges shall be enforced as
3889 provided in subsection (6).

3890 (f) The Florida Building Code as it pertains to toll
3891 collection facilities under the jurisdiction of the turnpike
3892 enterprise of the Department of Transportation shall be enforced

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3893 exclusively by the turnpike enterprise.

3894 (g) Construction regulations relating to secure mental
 3895 health treatment facilities under the jurisdiction of the
 3896 Department of Children and Family Services shall be enforced
 3897 exclusively by the department in conjunction with the Agency for
 3898 Health Care Administration's review authority under paragraph
 3899 (c).

3900
 3901 The governing bodies of local governments may provide a schedule
 3902 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
 3903 section, for the enforcement of the provisions of this part.
 3904 Such fees shall be used solely for carrying out the local
 3905 government's responsibilities in enforcing the Florida Building
 3906 Code. The authority of state enforcing agencies to set fees for
 3907 enforcement shall be derived from authority existing on July 1,
 3908 1998. However, nothing contained in this subsection shall
 3909 operate to limit such agencies from adjusting their fee schedule
 3910 in conformance with existing authority.

3911 Section 75. Paragraph (b) of subsection (3) of section
 3912 633.0215, Florida Statutes, is amended, and subsection (13) is
 3913 added to that section, to read:

3914 633.0215 Florida Fire Prevention Code.--

3915 (3) No later than 180 days before the triennial adoption
 3916 of the Florida Fire Prevention Code, the State Fire Marshal
 3917 shall notify each municipal, county, and special district fire
 3918 department of the triennial code adoption and steps necessary
 3919 for local amendments to be included within the code. No later
 3920 than 120 days before the triennial adoption of the Florida Fire

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3921 Prevention Code, each local jurisdiction shall provide the State
 3922 Fire Marshal with copies of its local fire code amendments. The
 3923 State Fire Marshal has the option to process local fire code
 3924 amendments that are received less than 120 days before the
 3925 adoption date of the Florida Fire Prevention Code.

3926 (b) Any local amendment to the Florida Fire Prevention
 3927 Code adopted by a local government shall be effective only until
 3928 the adoption of the new edition of the Florida Fire Prevention
 3929 Code, which shall be every third year. At such time, the State
 3930 Fire Marshal shall adopt such amendment as part of the Florida
 3931 Fire Prevention Code or rescind the amendment. The State Fire
 3932 Marshal shall immediately notify the respective local government
 3933 of the rescission of the amendment and the reason for the
 3934 rescission. After receiving such notice, the respective local
 3935 government may readopt the rescinded amendment. Incorporation of
 3936 local amendments as regional and local concerns and variations
 3937 shall be considered as adoption of an amendment pursuant to this
 3938 section part.

3939 (13) The State Fire Marshal shall issue an expedited
 3940 declaratory statement relating to interpretations of provisions
 3941 of the Florida Fire Prevention Code according to the following
 3942 guidelines:

3943 (a) The declaratory statement shall be rendered in
 3944 accordance with s. 120.565 except that a final decision shall be
 3945 issued by the State Fire Marshal within 45 days after the
 3946 division's receipt of a petition seeking an expedited
 3947 declaratory statement. The State Fire Marshal shall give notice
 3948 of the petition and the expedited declaratory statement or the

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3949 denial of the petition in the next available issue of the
 3950 Florida Administrative Weekly after the petition is filed and
 3951 after the statement or denial is rendered.

3952 (b) The petitioner must be the owner of the disputed
 3953 project or the owner's representative.

3954 (c) The petition for expedited declaratory statement must
 3955 be:

3956 1. Related to an active project that is under construction
 3957 or must have been submitted for a permit;

3958 2. The subject of a written notice citing a specific
 3959 provision of the Florida Fire Prevention Code which is in
 3960 dispute; and

3961 3. Limited to a single question that is capable of being
 3962 answered with a "yes" or "no" response.

3963
 3964 A petition for declaratory statement which does not meet all of
 3965 the requirements of this subsection must be denied without
 3966 prejudice. This subsection does not affect the right of the
 3967 petitioner as a substantially affected person to seek a
 3968 declaratory statement under s. 633.01(6).

