

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. 373.243, F.S.; limiting the authority of a

57 governing board or the department to revoke certain
58 permits for nonuse of resource; amending s. 373.406, F.S.;
59 providing an exemption from permitting requirements for
60 construction of specified public use facilities; creating
61 s. 373.1181, F.S.; providing for issuance of a general
62 permit to counties to construct, operate, alter, maintain,
63 or remove systems for the purposes of environmental
64 restoration; specifying requirements for such permits;
65 requiring the water management district or the department
66 to provide counties with certain written notification;
67 providing that the permit constitutes a letter of consent
68 by the Board of Trustees of the Internal Improvement Trust
69 Fund to complete certain activities; amending s. 373.4141,
70 F.S.; extending the period of time for applicants to
71 provide additional information for certain permit
72 applications; providing for the denial of an application
73 under certain conditions; amending s. 373.441, F.S.;
74 revising provisions relating to the regulation of
75 activities subject to delegation to a qualified local
76 government; amending s. 403.061, F.S.; authorizing the
77 department to adopt rules that include special criteria
78 for approval of construction and operation of certain
79 docking facilities; authorizing the department to maintain
80 a list of projects or activities for applicants to
81 consider when developing certain proposals; authorizing
82 the department to develop a project management plan to
83 implement an e-permitting program; authorizing the
84 department to expand online self-certification for certain

85 exemptions and general permits; prohibiting local
86 governments from specifying the method or form of
87 documentation by which a project meets specified
88 provisions; amending s. 403.813, F.S.; clarifying
89 provisions relating to permits issued at district centers;
90 authorizing the use of certain materials and deviations
91 for the replacement or repair of docks and piers; amending
92 s. 403.814, F.S.; directing the Department of
93 Environmental Protection to expand the use of Internet-
94 based self-certification services for certain exemptions
95 and general permits; requiring the department to submit a
96 report to the Legislature by a specified date; amending s.
97 403.973, F.S.; removing the authority of the Office of
98 Tourism, Trade, and Economic Development to approve
99 expedited permitting and comprehensive plan amendments and
100 providing such authority to the Secretary of Environmental
101 Protection; revising criteria for businesses submitting
102 permit applications or local comprehensive plan
103 amendments; providing that permit applications and local
104 comprehensive plan amendments for specified biofuel and
105 renewable energy projects are eligible for the expedited
106 permitting process; providing for the establishment of
107 regional permit action teams through the execution of
108 memoranda of agreement developed by permit applicants and
109 the secretary; providing for the appeal of a local
110 government's approval of an expedited permit or
111 comprehensive plan amendment and requiring such appeals to
112 be consolidated with challenges to state agency actions;

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

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

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

197 | against a licensee found guilty of certain violations;
198 | amending s. 468.8324, F.S.; providing additional
199 | requirements for licensure as a home inspector; amending
200 | s. 627.711, F.S., removing a testing requirement;
201 | repealing s. 718.113(6), F.S., relating to requirements
202 | for 5-year inspections of certain condominium
203 | improvements; amending s. 553.37, F.S.; authorizing
204 | manufacturers to pay inspection fees directly to the
205 | provider of inspection services; providing rulemaking
206 | authority to the Department of Community Affairs;
207 | authorizing the department to enter into contracts for the
208 | performance of certain administrative duties; revising
209 | inspection requirements for certain custom manufactured
210 | buildings; amending s. 553.375, F.S.; revising the
211 | requirement for recertification of manufactured buildings
212 | prior to relocation; amending s. 553.73, F.S.; authorizing
213 | the Florida Building Commission to adopt amendments
214 | relating to equivalency of standards; authorizing the
215 | adoption of amendments necessary to accommodate state
216 | agency rules to meet federal requirements for design
217 | criteria relating to public educational facilities and
218 | state-licensed facilities; exempting certain mausoleums
219 | from the requirements of the Florida Building Code;
220 | exempting certain temporary housing provided by the
221 | Department of Corrections from the requirements of the
222 | Florida Building Code; restricting the code or an code
223 | enforcement agency from imposing requirements on certain
224 | air conditioning systems; amending s. 553.76, F.S.;

225 authorizing the Florida Building Commission to adopt rules
226 related to consensus-building decisionmaking; amending s.
227 553.775, F.S.; authorizing the commission to charge a fee
228 for nonbinding interpretations; amending s. 553.79, F.S.;
229 requiring state agencies to contract for inspection
230 services under the alternative plans review and inspection
231 process or with a local governmental entity; amending s.
232 553.841, F.S.; deleting provisions requiring that the
233 Department of Community Affairs maintain, update, develop,
234 or cause to be developed a core curriculum for persons who
235 enforce the Florida Building Code; amending s. 553.842,
236 F.S.; authorizing rules requiring the payment of product
237 evaluation fees directly to the administrator of the
238 product evaluation and approval system; requiring that the
239 provider remit a portion of the fees to the department to
240 cover its costs; providing requirements for the approval
241 of applications for state approval of a product; providing
242 for certain approved products to be immediately added to
243 the list of state-approved products; requiring that the
244 commission's oversight committee review approved products;
245 revising the list of approved evaluation entities;
246 deleting obsolete provisions governing evaluation
247 entities; amending s. 553.844, F.S.; providing an
248 exemption from requirements from roof and opening
249 protections for certain exposed mechanical equipment or
250 appliances; providing a sunset provision; amending s.
251 553.885, F.S.; revising requirements for carbon monoxide
252 alarms; providing an exception for buildings undergoing

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

281 Fire Marshal to charge a fee for nonbinding
282 interpretations; providing that fees may be paid directly
283 to a contract provider; providing requirements for
284 requesting a nonbinding interpretation; requiring the
285 Division of State Fire Marshal to develop a form for
286 submitting a petition for a nonbinding interpretation;
287 providing for a formal interpretation by the State Fire
288 Marshal; requiring that an interpretation of the Florida
289 Fire Prevention Code be published on the division's
290 website and the Florida Administrative Weekly; amending s.
291 633.081, F.S.; requiring the Division of State Fire
292 Marshal and the Florida Building Code Administrator and
293 Inspectors Board enter into a reciprocity agreement for
294 purposes of recertifying building code inspectors, plan
295 inspectors, building code administrators, and firesafety
296 inspectors; amending s. 633.352, F.S.; providing an
297 exception to requirements for recertification as a
298 firefighter; amending s. 633.521, F.S.; revising
299 requirements for certification as a fire protection system
300 contractor; revising the prerequisites for taking the
301 certification examination; authorizing the State Fire
302 Marshal to accept more than one source of professional
303 certification; revising legislative intent; amending s.
304 633.524, F.S.; authorizing the State Fire Marshal to enter
305 into contracts for examination services; providing for
306 direct payment of examination fees to contract providers;
307 amending s. 633.537, F.S.; revising the continuing
308 education requirements for certain permitholders; amending

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

317

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

319

320 Section 1. (1) Except as provided in subsection (4), and
 321 in recognition of 2009 real estate market conditions, any permit
 322 issued by the Department of Environmental Protection or a water
 323 management district pursuant to part IV of chapter 373, Florida
 324 Statutes, that has an expiration date of September 1, 2008,
 325 through January 1, 2012, is extended and renewed for a period of
 326 2 years following its date of expiration. This extension
 327 includes any local government-issued development order or
 328 building permit. The 2-year extension also applies to build out
 329 dates including any build out date extension previously granted
 330 under s. 380.06(19)(c), Florida Statutes. This section may not
 331 be construed to prohibit conversion from the construction phase
 332 to the operation phase upon completion of construction.

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

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

343 (4) The extensions provided for in subsection (1) do not
344 apply to:

345 (a) A permit or other authorization under any programmatic
346 or regional general permit issued by the Army Corps of
347 Engineers.

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

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

363 (6) Nothing in this section shall impair the authority of
364 a county or municipality to require the owner of a property,

365 which has noticed the county or municipality that it intends to
 366 receive the extension of time granted by this section, to
 367 maintain and secure the property in a safe and sanitary
 368 condition in compliance with applicable laws and ordinances.

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

371 120.569 Decisions which affect substantial interests.--

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

393 adopted pursuant to s. 120.54(5), may be provided via a link to
394 a publicly available Internet site.

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

397 120.60 Licensing.--

398 (1) Upon receipt of an application for a license, an
399 agency shall examine the application and, within 30 days after
400 such receipt, notify the applicant of any apparent errors or
401 omissions and request any additional information the agency is
402 permitted by law to require. If the applicant believes the
403 request for such additional information is not authorized by law
404 or agency rule, the agency, at the applicant's request, shall
405 proceed to process the permit application. An agency shall not
406 deny a license for failure to correct an error or omission or to
407 supply additional information unless the agency timely notified
408 the applicant within this 30-day period. An application shall be
409 considered complete upon receipt of all requested information
410 and correction of any error or omission for which the applicant
411 was timely notified or when the time for such notification has
412 expired. Every application for a license shall be approved or
413 denied within 90 days after receipt of a completed application
414 unless a shorter period of time for agency action is provided by
415 law. The 90-day time period shall be tolled by the initiation of
416 a proceeding under ss. 120.569 and 120.57. Any application for a
417 license that is not approved or denied within the 90-day or
418 shorter time period, within 15 days after conclusion of a public
419 hearing held on the application, or within 45 days after a
420 recommended order is submitted to the agency and the parties,

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

433 | Section 4. Section 125.022, Florida Statutes, is amended
 434 | to read:

435 | 125.022 Development permits.--When a county denies an
 436 | application for a development permit, the county shall give
 437 | written notice to the applicant. The notice must include a
 438 | citation to the applicable portions of an ordinance, rule,
 439 | statute, or other legal authority for the denial of the permit.
 440 | As used in this section, the term "development permit" has the
 441 | same meaning as in s. 163.3164. A county may not require as a
 442 | condition of approval for a development permit that an applicant
 443 | obtain a permit or approval from any other state or federal
 444 | agency. Issuance of a development permit by a county does not in
 445 | any way create any rights on the part of an applicant to obtain
 446 | a permit from another state or federal agency and does not
 447 | create any liability on the part of the county for issuance of
 448 | the permit in the event that an applicant fails to fulfill its

449 legal obligations to obtain requisite approvals or fulfill the
450 obligations imposed by other state or federal agencies. A county
451 may attach such a disclaimer to the issuance of development
452 permits and may include a permit condition that all other
453 applicable state or federal permits must be obtained prior to
454 development. This section shall not be construed to prohibit a
455 county from providing information to an applicant regarding what
456 other state or federal permits may be applicable.

457 Section 5. Section 161.032, Florida Statutes, is created
458 to read:

459 161.032 Application review; request for additional
460 information.--

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

476 (2) Notwithstanding the provisions of s. 120.60, an

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

491 Section 6. Section 166.033, Florida Statutes, is amended
 492 to read:

493 166.033 Development permits.--When a municipality denies
 494 an application for a development permit, the municipality shall
 495 give written notice to the applicant. The notice must include a
 496 citation to the applicable portions of an ordinance, rule,
 497 statute, or other legal authority for the denial of the permit.
 498 As used in this section, the term "development permit" has the
 499 same meaning as in s. 163.3164. A municipality may not require
 500 as a condition of approval for a development permit that an
 501 applicant obtain a permit or approval from any other state or
 502 federal agency. Issuance of a development permit by a
 503 municipality does not in any way create any right on the part of
 504 an applicant to obtain a permit from another state or federal

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

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

518 253.034 State-owned lands; uses.--

519 (13) The deposition of dredged material on state-owned
 520 submerged lands for the purpose of restoring previously dredged
 521 holes to natural conditions shall be conducted in such a manner
 522 as to maximize environmental benefits. In such cases, the
 523 dredged material shall be placed in the dredge hole at an
 524 elevation consistent with the surrounding area to allow light
 525 penetration so as to maximize propagation of native vegetation.
 526 When available dredged material is of insufficient quantity to
 527 raise the entire dredge hole to prior natural elevations, then
 528 placement shall be limited to a portion of the dredge hole where
 529 elevations can be restored to natural elevations ~~Notwithstanding~~
 530 ~~the provisions of this section, funds from the sale of property~~
 531 ~~by the Department of Highway Safety and Motor Vehicles located~~
 532 ~~in Palm Beach County are authorized to be deposited into the~~

533 ~~Highway Safety Operating Trust Fund to facilitate the exchange~~
534 ~~as provided in the General Appropriations Act, provided that at~~
535 ~~the conclusion of both exchanges the values are equalized. This~~
536 ~~subsection expires July 1, 2009.~~

537 Section 8. Paragraph (e) of subsection (3) of section
538 258.42, Florida Statutes, is amended to read:

539 258.42 Maintenance of preserves.--The Board of Trustees of
540 the Internal Improvement Trust Fund shall maintain such aquatic
541 preserves subject to the following provisions:

542 (3)

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

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

554 2. Private residential multislip docks may be approved if
555 located within a reasonable distance of a publicly maintained
556 navigation channel, or a natural channel of adequate depth and
557 width to allow operation of the watercraft for which the docking
558 facility is designed without the craft having an adverse impact
559 on marine resources. The distance shall be determined in
560 accordance with criteria established by the trustees by rule,

561 based on a consideration of the depth of the water, nature and
 562 condition of bottom, and presence of manatees.

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

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

579
 580 No structure under this paragraph or chapter 253 shall be
 581 prohibited solely because the local government fails to adopt a
 582 marina plan or other policies dealing with the siting of such
 583 structures in its local comprehensive plan.

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

586 373.026 General powers and duties of the department.--The
 587 department, or its successor agency, shall be responsible for
 588 the administration of this chapter at the state level. However,

589 | it is the policy of the state that, to the greatest extent
590 | possible, the department may enter into interagency or
591 | interlocal agreements with any other state agency, any water
592 | management district, or any local government conducting programs
593 | related to or materially affecting the water resources of the
594 | state. All such agreements shall be subject to the provisions of
595 | s. 373.046. In addition to its other powers and duties, the
596 | department shall, to the greatest extent possible:

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

607 | Section 10. Paragraph (a) of subsection (4) of section
608 | 373.079, Florida Statutes, is amended to read:

609 | 373.079 Members of governing board; oath of office;
610 | staff.--

611 | (4) (a) The governing board of the district is authorized
612 | to employ an executive director, ombudsman, and such engineers,
613 | other professional persons, and other personnel and assistants
614 | as it deems necessary and under such terms and conditions as it
615 | may determine and to terminate such employment. The appointment
616 | of an executive director by the governing board is subject to

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

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

633 373.083 General powers and duties of the governing
 634 board.--In addition to other powers and duties allowed it by
 635 law, the governing board is authorized to:

636 (5) Execute any of the powers, duties, and functions
 637 vested in the governing board through a member or members
 638 thereof, the executive director, or other district staff as
 639 designated by the governing board. The governing board may
 640 establish the scope and terms of any delegation. ~~However, if~~ The
 641 governing board shall delegate to the executive director
 642 ~~delegates~~ the authority to take final action on permit
 643 applications under part II or part IV, or petitions for
 644 variances or waivers of permitting requirements under part II or

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

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

659 373.118 General permits; delegation.--

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

671 Section 13. Subsections (6) and (7) are added to section
672 373.236, Florida Statutes, to read:

673 373.236 Duration of permits; compliance reports.--
674 (6) (a) The Legislature finds that the need for alternative
675 water supply development projects to meet anticipated public
676 water supply demands of the state is such that it is essential
677 to encourage participation in and contribution to such projects
678 by private rural landowners who characteristically have
679 relatively modest near-term water demands but substantially
680 increasing demands after the 20-year planning period provided in
681 s. 373.0361. Therefore, where such landowners make extraordinary
682 contributions of lands or construction funding to enable the
683 expeditious implementation of such projects, water management
684 districts and the department are authorized to grant permits for
685 such projects for a period of up to 50 years to municipalities,
686 counties, special districts, regional water supply authorities,
687 multijurisdictional water supply entities, and publicly or
688 privately owned utilities created for or by the private
689 landowners on or before April 1, 2009, which have entered into
690 an agreement with the private landowner for the purposes of more
691 efficiently pursuing alternative public water supply development
692 projects identified in a district's regional water supply plan
693 and meeting water demands of both the applicant and the
694 landowner.

695 (b) Any permit granted pursuant to paragraph (a) shall be
696 granted only for that period of time for which there is
697 sufficient data to provide reasonable assurance that the
698 conditions for permit issuance will be met. Such a permit shall
699 require a compliance report by the permittee every 5 years
700 during the term of the permit. The report shall contain

701 sufficient data to maintain reasonable assurance that the
 702 conditions for permit issuance applicable at the time of
 703 district review of the compliance report are met. Following
 704 review of the report, the governing board or the department may
 705 modify the permit to ensure that the use meets the conditions
 706 for issuance. This subsection shall not limit the existing
 707 authority of the department or the governing board to modify or
 708 revoke a consumptive use permit.

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

722 Section 14. Subsection (4) of section 373.243, Florida
 723 Statutes, is amended to read:

724 373.243 Revocation of permits.--The governing board or the
 725 department may revoke a permit as follows:

726 (4) For nonuse of the water supply allowed by the permit
 727 for a period of 2 years or more, the governing board or the
 728 department may revoke the permit permanently and in whole unless

729 the user can prove that his or her nonuse was due to extreme
730 hardship caused by factors beyond the user's control. For a
731 permit having a duration determined under s. 373.236(7), the
732 governing board or the department has revocation authority only
733 if the nonuse of the water supply allowed by the permit is for a
734 period of 4 years or more.

