

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 consumptive use permits to specified entities for
53 certain uses and for 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. 627.711, F.S., removing a testing requirement;
198 repealing s. 718.113(6), F.S., relating to requirements
199 for 5-year inspections of certain condominium
200 improvements; amending s. 553.37, F.S.; authorizing
201 manufacturers to pay inspection fees directly to the
202 provider of inspection services; providing rulemaking
203 authority to the Department of Community Affairs;
204 authorizing the department to enter into contracts for the
205 performance of certain administrative duties; revising
206 inspection requirements for certain custom manufactured
207 buildings; amending s. 553.375, F.S.; revising the
208 requirement for recertification of manufactured buildings
209 prior to relocation; amending s. 553.73, F.S.; authorizing
210 the Florida Building Commission to adopt amendments
211 relating to equivalency of standards; authorizing the
212 adoption of amendments necessary to accommodate state
213 agency rules to meet federal requirements for design
214 criteria relating to public educational facilities and
215 state-licensed facilities; exempting certain mausoleums
216 from the requirements of the Florida Building Code;
217 exempting certain temporary housing provided by the
218 Department of Corrections from the requirements of the
219 Florida Building Code; restricting the code or an code
220 enforcement agency from imposing requirements on certain
221 air conditioning systems; amending s. 553.76, F.S.;
222 authorizing the Florida Building Commission to adopt rules
223 related to consensus-building decisionmaking; amending s.
224 553.775, F.S.; authorizing the commission to charge a fee

225 | for nonbinding interpretations; amending s. 553.79, F.S.;
226 | requiring state agencies to contract for inspection
227 | services under the alternative plans review and inspection
228 | process or with a local governmental entity; amending s.
229 | 553.791, F.S.; prohibiting a local enforcement agency,
230 | local building official, or local government from imposing
231 | a fee or other charge for certain plan reviews and
232 | building inspections; prohibiting a local enforcement
233 | agency, local building official, or local government from
234 | imposing a higher permit fee or other fee or charge for
235 | certain plan reviews and building inspections; amending s.
236 | 553.841, F.S.; deleting provisions requiring that the
237 | Department of Community Affairs maintain, update, develop,
238 | or cause to be developed a core curriculum for persons who
239 | enforce the Florida Building Code; amending s. 553.842,
240 | F.S.; authorizing rules requiring the payment of product
241 | evaluation fees directly to the administrator of the
242 | product evaluation and approval system; requiring that the
243 | provider remit a portion of the fees to the department to
244 | cover its costs; providing requirements for the approval
245 | of applications for state approval of a product; providing
246 | for certain approved products to be immediately added to
247 | the list of state-approved products; requiring that the
248 | commission's oversight committee review approved products;
249 | revising the list of approved evaluation entities;
250 | deleting obsolete provisions governing evaluation
251 | entities; amending s. 553.844, F.S.; providing an
252 | exemption from requirements from roof and opening

253 | protections for certain exposed mechanical equipment or
254 | appliances; amending s. 553.885, F.S.; revising
255 | requirements for carbon monoxide alarms; providing an
256 | exception for buildings undergoing alterations or repairs;
257 | defining the term "addition"; amending s. 553.9061, F.S.;
258 | revising the energy-efficiency performance options and
259 | elements identified by the commission for purposes of
260 | meeting certain goals; repealing ss. 468.627(6),
261 | 481.215(5), and 481.313(5), F.S., relating to building
262 | code inspectors, renewal of the license for architects,
263 | interior designers, and landscape architects,
264 | respectively; amending ss. 471.0195, 489.115, 489.1455,
265 | 489.517, and 627.711, F.S., conforming provisions relating
266 | to the deletion of core curriculum courses relating to the
267 | Florida Building Code; reenacting s. 553.80(1), F.S.,
268 | relating to the enforcement of the Florida Building Code,
269 | to incorporate the amendments made to s. 553.79, F.S., in
270 | a reference thereto; amending s. 633.0215, F.S.; providing
271 | guidelines for the State Fire Marshal to use in issuing an
272 | expedited declaratory statement; requiring the State Fire
273 | Marshal to issue an expedited declaratory statement under
274 | certain circumstances; providing requirements for a
275 | petition requesting an expedited declaratory statement;
276 | amending s. 633.026, F.S.; providing legislative intent;
277 | providing for the establishment of the Fire Code
278 | Interpretation Committee; providing for the membership of
279 | the committee and requirements for membership; requiring
280 | that nonbinding interpretations of the Florida Fire

281 Prevention Code be issued within a specified period after
282 a request is received; providing for the waiver of such
283 requirement under certain conditions; requiring the
284 Division of State Fire Marshal to charge a fee for
285 nonbinding interpretations; providing that fees may be
286 paid directly to a contract provider; providing
287 requirements for requesting a nonbinding interpretation;
288 requiring the Division of State Fire Marshal to develop a
289 form for submitting a petition for a nonbinding
290 interpretation; providing for a formal interpretation by
291 the State Fire Marshal; requiring that an interpretation
292 of the Florida Fire Prevention Code be published on the
293 division's website and the Florida Administrative Weekly;
294 amending s. 633.081, F.S.; requiring the Division of State
295 Fire Marshal and the Florida Building Code Administrator
296 and Inspectors Board enter into a reciprocity agreement
297 for purposes of recertifying building code inspectors,
298 plan inspectors, building code administrators, and
299 firesafety inspectors; amending s. 633.352, F.S.;
300 providing an exception to requirements for recertification
301 as a firefighter; amending s. 633.521, F.S.; revising
302 requirements for certification as a fire protection system
303 contractor; revising the prerequisites for taking the
304 certification examination; authorizing the State Fire
305 Marshal to accept more than one source of professional
306 certification; revising legislative intent; amending s.
307 633.524, F.S.; authorizing the State Fire Marshal to enter
308 into contracts for examination services; providing for

309 direct payment of examination fees to contract providers;
310 amending s. 633.537, F.S.; revising the continuing
311 education requirements for certain permitholders; amending
312 633.72, F.S.; revising the terms of service for members of
313 the Fire Code Advisory Council; amending s. 553.509, F.S.,
314 deleting requirements for alternate power sources for
315 elevators for purposes of operating during an emergency;
316 directing the Florida Building Commission to conform
317 provisions of the Florida Building Code with revisions
318 made by the act relating to the operation of elevators;
319 providing an effective date.

320

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

322

323 Section 1. (1) Except as provided in subsection (4), and
324 in recognition of 2009 real estate market conditions, any permit
325 issued by the Department of Environmental Protection or a water
326 management district pursuant to part IV of chapter 373, Florida
327 Statutes, that has an expiration date of September 1, 2008,
328 through September 1, 2011, is extended and renewed for a period
329 of 2 years following its date of expiration. This extension
330 includes any local government-issued development order or
331 building permit. The 2-year extension also applies to build out
332 dates including any build out date extension previously granted
333 under s. 380.06(19)(c), Florida Statutes. This section may not
334 be construed to prohibit conversion from the construction phase
335 to the operation phase upon completion of construction.

336 (2) The completion date for any required mitigation

337 associated with a phased construction project shall be extended
338 so that mitigation takes place in the same timeframe relative to
339 the phase as originally permitted.

340 (3) The holder of a valid permit or other authorization
341 that is eligible for the 2-year extension shall notify the
342 authorizing agency in writing no later than December 31, 2009,
343 identifying the specific authorization for which the holder
344 intends to use the extension and anticipated timeframe for
345 acting on the authorization.

346 (4) The extensions provided for in subsection (1) do not
347 apply to:

348 (a) A permit or other authorization under any programmatic
349 or regional general permit issued by the Army Corps of
350 Engineers.

351 (b) A permit or other authorization held by an owner or
352 operator determined to be in significant noncompliance with the
353 conditions of the permit or authorization as established through
354 the issuance of a warning letter or notice of violation, the
355 initiation of formal enforcement, or other equivalent action by
356 the authorizing agency.

357 (5) Permits extended under this section shall continue to
358 be governed by rules in effect at the time the permit was
359 issued, except where it can be demonstrated that the rules in
360 effect at the time the permit was issued would create an
361 immediate threat to public safety or health. This section shall
362 apply to any modification of the plans, terms, and conditions of
363 the permit that lessens the environmental impact, except that
364 any such modification shall not extend the time limit beyond 2

365 additional years.

366 (6) Nothing in this section shall impair the authority of
 367 a county or municipality to require the owner of a property,
 368 which has noticed the county or municipality that it intends to
 369 receive the extension of time granted by this section, to
 370 maintain and secure the property in a safe and sanitary
 371 condition in compliance with applicable laws and ordinances.

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

374 120.569 Decisions which affect substantial interests.--

375 (1) The provisions of this section apply in all
 376 proceedings in which the substantial interests of a party are
 377 determined by an agency, unless the parties are proceeding under
 378 s. 120.573 or s. 120.574. Unless waived by all parties, s.
 379 120.57(1) applies whenever the proceeding involves a disputed
 380 issue of material fact. Unless otherwise agreed, s. 120.57(2)
 381 applies in all other cases. If a disputed issue of material fact
 382 arises during a proceeding under s. 120.57(2), then, unless
 383 waived by all parties, the proceeding under s. 120.57(2) shall
 384 be terminated and a proceeding under s. 120.57(1) shall be
 385 conducted. Parties shall be notified of any order, including a
 386 final order. Unless waived, a copy of the order shall be
 387 delivered or mailed to each party or the party's attorney of
 388 record at the address of record. Each notice shall inform the
 389 recipient of any administrative hearing or judicial review that
 390 is available under this section, s. 120.57, or s. 120.68; shall
 391 indicate the procedure which must be followed to obtain the
 392 hearing or judicial review; and shall state the time limits

393 which apply. Notwithstanding any other provision of law, notice
394 of the procedure to obtain an administrative hearing or judicial
395 review, including any items required by the uniform rules
396 adopted pursuant to s. 120.54(5), may be provided via a link to
397 a publicly available Internet site.

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

400 120.60 Licensing.--

401 (1) Upon receipt of an application for a license, an
402 agency shall examine the application and, within 30 days after
403 such receipt, notify the applicant of any apparent errors or
404 omissions and request any additional information the agency is
405 permitted by law to require. If the applicant believes the
406 request for such additional information is not authorized by law
407 or agency rule, the agency, at the applicant's request, shall
408 proceed to process the permit application. An agency shall not
409 deny a license for failure to correct an error or omission or to
410 supply additional information unless the agency timely notified
411 the applicant within this 30-day period. An application shall be
412 considered complete upon receipt of all requested information
413 and correction of any error or omission for which the applicant
414 was timely notified or when the time for such notification has
415 expired. Every application for a license shall be approved or
416 denied within 90 days after receipt of a completed application
417 unless a shorter period of time for agency action is provided by
418 law. The 90-day time period shall be tolled by the initiation of
419 a proceeding under ss. 120.569 and 120.57. Any application for a
420 license that is not approved or denied within the 90-day or

421 shorter time period, within 15 days after conclusion of a public
422 hearing held on the application, or within 45 days after a
423 recommended order is submitted to the agency and the parties,
424 whichever action and timeframe is latest and applicable, is
425 considered approved unless the recommended order recommends that
426 the agency deny the license. Subject to the satisfactory
427 completion of an examination if required as a prerequisite to
428 licensure, any license that is considered approved shall be
429 issued and may include such reasonable conditions as are
430 authorized by law. Any applicant for licensure seeking to claim
431 licensure by default under this subsection shall notify the
432 agency clerk of the licensing agency, in writing, of the intent
433 to rely upon the default license provision of this subsection,
434 and shall not take any action based upon the default license
435 until after receipt of such notice by the agency clerk.

436 Section 4. Section 125.022, Florida Statutes, is amended
437 to read:

438 125.022 Development permits.--When a county denies an
439 application for a development permit, the county shall give
440 written notice to the applicant. The notice must include a
441 citation to the applicable portions of an ordinance, rule,
442 statute, or other legal authority for the denial of the permit.
443 As used in this section, the term "development permit" has the
444 same meaning as in s. 163.3164. A county may not require as a
445 condition of approval for a development permit that an applicant
446 obtain a permit or approval from any other state or federal
447 agency. Issuance of a development permit by a county does not in
448 any way create any rights on the part of an applicant to obtain

449 a permit from another state or federal agency and does not
450 create any liability on the part of the county for issuance of
451 the permit in the event that an applicant fails to fulfill its
452 legal obligations to obtain requisite approvals or fulfill the
453 obligations imposed by other state or federal agencies. A county
454 may attach such a disclaimer to the issuance of development
455 permits and may include a permit condition that all other
456 applicable state or federal permits must be obtained prior to
457 development. This section shall not be construed to prohibit a
458 county from providing information to an applicant regarding what
459 other state or federal permits may be applicable.

460 Section 5. Section 161.032, Florida Statutes, is created
461 to read:

462 161.032 Application review; request for additional
463 information.--

464 (1) Within 30 days after receipt of an application for a
465 permit under this part, the department shall review the
466 application and shall request submission of any additional
467 information the department is permitted by law to require. If
468 the applicant believes a request for additional information is
469 not authorized by law or rule, the applicant may request a
470 hearing pursuant to s. 120.57. Within 30 days after receipt of
471 such additional information, the department shall review such
472 additional information and may request only that information
473 needed to clarify such additional information or to answer new
474 questions raised by or directly related to such additional
475 information. If the applicant believes the request for such
476 additional information by the department is not authorized by

477 law or rule, the department, at the applicant's request, shall
478 proceed to process the permit application.

479 (2) Notwithstanding the provisions of s. 120.60, an
480 applicant for a permit under this part shall have 90 days after
481 the date of a timely request for additional information to
482 submit such information. If an applicant requires more than 90
483 days to respond to a request for additional information, the
484 applicant must notify the agency processing the permit
485 application in writing of the circumstances, at which time the
486 application shall be held in active status for no more than one
487 additional period of up to 90 days. Additional extensions may be
488 granted for good cause shown by the applicant. A showing that
489 the applicant is making a diligent effort to obtain the
490 requested additional information shall constitute good cause.
491 Failure of an applicant to provide the timely requested
492 information by the applicable deadline shall result in denial of
493 the application without prejudice.

494 Section 6. Section 166.033, Florida Statutes, is amended
495 to read:

496 166.033 Development permits.--When a municipality denies
497 an application for a development permit, the municipality shall
498 give written notice to the applicant. The notice must include a
499 citation to the applicable portions of an ordinance, rule,
500 statute, or other legal authority for the denial of the permit.
501 As used in this section, the term "development permit" has the
502 same meaning as in s. 163.3164. A municipality may not require
503 as a condition of approval for a development permit that an
504 applicant obtain a permit or approval from any other state or

505 federal agency. Issuance of a development permit by a
506 municipality does not in any way create any right on the part of
507 an applicant to obtain a permit from another state or federal
508 agency and does not create any liability on the part of the
509 municipality for issuance of the permit in the event that an
510 applicant fails to fulfill its legal obligations to obtain
511 requisite approvals or fulfill the obligations imposed by other
512 state or federal agencies. A municipality may attach such a
513 disclaimer to the issuance of development permits and may
514 include a permit condition that all other applicable state or
515 federal permits must be obtained prior to development. This
516 section shall not be construed to prohibit a municipality from
517 providing information to an applicant regarding what other state
518 or federal permits may be applicable.

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

521 253.034 State-owned lands; uses.--

522 (13) The deposition of dredged material on state-owned
523 submerged lands for the purpose of restoring previously dredged
524 holes to natural conditions shall be conducted in such a manner
525 as to maximize environmental benefits. In such cases, the
526 dredged material shall be placed in the dredge hole at an
527 elevation consistent with the surrounding area to allow light
528 penetration so as to maximize propagation of native vegetation.
529 When available dredged material is of insufficient quantity to
530 raise the entire dredge hole to prior natural elevations, then
531 placement shall be limited to a portion of the dredge hole where
532 elevations can be restored to natural elevations ~~Notwithstanding~~

533 ~~the provisions of this section, funds from the sale of property~~
534 ~~by the Department of Highway Safety and Motor Vehicles located~~
535 ~~in Palm Beach County are authorized to be deposited into the~~
536 ~~Highway Safety Operating Trust Fund to facilitate the exchange~~
537 ~~as provided in the General Appropriations Act, provided that at~~
538 ~~the conclusion of both exchanges the values are equalized. This~~
539 ~~subsection expires July 1, 2009.~~

540 Section 8. Paragraph (e) of subsection (3) of section
541 258.42, Florida Statutes, is amended to read:

542 258.42 Maintenance of preserves.--The Board of Trustees of
543 the Internal Improvement Trust Fund shall maintain such aquatic
544 preserves subject to the following provisions:

545 (3)

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

548 1. Private residential docks may be approved for
549 reasonable ingress or egress of riparian owners. Slips located
550 at private residential single-family docks that contain boat
551 lifts or davits which do not float in the water when loaded may
552 be roofed, but may not be in whole or in part enclosed with
553 walls, provided that the roof shall not overhang more that 1-
554 foot beyond the footprint of the boat lift. Such roofs shall not
555 be considered to be part of the square-footage calculations of
556 the terminal platform.

557 2. Private residential multislip docks may be approved if
558 located within a reasonable distance of a publicly maintained
559 navigation channel, or a natural channel of adequate depth and
560 width to allow operation of the watercraft for which the docking

561 facility is designed without the craft having an adverse impact
562 on marine resources. The distance shall be determined in
563 accordance with criteria established by the trustees by rule,
564 based on a consideration of the depth of the water, nature and
565 condition of bottom, and presence of manatees.

566 3. Commercial docking facilities shown to be consistent
567 with the use or management criteria of the preserve may be
568 approved if the facilities are located within a reasonable
569 distance of a publicly maintained navigation channel, or a
570 natural channel of adequate depth and width to allow operation
571 of the watercraft for which the docking facility is designed
572 without the craft having an adverse impact on marine resources.
573 The distance shall be determined in accordance with criteria
574 established by the trustees by rule, based on a consideration of
575 the depth of the water, nature and condition of bottom, and
576 presence of manatees.

577 4. Structures for shore protection, including restoration
578 of seawalls at their previous location or upland of or within 18
579 inches waterward of their previous location, approved
580 navigational aids, or public utility crossings authorized under
581 paragraph (a) may be approved.

582
583 No structure under this paragraph or chapter 253 shall be
584 prohibited solely because the local government fails to adopt a
585 marina plan or other policies dealing with the siting of such
586 structures in its local comprehensive plan.

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

589 373.026 General powers and duties of the department.--The
 590 department, or its successor agency, shall be responsible for
 591 the administration of this chapter at the state level. However,
 592 it is the policy of the state that, to the greatest extent
 593 possible, the department may enter into interagency or
 594 interlocal agreements with any other state agency, any water
 595 management district, or any local government conducting programs
 596 related to or materially affecting the water resources of the
 597 state. All such agreements shall be subject to the provisions of
 598 s. 373.046. In addition to its other powers and duties, the
 599 department shall, to the greatest extent possible:

600 (10) Expand the use of Internet-based self-certification
 601 services for appropriate exemptions and general permits issued
 602 by the department and the water management districts, providing
 603 such expansion is economically feasible. In addition to
 604 expanding the use of Internet-based self-certification services
 605 for appropriate exemptions and general permits, the department
 606 and water management districts shall identify and develop
 607 general permits for activities currently requiring individual
 608 review that could be expedited through the use of professional
 609 certification.

610 Section 10. Paragraph (a) of subsection (4) of section
 611 373.079, Florida Statutes, is amended to read:

612 373.079 Members of governing board; oath of office;
 613 staff.--

614 (4) (a) The governing board of the district is authorized
 615 to employ an executive director, ombudsman, and such engineers,
 616 other professional persons, and other personnel and assistants

617 as it deems necessary and under such terms and conditions as it
 618 may determine and to terminate such employment. The appointment
 619 of an executive director by the governing board is subject to
 620 approval by the Governor and must be initially confirmed by the
 621 Florida Senate. The governing board may delegate all or part of
 622 its authority under this paragraph to the executive director.
 623 However, the governing board shall delegate all of its authority
 624 to take final action on permit applications under part II or
 625 part IV, or petitions for variances or waivers of permitting
 626 requirements under part II or part IV, except as provided under
 627 ss. 373.083(5) and 373.118(4). This delegation shall not be
 628 subject to the rulemaking requirements of chapter 120. The
 629 executive director may execute such delegated authority through
 630 designated staff members. The executive director must be
 631 confirmed by the Senate upon employment and must be confirmed or
 632 reconfirmed by the Senate during the second regular session of
 633 the Legislature following a gubernatorial election.

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

636 373.083 General powers and duties of the governing
 637 board.--In addition to other powers and duties allowed it by
 638 law, the governing board is authorized to:

639 (5) Execute any of the powers, duties, and functions
 640 vested in the governing board through a member or members
 641 thereof, the executive director, or other district staff as
 642 designated by the governing board. The governing board may
 643 establish the scope and terms of any delegation. ~~However, if~~ The
 644 governing board shall delegate to the executive director

645 ~~delegates~~ the authority to take final action on permit
646 applications under part II or part IV, or petitions for
647 variances or waivers of permitting requirements under part II or
648 part IV, and the executive director may execute such delegated
649 authority through designated staff. Such delegation shall not be
650 subject to the rulemaking requirements of chapter 120. However,
651 the governing board shall provide a process for referring any
652 denial of such application or petition to the governing board to
653 take final action. Such process shall expressly prohibit any
654 member of a governing board from intervening in the review of an
655 application prior to the application being referred to the
656 governing board for final action. The authority in this
657 subsection is supplemental to any other provision of this
658 chapter granting authority to the governing board to delegate
659 specific powers, duties, or functions.

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

662 373.118 General permits; delegation.--

663 (4) To provide for greater efficiency, the governing board
664 shall ~~may~~ delegate ~~by rule~~ its powers and duties pertaining to
665 general permits to the executive director and such delegation
666 shall not be subject to the rulemaking requirements of chapter
667 120. The executive director may execute such delegated authority
668 through designated staff. However, when delegating the authority
669 to take final action on permit applications under part II or
670 part IV or petitions for variances or waivers of permitting
671 requirements under part II or part IV, the governing board shall
672 provide a process for referring any denial of such application

673 or petition to the governing board to take such final action.

674 Section 13. Subsections (6) and (7) are added to section
675 373.236, Florida Statutes, to read:

676 373.236 Duration of permits; compliance reports.--

677 (6) (a) The Legislature finds that the need for alternative
678 water supply development projects to meet anticipated public
679 water supply demands of the state is such that it is essential
680 to encourage participation in and contribution to such projects
681 by private rural landowners who characteristically have
682 relatively modest near-term water demands but substantially
683 increasing demands after the 20-year planning period provided in
684 s. 373.0361. Therefore, where such landowners make extraordinary
685 contributions of lands or construction funding to enable the
686 expeditious implementation of such projects, water management
687 districts and the department are authorized to grant permits for
688 such projects for a period of up to 50 years to municipalities,
689 counties, special districts, regional water supply authorities,
690 multijurisdictional water supply entities, and publicly or
691 privately owned utilities created for or by the private
692 landowners on or before April 1, 2009, which have entered into
693 an agreement with the private landowner for the purposes of more
694 efficiently pursuing alternative public water supply development
695 projects identified in a district's regional water supply plan
696 and meeting water demands of both the applicant and the
697 landowner.

698 (b) Any permit granted pursuant to paragraph (a) shall be
699 granted only for that period of time for which there is
700 sufficient data to provide reasonable assurance that the

701 conditions for permit issuance will be met. Such a permit shall
 702 require a compliance report by the permittee every 5 years
 703 during the term of the permit. The report shall contain
 704 sufficient data to maintain reasonable assurance that the
 705 conditions for permit issuance applicable at the time of
 706 district review of the compliance report are met. Following
 707 review of the report, the governing board or the department may
 708 modify the permit to ensure that the use meets the conditions
 709 for issuance. This subsection shall not limit the existing
 710 authority of the department or the governing board to modify or
 711 revoke a consumptive use permit.

712 (7) A permit that is approved for the use of water for a
 713 renewable energy generating facility or for cultivating
 714 agricultural products on lands of 1,000 acres or more for
 715 renewable energy, as defined in s. 366.91(2)(d), shall be
 716 granted for a term of at least 25 years upon the applicant's
 717 request, based on the anticipated life of the facility, if there
 718 is sufficient data to provide reasonable assurance that the
 719 conditions for permit issuance will be met for the duration of
 720 the permit. Otherwise, a permit may be issued for a shorter
 721 duration that reflects the longest period for which such
 722 reasonable assurances are provided. The permittee shall provide
 723 a compliance report every 5 years during the term of the permit,
 724 as required in subsection (4).

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

727 373.406 Exemptions.--The following exemptions shall apply:
 728 (12) (a) Construction of public use facilities in

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

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

747 Section 15. Section 373.1181, Florida Statutes, is created
748 to read:

749 373.1181 Noticed general permit to counties for
750 environmental restoration activities.--

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

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

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

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

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

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

779 (e) Backfilling of existing dredge holes that are at least
780 5 feet deeper than surrounding natural grades to an intertidal
781 elevation if doing so provides a regional net environmental
782 benefit or, at a minimum, to an elevation at which light
783 penetration is expected to allow for seagrass recruitment, with
784 no more than minimum displacement of highly organic sediments.