3969 Section 76. Section 633.026, Florida Statutes, is amended
 3970 to read:

3971 633.026 Legislative intent; informal interpretations of
 3972 the Florida Fire Prevention Code.--It is the intent of the
 3973 Legislature that the Florida Fire Prevention Code be interpreted
 3974 by fire officials and local enforcement agencies in a manner
 3975 that protects the public safety, health, and welfare by ensuring
 3976 uniform interpretations throughout this state and by providing

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3977 processes for resolving disputes regarding such interpretations
3978 which are just and expeditious. It is the intent of the
3979 Legislature that such processes provide for the expeditious
3980 resolution of the issues presented and that the resulting
3981 interpretation of such issues be published on the website of the
3982 Division of State Fire Marshal.

3983 (1) The Division of State Fire Marshal shall by rule
3984 establish an informal process of rendering nonbinding
3985 interpretations of the Florida Fire Prevention Code. The
3986 Division of State Fire Marshal may contract with and refer
3987 interpretive issues to a nonprofit organization that has
3988 experience in interpreting and enforcing the Florida Fire
3989 Prevention Code. ~~The Division of State Fire Marshal shall~~
3990 ~~immediately implement the process prior to the completion of~~
3991 ~~formal rulemaking.~~ It is the intent of the Legislature that the
3992 Division of State Fire Marshal establish ~~create~~ a Fire Code
3993 Interpretation Committee composed of seven persons and seven
3994 alternates, equally representing each area of the state ~~process~~
3995 ~~to refer questions to a small group of individuals certified~~
3996 ~~under s. 633.081(2), to which a party can pose questions~~
3997 regarding the interpretation of the Florida Fire Prevention Code
3998 provisions.

3999 (2) Each member and alternate member of the Fire Code
4000 Interpretation Committee must be certified as a firesafety
4001 inspector pursuant to s. 633.081(2) and must have a minimum of 5
4002 years of experience interpreting and enforcing the Florida Fire
4003 Prevention Code and the Life Safety Code. Each member and
4004 alternate member must be approved by the Division of State Fire

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4005 Marshal and deemed by the division to have met these
 4006 requirements for at least 30 days before participating in a
 4007 review of a nonbinding interpretation ~~It is the intent of the~~
 4008 ~~Legislature that the process provide for the expeditious~~
 4009 ~~resolution of the issues presented and publication of the~~
 4010 ~~resulting interpretation on the website of the Division of State~~
 4011 ~~Fire Marshal. It is the intent of the Legislature that this~~
 4012 ~~program be similar to the program established by the Florida~~
 4013 ~~Building Commission in s. 553.775(3)(g).~~

4014 (3) Each nonbinding interpretation of code provisions must
 4015 be provided within 10 business days after receipt of a request
 4016 for interpretation. The response period established in this
 4017 subsection may be waived only with the written consent of the
 4018 party requesting the nonbinding interpretation and the Division
 4019 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
 4020 advisory only and nonbinding on the parties or the State Fire
 4021 Marshal.

4022 (4) In order to administer this section, the Division of
 4023 State Fire Marshal must charge ~~department may adopt by rule and~~
 4024 ~~impose~~ a fee for nonbinding interpretations, with payment made
 4025 ~~directly to the third party.~~ The fee may not exceed \$150 for
 4026 each request for a review or interpretation. The division may
 4027 authorize payment of fees directly to the nonprofit organization
 4028 under contract pursuant to subsection (1).

4029 (5) A party requesting a nonbinding interpretation who
 4030 disagrees with the interpretation issued under this section may
 4031 apply for a formal interpretation from the State Fire Marshal
 4032 pursuant to s. 633.01(6).

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4033 (6) The Division of State Fire Marshall shall issue or
4034 cause to be issued a nonbinding interpretation of the Florida
4035 Fire Prevention Code pursuant to this section when requested to
4036 do so upon submission of a petition by the owner or the owner's
4037 representative, or the contractor or the contractor's
4038 representative, of a project in dispute, or by a fire official.
4039 The division shall adopt a petition form by rule and the
4040 petition form must be published on the State Fire Marshal's
4041 website. The form shall, at a minimum, require the following:

4042 (a) The name and address of the local fire official,
4043 including the address of the county, municipal, or special
4044 district.

4045 (b) The name and address of the owner or the owner's
4046 representative, or the contractor or the contractor's
4047 representative.

4048 (c) A statement of the specific sections of the Florida
4049 Fire Prevention Code being interpreted by the local fire
4050 official.

4051 (d) An explanation of how the petitioner's substantial
4052 interests are being affected by the local interpretation of the
4053 Florida Fire Prevention Code.

4054 (e) A statement of the interpretation of the specific
4055 sections of the Florida Fire Prevention Code by the local fire
4056 official.