735 Section 15. Subsection (12) is added to section 373.406,
736 Florida Statutes, to read:

737 373.406 Exemptions.--The following exemptions shall apply:

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

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

757 Section 16. Section 373.1181, Florida Statutes, is created
758 to read:

759 373.1181 Noticed general permit to counties for
760 environmental restoration activities.--

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

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

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

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

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

785 (d) Scrape down of spoil islands to an intertidal
 786 elevation or a lower elevation at which light penetration is
 787 expected to allow for seagrass or other native submerged aquatic
 788 vegetation recruitment.

789 (e) Backfilling of existing dredge holes that are at least
 790 5 feet deeper than surrounding natural grades to an intertidal
 791 elevation if doing so provides a regional net environmental
 792 benefit or, at a minimum, to an elevation at which light
 793 penetration is expected to allow for seagrass recruitment, with
 794 no more than minimum displacement of highly organic sediments.

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

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

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

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

805 (c) The project may not be considered as mitigation for
 806 any other project.

807 (d) Activities in tidal waters are limited to those
 808 waterbodies given priority restoration status pursuant to s.
 809 373.453(1)(c).

810 (e) Prior to submittal of a notice to use this general
 811 permit, the county shall conduct at least one preapplication
 812 meeting with appropriate district or department staff to discuss

813 project designs, implementation details, resource concerns, and
814 conditions for meeting applicable state water quality standards.

815 (4) This general permit shall be subject to the following
816 specific conditions:

817 (a) A project under this general permit shall not
818 significantly impede navigation or unreasonably infringe upon
819 the riparian rights of others. When a court of competent
820 jurisdiction determines that riparian rights have been
821 unlawfully affected, the structure or activity shall be modified
822 in accordance with the court's decision.

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

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

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

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

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

844 (g) Structures shall be maintained in a functional
845 condition and shall be repaired or removed if they become
846 dilapidated to such an extent that they are no longer
847 functional. This shall not be construed to prohibit the repair
848 or replacement subject to the provisions of rule 18-21.005,
849 Florida Administrative Code, within 1 year after a structure is
850 damaged in a discrete event such as a storm, flood, accident, or
851 fire.

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

855 (i) Construction, use, or operation of the structure or
856 activity shall not adversely affect any species that is
857 endangered, threatened or of special concern, as listed in rules
858 68A-27.003, 68A-27.004, and 68A-27.005, Florida Administrative
859 Code.

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

864 (5) The district or department, as applicable, shall
865 provide written notification as to whether the proposed activity
866 qualifies for the general permit within 30 days after receipt of
867 written notice of a county's intent to use the general permit.
868 If the district or department notifies the county that the

869 system does not qualify for a noticed general permit due to an
870 error or omission in the original notice to the district or the
871 department, the county shall have 30 days from the date of the
872 notification to amend the notice to use the general permit and
873 submit such additional information to correct such error or
874 omission.

875 (6) This general permit constitutes a letter of consent by
876 the Board of Trustees of the Internal Improvement Trust Fund
877 under chapters 253 and 258, where applicable, and chapters 18-
878 18, 18-20, and 18-21, Florida Administrative Code, where
879 applicable, for the county to enter upon and use state-owned
880 submerged lands to the extent necessary to complete the
881 activities. Activities conducted under this general permit do
882 not divest the state from the continued ownership of lands that
883 were state-owned lands prior to any use, construction, or
884 implementation of this general permit.

885 Section 17. Subsection (2) of section 373.4141, Florida
886 Statutes, is amended to read:

887 373.4141 Permits; processing.--

888 (2) Notwithstanding the provisions of s. 120.60, an
889 applicant for a permit under this part shall have 90 days after
890 the date of a timely request for additional information to
891 submit such information. If an applicant requires more than 90
892 days to respond to a request for additional information, the
893 applicant must notify the agency processing the permit
894 application in writing of the circumstances, at which time the
895 application shall be held in active status for no more than one
896 additional period of up to 90 days. Additional extensions may be

897 granted for good cause shown by the applicant. A showing that
 898 the applicant is making a diligent effort to obtain the
 899 requested additional information shall constitute good cause.
 900 Failure of an applicant to provide the timely requested
 901 information by the applicable deadline shall result in denial of
 902 the application without prejudice ~~A permit shall be approved or~~
 903 ~~denied within 90 days after receipt of the original application,~~
 904 ~~the last item of timely requested additional material, or the~~
 905 ~~applicant's written request to begin processing the permit~~
 906 ~~application.~~

907 Section 18. Subsection (4) is added to section 373.441,
 908 Florida Statutes, to read:

909 373.441 Role of counties, municipalities, and local
 910 pollution control programs in permit processing.--

911 (4) Upon delegation to a qualified local government, the
 912 department and water management district shall not regulate the
 913 activities subject to the delegation within that jurisdiction
 914 unless regulation is required pursuant to the terms of the
 915 delegation agreement.

916 Section 19. Subsection (29) of section 403.061, Florida
 917 Statutes, is amended, subsection (40) is renumbered as section
 918 (43), and new subsections (40), (41), and (42) are added to that
 919 section, to read:

920 403.061 Department; powers and duties.--The department
 921 shall have the power and the duty to control and prohibit
 922 pollution of air and water in accordance with the law and rules
 923 adopted and promulgated by it and, for this purpose, to:

924 (29) Adopt by rule special criteria to protect Class II

925 shellfish harvesting waters. Rules previously adopted by the
926 department in rule 17-4.28(8)(a), Florida Administrative Code,
927 are hereby ratified and determined to be a valid exercise of
928 delegated legislative authority and shall remain in effect
929 unless amended ~~by the Environmental Regulation Commission~~. Such
930 rules may include special criteria for approval of docking
931 facilities with 10 or fewer slips where construction and
932 operation of such facilities will not result in the closure of
933 shellfish waters.

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

951 (41) Develop a project management plan to implement an e-
952 permitting program that allows for timely submission and

953 exchange of permit application and compliance information that
954 yields positive benefits in support of the department's mission,
955 permit applicants, permitholders, and the public. The plan shall
956 include an implementation timetable, estimated costs, and
957 transaction fees. The department shall submit the plan to the
958 President of the Senate, the Speaker of the House of
959 Representatives, and the Legislative Committee on
960 Intergovernmental Relations by January 15, 2010.

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

971
972 The department shall implement such programs in conjunction with
973 its other powers and duties and shall place special emphasis on
974 reducing and eliminating contamination that presents a threat to
975 humans, animals or plants, or to the environment.

976 Section 20. Subsections (1) and (2) of section 403.813,
977 Florida Statutes, as amended by section 52 of chapter 2009-21,
978 Laws of Florida, are amended to read:

979 403.813 Permits issued at district centers; exceptions.--

980 (1) A permit is not required under this chapter, chapter

981 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 982 chapter 25270, 1949, Laws of Florida, for activities associated
 983 with the following types of projects; however, except as
 984 otherwise provided in this subsection, ~~nothing in this~~
 985 subsection does not relieve ~~relieves~~ an applicant from any
 986 requirement to obtain permission to use or occupy lands owned by
 987 the Board of Trustees of the Internal Improvement Trust Fund or
 988 any water management district in its governmental or proprietary
 989 capacity or from complying with applicable local pollution
 990 control programs authorized under this chapter or other
 991 requirements of county and municipal governments:

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

995 (b) The installation and repair of mooring pilings and
 996 dolphins associated with private docking facilities or piers and
 997 the installation of private docks, piers and recreational
 998 docking facilities, or piers and recreational docking facilities
 999 of local governmental entities when the local governmental
 1000 entity's activities will not take place in any manatee habitat,
 1001 any of which docks:

1002 1. Has 500 square feet or less of over-water surface area
 1003 for a dock which is located in an area designated as Outstanding
 1004 Florida Waters or 1,000 square feet or less of over-water
 1005 surface area for a dock which is located in an area which is not
 1006 designated as Outstanding Florida Waters;

1007 2. Is constructed on or held in place by pilings or is a
 1008 floating dock which is constructed so as not to involve filling

1009 or dredging other than that necessary to install the pilings;

1010 3. Shall not substantially impede the flow of water or
1011 create a navigational hazard;

1012 4. Is used for recreational, noncommercial activities
1013 associated with the mooring or storage of boats and boat
1014 paraphernalia; and

1015 5. Is the sole dock constructed pursuant to this exemption
1016 as measured along the shoreline for a distance of 65 feet,
1017 unless the parcel of land or individual lot as platted is less
1018 than 65 feet in length along the shoreline, in which case there
1019 may be one exempt dock allowed per parcel or lot.

1020

1021 Nothing in this paragraph shall prohibit the department from
1022 taking appropriate enforcement action pursuant to this chapter
1023 to abate or prohibit any activity otherwise exempt from
1024 permitting pursuant to this paragraph if the department can
1025 demonstrate that the exempted activity has caused water
1026 pollution in violation of this chapter.

1027 (c) The installation and maintenance to design
1028 specifications of boat ramps on artificial bodies of water where
1029 navigational access to the proposed ramp exists or the
1030 installation of boat ramps open to the public in any waters of
1031 the state where navigational access to the proposed ramp exists
1032 and where the construction of the proposed ramp will be less
1033 than 30 feet wide and will involve the removal of less than 25
1034 cubic yards of material from the waters of the state, and the
1035 maintenance to design specifications of such ramps; however, the
1036 material to be removed shall be placed upon a self-contained

1037 upland site so as to prevent the escape of the spoil material
1038 into the waters of the state.

1039 (d) The replacement or repair of existing docks and piers,
1040 except that no fill material is to be used and provided that the
1041 replacement or repaired dock or pier is in the same location and
1042 of the same configuration and dimensions as the dock or pier
1043 being replaced or repaired. This does not preclude the use of
1044 different construction materials or minor deviations to allow
1045 upgrades to current structural and design standards.

1046 (e) The restoration of seawalls at their previous
1047 locations or upland of, or within 1 foot waterward of, their
1048 previous locations. However, this shall not affect the
1049 permitting requirements of chapter 161, and department rules
1050 shall clearly indicate that this exception does not constitute
1051 an exception from the permitting requirements of chapter 161.

1052 (f) The performance of maintenance dredging of existing
1053 manmade canals, channels, intake and discharge structures, and
1054 previously dredged portions of natural water bodies within
1055 drainage rights-of-way or drainage easements which have been
1056 recorded in the public records of the county, where the spoil
1057 material is to be removed and deposited on a self-contained,
1058 upland spoil site which will prevent the escape of the spoil
1059 material into the waters of the state, provided that no more
1060 dredging is to be performed than is necessary to restore the
1061 canals, channels, and intake and discharge structures, and
1062 previously dredged portions of natural water bodies, to original
1063 design specifications or configurations, provided that the work
1064 is conducted in compliance with s. 379.2431(2)(d), provided that

1065 no significant impacts occur to previously undisturbed natural
1066 areas, and provided that control devices for return flow and
1067 best management practices for erosion and sediment control are
1068 utilized to prevent bank erosion and scouring and to prevent
1069 turbidity, dredged material, and toxic or deleterious substances
1070 from discharging into adjacent waters during maintenance
1071 dredging. Further, for maintenance dredging of previously
1072 dredged portions of natural water bodies within recorded
1073 drainage rights-of-way or drainage easements, an entity that
1074 seeks an exemption must notify the department or water
1075 management district, as applicable, at least 30 days prior to
1076 dredging and provide documentation of original design
1077 specifications or configurations where such exist. This
1078 exemption applies to all canals and previously dredged portions
1079 of natural water bodies within recorded drainage rights-of-way
1080 or drainage easements constructed prior to April 3, 1970, and to
1081 those canals and previously dredged portions of natural water
1082 bodies constructed on or after April 3, 1970, pursuant to all
1083 necessary state permits. This exemption does not apply to the
1084 removal of a natural or manmade barrier separating a canal or
1085 canal system from adjacent waters. When no previous permit has
1086 been issued by the Board of Trustees of the Internal Improvement
1087 Trust Fund or the United States Army Corps of Engineers for
1088 construction or maintenance dredging of the existing manmade
1089 canal or intake or discharge structure, such maintenance
1090 dredging shall be limited to a depth of no more than 5 feet
1091 below mean low water. The Board of Trustees of the Internal
1092 Improvement Trust Fund may fix and recover from the permittee an

1093 amount equal to the difference between the fair market value and
1094 the actual cost of the maintenance dredging for material removed
1095 during such maintenance dredging. However, no charge shall be
1096 exacted by the state for material removed during such
1097 maintenance dredging by a public port authority. The removing
1098 party may subsequently sell such material; however, proceeds
1099 from such sale that exceed the costs of maintenance dredging
1100 shall be remitted to the state and deposited in the Internal
1101 Improvement Trust Fund.

1102 (g) The maintenance of existing insect control structures,
1103 dikes, and irrigation and drainage ditches, provided that spoil
1104 material is deposited on a self-contained, upland spoil site
1105 which will prevent the escape of the spoil material into waters
1106 of the state. In the case of insect control structures, if the
1107 cost of using a self-contained upland spoil site is so
1108 excessive, as determined by the Department of Health, pursuant
1109 to s. 403.088(1), that it will inhibit proposed insect control,
1110 then-existing spoil sites or dikes may be used, upon
1111 notification to the department. In the case of insect control
1112 where upland spoil sites are not used pursuant to this
1113 exemption, turbidity control devices shall be used to confine
1114 the spoil material discharge to that area previously disturbed
1115 when the receiving body of water is used as a potable water
1116 supply, is designated as shellfish harvesting waters, or
1117 functions as a habitat for commercially or recreationally
1118 important shellfish or finfish. In all cases, no more dredging
1119 is to be performed than is necessary to restore the dike or
1120 irrigation or drainage ditch to its original design

1121 specifications.

1122 (h) The repair or replacement of existing functional pipes
 1123 or culverts the purpose of which is the discharge or conveyance
 1124 of stormwater. In all cases, the invert elevation, the diameter,
 1125 and the length of the culvert shall not be changed. However, the
 1126 material used for the culvert may be different from the
 1127 original.

1128 (i) The construction of private docks of 1,000 square feet
 1129 or less of over-water surface area and seawalls in artificially
 1130 created waterways where such construction will not violate
 1131 existing water quality standards, impede navigation, or affect
 1132 flood control. This exemption does not apply to the construction
 1133 of vertical seawalls in estuaries or lagoons unless the proposed
 1134 construction is within an existing manmade canal where the
 1135 shoreline is currently occupied in whole or part by vertical
 1136 seawalls.

1137 (j) The construction and maintenance of swales.

1138 (k) The installation of aids to navigation and buoys
 1139 associated with such aids, provided the devices are marked
 1140 pursuant to s. 327.40.

1141 (l) The replacement or repair of existing open-trestle
 1142 foot bridges and vehicular bridges that are 100 feet or less in
 1143 length and two lanes or less in width, provided that no more
 1144 dredging or filling of submerged lands is performed other than
 1145 that which is necessary to replace or repair pilings and that
 1146 the structure to be replaced or repaired is the same length, the
 1147 same configuration, and in the same location as the original
 1148 bridge. No debris from the original bridge shall be allowed to

1149 remain in the waters of the state.

1150 (m) The installation of subaqueous transmission and
 1151 distribution lines laid on, or embedded in, the bottoms of
 1152 waters in the state, except in Class I and Class II waters and
 1153 aquatic preserves, provided no dredging or filling is necessary.

1154 (n) The replacement or repair of subaqueous transmission
 1155 and distribution lines laid on, or embedded in, the bottoms of
 1156 waters of the state.

1157 (o) The construction of private seawalls in wetlands or
 1158 other surface waters where such construction is between and
 1159 adjoins at both ends existing seawalls; follows a continuous and
 1160 uniform seawall construction line with the existing seawalls; is
 1161 no more than 150 feet in length; and does not violate existing
 1162 water quality standards, impede navigation, or affect flood
 1163 control. However, in estuaries and lagoons the construction of
 1164 vertical seawalls is limited to the circumstances and purposes
 1165 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
 1166 the permitting requirements of chapter 161, and department rules
 1167 must clearly indicate that this exception does not constitute an
 1168 exception from the permitting requirements of chapter 161.

1169 (p) The restoration of existing insect control impoundment
 1170 dikes which are less than 100 feet in length. Such impoundments
 1171 shall be connected to tidally influenced waters for 6 months
 1172 each year beginning September 1 and ending February 28 if
 1173 feasible or operated in accordance with an impoundment
 1174 management plan approved by the department. A dike restoration
 1175 may involve no more dredging than is necessary to restore the
 1176 dike to its original design specifications. For the purposes of

1177 | this paragraph, restoration does not include maintenance of
 1178 | impoundment dikes of operating insect control impoundments.