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

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

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

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

795 (c) The project may not be considered as mitigation for
796 any other project.

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

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

805 (4) This general permit shall be subject to the following
806 specific conditions:

807 (a) A project under this general permit shall not
808 significantly impede navigation or unreasonably infringe upon
809 the riparian rights of others. When a court of competent
810 jurisdiction determines that riparian rights have been
811 unlawfully affected, the structure or activity shall be modified
812 in accordance with the court's decision.

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

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

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

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

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

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

841 fire.

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

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

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

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

865 (6) This general permit constitutes a letter of consent by
866 the Board of Trustees of the Internal Improvement Trust Fund
867 under chapters 253 and 258, where applicable, and chapters 18-
868 18, 18-20, and 18-21, Florida Administrative Code, where

869 applicable, for the county to enter upon and use state-owned
 870 submerged lands to the extent necessary to complete the
 871 activities. Activities conducted under this general permit do
 872 not divest the state from the continued ownership of lands that
 873 were state-owned lands prior to any use, construction, or
 874 implementation of this general permit.

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

877 373.4141 Permits; processing.--

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

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

899 373.441 Role of counties, municipalities, and local
 900 pollution control programs in permit processing.--

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

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

910 403.061 Department; powers and duties.--The department
 911 shall have the power and the duty to control and prohibit
 912 pollution of air and water in accordance with the law and rules
 913 adopted and promulgated by it and, for this purpose, to:

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

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

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

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

961
 962 The department shall implement such programs in conjunction with
 963 its other powers and duties and shall place special emphasis on
 964 reducing and eliminating contamination that presents a threat to
 965 humans, animals or plants, or to the environment.

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

969 403.813 Permits issued at district centers; exceptions.--

970 (1) A permit is not required under this chapter, chapter
 971 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 972 chapter 25270, 1949, Laws of Florida, for activities associated
 973 with the following types of projects; however, except as
 974 otherwise provided in this subsection, ~~nothing in this~~
 975 subsection does not relieve ~~relieves~~ an applicant from any
 976 requirement to obtain permission to use or occupy lands owned by
 977 the Board of Trustees of the Internal Improvement Trust Fund or
 978 any water management district in its governmental or proprietary

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

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

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

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

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

1000 3. Shall not substantially impede the flow of water or
 1001 create a navigational hazard;

1002 4. Is used for recreational, noncommercial activities
 1003 associated with the mooring or storage of boats and boat
 1004 paraphernalia; and

1005 5. Is the sole dock constructed pursuant to this exemption
 1006 as measured along the shoreline for a distance of 65 feet,

1007 unless the parcel of land or individual lot as platted is less
1008 than 65 feet in length along the shoreline, in which case there
1009 may be one exempt dock allowed per parcel or lot.

1010
1011 Nothing in this paragraph shall prohibit the department from
1012 taking appropriate enforcement action pursuant to this chapter
1013 to abate or prohibit any activity otherwise exempt from
1014 permitting pursuant to this paragraph if the department can
1015 demonstrate that the exempted activity has caused water
1016 pollution in violation of this chapter.

1017 (c) The installation and maintenance to design
1018 specifications of boat ramps on artificial bodies of water where
1019 navigational access to the proposed ramp exists or the
1020 installation of boat ramps open to the public in any waters of
1021 the state where navigational access to the proposed ramp exists
1022 and where the construction of the proposed ramp will be less
1023 than 30 feet wide and will involve the removal of less than 25
1024 cubic yards of material from the waters of the state, and the
1025 maintenance to design specifications of such ramps; however, the
1026 material to be removed shall be placed upon a self-contained
1027 upland site so as to prevent the escape of the spoil material
1028 into the waters of the state.

1029 (d) The replacement or repair of existing docks and piers,
1030 except that no fill material is to be used and provided that the
1031 replacement or repaired dock or pier is in the same location and
1032 of the same configuration and dimensions as the dock or pier
1033 being replaced or repaired. This does not preclude the use of
1034 different construction materials or minor deviations to allow

1035 upgrades to current structural and design standards.

1036 (e) The restoration of seawalls at their previous
1037 locations or upland of, or within 1 foot waterward of, their
1038 previous locations. However, this shall not affect the
1039 permitting requirements of chapter 161, and department rules
1040 shall clearly indicate that this exception does not constitute
1041 an exception from the permitting requirements of chapter 161.

1042 (f) The performance of maintenance dredging of existing
1043 manmade canals, channels, intake and discharge structures, and
1044 previously dredged portions of natural water bodies within
1045 drainage rights-of-way or drainage easements which have been
1046 recorded in the public records of the county, where the spoil
1047 material is to be removed and deposited on a self-contained,
1048 upland spoil site which will prevent the escape of the spoil
1049 material into the waters of the state, provided that no more
1050 dredging is to be performed than is necessary to restore the
1051 canals, channels, and intake and discharge structures, and
1052 previously dredged portions of natural water bodies, to original
1053 design specifications or configurations, provided that the work
1054 is conducted in compliance with s. 379.2431(2)(d), provided that
1055 no significant impacts occur to previously undisturbed natural
1056 areas, and provided that control devices for return flow and
1057 best management practices for erosion and sediment control are
1058 utilized to prevent bank erosion and scouring and to prevent
1059 turbidity, dredged material, and toxic or deleterious substances
1060 from discharging into adjacent waters during maintenance
1061 dredging. Further, for maintenance dredging of previously
1062 dredged portions of natural water bodies within recorded

1063 drainage rights-of-way or drainage easements, an entity that
1064 seeks an exemption must notify the department or water
1065 management district, as applicable, at least 30 days prior to
1066 dredging and provide documentation of original design
1067 specifications or configurations where such exist. This
1068 exemption applies to all canals and previously dredged portions
1069 of natural water bodies within recorded drainage rights-of-way
1070 or drainage easements constructed prior to April 3, 1970, and to
1071 those canals and previously dredged portions of natural water
1072 bodies constructed on or after April 3, 1970, pursuant to all
1073 necessary state permits. This exemption does not apply to the
1074 removal of a natural or manmade barrier separating a canal or
1075 canal system from adjacent waters. When no previous permit has
1076 been issued by the Board of Trustees of the Internal Improvement
1077 Trust Fund or the United States Army Corps of Engineers for
1078 construction or maintenance dredging of the existing manmade
1079 canal or intake or discharge structure, such maintenance
1080 dredging shall be limited to a depth of no more than 5 feet
1081 below mean low water. The Board of Trustees of the Internal
1082 Improvement Trust Fund may fix and recover from the permittee an
1083 amount equal to the difference between the fair market value and
1084 the actual cost of the maintenance dredging for material removed
1085 during such maintenance dredging. However, no charge shall be
1086 exacted by the state for material removed during such
1087 maintenance dredging by a public port authority. The removing
1088 party may subsequently sell such material; however, proceeds
1089 from such sale that exceed the costs of maintenance dredging
1090 shall be remitted to the state and deposited in the Internal

1091 Improvement Trust Fund.

1092 (g) The maintenance of existing insect control structures,
1093 dikes, and irrigation and drainage ditches, provided that spoil
1094 material is deposited on a self-contained, upland spoil site
1095 which will prevent the escape of the spoil material into waters
1096 of the state. In the case of insect control structures, if the
1097 cost of using a self-contained upland spoil site is so
1098 excessive, as determined by the Department of Health, pursuant
1099 to s. 403.088(1), that it will inhibit proposed insect control,
1100 then-existing spoil sites or dikes may be used, upon
1101 notification to the department. In the case of insect control
1102 where upland spoil sites are not used pursuant to this
1103 exemption, turbidity control devices shall be used to confine
1104 the spoil material discharge to that area previously disturbed
1105 when the receiving body of water is used as a potable water
1106 supply, is designated as shellfish harvesting waters, or
1107 functions as a habitat for commercially or recreationally
1108 important shellfish or finfish. In all cases, no more dredging
1109 is to be performed than is necessary to restore the dike or
1110 irrigation or drainage ditch to its original design
1111 specifications.

1112 (h) The repair or replacement of existing functional pipes
1113 or culverts the purpose of which is the discharge or conveyance
1114 of stormwater. In all cases, the invert elevation, the diameter,
1115 and the length of the culvert shall not be changed. However, the
1116 material used for the culvert may be different from the
1117 original.

1118 (i) The construction of private docks of 1,000 square feet

1119 or less of over-water surface area and seawalls in artificially
 1120 created waterways where such construction will not violate
 1121 existing water quality standards, impede navigation, or affect
 1122 flood control. This exemption does not apply to the construction
 1123 of vertical seawalls in estuaries or lagoons unless the proposed
 1124 construction is within an existing manmade canal where the
 1125 shoreline is currently occupied in whole or part by vertical
 1126 seawalls.

1127 (j) The construction and maintenance of swales.

1128 (k) The installation of aids to navigation and buoys
 1129 associated with such aids, provided the devices are marked
 1130 pursuant to s. 327.40.

1131 (l) The replacement or repair of existing open-trestle
 1132 foot bridges and vehicular bridges that are 100 feet or less in
 1133 length and two lanes or less in width, provided that no more
 1134 dredging or filling of submerged lands is performed other than
 1135 that which is necessary to replace or repair pilings and that
 1136 the structure to be replaced or repaired is the same length, the
 1137 same configuration, and in the same location as the original
 1138 bridge. No debris from the original bridge shall be allowed to
 1139 remain in the waters of the state.

1140 (m) The installation of subaqueous transmission and
 1141 distribution lines laid on, or embedded in, the bottoms of
 1142 waters in the state, except in Class I and Class II waters and
 1143 aquatic preserves, provided no dredging or filling is necessary.

1144 (n) The replacement or repair of subaqueous transmission
 1145 and distribution lines laid on, or embedded in, the bottoms of
 1146 waters of the state.

1147 (o) The construction of private seawalls in wetlands or
1148 other surface waters where such construction is between and
1149 adjoins at both ends existing seawalls; follows a continuous and
1150 uniform seawall construction line with the existing seawalls; is
1151 no more than 150 feet in length; and does not violate existing
1152 water quality standards, impede navigation, or affect flood
1153 control. However, in estuaries and lagoons the construction of
1154 vertical seawalls is limited to the circumstances and purposes
1155 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
1156 the permitting requirements of chapter 161, and department rules
1157 must clearly indicate that this exception does not constitute an
1158 exception from the permitting requirements of chapter 161.

1159 (p) The restoration of existing insect control impoundment
1160 dikes which are less than 100 feet in length. Such impoundments
1161 shall be connected to tidally influenced waters for 6 months
1162 each year beginning September 1 and ending February 28 if
1163 feasible or operated in accordance with an impoundment
1164 management plan approved by the department. A dike restoration
1165 may involve no more dredging than is necessary to restore the
1166 dike to its original design specifications. For the purposes of
1167 this paragraph, restoration does not include maintenance of
1168 impoundment dikes of operating insect control impoundments.

1169 (q) The construction, operation, or maintenance of
1170 stormwater management facilities which are designed to serve
1171 single-family residential projects, including duplexes,
1172 triplexes, and quadruplexes, if they are less than 10 acres
1173 total land and have less than 2 acres of impervious surface and
1174 if the facilities:

1175 1. Comply with all regulations or ordinances applicable to
 1176 stormwater management and adopted by a city or county;

1177 2. Are not part of a larger common plan of development or
 1178 sale; and

1179 3. Discharge into a stormwater discharge facility exempted
 1180 or permitted by the department under this chapter which has
 1181 sufficient capacity and treatment capability as specified in
 1182 this chapter and is owned, maintained, or operated by a city,
 1183 county, special district with drainage responsibility, or water
 1184 management district; however, this exemption does not authorize
 1185 discharge to a facility without the facility owner's prior
 1186 written consent.

1187 (r) The removal of aquatic plants, the removal of
 1188 tussocks, the associated replanting of indigenous aquatic
 1189 plants, and the associated removal from lakes of organic
 1190 detrital material when such planting or removal is performed and
 1191 authorized by permit or exemption granted under s. 369.20 or s.
 1192 369.25, provided that:

1193 1. Organic detrital material that exists on the surface of
 1194 natural mineral substrate shall be allowed to be removed to a
 1195 depth of 3 feet or to the natural mineral substrate, whichever
 1196 is less;

1197 2. All material removed pursuant to this paragraph shall
 1198 be deposited in an upland site in a manner that will prevent the
 1199 reintroduction of the material into waters in the state except
 1200 when spoil material is permitted to be used to create wildlife
 1201 islands in freshwater bodies of the state when a governmental
 1202 entity is permitted pursuant to s. 369.20 to create such islands

1203 as a part of a restoration or enhancement project;

1204 3. All activities are performed in a manner consistent
 1205 with state water quality standards; and

1206 4. No activities under this exemption are conducted in
 1207 wetland areas, as defined by s. 373.019(25), which are supported
 1208 by a natural soil as shown in applicable United States
 1209 Department of Agriculture county soil surveys, except when a
 1210 governmental entity is permitted pursuant to s. 369.20 to
 1211 conduct such activities as a part of a restoration or
 1212 enhancement project.

1213

1214 The department may not adopt implementing rules for this
 1215 paragraph, notwithstanding any other provision of law.

1216 (s) The construction, installation, operation, or
 1217 maintenance of floating vessel platforms or floating boat lifts,
 1218 provided that such structures:

1219 1. Float at all times in the water for the sole purpose of
 1220 supporting a vessel so that the vessel is out of the water when
 1221 not in use;

1222 2. Are wholly contained within a boat slip previously
 1223 permitted under ss. 403.91-403.929, 1984 Supplement to the
 1224 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 1225 do not exceed a combined total of 500 square feet, or 200 square
 1226 feet in an Outstanding Florida Water, when associated with a
 1227 dock that is exempt under this subsection or associated with a
 1228 permitted dock with no defined boat slip or attached to a
 1229 bulkhead on a parcel of land where there is no other docking
 1230 structure;

1231 3. Are not used for any commercial purpose or for mooring
 1232 vessels that remain in the water when not in use, and do not
 1233 substantially impede the flow of water, create a navigational
 1234 hazard, or unreasonably infringe upon the riparian rights of
 1235 adjacent property owners, as defined in s. 253.141;

1236 4. Are constructed and used so as to minimize adverse
 1237 impacts to submerged lands, wetlands, shellfish areas, aquatic
 1238 plant and animal species, and other biological communities,
 1239 including locating such structures in areas where seagrasses are
 1240 least dense adjacent to the dock or bulkhead; and

1241 5. Are not constructed in areas specifically prohibited
 1242 for boat mooring under conditions of a permit issued in
 1243 accordance with ss. 403.91-403.929, 1984 Supplement to the
 1244 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 1245 other form of authorization issued by a local government.

1246
 1247 Structures that qualify for this exemption are relieved from any
 1248 requirement to obtain permission to use or occupy lands owned by
 1249 the Board of Trustees of the Internal Improvement Trust Fund
 1250 and, with the exception of those structures attached to a
 1251 bulkhead on a parcel of land where there is no docking
 1252 structure, shall not be subject to any more stringent permitting
 1253 requirements, registration requirements, or other regulation by
 1254 any local government. Local governments may require either
 1255 permitting or one-time registration of floating vessel platforms
 1256 to be attached to a bulkhead on a parcel of land where there is
 1257 no other docking structure as necessary to ensure compliance
 1258 with local ordinances, codes, or regulations. Local governments

1259 | may require either permitting or one-time registration of all
1260 | other floating vessel platforms as necessary to ensure
1261 | compliance with the exemption criteria in this section; to
1262 | ensure compliance with local ordinances, codes, or regulations
1263 | relating to building or zoning, which are no more stringent than
1264 | the exemption criteria in this section or address subjects other
1265 | than subjects addressed by the exemption criteria in this
1266 | section; and to ensure proper installation, maintenance, and
1267 | precautionary or evacuation action following a tropical storm or
1268 | hurricane watch of a floating vessel platform or floating boat
1269 | lift that is proposed to be attached to a bulkhead or parcel of
1270 | land where there is no other docking structure. The exemption
1271 | provided in this paragraph shall be in addition to the exemption
1272 | provided in paragraph (b). The department shall adopt a general
1273 | permit by rule for the construction, installation, operation, or
1274 | maintenance of those floating vessel platforms or floating boat
1275 | lifts that do not qualify for the exemption provided in this
1276 | paragraph but do not cause significant adverse impacts to occur
1277 | individually or cumulatively. The issuance of such general
1278 | permit shall also constitute permission to use or occupy lands
1279 | owned by the Board of Trustees of the Internal Improvement Trust
1280 | Fund. No local government shall impose a more stringent
1281 | regulation, permitting requirement, registration requirement, or
1282 | other regulation covered by such general permit. Local
1283 | governments may require either permitting or one-time
1284 | registration of floating vessel platforms as necessary to ensure
1285 | compliance with the general permit in this section; to ensure
1286 | compliance with local ordinances, codes, or regulations relating

1287 to building or zoning that are no more stringent than the
 1288 general permit in this section; and to ensure proper
 1289 installation and maintenance of a floating vessel platform or
 1290 floating boat lift that is proposed to be attached to a bulkhead
 1291 or parcel of land where there is no other docking structure.

1292 (t) The repair, stabilization, or paving of existing
 1293 county maintained roads and the repair or replacement of bridges
 1294 that are part of the roadway, within the Northwest Florida Water
 1295 Management District and the Suwannee River Water Management
 1296 District, provided:

1297 1. The road and associated bridge were in existence and in
 1298 use as a public road or bridge, and were maintained by the
 1299 county as a public road or bridge on or before January 1, 2002;

1300 2. The construction activity does not realign the road or
 1301 expand the number of existing traffic lanes of the existing
 1302 road; however, the work may include the provision of safety
 1303 shoulders, clearance of vegetation, and other work reasonably
 1304 necessary to repair, stabilize, pave, or repave the road,
 1305 provided that the work is constructed by generally accepted
 1306 engineering standards;

1307 3. The construction activity does not expand the existing
 1308 width of an existing vehicular bridge in excess of that
 1309 reasonably necessary to properly connect the bridge with the
 1310 road being repaired, stabilized, paved, or repaved to safely
 1311 accommodate the traffic expected on the road, which may include
 1312 expanding the width of the bridge to match the existing
 1313 connected road. However, no debris from the original bridge
 1314 shall be allowed to remain in waters of the state, including

1315 wetlands;

1316 4. Best management practices for erosion control shall be
1317 employed as necessary to prevent water quality violations;

1318 5. Roadside swales or other effective means of stormwater
1319 treatment must be incorporated as part of the project;

1320 6. No more dredging or filling of wetlands or water of the
1321 state is performed than that which is reasonably necessary to
1322 repair, stabilize, pave, or repave the road or to repair or
1323 replace the bridge, in accordance with generally accepted
1324 engineering standards; and

1325 7. Notice of intent to use the exemption is provided to
1326 the department, if the work is to be performed within the
1327 Northwest Florida Water Management District, or to the Suwannee
1328 River Water Management District, if the work is to be performed
1329 within the Suwannee River Water Management District, 30 days
1330 prior to performing any work under the exemption.

1331
1332 Within 30 days after this act becomes a law, the department
1333 shall initiate rulemaking to adopt a no fee general permit for
1334 the repair, stabilization, or paving of existing roads that are
1335 maintained by the county and the repair or replacement of
1336 bridges that are part of the roadway where such activities do
1337 not cause significant adverse impacts to occur individually or
1338 cumulatively. The general permit shall apply statewide and, with
1339 no additional rulemaking required, apply to qualified projects
1340 reviewed by the Suwannee River Water Management District, the
1341 St. Johns River Water Management District, the Southwest Florida
1342 Water Management District, and the South Florida Water

1343 Management District under the division of responsibilities
1344 contained in the operating agreements applicable to part IV of
1345 chapter 373. Upon adoption, this general permit shall, pursuant
1346 to the provisions of subsection (2), supersede and replace the
1347 exemption in this paragraph.

1348 (u) Notwithstanding any provision to the contrary in this
1349 subsection, a permit or other authorization under chapter 253,
1350 chapter 369, chapter 373, or this chapter is not required for an
1351 individual residential property owner for the removal of organic
1352 detrital material from freshwater rivers or lakes that have a
1353 natural sand or rocky substrate and that are not Aquatic
1354 Preserves or for the associated removal and replanting of
1355 aquatic vegetation for the purpose of environmental enhancement,
1356 providing that:

1357 1. No activities under this exemption are conducted in
1358 wetland areas, as defined by s. 373.019(25), which are supported
1359 by a natural soil as shown in applicable United States
1360 Department of Agriculture county soil surveys.

1361 2. No filling or peat mining is allowed.

1362 3. No removal of native wetland trees, including, but not
1363 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

1364 4. When removing organic detrital material, no portion of
1365 the underlying natural mineral substrate or rocky substrate is
1366 removed.

1367 5. Organic detrital material and plant material removed is
1368 deposited in an upland site in a manner that will not cause
1369 water quality violations.

1370 6. All activities are conducted in such a manner, and with

1371 appropriate turbidity controls, so as to prevent any water
1372 quality violations outside the immediate work area.

1373 7. Replanting with a variety of aquatic plants native to
1374 the state shall occur in a minimum of 25 percent of the
1375 preexisting vegetated areas where organic detrital material is
1376 removed, except for areas where the material is removed to bare
1377 rocky substrate; however, an area may be maintained clear of
1378 vegetation as an access corridor. The access corridor width may
1379 not exceed 50 percent of the property owner's frontage or 50
1380 feet, whichever is less, and may be a sufficient length
1381 waterward to create a corridor to allow access for a boat or
1382 swimmer to reach open water. Replanting must be at a minimum
1383 density of 2 feet on center and be completed within 90 days
1384 after removal of existing aquatic vegetation, except that under
1385 dewatered conditions replanting must be completed within 90 days
1386 after reflooding. The area to be replanted must extend waterward
1387 from the ordinary high water line to a point where normal water
1388 depth would be 3 feet or the preexisting vegetation line,
1389 whichever is less. Individuals are required to make a reasonable
1390 effort to maintain planting density for a period of 6 months
1391 after replanting is complete, and the plants, including
1392 naturally recruited native aquatic plants, must be allowed to
1393 expand and fill in the revegetation area. Native aquatic plants
1394 to be used for revegetation must be salvaged from the
1395 enhancement project site or obtained from an aquatic plant
1396 nursery regulated by the Department of Agriculture and Consumer
1397 Services. Plants that are not native to the state may not be
1398 used for replanting.

1399 8. No activity occurs any farther than 100 feet waterward
 1400 of the ordinary high water line, and all activities must be
 1401 designed and conducted in a manner that will not unreasonably
 1402 restrict or infringe upon the riparian rights of adjacent upland
 1403 riparian owners.

1404 9. The person seeking this exemption notifies the
 1405 applicable department district office in writing at least 30
 1406 days before commencing work and allows the department to conduct
 1407 a preconstruction site inspection. Notice must include an
 1408 organic-detrital-material removal and disposal plan and, if
 1409 applicable, a vegetation-removal and revegetation plan.

1410 10. The department is provided written certification of
 1411 compliance with the terms and conditions of this paragraph
 1412 within 30 days after completion of any activity occurring under
 1413 this exemption.

1414 (2) The provisions of subsection (1) are superseded by
 1415 general permits established pursuant to ss. 373.118 and 403.814
 1416 which include the same activities. Until such time as general
 1417 permits are established, or if ~~should~~ general permits are ~~be~~
 1418 suspended or repealed, the exemptions under subsection (1) shall
 1419 remain or shall be reestablished in full force and effect.

1420 Section 20. Subsection (12) is added to section 403.814,
 1421 Florida Statutes, to read:

1422 403.814 General permits; delegation.--

1423 (12) The department shall expand the use of Internet-based
 1424 self-certification services for appropriate exemptions and
 1425 general permits issued by the department and water management
 1426 districts, providing such expansion is economically feasible. In

1427 addition, the department shall identify and develop general
1428 permits for activities currently requiring individual review
1429 which could be expedited through the use of professional
1430 certifications. The department shall submit a report on progress
1431 of these efforts to the President of the Senate and the Speaker
1432 of the House of Representatives by January 15, 2010.

1433 Section 21. Section 403.973, Florida Statutes, is amended
1434 to read:

1435 403.973 Expedited permitting; comprehensive plan
1436 amendments.--

1437 (1) It is the intent of the Legislature to encourage and
1438 facilitate the location and expansion of those types of economic
1439 development projects which offer job creation and high wages,
1440 strengthen and diversify the state's economy, and have been
1441 thoughtfully planned to take into consideration the protection
1442 of the state's environment. It is also the intent of the
1443 Legislature to provide for an expedited permitting and
1444 comprehensive plan amendment process for such projects.