4057 (f) A statement of the interpretation that the petitioner
4058 contends should be given to the specific sections of the Florida
4059 Fire Prevention Code and a statement supporting the petitioner's
4060 interpretation.

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4061 (7) Upon receipt of a petition that meets the requirements
 4062 of subsection (6), the Division of State Fire Marshal shall
 4063 immediately provide copies of the petition to the Fire Code
 4064 Interpretation Committee, and shall publish the petition and any
 4065 response submitted by the local fire official on the State Fire
 4066 Marshal's website.

4067 (8) The committee shall conduct proceedings as necessary
 4068 to resolve the issues and give due regard to the petition, the
 4069 facts of the matter at issue, specific code sections cited, and
 4070 any statutory implications affecting the Florida Fire Prevention
 4071 Code. The committee shall issue an interpretation regarding the
 4072 provisions of the Florida Fire Prevention Code within 10 days
 4073 after the filing of a petition. The committee shall issue an
 4074 interpretation based upon the Florida Fire Prevention Code or,
 4075 if the code is ambiguous, the intent of the code. The
 4076 committee's interpretation shall be provided to the petitioner
 4077 and shall include a notice that if the petitioner disagrees with
 4078 the interpretation, the petitioner may file a request for formal
 4079 interpretation by the State Fire Marshal under s. 633.01(6). The
 4080 committee's interpretation shall be provided to the State Fire
 4081 Marshal, and the division shall publish the interpretation on
 4082 the State Fire Marshal's website and in the Florida
 4083 Administrative Weekly.

4084 Section 77. Section 633.081, Florida Statutes, is amended
 4085 to read:

4086 633.081 Inspection of buildings and equipment; orders;
 4087 firesafety inspection training requirements; certification;
 4088 disciplinary action.--The State Fire Marshal and her or his

4089 agents shall, at any reasonable hour, when the State Fire
 4090 Marshal ~~department~~ has reasonable cause to believe that a
 4091 violation of this chapter or s. 509.215, or a rule promulgated
 4092 thereunder, or a minimum firesafety code adopted by a local
 4093 authority, may exist, inspect any and all buildings and
 4094 structures which are subject to the requirements of this chapter
 4095 or s. 509.215 and rules promulgated thereunder. The authority to
 4096 inspect shall extend to all equipment, vehicles, and chemicals
 4097 which are located within the premises of any such building or
 4098 structure.

4099 (1) Each county, municipality, and special district that
 4100 has firesafety enforcement responsibilities shall employ or
 4101 contract with a firesafety inspector. The firesafety inspector
 4102 must conduct all firesafety inspections that are required by
 4103 law. The governing body of a county, municipality, or special
 4104 district that has firesafety enforcement responsibilities may
 4105 provide a schedule of fees to pay only the costs of inspections
 4106 conducted pursuant to this subsection and related administrative
 4107 expenses. Two or more counties, municipalities, or special
 4108 districts that have firesafety enforcement responsibilities may
 4109 jointly employ or contract with a firesafety inspector.

4110 (2) Every firesafety inspection conducted pursuant to
 4111 state or local firesafety requirements shall be by a person
 4112 certified as having met the inspection training requirements set
 4113 by the State Fire Marshal. Such person shall:

- 4114 (a) Be a high school graduate or the equivalent as
- 4115 determined by the department;
- 4116 (b) Not have been found guilty of, or having pleaded

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4117 | guilty or nolo contendere to, a felony or a crime punishable by
4118 | imprisonment of 1 year or more under the law of the United
4119 | States, or of any state thereof, which involves moral turpitude,
4120 | without regard to whether a judgment of conviction has been
4121 | entered by the court having jurisdiction of such cases;

4122 | (c) Have her or his fingerprints on file with the
4123 | department or with an agency designated by the department;

4124 | (d) Have good moral character as determined by the
4125 | department;

4126 | (e) Be at least 18 years of age;

4127 | (f) Have satisfactorily completed the firesafety inspector
4128 | certification examination as prescribed by the department; and

4129 | (g)1. Have satisfactorily completed, as determined by the
4130 | department, a firesafety inspector training program of not less
4131 | than 200 hours established by the department and administered by
4132 | agencies and institutions approved by the department for the
4133 | purpose of providing basic certification training for firesafety
4134 | inspectors; or

4135 | 2. Have received in another state training which is
4136 | determined by the department to be at least equivalent to that
4137 | required by the department for approved firesafety inspector
4138 | education and training programs in this state.