1179 | (q) The construction, operation, or maintenance of
 1180 | stormwater management facilities which are designed to serve
 1181 | single-family residential projects, including duplexes,
 1182 | triplexes, and quadruplexes, if they are less than 10 acres
 1183 | total land and have less than 2 acres of impervious surface and
 1184 | if the facilities:

1185 | 1. Comply with all regulations or ordinances applicable to
 1186 | stormwater management and adopted by a city or county;

1187 | 2. Are not part of a larger common plan of development or
 1188 | sale; and

1189 | 3. Discharge into a stormwater discharge facility exempted
 1190 | or permitted by the department under this chapter which has
 1191 | sufficient capacity and treatment capability as specified in
 1192 | this chapter and is owned, maintained, or operated by a city,
 1193 | county, special district with drainage responsibility, or water
 1194 | management district; however, this exemption does not authorize
 1195 | discharge to a facility without the facility owner's prior
 1196 | written consent.

1197 | (r) The removal of aquatic plants, the removal of
 1198 | tussocks, the associated replanting of indigenous aquatic
 1199 | plants, and the associated removal from lakes of organic
 1200 | detrital material when such planting or removal is performed and
 1201 | authorized by permit or exemption granted under s. 369.20 or s.
 1202 | 369.25, provided that:

1203 | 1. Organic detrital material that exists on the surface of
 1204 | natural mineral substrate shall be allowed to be removed to a

1205 depth of 3 feet or to the natural mineral substrate, whichever
 1206 is less;

1207 2. All material removed pursuant to this paragraph shall
 1208 be deposited in an upland site in a manner that will prevent the
 1209 reintroduction of the material into waters in the state except
 1210 when spoil material is permitted to be used to create wildlife
 1211 islands in freshwater bodies of the state when a governmental
 1212 entity is permitted pursuant to s. 369.20 to create such islands
 1213 as a part of a restoration or enhancement project;

1214 3. All activities are performed in a manner consistent
 1215 with state water quality standards; and

1216 4. No activities under this exemption are conducted in
 1217 wetland areas, as defined by s. 373.019(25), which are supported
 1218 by a natural soil as shown in applicable United States
 1219 Department of Agriculture county soil surveys, except when a
 1220 governmental entity is permitted pursuant to s. 369.20 to
 1221 conduct such activities as a part of a restoration or
 1222 enhancement project.

1223
 1224 The department may not adopt implementing rules for this
 1225 paragraph, notwithstanding any other provision of law.

1226 (s) The construction, installation, operation, or
 1227 maintenance of floating vessel platforms or floating boat lifts,
 1228 provided that such structures:

1229 1. Float at all times in the water for the sole purpose of
 1230 supporting a vessel so that the vessel is out of the water when
 1231 not in use;

1232 2. Are wholly contained within a boat slip previously

1233 permitted under ss. 403.91-403.929, 1984 Supplement to the
 1234 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 1235 do not exceed a combined total of 500 square feet, or 200 square
 1236 feet in an Outstanding Florida Water, when associated with a
 1237 dock that is exempt under this subsection or associated with a
 1238 permitted dock with no defined boat slip or attached to a
 1239 bulkhead on a parcel of land where there is no other docking
 1240 structure;

1241 3. Are not used for any commercial purpose or for mooring
 1242 vessels that remain in the water when not in use, and do not
 1243 substantially impede the flow of water, create a navigational
 1244 hazard, or unreasonably infringe upon the riparian rights of
 1245 adjacent property owners, as defined in s. 253.141;

1246 4. Are constructed and used so as to minimize adverse
 1247 impacts to submerged lands, wetlands, shellfish areas, aquatic
 1248 plant and animal species, and other biological communities,
 1249 including locating such structures in areas where seagrasses are
 1250 least dense adjacent to the dock or bulkhead; and

1251 5. Are not constructed in areas specifically prohibited
 1252 for boat mooring under conditions of a permit issued in
 1253 accordance with ss. 403.91-403.929, 1984 Supplement to the
 1254 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 1255 other form of authorization issued by a local government.

1256
 1257 Structures that qualify for this exemption are relieved from any
 1258 requirement to obtain permission to use or occupy lands owned by
 1259 the Board of Trustees of the Internal Improvement Trust Fund
 1260 and, with the exception of those structures attached to a

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

1289 owned by the Board of Trustees of the Internal Improvement Trust
 1290 Fund. No local government shall impose a more stringent
 1291 regulation, permitting requirement, registration requirement, or
 1292 other regulation covered by such general permit. Local
 1293 governments may require either permitting or one-time
 1294 registration of floating vessel platforms as necessary to ensure
 1295 compliance with the general permit in this section; to ensure
 1296 compliance with local ordinances, codes, or regulations relating
 1297 to building or zoning that are no more stringent than the
 1298 general permit in this section; and to ensure proper
 1299 installation and maintenance of a floating vessel platform or
 1300 floating boat lift that is proposed to be attached to a bulkhead
 1301 or parcel of land where there is no other docking structure.

1302 (t) The repair, stabilization, or paving of existing
 1303 county maintained roads and the repair or replacement of bridges
 1304 that are part of the roadway, within the Northwest Florida Water
 1305 Management District and the Suwannee River Water Management
 1306 District, provided:

1307 1. The road and associated bridge were in existence and in
 1308 use as a public road or bridge, and were maintained by the
 1309 county as a public road or bridge on or before January 1, 2002;

1310 2. The construction activity does not realign the road or
 1311 expand the number of existing traffic lanes of the existing
 1312 road; however, the work may include the provision of safety
 1313 shoulders, clearance of vegetation, and other work reasonably
 1314 necessary to repair, stabilize, pave, or repave the road,
 1315 provided that the work is constructed by generally accepted
 1316 engineering standards;

1317 3. The construction activity does not expand the existing
 1318 width of an existing vehicular bridge in excess of that
 1319 reasonably necessary to properly connect the bridge with the
 1320 road being repaired, stabilized, paved, or repaved to safely
 1321 accommodate the traffic expected on the road, which may include
 1322 expanding the width of the bridge to match the existing
 1323 connected road. However, no debris from the original bridge
 1324 shall be allowed to remain in waters of the state, including
 1325 wetlands;

1326 4. Best management practices for erosion control shall be
 1327 employed as necessary to prevent water quality violations;

1328 5. Roadside swales or other effective means of stormwater
 1329 treatment must be incorporated as part of the project;

1330 6. No more dredging or filling of wetlands or water of the
 1331 state is performed than that which is reasonably necessary to
 1332 repair, stabilize, pave, or repave the road or to repair or
 1333 replace the bridge, in accordance with generally accepted
 1334 engineering standards; and

1335 7. Notice of intent to use the exemption is provided to
 1336 the department, if the work is to be performed within the
 1337 Northwest Florida Water Management District, or to the Suwannee
 1338 River Water Management District, if the work is to be performed
 1339 within the Suwannee River Water Management District, 30 days
 1340 prior to performing any work under the exemption.

1341
 1342 Within 30 days after this act becomes a law, the department
 1343 shall initiate rulemaking to adopt a no fee general permit for
 1344 the repair, stabilization, or paving of existing roads that are

1345 maintained by the county and the repair or replacement of
 1346 bridges that are part of the roadway where such activities do
 1347 not cause significant adverse impacts to occur individually or
 1348 cumulatively. The general permit shall apply statewide and, with
 1349 no additional rulemaking required, apply to qualified projects
 1350 reviewed by the Suwannee River Water Management District, the
 1351 St. Johns River Water Management District, the Southwest Florida
 1352 Water Management District, and the South Florida Water
 1353 Management District under the division of responsibilities
 1354 contained in the operating agreements applicable to part IV of
 1355 chapter 373. Upon adoption, this general permit shall, pursuant
 1356 to the provisions of subsection (2), supersede and replace the
 1357 exemption in this paragraph.

1358 (u) Notwithstanding any provision to the contrary in this
 1359 subsection, a permit or other authorization under chapter 253,
 1360 chapter 369, chapter 373, or this chapter is not required for an
 1361 individual residential property owner for the removal of organic
 1362 detrital material from freshwater rivers or lakes that have a
 1363 natural sand or rocky substrate and that are not Aquatic
 1364 Preserves or for the associated removal and replanting of
 1365 aquatic vegetation for the purpose of environmental enhancement,
 1366 providing that:

1367 1. No activities under this exemption are conducted in
 1368 wetland areas, as defined by s. 373.019(25), which are supported
 1369 by a natural soil as shown in applicable United States
 1370 Department of Agriculture county soil surveys.

1371 2. No filling or peat mining is allowed.

1372 3. No removal of native wetland trees, including, but not

1373 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

1374 4. When removing organic detrital material, no portion of
 1375 the underlying natural mineral substrate or rocky substrate is
 1376 removed.

1377 5. Organic detrital material and plant material removed is
 1378 deposited in an upland site in a manner that will not cause
 1379 water quality violations.

1380 6. All activities are conducted in such a manner, and with
 1381 appropriate turbidity controls, so as to prevent any water
 1382 quality violations outside the immediate work area.

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

1401 after replanting is complete, and the plants, including
1402 naturally recruited native aquatic plants, must be allowed to
1403 expand and fill in the revegetation area. Native aquatic plants
1404 to be used for revegetation must be salvaged from the
1405 enhancement project site or obtained from an aquatic plant
1406 nursery regulated by the Department of Agriculture and Consumer
1407 Services. Plants that are not native to the state may not be
1408 used for replanting.

1409 8. No activity occurs any farther than 100 feet waterward
1410 of the ordinary high water line, and all activities must be
1411 designed and conducted in a manner that will not unreasonably
1412 restrict or infringe upon the riparian rights of adjacent upland
1413 riparian owners.

1414 9. The person seeking this exemption notifies the
1415 applicable department district office in writing at least 30
1416 days before commencing work and allows the department to conduct
1417 a preconstruction site inspection. Notice must include an
1418 organic-detrital-material removal and disposal plan and, if
1419 applicable, a vegetation-removal and revegetation plan.

1420 10. The department is provided written certification of
1421 compliance with the terms and conditions of this paragraph
1422 within 30 days after completion of any activity occurring under
1423 this exemption.

1424 (2) The provisions of subsection (1) are superseded by
1425 general permits established pursuant to ss. 373.118 and 403.814
1426 which include the same activities. Until such time as general
1427 permits are established, or if should general permits are ~~be~~
1428 suspended or repealed, the exemptions under subsection (1) shall

1429 remain or shall be reestablished in full force and effect.

1430 Section 21. Subsection (12) is added to section 403.814,
 1431 Florida Statutes, to read:

1432 403.814 General permits; delegation.--

1433 (12) The department shall expand the use of Internet-based
 1434 self-certification services for appropriate exemptions and
 1435 general permits issued by the department and water management
 1436 districts, providing such expansion is economically feasible. In
 1437 addition, the department shall identify and develop general
 1438 permits for activities currently requiring individual review
 1439 which could be expedited through the use of professional
 1440 certifications. The department shall submit a report on progress
 1441 of these efforts to the President of the Senate and the Speaker
 1442 of the House of Representatives by January 15, 2010.

1443 Section 22. Section 403.973, Florida Statutes, is amended
 1444 to read:

1445 403.973 Expedited permitting; comprehensive plan
 1446 amendments.--

1447 (1) It is the intent of the Legislature to encourage and
 1448 facilitate the location and expansion of those types of economic
 1449 development projects which offer job creation and high wages,
 1450 strengthen and diversify the state's economy, and have been
 1451 thoughtfully planned to take into consideration the protection
 1452 of the state's environment. It is also the intent of the
 1453 Legislature to provide for an expedited permitting and
 1454 comprehensive plan amendment process for such projects.

1455 (2) As used in this section, the term:

1456 (a) "Duly noticed" means publication in a newspaper of

1457 | general circulation in the municipality or county with
 1458 | jurisdiction. The notice shall appear on at least 2 separate
 1459 | days, one of which shall be at least 7 days before the meeting.
 1460 | The notice shall state the date, time, and place of the meeting
 1461 | scheduled to discuss or enact the memorandum of agreement, and
 1462 | the places within the municipality or county where such proposed
 1463 | memorandum of agreement may be inspected by the public. The
 1464 | notice must be one-eighth of a page in size and must be
 1465 | published in a portion of the paper other than the legal notices
 1466 | section. The notice shall also advise that interested parties
 1467 | may appear at the meeting and be heard with respect to the
 1468 | memorandum of agreement.

1469 | (b) "Jobs" means permanent, full-time equivalent positions
 1470 | not including construction jobs.

1471 | ~~(c) "Office" means the Office of Tourism, Trade, and~~
 1472 | ~~Economic Development.~~

1473 | (c) ~~(d)~~ "Permit applications" means state permits and
 1474 | licenses, and at the option of a participating local government,
 1475 | local development permits or orders.

1476 | (d) "Secretary" means the Secretary of Environmental
 1477 | Protection or his or her designee.

1478 | (3) (a) The secretary ~~Governor, through the office,~~ shall
 1479 | direct the creation of regional permit action teams, for the
 1480 | purpose of expediting review of permit applications and local
 1481 | comprehensive plan amendments submitted by:

- 1482 | 1. Businesses creating at least 50 ~~100~~ jobs, or
- 1483 | 2. Businesses creating at least 25 ~~50~~ jobs if the project
- 1484 | is located in an enterprise zone, or in a county having a

1485 population of less than 75,000 or in a county having a
 1486 population of less than 100,000 which is contiguous to a county
 1487 having a population of less than 75,000, as determined by the
 1488 most recent decennial census, residing in incorporated and
 1489 unincorporated areas of the county, or

1490 (b) On a case-by-case basis and at the request of a county
 1491 or municipal government, the secretary ~~office~~ may certify as
 1492 eligible for expedited review a project not meeting the minimum
 1493 job creation thresholds but creating a minimum of 10 jobs. The
 1494 recommendation from the governing body of the county or
 1495 municipality in which the project may be located is required in
 1496 order for the secretary ~~office~~ to certify that any project is
 1497 eligible for expedited review under this paragraph. When
 1498 considering projects that do not meet the minimum job creation
 1499 thresholds but that are recommended by the governing body in
 1500 which the project may be located, the secretary ~~office~~ shall
 1501 consider economic impact factors that include, but are not
 1502 limited to:

- 1503 1. The proposed wage and skill levels relative to those
- 1504 existing in the area in which the project may be located;
- 1505 2. The project's potential to diversify and strengthen the
- 1506 area's economy;
- 1507 3. The amount of capital investment; and
- 1508 4. The number of jobs that will be made available for
- 1509 persons served by the welfare transition program.

1510 (c) At the request of a county or municipal government,
 1511 the secretary ~~office~~ or a Quick Permitting County may certify
 1512 projects located in counties where the ratio of new jobs per

1513 participant in the welfare transition program, as determined by
 1514 Workforce Florida, Inc., is less than one or otherwise critical,
 1515 as eligible for the expedited permitting process. Such projects
 1516 must meet the numerical job creation criteria of this
 1517 subsection, but the jobs created by the project do not have to
 1518 be high-wage jobs that diversify the state's economy.

1519 (d) Projects located in a designated brownfield area are
 1520 eligible for the expedited permitting process.

1521 (e) Projects that are part of the state-of-the-art
 1522 biomedical research institution and campus to be established in
 1523 this state by the grantee under s. 288.955 are eligible for the
 1524 expedited permitting process, if the projects are designated as
 1525 part of the institution or campus by the board of county
 1526 commissioners of the county in which the institution and campus
 1527 are established.

1528 (f) Projects that result in the production of biofuels
 1529 cultivated on lands that are 1,000 acres or more or the
 1530 construction of a biofuel or biodiesel processing facility or a
 1531 facility generating renewable energy as defined in s.
 1532 366.91(2)(d) are eligible for the expedited permitting process.

1533 (4) The regional teams shall be established through the
 1534 execution of memoranda of agreement developed by the applicant
 1535 and between the secretary, with input solicited from office and
 1536 the respective heads of the Department of Environmental
 1537 Protection, the Department of Community Affairs, the Department
 1538 of Transportation and its district offices, the Department of
 1539 Agriculture and Consumer Services, the Fish and Wildlife
 1540 Conservation Commission, appropriate regional planning councils,

1541 appropriate water management districts, and voluntarily
1542 participating municipalities and counties. The memoranda of
1543 agreement should also accommodate participation in this
1544 expedited process by other local governments and federal
1545 agencies as circumstances warrant.

1546 (5) In order to facilitate local government's option to
1547 participate in this expedited review process, the secretary
1548 ~~office~~ shall, in cooperation with local governments and
1549 participating state agencies, create a standard form memorandum
1550 of agreement. A local government shall hold a duly noticed
1551 public workshop to review and explain to the public the
1552 expedited permitting process and the terms and conditions of the
1553 standard form memorandum of agreement.

1554 (6) The local government shall hold a duly noticed public
1555 hearing to execute a memorandum of agreement for each qualified
1556 project. Notwithstanding any other provision of law, and at the
1557 option of the local government, the workshop provided for in
1558 subsection (5) may be conducted on the same date as the public
1559 hearing held under this subsection. The memorandum of agreement
1560 that a local government signs shall include a provision
1561 identifying necessary local government procedures and time
1562 limits that will be modified to allow for the local government
1563 decision on the project within 90 days. The memorandum of
1564 agreement applies to projects, on a case-by-case basis, that
1565 qualify for special review and approval as specified in this
1566 section. The memorandum of agreement must make it clear that
1567 this expedited permitting and review process does not modify,
1568 qualify, or otherwise alter existing local government

1569 nonprocedural standards for permit applications, unless
 1570 expressly authorized by law.