1445 (2) As used in this section, the term:

1446 (a) "Duly noticed" means publication in a newspaper of
1447 general circulation in the municipality or county with
1448 jurisdiction. The notice shall appear on at least 2 separate
1449 days, one of which shall be at least 7 days before the meeting.
1450 The notice shall state the date, time, and place of the meeting
1451 scheduled to discuss or enact the memorandum of agreement, and
1452 the places within the municipality or county where such proposed
1453 memorandum of agreement may be inspected by the public. The
1454 notice must be one-eighth of a page in size and must be

1455 published in a portion of the paper other than the legal notices
 1456 section. The notice shall also advise that interested parties
 1457 may appear at the meeting and be heard with respect to the
 1458 memorandum of agreement.

1459 (b) "Jobs" means permanent, full-time equivalent positions
 1460 not including construction jobs.

1461 ~~(c) "Office" means the Office of Tourism, Trade, and~~
 1462 ~~Economic Development.~~

1463 (c) ~~(d)~~ "Permit applications" means state permits and
 1464 licenses, and at the option of a participating local government,
 1465 local development permits or orders.

1466 (d) "Secretary" means the Secretary of Environmental
 1467 Protection or his or her designee.

1468 (3) (a) The secretary ~~Governor, through the office,~~ shall
 1469 direct the creation of regional permit action teams, for the
 1470 purpose of expediting review of permit applications and local
 1471 comprehensive plan amendments submitted by:

- 1472 1. Businesses creating at least 50 ~~100~~ jobs, or
- 1473 2. Businesses creating at least 25 ~~50~~ jobs if the project
 1474 is located in an enterprise zone, or in a county having a
 1475 population of less than 75,000 or in a county having a
 1476 population of less than 100,000 which is contiguous to a county
 1477 having a population of less than 75,000, as determined by the
 1478 most recent decennial census, residing in incorporated and
 1479 unincorporated areas of the county, or

1480 (b) On a case-by-case basis and at the request of a county
 1481 or municipal government, the secretary ~~office~~ may certify as
 1482 eligible for expedited review a project not meeting the minimum

1483 job creation thresholds but creating a minimum of 10 jobs. The
1484 recommendation from the governing body of the county or
1485 municipality in which the project may be located is required in
1486 order for the secretary ~~office~~ to certify that any project is
1487 eligible for expedited review under this paragraph. When
1488 considering projects that do not meet the minimum job creation
1489 thresholds but that are recommended by the governing body in
1490 which the project may be located, the secretary ~~office~~ shall
1491 consider economic impact factors that include, but are not
1492 limited to:

- 1493 1. The proposed wage and skill levels relative to those
1494 existing in the area in which the project may be located;
- 1495 2. The project's potential to diversify and strengthen the
1496 area's economy;
- 1497 3. The amount of capital investment; and
- 1498 4. The number of jobs that will be made available for
1499 persons served by the welfare transition program.

1500 (c) At the request of a county or municipal government,
1501 the secretary ~~office~~ or a Quick Permitting County may certify
1502 projects located in counties where the ratio of new jobs per
1503 participant in the welfare transition program, as determined by
1504 Workforce Florida, Inc., is less than one or otherwise critical,
1505 as eligible for the expedited permitting process. Such projects
1506 must meet the numerical job creation criteria of this
1507 subsection, but the jobs created by the project do not have to
1508 be high-wage jobs that diversify the state's economy.

1509 (d) Projects located in a designated brownfield area are
1510 eligible for the expedited permitting process.

1511 (e) Projects that are part of the state-of-the-art
 1512 biomedical research institution and campus to be established in
 1513 this state by the grantee under s. 288.955 are eligible for the
 1514 expedited permitting process, if the projects are designated as
 1515 part of the institution or campus by the board of county
 1516 commissioners of the county in which the institution and campus
 1517 are established.

1518 (f) Projects that result in the production of biofuels
 1519 cultivated on lands that are 1,000 acres or more or the
 1520 construction of a biofuel or biodiesel processing facility or a
 1521 facility generating renewable energy as defined in s.
 1522 366.91(2)(d) are eligible for the expedited permitting process.

1523 (4) The regional teams shall be established through the
 1524 execution of memoranda of agreement developed by the applicant
 1525 and between the secretary, with input solicited from ~~office and~~
 1526 ~~the respective heads of the Department of Environmental~~
 1527 ~~Protection,~~ the Department of Community Affairs, the Department
 1528 of Transportation and its district offices, the Department of
 1529 Agriculture and Consumer Services, the Fish and Wildlife
 1530 Conservation Commission, appropriate regional planning councils,
 1531 appropriate water management districts, and voluntarily
 1532 participating municipalities and counties. The memoranda of
 1533 agreement should also accommodate participation in this
 1534 expedited process by other local governments and federal
 1535 agencies as circumstances warrant.

1536 (5) In order to facilitate local government's option to
 1537 participate in this expedited review process, the secretary
 1538 ~~office~~ shall, in cooperation with local governments and

1539 participating state agencies, create a standard form memorandum
 1540 of agreement. A local government shall hold a duly noticed
 1541 public workshop to review and explain to the public the
 1542 expedited permitting process and the terms and conditions of the
 1543 standard form memorandum of agreement.

1544 (6) The local government shall hold a duly noticed public
 1545 hearing to execute a memorandum of agreement for each qualified
 1546 project. Notwithstanding any other provision of law, and at the
 1547 option of the local government, the workshop provided for in
 1548 subsection (5) may be conducted on the same date as the public
 1549 hearing held under this subsection. The memorandum of agreement
 1550 that a local government signs shall include a provision
 1551 identifying necessary local government procedures and time
 1552 limits that will be modified to allow for the local government
 1553 decision on the project within 90 days. The memorandum of
 1554 agreement applies to projects, on a case-by-case basis, that
 1555 qualify for special review and approval as specified in this
 1556 section. The memorandum of agreement must make it clear that
 1557 this expedited permitting and review process does not modify,
 1558 qualify, or otherwise alter existing local government
 1559 nonprocedural standards for permit applications, unless
 1560 expressly authorized by law.

1561 (7) ~~At the option of the participating local government,~~
 1562 Appeals of local government approvals ~~its final approval~~ for a
 1563 project shall ~~may~~ be pursuant to the summary hearing provisions
 1564 of s. 120.574, pursuant to subsection (14), and be consolidated
 1565 with the challenge of any applicable state agency actions ~~or~~
 1566 ~~pursuant to other appellate processes available to the local~~

1567 ~~government. The local government's decision to enter into a~~
1568 ~~summary hearing must be made as provided in s. 120.574 or in the~~
1569 ~~memorandum of agreement.~~

1570 (8) Each memorandum of agreement shall include a process
1571 for final agency action on permit applications and local
1572 comprehensive plan amendment approvals within 90 days after
1573 receipt of a completed application, unless the applicant agrees
1574 to a longer time period or the secretary ~~office~~ determines that
1575 unforeseen or uncontrollable circumstances preclude final agency
1576 action within the 90-day timeframe. Permit applications governed
1577 by federally delegated or approved permitting programs whose
1578 requirements would prohibit or be inconsistent with the 90-day
1579 timeframe are exempt from this provision, but must be processed
1580 by the agency with federally delegated or approved program
1581 responsibility as expeditiously as possible.

1582 (9) The secretary ~~office~~ shall inform the Legislature by
1583 October 1 of each year which agencies have not entered into or
1584 implemented an agreement and identify any barriers to achieving
1585 success of the program.

1586 (10) The memoranda of agreement may provide for the waiver
1587 or modification of procedural rules prescribing forms, fees,
1588 procedures, or time limits for the review or processing of
1589 permit applications under the jurisdiction of those agencies
1590 that are party to the memoranda of agreement. Notwithstanding
1591 any other provision of law to the contrary, a memorandum of
1592 agreement must to the extent feasible provide for proceedings
1593 and hearings otherwise held separately by the parties to the
1594 memorandum of agreement to be combined into one proceeding or

1595 held jointly and at one location. Such waivers or modifications
1596 shall not be available for permit applications governed by
1597 federally delegated or approved permitting programs, the
1598 requirements of which would prohibit, or be inconsistent with,
1599 such a waiver or modification.

1600 (11) The standard form memoranda of agreement shall
1601 include guidelines to be used in working with state, regional,
1602 and local permitting authorities. Guidelines may include, but
1603 are not limited to, the following:

1604 (a) A central contact point for filing permit applications
1605 and local comprehensive plan amendments and for obtaining
1606 information on permit and local comprehensive plan amendment
1607 requirements;

1608 (b) Identification of the individual or individuals within
1609 each respective agency who will be responsible for processing
1610 the expedited permit application or local comprehensive plan
1611 amendment for that agency;

1612 (c) A mandatory preapplication review process to reduce
1613 permitting conflicts by providing guidance to applicants
1614 regarding the permits needed from each agency and governmental
1615 entity, site planning and development, site suitability and
1616 limitations, facility design, and steps the applicant can take
1617 to ensure expeditious permit application and local comprehensive
1618 plan amendment review. As a part of this process, the first
1619 interagency meeting to discuss a project shall be held within 14
1620 days after the secretary's ~~office's~~ determination that the
1621 project is eligible for expedited review. Subsequent interagency
1622 meetings may be scheduled to accommodate the needs of

1623 participating local governments that are unable to meet public
1624 notice requirements for executing a memorandum of agreement
1625 within this timeframe. This accommodation may not exceed 45 days
1626 from the secretary's ~~office's~~ determination that the project is
1627 eligible for expedited review;

1628 (d) The preparation of a single coordinated project
1629 description form and checklist and an agreement by state and
1630 regional agencies to reduce the burden on an applicant to
1631 provide duplicate information to multiple agencies;

1632 (e) Establishment of a process for the adoption and review
1633 of any comprehensive plan amendment needed by any certified
1634 project within 90 days after the submission of an application
1635 for a comprehensive plan amendment. However, the memorandum of
1636 agreement may not prevent affected persons as defined in s.
1637 163.3184 from appealing or participating in this expedited plan
1638 amendment process and any review or appeals of decisions made
1639 under this paragraph; and

1640 (f) Additional incentives for an applicant who proposes a
1641 project that provides a net ecosystem benefit.

1642 (12) The applicant, the regional permit action team, and
1643 participating local governments may agree to incorporate into a
1644 single document the permits, licenses, and approvals that are
1645 obtained through the expedited permit process. This consolidated
1646 permit is subject to the summary hearing provisions set forth in
1647 subsection (14).

1648 (13) Notwithstanding any other provisions of law:

1649 (a) Local comprehensive plan amendments for projects
1650 qualified under this section are exempt from the twice-a-year

1651 limits provision in s. 163.3187; and

1652 (b) Projects qualified under this section are not subject
 1653 to interstate highway level-of-service standards adopted by the
 1654 Department of Transportation for concurrency purposes. The
 1655 memorandum of agreement specified in subsection (5) must include
 1656 a process by which the applicant will be assessed a fair share
 1657 of the cost of mitigating the project's significant traffic
 1658 impacts, as defined in chapter 380 and related rules. The
 1659 agreement must also specify whether the significant traffic
 1660 impacts on the interstate system will be mitigated through the
 1661 implementation of a project or payment of funds to the
 1662 Department of Transportation. Where funds are paid, the
 1663 Department of Transportation must include in the 5-year work
 1664 program transportation projects or project phases, in an amount
 1665 equal to the funds received, to mitigate the traffic impacts
 1666 associated with the proposed project.

1667 (14) (a) Challenges to state agency action in the expedited
 1668 permitting process for projects processed under this section are
 1669 subject to the summary hearing provisions of s. 120.574, except
 1670 that the administrative law judge's decision, as provided in s.
 1671 120.574(2)(f), shall be in the form of a recommended order and
 1672 shall not constitute the final action of the state agency. In
 1673 those proceedings where the action of only one agency of the
 1674 state other than the Department of Environmental Protection is
 1675 challenged, the agency of the state shall issue the final order
 1676 within 45 ~~10~~ working days after ~~of~~ receipt of the administrative
 1677 law judge's recommended order. The recommended order shall
 1678 inform the parties of the right to file exceptions to the

1679 recommended order and to file responses thereto in accordance
1680 with the Uniform Rules of Procedure. In those proceedings where
1681 the actions of more than one agency of the state are challenged,
1682 the Governor shall issue the final order, except for the
1683 issuance of department licenses required under any federally
1684 delegated or approved permit program for which the department
1685 shall enter the final order, within 45 ~~10~~ working days after ~~of~~
1686 receipt of the administrative law judge's recommended order. The
1687 recommended order shall inform the parties of the right to file
1688 exceptions to the recommended order and to file responses
1689 thereto in accordance with the Uniform Rules of Procedure. The
1690 participating agencies of the state may opt at the preliminary
1691 hearing conference to allow the administrative law judge's
1692 decision to constitute the final agency action. If a
1693 participating local government agrees to participate in the
1694 summary hearing provisions of s. 120.574 for purposes of review
1695 of local government comprehensive plan amendments, s.
1696 163.3184(9) and (10) apply.

1697 (b) Challenges to state agency action in the expedited
1698 permitting process for establishment of a state-of-the-art
1699 biomedical research institution and campus in this state by the
1700 grantee under s. 288.955 or projects identified in paragraph
1701 (3) (f) are subject to the same requirements as challenges
1702 brought under paragraph (a), except that, notwithstanding s.
1703 120.574, summary proceedings must be conducted within 30 days
1704 after a party files the motion for summary hearing, regardless
1705 of whether the parties agree to the summary proceeding.

1706 (15) The secretary ~~office~~, working with the agencies

1707 providing cooperative assistance and input to ~~participating in~~
 1708 the memoranda of agreement, shall review sites proposed for the
 1709 location of facilities eligible for the Innovation Incentive
 1710 Program under s. 288.1089. Within 20 days after the request for
 1711 the review by the secretary ~~office~~, the agencies shall provide
 1712 to the secretary ~~office~~ a statement as to each site's necessary
 1713 permits under local, state, and federal law and an
 1714 identification of significant permitting issues, which if
 1715 unresolved, may result in the denial of an agency permit or
 1716 approval or any significant delay caused by the permitting
 1717 process.

1718 (16) This expedited permitting process shall not modify,
 1719 qualify, or otherwise alter existing agency nonprocedural
 1720 standards for permit applications or local comprehensive plan
 1721 amendments, unless expressly authorized by law. If it is
 1722 determined that the applicant is not eligible to use this
 1723 process, the applicant may apply for permitting of the project
 1724 through the normal permitting processes.

1725 (17) The secretary ~~office~~ shall be responsible for
 1726 certifying a business as eligible for undergoing expedited
 1727 review under this section. Enterprise Florida, Inc., a county or
 1728 municipal government, or the Rural Economic Development
 1729 Initiative may recommend to the secretary ~~Office of Tourism,~~
 1730 ~~Trade, and Economic Development~~ that a project meeting the
 1731 minimum job creation threshold undergo expedited review.

1732 (18) The secretary ~~office~~, working with the Rural Economic
 1733 Development Initiative and the agencies participating in the
 1734 memoranda of agreement, shall provide technical assistance in

1735 preparing permit applications and local comprehensive plan
 1736 amendments for counties having a population of less than 75,000
 1737 residents, or counties having fewer than 100,000 residents which
 1738 are contiguous to counties having fewer than 75,000 residents.
 1739 Additional assistance may include, but not be limited to,
 1740 guidance in land development regulations and permitting
 1741 processes, working cooperatively with state, regional, and local
 1742 entities to identify areas within these counties which may be
 1743 suitable or adaptable for preclearance review of specified types
 1744 of land uses and other activities requiring permits.

1745 (19) The following projects are ineligible for review
 1746 under this part:

1747 (a) A project funded and operated by a local government,
 1748 as defined in s. 377.709, and located within that government's
 1749 jurisdiction.

1750 (b) A project, the primary purpose of which is to:

1751 1. Effect the final disposal of solid waste, biomedical
 1752 waste, or hazardous waste in this state.

1753 2. Produce electrical power, unless the production of
 1754 electricity is incidental and not the primary function of the
 1755 project or the electrical power is derived from a fuel source
 1756 for renewable energy as defined in s. 366.91(2)(d).

1757 3. Extract natural resources.

1758 4. Produce oil.

1759 5. Construct, maintain, or operate an oil, petroleum,
 1760 natural gas, or sewage pipeline.

1761 Section 22. Paragraph (f) of subsection (2) of section
 1762 14.2015, Florida Statutes, is amended to read:

1763 14.2015 Office of Tourism, Trade, and Economic
 1764 Development; creation; powers and duties.--

1765 (2) The purpose of the Office of Tourism, Trade, and
 1766 Economic Development is to assist the Governor in working with
 1767 the Legislature, state agencies, business leaders, and economic
 1768 development professionals to formulate and implement coherent
 1769 and consistent policies and strategies designed to provide
 1770 economic opportunities for all Floridians. To accomplish such
 1771 purposes, the Office of Tourism, Trade, and Economic Development
 1772 shall:

1773 (f)1. Administer the Florida Enterprise Zone Act under ss.
 1774 290.001-290.016, the community contribution tax credit program
 1775 under ss. 220.183 and 624.5105, the tax refund program for
 1776 qualified target industry businesses under s. 288.106, the tax-
 1777 refund program for qualified defense contractors and space
 1778 flight business contractors under s. 288.1045, contracts for
 1779 transportation projects under s. 288.063, the sports franchise
 1780 facility program under s. 288.1162, the professional golf hall
 1781 of fame facility program under s. 288.1168, ~~the expedited~~
 1782 ~~permitting process under s. 403.973,~~ the Rural Community
 1783 Development Revolving Loan Fund under s. 288.065, the Regional
 1784 Rural Development Grants Program under s. 288.018, the Certified
 1785 Capital Company Act under s. 288.99, the Florida State Rural
 1786 Development Council, the Rural Economic Development Initiative,
 1787 and other programs that are specifically assigned to the office
 1788 by law, by the appropriations process, or by the Governor.
 1789 Notwithstanding any other provisions of law, the office may
 1790 expend interest earned from the investment of program funds

1791 deposited in the Grants and Donations Trust Fund to contract for
 1792 the administration of the programs, or portions of the programs,
 1793 enumerated in this paragraph or assigned to the office by law,
 1794 by the appropriations process, or by the Governor. Such
 1795 expenditures shall be subject to review under chapter 216.

1796 2. The office may enter into contracts in connection with
 1797 the fulfillment of its duties concerning the Florida First
 1798 Business Bond Pool under chapter 159, tax incentives under
 1799 chapters 212 and 220, tax incentives under the Certified Capital
 1800 Company Act in chapter 288, foreign offices under chapter 288,
 1801 the Enterprise Zone program under chapter 290, the Seaport
 1802 Employment Training program under chapter 311, the Florida
 1803 Professional Sports Team License Plates under chapter 320,
 1804 Spaceport Florida under chapter 331, ~~Expedited Permitting under~~
 1805 ~~chapter 403,~~ and in carrying out other functions that are
 1806 specifically assigned to the office by law, by the
 1807 appropriations process, or by the Governor.

1808 Section 23. Paragraph (e) of subsection (2) of section
 1809 288.0655, Florida Statutes, is amended to read:

1810 288.0655 Rural Infrastructure Fund.--

1811 (2)

1812 (e) To enable local governments to access the resources
 1813 available pursuant to s. 403.973(18), the office, working with
 1814 the Secretary of Environmental Protection, may award grants for
 1815 surveys, feasibility studies, and other activities related to
 1816 the identification and preclearance review of land which is
 1817 suitable for preclearance review. Authorized grants under this
 1818 paragraph shall not exceed \$75,000 each, except in the case of a

1819 project in a rural area of critical economic concern, in which
 1820 case the grant shall not exceed \$300,000. Any funds awarded
 1821 under this paragraph must be matched at a level of 50 percent
 1822 with local funds, except that any funds awarded for a project in
 1823 a rural area of critical economic concern must be matched at a
 1824 level of 33 percent with local funds. In evaluating applications
 1825 under this paragraph, the office shall consider the extent to
 1826 which the application seeks to minimize administrative and
 1827 consultant expenses.

1828 Section 24. Paragraph (d) of subsection (2) and paragraph
 1829 (b) of subsection (19) of section 380.06, Florida Statutes, are
 1830 amended to read:

1831 380.06 Developments of regional impact.--

1832 (2) STATEWIDE GUIDELINES AND STANDARDS.--

1833 (d) The guidelines and standards shall be applied as
 1834 follows:

1835 1. Fixed thresholds.--

1836 a. A development that is below 100 percent of all
 1837 numerical thresholds in the guidelines and standards shall not
 1838 be required to undergo development-of-regional-impact review.

1839 b. A development that is at or above 120 percent of any
 1840 numerical threshold shall be required to undergo development-of-
 1841 regional-impact review.

1842 c. Projects certified under s. 403.973 which create at
 1843 least 50 ~~100~~ jobs and meet the criteria of the Secretary of
 1844 Environmental Protection ~~Office of Tourism, Trade, and Economic~~
 1845 ~~Development~~ as to their impact on an area's economy, employment,
 1846 and prevailing wage and skill levels that are at or below 100

1847 percent of the numerical thresholds for industrial plants,
 1848 industrial parks, distribution, warehousing or wholesaling
 1849 facilities, office development or multiuse projects other than
 1850 residential, as described in s. 380.0651(3)(c), (d), and (h),
 1851 are not required to undergo development-of-regional-impact
 1852 review.

1853 2. Rebuttable presumption.--It shall be presumed that a
 1854 development that is at 100 percent or between 100 and 120
 1855 percent of a numerical threshold shall be required to undergo
 1856 development-of-regional-impact review.

1857 (19) SUBSTANTIAL DEVIATIONS.--

1858 (b) Any proposed change to a previously approved
 1859 development of regional impact or development order condition
 1860 which, either individually or cumulatively with other changes,
 1861 exceeds any of the following criteria shall constitute a
 1862 substantial deviation and shall cause the development to be
 1863 subject to further development-of-regional-impact review without
 1864 the necessity for a finding of same by the local government:

1865 1. An increase in the number of parking spaces at an
 1866 attraction or recreational facility by 10 percent or 330 spaces,
 1867 whichever is greater, or an increase in the number of spectators
 1868 that may be accommodated at such a facility by 10 percent or
 1869 1,100 spectators, whichever is greater.

1870 2. A new runway, a new terminal facility, a 25-percent
 1871 lengthening of an existing runway, or a 25-percent increase in
 1872 the number of gates of an existing terminal, but only if the
 1873 increase adds at least three additional gates.

1874 3. An increase in industrial development area by 10

1875 percent or 35 acres, whichever is greater.

1876 4. An increase in the average annual acreage mined by 10
1877 percent or 11 acres, whichever is greater, or an increase in the
1878 average daily water consumption by a mining operation by 10
1879 percent or 330,000 gallons, whichever is greater. A net increase
1880 in the size of the mine by 10 percent or 825 acres, whichever is
1881 less. For purposes of calculating any net increases in size,
1882 only additions and deletions of lands that have not been mined
1883 shall be considered. An increase in the size of a heavy mineral
1884 mine as defined in s. 378.403(7) will only constitute a
1885 substantial deviation if the average annual acreage mined is
1886 more than 550 acres and consumes more than 3.3 million gallons
1887 of water per day.

1888 5. An increase in land area for office development by 10
1889 percent or an increase of gross floor area of office development
1890 by 10 percent or 66,000 gross square feet, whichever is greater.

1891 6. An increase in the number of dwelling units by 10
1892 percent or 55 dwelling units, whichever is greater.

1893 7. An increase in the number of dwelling units by 50
1894 percent or 200 units, whichever is greater, provided that 15
1895 percent of the proposed additional dwelling units are dedicated
1896 to affordable workforce housing, subject to a recorded land use
1897 restriction that shall be for a period of not less than 20 years
1898 and that includes resale provisions to ensure long-term
1899 affordability for income-eligible homeowners and renters and
1900 provisions for the workforce housing to be commenced prior to
1901 the completion of 50 percent of the market rate dwelling. For
1902 purposes of this subparagraph, the term "affordable workforce

1903 housing" means housing that is affordable to a person who earns
 1904 less than 120 percent of the area median income, or less than
 1905 140 percent of the area median income if located in a county in
 1906 which the median purchase price for a single-family existing
 1907 home exceeds the statewide median purchase price of a single-
 1908 family existing home. For purposes of this subparagraph, the
 1909 term "statewide median purchase price of a single-family
 1910 existing home" means the statewide purchase price as determined
 1911 in the Florida Sales Report, Single-Family Existing Homes,
 1912 released each January by the Florida Association of Realtors and
 1913 the University of Florida Real Estate Research Center.

1914 8. An increase in commercial development by 55,000 square
 1915 feet of gross floor area or of parking spaces provided for
 1916 customers for 330 cars or a 10-percent increase of either of
 1917 these, whichever is greater.

1918 9. An increase in hotel or motel rooms by 10 percent or 83
 1919 rooms, whichever is greater.

1920 10. An increase in a recreational vehicle park area by 10
 1921 percent or 110 vehicle spaces, whichever is less.

1922 11. A decrease in the area set aside for open space of 5
 1923 percent or 20 acres, whichever is less.