4139 | (3) Each special state firesafety inspection which is
4140 | required by law and is conducted by or on behalf of an agency of
4141 | the state must be performed by an individual who has met the
4142 | provision of subsection (2), except that the duration of the
4143 | training program shall not exceed 120 hours of specific training
4144 | for the type of property that such special state firesafety

4145 inspectors are assigned to inspect.

4146 (4) A firefighter certified pursuant to s. 633.35 may
4147 conduct firesafety inspections, under the supervision of a
4148 certified firesafety inspector, while on duty as a member of a
4149 fire department company conducting inservice firesafety
4150 inspections without being certified as a firesafety inspector,
4151 if such firefighter has satisfactorily completed an inservice
4152 fire department company inspector training program of at least
4153 24 hours' duration as provided by rule of the department.

4154 (5) Every firesafety inspector or special state firesafety
4155 inspector certificate is valid for a period of 3 years from the
4156 date of issuance. Renewal of certification shall be subject to
4157 the affected person's completing proper application for renewal
4158 and meeting all of the requirements for renewal as established
4159 under this chapter or by rule promulgated thereunder, which
4160 shall include completion of at least 40 hours during the
4161 preceding 3-year period of continuing education as required by
4162 the rule of the department or, in lieu thereof, successful
4163 passage of an examination as established by the department.

4164 (6) The State Fire Marshal may deny, refuse to renew,
4165 suspend, or revoke the certificate of a firesafety inspector or
4166 special state firesafety inspector if it finds that any of the
4167 following grounds exist:

4168 (a) Any cause for which issuance of a certificate could
4169 have been refused had it then existed and been known to the
4170 State Fire Marshal.

4171 (b) Violation of this chapter or any rule or order of the
4172 State Fire Marshal.

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4173 (c) Falsification of records relating to the certificate.

4174 (d) Having been found guilty of or having pleaded guilty
 4175 or nolo contendere to a felony, whether or not a judgment of
 4176 conviction has been entered.

4177 (e) Failure to meet any of the renewal requirements.

4178 (f) Having been convicted of a crime in any jurisdiction
 4179 which directly relates to the practice of fire code inspection,
 4180 plan review, or administration.

4181 (g) Making or filing a report or record that the
 4182 certificateholder knows to be false, or knowingly inducing
 4183 another to file a false report or record, or knowingly failing
 4184 to file a report or record required by state or local law, or
 4185 knowingly impeding or obstructing such filing, or knowingly
 4186 inducing another person to impede or obstruct such filing.

4187 (h) Failing to properly enforce applicable fire codes or
 4188 permit requirements within this state which the
 4189 certificateholder knows are applicable by committing willful
 4190 misconduct, gross negligence, gross misconduct, repeated
 4191 negligence, or negligence resulting in a significant danger to
 4192 life or property.

4193 (i) Accepting labor, services, or materials at no charge
 4194 or at a noncompetitive rate from any person who performs work
 4195 that is under the enforcement authority of the certificateholder
 4196 and who is not an immediate family member of the
 4197 certificateholder. For the purpose of this paragraph, the term
 4198 "immediate family member" means a spouse, child, parent,
 4199 sibling, grandparent, aunt, uncle, or first cousin of the person
 4200 or the person's spouse or any person who resides in the primary

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4201 residence of the certificateholder.

4202 (7) The Division of State Fire Marshal and the Florida
 4203 Building Code Administrator and Inspectors Board, established
 4204 pursuant to s. 468.605, shall enter into a reciprocity agreement
 4205 to facilitate joint recognition of continuing education
 4206 recertification hours for certificateholders licensed under s.
 4207 468.609 and firesafety inspectors certified under subsection
 4208 (2).

4209 (8)~~(7)~~ The department shall provide by rule for the
 4210 certification of firesafety inspectors.

4211 Section 78. Section 633.352, Florida Statutes, is amended
 4212 to read:

4213 633.352 Retention of firefighter certification.--Any
 4214 certified firefighter who has not been active as a firefighter,
 4215 or as a volunteer firefighter with an organized fire department,
 4216 for a period of 3 years shall be required to retake the
 4217 practical portion of the minimum standards state examination
 4218 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
 4219 Administrative Code, in order to maintain her or his
 4220 certification as a firefighter; however, this requirement does
 4221 not apply to state-certified firefighters who are certified and
 4222 employed as full-time firesafety inspectors or firesafety
 4223 instructors, regardless of the firefighter's employment status
 4224 ~~as determined by the division~~. The 3-year period begins on the
 4225 date the certificate of compliance is issued or upon termination
 4226 of service with an organized fire department.