1571 ~~(7) At the option of the participating local government,~~
 1572 Appeals of local government approvals ~~its final approval~~ for a
 1573 project shall ~~may~~ be pursuant to the summary hearing provisions
 1574 of s. 120.574, pursuant to subsection (14), and be consolidated
 1575 with the challenge of any applicable state agency actions ~~or~~
 1576 ~~pursuant to other appellate processes available to the local~~
 1577 ~~government. The local government's decision to enter into a~~
 1578 ~~summary hearing must be made as provided in s. 120.574 or in the~~
 1579 ~~memorandum of agreement.~~

1580 (8) Each memorandum of agreement shall include a process
 1581 for final agency action on permit applications and local
 1582 comprehensive plan amendment approvals within 90 days after
 1583 receipt of a completed application, unless the applicant agrees
 1584 to a longer time period or the secretary ~~office~~ determines that
 1585 unforeseen or uncontrollable circumstances preclude final agency
 1586 action within the 90-day timeframe. Permit applications governed
 1587 by federally delegated or approved permitting programs whose
 1588 requirements would prohibit or be inconsistent with the 90-day
 1589 timeframe are exempt from this provision, but must be processed
 1590 by the agency with federally delegated or approved program
 1591 responsibility as expeditiously as possible.

1592 (9) The secretary ~~office~~ shall inform the Legislature by
 1593 October 1 of each year which agencies have not entered into or
 1594 implemented an agreement and identify any barriers to achieving
 1595 success of the program.

1596 (10) The memoranda of agreement may provide for the waiver

1597 or modification of procedural rules prescribing forms, fees,
1598 procedures, or time limits for the review or processing of
1599 permit applications under the jurisdiction of those agencies
1600 that are party to the memoranda of agreement. Notwithstanding
1601 any other provision of law to the contrary, a memorandum of
1602 agreement must to the extent feasible provide for proceedings
1603 and hearings otherwise held separately by the parties to the
1604 memorandum of agreement to be combined into one proceeding or
1605 held jointly and at one location. Such waivers or modifications
1606 shall not be available for permit applications governed by
1607 federally delegated or approved permitting programs, the
1608 requirements of which would prohibit, or be inconsistent with,
1609 such a waiver or modification.

1610 (11) The standard form memoranda of agreement shall
1611 include guidelines to be used in working with state, regional,
1612 and local permitting authorities. Guidelines may include, but
1613 are not limited to, the following:

1614 (a) A central contact point for filing permit applications
1615 and local comprehensive plan amendments and for obtaining
1616 information on permit and local comprehensive plan amendment
1617 requirements;

1618 (b) Identification of the individual or individuals within
1619 each respective agency who will be responsible for processing
1620 the expedited permit application or local comprehensive plan
1621 amendment for that agency;

1622 (c) A mandatory preapplication review process to reduce
1623 permitting conflicts by providing guidance to applicants
1624 regarding the permits needed from each agency and governmental

1625 entity, site planning and development, site suitability and
1626 limitations, facility design, and steps the applicant can take
1627 to ensure expeditious permit application and local comprehensive
1628 plan amendment review. As a part of this process, the first
1629 interagency meeting to discuss a project shall be held within 14
1630 days after the secretary's ~~office's~~ determination that the
1631 project is eligible for expedited review. Subsequent interagency
1632 meetings may be scheduled to accommodate the needs of
1633 participating local governments that are unable to meet public
1634 notice requirements for executing a memorandum of agreement
1635 within this timeframe. This accommodation may not exceed 45 days
1636 from the secretary's ~~office's~~ determination that the project is
1637 eligible for expedited review;

1638 (d) The preparation of a single coordinated project
1639 description form and checklist and an agreement by state and
1640 regional agencies to reduce the burden on an applicant to
1641 provide duplicate information to multiple agencies;

1642 (e) Establishment of a process for the adoption and review
1643 of any comprehensive plan amendment needed by any certified
1644 project within 90 days after the submission of an application
1645 for a comprehensive plan amendment. However, the memorandum of
1646 agreement may not prevent affected persons as defined in s.
1647 163.3184 from appealing or participating in this expedited plan
1648 amendment process and any review or appeals of decisions made
1649 under this paragraph; and

1650 (f) Additional incentives for an applicant who proposes a
1651 project that provides a net ecosystem benefit.

1652 (12) The applicant, the regional permit action team, and

1653 participating local governments may agree to incorporate into a
 1654 single document the permits, licenses, and approvals that are
 1655 obtained through the expedited permit process. This consolidated
 1656 permit is subject to the summary hearing provisions set forth in
 1657 subsection (14).

1658 (13) Notwithstanding any other provisions of law:

1659 (a) Local comprehensive plan amendments for projects
 1660 qualified under this section are exempt from the twice-a-year
 1661 limits provision in s. 163.3187; and

1662 (b) Projects qualified under this section are not subject
 1663 to interstate highway level-of-service standards adopted by the
 1664 Department of Transportation for concurrency purposes. The
 1665 memorandum of agreement specified in subsection (5) must include
 1666 a process by which the applicant will be assessed a fair share
 1667 of the cost of mitigating the project's significant traffic
 1668 impacts, as defined in chapter 380 and related rules. The
 1669 agreement must also specify whether the significant traffic
 1670 impacts on the interstate system will be mitigated through the
 1671 implementation of a project or payment of funds to the
 1672 Department of Transportation. Where funds are paid, the
 1673 Department of Transportation must include in the 5-year work
 1674 program transportation projects or project phases, in an amount
 1675 equal to the funds received, to mitigate the traffic impacts
 1676 associated with the proposed project.

1677 (14) (a) Challenges to state agency action in the expedited
 1678 permitting process for projects processed under this section are
 1679 subject to the summary hearing provisions of s. 120.574, except
 1680 that the administrative law judge's decision, as provided in s.

1681 120.574(2)(f), shall be in the form of a recommended order and
 1682 shall not constitute the final action of the state agency. In
 1683 those proceedings where the action of only one agency of the
 1684 state other than the Department of Environmental Protection is
 1685 challenged, the agency of the state shall issue the final order
 1686 within 45 ~~10~~ working days after ~~of~~ receipt of the administrative
 1687 law judge's recommended order. The recommended order shall
 1688 inform the parties of the right to file exceptions to the
 1689 recommended order and to file responses thereto in accordance
 1690 with the Uniform Rules of Procedure. In those proceedings where
 1691 the actions of more than one agency of the state are challenged,
 1692 the Governor shall issue the final order, except for the
 1693 issuance of department licenses required under any federally
 1694 delegated or approved permit program for which the department
 1695 shall enter the final order, within 45 ~~10~~ working days after ~~of~~
 1696 receipt of the administrative law judge's recommended order. The
 1697 recommended order shall inform the parties of the right to file
 1698 exceptions to the recommended order and to file responses
 1699 thereto in accordance with the Uniform Rules of Procedure. The
 1700 participating agencies of the state may opt at the preliminary
 1701 hearing conference to allow the administrative law judge's
 1702 decision to constitute the final agency action. If a
 1703 participating local government agrees to participate in the
 1704 summary hearing provisions of s. 120.574 for purposes of review
 1705 of local government comprehensive plan amendments, s.
 1706 163.3184(9) and (10) apply.

1707 (b) Challenges to state agency action in the expedited
 1708 permitting process for establishment of a state-of-the-art

1709 biomedical research institution and campus in this state by the
1710 grantee under s. 288.955 or projects identified in paragraph
1711 (3) (f) are subject to the same requirements as challenges
1712 brought under paragraph (a), except that, notwithstanding s.
1713 120.574, summary proceedings must be conducted within 30 days
1714 after a party files the motion for summary hearing, regardless
1715 of whether the parties agree to the summary proceeding.

1716 (15) The secretary office, working with the agencies
1717 providing cooperative assistance and input to participating in
1718 the memoranda of agreement, shall review sites proposed for the
1719 location of facilities eligible for the Innovation Incentive
1720 Program under s. 288.1089. Within 20 days after the request for
1721 the review by the secretary office, the agencies shall provide
1722 to the secretary office a statement as to each site's necessary
1723 permits under local, state, and federal law and an
1724 identification of significant permitting issues, which if
1725 unresolved, may result in the denial of an agency permit or
1726 approval or any significant delay caused by the permitting
1727 process.

1728 (16) This expedited permitting process shall not modify,
1729 qualify, or otherwise alter existing agency nonprocedural
1730 standards for permit applications or local comprehensive plan
1731 amendments, unless expressly authorized by law. If it is
1732 determined that the applicant is not eligible to use this
1733 process, the applicant may apply for permitting of the project
1734 through the normal permitting processes.

1735 (17) The secretary office shall be responsible for
1736 certifying a business as eligible for undergoing expedited

1737 review under this section. Enterprise Florida, Inc., a county or
1738 municipal government, or the Rural Economic Development
1739 Initiative may recommend to the secretary ~~Office of Tourism,~~
1740 ~~Trade, and Economic Development~~ that a project meeting the
1741 minimum job creation threshold undergo expedited review.

1742 (18) The secretary ~~office~~, working with the Rural Economic
1743 Development Initiative and the agencies participating in the
1744 memoranda of agreement, shall provide technical assistance in
1745 preparing permit applications and local comprehensive plan
1746 amendments for counties having a population of less than 75,000
1747 residents, or counties having fewer than 100,000 residents which
1748 are contiguous to counties having fewer than 75,000 residents.
1749 Additional assistance may include, but not be limited to,
1750 guidance in land development regulations and permitting
1751 processes, working cooperatively with state, regional, and local
1752 entities to identify areas within these counties which may be
1753 suitable or adaptable for preclearance review of specified types
1754 of land uses and other activities requiring permits.

1755 (19) The following projects are ineligible for review
1756 under this part:

1757 (a) A project funded and operated by a local government,
1758 as defined in s. 377.709, and located within that government's
1759 jurisdiction.

1760 (b) A project, the primary purpose of which is to:

1761 1. Effect the final disposal of solid waste, biomedical
1762 waste, or hazardous waste in this state.

1763 2. Produce electrical power, unless the production of
1764 electricity is incidental and not the primary function of the

1765 project or the electrical power is derived from a fuel source
 1766 for renewable energy as defined in s. 366.91(2)(d).

1767 3. Extract natural resources.

1768 4. Produce oil.

1769 5. Construct, maintain, or operate an oil, petroleum,
 1770 natural gas, or sewage pipeline.

1771 Section 23. Paragraph (f) of subsection (2) of section
 1772 14.2015, Florida Statutes, is amended to read:

1773 14.2015 Office of Tourism, Trade, and Economic
 1774 Development; creation; powers and duties.--

1775 (2) The purpose of the Office of Tourism, Trade, and
 1776 Economic Development is to assist the Governor in working with
 1777 the Legislature, state agencies, business leaders, and economic
 1778 development professionals to formulate and implement coherent
 1779 and consistent policies and strategies designed to provide
 1780 economic opportunities for all Floridians. To accomplish such
 1781 purposes, the Office of Tourism, Trade, and Economic Development
 1782 shall:

1783 (f)1. Administer the Florida Enterprise Zone Act under ss.
 1784 290.001-290.016, the community contribution tax credit program
 1785 under ss. 220.183 and 624.5105, the tax refund program for
 1786 qualified target industry businesses under s. 288.106, the tax-
 1787 refund program for qualified defense contractors and space
 1788 flight business contractors under s. 288.1045, contracts for
 1789 transportation projects under s. 288.063, the sports franchise
 1790 facility program under s. 288.1162, the professional golf hall
 1791 of fame facility program under s. 288.1168, ~~the expedited~~
 1792 ~~permitting process under s. 403.973,~~ the Rural Community

1793 Development Revolving Loan Fund under s. 288.065, the Regional
 1794 Rural Development Grants Program under s. 288.018, the Certified
 1795 Capital Company Act under s. 288.99, the Florida State Rural
 1796 Development Council, the Rural Economic Development Initiative,
 1797 and other programs that are specifically assigned to the office
 1798 by law, by the appropriations process, or by the Governor.
 1799 Notwithstanding any other provisions of law, the office may
 1800 expend interest earned from the investment of program funds
 1801 deposited in the Grants and Donations Trust Fund to contract for
 1802 the administration of the programs, or portions of the programs,
 1803 enumerated in this paragraph or assigned to the office by law,
 1804 by the appropriations process, or by the Governor. Such
 1805 expenditures shall be subject to review under chapter 216.

1806 2. The office may enter into contracts in connection with
 1807 the fulfillment of its duties concerning the Florida First
 1808 Business Bond Pool under chapter 159, tax incentives under
 1809 chapters 212 and 220, tax incentives under the Certified Capital
 1810 Company Act in chapter 288, foreign offices under chapter 288,
 1811 the Enterprise Zone program under chapter 290, the Seaport
 1812 Employment Training program under chapter 311, the Florida
 1813 Professional Sports Team License Plates under chapter 320,
 1814 Spaceport Florida under chapter 331, ~~Expedited Permitting under~~
 1815 ~~chapter 403,~~ and in carrying out other functions that are
 1816 specifically assigned to the office by law, by the
 1817 appropriations process, or by the Governor.

1818 Section 24. Paragraph (e) of subsection (2) of section
 1819 288.0655, Florida Statutes, is amended to read:

1820 288.0655 Rural Infrastructure Fund.--

1821 (2)

1822 (e) To enable local governments to access the resources

1823 available pursuant to s. 403.973(18), the office, working with

1824 the Secretary of Environmental Protection, may award grants for

1825 surveys, feasibility studies, and other activities related to

1826 the identification and preclearance review of land which is

1827 suitable for preclearance review. Authorized grants under this

1828 paragraph shall not exceed \$75,000 each, except in the case of a

1829 project in a rural area of critical economic concern, in which

1830 case the grant shall not exceed \$300,000. Any funds awarded

1831 under this paragraph must be matched at a level of 50 percent

1832 with local funds, except that any funds awarded for a project in

1833 a rural area of critical economic concern must be matched at a

1834 level of 33 percent with local funds. In evaluating applications

1835 under this paragraph, the office shall consider the extent to

1836 which the application seeks to minimize administrative and

1837 consultant expenses.

1838 Section 25. Paragraph (d) of subsection (2) and paragraph

1839 (b) of subsection (19) of section 380.06, Florida Statutes, are

1840 amended to read:

1841 380.06 Developments of regional impact.--

1842 (2) STATEWIDE GUIDELINES AND STANDARDS.--

1843 (d) The guidelines and standards shall be applied as

1844 follows:

1845 1. Fixed thresholds.--

1846 a. A development that is below 100 percent of all

1847 numerical thresholds in the guidelines and standards shall not

1848 be required to undergo development-of-regional-impact review.

1849 b. A development that is at or above 120 percent of any
 1850 numerical threshold shall be required to undergo development-of-
 1851 regional-impact review.

1852 c. Projects certified under s. 403.973 which create at
 1853 least 50 ~~100~~ jobs and meet the criteria of the Secretary of
 1854 Environmental Protection ~~Office of Tourism, Trade, and Economic~~
 1855 ~~Development~~ as to their impact on an area's economy, employment,
 1856 and prevailing wage and skill levels that are at or below 100
 1857 percent of the numerical thresholds for industrial plants,
 1858 industrial parks, distribution, warehousing or wholesaling
 1859 facilities, office development or multiuse projects other than
 1860 residential, as described in s. 380.0651(3)(c), (d), and (h),
 1861 are not required to undergo development-of-regional-impact
 1862 review.

1863 2. Rebuttable presumption.--It shall be presumed that a
 1864 development that is at 100 percent or between 100 and 120
 1865 percent of a numerical threshold shall be required to undergo
 1866 development-of-regional-impact review.

1867 (19) SUBSTANTIAL DEVIATIONS.--

1868 (b) Any proposed change to a previously approved
 1869 development of regional impact or development order condition
 1870 which, either individually or cumulatively with other changes,
 1871 exceeds any of the following criteria shall constitute a
 1872 substantial deviation and shall cause the development to be
 1873 subject to further development-of-regional-impact review without
 1874 the necessity for a finding of same by the local government:

1875 1. An increase in the number of parking spaces at an
 1876 attraction or recreational facility by 10 percent or 330 spaces,

1877 | whichever is greater, or an increase in the number of spectators
 1878 | that may be accommodated at such a facility by 10 percent or
 1879 | 1,100 spectators, whichever is greater.

1880 | 2. A new runway, a new terminal facility, a 25-percent
 1881 | lengthening of an existing runway, or a 25-percent increase in
 1882 | the number of gates of an existing terminal, but only if the
 1883 | increase adds at least three additional gates.

1884 | 3. An increase in industrial development area by 10
 1885 | percent or 35 acres, whichever is greater.

1886 | 4. An increase in the average annual acreage mined by 10
 1887 | percent or 11 acres, whichever is greater, or an increase in the
 1888 | average daily water consumption by a mining operation by 10
 1889 | percent or 330,000 gallons, whichever is greater. A net increase
 1890 | in the size of the mine by 10 percent or 825 acres, whichever is
 1891 | less. For purposes of calculating any net increases in size,
 1892 | only additions and deletions of lands that have not been mined
 1893 | shall be considered. An increase in the size of a heavy mineral
 1894 | mine as defined in s. 378.403(7) will only constitute a
 1895 | substantial deviation if the average annual acreage mined is
 1896 | more than 550 acres and consumes more than 3.3 million gallons
 1897 | of water per day.