1924 12. A proposed increase to an approved multiuse
 1925 development of regional impact where the sum of the increases of
 1926 each land use as a percentage of the applicable substantial
 1927 deviation criteria is equal to or exceeds 110 percent. The
 1928 percentage of any decrease in the amount of open space shall be
 1929 treated as an increase for purposes of determining when 110
 1930 percent has been reached or exceeded.

1931 13. A 15-percent increase in the number of external
 1932 vehicle trips generated by the development above that which was
 1933 projected during the original development-of-regional-impact
 1934 review.

1935 14. Any change which would result in development of any
 1936 area which was specifically set aside in the application for
 1937 development approval or in the development order for
 1938 preservation or special protection of endangered or threatened
 1939 plants or animals designated as endangered, threatened, or
 1940 species of special concern and their habitat, any species
 1941 protected by 16 U.S.C. ss. 668a-668d, primary dunes, or
 1942 archaeological and historical sites designated as significant by
 1943 the Division of Historical Resources of the Department of State.
 1944 The refinement of the boundaries and configuration of such areas
 1945 shall be considered under sub-subparagraph (e)2.j.

1946
 1947 The substantial deviation numerical standards in subparagraphs
 1948 3., 5., 8., 9., and 12., excluding residential uses, and in
 1949 subparagraph 13., are increased by 100 percent for a project
 1950 certified under s. 403.973 which creates jobs and meets criteria
 1951 established by the Secretary of Environmental Protection ~~Office~~
 1952 ~~of Tourism, Trade, and Economic Development~~ as to its impact on
 1953 an area's economy, employment, and prevailing wage and skill
 1954 levels. The substantial deviation numerical standards in
 1955 subparagraphs 3., 5., 6., 7., 8., 9., 12., and 13. are increased
 1956 by 50 percent for a project located wholly within an urban
 1957 infill and redevelopment area designated on the applicable
 1958 adopted local comprehensive plan future land use map and not

1959 | located within the coastal high hazard area.

1960 | Section 25. Subsection (20) is added to section 373.414,
1961 | Florida Statutes, to read:

1962 | 373.414 Additional criteria for activities in surface
1963 | waters and wetlands.--

1964 | (20) (a) The mitigation requirements under this part shall
1965 | be deemed satisfied for permits providing conceptual approval of
1966 | the long-term build out or expansion of an existing airport
1967 | which is operated by an aviation authority created by a special
1968 | act and located within the Upper Kissimmee Planning Unit
1969 | established under s. 403.067 if:

1970 | 1. The amount of mitigation required to offset impacts to
1971 | wetlands and other surface waters associated with such build out
1972 | or expansion is determined by the methodology established
1973 | pursuant to subsection (18); and

1974 | 2. The specific measures acceptable to the authority to
1975 | offset the impacts to wetlands and other surface waters are
1976 | provided for in the permits authorizing the actual construction
1977 | of the airport build out or expansion.

1978 | (b) Conceptual approval permits issued to such authorities
1979 | under this subsection may be issued for durations of up to 5
1980 | years.

1981 | Section 26. Section 373.185, Florida Statutes, is amended
1982 | to read:

1983 | 373.185 Local Florida-friendly landscaping ~~Xeriscape~~
1984 | ordinances.--

1985 | (1) As used in this section, the term:

1986 | (a) "Local government" means any county or municipality of

1987 the state.

1988 (b) ~~"Xeriscape" or "Florida-friendly landscaping~~
 1989 ~~landscape"~~ means quality landscapes that conserve water, and
 1990 protect the environment, and are adaptable to local conditions,
 1991 and ~~which~~ are drought tolerant. The principles of Florida-
 1992 friendly landscaping ~~Xeriscape~~ include planting the right plant
 1993 in the right place, efficient watering, appropriate
 1994 fertilization, mulching, attraction of wildlife, responsible
 1995 management of yard pests, recycling yard waste, reduction of
 1996 stormwater runoff, and waterfront protection. The principles of
 1997 Florida-friendly landscaping include practices such as landscape
 1998 planning and design, appropriate choice of plants, soil
 1999 analysis, which may include the appropriate use of solid waste
 2000 compost, minimizing the use of efficient irrigation, practical
 2001 use of turf, appropriate use of mulches, and proper maintenance.

2002 (2) Each water management district shall design and
 2003 implement an incentive program to encourage all local
 2004 governments within its district to adopt new ordinances or amend
 2005 existing ordinances to require Florida-friendly ~~Xeriscape~~
 2006 landscaping for development permitted after the effective date
 2007 of the new ordinance or amendment. ~~Each district shall adopt~~
 2008 ~~rules governing the implementation of its incentive program and~~
 2009 ~~governing the review and approval of local government Xeriscape~~
 2010 ~~ordinances or amendments which are intended to qualify a local~~
 2011 ~~government for the incentive program.~~ Each district shall assist
 2012 the local governments within its jurisdiction by providing a
 2013 model Florida-friendly landscaping ordinance ~~Xeriscape code~~ and
 2014 other technical assistance. Each district may develop its own

2015 model or use a model contained in the "Florida-Friendly
 2016 Landscape Guidance Models for Ordinances, Covenants, and
 2017 Restrictions" manual developed by the Department of
 2018 Environmental Protection. A local government Florida-friendly
 2019 landscaping ~~Xeriscape~~ ordinance or amendment, in order to
 2020 qualify the local government for a district's incentive program,
 2021 must include, at a minimum:

2022 (a) Landscape design, installation, and maintenance
 2023 standards that result in water conservation and water quality
 2024 protection or restoration. Such standards shall address the use
 2025 of plant groupings, soil analysis including the promotion of the
 2026 use of solid waste compost, efficient irrigation systems, and
 2027 other water-conserving practices.

2028 (b) Identification of prohibited invasive exotic plant
 2029 species consistent with the provisions of s. 581.091.

2030 (c) Identification of controlled plant species,
 2031 accompanied by the conditions under which such plants may be
 2032 used.

2033 (d) A provision specifying the maximum percentage of
 2034 irrigated turf and the maximum percentage of impervious surfaces
 2035 allowed in a Florida-friendly landscaped ~~xeriscaped~~ area and
 2036 addressing the practical selection and installation of turf.

2037 (e) Specific standards for land clearing and requirements
 2038 for the preservation of existing native vegetation.

2039 (f) A monitoring program for ordinance implementation and
 2040 compliance.

2041
 2042 In addition to developing and implementing an incentive program,

2043 each district ~~The districts also~~ shall work with local
 2044 governments, the Department of Environmental Protection, county
 2045 extension agents or offices, nursery and landscape industry
 2046 groups, and other interested stakeholders to promote, through
 2047 educational programs, and publications, and other activities of
 2048 the district authorized under this chapter, the use of Florida-
 2049 friendly landscaping ~~Xeriscape~~ practices, including the use of
 2050 solid waste compost, in ~~existing~~ residential and commercial
 2051 development. In these activities, each district shall use the
 2052 materials developed by the department, the Institute of Food and
 2053 Agricultural Sciences at the University of Florida, and the
 2054 Center for Landscape Conservation and Ecology Florida-friendly
 2055 landscaping program, including, but not limited to, the Florida
 2056 Yards and Neighborhoods Program for homeowners, the Florida
 2057 Yards and Neighborhoods Builder Developer Program for
 2058 developers, and the Green Industries Best Management Practices
 2059 Program for landscaping professionals. Each district may develop
 2060 supplemental materials as appropriate to address the physical
 2061 and natural characteristics of the district. The districts shall
 2062 coordinate with the department and the Institute of Food and
 2063 Agricultural Sciences at the University of Florida if revisions
 2064 to the educational materials of the department or university are
 2065 needed. This section may not be construed to limit the authority
 2066 ~~of the districts to require Xeriscape ordinances or practices as~~
 2067 ~~a condition of any consumptive use permit.~~

2068 (3) (a) The Legislature finds that the use of Florida-
 2069 friendly landscaping and other water use and pollution
 2070 prevention measures that conserve or protect the state's water

2071 resources serves a compelling public interest and that the
 2072 participation of homeowners' associations and local governments
 2073 is essential to state water conservation and water quality
 2074 protection and restoration efforts.

2075 (b) A deed restriction or covenant entered after October
 2076 1, 2001, or local government ordinance may not prohibit or be
 2077 enforced to prohibit any property owner from implementing
 2078 Xeriscape or Florida-friendly landscaping landscape on his or
 2079 her land or create any requirement or limitation in conflict
 2080 with any provision of part II of this chapter or a water
 2081 shortage order, other order, consumptive use permit, or rule
 2082 adopted or issued pursuant to part II of this chapter.

2083 (c) A local government ordinance may not prohibit or be
 2084 enforced so as to prohibit any property owner from implementing
 2085 Florida-friendly landscaping on his or her land.

2086 (4) This section may not be construed to limit the
 2087 authority of the department or the districts to require Florida-
 2088 friendly landscaping ordinances or practices as a condition of
 2089 any permit under this chapter.

2090 Section 27. Section 373.187, Florida Statutes, is created
 2091 to read:

2092 373.187 Water management district implementation of
 2093 Florida-friendly landscaping.--Each water management district
 2094 shall use Florida-friendly landscaping, as defined in s.
 2095 373.185, on public property associated with buildings and
 2096 facilities owned by the water management district and
 2097 constructed after June 30, 2009. Each water management district
 2098 shall also develop a 5-year program for phasing in the use of

2099 Florida-friendly landscaping on public property associated with
 2100 buildings or facilities owned by the water management district
 2101 and constructed before July 1, 2009.

2102 Section 28. Section 373.228, Florida Statutes, is amended
 2103 to read:

2104 373.228 Landscape irrigation design.--

2105 (1) The Legislature finds that multiple areas throughout
 2106 the state have been identified by water management districts as
 2107 water resource caution areas, which indicates that in the near
 2108 future water demand in those areas will exceed the current
 2109 available water supply and that conservation is one of the
 2110 mechanisms by which future water demand will be met.

2111 (2) The Legislature finds that landscape irrigation
 2112 comprises a significant portion of water use and that the
 2113 current typical landscape irrigation system and Florida-friendly
 2114 landscaping ~~landscape~~ designs offer significant potential water
 2115 conservation benefits.

2116 (3) It is the intent of the Legislature to improve
 2117 landscape irrigation water use efficiency by ensuring that
 2118 landscape irrigation systems meet or exceed minimum design
 2119 criteria.

2120 (4) The water management districts shall work with the
 2121 Florida Nursery Nurserymen and Growers and Landscape
 2122 Association, the Florida Native Plant Society, the Florida
 2123 Chapter of the American Society of Landscape Architects, the
 2124 Florida Irrigation Society, the Department of Agriculture and
 2125 Consumer Services, the Institute of Food and Agricultural
 2126 Sciences, the Department of Environmental Protection, the

2127 Department of Transportation, the Florida League of Cities, the
 2128 Florida Association of Counties, and the Florida Association of
 2129 Community Developers to develop landscape irrigation and
 2130 Florida-friendly landscaping ~~eriscape~~ design standards for new
 2131 construction which incorporate a landscape irrigation system and
 2132 develop scientifically based model guidelines for urban,
 2133 commercial, and residential landscape irrigation, including drip
 2134 irrigation, for plants, trees, sod, and other landscaping. The
 2135 landscape and irrigation design standards shall be based on the
 2136 irrigation code defined in the Florida Building Code, Plumbing
 2137 Volume, Appendix F. Local governments shall use the standards
 2138 and guidelines when developing landscape irrigation and Florida-
 2139 friendly landscaping ~~eriscape~~ ordinances. By January 1, 2011,
 2140 the agencies and entities specified in this subsection shall
 2141 review the standards and guidelines to determine whether new
 2142 research findings require a change or modification of the
 2143 standards and guidelines.

2144 (5) In evaluating water use applications from public water
 2145 suppliers, water management districts shall consider whether the
 2146 applicable local government has adopted ordinances for
 2147 landscaping and irrigation systems consistent with the Florida-
 2148 friendly landscaping provisions of s. 373.185.

2149 Section 29. Subsection (3) of section 373.323, Florida
 2150 Statutes, is amended to read:

2151 373.323 Licensure of water well contractors; application,
 2152 qualifications, and examinations; equipment identification.--

2153 (3) An applicant who meets the following requirements
 2154 shall be entitled to take the water well contractor licensure

2155 examination ~~to practice water well contracting:~~

2156 (a) Is at least 18 years of age.

2157 (b) Has at least 2 years of experience in constructing,
2158 repairing, or abandoning water wells. Satisfactory proof of such
2159 experience shall be demonstrated by providing:

2160 1. Evidence of the length of time the applicant has been
2161 engaged in the business of the construction, repair, or
2162 abandonment of water wells as a major activity, as attested to
2163 by a letter from each of three of the following persons:

2164 a. A water well contractor.

2165 b. A water well driller.

2166 c. A water well parts and equipment vendor.

2167 d. A water well inspector employed by a governmental
2168 agency.

2169 2. A list of at least 10 water wells that the applicant
2170 has constructed, repaired, or abandoned within the preceding 5
2171 years. Of these wells, at least seven must have been
2172 constructed, as defined in s. 373.303(2), by the applicant. The
2173 list shall also include:

2174 a. The name and address of the owner or owners of each
2175 well.

2176 b. The location, primary use, and approximate depth and
2177 diameter of each well the applicant has constructed, repaired,
2178 or abandoned.

2179 c. The approximate date the construction, repair, or
2180 abandonment of each well was completed.

2181 (c) Has completed the application form and remitted a
2182 nonrefundable application fee.

2183 Section 30. Subsection (8) of section 373.333, Florida
 2184 Statutes, is amended to read:

2185 373.333 Disciplinary guidelines; adoption and enforcement;
 2186 license suspension or revocation.--

2187 (8) The water management district may impose through an
 2188 order an administrative fine not to exceed \$5,000 per occurrence
 2189 against an unlicensed person if ~~when~~ it determines that the
 2190 unlicensed person has engaged in the practice of water well
 2191 contracting, for which a license is required.

2192 Section 31. Section 125.568, Florida Statutes, is amended
 2193 to read:

2194 125.568 Conservation of water; Florida-friendly
 2195 landscaping ~~Xeriscape~~.--

2196 (1) (a) The Legislature finds that Florida-friendly
 2197 landscaping ~~Xeriscape~~ contributes to the conservation,
 2198 protection, and restoration of water. In an effort to meet the
 2199 water needs of this state in a manner that will supply adequate
 2200 and dependable supplies of water where needed, it is the intent
 2201 of the Legislature that Florida-friendly landscaping ~~Xeriscape~~
 2202 be an essential part of water conservation and water quality
 2203 protection and restoration planning.

2204 (b) As used in this section, "Xeriscape" or "Florida-
 2205 friendly landscaping" has the same meaning as provided in s.
 2206 373.185 landscape" means quality landscapes that conserve water
 2207 and protect the environment and are adaptable to local
 2208 conditions and which are drought tolerant. The principles of
 2209 Xeriscape include planning and design, appropriate choice of
 2210 plants, soil analysis which may include the use of solid waste

2211 ~~compost, practical use of turf, efficient irrigation,~~
 2212 ~~appropriate use of mulches, and proper maintenance.~~

2213 (2) The board of county commissioners of each county shall
 2214 consider enacting ordinances, consistent with the provisions of
 2215 s. 373.185, requiring the use of Florida-friendly landscaping
 2216 ~~Xeriscape~~ as a water conservation or water quality protection or
 2217 restoration measure. If the board determines that Florida-
 2218 friendly landscaping ~~Xeriscape~~ would be of significant benefit
 2219 as a water conservation or water quality protection or
 2220 restoration measure, especially for waters designated as
 2221 impaired pursuant to s. 403.067, relative to the cost to
 2222 implement Florida-friendly ~~Xeriscape~~ landscaping in its area of
 2223 jurisdiction, the board shall enact a Florida-friendly
 2224 landscaping ~~Xeriscape~~ ordinance. Further, the board of county
 2225 commissioners shall consider promoting Florida-friendly
 2226 landscaping ~~Xeriscape~~ as a water conservation or water quality
 2227 protection or restoration measure by+ using Florida-friendly
 2228 landscaping ~~Xeriscape~~ in ~~any, around, or near facilities, parks,~~
 2229 ~~and other common~~ areas under its jurisdiction that which are
 2230 landscaped after the effective date of this act; providing
 2231 public education on Florida-friendly landscaping ~~Xeriscape~~, its
 2232 uses in increasing as a water conservation and water quality
 2233 protection or restoration ~~tool,~~ and its long-term cost-
 2234 effectiveness; and offering incentives to local residents and
 2235 businesses to implement Florida-friendly ~~Xeriscape~~ landscaping.

2236 (3) (a) The Legislature finds that the use of Florida-
 2237 friendly landscaping and other water use and pollution
 2238 prevention measures that conserve or protect the state's water

2239 resources serves a compelling public interest and that the
 2240 participation of homeowners' associations and local governments
 2241 is essential to state water conservation and water quality
 2242 protection and restoration efforts.

2243 (b) A deed restriction or covenant entered after October
 2244 1, 2001, or local government ordinance may not prohibit or be
 2245 enforced to prohibit any property owner from implementing
 2246 Xeriscape or Florida-friendly landscaping landscape on his or
 2247 her land or create any requirement or limitation in conflict
 2248 with any provision of part II of chapter 373 or a water shortage
 2249 order, other order, consumptive use permit, or rule adopted or
 2250 issued pursuant to part II of chapter 373.

2251 (c) A local government ordinance may not prohibit or be
 2252 enforced so as to prohibit any property owner from implementing
 2253 Florida-friendly landscaping on his or her land.

2254 Section 32. Section 166.048, Florida Statutes, is amended
 2255 to read:

2256 166.048 Conservation of water; Florida-friendly
 2257 landscaping Xeriscape.--

2258 (1) (a) The Legislature finds that Florida-friendly
 2259 landscaping Xeriscape contributes to the conservation,
 2260 protection, and restoration of water. In an effort to meet the
 2261 water needs of this state in a manner that will supply adequate
 2262 and dependable supplies of water where needed, it is the intent
 2263 of the Legislature that Florida-friendly landscaping Xeriscape
 2264 be an essential part of water conservation and water quality
 2265 protection and restoration planning.

2266 (b) As used in this section, "Xeriscape" or "Florida-

2267 friendly landscaping" has the same meaning as provided in s.
 2268 373.185 landscape" ~~means quality landscapes that conserve water~~
 2269 ~~and protect the environment and are adaptable to local~~
 2270 ~~conditions and which are drought tolerant. The principles of~~
 2271 ~~Xeriscape include planning and design, appropriate choice of~~
 2272 ~~plants, soil analysis which may include the use of solid waste~~
 2273 ~~compost, practical use of turf, efficient irrigation,~~
 2274 ~~appropriate use of mulches, and proper maintenance.~~

2275 (2) The governing body of each municipality shall consider
 2276 enacting ordinances, consistent with the provisions of s.
 2277 373.185, requiring the use of Florida-friendly landscaping
 2278 ~~Xeriscape~~ as a water conservation or water quality protection or
 2279 restoration measure. If the governing body determines that
 2280 Florida-friendly landscaping ~~Xeriscape~~ would be of significant
 2281 benefit as a water conservation or water quality protection or
 2282 restoration measure, especially for waters designated as
 2283 impaired pursuant to s. 403.067, relative to the cost to
 2284 implement Florida-friendly ~~Xeriscape~~ landscaping in its area of
 2285 jurisdiction in the municipality, the governing body ~~board~~ shall
 2286 enact a Florida-friendly landscaping ~~Xeriscape~~ ordinance.
 2287 Further, the governing body shall consider promoting Florida-
 2288 friendly landscaping ~~Xeriscape~~ as a water conservation or water
 2289 quality protection or restoration measure by ~~÷~~ using Florida-
 2290 friendly landscaping ~~Xeriscape~~ in any, ~~around, or near~~
 2291 ~~facilities, parks, and other common~~ areas under its jurisdiction
 2292 that ~~which~~ are landscaped after the effective date of this act;
 2293 providing public education on Florida-friendly landscaping
 2294 ~~Xeriscape,~~ its uses in increasing ~~as a~~ water conservation and

2295 water quality protection or restoration tool, and its long-term
 2296 cost-effectiveness; and offering incentives to local residents
 2297 and businesses to implement Florida-friendly Xeriscape
 2298 landscaping.

2299 (3) (a) The Legislature finds that the use of Florida-
 2300 friendly landscaping and other water use and pollution
 2301 prevention measures that conserve or protect the state's water
 2302 resources serves a compelling public interest and that the
 2303 participation of homeowners' associations and local governments
 2304 is essential to state water conservation and water quality
 2305 protection and restoration efforts.

2306 (b) A deed restriction or covenant entered after October
 2307 1, 2001, or local government ordinance may not prohibit or be
 2308 enforced to prohibit any property owner from implementing
 2309 Xeriscape or Florida-friendly landscaping landscape on his or
 2310 her land or create any requirement or limitation in conflict
 2311 with any provision of part II of chapter 373 or a water shortage
 2312 order, other order, consumptive use permit, or rule adopted or
 2313 issued pursuant to part II of chapter 373.

2314 (c) A local government ordinance may not prohibit or be
 2315 enforced so as to prohibit any property owner from implementing
 2316 Florida-friendly landscaping on his or her land.

2317 Section 33. Section 255.259, Florida Statutes, is amended
 2318 to read:

2319 255.259 Florida-friendly Xeriscape landscaping on public
 2320 property.--

2321 (1) The Legislature finds that water conservation and
 2322 water quality protection and restoration are ~~is~~ increasingly

2323 critical to the continuance of an adequate water supply and
 2324 healthy surface and ground waters ~~for the citizens of this~~
 2325 ~~state~~. The Legislature further finds that "Florida-friendly
 2326 landscaping Xeriscape," as defined in s. 373.185, can contribute
 2327 significantly to water ~~the~~ conservation and ~~of~~ water quality
 2328 protection and restoration. Finally, the Legislature finds that
 2329 state government has the responsibility to promote Florida-
 2330 friendly landscaping Xeriscape as a water conservation and water
 2331 quality protection and restoration measure by using Florida-
 2332 friendly landscaping Xeriscape on public property associated
 2333 with publicly owned buildings or facilities.

2334 (2) As used in this section, "publicly owned buildings or
 2335 facilities" means those construction projects under the purview
 2336 of the Department of Management Services. It does not include
 2337 environmentally endangered land or roads and highway
 2338 construction under the purview of the Department of
 2339 Transportation.

2340 (3) The Department of Management Services, in consultation
 2341 with the Department of Environmental Protection, shall adopt
 2342 rules and guidelines for the required use of Florida-friendly
 2343 landscaping Xeriscape on public property associated with
 2344 publicly owned buildings or facilities constructed after June
 2345 30, 2009 ~~1992~~. The Department of Management Services also shall
 2346 develop a 5-year program for phasing in the use of Florida-
 2347 friendly landscaping Xeriscape on public property associated
 2348 with publicly owned buildings or facilities constructed before
 2349 July 1, 2009 ~~1992~~. In accomplishing these tasks, the Department
 2350 of Management Services shall take into account the provisions of

2351 ~~guidelines set out in s. 373.185(2)(a)-(f).~~ The Department of
 2352 Transportation shall implement Florida-friendly Xeriscape
 2353 landscaping pursuant to s. 335.167.

2354 (4) (a) The Legislature finds that the use of Florida-
 2355 friendly landscaping and other water use and pollution
 2356 prevention measures that conserve or protect the state's water
 2357 resources serves a compelling public interest and that the
 2358 participation of homeowners' associations and local governments
 2359 is essential to state water conservation and water quality
 2360 protection and restoration efforts.

2361 (b) A deed restriction or covenant entered after October
 2362 1, 2001, or local government ordinance may not prohibit or be
 2363 enforced to prohibit any property owner from implementing
 2364 ~~Xeriscape or~~ Florida-friendly landscaping landscape on his or
 2365 her land or create any requirement or limitation in conflict
 2366 with any provision of part II of chapter 373 or a water shortage
 2367 order, other order, consumptive use permit, or rule adopted or
 2368 issued pursuant to part II of chapter 373.

2369 (c) A local government ordinance may not prohibit or be
 2370 enforced so as to prohibit any property owner from implementing
 2371 Florida-friendly landscaping on his or her land.

2372 Section 34. Section 335.167, Florida Statutes, is amended
 2373 to read:

2374 335.167 State highway construction and maintenance;
 2375 ~~Xeriscape or~~ Florida-friendly landscaping.--

2376 (1) The department shall use and require the use of
 2377 Florida-friendly landscaping Xeriscape practices, as defined in
 2378 s. 373.185(1), in the construction and maintenance of all new

2379 state highways, wayside parks, access roads, welcome stations,
 2380 and other state highway rights-of-way constructed upon or
 2381 acquired after June 30, 2009 ~~1992~~. The department shall develop
 2382 a 5-year program for phasing in the use of Florida-friendly
 2383 landscaping ~~Xeriscape~~, including the use of solid waste compost,
 2384 in state highway rights-of-way constructed upon or acquired
 2385 before July 1, 2009 ~~1992~~. In accomplishing these tasks, the
 2386 department shall employ the guidelines set out in s.
 2387 373.185(2)(a) ~~-(f)~~.