4227 Section 79. Paragraph (e) of subsection (2) and
 4228 subsections (3), (10), and (11) of section 633.521, Florida

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4229 Statutes, are amended to read:

4230 633.521 Certificate application and issuance; permit
4231 issuance; examination and investigation of applicant.--

4232 (2)

4233 (e) An applicant may not be examined more than four times
4234 during 1 year for certification as a contractor pursuant to this
4235 section unless the person is or has been certified and is taking
4236 the examination to change classifications. If an applicant does
4237 not pass one or more parts of the examination, she or he may
4238 take any part of the examination three more times during the 1-
4239 year period beginning upon the date she or he originally filed
4240 an application to take the examination. If the applicant does
4241 not pass the examination within that 1-year period, she or he
4242 must file a new application and pay the application and
4243 examination fees in order to take the examination or a part of
4244 the examination again. However, the applicant may not file a new
4245 application sooner than 6 months after the date of her or his
4246 last examination. An applicant who passes the examination but
4247 does not meet the remaining qualifications as provided in
4248 applicable statutes and rules within 1 year after the
4249 application date must file a new application, pay the
4250 application and examination fee, successfully complete a
4251 prescribed training course approved by the State Fire College or
4252 an equivalent court approved by the State Fire Marshal, and
4253 retake and pass the written examination.

4254 (3) (a) As a prerequisite to taking the examination for
4255 certification as a Contractor I, ~~Contractor II, or Contractor~~
4256 ~~III,~~ the applicant must be at least 18 years of age, be of good

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4257 moral character, and shall possess 4 years' proven experience in
 4258 the employment of a fire protection system Contractor I,
 4259 ~~Contractor II, or Contractor III~~ or a combination of equivalent
 4260 education and experience in both water-based and chemical fire
 4261 suppression systems.

4262 (b) As a prerequisite to taking the examination for
 4263 certification as a Contractor II, the applicant must be at least
 4264 18 years of age, be of good moral character, and have 4 years of
 4265 verifiable employment experience with a fire protection system
 4266 as a Contractor I or Contractor II, or a combination of
 4267 equivalent education and experience in water-based fire
 4268 suppression systems.

4269 (c) Required education and experience for certification as
 4270 a Contractor I, Contractor II, Contractor III, or Contractor IV
 4271 includes training and experience in both installation and system
 4272 layout as defined in s. 633.021.

4273 (d) As a prerequisite to taking the examination for
 4274 certification as a Contractor III, the applicant must be at
 4275 least 18 years of age, be of good moral character, and have 4
 4276 years of verifiable employment experience with a fire protection
 4277 system as a Contractor I or Contractor II, or a combination of
 4278 equivalent education and experience in chemical fire suppression
 4279 systems.

4280 (e) As a prerequisite to taking the examination for
 4281 certification as a Contractor IV, the applicant must ~~shall~~ be at
 4282 least 18 years old, be of good moral character, be licensed as a
 4283 certified plumbing contractor under chapter 489, and
 4284 successfully complete a training program acceptable to the State

4285 Fire Marshal of not less than 40 contact hours regarding the
 4286 applicable installation standard used by the Contractor IV as
 4287 described in NFPA 13D. The State Fire Marshal may adopt rules to
 4288 administer this subsection ~~have at least 2 years' proven~~
 4289 ~~experience in the employment of a fire protection system~~
 4290 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
 4291 ~~combination of equivalent education and experience which~~
 4292 ~~combination need not include experience in the employment of a~~
 4293 ~~fire protection system contractor.~~

4294 (f) As a prerequisite to taking the examination for
 4295 certification as a Contractor V, the applicant must ~~shall~~ be at
 4296 least 18 years old, be of good moral character, and have been
 4297 licensed as a certified underground utility and excavation
 4298 contractor or certified plumbing contractor pursuant to chapter
 4299 489, have verification by an individual who is licensed as a
 4300 certified utility contractor or certified plumbing contractor
 4301 pursuant to chapter 489 that the applicant has 4 years' proven
 4302 experience in the employ of a certified underground utility and
 4303 excavation contractor or certified plumbing contractor, or have
 4304 a combination of education and experience equivalent to 4 years'
 4305 proven experience in the employ of a certified underground
 4306 utility and excavation contractor or certified plumbing
 4307 contractor.