1898 | 5. An increase in land area for office development by 10
 1899 | percent or an increase of gross floor area of office development
 1900 | by 10 percent or 66,000 gross square feet, whichever is greater.

1901 | 6. An increase in the number of dwelling units by 10
 1902 | percent or 55 dwelling units, whichever is greater.

1903 | 7. An increase in the number of dwelling units by 50
 1904 | percent or 200 units, whichever is greater, provided that 15

1905 percent of the proposed additional dwelling units are dedicated
 1906 to affordable workforce housing, subject to a recorded land use
 1907 restriction that shall be for a period of not less than 20 years
 1908 and that includes resale provisions to ensure long-term
 1909 affordability for income-eligible homeowners and renters and
 1910 provisions for the workforce housing to be commenced prior to
 1911 the completion of 50 percent of the market rate dwelling. For
 1912 purposes of this subparagraph, the term "affordable workforce
 1913 housing" means housing that is affordable to a person who earns
 1914 less than 120 percent of the area median income, or less than
 1915 140 percent of the area median income if located in a county in
 1916 which the median purchase price for a single-family existing
 1917 home exceeds the statewide median purchase price of a single-
 1918 family existing home. For purposes of this subparagraph, the
 1919 term "statewide median purchase price of a single-family
 1920 existing home" means the statewide purchase price as determined
 1921 in the Florida Sales Report, Single-Family Existing Homes,
 1922 released each January by the Florida Association of Realtors and
 1923 the University of Florida Real Estate Research Center.

1924 8. An increase in commercial development by 55,000 square
 1925 feet of gross floor area or of parking spaces provided for
 1926 customers for 330 cars or a 10-percent increase of either of
 1927 these, whichever is greater.

1928 9. An increase in hotel or motel rooms by 10 percent or 83
 1929 rooms, whichever is greater.

1930 10. An increase in a recreational vehicle park area by 10
 1931 percent or 110 vehicle spaces, whichever is less.

1932 11. A decrease in the area set aside for open space of 5

1933 | percent or 20 acres, whichever is less.

1934 | 12. A proposed increase to an approved multiuse
 1935 | development of regional impact where the sum of the increases of
 1936 | each land use as a percentage of the applicable substantial
 1937 | deviation criteria is equal to or exceeds 110 percent. The
 1938 | percentage of any decrease in the amount of open space shall be
 1939 | treated as an increase for purposes of determining when 110
 1940 | percent has been reached or exceeded.

1941 | 13. A 15-percent increase in the number of external
 1942 | vehicle trips generated by the development above that which was
 1943 | projected during the original development-of-regional-impact
 1944 | review.

1945 | 14. Any change which would result in development of any
 1946 | area which was specifically set aside in the application for
 1947 | development approval or in the development order for
 1948 | preservation or special protection of endangered or threatened
 1949 | plants or animals designated as endangered, threatened, or
 1950 | species of special concern and their habitat, any species
 1951 | protected by 16 U.S.C. ss. 668a-668d, primary dunes, or
 1952 | archaeological and historical sites designated as significant by
 1953 | the Division of Historical Resources of the Department of State.
 1954 | The refinement of the boundaries and configuration of such areas
 1955 | shall be considered under sub-subparagraph (e)2.j.

1956 |
 1957 | The substantial deviation numerical standards in subparagraphs
 1958 | 3., 5., 8., 9., and 12., excluding residential uses, and in
 1959 | subparagraph 13., are increased by 100 percent for a project
 1960 | certified under s. 403.973 which creates jobs and meets criteria

1961 established by the Secretary of Environmental Protection ~~Office~~
1962 ~~of Tourism, Trade, and Economic Development~~ as to its impact on
1963 an area's economy, employment, and prevailing wage and skill
1964 levels. The substantial deviation numerical standards in
1965 subparagraphs 3., 5., 6., 7., 8., 9., 12., and 13. are increased
1966 by 50 percent for a project located wholly within an urban
1967 infill and redevelopment area designated on the applicable
1968 adopted local comprehensive plan future land use map and not
1969 located within the coastal high hazard area.

1970 Section 26. Subsection (20) is added to section 373.414,
1971 Florida Statutes, to read:

1972 373.414 Additional criteria for activities in surface
1973 waters and wetlands.--

1974 (20) (a) The mitigation requirements under this part shall
1975 be deemed satisfied for permits providing conceptual approval of
1976 the long-term build out or expansion of an existing airport
1977 which is operated by an aviation authority created by a special
1978 act and located within the Upper Kissimmee Planning Unit
1979 established under s. 403.067 if:

1980 1. The amount of mitigation required to offset impacts to
1981 wetlands and other surface waters associated with such build out
1982 or expansion is determined by the methodology established
1983 pursuant to subsection (18); and

1984 2. The specific measures acceptable to the authority to
1985 offset the impacts to wetlands and other surface waters are
1986 provided for in the permits authorizing the actual construction
1987 of the airport build out or expansion.

1988 (b) Conceptual approval permits issued to such authorities

1989 under this subsection may be issued for durations of up to 5
 1990 years.

1991 Section 27. Section 373.185, Florida Statutes, is amended
 1992 to read:

1993 373.185 Local Florida-friendly landscaping ~~Xeriscape~~
 1994 ordinances.--

1995 (1) As used in this section, the term:

1996 (a) "Local government" means any county or municipality of
 1997 the state.

1998 (b) ~~"Xeriscape" or~~ "Florida-friendly landscaping
 1999 ~~landscape~~" means quality landscapes that conserve water, and
 2000 protect the environment, and are adaptable to local conditions,
 2001 and ~~which~~ are drought tolerant. The principles of Florida-
 2002 friendly landscaping ~~Xeriscape~~ include planting the right plant
 2003 in the right place, efficient watering, appropriate
 2004 fertilization, mulching, attraction of wildlife, responsible
 2005 management of yard pests, recycling yard waste, reduction of
 2006 stormwater runoff, and waterfront protection. The principles of
 2007 Florida-friendly landscaping include practices such as landscape
 2008 planning and design, appropriate choice of plants, soil
 2009 analysis, which may include the appropriate use of solid waste
 2010 compost, minimizing the use of efficient irrigation, practical
 2011 use of turf, appropriate use of mulches, and proper maintenance.

2012 (2) Each water management district shall design and
 2013 implement an incentive program to encourage all local
 2014 governments within its district to adopt new ordinances or amend
 2015 existing ordinances to require Florida-friendly ~~Xeriscape~~
 2016 landscaping for development permitted after the effective date

2017 | of the new ordinance or amendment. ~~Each district shall adopt~~
 2018 | ~~rules governing the implementation of its incentive program and~~
 2019 | ~~governing the review and approval of local government Xeriscape~~
 2020 | ~~ordinances or amendments which are intended to qualify a local~~
 2021 | ~~government for the incentive program.~~ Each district shall assist
 2022 | the local governments within its jurisdiction by providing a
 2023 | model Florida-friendly landscaping ordinance ~~Xeriscape code~~ and
 2024 | other technical assistance. Each district may develop its own
 2025 | model or use a model contained in the "Florida-Friendly
 2026 | Landscape Guidance Models for Ordinances, Covenants, and
 2027 | Restrictions" manual developed by the Department of
 2028 | Environmental Protection. A local government Florida-friendly
 2029 | landscaping ~~Xeriscape~~ ordinance or amendment, in order to
 2030 | qualify the local government for a district's incentive program,
 2031 | must include, at a minimum:

2032 | (a) Landscape design, installation, and maintenance
 2033 | standards that result in water conservation and water quality
 2034 | protection or restoration. Such standards shall address the use
 2035 | of plant groupings, soil analysis including the promotion of the
 2036 | use of solid waste compost, efficient irrigation systems, and
 2037 | other water-conserving practices.

2038 | (b) Identification of prohibited invasive exotic plant
 2039 | species consistent with the provisions of s. 581.091.

2040 | (c) Identification of controlled plant species,
 2041 | accompanied by the conditions under which such plants may be
 2042 | used.

2043 | (d) A provision specifying the maximum percentage of
 2044 | irrigated turf and the maximum percentage of impervious surfaces

2045 allowed in a Florida-friendly landscaped ~~xeriscaped~~ area and
 2046 addressing the practical selection and installation of turf.

2047 (e) Specific standards for land clearing and requirements
 2048 for the preservation of existing native vegetation.

2049 (f) A monitoring program for ordinance implementation and
 2050 compliance.

2051
 2052 In addition to developing and implementing an incentive program,
 2053 each district ~~The districts also~~ shall work with local
 2054 governments, the Department of Environmental Protection, county
 2055 extension agents or offices, nursery and landscape industry
 2056 groups, and other interested stakeholders to promote, through
 2057 educational programs, ~~and~~ publications, and other activities of
 2058 the district authorized under this chapter, the use of Florida-
 2059 friendly landscaping ~~xeriscape~~ practices, including the use of
 2060 solid waste compost, in ~~existing~~ residential and commercial
 2061 development. In these activities, each district shall use the
 2062 materials developed by the department, the Institute of Food and
 2063 Agricultural Sciences at the University of Florida, and the
 2064 Center for Landscape Conservation and Ecology Florida-friendly
 2065 landscaping program, including, but not limited to, the Florida
 2066 Yards and Neighborhoods Program for homeowners, the Florida
 2067 Yards and Neighborhoods Builder Developer Program for
 2068 developers, and the Green Industries Best Management Practices
 2069 Program for landscaping professionals. Each district may develop
 2070 supplemental materials as appropriate to address the physical
 2071 and natural characteristics of the district. The districts shall
 2072 coordinate with the department and the Institute of Food and

2073 Agricultural Sciences at the University of Florida if revisions
 2074 to the educational materials of the department or university are
 2075 needed. This section may not be construed to limit the authority
 2076 of the districts to require Xeriscape ordinances or practices as
 2077 a condition of any consumptive use permit.

2078 (3) (a) The Legislature finds that the use of Florida-
 2079 friendly landscaping and other water use and pollution
 2080 prevention measures that conserve or protect the state's water
 2081 resources serves a compelling public interest and that the
 2082 participation of homeowners' associations and local governments
 2083 is essential to state water conservation and water quality
 2084 protection and restoration efforts.

2085 (b) A deed restriction or covenant entered after October
 2086 1, 2001, or local government ordinance may not prohibit or be
 2087 enforced to prohibit any property owner from implementing
 2088 Xeriscape or Florida-friendly landscaping landscape on his or
 2089 her land or create any requirement or limitation in conflict
 2090 with any provision of part II of this chapter or a water
 2091 shortage order, other order, consumptive use permit, or rule
 2092 adopted or issued pursuant to part II of this chapter.

2093 (c) A local government ordinance may not prohibit or be
 2094 enforced so as to prohibit any property owner from implementing
 2095 Florida-friendly landscaping on his or her land.

2096 (4) This section may not be construed to limit the
 2097 authority of the department or the districts to require Florida-
 2098 friendly landscaping ordinances or practices as a condition of
 2099 any permit under this chapter.

2100 Section 28. Section 373.187, Florida Statutes, is created

2101 to read:
 2102 373.187 Water management district implementation of
 2103 Florida-friendly landscaping.--Each water management district
 2104 shall use Florida-friendly landscaping, as defined in s.
 2105 373.185, on public property associated with buildings and
 2106 facilities owned by the water management district and
 2107 constructed after June 30, 2009. Each water management district
 2108 shall also develop a 5-year program for phasing in the use of
 2109 Florida-friendly landscaping on public property associated with
 2110 buildings or facilities owned by the water management district
 2111 and constructed before July 1, 2009.

2112 Section 29. Section 373.228, Florida Statutes, is amended
 2113 to read:

2114 373.228 Landscape irrigation design.--

2115 (1) The Legislature finds that multiple areas throughout
 2116 the state have been identified by water management districts as
 2117 water resource caution areas, which indicates that in the near
 2118 future water demand in those areas will exceed the current
 2119 available water supply and that conservation is one of the
 2120 mechanisms by which future water demand will be met.

2121 (2) The Legislature finds that landscape irrigation
 2122 comprises a significant portion of water use and that the
 2123 current typical landscape irrigation system and Florida-friendly
 2124 landscaping ~~landscape~~ designs offer significant potential water
 2125 conservation benefits.

2126 (3) It is the intent of the Legislature to improve
 2127 landscape irrigation water use efficiency by ensuring that
 2128 landscape irrigation systems meet or exceed minimum design

2129 criteria.

2130 (4) The water management districts shall work with the

2131 Florida Nursery Nurserymen and Growers and Landscape

2132 Association, the Florida Native Plant Society, the Florida

2133 Chapter of the American Society of Landscape Architects, the

2134 Florida Irrigation Society, the Department of Agriculture and

2135 Consumer Services, the Institute of Food and Agricultural

2136 Sciences, the Department of Environmental Protection, the

2137 Department of Transportation, the Florida League of Cities, the

2138 Florida Association of Counties, and the Florida Association of

2139 Community Developers to develop landscape irrigation and

2140 Florida-friendly landscaping ~~xeriscape~~ design standards for new

2141 construction which incorporate a landscape irrigation system and

2142 develop scientifically based model guidelines for urban,

2143 commercial, and residential landscape irrigation, including drip

2144 irrigation, for plants, trees, sod, and other landscaping. The

2145 landscape and irrigation design standards shall be based on the

2146 irrigation code defined in the Florida Building Code, Plumbing

2147 Volume, Appendix F. Local governments shall use the standards

2148 and guidelines when developing landscape irrigation and Florida-

2149 friendly landscaping ~~xeriscape~~ ordinances. By January 1, 2011,

2150 the agencies and entities specified in this subsection shall

2151 review the standards and guidelines to determine whether new

2152 research findings require a change or modification of the

2153 standards and guidelines.

2154 (5) In evaluating water use applications from public water

2155 suppliers, water management districts shall consider whether the

2156 applicable local government has adopted ordinances for

2157 landscaping and irrigation systems consistent with the Florida-
 2158 friendly landscaping provisions of s. 373.185.

2159 Section 30. Subsection (3) of section 373.323, Florida
 2160 Statutes, is amended to read:

2161 373.323 Licensure of water well contractors; application,
 2162 qualifications, and examinations; equipment identification.--

2163 (3) An applicant who meets the following requirements
 2164 shall be entitled to take the water well contractor licensure
 2165 examination ~~to practice water well contracting~~:

2166 (a) Is at least 18 years of age.

2167 (b) Has at least 2 years of experience in constructing,
 2168 repairing, or abandoning water wells. Satisfactory proof of such
 2169 experience shall be demonstrated by providing:

2170 1. Evidence of the length of time the applicant has been
 2171 engaged in the business of the construction, repair, or
 2172 abandonment of water wells as a major activity, as attested to
 2173 by a letter from each of three of the following persons:

2174 a. A water well contractor.

2175 b. A water well driller.

2176 c. A water well parts and equipment vendor.

2177 d. A water well inspector employed by a governmental
 2178 agency.

2179 2. A list of at least 10 water wells that the applicant
 2180 has constructed, repaired, or abandoned within the preceding 5
 2181 years. Of these wells, at least seven must have been
 2182 constructed, as defined in s. 373.303(2), by the applicant. The
 2183 list shall also include:

2184 a. The name and address of the owner or owners of each

2185 well.

2186 b. The location, primary use, and approximate depth and
 2187 diameter of each well the applicant has constructed, repaired,
 2188 or abandoned.

2189 c. The approximate date the construction, repair, or
 2190 abandonment of each well was completed.

2191 (c) Has completed the application form and remitted a
 2192 nonrefundable application fee.

2193 Section 31. Subsection (8) of section 373.333, Florida
 2194 Statutes, is amended to read:

2195 373.333 Disciplinary guidelines; adoption and enforcement;
 2196 license suspension or revocation.--

2197 (8) The water management district may impose through an
 2198 order an administrative fine not to exceed \$5,000 per occurrence
 2199 against an unlicensed person if ~~when~~ it determines that the
 2200 unlicensed person has engaged in the practice of water well
 2201 contracting~~r~~, for which a license is required.

2202 Section 32. Section 125.568, Florida Statutes, is amended
 2203 to read:

2204 125.568 Conservation of water; Florida-friendly
 2205 landscaping ~~Xeriscape~~.--

2206 (1)(a) The Legislature finds that Florida-friendly
 2207 landscaping ~~Xeriscape~~ contributes to the conservation,
 2208 protection, and restoration of water. In an effort to meet the
 2209 water needs of this state in a manner that will supply adequate
 2210 and dependable supplies of water where needed, it is the intent
 2211 of the Legislature that Florida-friendly landscaping ~~Xeriscape~~
 2212 be an essential part of water conservation and water quality

2213 protection and restoration planning.