2388 (2)(a) The Legislature finds that the use of Florida-
 2389 friendly landscaping and other water use and pollution
 2390 prevention measures that conserve or protect the state's water
 2391 resources serves a compelling public interest and that the
 2392 participation of homeowners' associations and local governments
 2393 is essential to state water conservation and water quality
 2394 protection and restoration efforts.

2395 (b) A deed restriction or covenant entered after October
 2396 1, 2001, or local government ordinance may not prohibit or be
 2397 enforced to prohibit any property owner from implementing
 2398 Xeriscape or Florida-friendly landscaping landscape on his or
 2399 her land or create any requirement or limitation in conflict
 2400 with any provision of part II of chapter 373 or a water shortage
 2401 order, other order, consumptive use permit, or rule adopted or
 2402 issued pursuant to part II of chapter 373.

2403 (c) A local government ordinance may not prohibit or be
 2404 enforced so as to prohibit any property owner from implementing
 2405 Florida-friendly landscaping on his or her land.

2406 Section 35. Paragraph (a) of subsection (3) of section

2407 380.061, Florida Statutes, is amended to read:

2408 380.061 The Florida Quality Developments program.--

2409 (3) (a) To be eligible for designation under this program,
 2410 the developer shall comply with each of the following
 2411 requirements which is applicable to the site of a qualified
 2412 development:

2413 1. Have donated or entered into a binding commitment to
 2414 donate the fee or a lesser interest sufficient to protect, in
 2415 perpetuity, the natural attributes of the types of land listed
 2416 below. In lieu of the above requirement, the developer may enter
 2417 into a binding commitment which runs with the land to set aside
 2418 such areas on the property, in perpetuity, as open space to be
 2419 retained in a natural condition or as otherwise permitted under
 2420 this subparagraph. Under the requirements of this subparagraph,
 2421 the developer may reserve the right to use such areas for the
 2422 purpose of passive recreation that is consistent with the
 2423 purposes for which the land was preserved.

2424 a. Those wetlands and water bodies throughout the state as
 2425 would be delineated if the provisions of s. 373.4145(1) (b) were
 2426 applied. The developer may use such areas for the purpose of
 2427 site access, provided other routes of access are unavailable or
 2428 impracticable; may use such areas for the purpose of stormwater
 2429 or domestic sewage management and other necessary utilities to
 2430 the extent that such uses are permitted pursuant to chapter 403;
 2431 or may redesign or alter wetlands and water bodies within the
 2432 jurisdiction of the Department of Environmental Protection which
 2433 have been artificially created, if the redesign or alteration is
 2434 done so as to produce a more naturally functioning system.

2435 b. Active beach or primary and, where appropriate,
 2436 secondary dunes, to maintain the integrity of the dune system
 2437 and adequate public accessways to the beach. However, the
 2438 developer may retain the right to construct and maintain
 2439 elevated walkways over the dunes to provide access to the beach.

2440 c. Known archaeological sites determined to be of
 2441 significance by the Division of Historical Resources of the
 2442 Department of State.

2443 d. Areas known to be important to animal species
 2444 designated as endangered or threatened animal species by the
 2445 United States Fish and Wildlife Service or by the Fish and
 2446 Wildlife Conservation Commission, for reproduction, feeding, or
 2447 nesting; for traveling between such areas used for reproduction,
 2448 feeding, or nesting; or for escape from predation.

2449 e. Areas known to contain plant species designated as
 2450 endangered plant species by the Department of Agriculture and
 2451 Consumer Services.

2452 2. Produce, or dispose of, no substances designated as
 2453 hazardous or toxic substances by the United States Environmental
 2454 Protection Agency or by the Department of Environmental
 2455 Protection or the Department of Agriculture and Consumer
 2456 Services. This subparagraph is not intended to apply to the
 2457 production of these substances in nonsignificant amounts as
 2458 would occur through household use or incidental use by
 2459 businesses.

2460 3. Participate in a downtown reuse or redevelopment
 2461 program to improve and rehabilitate a declining downtown area.

2462 4. Incorporate no dredge and fill activities in, and no

2463 stormwater discharge into, waters designated as Class II,
 2464 aquatic preserves, or Outstanding Florida Waters, except as
 2465 activities in those waters are permitted pursuant to s.
 2466 403.813(2) and the developer demonstrates that those activities
 2467 meet the standards under Class II waters, Outstanding Florida
 2468 Waters, or aquatic preserves, as applicable.

2469 5. Include open space, recreation areas, Florida-friendly
 2470 landscaping ~~Xeriscape~~ as defined in s. 373.185, and energy
 2471 conservation and minimize impermeable surfaces as appropriate to
 2472 the location and type of project.

2473 6. Provide for construction and maintenance of all onsite
 2474 infrastructure necessary to support the project and enter into a
 2475 binding commitment with local government to provide an
 2476 appropriate fair-share contribution toward the offsite impacts
 2477 which the development will impose on publicly funded facilities
 2478 and services, except offsite transportation, and condition or
 2479 phase the commencement of development to ensure that public
 2480 facilities and services, except offsite transportation, will be
 2481 available concurrent with the impacts of the development. For
 2482 the purposes of offsite transportation impacts, the developer
 2483 shall comply, at a minimum, with the standards of the state land
 2484 planning agency's development-of-regional-impact transportation
 2485 rule, the approved strategic regional policy plan, any
 2486 applicable regional planning council transportation rule, and
 2487 the approved local government comprehensive plan and land
 2488 development regulations adopted pursuant to part II of chapter
 2489 163.

2490 7. Design and construct the development in a manner that

2491 is consistent with the adopted state plan, the applicable
 2492 strategic regional policy plan, and the applicable adopted local
 2493 government comprehensive plan.

2494 Section 36. Subsection (3) of section 388.291, Florida
 2495 Statutes, is amended to read:

2496 388.291 Source reduction measures; supervision by
 2497 department.--

2498 (3) Property owners in a developed residential area are
 2499 required to maintain their property in such a manner so as not
 2500 to create or maintain any standing freshwater condition capable
 2501 of breeding mosquitoes or other arthropods in significant
 2502 numbers so as to constitute a public health, welfare, or
 2503 nuisance problem. Nothing in this subsection shall permit the
 2504 alteration of permitted stormwater management systems or
 2505 prohibit maintained fish ponds, Florida-friendly landscaping
 2506 ~~scaping~~, or other maintained systems of landscaping or
 2507 vegetation. If such a condition is found to exist, the local
 2508 arthropod control agency shall serve notice on the property
 2509 owner to treat, remove, or abate the condition. Such notice
 2510 shall serve as prima facie evidence of maintaining a nuisance,
 2511 and upon failure of the property owner to treat, remove, or
 2512 abate the condition, the local arthropod control agency or any
 2513 affected citizen may proceed pursuant to s. 60.05 to enjoin the
 2514 nuisance and may recover costs and attorney's fees if they
 2515 prevail in the action.

2516 Section 37. Paragraph (a) of subsection (6) of section
 2517 481.303, Florida Statutes, is amended to read:

2518 481.303 Definitions.--As used in this chapter:

2519 (6) "Landscape architecture" means professional services,
 2520 including, but not limited to, the following:

2521 (a) Consultation, investigation, research, planning,
 2522 design, preparation of drawings, specifications, contract
 2523 documents and reports, responsible construction supervision, or
 2524 landscape management in connection with the planning and
 2525 development of land and incidental water areas, including the
 2526 use of Florida-friendly landscaping ~~Xeriscape~~ as defined in s.
 2527 373.185, where, and to the extent that, the dominant purpose of
 2528 such services or creative works is the preservation,
 2529 conservation, enhancement, or determination of proper land uses,
 2530 natural land features, ground cover and plantings, or
 2531 naturalistic and aesthetic values;

2532 Section 38. Subsection (4) of section 720.3075, Florida
 2533 Statutes, is amended to read:

2534 720.3075 Prohibited clauses in association documents.--

2535 (4) (a) The Legislature finds that the use of Florida-
 2536 friendly landscaping and other water use and pollution
 2537 prevention measures that conserve or protect the state's water
 2538 resources serves a compelling public interest and that the
 2539 participation of homeowners' associations and local governments
 2540 is essential to state water conservation and water quality
 2541 protection and restoration efforts.

2542 (b) Homeowners' association documents, including
 2543 declarations of covenants, articles of incorporation, or bylaws,
 2544 ~~entered after October 1, 2001,~~ may not prohibit or be enforced
 2545 to prohibit any property owner from implementing ~~Xeriscape~~ ~~or~~
 2546 Florida-friendly landscaping ~~landscape~~, as defined in s.

2547 | 373.185~~(1)~~, on his or her land or create any requirement or
 2548 | limitation in conflict with any provision of part II of chapter
 2549 | 373 or a water shortage order, other order, consumptive use
 2550 | permit, or rule adopted or issued pursuant to part II of chapter
 2551 | 373.

2552 | Section 39. Subsection (6) of section 369.317, Florida
 2553 | Statutes, is amended to read:

2554 | (6) The Orlando-Orange County Expressway Authority is
 2555 | hereby granted the authority to act as a third-party acquisition
 2556 | agent, pursuant to s. 259.041 on behalf of the Board of Trustees
 2557 | or chapter 373 on behalf of the governing board of the St. Johns
 2558 | River Water Management District, for the acquisition of all
 2559 | necessary lands, property and all interests in property
 2560 | identified herein, including fee simple or less-than-fee simple
 2561 | interests. The lands subject to this authority are identified in
 2562 | paragraph 10.a., State of Florida, Office of the Governor,
 2563 | Executive Order 03-112 of July 1, 2003, and in Recommendation 16
 2564 | of the Wekiva Basin Area Task Force created by Executive Order
 2565 | 2002-259, such lands otherwise known as Neighborhood Lakes, a
 2566 | 1,587+/- acre parcel located in Orange and Lake Counties within
 2567 | Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
 2568 | and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
 2569 | Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake
 2570 | County within Section 37, Township 19 South, Range 28 East; New
 2571 | Garden Coal; a 1,605+/- acre parcel in Lake County within
 2572 | Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
 2573 | East; Pine Plantation, a 617+/- acre tract consisting of eight
 2574 | individual parcels within the Apopka City limits. The Department

2575 of Transportation, the Department of Environmental Protection,
 2576 the St. Johns River Water Management District, and other land
 2577 acquisition entities shall participate and cooperate in
 2578 providing information and support to the third-party acquisition
 2579 agent. The land acquisition process authorized by this paragraph
 2580 shall begin no later than December 31, 2004. Acquisition of the
 2581 properties identified as Neighborhood Lakes, Pine Plantation,
 2582 and New Garden Coal, or approval as a mitigation bank shall be
 2583 concluded no later than December 31, 2010. Department of
 2584 Transportation and Orlando-Orange County Expressway Authority
 2585 funds expended to purchase an interest in those lands identified
 2586 in this subsection shall be eligible as environmental mitigation
 2587 for road construction related impacts in the Wekiva Study Area.
 2588 If any of the lands identified in this subsection are used as
 2589 environmental mitigation for road construction related impacts
 2590 incurred by the Department of Transportation or Orlando-Orange
 2591 County Expressway Authority, or for other impacts incurred by
 2592 other entities, within the Wekiva Study Area or within the
 2593 Wekiva parkway alignment corridor, and if the mitigation offsets
 2594 these impacts, the St. Johns River Water Management District and
 2595 the Department of Environmental Protection shall consider the
 2596 activity regulated under part IV of chapter 373 to meet the
 2597 cumulative impact requirements of s. 373.414(8) (a).

2598 (a) Acquisition of the land described in this section is
 2599 required to provide right of way for the Wekiva Parkway, a
 2600 limited access roadway linking State Road 429 to Interstate 4,
 2601 an essential component in meeting regional transportation needs
 2602 to provide regional connectivity, improve safety, accommodate

2603 | projected population and economic growth, and satisfy critical
 2604 | transportation requirements caused by increased traffic volume
 2605 | growth and travel demands.

2606 | (b) Acquisition of the lands described in this section is
 2607 | also required to protect the surface water and groundwater
 2608 | resources of Lake, Orange, and Seminole counties, otherwise
 2609 | known as the Wekiva Study Area, including recharge within the
 2610 | springshed that provides for the Wekiva River system. Protection
 2611 | of this area is crucial to the long term viability of the Wekiva
 2612 | River and springs and the central Florida region's water supply.
 2613 | Acquisition of the lands described in this section is also
 2614 | necessary to alleviate pressure from growth and development
 2615 | affecting the surface and groundwater resources within the
 2616 | recharge area.

2617 | (c) Lands acquired pursuant to this section that are
 2618 | needed for transportation facilities for the Wekiva Parkway
 2619 | shall be determined not necessary for conservation purposes
 2620 | pursuant to ss. 253.034(6) and 373.089(5) and shall be
 2621 | transferred to or retained by the Orlando-Orange County
 2622 | Expressway Authority or the Department of Transportation upon
 2623 | reimbursement of the full purchase price and acquisition costs.

2624 | Section 40. (1) Effective July 1, 2009, a task force is
 2625 | established to develop legislative recommendations relating to
 2626 | stormwater management system design in the state. The task force
 2627 | shall:

2628 | (a) Review the Joint Professional Engineers and Landscape
 2629 | Architecture Committee Report conducted pursuant to s. 17,
 2630 | chapter 88-347, Laws of Florida, and determine the current

2631 validity of the report and the need to revise any of the
2632 conclusions or recommendations.

2633 (b) Determine how a licensed and registered professional
2634 might demonstrate competency for stormwater management system
2635 design.

2636 (c) Determine how the Board of Professional Engineers and
2637 the Board of Landscape Architecture might administer
2638 certification tests or continuing education requirements for
2639 stormwater management system design.

2640 (d) Provide recommendations for grandfathering the rights
2641 of licensed professionals who currently practice stormwater
2642 management design in a manner that will allow them to continue
2643 to practice without meeting any new requirements the task force
2644 recommends be placed on licensed professionals in the future.

2645 (2) (a) The Board of Landscape Architecture, the Board of
2646 Professional Engineers, the Florida Engineering Society, the
2647 Florida Chapter of the American Society of Landscape Architects,
2648 the Secretary of Environmental Protection, and the Secretary of
2649 Transportation shall each appoint one member to the task force.

2650 (b) Members of the task force may not be reimbursed for
2651 travel, per diem, or any other costs associated with serving on
2652 the task force.

2653 (c) The task force shall meet a minimum of four times
2654 either in person or via teleconference; however, a minimum of
2655 two meetings shall be public hearings with testimony.

2656 (d) The task force shall expire on November 1, 2009.

2657 (3) The task force shall provide its findings and
2658 legislative recommendations to the President of the Senate and

2659 | the Speaker of the House of Representatives by November 1, 2009.

2660 | Section 41. Subsections (1) and (3) of section 378.901,
2661 | Florida Statutes, are amended to read:

2662 | 378.901 Life-of-the-mine permit.--

2663 | (1) As used in this section, the term:

2664 | (a) "Bureau" means the Bureau of Mining and Minerals
2665 | Regulation ~~Mine Reclamation~~ of the Division of Water Resource
2666 | Management of the Department of Environmental Protection.

2667 | (b) "Life-of-the-mine permit" means a permit authorizing
2668 | activities regulated under part IV of chapter 373 and part IV of
2669 | this chapter.

2670 | (3) The bureau may also issue life-of-the-mine permits to
2671 | operators of limerock mines and sand mines as part of the
2672 | consideration for conveyance to the Board of Trustees of the
2673 | Internal Improvement Trust Fund of environmentally sensitive
2674 | lands in an amount equal to or greater than the acreage included
2675 | in the life-of-the-mine permit and provided such environmentally
2676 | sensitive lands are contiguous to or within reasonable proximity
2677 | to the lands included in the life-of-the-mine permit.

2678 | Section 42. Subsection (6) of section 399.02, Florida
2679 | Statutes, is amended to read:

2680 | 399.02 General requirements.--

2681 | (6) The department is empowered to carry out all of the
2682 | provisions of this chapter relating to the inspection and
2683 | regulation of elevators and to enforce the provisions of the
2684 | Florida Building Code, except that updates to the code requiring
2685 | modifications for heat sensors and electronic controls on
2686 | existing elevators, as amended into the Safety Code for Existing

2687 Elevators and Escalators, ANSI/ASME A17.1 and A17.3, may not be
 2688 enforced on elevators issued a certificate of operation by the
 2689 department as of July 1, 2008, until such time as the elevator
 2690 is replaced. This exception does not apply to any building for
 2691 which a building permit was issued after July 1, 2008.

2692 Section 43. Present subsection (7) of section 399.15,
 2693 Florida Statutes, is redesignated as subsection (8), and a new
 2694 subsection (7) is added to that section, to read:

2695 399.15 Regional emergency elevator access.--

2696 (7) As an alternative to complying with the requirements
 2697 of subsection (1), each building in this state which is required
 2698 to meet the provisions of subsections (1) and (2) may instead
 2699 provide for the installation of a uniform lock box that contains
 2700 the keys to all elevators in the building which allow public
 2701 access, including service and freight elevators. The uniform
 2702 lock box must be keyed so as to allow all uniform lock boxes in
 2703 each of the seven state emergency response regions to operate in
 2704 fire emergency situations using one master key. The uniform lock
 2705 box master key may be issued only to the fire department. The
 2706 Division of State Fire Marshal of the Department of Financial
 2707 Services shall enforce this subsection. The Department of
 2708 Financial Services shall select the provider of the uniform lock
 2709 box to be installed in each building in which the requirements
 2710 of this subsection are implemented.

2711 Section 44. Effective July 1, 2010, subsection (4) of
 2712 section 468.8311, Florida Statutes, is amended to read:

2713 468.8311 Definitions.--As used in this part, the term:

2714 (4) "Home inspection services" means a limited visual

2715 examination of one or more of the following readily accessible
 2716 installed systems and components of a home: the structure,
 2717 electrical system, HVAC system, roof covering, plumbing system,
 2718 interior components, windows, doors, walls, floors, ceilings,
 2719 exterior components, and site conditions that affect the
 2720 structure, for the purposes of providing a written professional
 2721 opinion of the condition of the home.

2722 Section 45. Effective July 1, 2010, section 468.8312,
 2723 Florida Statutes, is amended to read:

2724 468.8312 Fees.--

2725 (1) The department, by rule, may establish fees to be paid
 2726 for applications, examination, reexamination, licensing and
 2727 renewal, inactive status application and reactivation of
 2728 inactive licenses, recordkeeping, and applications for providers
 2729 of continuing education. The department may also establish by
 2730 rule a delinquency fee. Fees shall be based on department
 2731 estimates of the revenue required to implement the provisions of
 2732 this part. All fees shall be remitted with the appropriate
 2733 application, examination, or license.

2734 (2) The initial application and examination fee shall not
 2735 exceed \$250 ~~\$125~~ plus the actual per applicant cost to the
 2736 department to purchase an examination, if the department chooses
 2737 to purchase the examination. The examination fee shall be in an
 2738 amount that covers the cost of obtaining and administering the
 2739 examination and shall be refunded if the applicant is found
 2740 ineligible to sit for the examination. The application fee shall
 2741 be nonrefundable.

2742 (3) The initial license fee shall not exceed \$400 ~~\$200~~.

2743 (4) The fee for a certificate of authorization shall not
 2744 exceed \$250 ~~\$125~~.

2745 (5) The biennial renewal fee shall not exceed \$400 ~~\$200~~.

2746 (6) The fee for licensure by endorsement shall not exceed
 2747 \$400 ~~\$200~~.

2748 (7) The fee for application for inactive status or for
 2749 reactivation of an inactive license shall not exceed \$400 ~~\$200~~.

2750 (8) The fee for applications from providers of continuing
 2751 education may not exceed \$500.

2752 Section 46. Effective July 1, 2010, section 468.8319,
 2753 Florida Statutes, is amended to read:

2754 468.8319 Prohibitions; penalties.--

2755 (1) A person ~~A home inspector, a company that employs a~~
 2756 ~~home inspector, or a company that is controlled by a company~~
 2757 ~~that also has a financial interest in a company employing a home~~
 2758 ~~inspector~~ may not:

2759 (a) Practice or offer to practice home inspection services
 2760 unless the person has complied with the provisions of this part;

2761 (b) Use the name or title "certified home inspector,"
 2762 "registered home inspector," "licensed home inspector," "home
 2763 inspector," "professional home inspector," or any combination
 2764 thereof unless the person has complied with the provisions of
 2765 this part;

2766 (c) Present as his or her own the license of another;

2767 (d) Knowingly give false or forged evidence to the
 2768 department or an employee thereof;

2769 (e) Use or attempt to use a license that has been
 2770 suspended or revoked;

2771 (f) Perform or offer to perform, prior to closing, for any
 2772 additional fee, any repairs to a home on which the inspector or
 2773 the inspector's company has prepared a home inspection report.
 2774 This paragraph does not apply to a home warranty company that is
 2775 affiliated with or retains a home inspector to perform repairs
 2776 pursuant to a claim made under a home warranty contract;

2777 (g) Inspect for a fee any property in which the inspector
 2778 or the inspector's company has any financial or transfer
 2779 interest;

2780 (h) Offer or deliver any compensation, inducement, or
 2781 reward to any broker or agent therefor for the referral of the
 2782 owner of the inspected property to the inspector or the
 2783 inspection company; or

2784 (i) Accept an engagement to make an omission or prepare a
 2785 report in which the inspection itself, or the fee payable for
 2786 the inspection, is contingent upon either the conclusions in the
 2787 report, preestablished findings, or the close of escrow.

2788 (2) Any person who is found to be in violation of any
 2789 provision of this section commits a misdemeanor of the first
 2790 degree, punishable as provided in s. 775.082 or s. 775.083.

2791 Section 47. Effective July 1, 2010, section 468.832,
 2792 Florida Statutes, is amended to read:

2793 468.832 Disciplinary proceedings.--

2794 (1) The following acts constitute grounds for which the
 2795 disciplinary actions in subsection (2) may be taken:

2796 (a) Violation of any provision of this part or s.
 2797 455.227(1);

2798 (b) Attempting to procure a license to practice home

2799 inspection services by bribery or fraudulent misrepresentation;

2800 (c) Having a license to practice home inspection services
2801 revoked, suspended, or otherwise acted against, including the
2802 denial of licensure, by the licensing authority of another
2803 state, territory, or country;

2804 (d) Being convicted or found guilty of, or entering a plea
2805 of nolo contendere to, regardless of adjudication, a crime in
2806 any jurisdiction that directly relates to the practice of home
2807 inspection services or the ability to practice home inspection
2808 services;

2809 (e) Making or filing a report or record that the licensee
2810 knows to be false, willfully failing to file a report or record
2811 required by state or federal law, willfully impeding or
2812 obstructing such filing, or inducing another person to impede or
2813 obstruct such filing. Such reports or records shall include only
2814 those that are signed in the capacity of a licensed home
2815 inspector;

2816 (f) Advertising goods or services in a manner that is
2817 fraudulent, false, deceptive, or misleading in form or content;

2818 (g) Engaging in fraud or deceit, or negligence,
2819 incompetency, or misconduct, in the practice of home inspection
2820 services;

2821 (h) Failing to perform any statutory or legal obligation
2822 placed upon a licensed home inspector; violating any provision
2823 of this chapter, a rule of the department, or a lawful order of
2824 the department previously entered in a disciplinary hearing; or
2825 failing to comply with a lawfully issued subpoena of the
2826 department; or

2827 (i) Practicing on a revoked, suspended, inactive, or
 2828 delinquent license.

2829 (2) When the department finds any licensee ~~home inspector~~
 2830 guilty of any of the grounds set forth in subsection (1), it may
 2831 enter an order imposing one or more of the following penalties:

2832 (a) Denial of an application for licensure.

2833 (b) Revocation or suspension of a license.

2834 (c) Imposition of an administrative fine not to exceed
 2835 \$5,000 for each count or separate offense.

2836 (d) Issuance of a reprimand.

2837 (e) Placement of the home inspector on probation for a
 2838 period of time and subject to such conditions as the department
 2839 may specify.

2840 (f) Restriction of the authorized scope of practice by the
 2841 home inspector.

2842 (3) In addition to any other sanction imposed under this
 2843 part, in any final order that imposes sanctions, the department
 2844 may assess costs related to the investigation and prosecution of
 2845 the case.

2846 Section 48. Effective July 1, 2009, and notwithstanding
 2847 section 4 of chapter 2007-236, section 468.8324, Florida
 2848 Statutes, is amended to read:

2849 468.8324 Grandfather clause.--A person who performs home
 2850 inspection services as defined in this part before July 1, 2010,
 2851 may qualify to be licensed by the department as a home inspector
 2852 if the person meets the licensure requirements of this part, and
 2853 if the person: by July 1, 2010.

2854 (1) Has received compensation as a home inspector for not

2855 less than 1 year prior to July 1, 2010; or
 2856 (2) Has performed no fewer than 50 home inspections and
 2857 received compensation for such inspections prior to July 1,
 2858 2010.