4308 (g) Within 30 days after the date of the examination, the
 4309 State Fire Marshal shall inform the applicant in writing whether
 4310 she or he has qualified or not and, if the applicant has
 4311 qualified, that she or he is ready to issue a certificate of
 4312 competency, subject to compliance with the requirements of

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4313 subsection (4).

4314 (10) Effective July 1, 2008, the State Fire Marshal shall
 4315 require the National Institute of Certification in Engineering
 4316 Technologies (NICET), Sub-field of Inspection and Testing of
 4317 Fire Protection Systems Level II or equivalent training and
 4318 education as determined by the division as proof that the
 4319 permitholders are knowledgeable about nationally accepted
 4320 standards for the inspection of fire protection systems. ~~It is~~
 4321 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
 4322 ~~to accept continuing education of all certificateholders'~~
 4323 ~~employees who perform inspection functions which specifically~~
 4324 ~~prepares the permitholder to qualify for NICET II certification.~~

4325 (11) It is intended that a certificateholder, or a
 4326 permitholder who is employed by a certificateholder, conduct
 4327 inspections required by this chapter. It is understood that
 4328 after July 1, 2008, employee turnover may result in a depletion
 4329 of personnel who are certified under the NICET Sub-field of
 4330 Inspection and Testing of Fire Protection Systems Level II or
 4331 equivalent training and education as required by the Division of
 4332 State Fire Marshal which is required for permitholders. ~~The~~
 4333 ~~extensive training and experience necessary to achieve NICET~~
 4334 ~~Level II certification is recognized.~~ A certificateholder may
 4335 therefore obtain a provisional permit with an endorsement for
 4336 inspection, testing, and maintenance of water-based fire
 4337 extinguishing systems for an employee if the employee has
 4338 initiated procedures for obtaining Level II certification from
 4339 the National Institute for Certification in Engineering
 4340 Technologies Sub-field of Inspection and Testing of Fire

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4341 Protection Systems and achieved Level I certification or an
 4342 equivalent level as determined by the State Fire Marshal through
 4343 verification of experience, training, and examination. The State
 4344 Fire Marshal may establish rules to administer this subsection.
 4345 After 2 years of provisional certification, the employee must
 4346 have achieved NICET Level II certification, or obtain equivalent
 4347 training and education as determined by the division, or cease
 4348 performing inspections requiring Level II certification. The
 4349 provisional permit is valid only for the 2 calendar years after
 4350 the date of issuance, may not be extended, and is not renewable.
 4351 After the initial 2-year provisional permit expires, the
 4352 certificateholder must wait 2 additional years before a new
 4353 provisional permit may be issued. The intent is to prohibit the
 4354 certificateholder from using employees who never reach NICET
 4355 Level II, or equivalent training and education as determined by
 4356 the division, status by continuously obtaining provisional
 4357 permits.

4358 Section 80. Subsection (3) is added to section 633.524,
 4359 Florida Statutes, to read:

4360 633.524 Certificate and permit fees; use and deposit of
 4361 collected funds.--

4362 (3) The State Fire Marshal may enter into a contract with
 4363 any qualified public entity or private company in accordance
 4364 with chapter 287 to provide examinations for any applicant for
 4365 any examination administered under the jurisdiction of the State
 4366 Fire Marshal. The State Fire Marshal may direct payments from
 4367 each applicant for each examination directly to such contracted
 4368 entity or company.

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4369 Section 81. Subsection (4) of section 633.537, Florida
 4370 Statutes, is amended to read:

4371 633.537 Certificate; expiration; renewal; inactive
 4372 certificate; continuing education.--

4373 (4) The renewal period for the permit class is the same as
 4374 that for the employing certificateholder. The continuing
 4375 education requirements for permitholders are what is required to
 4376 maintain NICET Sub-field of Inspection and Testing of Fire
 4377 Protection Systems Level II, equivalent training and education
 4378 as determined by the division, or higher certification plus 8
 4379 contact hours of continuing education approved by the State Fire
 4380 Marshal during each biennial renewal period thereafter. ~~The~~
 4381 ~~continuing education curriculum from July 1, 2005, until July 1,~~
 4382 ~~2008, shall be the preparatory curriculum for NICET II~~
 4383 ~~certification; after July 1, 2008, the technical curriculum is~~
 4384 ~~at the discretion of the State Fire Marshal and may be used to~~
 4385 ~~meet the maintenance of NICET Level II certification and 8~~
 4386 ~~contact hours of continuing education requirements.~~ It is the
 4387 responsibility of the permitholder to maintain NICET II
 4388 certification or equivalent training and education as determined
 4389 by the division as a condition of permit renewal after July 1,
 4390 2008.