2214 (b) As used in this section, ~~"Xeriscape" or "Florida-~~
 2215 ~~friendly landscaping"~~ has the same meaning as provided in s.
 2216 ~~373.185 landscape"~~ means quality landscapes that conserve water
 2217 ~~and protect the environment and are adaptable to local~~
 2218 ~~conditions and which are drought tolerant. The principles of~~
 2219 ~~Xeriscape include planning and design, appropriate choice of~~
 2220 ~~plants, soil analysis which may include the use of solid waste~~
 2221 ~~compost, practical use of turf, efficient irrigation,~~
 2222 ~~appropriate use of mulches, and proper maintenance.~~

2223 (2) The board of county commissioners of each county shall
 2224 consider enacting ordinances, consistent with the provisions of
 2225 s. 373.185, requiring the use of Florida-friendly landscaping
 2226 ~~Xeriscape~~ as a water conservation or water quality protection or
 2227 restoration measure. If the board determines that Florida-
 2228 friendly landscaping ~~Xeriscape~~ would be of significant benefit
 2229 as a water conservation or water quality protection or
 2230 restoration measure, especially for waters designated as
 2231 impaired pursuant to s. 403.067, relative to the cost to
 2232 implement Florida-friendly ~~Xeriscape~~ landscaping in its area of
 2233 jurisdiction, the board shall enact a Florida-friendly
 2234 landscaping ~~Xeriscape~~ ordinance. Further, the board of county
 2235 commissioners shall consider promoting Florida-friendly
 2236 landscaping ~~Xeriscape~~ as a water conservation or water quality
 2237 protection or restoration measure by ~~using~~ Florida-friendly
 2238 landscaping ~~Xeriscape~~ in any, around, or near facilities, parks,
 2239 ~~and other common~~ areas under its jurisdiction that ~~which~~ are
 2240 landscaped after the effective date of this act; providing

2241 public education on Florida-friendly landscaping ~~Xeriscape~~, its
 2242 uses in increasing as a water conservation and water quality
 2243 protection or restoration tool, and its long-term cost-
 2244 effectiveness; and offering incentives to local residents and
 2245 businesses to implement Florida-friendly ~~Xeriscape~~ landscaping.

2246 (3) (a) The Legislature finds that the use of Florida-
 2247 friendly landscaping and other water use and pollution
 2248 prevention measures that conserve or protect the state's water
 2249 resources serves a compelling public interest and that the
 2250 participation of homeowners' associations and local governments
 2251 is essential to state water conservation and water quality
 2252 protection and restoration efforts.

2253 (b) A deed restriction or covenant entered after October
 2254 1, 2001, or local government ordinance may not prohibit or be
 2255 enforced to prohibit any property owner from implementing
 2256 ~~Xeriscape~~ or Florida-friendly landscaping landscape on his or
 2257 her land or create any requirement or limitation in conflict
 2258 with any provision of part II of chapter 373 or a water shortage
 2259 order, other order, consumptive use permit, or rule adopted or
 2260 issued pursuant to part II of chapter 373.

2261 (c) A local government ordinance may not prohibit or be
 2262 enforced so as to prohibit any property owner from implementing
 2263 Florida-friendly landscaping on his or her land.

2264 Section 33. Section 166.048, Florida Statutes, is amended
 2265 to read:

2266 166.048 Conservation of water; Florida-friendly
 2267 landscaping ~~Xeriscape~~.--

2268 (1) (a) The Legislature finds that Florida-friendly

2269 landscaping ~~Xeriscape~~ contributes to the conservation,
 2270 protection, and restoration of water. In an effort to meet the
 2271 water needs of this state in a manner that will supply adequate
 2272 and dependable supplies of water where needed, it is the intent
 2273 of the Legislature that Florida-friendly landscaping ~~Xeriscape~~
 2274 be an essential part of water conservation and water quality
 2275 protection and restoration planning.

2276 (b) As used in this section, ~~"Xeriscape" or "Florida-~~
 2277 friendly landscaping" has the same meaning as provided in s.
 2278 373.185 landscape" ~~means quality landscapes that conserve water~~
 2279 ~~and protect the environment and are adaptable to local~~
 2280 ~~conditions and which are drought tolerant. The principles of~~
 2281 ~~Xeriscape include planning and design, appropriate choice of~~
 2282 ~~plants, soil analysis which may include the use of solid waste~~
 2283 ~~compost, practical use of turf, efficient irrigation,~~
 2284 ~~appropriate use of mulches, and proper maintenance.~~

2285 (2) The governing body of each municipality shall consider
 2286 enacting ordinances, consistent with the provisions of s.
 2287 373.185, requiring the use of Florida-friendly landscaping
 2288 ~~Xeriscape~~ as a water conservation or water quality protection or
 2289 restoration measure. If the governing body determines that
 2290 Florida-friendly landscaping ~~Xeriscape~~ would be of significant
 2291 benefit as a water conservation or water quality protection or
 2292 restoration measure, especially for waters designated as
 2293 impaired pursuant to s. 403.067, relative to the cost to
 2294 implement Florida-friendly ~~Xeriscape~~ landscaping in its area of
 2295 jurisdiction in the municipality, the governing body ~~board~~ shall
 2296 enact a Florida-friendly landscaping ~~Xeriscape~~ ordinance.

2297 Further, the governing body shall consider promoting Florida-
 2298 friendly landscaping ~~Xeriscape~~ as a water conservation or water
 2299 quality protection or restoration measure by ~~using~~ Florida-
 2300 friendly landscaping ~~Xeriscape~~ in any, ~~around, or near~~
 2301 ~~facilities, parks, and other common~~ areas under its jurisdiction
 2302 that ~~which~~ are landscaped after the effective date of this act;
 2303 providing public education on Florida-friendly landscaping
 2304 ~~Xeriscape~~, its uses in increasing ~~as a~~ water conservation and
 2305 water quality protection or restoration ~~tool~~, and its long-term
 2306 cost-effectiveness; and offering incentives to local residents
 2307 and businesses to implement Florida-friendly ~~Xeriscape~~
 2308 landscaping.

2309 (3) (a) The Legislature finds that the use of Florida-
 2310 friendly landscaping and other water use and pollution
 2311 prevention measures that conserve or protect the state's water
 2312 resources serves a compelling public interest and that the
 2313 participation of homeowners' associations and local governments
 2314 is essential to state water conservation and water quality
 2315 protection and restoration efforts.

2316 (b) A deed restriction or covenant ~~entered after October~~
 2317 ~~1, 2001, or local government ordinance~~ may not prohibit or be
 2318 enforced to prohibit any property owner from implementing
 2319 ~~Xeriscape or~~ Florida-friendly landscaping ~~landscape~~ on his or
 2320 her land or create any requirement or limitation in conflict
 2321 with any provision of part II of chapter 373 or a water shortage
 2322 order, other order, consumptive use permit, or rule adopted or
 2323 issued pursuant to part II of chapter 373.

2324 (c) A local government ordinance may not prohibit or be

2325 enforced so as to prohibit any property owner from implementing
 2326 Florida-friendly landscaping on his or her land.

2327 Section 34. Section 255.259, Florida Statutes, is amended
 2328 to read:

2329 255.259 Florida-friendly ~~Xeriscape~~ landscaping on public
 2330 property.--

2331 (1) The Legislature finds that water conservation and
 2332 water quality protection and restoration are ~~is~~ increasingly
 2333 critical to the continuance of an adequate water supply and
 2334 healthy surface and ground waters ~~for the citizens of this~~
 2335 ~~state.~~ The Legislature further finds that "Florida-friendly
 2336 landscaping ~~Xeriscape~~," as defined in s. 373.185, can contribute
 2337 significantly to water ~~the~~ conservation and ~~of~~ water quality
 2338 protection and restoration. Finally, the Legislature finds that
 2339 state government has the responsibility to promote Florida-
 2340 friendly landscaping ~~Xeriscape~~ as a water conservation and water
 2341 quality protection and restoration measure by using Florida-
 2342 friendly landscaping ~~Xeriscape~~ on public property associated
 2343 with publicly owned buildings or facilities.

2344 (2) As used in this section, "publicly owned buildings or
 2345 facilities" means those construction projects under the purview
 2346 of the Department of Management Services. It does not include
 2347 environmentally endangered land or roads and highway
 2348 construction under the purview of the Department of
 2349 Transportation.

2350 (3) The Department of Management Services, in consultation
 2351 with the Department of Environmental Protection, shall adopt
 2352 rules and guidelines for the required use of Florida-friendly

2353 landscaping ~~Xeriscape~~ on public property associated with
 2354 publicly owned buildings or facilities constructed after June
 2355 30, 2009 ~~1992~~. The Department of Management Services also shall
 2356 develop a 5-year program for phasing in the use of Florida-
 2357 friendly landscaping ~~Xeriscape~~ on public property associated
 2358 with publicly owned buildings or facilities constructed before
 2359 July 1, 2009 ~~1992~~. In accomplishing these tasks, the Department
 2360 of Management Services shall take into account the provisions of
 2361 ~~guidelines set out in~~ s. 373.185(2)(a)-(f). The Department of
 2362 Transportation shall implement Florida-friendly ~~Xeriscape~~
 2363 landscaping pursuant to s. 335.167.

2364 (4) (a) The Legislature finds that the use of Florida-
 2365 friendly landscaping and other water use and pollution
 2366 prevention measures that conserve or protect the state's water
 2367 resources serves a compelling public interest and that the
 2368 participation of homeowners' associations and local governments
 2369 is essential to state water conservation and water quality
 2370 protection and restoration efforts.

2371 (b) A deed restriction or covenant ~~entered after October~~
 2372 ~~1, 2001, or local government ordinance~~ may not prohibit or be
 2373 enforced to prohibit any property owner from implementing
 2374 ~~Xeriscape or Florida-friendly landscaping~~ landscape on his or
 2375 her land or create any requirement or limitation in conflict
 2376 with any provision of part II of chapter 373 or a water shortage
 2377 order, other order, consumptive use permit, or rule adopted or
 2378 issued pursuant to part II of chapter 373.

2379 (c) A local government ordinance may not prohibit or be
 2380 enforced so as to prohibit any property owner from implementing

2381 Florida-friendly landscaping on his or her land.

2382 Section 35. Section 335.167, Florida Statutes, is amended
 2383 to read:

2384 335.167 State highway construction and maintenance;
 2385 ~~Xeriscape or Florida-friendly landscaping.--~~

2386 (1) The department shall use and require the use of
 2387 Florida-friendly landscaping ~~Xeriscape~~ practices, as defined in
 2388 s. 373.185(1), in the construction and maintenance of all new
 2389 state highways, wayside parks, access roads, welcome stations,
 2390 and other state highway rights-of-way constructed upon or
 2391 acquired after June 30, 2009 ~~1992~~. The department shall develop
 2392 a 5-year program for phasing in the use of Florida-friendly
 2393 landscaping ~~Xeriscape~~, including the use of solid waste compost,
 2394 in state highway rights-of-way constructed upon or acquired
 2395 before July 1, 2009 ~~1992~~. In accomplishing these tasks, the
 2396 department shall employ the guidelines set out in s.
 2397 373.185(2)(a) ~~-(f)~~.

2398 (2)(a) The Legislature finds that the use of Florida-
 2399 friendly landscaping and other water use and pollution
 2400 prevention measures that conserve or protect the state's water
 2401 resources serves a compelling public interest and that the
 2402 participation of homeowners' associations and local governments
 2403 is essential to state water conservation and water quality
 2404 protection and restoration efforts.

2405 (b) A deed restriction or covenant entered after October
 2406 1, 2001, or local government ordinance may not prohibit or be
 2407 enforced to prohibit any property owner from implementing
 2408 ~~Xeriscape or Florida-friendly landscaping~~ landscape on his or

2409 her land or create any requirement or limitation in conflict
 2410 with any provision of part II of chapter 373 or a water shortage
 2411 order, other order, consumptive use permit, or rule adopted or
 2412 issued pursuant to part II of chapter 373.

2413 (c) A local government ordinance may not prohibit or be
 2414 enforced so as to prohibit any property owner from implementing
 2415 Florida-friendly landscaping on his or her land.

2416 Section 36. Paragraph (a) of subsection (3) of section
 2417 380.061, Florida Statutes, is amended to read:

2418 380.061 The Florida Quality Developments program.--

2419 (3) (a) To be eligible for designation under this program,
 2420 the developer shall comply with each of the following
 2421 requirements which is applicable to the site of a qualified
 2422 development:

2423 1. Have donated or entered into a binding commitment to
 2424 donate the fee or a lesser interest sufficient to protect, in
 2425 perpetuity, the natural attributes of the types of land listed
 2426 below. In lieu of the above requirement, the developer may enter
 2427 into a binding commitment which runs with the land to set aside
 2428 such areas on the property, in perpetuity, as open space to be
 2429 retained in a natural condition or as otherwise permitted under
 2430 this subparagraph. Under the requirements of this subparagraph,
 2431 the developer may reserve the right to use such areas for the
 2432 purpose of passive recreation that is consistent with the
 2433 purposes for which the land was preserved.

2434 a. Those wetlands and water bodies throughout the state as
 2435 would be delineated if the provisions of s. 373.4145(1) (b) were
 2436 applied. The developer may use such areas for the purpose of

2437 site access, provided other routes of access are unavailable or
2438 impracticable; may use such areas for the purpose of stormwater
2439 or domestic sewage management and other necessary utilities to
2440 the extent that such uses are permitted pursuant to chapter 403;
2441 or may redesign or alter wetlands and water bodies within the
2442 jurisdiction of the Department of Environmental Protection which
2443 have been artificially created, if the redesign or alteration is
2444 done so as to produce a more naturally functioning system.

2445 b. Active beach or primary and, where appropriate,
2446 secondary dunes, to maintain the integrity of the dune system
2447 and adequate public accessways to the beach. However, the
2448 developer may retain the right to construct and maintain
2449 elevated walkways over the dunes to provide access to the beach.

2450 c. Known archaeological sites determined to be of
2451 significance by the Division of Historical Resources of the
2452 Department of State.

2453 d. Areas known to be important to animal species
2454 designated as endangered or threatened animal species by the
2455 United States Fish and Wildlife Service or by the Fish and
2456 Wildlife Conservation Commission, for reproduction, feeding, or
2457 nesting; for traveling between such areas used for reproduction,
2458 feeding, or nesting; or for escape from predation.

2459 e. Areas known to contain plant species designated as
2460 endangered plant species by the Department of Agriculture and
2461 Consumer Services.

2462 2. Produce, or dispose of, no substances designated as
2463 hazardous or toxic substances by the United States Environmental
2464 Protection Agency or by the Department of Environmental

2465 Protection or the Department of Agriculture and Consumer
 2466 Services. This subparagraph is not intended to apply to the
 2467 production of these substances in nonsignificant amounts as
 2468 would occur through household use or incidental use by
 2469 businesses.

2470 3. Participate in a downtown reuse or redevelopment
 2471 program to improve and rehabilitate a declining downtown area.

2472 4. Incorporate no dredge and fill activities in, and no
 2473 stormwater discharge into, waters designated as Class II,
 2474 aquatic preserves, or Outstanding Florida Waters, except as
 2475 activities in those waters are permitted pursuant to s.
 2476 403.813(2) and the developer demonstrates that those activities
 2477 meet the standards under Class II waters, Outstanding Florida
 2478 Waters, or aquatic preserves, as applicable.

2479 5. Include open space, recreation areas, Florida-friendly
 2480 landscaping ~~Xeriscape~~ as defined in s. 373.185, and energy
 2481 conservation and minimize impermeable surfaces as appropriate to
 2482 the location and type of project.

2483 6. Provide for construction and maintenance of all onsite
 2484 infrastructure necessary to support the project and enter into a
 2485 binding commitment with local government to provide an
 2486 appropriate fair-share contribution toward the offsite impacts
 2487 which the development will impose on publicly funded facilities
 2488 and services, except offsite transportation, and condition or
 2489 phase the commencement of development to ensure that public
 2490 facilities and services, except offsite transportation, will be
 2491 available concurrent with the impacts of the development. For
 2492 the purposes of offsite transportation impacts, the developer

2493 shall comply, at a minimum, with the standards of the state land
 2494 planning agency's development-of-regional-impact transportation
 2495 rule, the approved strategic regional policy plan, any
 2496 applicable regional planning council transportation rule, and
 2497 the approved local government comprehensive plan and land
 2498 development regulations adopted pursuant to part II of chapter
 2499 163.

2500 7. Design and construct the development in a manner that
 2501 is consistent with the adopted state plan, the applicable
 2502 strategic regional policy plan, and the applicable adopted local
 2503 government comprehensive plan.

2504 Section 37. Subsection (3) of section 388.291, Florida
 2505 Statutes, is amended to read:

2506 388.291 Source reduction measures; supervision by
 2507 department.--

2508 (3) Property owners in a developed residential area are
 2509 required to maintain their property in such a manner so as not
 2510 to create or maintain any standing freshwater condition capable
 2511 of breeding mosquitoes or other arthropods in significant
 2512 numbers so as to constitute a public health, welfare, or
 2513 nuisance problem. Nothing in this subsection shall permit the
 2514 alteration of permitted stormwater management systems or
 2515 prohibit maintained fish ponds, Florida-friendly landscaping
 2516 ~~eriscaping~~, or other maintained systems of landscaping or
 2517 vegetation. If such a condition is found to exist, the local
 2518 arthropod control agency shall serve notice on the property
 2519 owner to treat, remove, or abate the condition. Such notice
 2520 shall serve as prima facie evidence of maintaining a nuisance,

2521 and upon failure of the property owner to treat, remove, or
 2522 abate the condition, the local arthropod control agency or any
 2523 affected citizen may proceed pursuant to s. 60.05 to enjoin the
 2524 nuisance and may recover costs and attorney's fees if they
 2525 prevail in the action.