2859 Section 49. Subsection (2) of section 627.711, Florida
 2860 Statutes, is amended to read:

2861 627.711 Notice of premium discounts for hurricane loss
 2862 mitigation; uniform mitigation verification inspection form.--

2863 (2) By July 1, 2007, the Financial Services Commission
 2864 shall develop by rule a uniform mitigation verification
 2865 inspection form that shall be used by all insurers when
 2866 submitted by policyholders for the purpose of factoring
 2867 discounts for wind insurance. In developing the form, the
 2868 commission shall seek input from insurance, construction, and
 2869 building code representatives. Further, the commission shall
 2870 provide guidance as to the length of time the inspection results
 2871 are valid. An insurer shall accept as valid a uniform mitigation
 2872 verification form certified by the Department of Financial
 2873 Services or signed by:

2874 (a) A hurricane mitigation inspector employed by an
 2875 approved My Safe Florida Home wind certification entity;

2876 (b) A building code inspector certified under s. 468.607;

2877 (c) A general or residential contractor licensed under s.
 2878 489.111;

2879 (d) A professional engineer licensed under s. 471.015 ~~who~~
 2880 ~~has passed the appropriate equivalency test of the Building Code~~
 2881 ~~Training Program as required by s. 553.841; or~~

2882 (e) A professional architect licensed under s. 481.213.

2883 Section 50. Subsection (6) of section 718.113, Florida
 2884 Statutes, is repealed.

2885 Section 51. Subsections (2), (8), and (9) of section
 2886 553.37, Florida Statutes, are amended, and section (12) is added
 2887 to that section, to read:

2888 553.37 Rules; inspections; and insignia.--

2889 (2) The department shall adopt rules to address:

2890 (a) Procedures and qualifications for approval of third-
 2891 party plan review and inspection agencies and of those who
 2892 perform inspections and plan reviews.

2893 (b) Investigation of consumer complaints of noncompliance
 2894 of manufactured buildings with the Florida Building Code and the
 2895 Florida Fire Prevention Code.

2896 (c) Issuance, cancellation, and revocation of any insignia
 2897 issued by the department and procedures for auditing and
 2898 accounting for disposition of them.

2899 (d) Monitoring the manufacturers', inspection agencies',
 2900 and plan review agencies' compliance with this part and the
 2901 Florida Building Code. Monitoring may include, but is not
 2902 limited to, performing audits of plans, inspections of
 2903 manufacturing facilities and observation of the manufacturing
 2904 and inspection process, and onsite inspections of buildings.

2905 (e) The performance by the department and its designees
 2906 and contractors of any other functions required by this part.

2907 (8) The department, by rule, shall establish a schedule of
 2908 fees to pay the cost of the administration and enforcement of
 2909 this part. The rule may provide for manufacturers to pay fees to
 2910 the administrator directly, including charges incurred for plans

2911 review and inspection services, via the Building Code
 2912 Information System (BCIS) and for the administrator to disburse
 2913 the funds as necessary.

2914 (9) The department may delegate its enforcement authority
 2915 to a state department having building construction
 2916 responsibilities or a local government, and may enter into
 2917 contracts for the performance of its administrative duties under
 2918 this part. The department may delegate its plan review and
 2919 inspection authority to one or more of the following in any
 2920 combination:

2921 (a) A state department having building construction
 2922 responsibilities;

2923 (b) A local government;

2924 (c) An approved inspection agency;

2925 (d) An approved plan review agency; or

2926 (e) An agency of another state.

2927 (12) Custom or one-of-a-kind prototype manufactured
 2928 buildings are not required to have state approval, but must be
 2929 in compliance with all local requirements of the governmental
 2930 agency having jurisdiction at the installation site.

2931 Section 52. Section 553.375, Florida Statutes, is amended
 2932 to read:

2933 553.375 Recertification of manufactured buildings.--Prior
 2934 to the relocation to a site that has a higher design wind speed,
 2935 modification, or change of occupancy of a manufactured building
 2936 within the state, the manufacturer, dealer, or owner thereof may
 2937 apply to the department for recertification of that manufactured
 2938 building. The department shall, by rule, provide what

2939 information the applicant must submit for recertification and
 2940 for plan review and inspection of such manufactured buildings
 2941 and shall establish fees for recertification. Upon a
 2942 determination by the department that the manufactured building
 2943 complies with the applicable building codes, the department
 2944 shall issue a recertification insignia. A manufactured building
 2945 that bears recertification insignia does not require any
 2946 additional approval by an enforcement jurisdiction in which the
 2947 building is sold or installed, and is considered to comply with
 2948 all applicable codes. As an alternative to recertification by
 2949 the department, the manufacturer, dealer, or owner of a
 2950 manufactured building may seek appropriate permitting and a
 2951 certificate of occupancy from the local jurisdiction in
 2952 accordance with procedures generally applicable under the
 2953 Florida Building Code.

2954 Section 53. Subsections (7) and (9) of section 553.73,
 2955 Florida Statutes, are amended, and subsection (14) is added to
 2956 that section, to read:

2957 553.73 Florida Building Code.--

2958 (7) Notwithstanding the provisions of subsection (3) or
 2959 subsection (6), the commission may address issues identified in
 2960 this subsection by amending the code pursuant only to the rule
 2961 adoption procedures contained in chapter 120. Provisions of the
 2962 Florida Building Code, including those contained in referenced
 2963 standards and criteria, relating to wind resistance or the
 2964 prevention of water intrusion may not be amended pursuant to
 2965 this subsection to diminish those construction requirements;
 2966 however, the commission may, subject to conditions in this

2967 subsection, amend the provisions to enhance those construction
 2968 requirements. Following the approval of any amendments to the
 2969 Florida Building Code by the commission and publication of the
 2970 amendments on the commission's website, authorities having
 2971 jurisdiction to enforce the Florida Building Code may enforce
 2972 the amendments. The commission may approve amendments that are
 2973 needed to address:

- 2974 (a) Conflicts within the updated code;
- 2975 (b) Conflicts between the updated code and the Florida
 2976 Fire Prevention Code adopted pursuant to chapter 633;
- 2977 (c) The omission of previously adopted Florida-specific
 2978 amendments to the updated code if such omission is not supported
 2979 by a specific recommendation of a technical advisory committee
 2980 or particular action by the commission;
- 2981 (d) Unintended results from the integration of previously
 2982 adopted Florida-specific amendments with the model code;
- 2983 (e) Equivalency of standards;
- 2984 (f) The specific needs of state agencies when agency rules
 2985 must be updated to reflect federal requirements relating to
 2986 design criteria for public educational facilities and state-
 2987 licensed facilities;
- 2988 (g)~~(e)~~ Changes to or inconsistencies with federal or state
 2989 law; or
- 2990 (h)~~(f)~~ Adoption of an updated edition of the National
 2991 Electrical Code if the commission finds that delay of
 2992 implementing the updated edition causes undue hardship to
 2993 stakeholders or otherwise threatens the public health, safety,
 2994 and welfare.

2995 (9) The following buildings, structures, and facilities
 2996 are exempt from the Florida Building Code as provided by law,
 2997 and any further exemptions shall be as determined by the
 2998 Legislature and provided by law:

2999 (a) Buildings and structures specifically regulated and
 3000 preempted by the Federal Government.

3001 (b) Railroads and ancillary facilities associated with the
 3002 railroad.

3003 (c) Nonresidential farm buildings on farms.

3004 (d) Temporary buildings or sheds used exclusively for
 3005 construction purposes.

3006 (e) Mobile or modular structures used as temporary
 3007 offices, except that the provisions of part II relating to
 3008 accessibility by persons with disabilities shall apply to such
 3009 mobile or modular structures.

3010 (f) Those structures or facilities of electric utilities,
 3011 as defined in s. 366.02, which are directly involved in the
 3012 generation, transmission, or distribution of electricity.

3013 (g) Temporary sets, assemblies, or structures used in
 3014 commercial motion picture or television production, or any
 3015 sound-recording equipment used in such production, on or off the
 3016 premises.

3017 (h) Storage sheds that are not designed for human
 3018 habitation and that have a floor area of 720 square feet or less
 3019 are not required to comply with the mandatory wind-borne-debris-
 3020 impact standards of the Florida Building Code.

3021 (i) Chickees constructed by the Miccosukee Tribe of
 3022 Indians of Florida or the Seminole Tribe of Florida. As used in

3023 | this paragraph, the term "chickee" means an open-sided wooden
 3024 | hut that has a thatched roof of palm or palmetto or other
 3025 | traditional materials, and that does not incorporate any
 3026 | electrical, plumbing, or other nonwood features.

3027 | (j) Family mausoleums that are prefabricated and assembled
 3028 | on site, or preassembled and delivered on site; that have walls,
 3029 | roofs, and a floor constructed of granite, marble, or reinforced
 3030 | concrete; and that do not exceed 250 square feet in area.

3031 |
 3032 | With the exception of paragraphs (a), (b), (c), and (f), in
 3033 | order to preserve the health, safety, and welfare of the public,
 3034 | the Florida Building Commission may, by rule adopted pursuant to
 3035 | chapter 120, provide for exceptions to the broad categories of
 3036 | buildings exempted in this section, including exceptions for
 3037 | application of specific sections of the code or standards
 3038 | adopted therein. The Department of Agriculture and Consumer
 3039 | Services shall have exclusive authority to adopt by rule,
 3040 | pursuant to chapter 120, exceptions to nonresidential farm
 3041 | buildings exempted in paragraph (c) when reasonably necessary to
 3042 | preserve public health, safety, and welfare. The exceptions must
 3043 | be based upon specific criteria, such as under-roof floor area,
 3044 | aggregate electrical service capacity, HVAC system capacity, or
 3045 | other building requirements. Further, the commission may
 3046 | recommend to the Legislature additional categories of buildings,
 3047 | structures, or facilities which should be exempted from the
 3048 | Florida Building Code, to be provided by law. The Florida
 3049 | Building Code does not apply to temporary housing provided by
 3050 | the Department of Corrections to any prisoner in the state

3051 correctional system.

3052 (14) The Florida Building Code may not require that an
 3053 existing air conditioning system installed on the surface of a
 3054 roof as of July 1, 2009, be raised 18 inches up from the surface
 3055 on which it is installed until such time as the system is
 3056 replaced, and an agency or local government having authority to
 3057 enforce the Florida Building Code or a local building code may
 3058 not require otherwise.

3059 Section 54. Subsection (2) of section 553.76, Florida
 3060 Statutes, is amended to read:

3061 553.76 General powers of the commission.--The commission
 3062 is authorized to:

3063 (2) Issue memoranda of procedure for its internal
 3064 management and control. The commission may adopt rules related
 3065 to its consensus-based decisionmaking process, including, but
 3066 not limited to, super majority voting requirements for
 3067 commission actions relating to the adoption of amendments to or
 3068 the adoption of the Florida Building Code.

3069 Section 55. Subsection (4) of section 553.775, Florida
 3070 Statutes, is amended to read:

3071 553.775 Interpretations.--

3072 (4) In order to administer this section, the commission
 3073 may adopt by rule and impose a fee for binding and nonbinding
 3074 interpretations to recoup the cost of the proceedings which may
 3075 not exceed \$250 for each request for a review or interpretation.
 3076 For proceedings conducted by or in coordination with a third-
 3077 party, the rule may provide that payment be made directly to the
 3078 third party, who shall remit to the department that portion of

3079 the fee necessary to cover the costs of the department.

3080 Section 56. Subsection (9) of section 553.79, Florida
 3081 Statutes, is amended to read:

3082 553.79 Permits; applications; issuance; inspections.--

3083 (9) Any state agency whose enabling legislation authorizes
 3084 it to enforce provisions of the Florida Building Code may enter
 3085 into an agreement with any other unit of government to delegate
 3086 its responsibility to enforce those provisions and may expend
 3087 public funds for permit and inspection fees, which fees may be
 3088 no greater than the fees charged others. Inspection services
 3089 that are not required to be performed by a state agency under a
 3090 federal delegation of responsibility or by a state agency under
 3091 the Florida Building Code must be performed under the
 3092 alternative plans review and inspection process created in s.
 3093 553.791 or by a local governmental entity having authority to
 3094 enforce the Florida Building Code.

3095 Section 57. Paragraph (c) of subsection (15) of section
 3096 553.791, Florida Statutes, is redesignated as paragraph (e), and
 3097 new paragraphs (c) and (d) are added to that subsection, to read:

3098 553.791 Alternative plans review and inspection.--

3099 (15)

3100 (c) A local enforcement agency, local building official,
 3101 or local government may not impose a fee or other charge for
 3102 private provider plan reviews or required building inspections.

3103 (d) A local enforcement agency, local building official,
 3104 or local government may not impose a higher permit fee or other
 3105 fee or charge for private provider plan reviews or required
 3106 building inspections.

3107 Section 58. Section 553.841, Florida Statutes, is amended
3108 to read:

3109 553.841 Building code compliance and mitigation program.--

3110 (1) The Legislature finds that knowledge and understanding
3111 by persons licensed in the design and construction industries of
3112 the importance and need for complying with the Florida Building
3113 Code is vital to the public health, safety, and welfare of this
3114 state, especially for mitigating damage caused by hurricanes to
3115 residents and visitors to the state. The Legislature further
3116 finds that the Florida Building Code can be effective only if
3117 all participants in the design and construction industries
3118 maintain a thorough knowledge of the code and additions thereto
3119 which improve construction standards to protect against storm
3120 and other damage. Consequently, the Legislature finds that there
3121 is a need for a program to provide ongoing education and
3122 outreach activities concerning compliance with the Florida
3123 Building Code and hurricane mitigation.

3124 (2) The Department of Community Affairs shall administer a
3125 program, designated as the Florida Building Code Compliance and
3126 Mitigation Program, to develop, coordinate, and maintain
3127 education and outreach to persons required to comply with the
3128 Florida Building Code and ensure consistent education, training,
3129 and communication of the code's requirements, including, but not
3130 limited to, methods for mitigation of storm-related damage. The
3131 program shall also operate a clearinghouse through which design,
3132 construction, and building code enforcement licensees,
3133 suppliers, and consumers in this state may find others in order
3134 to exchange information relating to mitigation and facilitate

3135 repairs in the aftermath of a natural disaster.

3136 (3) All services and materials under the Florida Building
3137 Code Compliance and Mitigation Program must be provided by a
3138 private, nonprofit corporation under contract with the
3139 department. The term of the contract shall be for 4 years, with
3140 the option of one 4-year renewal at the end of the contract
3141 term. The initial contract must be in effect no later than
3142 November 1, 2007. The private, nonprofit corporation must be an
3143 organization whose membership includes trade and professional
3144 organizations whose members consist primarily of persons and
3145 entities that are required to comply with the Florida Building
3146 Code and that are licensed under part XII of chapter 468,
3147 chapter 471, chapter 481, or chapter 489. When selecting the
3148 private, nonprofit corporation for the program, the department
3149 must give primary consideration to the corporation's
3150 demonstrated experience and the ability to:

3151 (a) Develop and deliver building code-related education,
3152 training, and outreach;

3153 (b) Directly access the majority of persons licensed in
3154 the occupations of design, construction, and building code
3155 enforcement individually and through established statewide trade
3156 and professional association networks;

3157 (c) Serve as a clearinghouse to deliver education and
3158 outreach throughout the state. The clearinghouse must serve as a
3159 focal point at which persons licensed to design, construct, and
3160 enforce building codes and suppliers and consumers can find each
3161 other in order to exchange information relating to mitigation
3162 and facilitate repairs in the aftermath of a natural disaster;

3163 (d) Accept input from the Florida Building Commission,
 3164 licensing regulatory boards, local building departments, and the
 3165 design and construction industries in order to improve its
 3166 education and outreach programs; and

3167 (e) Promote design and construction techniques and
 3168 materials for mitigating hurricane damage at a Florida-based
 3169 trade conference that includes participants from the broadest
 3170 possible range of design and construction trades and
 3171 professions, including from those private and public sector
 3172 entities having jurisdiction over building codes and design and
 3173 construction licensure.

3174 (4) The department, in administering the Florida Building
 3175 Code Compliance and Mitigation Program, shall maintain, update,
 3176 develop, or cause to be developed, +

3177 ~~(a) A core curriculum that is prerequisite to the advanced~~
 3178 ~~module coursework.~~

3179 ~~(b) advanced modules designed for use by each profession.~~

3180 ~~(c) The core curriculum developed under this subsection~~
 3181 ~~must be submitted to the Department of Business and Professional~~
 3182 ~~Regulation for approval. Advanced modules developed under this~~
 3183 ~~paragraph must be approved by the commission and submitted to~~
 3184 ~~the respective boards for approval.~~

3185 ~~(5) The core curriculum shall cover the information~~
 3186 ~~required to have all categories of participants appropriately~~
 3187 ~~informed as to their technical and administrative~~
 3188 ~~responsibilities in the effective execution of the code process~~
 3189 ~~by all individuals currently licensed under part XII of chapter~~
 3190 ~~468, chapter 471, chapter 481, or chapter 489, except as~~

3191 otherwise provided in s. 471.017. The core curriculum shall be
 3192 prerequisite to the advanced module coursework for all licensees
 3193 and shall be completed by individuals licensed in all categories
 3194 under part XII of chapter 468, chapter 471, chapter 481, or
 3195 chapter 489 within the first 2-year period after initial
 3196 licensure. Core course hours taken by licensees to complete this
 3197 requirement shall count toward fulfillment of required
 3198 continuing education units under part XII of chapter 468,
 3199 chapter 471, chapter 481, or chapter 489.

3200 (5)~~(6)~~ Each biennium, upon receipt of funds by the
 3201 Department of Community Affairs from the Construction Industry
 3202 Licensing Board and the Electrical Contractors' Licensing Board
 3203 provided under ss. 489.109(3) and 489.509(3), the department
 3204 shall determine the amount of funds available for the Florida
 3205 Building Code Compliance and Mitigation Program.

3206 (6)~~(7)~~ If the projects provided through the Florida
 3207 Building Code Compliance and Mitigation Program in any state
 3208 fiscal year do not require the use of all available funds, the
 3209 unused funds shall be carried forward and allocated for use
 3210 during the following fiscal year.

3211 (7)~~(8)~~ The Florida Building Commission shall provide by
 3212 rule for the accreditation of courses related to the Florida
 3213 Building Code by accreditors approved by the commission. The
 3214 commission shall establish qualifications of accreditors and
 3215 criteria for the accreditation of courses by rule. The
 3216 commission may revoke the accreditation of a course by an
 3217 accreditor if the accreditation is demonstrated to violate this
 3218 part or the rules of the commission.

3219 ~~(8)-(9)~~ This section does not prohibit or limit the subject
 3220 areas or development of continuing education or training on the
 3221 Florida Building Code by any qualified entity.

3222 Section 59. Subsections (1), (5), (8), and (17) of section
 3223 553.842, Florida Statutes, are amended to read:

3224 553.842 Product evaluation and approval.--

3225 (1) The commission shall adopt rules under ss. 120.536(1)
 3226 and 120.54 to develop and implement a product evaluation and
 3227 approval system that applies statewide to operate in
 3228 coordination with the Florida Building Code. The commission may
 3229 enter into contracts to provide for administration of the
 3230 product evaluation and approval system. The commission's rules
 3231 and any applicable contract may provide that payment of fees
 3232 related to approvals be made directly to the administrator, who
 3233 shall remit to the department that portion of the fee necessary
 3234 to cover the department's costs. The product evaluation and
 3235 approval system shall provide:

3236 (a) Appropriate promotion of innovation and new
 3237 technologies.

3238 (b) Processing submittals of products from manufacturers
 3239 in a timely manner.

3240 (c) Independent, third-party qualified and accredited
 3241 testing and laboratory facilities, product evaluation entities,
 3242 quality assurance agencies, certification agencies, and
 3243 validation entities.

3244 (d) An easily accessible product acceptance list to
 3245 entities subject to the Florida Building Code.

3246 (e) Development of stringent but reasonable testing

3247 criteria based upon existing consensus standards, when
 3248 available, for products.

3249 (f) Long-term approvals, where feasible. State and local
 3250 approvals will be valid until the requirements of the code on
 3251 which the approval is based change, the product changes in a
 3252 manner affecting its performance as required by the code, or the
 3253 approval is revoked.

3254 (g) Criteria for revocation of a product approval.

3255 (h) Cost-effectiveness.

3256 (5) Statewide approval of products, methods, or systems of
 3257 construction may be achieved by one of the following methods.
 3258 One of these methods must be used by the commission to approve
 3259 the following categories of products: panel walls, exterior
 3260 doors, roofing, skylights, windows, shutters, and structural
 3261 components as established by the commission by rule.

3262 (a) Products for which the code establishes standardized
 3263 testing or comparative or rational analysis methods shall be
 3264 approved by submittal and validation of one of the following
 3265 reports or listings indicating that the product or method or
 3266 system of construction was evaluated to be in compliance with
 3267 the Florida Building Code and that the product or method or
 3268 system of construction is, for the purpose intended, at least
 3269 equivalent to that required by the Florida Building Code:

- 3270 1. A certification mark or listing of an approved
 3271 certification agency, which may be used only for products for
 3272 which the code designates standardized testing;
- 3273 2. A test report from an approved testing laboratory;
- 3274 3. A product evaluation report based upon testing or

3275 comparative or rational analysis, or a combination thereof, from
 3276 an approved product evaluation entity; or

3277 4. A product evaluation report based upon testing or
 3278 comparative or rational analysis, or a combination thereof,
 3279 developed and signed and sealed by a professional engineer or
 3280 architect, licensed in this state.

3281
 3282 A product evaluation report or a certification mark or listing
 3283 of an approved certification agency which demonstrates that the
 3284 product or method or system of construction complies with the
 3285 Florida Building Code for the purpose intended shall be
 3286 equivalent to a test report and test procedure as referenced in
 3287 the Florida Building Code. An application for state approval of
 3288 a product under subparagraph 1. shall be approved by the
 3289 department after the commission staff or a designee verifies
 3290 within 10 days after receipt that the application and related
 3291 documentation are complete. Upon approval by the department, the
 3292 product shall be immediately added to the list of state-approved
 3293 products maintained under subsection (13). Approvals by the
 3294 department shall be reviewed and ratified by the commission's
 3295 program oversight committee except for a showing of good cause.

3296 (b) Products, methods, or systems of construction for
 3297 which there are no specific standardized testing or comparative
 3298 or rational analysis methods established in the code may be
 3299 approved by submittal and validation of one of the following:

3300 1. A product evaluation report based upon testing or
 3301 comparative or rational analysis, or a combination thereof, from
 3302 an approved product evaluation entity indicating that the

3303 product or method or system of construction was evaluated to be
 3304 in compliance with the intent of the Florida Building Code and
 3305 that the product or method or system of construction is, for the
 3306 purpose intended, at least equivalent to that required by the
 3307 Florida Building Code; or

3308 2. A product evaluation report based upon testing or
 3309 comparative or rational analysis, or a combination thereof,
 3310 developed and signed and sealed by a professional engineer or
 3311 architect, licensed in this state, who certifies that the
 3312 product or method or system of construction is, for the purpose
 3313 intended, at least equivalent to that required by the Florida
 3314 Building Code.

3315 (8) The commission may adopt rules to approve the
 3316 following types of entities that produce information on which
 3317 product approvals are based. All of the following entities,
 3318 including engineers and architects, must comply with a
 3319 nationally recognized standard demonstrating independence or no
 3320 conflict of interest:

3321 (a) Evaluation entities that meet the criteria for
 3322 approval adopted by the commission by rule. The commission shall
 3323 specifically approve the National Evaluation Service, the
 3324 International Association of Plumbing and Mechanical Officials
 3325 Evaluation Service ~~the International Conference of Building~~
 3326 ~~Officials Evaluation Services~~, the International Code Council
 3327 Evaluation Services, ~~the Building Officials and Code~~
 3328 ~~Administrators International Evaluation Services~~, ~~the Southern~~
 3329 ~~Building Code Congress International Evaluation Services~~, and
 3330 the Miami-Dade County Building Code Compliance Office Product

3331 Control. Architects and engineers licensed in this state are
 3332 also approved to conduct product evaluations as provided in
 3333 subsection (5).

3334 (b) Testing laboratories accredited by national
 3335 organizations, such as A2LA and the National Voluntary
 3336 Laboratory Accreditation Program, laboratories accredited by
 3337 evaluation entities approved under paragraph (a), and
 3338 laboratories that comply with other guidelines for testing
 3339 laboratories selected by the commission and adopted by rule.

3340 (c) Quality assurance entities approved by evaluation
 3341 entities approved under paragraph (a) and by certification
 3342 agencies approved under paragraph (d) and other quality
 3343 assurance entities that comply with guidelines selected by the
 3344 commission and adopted by rule.

3345 (d) Certification agencies accredited by nationally
 3346 recognized accreditors and other certification agencies that
 3347 comply with guidelines selected by the commission and adopted by
 3348 rule.

3349 (e) Validation entities that comply with accreditation
 3350 standards established by the commission by rule.