4391 Section 82. Subsection (4) of section 633.72, Florida
 4392 Statutes, is amended to read:

4393 633.72 Florida Fire Code Advisory Council.--

4394 (4) Each appointee shall serve a 4-year term. No member
 4395 shall serve more than two consecutive terms ~~one term~~. No member
 4396 of the council shall be paid a salary as such member, but each

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4397 shall receive travel and expense reimbursement as provided in s.
4398 112.061.

4399 Section 83. Section 553.509, Florida Statutes, is amended
4400 to read:

4401 553.509 Vertical accessibility.--

4402 ~~(1)~~ Nothing in ss. 553.501-553.513 or the guidelines shall
4403 be construed to relieve the owner of any building, structure, or
4404 facility governed by those sections from the duty to provide
4405 vertical accessibility to all levels above and below the
4406 occupiable grade level, regardless of whether the guidelines
4407 require an elevator to be installed in such building, structure,
4408 or facility, except for:

4409 (1)~~(a)~~ Elevator pits, elevator penthouses, mechanical
4410 rooms, piping or equipment catwalks, and automobile lubrication
4411 and maintenance pits and platforms;

4412 (2)~~(b)~~ Unoccupiable spaces, such as rooms, enclosed
4413 spaces, and storage spaces that are not designed for human
4414 occupancy, for public accommodations, or for work areas; and

4415 (3)~~(c)~~ Occupiable spaces and rooms that are not open to
4416 the public and that house no more than five persons, including,
4417 but not limited to, equipment control rooms and projection
4418 booths.

4419 ~~(2) (a) Any person, firm, or corporation that owns,~~
4420 ~~manages, or operates a residential multifamily dwelling,~~
4421 ~~including a condominium, that is at least 75 feet high and~~
4422 ~~contains a public elevator, as described in s. 399.035(2) and~~
4423 ~~(3) and rules adopted by the Florida Building Commission, shall~~
4424 ~~have at least one public elevator that is capable of operating~~

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4425 ~~on an alternate power source for emergency purposes. Alternate~~
4426 ~~power shall be available for the purpose of allowing all~~
4427 ~~residents access for a specified number of hours each day over a~~
4428 ~~5-day period following a natural disaster, manmade disaster,~~
4429 ~~emergency, or other civil disturbance that disrupts the normal~~
4430 ~~supply of electricity. The alternate power source that controls~~
4431 ~~elevator operations must also be capable of powering any~~
4432 ~~connected fire alarm system in the building.~~

4433 ~~(b) At a minimum, the elevator must be appropriately~~
4434 ~~prewired and prepared to accept an alternate power source and~~
4435 ~~must have a connection on the line side of the main disconnect,~~
4436 ~~pursuant to National Electric Code Handbook, Article 700. In~~
4437 ~~addition to the required power source for the elevator and~~
4438 ~~connected fire alarm system in the building, the alternate power~~
4439 ~~supply must be sufficient to provide emergency lighting to the~~
4440 ~~interior lobbies, hallways, and other portions of the building~~
4441 ~~used by the public. Residential multifamily dwellings must have~~
4442 ~~an available generator and fuel source on the property or have~~
4443 ~~proof of a current contract posted in the elevator machine room~~
4444 ~~or other place conspicuous to the elevator inspector affirming a~~
4445 ~~current guaranteed service contract for such equipment and fuel~~
4446 ~~source to operate the elevator on an on-call basis within 24~~
4447 ~~hours after a request. By December 31, 2006, any person, firm or~~
4448 ~~corporation that owns, manages, or operates a residential~~
4449 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
4450 ~~the local building inspection agency verification of engineering~~
4451 ~~plans for residential multifamily dwellings that provide for the~~
4452 ~~capability to generate power by alternate means. Compliance with~~

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4453 ~~installation requirements and operational capability~~
4454 ~~requirements must be verified by local building inspectors and~~
4455 ~~reported to the county emergency management agency by December~~
4456 ~~31, 2007.~~