2526 Section 38. Paragraph (a) of subsection (6) of section
 2527 481.303, Florida Statutes, is amended to read:

2528 481.303 Definitions.--As used in this chapter:

2529 (6) "Landscape architecture" means professional services,
 2530 including, but not limited to, the following:

2531 (a) Consultation, investigation, research, planning,
 2532 design, preparation of drawings, specifications, contract
 2533 documents and reports, responsible construction supervision, or
 2534 landscape management in connection with the planning and
 2535 development of land and incidental water areas, including the
 2536 use of Florida-friendly landscaping ~~Xeriscape~~ as defined in s.
 2537 373.185, where, and to the extent that, the dominant purpose of
 2538 such services or creative works is the preservation,
 2539 conservation, enhancement, or determination of proper land uses,
 2540 natural land features, ground cover and plantings, or
 2541 naturalistic and aesthetic values;

2542 Section 39. Subsection (4) of section 720.3075, Florida
 2543 Statutes, is amended to read:

2544 720.3075 Prohibited clauses in association documents.--

2545 (4) (a) The Legislature finds that the use of Florida-
 2546 friendly landscaping and other water use and pollution
 2547 prevention measures that conserve or protect the state's water
 2548 resources serves a compelling public interest and that the

2549 participation of homeowners' associations and local governments
 2550 is essential to state water conservation and water quality
 2551 protection and restoration efforts.

2552 (b) Homeowners' association documents, including
 2553 declarations of covenants, articles of incorporation, or bylaws,
 2554 entered after October 1, 2001, may not prohibit or be enforced
 2555 to prohibit any property owner from implementing ~~Xeriscape or~~
 2556 Florida-friendly landscaping ~~landscape~~, as defined in s.
 2557 373.185(1), on his or her land or create any requirement or
 2558 limitation in conflict with any provision of part II of chapter
 2559 373 or a water shortage order, other order, consumptive use
 2560 permit, or rule adopted or issued pursuant to part II of chapter
 2561 373.

2562 Section 40. Subsection (6) of section 369.317, Florida
 2563 Statutes, is amended to read:

2564 (6) The Orlando-Orange County Expressway Authority is
 2565 hereby granted the authority to act as a third-party acquisition
 2566 agent, pursuant to s. 259.041 on behalf of the Board of Trustees
 2567 or chapter 373 on behalf of the governing board of the St. Johns
 2568 River Water Management District, for the acquisition of all
 2569 necessary lands, property and all interests in property
 2570 identified herein, including fee simple or less-than-fee simple
 2571 interests. The lands subject to this authority are identified in
 2572 paragraph 10.a., State of Florida, Office of the Governor,
 2573 Executive Order 03-112 of July 1, 2003, and in Recommendation 16
 2574 of the Wekiva Basin Area Task Force created by Executive Order
 2575 2002-259, such lands otherwise known as Neighborhood Lakes, a
 2576 1,587+/- acre parcel located in Orange and Lake Counties within

2577 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
 2578 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
 2579 Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake
 2580 County within Section 37, Township 19 South, Range 28 East; New
 2581 Garden Coal; a 1,605+/- acre parcel in Lake County within
 2582 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
 2583 East; Pine Plantation, a 617+/- acre tract consisting of eight
 2584 individual parcels within the Apopka City limits. The Department
 2585 of Transportation, the Department of Environmental Protection,
 2586 the St. Johns River Water Management District, and other land
 2587 acquisition entities shall participate and cooperate in
 2588 providing information and support to the third-party acquisition
 2589 agent. The land acquisition process authorized by this paragraph
 2590 shall begin no later than December 31, 2004. Acquisition of the
 2591 properties identified as Neighborhood Lakes, Pine Plantation,
 2592 and New Garden Coal, or approval as a mitigation bank shall be
 2593 concluded no later than December 31, 2010. Department of
 2594 Transportation and Orlando-Orange County Expressway Authority
 2595 funds expended to purchase an interest in those lands identified
 2596 in this subsection shall be eligible as environmental mitigation
 2597 for road construction related impacts in the Wekiva Study Area.
 2598 If any of the lands identified in this subsection are used as
 2599 environmental mitigation for road construction related impacts
 2600 incurred by the Department of Transportation or Orlando-Orange
 2601 County Expressway Authority, or for other impacts incurred by
 2602 other entities, within the Wekiva Study Area or within the
 2603 Wekiva parkway alignment corridor, and if the mitigation offsets
 2604 these impacts, the St. Johns River Water Management District and

2605 the Department of Environmental Protection shall consider the
 2606 activity regulated under part IV of chapter 373 to meet the
 2607 cumulative impact requirements of s. 373.414(8) (a) .

2608 (a) Acquisition of the land described in this section is
 2609 required to provide right of way for the Wekiva Parkway, a
 2610 limited access roadway linking State Road 429 to Interstate 4,
 2611 an essential component in meeting regional transportation needs
 2612 to provide regional connectivity, improve safety, accommodate
 2613 projected population and economic growth, and satisfy critical
 2614 transportation requirements caused by increased traffic volume
 2615 growth and travel demands.

2616 (b) Acquisition of the lands described in this section is
 2617 also required to protect the surface water and groundwater
 2618 resources of Lake, Orange, and Seminole counties, otherwise
 2619 known as the Wekiva Study Area, including recharge within the
 2620 springshed that provides for the Wekiva River system. Protection
 2621 of this area is crucial to the long term viability of the Wekiva
 2622 River and springs and the central Florida region's water supply.
 2623 Acquisition of the lands described in this section is also
 2624 necessary to alleviate pressure from growth and development
 2625 affecting the surface and groundwater resources within the
 2626 recharge area.

2627 (c) Lands acquired pursuant to this section that are
 2628 needed for transportation facilities for the Wekiva Parkway
 2629 shall be determined not necessary for conservation purposes
 2630 pursuant to ss. 253.034(6) and 373.089(5) and shall be
 2631 transferred to or retained by the Orlando-Orange County
 2632 Expressway Authority or the Department of Transportation upon

2633 reimbursement of the full purchase price and acquisition costs.

2634 Section 41. (1) Effective July 1, 2009, a task force is
2635 established to develop legislative recommendations relating to
2636 stormwater management system design in the state. The task force
2637 shall:

2638 (a) Review the Joint Professional Engineers and Landscape
2639 Architecture Committee Report conducted pursuant to s. 17,
2640 chapter 88-347, Laws of Florida, and determine the current
2641 validity of the report and the need to revise any of the
2642 conclusions or recommendations.

2643 (b) Determine how a licensed and registered professional
2644 might demonstrate competency for stormwater management system
2645 design.

2646 (c) Determine how the Board of Professional Engineers and
2647 the Board of Landscape Architecture might administer
2648 certification tests or continuing education requirements for
2649 stormwater management system design.

2650 (d) Provide recommendations for grandfathering the rights
2651 of licensed professionals who currently practice stormwater
2652 management design in a manner that will allow them to continue
2653 to practice without meeting any new requirements the task force
2654 recommends be placed on licensed professionals in the future.

2655 (2) (a) The Board of Landscape Architecture, the Board of
2656 Professional Engineers, the Florida Engineering Society, the
2657 Florida Chapter of the American Society of Landscape Architects,
2658 the Secretary of Environmental Protection, and the Secretary of
2659 Transportation shall each appoint one member to the task force.

2660 (b) Members of the task force may not be reimbursed for

2661 travel, per diem, or any other costs associated with serving on
 2662 the task force.

2663 (c) The task force shall meet a minimum of four times
 2664 either in person or via teleconference; however, a minimum of
 2665 two meetings shall be public hearings with testimony.

2666 (d) The task force shall expire on November 1, 2009.

2667 (3) The task force shall provide its findings and
 2668 legislative recommendations to the President of the Senate and
 2669 the Speaker of the House of Representatives by November 1, 2009.

2670 Section 42. Subsections (1) and (3) of section 378.901,
 2671 Florida Statutes, are amended to read:

2672 378.901 Life-of-the-mine permit.--

2673 (1) As used in this section, the term:

2674 (a) "Bureau" means the Bureau of Mining and Minerals
 2675 Regulation ~~Mine Reclamation~~ of the Division of Water Resource
 2676 Management of the Department of Environmental Protection.

2677 (b) "Life-of-the-mine permit" means a permit authorizing
 2678 activities regulated under part IV of chapter 373 and part IV of
 2679 this chapter.

2680 (3) The bureau may also issue life-of-the-mine permits to
 2681 operators of limerock mines and sand mines as part of the
 2682 consideration for conveyance to the Board of Trustees of the
 2683 Internal Improvement Trust Fund of environmentally sensitive
 2684 lands in an amount equal to or greater than the acreage included
 2685 in the life-of-the-mine permit and provided such environmentally
 2686 sensitive lands are contiguous to or within reasonable proximity
 2687 to the lands included in the life-of-the-mine permit. In the
 2688 event there exists evidence that any life-of-the-mine permit

2689 authorizing activities regulated under part IV of chapter 373 is
 2690 proved to have a detrimental effect on a wellfield or wellfield
 2691 protection area or will have a significant detrimental life
 2692 safety or environmental effect, then the life-of-the-mine permit
 2693 may be reopened.

2694 Section 43. Subsection (6) of section 399.02, Florida
 2695 Statutes, is amended to read:

2696 399.02 General requirements.--

2697 (6) The department is empowered to carry out all of the
 2698 provisions of this chapter relating to the inspection and
 2699 regulation of elevators and to enforce the provisions of the
 2700 Florida Building Code, except that updates to the code requiring
 2701 modifications for heat sensors and electronic controls on
 2702 existing elevators, as amended into the Safety Code for Existing
 2703 Elevators and Escalators, ANSI/ASME A17.1 and A17.3, may not be
 2704 enforced on elevators issued a certificate of operation by the
 2705 department as of July 1, 2008, until such time as the elevator
 2706 is replaced. This exception does not apply to any building for
 2707 which a building permit was issued after July 1, 2008.

2708 Section 44. Present subsection (7) of section 399.15,
 2709 Florida Statutes, is redesignated as subsection (8), and a new
 2710 subsection (7) is added to that section, to read:

2711 399.15 Regional emergency elevator access.--

2712 (7) As an alternative to complying with the requirements
 2713 of subsection (1), each building in this state which is required
 2714 to meet the provisions of subsections (1) and (2) may instead
 2715 provide for the installation of a uniform lock box that contains
 2716 the keys to all elevators in the building which allow public

2717 access, including service and freight elevators. The uniform
2718 lock box must be keyed so as to allow all uniform lock boxes in
2719 each of the seven state emergency response regions to operate in
2720 fire emergency situations using one master key. The uniform lock
2721 box master key may be issued only to the fire department. The
2722 Division of State Fire Marshal of the Department of Financial
2723 Services shall enforce this subsection. The Department of
2724 Financial Services shall select the provider of the uniform lock
2725 box to be installed in each building in which the requirements
2726 of this subsection are implemented.

2727 Section 45. Effective July 1, 2010, subsection (4) of
2728 section 468.8311, Florida Statutes, is amended to read:

2729 468.8311 Definitions.--As used in this part, the term:

2730 (4) "Home inspection services" means a limited visual
2731 examination of one or more of the following readily accessible
2732 installed systems and components of a home: the structure,
2733 electrical system, HVAC system, roof covering, plumbing system,
2734 interior components, windows, doors, walls, floors, ceilings,
2735 exterior components, and site conditions that affect the
2736 structure, for the purposes of providing a written professional
2737 opinion of the condition of the home.

2738 Section 46. Effective July 1, 2010, section 468.8312,
2739 Florida Statutes, is amended to read:

2740 468.8312 Fees.--

2741 (1) The department, by rule, may establish fees to be paid
2742 for applications, examination, reexamination, licensing and
2743 renewal, inactive status application and reactivation of
2744 inactive licenses, recordkeeping, and applications for providers

2745 of continuing education. The department may also establish by
 2746 rule a delinquency fee. Fees shall be based on department
 2747 estimates of the revenue required to implement the provisions of
 2748 this part. All fees shall be remitted with the appropriate
 2749 application, examination, or license.

2750 (2) The initial application and examination fee shall not
 2751 exceed \$250 ~~\$125~~ plus the actual per applicant cost to the
 2752 department to purchase an examination, if the department chooses
 2753 to purchase the examination. The examination fee shall be in an
 2754 amount that covers the cost of obtaining and administering the
 2755 examination and shall be refunded if the applicant is found
 2756 ineligible to sit for the examination. The application fee shall
 2757 be nonrefundable.

2758 (3) The initial license fee shall not exceed \$400 ~~\$200~~.

2759 (4) The fee for a certificate of authorization shall not
 2760 exceed \$250 ~~\$125~~.

2761 (5) The biennial renewal fee shall not exceed \$400 ~~\$200~~.

2762 (6) The fee for licensure by endorsement shall not exceed
 2763 \$400 ~~\$200~~.

2764 (7) The fee for application for inactive status or for
 2765 reactivation of an inactive license shall not exceed \$400 ~~\$200~~.

2766 (8) The fee for applications from providers of continuing
 2767 education may not exceed \$500.

2768 Section 47. Effective July 1, 2010, section 468.8319,
 2769 Florida Statutes, is amended to read:

2770 468.8319 Prohibitions; penalties.--

2771 (1) A person ~~A home inspector, a company that employs a~~
 2772 ~~home inspector, or a company that is controlled by a company~~

2773 ~~that also has a financial interest in a company employing a home~~
 2774 ~~inspector~~ may not:

2775 (a) Practice or offer to practice home inspection services
 2776 unless the person has complied with the provisions of this part;

2777 (b) Use the name or title "certified home inspector,"
 2778 "registered home inspector," "licensed home inspector," "home
 2779 inspector," "professional home inspector," or any combination
 2780 thereof unless the person has complied with the provisions of
 2781 this part;

2782 (c) Present as his or her own the license of another;

2783 (d) Knowingly give false or forged evidence to the
 2784 department or an employee thereof;

2785 (e) Use or attempt to use a license that has been
 2786 suspended or revoked;

2787 (f) Perform or offer to perform, prior to closing, for any
 2788 additional fee, any repairs to a home on which the inspector or
 2789 the inspector's company has prepared a home inspection report.
 2790 This paragraph does not apply to a home warranty company that is
 2791 affiliated with or retains a home inspector to perform repairs
 2792 pursuant to a claim made under a home warranty contract;

2793 (g) Inspect for a fee any property in which the inspector
 2794 or the inspector's company has any financial or transfer
 2795 interest;

2796 (h) Offer or deliver any compensation, inducement, or
 2797 reward to any broker or agent therefor for the referral of the
 2798 owner of the inspected property to the inspector or the
 2799 inspection company; or

2800 (i) Accept an engagement to make an omission or prepare a

2801 report in which the inspection itself, or the fee payable for
 2802 the inspection, is contingent upon either the conclusions in the
 2803 report, preestablished findings, or the close of escrow.

2804 (2) Any person who is found to be in violation of any
 2805 provision of this section commits a misdemeanor of the first
 2806 degree, punishable as provided in s. 775.082 or s. 775.083.

2807 Section 48. Effective July 1, 2010, section 468.832,
 2808 Florida Statutes, is amended to read:

2809 468.832 Disciplinary proceedings.--

2810 (1) The following acts constitute grounds for which the
 2811 disciplinary actions in subsection (2) may be taken:

2812 (a) Violation of any provision of this part or s.
 2813 455.227(1);

2814 (b) Attempting to procure a license to practice home
 2815 inspection services by bribery or fraudulent misrepresentation;

2816 (c) Having a license to practice home inspection services
 2817 revoked, suspended, or otherwise acted against, including the
 2818 denial of licensure, by the licensing authority of another
 2819 state, territory, or country;

2820 (d) Being convicted or found guilty of, or entering a plea
 2821 of nolo contendere to, regardless of adjudication, a crime in
 2822 any jurisdiction that directly relates to the practice of home
 2823 inspection services or the ability to practice home inspection
 2824 services;

2825 (e) Making or filing a report or record that the licensee
 2826 knows to be false, willfully failing to file a report or record
 2827 required by state or federal law, willfully impeding or
 2828 obstructing such filing, or inducing another person to impede or

2829 obstruct such filing. Such reports or records shall include only
 2830 those that are signed in the capacity of a licensed home
 2831 inspector;

2832 (f) Advertising goods or services in a manner that is
 2833 fraudulent, false, deceptive, or misleading in form or content;

2834 (g) Engaging in fraud or deceit, or negligence,
 2835 incompetency, or misconduct, in the practice of home inspection
 2836 services;

2837 (h) Failing to perform any statutory or legal obligation
 2838 placed upon a licensed home inspector; violating any provision
 2839 of this chapter, a rule of the department, or a lawful order of
 2840 the department previously entered in a disciplinary hearing; or
 2841 failing to comply with a lawfully issued subpoena of the
 2842 department; or

2843 (i) Practicing on a revoked, suspended, inactive, or
 2844 delinquent license.

2845 (2) When the department finds any licensee ~~home inspector~~
 2846 guilty of any of the grounds set forth in subsection (1), it may
 2847 enter an order imposing one or more of the following penalties:

2848 (a) Denial of an application for licensure.

2849 (b) Revocation or suspension of a license.