3351 ~~(17) (a) The Florida Building Commission shall review the~~
 3352 ~~list of evaluation entities in subsection (8) and, in the annual~~
 3353 ~~report required under s. 553.77, shall either recommend~~
 3354 ~~amendments to the list to add evaluation entities the commission~~
 3355 ~~determines should be authorized to perform product evaluations~~
 3356 ~~or shall report on the criteria adopted by rule or to be adopted~~
 3357 ~~by rule allowing the commission to approve evaluation entities~~
 3358 ~~that use the commission's product evaluation process. If the~~

3359 ~~commission adopts criteria by rule, the rulemaking process must~~
 3360 ~~be completed by July 1, 2009.~~

3361 ~~(b) Notwithstanding paragraph (8) (a), the International~~
 3362 ~~Association of Plumbing and Mechanical Officials Evaluation~~
 3363 ~~Services is approved as an evaluation entity until October 1,~~
 3364 ~~2009. If the association does not obtain permanent approval by~~
 3365 ~~the commission as an evaluation entity by October 1, 2009,~~
 3366 ~~products approved on the basis of an association evaluation must~~
 3367 ~~be substituted by an alternative, approved entity by December~~
 3368 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
 3369 ~~the commission based on an association evaluation is void.~~

3370 Section 60. Subsection (4) is added to section 553.844,
 3371 Florida Statutes, to read:

3372 553.844 Windstorm loss mitigation; requirements for roofs
 3373 and opening protection.--

3374 (4) Notwithstanding the provisions of this section,
 3375 exposed mechanical equipment or appliances fastened to rated
 3376 stands, platforms, curbs, or slabs are deemed to comply with the
 3377 wind resistance requirements for wind-borne debris regions as
 3378 defined in s. 1609.2, Buildings Volume, 2007 Florida Building
 3379 Code, as amended, and no further support or enclosure may be
 3380 required by a state or local official having authority to
 3381 enforce the Florida Building Code.

3382 Section 61. Section 553.885, Florida Statutes, is amended
 3383 to read:

3384 553.885 Carbon monoxide alarm required.--

3385 (1) Every separate building or addition to an existing
 3386 building, other than a hospital, an inpatient hospice facility,

3387 or a nursing home facility licensed by the Agency for Health
 3388 Care Administration, constructed ~~for which a building permit is~~
 3389 ~~issued for new construction~~ on or after July 1, 2008, and having
 3390 a fossil-fuel-burning heater or appliance, a fireplace, or an
 3391 attached garage, or other feature, fixture, or element that
 3392 emits carbon monoxide as a byproduct of combustion shall have an
 3393 approved operational carbon monoxide alarm installed within 10
 3394 feet of each room used for sleeping purposes in the new building
 3395 or addition, or at such other locations as required by the
 3396 Florida Building Code. The requirements of this subsection may
 3397 be satisfied with the installation of a battery-powered carbon
 3398 monoxide alarm or a battery-powered combination carbon monoxide
 3399 and smoke alarm. For a new hospital, an inpatient hospice
 3400 facility, or a nursing home facility licensed by the Agency for
 3401 Health Care Administration, an approved operational carbon
 3402 monoxide detector shall be installed inside or directly outside
 3403 of each room or area within the hospital or facility where a
 3404 fossil-fuel-burning heater, engine, or appliance is located.
 3405 This detector shall be connected to the fire alarm system of the
 3406 hospital or facility as a supervisory signal. This subsection
 3407 does not apply to existing buildings that are undergoing
 3408 alterations or repairs unless the alteration is an addition as
 3409 defined in subsection (3).

3410 (2) The Florida Building Commission shall adopt rules to
 3411 administer this section and shall incorporate such requirements
 3412 into its next revision of the Florida Building Code.

3413 (3) As used in this section, the term:

3414 (a) "Carbon monoxide alarm" means a device that is meant

3415 for the purpose of detecting carbon monoxide, that produces a
 3416 distinct audible alarm, and that meets the requirements of and
 3417 is approved by the Florida Building Commission.

3418 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases,
 3419 or other petroleum or hydrocarbon product that emits carbon
 3420 monoxide as a by-product of combustion.

3421 (c) "Addition" means an extension or increase in floor
 3422 area, number of stories, or height of a building or structure.

3423 Section 62. Subsection (2) of section 553.9061, Florida
 3424 Statutes, is amended to read:

3425 553.9061 Scheduled increases in thermal efficiency
 3426 standards.--

3427 (2) The Florida Building Commission shall identify within
 3428 code support and compliance documentation the specific building
 3429 options and elements available to meet the energy performance
 3430 goals established in subsection (1). Energy efficiency
 3431 performance options and elements include, but are not limited
 3432 to:

3433 (a) Energy-efficient water heating systems, including
 3434 solar water heating.

3435 (b) Energy-efficient appliances.

3436 (c) Energy-efficient windows, doors, and skylights.

3437 (d) Low solar-absorption roofs, also known as "cool
 3438 roofs."

3439 (e) Enhanced ceiling and wall insulation.

3440 (f) Reduced-leak duct systems and energy-saving devices
 3441 and features installed within duct systems.

3442 (g) Programmable thermostats.

3443 (h) Energy-efficient lighting systems.

3444 (i) Energy-saving quality installation procedures for
 3445 replacement air conditioning systems, including, but not limited
 3446 to, equipment sizing analysis and duct testing.

3447 (j) Shading devices, sunscreening materials, and
 3448 overhangs.

3449 (k) Weatherstripping, caulking, and sealing of exterior
 3450 openings and penetrations.

3451 Section 63. Paragraph (d) of subsection (3) of section
 3452 468.609, Florida Statutes, is amended to read:

3453 468.609 Administration of this part; standards for
 3454 certification; additional categories of certification.--

3455 (3) A person may take the examination for certification as
 3456 a building code administrator pursuant to this part if the
 3457 person:

3458 ~~(d) After the building code training program is~~
 3459 ~~established under s. 553.841, demonstrates successful completion~~
 3460 ~~of the core curriculum approved by the Florida Building~~
 3461 ~~Commission, appropriate to the licensing category sought.~~

3462 Section 64. Subsection (6) of section 468.627, Florida
 3463 Statutes, is repealed.

3464 Section 65. Section 471.0195, Florida Statutes, is amended
 3465 to read:

3466 471.0195 Florida Building Code training for
 3467 engineers.--All licensees actively participating in the design
 3468 of engineering works or systems in connection with buildings,
 3469 structures, or facilities and systems covered by the Florida
 3470 Building Code shall take continuing education courses and submit

3471 proof to the board, at such times and in such manner as
 3472 established by the board by rule, that the licensee has
 3473 completed ~~the core curriculum courses and~~ any specialized or
 3474 advanced courses on any portion of the Florida Building Code
 3475 applicable to the licensee's area of practice ~~or has passed the~~
 3476 ~~appropriate equivalency test of the Building Code Training~~
 3477 ~~Program as required by s. 553.841.~~ The board shall record
 3478 reported continuing education courses on a system easily
 3479 accessed by code enforcement jurisdictions for evaluation when
 3480 determining license status for purposes of processing design
 3481 documents. Local jurisdictions shall be responsible for
 3482 notifying the board when design documents are submitted for
 3483 building construction permits by persons who are not in
 3484 compliance with this section. The board shall take appropriate
 3485 action as provided by its rules when such noncompliance is
 3486 determined to exist.

3487 Section 66. Subsection (5) of section 481.215, Florida
 3488 Statutes, is repealed.

3489 Section 67. Subsection (5) of section 481.313, Florida
 3490 Statutes, is repealed.

3491 Section 68. Paragraph (b) of subsection (4) of section
 3492 489.115, Florida Statutes, is amended to read:

3493 489.115 Certification and registration; endorsement;
 3494 reciprocity; renewals; continuing education.--

3495 (4)

3496 (b)1. Each certificateholder or registrant shall provide
 3497 proof, in a form established by rule of the board, that the
 3498 certificateholder or registrant has completed at least 14

3499 classroom hours of at least 50 minutes each of continuing
3500 education courses during each biennium since the issuance or
3501 renewal of the certificate or registration. The board shall
3502 establish by rule that a portion of the required 14 hours must
3503 deal with the subject of workers' compensation, business
3504 practices, workplace safety, and, for applicable licensure
3505 categories, wind mitigation methodologies, and 1 hour of which
3506 must deal with laws and rules. The board shall by rule establish
3507 criteria for the approval of continuing education courses and
3508 providers, including requirements relating to the content of
3509 courses and standards for approval of providers, and may by rule
3510 establish criteria for accepting alternative nonclassroom
3511 continuing education on an hour-for-hour basis. The board shall
3512 prescribe by rule the continuing education, if any, which is
3513 required during the first biennium of initial licensure. A
3514 person who has been licensed for less than an entire biennium
3515 must not be required to complete the full 14 hours of continuing
3516 education.

3517 2. In addition, the board may approve specialized
3518 continuing education courses on compliance with the wind
3519 resistance provisions for one and two family dwellings contained
3520 in the Florida Building Code and any alternate methodologies for
3521 providing such wind resistance which have been approved for use
3522 by the Florida Building Commission. Division I
3523 certificateholders or registrants who demonstrate proficiency
3524 upon completion of such specialized courses may certify plans
3525 and specifications for one and two family dwellings to be in
3526 compliance with the code or alternate methodologies, as

3527 appropriate, except for dwellings located in floodways or
 3528 coastal hazard areas as defined in ss. 60.3D and E of the
 3529 National Flood Insurance Program.

3530 ~~3. Each certificateholder or registrant shall provide to~~
 3531 ~~the board proof of completion of the core curriculum courses, or~~
 3532 ~~passing the equivalency test of the Building Code Training~~
 3533 ~~Program established under s. 553.841, specific to the licensing~~
 3534 ~~category sought, within 2 years after commencement of the~~
 3535 ~~program or of initial certification or registration, whichever~~
 3536 ~~is later. Classroom hours spent taking core curriculum courses~~
 3537 ~~shall count toward the number required for renewal of~~
 3538 ~~certificates or registration. A certificateholder or registrant~~
 3539 ~~who passes the equivalency test in lieu of taking the core~~
 3540 ~~curriculum courses shall receive full credit for core curriculum~~
 3541 ~~course hours.~~

3542 3.4. The board shall require, by rule adopted pursuant to
 3543 ss. 120.536(1) and 120.54, a specified number of hours in
 3544 specialized or advanced module courses, approved by the Florida
 3545 Building Commission, on any portion of the Florida Building
 3546 Code, adopted pursuant to part IV of chapter 553, relating to
 3547 the contractor's respective discipline.

3548 Section 69. Subsection (1) of section 489.1455, Florida
 3549 Statutes, is amended to read:

3550 489.1455 Journeyman; reciprocity; standards.--

3551 (1) An individual who holds a valid, active journeyman
 3552 license in the plumbing/pipe fitting, mechanical, or HVAC trades
 3553 issued by any county or municipality in this state may work as a
 3554 journeyman in the trade in which he or she is licensed in any

3555 county or municipality of this state without taking an
 3556 additional examination or paying an additional license fee, if
 3557 he or she:

3558 (a) Has scored at least 70 percent, or after October 1,
 3559 1997, at least 75 percent, on a proctored journeyman Block and
 3560 Associates examination or other proctored examination approved
 3561 by the board for the trade in which he or she is licensed;

3562 (b) Has completed an apprenticeship program registered
 3563 with the Department of Labor and Employment Security and
 3564 demonstrates 4 years' verifiable practical experience in the
 3565 trade for which he or she is licensed, or demonstrates 6 years'
 3566 verifiable practical experience in the trade for which he or she
 3567 is licensed;

3568 (c) Has satisfactorily completed specialized and advanced
 3569 module coursework approved by the Florida Building Commission,
 3570 as part of the Building Code Training Program established in s.
 3571 553.841, specific to the discipline, ~~and successfully completed~~
 3572 ~~the program's core curriculum courses or passed an equivalency~~
 3573 ~~test in lieu of taking the core curriculum courses and provided~~
 3574 ~~proof of completion of such curriculum courses or examination~~
 3575 ~~and obtained a certificate from the board pursuant to this part~~
 3576 or, pursuant to authorization by the certifying authority,
 3577 provides proof of completion of such curriculum or coursework
 3578 within 6 months after such certification; and

3579 (d) Has not had a license suspended or revoked within the
 3580 last 5 years.

3581 Section 70. Subsection (3) of section 489.517, Florida
 3582 Statutes, is amended to read:

3583 489.517 Renewal of certificate or registration; continuing
 3584 education.--

3585 (3) ~~(a)~~ Each certificateholder or registrant shall provide
 3586 proof, in a form established by rule of the board, that the
 3587 certificateholder or registrant has completed at least 14
 3588 classroom hours of at least 50 minutes each of continuing
 3589 education courses during each biennium since the issuance or
 3590 renewal of the certificate or registration. The board shall by
 3591 rule establish criteria for the approval of continuing education
 3592 courses and providers and may by rule establish criteria for
 3593 accepting alternative nonclassroom continuing education on an
 3594 hour-for-hour basis.

3595 ~~(b) Each certificateholder or registrant shall provide to~~
 3596 ~~the board proof of completion of the core curriculum courses or~~
 3597 ~~passing the equivalency test of the Building Code Training~~
 3598 ~~Program established under s. 553.841, specific to the licensing~~
 3599 ~~category sought, within 2 years after commencement of the~~
 3600 ~~program or of initial certification or registration, whichever~~
 3601 ~~is later. Classroom hours spent taking core curriculum courses~~
 3602 ~~shall count toward the number required for renewal of~~
 3603 ~~certificate or registration. A certificateholder or registrant~~
 3604 ~~who passes the equivalency test in lieu of taking the core~~
 3605 ~~curriculum courses shall receive full credit for core curriculum~~
 3606 ~~course hours.~~

3607 Section 71. For the purpose of incorporating the amendment
 3608 made by this act to section 553.79, Florida Statutes, in a
 3609 reference thereto, subsection (1) of section 553.80, Florida
 3610 Statutes, is reenacted to read:

3611 553.80 Enforcement.--

3612 (1) Except as provided in paragraphs (a)-(g), each local
 3613 government and each legally constituted enforcement district
 3614 with statutory authority shall regulate building construction
 3615 and, where authorized in the state agency's enabling
 3616 legislation, each state agency shall enforce the Florida
 3617 Building Code required by this part on all public or private
 3618 buildings, structures, and facilities, unless such
 3619 responsibility has been delegated to another unit of government
 3620 pursuant to s. 553.79(9).

3621 (a) Construction regulations relating to correctional
 3622 facilities under the jurisdiction of the Department of
 3623 Corrections and the Department of Juvenile Justice are to be
 3624 enforced exclusively by those departments.

3625 (b) Construction regulations relating to elevator
 3626 equipment under the jurisdiction of the Bureau of Elevators of
 3627 the Department of Business and Professional Regulation shall be
 3628 enforced exclusively by that department.

3629 (c) In addition to the requirements of s. 553.79 and this
 3630 section, facilities subject to the provisions of chapter 395 and
 3631 part II of chapter 400 shall have facility plans reviewed and
 3632 construction surveyed by the state agency authorized to do so
 3633 under the requirements of chapter 395 and part II of chapter 400
 3634 and the certification requirements of the Federal Government.

3635 (d) Building plans approved under s. 553.77(3) and state-
 3636 approved manufactured buildings, including buildings
 3637 manufactured and assembled offsite and not intended for
 3638 habitation, such as lawn storage buildings and storage sheds,

3639 are exempt from local code enforcing agency plan reviews except
3640 for provisions of the code relating to erection, assembly, or
3641 construction at the site. Erection, assembly, and construction
3642 at the site are subject to local permitting and inspections.
3643 Lawn storage buildings and storage sheds bearing the insignia of
3644 approval of the department are not subject to s. 553.842. Such
3645 buildings that do not exceed 400 square feet may be delivered
3646 and installed without need of a contractor's or specialty
3647 license.

3648 (e) Construction regulations governing public schools,
3649 state universities, and community colleges shall be enforced as
3650 provided in subsection (6).

3651 (f) The Florida Building Code as it pertains to toll
3652 collection facilities under the jurisdiction of the turnpike
3653 enterprise of the Department of Transportation shall be enforced
3654 exclusively by the turnpike enterprise.

3655 (g) Construction regulations relating to secure mental
3656 health treatment facilities under the jurisdiction of the
3657 Department of Children and Family Services shall be enforced
3658 exclusively by the department in conjunction with the Agency for
3659 Health Care Administration's review authority under paragraph
3660 (c).

3661
3662 The governing bodies of local governments may provide a schedule
3663 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
3664 section, for the enforcement of the provisions of this part.
3665 Such fees shall be used solely for carrying out the local
3666 government's responsibilities in enforcing the Florida Building

3667 Code. The authority of state enforcing agencies to set fees for
 3668 enforcement shall be derived from authority existing on July 1,
 3669 1998. However, nothing contained in this subsection shall
 3670 operate to limit such agencies from adjusting their fee schedule
 3671 in conformance with existing authority.

3672 Section 72. Paragraph (b) of subsection (3) of section
 3673 633.0215, Florida Statutes, is amended, and subsection (13) is
 3674 added to that section, to read:

3675 633.0215 Florida Fire Prevention Code.--

3676 (3) No later than 180 days before the triennial adoption
 3677 of the Florida Fire Prevention Code, the State Fire Marshal
 3678 shall notify each municipal, county, and special district fire
 3679 department of the triennial code adoption and steps necessary
 3680 for local amendments to be included within the code. No later
 3681 than 120 days before the triennial adoption of the Florida Fire
 3682 Prevention Code, each local jurisdiction shall provide the State
 3683 Fire Marshal with copies of its local fire code amendments. The
 3684 State Fire Marshal has the option to process local fire code
 3685 amendments that are received less than 120 days before the
 3686 adoption date of the Florida Fire Prevention Code.

3687 (b) Any local amendment to the Florida Fire Prevention
 3688 Code adopted by a local government shall be effective only until
 3689 the adoption of the new edition of the Florida Fire Prevention
 3690 Code, which shall be every third year. At such time, the State
 3691 Fire Marshal shall adopt such amendment as part of the Florida
 3692 Fire Prevention Code or rescind the amendment. The State Fire
 3693 Marshal shall immediately notify the respective local government
 3694 of the rescission of the amendment and the reason for the

3695 rescission. After receiving such notice, the respective local
 3696 government may readopt the rescinded amendment. Incorporation of
 3697 local amendments as regional and local concerns and variations
 3698 shall be considered as adoption of an amendment pursuant to this
 3699 section part.

3700 (13) The State Fire Marshal shall issue an expedited
 3701 declaratory statement relating to interpretations of provisions
 3702 of the Florida Fire Prevention Code according to the following
 3703 guidelines:

3704 (a) The declaratory statement shall be rendered in
 3705 accordance with s. 120.565 except that a final decision shall be
 3706 issued by the State Fire Marshal within 45 days after the
 3707 division's receipt of a petition seeking an expedited
 3708 declaratory statement. The State Fire Marshal shall give notice
 3709 of the petition and the expedited declaratory statement or the
 3710 denial of the petition in the next available issue of the
 3711 Florida Administrative Weekly after the petition is filed and
 3712 after the statement or denial is rendered.

3713 (b) The petitioner must be the owner of the disputed
 3714 project or the owner's representative.

3715 (c) The petition for expedited declaratory statement must
 3716 be:

3717 1. Related to an active project that is under construction
 3718 or must have been submitted for a permit;

3719 2. The subject of a written notice citing a specific
 3720 provision of the Florida Fire Prevention Code which is in
 3721 dispute; and

3722 3. Limited to a single question that is capable of being

3723 answered with a "yes" or "no" response.

3724
 3725 A petition for declaratory statement which does not meet all of
 3726 the requirements of this subsection must be denied without
 3727 prejudice. This subsection does not affect the right of the
 3728 petitioner as a substantially affected person to seek a
 3729 declaratory statement under s. 633.01(6).

3730 Section 73. Section 633.026, Florida Statutes, is amended
 3731 to read:

3732 633.026 Legislative intent; informal interpretations of
 3733 the Florida Fire Prevention Code.--It is the intent of the
 3734 Legislature that the Florida Fire Prevention Code be interpreted
 3735 by fire officials and local enforcement agencies in a manner
 3736 that protects the public safety, health, and welfare by ensuring
 3737 uniform interpretations throughout this state and by providing
 3738 processes for resolving disputes regarding such interpretations
 3739 which are just and expeditious. It is the intent of the
 3740 Legislature that such processes provide for the expeditious
 3741 resolution of the issues presented and that the resulting
 3742 interpretation of such issues be published on the website of the
 3743 Division of State Fire Marshal.

3744 (1) The Division of State Fire Marshal shall by rule
 3745 establish an informal process of rendering nonbinding
 3746 interpretations of the Florida Fire Prevention Code. The
 3747 Division of State Fire Marshal may contract with and refer
 3748 interpretive issues to a nonprofit organization that has
 3749 experience in interpreting and enforcing the Florida Fire
 3750 Prevention Code. ~~The Division of State Fire Marshal shall~~

3751 ~~immediately implement the process prior to the completion of~~
3752 ~~formal rulemaking.~~ It is the intent of the Legislature that the
3753 Division of State Fire Marshal establish ~~create~~ a Fire Code
3754 Interpretation Committee composed of seven persons and seven
3755 alternates, equally representing each area of the state ~~process~~
3756 ~~to refer questions to a small group of individuals certified~~
3757 ~~under s. 633.081(2), to which a party can pose questions~~
3758 regarding the interpretation of the Florida Fire Prevention Code
3759 provisions.

3760 (2) Each member and alternate member of the Fire Code
3761 Interpretation Committee must be certified as a firesafety
3762 inspector pursuant to s. 633.081(2) and must have a minimum of 5
3763 years of experience interpreting and enforcing the Florida Fire
3764 Prevention Code and the Life Safety Code. Each member and
3765 alternate member must be approved by the Division of State Fire
3766 Marshal and deemed by the division to have met these
3767 requirements for at least 30 days before participating in a
3768 review of a nonbinding interpretation ~~It is the intent of the~~
3769 ~~Legislature that the process provide for the expeditious~~
3770 ~~resolution of the issues presented and publication of the~~
3771 ~~resulting interpretation on the website of the Division of State~~
3772 ~~Fire Marshal. It is the intent of the Legislature that this~~
3773 ~~program be similar to the program established by the Florida~~
3774 ~~Building Commission in s. 553.775(3)(g).~~

3775 (3) Each nonbinding interpretation of code provisions must
3776 be provided within 10 business days after receipt of a request
3777 for interpretation. The response period established in this
3778 subsection may be waived only with the written consent of the

3779 party requesting the nonbinding interpretation and the Division
3780 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
3781 advisory only and nonbinding on the parties or the State Fire
3782 Marshal.

3783 (4) In order to administer this section, the Division of
3784 State Fire Marshal must charge ~~department may adopt by rule and~~
3785 ~~impose~~ a fee for nonbinding interpretations, ~~with payment made~~
3786 ~~directly to the third party.~~ The fee may not exceed \$150 for
3787 each request for a review or interpretation. The division may
3788 authorize payment of fees directly to the nonprofit organization
3789 under contract pursuant to subsection (1).

3790 (5) A party requesting a nonbinding interpretation who
3791 disagrees with the interpretation issued under this section may
3792 apply for a formal interpretation from the State Fire Marshal
3793 pursuant to s. 633.01(6).

3794 (6) The Division of State Fire Marshall shall issue or
3795 cause to be issued a nonbinding interpretation of the Florida
3796 Fire Prevention Code pursuant to this section when requested to
3797 do so upon submission of a petition by the owner or the owner's
3798 representative, or the contractor or the contractor's
3799 representative, of a project in dispute, or by a fire official.
3800 The division shall adopt a petition form by rule and the
3801 petition form must be published on the State Fire Marshal's
3802 website. The form shall, at a minimum, require the following:

3803 (a) The name and address of the local fire official,
3804 including the address of the county, municipal, or special
3805 district.

3806 (b) The name and address of the owner or the owner's

3807 representative, or the contractor or the contractor's
3808 representative.

3809 (c) A statement of the specific sections of the Florida
3810 Fire Prevention Code being interpreted by the local fire
3811 official.

3812 (d) An explanation of how the petitioner's substantial
3813 interests are being affected by the local interpretation of the
3814 Florida Fire Prevention Code.

3815 (e) A statement of the interpretation of the specific
3816 sections of the Florida Fire Prevention Code by the local fire
3817 official.

3818 (f) A statement of the interpretation that the petitioner
3819 contends should be given to the specific sections of the Florida
3820 Fire Prevention Code and a statement supporting the petitioner's
3821 interpretation.

3822 (7) Upon receipt of a petition that meets the requirements
3823 of subsection (6), the Division of State Fire Marshal shall
3824 immediately provide copies of the petition to the Fire Code
3825 Interpretation Committee, and shall publish the petition and any
3826 response submitted by the local fire official on the State Fire
3827 Marshal's website.