4457 ~~(c) Each newly constructed residential multifamily~~
4458 ~~dwelling, including a condominium, that is at least 75 feet high~~
4459 ~~and contains a public elevator, as described in s. 399.035(2)~~
4460 ~~and (3) and rules adopted by the Florida Building Commission,~~
4461 ~~must have at least one public elevator that is capable of~~
4462 ~~operating on an alternate power source for the purpose of~~
4463 ~~allowing all residents access for a specified number of hours~~
4464 ~~each day over a 5-day period following a natural disaster,~~
4465 ~~manmade disaster, emergency, or other civil disturbance that~~
4466 ~~disrupts the normal supply of electricity. The alternate power~~
4467 ~~source that controls elevator operations must be capable of~~
4468 ~~powering any connected fire alarm system in the building. In~~
4469 ~~addition to the required power source for the elevator and~~
4470 ~~connected fire alarm system, the alternate power supply must be~~
4471 ~~sufficient to provide emergency lighting to the interior~~
4472 ~~lobbies, hallways, and other portions of the building used by~~
4473 ~~the public. Engineering plans and verification of operational~~
4474 ~~capability must be provided by the local building inspector to~~
4475 ~~the county emergency management agency before occupancy of the~~
4476 ~~newly constructed building.~~

4477 ~~(d) Each person, firm, or corporation that is required to~~
4478 ~~maintain an alternate power source under this subsection shall~~
4479 ~~maintain a written emergency operations plan that details the~~
4480 ~~sequence of operations before, during, and after a natural or~~

4481 ~~manmade disaster or other emergency situation. The plan must~~
4482 ~~include, at a minimum, a lifesafety plan for evacuation,~~
4483 ~~maintenance of the electrical and lighting supply, and~~
4484 ~~provisions for the health, safety, and welfare of the residents.~~
4485 ~~In addition, the owner, manager, or operator of the residential~~
4486 ~~multifamily dwelling must keep written records of any contracts~~
4487 ~~for alternative power generation equipment. Also, quarterly~~
4488 ~~inspection records of lifesafety equipment and alternate power~~
4489 ~~generation equipment must be posted in the elevator machine room~~
4490 ~~or other place conspicuous to the elevator inspector, which~~
4491 ~~confirm that such equipment is properly maintained and in good~~
4492 ~~working condition, and copies of contracts for alternate power~~
4493 ~~generation equipment shall be maintained on site for~~
4494 ~~verification. The written emergency operations plan and~~
4495 ~~inspection records shall also be open for periodic inspection by~~
4496 ~~local and state government agencies as deemed necessary. The~~
4497 ~~owner or operator must keep a generator key in a lockbox posted~~
4498 ~~at or near any installed generator unit.~~

4499 ~~(c) Multistory affordable residential dwellings for~~
4500 ~~persons age 62 and older that are financed or insured by the~~
4501 ~~United States Department of Housing and Urban Development must~~
4502 ~~make every effort to obtain grant funding from the Federal~~
4503 ~~Government or the Florida Housing Finance Corporation to comply~~
4504 ~~with this subsection. If an owner of such a residential dwelling~~
4505 ~~cannot comply with the requirements of this subsection, the~~
4506 ~~owner must develop a plan with the local emergency management~~
4507 ~~agency to ensure that residents are evacuated to a place of~~
4508 ~~safety in the event of a power outage resulting from a natural~~

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4509 ~~or manmade disaster or other emergency situation that disrupts~~
4510 ~~the normal supply of electricity for an extended period of time.~~
4511 ~~A place of safety may include, but is not limited to, relocation~~
4512 ~~to an alternative site within the building or evacuation to a~~
4513 ~~local shelter.~~

4514 ~~(f) As a part of the annual elevator inspection required~~
4515 ~~under s. 399.061, certified elevator inspectors shall confirm~~
4516 ~~that all installed generators required by this chapter are in~~
4517 ~~working order, have current inspection records posted in the~~
4518 ~~elevator machine room or other place conspicuous to the elevator~~
4519 ~~inspector, and that the required generator key is present in the~~
4520 ~~lockbox posted at or near the installed generator. If a building~~
4521 ~~does not have an installed generator, the inspector shall~~
4522 ~~confirm that the appropriate rewiring and switching~~
4523 ~~capabilities are present and that a statement is posted in the~~
4524 ~~elevator machine room or other place conspicuous to the elevator~~
4525 ~~inspector affirming a current guaranteed contract exists for~~
4526 ~~contingent services for alternate power is current for the~~
4527 ~~operating period.~~

4528
4529 However, buildings, structures, and facilities must, as a
4530 minimum, comply with the requirements in the Americans with
4531 Disabilities Act Accessibility Guidelines.

4532 Section 84. The Florida Building Commission is directed to
4533 adjust the Florida Building Code for consistency with the
4534 revisions to s. 399.02, Florida Statutes, by this act.

4535 Section 85. This act shall take effect July 1, 2009.