3828 (8) The committee shall conduct proceedings as necessary
3829 to resolve the issues and give due regard to the petition, the
3830 facts of the matter at issue, specific code sections cited, and
3831 any statutory implications affecting the Florida Fire Prevention
3832 Code. The committee shall issue an interpretation regarding the
3833 provisions of the Florida Fire Prevention Code within 10 days
3834 after the filing of a petition. The committee shall issue an

3835 interpretation based upon the Florida Fire Prevention Code or,
 3836 if the code is ambiguous, the intent of the code. The
 3837 committee's interpretation shall be provided to the petitioner
 3838 and shall include a notice that if the petitioner disagrees with
 3839 the interpretation, the petitioner may file a request for formal
 3840 interpretation by the State Fire Marshal under s. 633.01(6). The
 3841 committee's interpretation shall be provided to the State Fire
 3842 Marshal, and the division shall publish the interpretation on
 3843 the State Fire Marshal's website and in the Florida
 3844 Administrative Weekly.

3845 Section 74. Section 633.081, Florida Statutes, is amended
 3846 to read:

3847 633.081 Inspection of buildings and equipment; orders;
 3848 firesafety inspection training requirements; certification;
 3849 disciplinary action.--The State Fire Marshal and her or his
 3850 agents shall, at any reasonable hour, when the State Fire
 3851 Marshal ~~department~~ has reasonable cause to believe that a
 3852 violation of this chapter or s. 509.215, or a rule promulgated
 3853 thereunder, or a minimum firesafety code adopted by a local
 3854 authority, may exist, inspect any and all buildings and
 3855 structures which are subject to the requirements of this chapter
 3856 or s. 509.215 and rules promulgated thereunder. The authority to
 3857 inspect shall extend to all equipment, vehicles, and chemicals
 3858 which are located within the premises of any such building or
 3859 structure.

3860 (1) Each county, municipality, and special district that
 3861 has firesafety enforcement responsibilities shall employ or
 3862 contract with a firesafety inspector. The firesafety inspector

3863 must conduct all firesafety inspections that are required by
 3864 law. The governing body of a county, municipality, or special
 3865 district that has firesafety enforcement responsibilities may
 3866 provide a schedule of fees to pay only the costs of inspections
 3867 conducted pursuant to this subsection and related administrative
 3868 expenses. Two or more counties, municipalities, or special
 3869 districts that have firesafety enforcement responsibilities may
 3870 jointly employ or contract with a firesafety inspector.

3871 (2) Every firesafety inspection conducted pursuant to
 3872 state or local firesafety requirements shall be by a person
 3873 certified as having met the inspection training requirements set
 3874 by the State Fire Marshal. Such person shall:

3875 (a) Be a high school graduate or the equivalent as
 3876 determined by the department;

3877 (b) Not have been found guilty of, or having pleaded
 3878 guilty or nolo contendere to, a felony or a crime punishable by
 3879 imprisonment of 1 year or more under the law of the United
 3880 States, or of any state thereof, which involves moral turpitude,
 3881 without regard to whether a judgment of conviction has been
 3882 entered by the court having jurisdiction of such cases;

3883 (c) Have her or his fingerprints on file with the
 3884 department or with an agency designated by the department;

3885 (d) Have good moral character as determined by the
 3886 department;

3887 (e) Be at least 18 years of age;

3888 (f) Have satisfactorily completed the firesafety inspector
 3889 certification examination as prescribed by the department; and

3890 (g)1. Have satisfactorily completed, as determined by the

3891 department, a firesafety inspector training program of not less
3892 than 200 hours established by the department and administered by
3893 agencies and institutions approved by the department for the
3894 purpose of providing basic certification training for firesafety
3895 inspectors; or

3896 2. Have received in another state training which is
3897 determined by the department to be at least equivalent to that
3898 required by the department for approved firesafety inspector
3899 education and training programs in this state.

3900 (3) Each special state firesafety inspection which is
3901 required by law and is conducted by or on behalf of an agency of
3902 the state must be performed by an individual who has met the
3903 provision of subsection (2), except that the duration of the
3904 training program shall not exceed 120 hours of specific training
3905 for the type of property that such special state firesafety
3906 inspectors are assigned to inspect.

3907 (4) A firefighter certified pursuant to s. 633.35 may
3908 conduct firesafety inspections, under the supervision of a
3909 certified firesafety inspector, while on duty as a member of a
3910 fire department company conducting inservice firesafety
3911 inspections without being certified as a firesafety inspector,
3912 if such firefighter has satisfactorily completed an inservice
3913 fire department company inspector training program of at least
3914 24 hours' duration as provided by rule of the department.

3915 (5) Every firesafety inspector or special state firesafety
3916 inspector certificate is valid for a period of 3 years from the
3917 date of issuance. Renewal of certification shall be subject to
3918 the affected person's completing proper application for renewal

3919 and meeting all of the requirements for renewal as established
 3920 under this chapter or by rule promulgated thereunder, which
 3921 shall include completion of at least 40 hours during the
 3922 preceding 3-year period of continuing education as required by
 3923 the rule of the department or, in lieu thereof, successful
 3924 passage of an examination as established by the department.

3925 (6) The State Fire Marshal may deny, refuse to renew,
 3926 suspend, or revoke the certificate of a firesafety inspector or
 3927 special state firesafety inspector if it finds that any of the
 3928 following grounds exist:

3929 (a) Any cause for which issuance of a certificate could
 3930 have been refused had it then existed and been known to the
 3931 State Fire Marshal.

3932 (b) Violation of this chapter or any rule or order of the
 3933 State Fire Marshal.

3934 (c) Falsification of records relating to the certificate.

3935 (d) Having been found guilty of or having pleaded guilty
 3936 or nolo contendere to a felony, whether or not a judgment of
 3937 conviction has been entered.

3938 (e) Failure to meet any of the renewal requirements.

3939 (f) Having been convicted of a crime in any jurisdiction
 3940 which directly relates to the practice of fire code inspection,
 3941 plan review, or administration.

3942 (g) Making or filing a report or record that the
 3943 certificateholder knows to be false, or knowingly inducing
 3944 another to file a false report or record, or knowingly failing
 3945 to file a report or record required by state or local law, or
 3946 knowingly impeding or obstructing such filing, or knowingly

3947 inducing another person to impede or obstruct such filing.

3948 (h) Failing to properly enforce applicable fire codes or
 3949 permit requirements within this state which the
 3950 certificateholder knows are applicable by committing willful
 3951 misconduct, gross negligence, gross misconduct, repeated
 3952 negligence, or negligence resulting in a significant danger to
 3953 life or property.

3954 (i) Accepting labor, services, or materials at no charge
 3955 or at a noncompetitive rate from any person who performs work
 3956 that is under the enforcement authority of the certificateholder
 3957 and who is not an immediate family member of the
 3958 certificateholder. For the purpose of this paragraph, the term
 3959 "immediate family member" means a spouse, child, parent,
 3960 sibling, grandparent, aunt, uncle, or first cousin of the person
 3961 or the person's spouse or any person who resides in the primary
 3962 residence of the certificateholder.

3963 (7) The Division of State Fire Marshal and the Florida
 3964 Building Code Administrator and Inspectors Board, established
 3965 pursuant to s. 468.605, shall enter into a reciprocity agreement
 3966 to facilitate joint recognition of continuing education
 3967 recertification hours for certificateholders licensed under s.
 3968 468.609 and firesafety inspectors certified under subsection
 3969 (2).

3970 (8)~~(7)~~ The department shall provide by rule for the
 3971 certification of firesafety inspectors.

3972 Section 75. Section 633.352, Florida Statutes, is amended
 3973 to read:

3974 633.352 Retention of firefighter certification.--Any

3975 certified firefighter who has not been active as a firefighter,
 3976 or as a volunteer firefighter with an organized fire department,
 3977 for a period of 3 years shall be required to retake the
 3978 practical portion of the minimum standards state examination
 3979 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
 3980 Administrative Code, in order to maintain her or his
 3981 certification as a firefighter; however, this requirement does
 3982 not apply to state-certified firefighters who are certified and
 3983 employed as full-time firesafety inspectors or firesafety
 3984 instructors, regardless of the firefighter's employment status
 3985 ~~as determined by the division~~. The 3-year period begins on the
 3986 date the certificate of compliance is issued or upon termination
 3987 of service with an organized fire department.

3988 Section 76. Paragraph (e) of subsection (2) and
 3989 subsections (3), (10), and (11) of section 633.521, Florida
 3990 Statutes, are amended to read:

3991 633.521 Certificate application and issuance; permit
 3992 issuance; examination and investigation of applicant.--

3993 (2)

3994 (e) An applicant may not be examined more than four times
 3995 during 1 year for certification as a contractor pursuant to this
 3996 section unless the person is or has been certified and is taking
 3997 the examination to change classifications. If an applicant does
 3998 not pass one or more parts of the examination, she or he may
 3999 take any part of the examination three more times during the 1-
 4000 year period beginning upon the date she or he originally filed
 4001 an application to take the examination. If the applicant does
 4002 not pass the examination within that 1-year period, she or he

4003 must file a new application and pay the application and
 4004 examination fees in order to take the examination or a part of
 4005 the examination again. However, the applicant may not file a new
 4006 application sooner than 6 months after the date of her or his
 4007 last examination. An applicant who passes the examination but
 4008 does not meet the remaining qualifications as provided in
 4009 applicable statutes and rules within 1 year after the
 4010 application date must file a new application, pay the
 4011 application and examination fee, successfully complete a
 4012 prescribed training course approved by the State Fire College or
 4013 an equivalent court approved by the State Fire Marshal, and
 4014 retake and pass the written examination.

4015 (3) (a) As a prerequisite to taking the examination for
 4016 certification as a Contractor I, ~~Contractor II, or Contractor~~
 4017 ~~III~~, the applicant must be at least 18 years of age, be of good
 4018 moral character, and shall possess 4 years' proven experience in
 4019 the employment of a fire protection system Contractor I,
 4020 ~~Contractor II, or Contractor III~~ or a combination of equivalent
 4021 education and experience in both water-based and chemical fire
 4022 suppression systems.

4023 (b) As a prerequisite to taking the examination for
 4024 certification as a Contractor II, the applicant must be at least
 4025 18 years of age, be of good moral character, and have 4 years of
 4026 verifiable employment experience with a fire protection system
 4027 as a Contractor I or Contractor II, or a combination of
 4028 equivalent education and experience in water-based fire
 4029 suppression systems.

4030 (c) Required education and experience for certification as

4031 a Contractor I, Contractor II, Contractor III, or Contractor IV
4032 includes training and experience in both installation and system
4033 layout as defined in s. 633.021.

4034 (d) As a prerequisite to taking the examination for
4035 certification as a Contractor III, the applicant must be at
4036 least 18 years of age, be of good moral character, and have 4
4037 years of verifiable employment experience with a fire protection
4038 system as a Contractor I or Contractor II, or a combination of
4039 equivalent education and experience in chemical fire suppression
4040 systems.

4041 (e) As a prerequisite to taking the examination for
4042 certification as a Contractor IV, the applicant must ~~shall~~ be at
4043 least 18 years old, be of good moral character, be licensed as a
4044 certified plumbing contractor under chapter 489, and
4045 successfully complete a training program acceptable to the State
4046 Fire Marshal of not less than 40 contact hours regarding the
4047 applicable installation standard used by the Contractor IV as
4048 described in NFPA 13D. The State Fire Marshal may adopt rules to
4049 administer this subsection ~~have at least 2 years' proven~~
4050 ~~experience in the employment of a fire protection system~~
4051 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
4052 ~~combination of equivalent education and experience which~~
4053 ~~combination need not include experience in the employment of a~~
4054 ~~fire protection system contractor.~~

4055 (f) As a prerequisite to taking the examination for
4056 certification as a Contractor V, the applicant must ~~shall~~ be at
4057 least 18 years old, be of good moral character, and have been
4058 licensed as a certified underground utility and excavation

4059 contractor or certified plumbing contractor pursuant to chapter
 4060 489, have verification by an individual who is licensed as a
 4061 certified utility contractor or certified plumbing contractor
 4062 pursuant to chapter 489 that the applicant has 4 years' proven
 4063 experience in the employ of a certified underground utility and
 4064 excavation contractor or certified plumbing contractor, or have
 4065 a combination of education and experience equivalent to 4 years'
 4066 proven experience in the employ of a certified underground
 4067 utility and excavation contractor or certified plumbing
 4068 contractor.

4069 (g) Within 30 days after the date of the examination, the
 4070 State Fire Marshal shall inform the applicant in writing whether
 4071 she or he has qualified or not and, if the applicant has
 4072 qualified, that she or he is ready to issue a certificate of
 4073 competency, subject to compliance with the requirements of
 4074 subsection (4).

4075 (10) Effective July 1, 2008, the State Fire Marshal shall
 4076 require the National Institute of Certification in Engineering
 4077 Technologies (NICET), Sub-field of Inspection and Testing of
 4078 Fire Protection Systems Level II or equivalent training and
 4079 education as determined by the division as proof that the
 4080 permit holders are knowledgeable about nationally accepted
 4081 standards for the inspection of fire protection systems. ~~It is~~
 4082 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
 4083 ~~to accept continuing education of all certificateholders'~~
 4084 ~~employees who perform inspection functions which specifically~~
 4085 ~~prepares the permit holder to qualify for NICET II certification.~~

4086 (11) It is intended that a certificateholder, or a

4087 | permitholder who is employed by a certificateholder, conduct
 4088 | inspections required by this chapter. It is understood that
 4089 | after July 1, 2008, employee turnover may result in a depletion
 4090 | of personnel who are certified under the NICET Sub-field of
 4091 | Inspection and Testing of Fire Protection Systems Level II or
 4092 | equivalent training and education as required by the Division of
 4093 | State Fire Marshal ~~which is required for permitholders. The~~
 4094 | ~~extensive training and experience necessary to achieve NICET~~
 4095 | ~~Level II certification is recognized.~~ A certificateholder may
 4096 | therefore obtain a provisional permit with an endorsement for
 4097 | inspection, testing, and maintenance of water-based fire
 4098 | extinguishing systems for an employee if the employee has
 4099 | initiated procedures for obtaining Level II certification from
 4100 | the National Institute for Certification in Engineering
 4101 | Technologies Sub-field of Inspection and Testing of Fire
 4102 | Protection Systems and achieved Level I certification or an
 4103 | equivalent level as determined by the State Fire Marshal through
 4104 | verification of experience, training, and examination. The State
 4105 | Fire Marshal may establish rules to administer this subsection.
 4106 | After 2 years of provisional certification, the employee must
 4107 | have achieved NICET Level II certification, or obtain equivalent
 4108 | training and education as determined by the division, or cease
 4109 | performing inspections requiring Level II certification. The
 4110 | provisional permit is valid only for the 2 calendar years after
 4111 | the date of issuance, may not be extended, and is not renewable.
 4112 | After the initial 2-year provisional permit expires, the
 4113 | certificateholder must wait 2 additional years before a new
 4114 | provisional permit may be issued. The intent is to prohibit the

4115 certificateholder from using employees who never reach NICET
 4116 Level II, or equivalent training and education as determined by
 4117 the division, status by continuously obtaining provisional
 4118 permits.

4119 Section 77. Subsection (3) is added to section 633.524,
 4120 Florida Statutes, to read:

4121 633.524 Certificate and permit fees; use and deposit of
 4122 collected funds.--

4123 (3) The State Fire Marshal may enter into a contract with
 4124 any qualified public entity or private company in accordance
 4125 with chapter 287 to provide examinations for any applicant for
 4126 any examination administered under the jurisdiction of the State
 4127 Fire Marshal. The State Fire Marshal may direct payments from
 4128 each applicant for each examination directly to such contracted
 4129 entity or company.

4130 Section 78. Subsection (4) of section 633.537, Florida
 4131 Statutes, is amended to read:

4132 633.537 Certificate; expiration; renewal; inactive
 4133 certificate; continuing education.--

4134 (4) The renewal period for the permit class is the same as
 4135 that for the employing certificateholder. The continuing
 4136 education requirements for permitholders are what is required to
 4137 maintain NICET Sub-field of Inspection and Testing of Fire
 4138 Protection Systems Level II, equivalent training and education
 4139 as determined by the division, or higher certification plus 8
 4140 contact hours of continuing education approved by the State Fire
 4141 Marshal during each biennial renewal period thereafter. ~~The~~
 4142 ~~continuing education curriculum from July 1, 2005, until July 1,~~

4143 ~~2008, shall be the preparatory curriculum for NICET II~~
 4144 ~~certification; after July 1, 2008, the technical curriculum is~~
 4145 ~~at the discretion of the State Fire Marshal and may be used to~~
 4146 ~~meet the maintenance of NICET Level II certification and 8~~
 4147 ~~contact hours of continuing education requirements. It is the~~
 4148 responsibility of the permit holder to maintain NICET II
 4149 certification or equivalent training and education as determined
 4150 by the division as a condition of permit renewal after July 1,
 4151 2008.

4152 Section 79. Subsection (4) of section 633.72, Florida
 4153 Statutes, is amended to read:

4154 633.72 Florida Fire Code Advisory Council.--

4155 (4) Each appointee shall serve a 4-year term. No member
 4156 shall serve more than two consecutive terms ~~one term~~. No member
 4157 of the council shall be paid a salary as such member, but each
 4158 shall receive travel and expense reimbursement as provided in s.
 4159 112.061.

4160 Section 80. Section 553.509, Florida Statutes, is amended
 4161 to read:

4162 553.509 Vertical accessibility.--

4163 ~~(1)~~ Nothing in ss. 553.501-553.513 or the guidelines shall
 4164 be construed to relieve the owner of any building, structure, or
 4165 facility governed by those sections from the duty to provide
 4166 vertical accessibility to all levels above and below the
 4167 occupiable grade level, regardless of whether the guidelines
 4168 require an elevator to be installed in such building, structure,
 4169 or facility, except for:

4170 (1)(a) Elevator pits, elevator penthouses, mechanical

4171 rooms, piping or equipment catwalks, and automobile lubrication
 4172 and maintenance pits and platforms;

4173 (2)~~(b)~~ Unoccupiable spaces, such as rooms, enclosed
 4174 spaces, and storage spaces that are not designed for human
 4175 occupancy, for public accommodations, or for work areas; and

4176 (3)~~(e)~~ Occupiable spaces and rooms that are not open to
 4177 the public and that house no more than five persons, including,
 4178 but not limited to, equipment control rooms and projection
 4179 booths.

4180 ~~(2) (a) Any person, firm, or corporation that owns,
 4181 manages, or operates a residential multifamily dwelling,
 4182 including a condominium, that is at least 75 feet high and
 4183 contains a public elevator, as described in s. 399.035(2) and
 4184 (3) and rules adopted by the Florida Building Commission, shall
 4185 have at least one public elevator that is capable of operating
 4186 on an alternate power source for emergency purposes. Alternate
 4187 power shall be available for the purpose of allowing all
 4188 residents access for a specified number of hours each day over a
 4189 5-day period following a natural disaster, manmade disaster,
 4190 emergency, or other civil disturbance that disrupts the normal
 4191 supply of electricity. The alternate power source that controls
 4192 elevator operations must also be capable of powering any
 4193 connected fire alarm system in the building.~~

4194 ~~(b) At a minimum, the elevator must be appropriately
 4195 prewired and prepared to accept an alternate power source and
 4196 must have a connection on the line side of the main disconnect,
 4197 pursuant to National Electric Code Handbook, Article 700. In
 4198 addition to the required power source for the elevator and~~

4199 ~~connected fire alarm system in the building, the alternate power~~
 4200 ~~supply must be sufficient to provide emergency lighting to the~~
 4201 ~~interior lobbies, hallways, and other portions of the building~~
 4202 ~~used by the public. Residential multifamily dwellings must have~~
 4203 ~~an available generator and fuel source on the property or have~~
 4204 ~~proof of a current contract posted in the elevator machine room~~
 4205 ~~or other place conspicuous to the elevator inspector affirming a~~
 4206 ~~current guaranteed service contract for such equipment and fuel~~
 4207 ~~source to operate the elevator on an on-call basis within 24~~
 4208 ~~hours after a request. By December 31, 2006, any person, firm or~~
 4209 ~~corporation that owns, manages, or operates a residential~~
 4210 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
 4211 ~~the local building inspection agency verification of engineering~~
 4212 ~~plans for residential multifamily dwellings that provide for the~~
 4213 ~~capability to generate power by alternate means. Compliance with~~
 4214 ~~installation requirements and operational capability~~
 4215 ~~requirements must be verified by local building inspectors and~~
 4216 ~~reported to the county emergency management agency by December~~
 4217 ~~31, 2007.~~

4218 ~~(c) Each newly constructed residential multifamily~~
 4219 ~~dwelling, including a condominium, that is at least 75 feet high~~
 4220 ~~and contains a public elevator, as described in s. 399.035(2)~~
 4221 ~~and (3) and rules adopted by the Florida Building Commission,~~
 4222 ~~must have at least one public elevator that is capable of~~
 4223 ~~operating on an alternate power source for the purpose of~~
 4224 ~~allowing all residents access for a specified number of hours~~
 4225 ~~each day over a 5-day period following a natural disaster,~~
 4226 ~~manmade disaster, emergency, or other civil disturbance that~~

4227 ~~disrupts the normal supply of electricity. The alternate power~~
4228 ~~source that controls elevator operations must be capable of~~
4229 ~~powering any connected fire alarm system in the building. In~~
4230 ~~addition to the required power source for the elevator and~~
4231 ~~connected fire alarm system, the alternate power supply must be~~
4232 ~~sufficient to provide emergency lighting to the interior~~
4233 ~~lobbies, hallways, and other portions of the building used by~~
4234 ~~the public. Engineering plans and verification of operational~~
4235 ~~capability must be provided by the local building inspector to~~
4236 ~~the county emergency management agency before occupancy of the~~
4237 ~~newly constructed building.~~

4238 ~~(d) Each person, firm, or corporation that is required to~~
4239 ~~maintain an alternate power source under this subsection shall~~
4240 ~~maintain a written emergency operations plan that details the~~
4241 ~~sequence of operations before, during, and after a natural or~~
4242 ~~manmade disaster or other emergency situation. The plan must~~
4243 ~~include, at a minimum, a lifesafety plan for evacuation,~~
4244 ~~maintenance of the electrical and lighting supply, and~~
4245 ~~provisions for the health, safety, and welfare of the residents.~~
4246 ~~In addition, the owner, manager, or operator of the residential~~
4247 ~~multifamily dwelling must keep written records of any contracts~~
4248 ~~for alternative power generation equipment. Also, quarterly~~
4249 ~~inspection records of lifesafety equipment and alternate power~~
4250 ~~generation equipment must be posted in the elevator machine room~~
4251 ~~or other place conspicuous to the elevator inspector, which~~
4252 ~~confirm that such equipment is properly maintained and in good~~
4253 ~~working condition, and copies of contracts for alternate power~~
4254 ~~generation equipment shall be maintained on site for~~

4255 ~~verification. The written emergency operations plan and~~
4256 ~~inspection records shall also be open for periodic inspection by~~
4257 ~~local and state government agencies as deemed necessary. The~~
4258 ~~owner or operator must keep a generator key in a lockbox posted~~
4259 ~~at or near any installed generator unit.~~

4260 ~~(e) Multistory affordable residential dwellings for~~
4261 ~~persons age 62 and older that are financed or insured by the~~
4262 ~~United States Department of Housing and Urban Development must~~
4263 ~~make every effort to obtain grant funding from the Federal~~
4264 ~~Government or the Florida Housing Finance Corporation to comply~~
4265 ~~with this subsection. If an owner of such a residential dwelling~~
4266 ~~cannot comply with the requirements of this subsection, the~~
4267 ~~owner must develop a plan with the local emergency management~~
4268 ~~agency to ensure that residents are evacuated to a place of~~
4269 ~~safety in the event of a power outage resulting from a natural~~
4270 ~~or manmade disaster or other emergency situation that disrupts~~
4271 ~~the normal supply of electricity for an extended period of time.~~
4272 ~~A place of safety may include, but is not limited to, relocation~~
4273 ~~to an alternative site within the building or evacuation to a~~
4274 ~~local shelter.~~

4275 ~~(f) As a part of the annual elevator inspection required~~
4276 ~~under s. 399.061, certified elevator inspectors shall confirm~~
4277 ~~that all installed generators required by this chapter are in~~
4278 ~~working order, have current inspection records posted in the~~
4279 ~~elevator machine room or other place conspicuous to the elevator~~
4280 ~~inspector, and that the required generator key is present in the~~
4281 ~~lockbox posted at or near the installed generator. If a building~~
4282 ~~does not have an installed generator, the inspector shall~~

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4283 ~~confirm that the appropriate rewiring and switching~~
4284 ~~capabilities are present and that a statement is posted in the~~
4285 ~~elevator machine room or other place conspicuous to the elevator~~
4286 ~~inspector affirming a current guaranteed contract exists for~~
4287 ~~contingent services for alternate power is current for the~~
4288 ~~operating period.~~

4289

4290 However, buildings, structures, and facilities must, as a
4291 minimum, comply with the requirements in the Americans with
4292 Disabilities Act Accessibility Guidelines.

4293 Section 81. The Florida Building Commission is directed to
4294 adjust the Florida Building Code for consistency with the
4295 revisions to s. 399.02, Florida Statutes, by this act.

4296 Section 82. This act shall take effect July 1, 2009.