2850 (c) Imposition of an administrative fine not to exceed
 2851 \$5,000 for each count or separate offense.

2852 (d) Issuance of a reprimand.

2853 (e) Placement of the home inspector on probation for a
 2854 period of time and subject to such conditions as the department
 2855 may specify.

2856 (f) Restriction of the authorized scope of practice by the

2857 home inspector.

2858 (3) In addition to any other sanction imposed under this
 2859 part, in any final order that imposes sanctions, the department
 2860 may assess costs related to the investigation and prosecution of
 2861 the case.

2862 Section 49. Effective July 1, 2009, and notwithstanding
 2863 section 4 of chapter 2007-236, section 468.8324, Florida
 2864 Statutes, is amended to read:

2865 468.8324 Grandfather clause.--A person who performs home
 2866 inspection services as defined in this part before July 1, 2010,
 2867 may qualify to be licensed by the department as a home inspector
 2868 if the person meets the licensure requirements of this part, and
 2869 if the person: ~~by July 1, 2010.~~

2870 (1) Has received compensation as a home inspector for not
 2871 less than 1 year prior to July 1, 2010; or

2872 (2) Has performed no fewer than 50 home inspections and
 2873 received compensation for such inspections prior to July 1,
 2874 2010.

2875 Section 50. Subsection (2) of section 627.711, Florida
 2876 Statutes, is amended to read:

2877 627.711 Notice of premium discounts for hurricane loss
 2878 mitigation; uniform mitigation verification inspection form.--

2879 (2) By July 1, 2007, the Financial Services Commission
 2880 shall develop by rule a uniform mitigation verification
 2881 inspection form that shall be used by all insurers when
 2882 submitted by policyholders for the purpose of factoring
 2883 discounts for wind insurance. In developing the form, the
 2884 commission shall seek input from insurance, construction, and

2885 building code representatives. Further, the commission shall
 2886 provide guidance as to the length of time the inspection results
 2887 are valid. An insurer shall accept as valid a uniform mitigation
 2888 verification form certified by the Department of Financial
 2889 Services or signed by:

- 2890 (a) A hurricane mitigation inspector employed by an
- 2891 approved My Safe Florida Home wind certification entity;
- 2892 (b) A building code inspector certified under s. 468.607;
- 2893 (c) A general or residential contractor licensed under s.
- 2894 489.111;
- 2895 (d) A professional engineer licensed under s. 471.015 ~~who~~
- 2896 ~~has passed the appropriate equivalency test of the Building Code~~
- 2897 ~~Training Program as required by s. 553.841; or~~
- 2898 (e) A professional architect licensed under s. 481.213.

2899 Section 51. Subsection (6) of section 718.113, Florida
 2900 Statutes, is repealed.

2901 Section 52. Subsections (2), (8), and (9) of section
 2902 553.37, Florida Statutes, are amended, and section (12) is added
 2903 to that section, to read:

2904 553.37 Rules; inspections; and insignia.--

2905 (2) The department shall adopt rules to address:

2906 (a) Procedures and qualifications for approval of third-
 2907 party plan review and inspection agencies and of those who
 2908 perform inspections and plan reviews.

2909 (b) Investigation of consumer complaints of noncompliance
 2910 of manufactured buildings with the Florida Building Code and the
 2911 Florida Fire Prevention Code.

2912 (c) Issuance, cancellation, and revocation of any insignia

2913 issued by the department and procedures for auditing and
 2914 accounting for disposition of them.

2915 (d) Monitoring the manufacturers', inspection agencies',
 2916 and plan review agencies' compliance with this part and the
 2917 Florida Building Code. Monitoring may include, but is not
 2918 limited to, performing audits of plans, inspections of
 2919 manufacturing facilities and observation of the manufacturing
 2920 and inspection process, and onsite inspections of buildings.

2921 (e) The performance by the department and its designees
 2922 and contractors of any other functions required by this part.

2923 (8) The department, by rule, shall establish a schedule of
 2924 fees to pay the cost of the administration and enforcement of
 2925 this part. The rule may provide for manufacturers to pay fees to
 2926 the administrator directly, including charges incurred for plans
 2927 review and inspection services, via the Building Code
 2928 Information System (BCIS) and for the administrator to disburse
 2929 the funds as necessary.

2930 (9) The department may delegate its enforcement authority
 2931 to a state department having building construction
 2932 responsibilities or a local government, and may enter into
 2933 contracts for the performance of its administrative duties under
 2934 this part. The department may delegate its plan review and
 2935 inspection authority to one or more of the following in any
 2936 combination:

2937 (a) A state department having building construction
 2938 responsibilities;

2939 (b) A local government;

2940 (c) An approved inspection agency;

2941 (d) An approved plan review agency; or

2942 (e) An agency of another state.

2943 (12) Custom or one-of-a-kind prototype manufactured
 2944 buildings are not required to have state approval, but must be
 2945 in compliance with all local requirements of the governmental
 2946 agency having jurisdiction at the installation site.

2947 Section 53. Section 553.375, Florida Statutes, is amended
 2948 to read:

2949 553.375 Recertification of manufactured buildings.--Prior
 2950 to the relocation to a site that has a higher design wind speed,
 2951 modification, or change of occupancy of a manufactured building
 2952 within the state, the manufacturer, dealer, or owner thereof may
 2953 apply to the department for recertification of that manufactured
 2954 building. The department shall, by rule, provide what
 2955 information the applicant must submit for recertification and
 2956 for plan review and inspection of such manufactured buildings
 2957 and shall establish fees for recertification. Upon a
 2958 determination by the department that the manufactured building
 2959 complies with the applicable building codes, the department
 2960 shall issue a recertification insignia. A manufactured building
 2961 that bears recertification insignia does not require any
 2962 additional approval by an enforcement jurisdiction in which the
 2963 building is sold or installed, and is considered to comply with
 2964 all applicable codes. As an alternative to recertification by
 2965 the department, the manufacturer, dealer, or owner of a
 2966 manufactured building may seek appropriate permitting and a
 2967 certificate of occupancy from the local jurisdiction in
 2968 accordance with procedures generally applicable under the

2969 Florida Building Code.

2970 Section 54. Subsections (7) and (9) of section 553.73,
 2971 Florida Statutes, are amended, and subsection (14) is added to
 2972 that section, to read:

2973 553.73 Florida Building Code.--

2974 (7) Notwithstanding the provisions of subsection (3) or
 2975 subsection (6), the commission may address issues identified in
 2976 this subsection by amending the code pursuant only to the rule
 2977 adoption procedures contained in chapter 120. Provisions of the
 2978 Florida Building Code, including those contained in referenced
 2979 standards and criteria, relating to wind resistance or the
 2980 prevention of water intrusion may not be amended pursuant to
 2981 this subsection to diminish those construction requirements;
 2982 however, the commission may, subject to conditions in this
 2983 subsection, amend the provisions to enhance those construction
 2984 requirements. Following the approval of any amendments to the
 2985 Florida Building Code by the commission and publication of the
 2986 amendments on the commission's website, authorities having
 2987 jurisdiction to enforce the Florida Building Code may enforce
 2988 the amendments. The commission may approve amendments that are
 2989 needed to address:

2990 (a) Conflicts within the updated code;

2991 (b) Conflicts between the updated code and the Florida
 2992 Fire Prevention Code adopted pursuant to chapter 633;

2993 (c) The omission of previously adopted Florida-specific
 2994 amendments to the updated code if such omission is not supported
 2995 by a specific recommendation of a technical advisory committee
 2996 or particular action by the commission;

2997 (d) Unintended results from the integration of previously
 2998 adopted Florida-specific amendments with the model code;
 2999 (e) Equivalency of standards;
 3000 (f) The specific needs of state agencies when agency rules
 3001 must be updated to reflect federal requirements relating to
 3002 design criteria for public educational facilities and state-
 3003 licensed facilities;
 3004 (g) ~~(e)~~ Changes to or inconsistencies with federal or state
 3005 law; or
 3006 (h) ~~(f)~~ Adoption of an updated edition of the National
 3007 Electrical Code if the commission finds that delay of
 3008 implementing the updated edition causes undue hardship to
 3009 stakeholders or otherwise threatens the public health, safety,
 3010 and welfare.
 3011 (9) The following buildings, structures, and facilities
 3012 are exempt from the Florida Building Code as provided by law,
 3013 and any further exemptions shall be as determined by the
 3014 Legislature and provided by law:
 3015 (a) Buildings and structures specifically regulated and
 3016 preempted by the Federal Government.
 3017 (b) Railroads and ancillary facilities associated with the
 3018 railroad.
 3019 (c) Nonresidential farm buildings on farms.
 3020 (d) Temporary buildings or sheds used exclusively for
 3021 construction purposes.
 3022 (e) Mobile or modular structures used as temporary
 3023 offices, except that the provisions of part II relating to
 3024 accessibility by persons with disabilities shall apply to such

3025 mobile or modular structures.

3026 (f) Those structures or facilities of electric utilities,
 3027 as defined in s. 366.02, which are directly involved in the
 3028 generation, transmission, or distribution of electricity.

3029 (g) Temporary sets, assemblies, or structures used in
 3030 commercial motion picture or television production, or any
 3031 sound-recording equipment used in such production, on or off the
 3032 premises.

3033 (h) Storage sheds that are not designed for human
 3034 habitation and that have a floor area of 720 square feet or less
 3035 are not required to comply with the mandatory wind-borne-debris-
 3036 impact standards of the Florida Building Code.

3037 (i) Chickees constructed by the Miccosukee Tribe of
 3038 Indians of Florida or the Seminole Tribe of Florida. As used in
 3039 this paragraph, the term "chickee" means an open-sided wooden
 3040 hut that has a thatched roof of palm or palmetto or other
 3041 traditional materials, and that does not incorporate any
 3042 electrical, plumbing, or other nonwood features.

3043 (j) Family mausoleums that are prefabricated and assembled
 3044 on site, or preassembled and delivered on site; that have walls,
 3045 roofs, and a floor constructed of granite, marble, or reinforced
 3046 concrete; and that do not exceed 250 square feet in area.

3047
 3048 With the exception of paragraphs (a), (b), (c), and (f), in
 3049 order to preserve the health, safety, and welfare of the public,
 3050 the Florida Building Commission may, by rule adopted pursuant to
 3051 chapter 120, provide for exceptions to the broad categories of
 3052 buildings exempted in this section, including exceptions for

3053 application of specific sections of the code or standards
 3054 adopted therein. The Department of Agriculture and Consumer
 3055 Services shall have exclusive authority to adopt by rule,
 3056 pursuant to chapter 120, exceptions to nonresidential farm
 3057 buildings exempted in paragraph (c) when reasonably necessary to
 3058 preserve public health, safety, and welfare. The exceptions must
 3059 be based upon specific criteria, such as under-roof floor area,
 3060 aggregate electrical service capacity, HVAC system capacity, or
 3061 other building requirements. Further, the commission may
 3062 recommend to the Legislature additional categories of buildings,
 3063 structures, or facilities which should be exempted from the
 3064 Florida Building Code, to be provided by law. The Florida
 3065 Building Code does not apply to temporary housing provided by
 3066 the Department of Corrections to any prisoner in the state
 3067 correctional system.

3068 (14) The Florida Building Code may not require that an
 3069 existing air conditioning system installed on the surface of a
 3070 roof as of July 1, 2009, be raised 18 inches up from the surface
 3071 on which it is installed until such time as the system is
 3072 replaced, and an agency or local government having authority to
 3073 enforce the Florida Building Code or a local building code may
 3074 not require otherwise.

3075 Section 55. Subsection (2) of section 553.76, Florida
 3076 Statutes, is amended to read:

3077 553.76 General powers of the commission.--The commission
 3078 is authorized to:

3079 (2) Issue memoranda of procedure for its internal
 3080 management and control. The commission may adopt rules related

3081 to its consensus-based decisionmaking process, including, but
 3082 not limited to, super majority voting requirements for
 3083 commission actions relating to the adoption of amendments to or
 3084 the adoption of the Florida Building Code.

3085 Section 56. Subsection (4) of section 553.775, Florida
 3086 Statutes, is amended to read:

3087 553.775 Interpretations.--

3088 (4) In order to administer this section, the commission
 3089 may adopt by rule and impose a fee for binding and nonbinding
 3090 interpretations to recoup the cost of the proceedings which may
 3091 not exceed \$250 for each request for a review or interpretation.
 3092 For proceedings conducted by or in coordination with a third-
 3093 party, the rule may provide that payment be made directly to the
 3094 third party, who shall remit to the department that portion of
 3095 the fee necessary to cover the costs of the department.

3096 Section 57. Subsection (9) of section 553.79, Florida
 3097 Statutes, is amended to read:

3098 553.79 Permits; applications; issuance; inspections.--

3099 (9) Any state agency whose enabling legislation authorizes
 3100 it to enforce provisions of the Florida Building Code may enter
 3101 into an agreement with any other unit of government to delegate
 3102 its responsibility to enforce those provisions and may expend
 3103 public funds for permit and inspection fees, which fees may be
 3104 no greater than the fees charged others. Inspection services
 3105 that are not required to be performed by a state agency under a
 3106 federal delegation of responsibility or by a state agency under
 3107 the Florida Building Code must be performed under the
 3108 alternative plans review and inspection process created in s.

3109 | 553.791 or by a local governmental entity having authority to
 3110 | enforce the Florida Building Code.

3111 | Section 58. Section 553.841, Florida Statutes, is amended
 3112 | to read:

3113 | 553.841 Building code compliance and mitigation program.--

3114 | (1) The Legislature finds that knowledge and understanding
 3115 | by persons licensed in the design and construction industries of
 3116 | the importance and need for complying with the Florida Building
 3117 | Code is vital to the public health, safety, and welfare of this
 3118 | state, especially for mitigating damage caused by hurricanes to
 3119 | residents and visitors to the state. The Legislature further
 3120 | finds that the Florida Building Code can be effective only if
 3121 | all participants in the design and construction industries
 3122 | maintain a thorough knowledge of the code and additions thereto
 3123 | which improve construction standards to protect against storm
 3124 | and other damage. Consequently, the Legislature finds that there
 3125 | is a need for a program to provide ongoing education and
 3126 | outreach activities concerning compliance with the Florida
 3127 | Building Code and hurricane mitigation.

3128 | (2) The Department of Community Affairs shall administer a
 3129 | program, designated as the Florida Building Code Compliance and
 3130 | Mitigation Program, to develop, coordinate, and maintain
 3131 | education and outreach to persons required to comply with the
 3132 | Florida Building Code and ensure consistent education, training,
 3133 | and communication of the code's requirements, including, but not
 3134 | limited to, methods for mitigation of storm-related damage. The
 3135 | program shall also operate a clearinghouse through which design,
 3136 | construction, and building code enforcement licensees,

3137 suppliers, and consumers in this state may find others in order
3138 to exchange information relating to mitigation and facilitate
3139 repairs in the aftermath of a natural disaster.

3140 (3) All services and materials under the Florida Building
3141 Code Compliance and Mitigation Program must be provided by a
3142 private, nonprofit corporation under contract with the
3143 department. The term of the contract shall be for 4 years, with
3144 the option of one 4-year renewal at the end of the contract
3145 term. The initial contract must be in effect no later than
3146 November 1, 2007. The private, nonprofit corporation must be an
3147 organization whose membership includes trade and professional
3148 organizations whose members consist primarily of persons and
3149 entities that are required to comply with the Florida Building
3150 Code and that are licensed under part XII of chapter 468,
3151 chapter 471, chapter 481, or chapter 489. When selecting the
3152 private, nonprofit corporation for the program, the department
3153 must give primary consideration to the corporation's
3154 demonstrated experience and the ability to:

3155 (a) Develop and deliver building code-related education,
3156 training, and outreach;

3157 (b) Directly access the majority of persons licensed in
3158 the occupations of design, construction, and building code
3159 enforcement individually and through established statewide trade
3160 and professional association networks;

3161 (c) Serve as a clearinghouse to deliver education and
3162 outreach throughout the state. The clearinghouse must serve as a
3163 focal point at which persons licensed to design, construct, and
3164 enforce building codes and suppliers and consumers can find each

3165 other in order to exchange information relating to mitigation
 3166 and facilitate repairs in the aftermath of a natural disaster;

3167 (d) Accept input from the Florida Building Commission,
 3168 licensing regulatory boards, local building departments, and the
 3169 design and construction industries in order to improve its
 3170 education and outreach programs; and

3171 (e) Promote design and construction techniques and
 3172 materials for mitigating hurricane damage at a Florida-based
 3173 trade conference that includes participants from the broadest
 3174 possible range of design and construction trades and
 3175 professions, including from those private and public sector
 3176 entities having jurisdiction over building codes and design and
 3177 construction licensure.

3178 (4) The department, in administering the Florida Building
 3179 Code Compliance and Mitigation Program, shall maintain, update,
 3180 develop, or cause to be developed, ÷

3181 ~~(a) A core curriculum that is prerequisite to the advanced~~
 3182 ~~module coursework.~~

3183 ~~(b) advanced modules designed for use by each profession.~~

3184 ~~(c) The core curriculum developed under this subsection~~
 3185 ~~must be submitted to the Department of Business and Professional~~
 3186 ~~Regulation for approval. Advanced modules developed under this~~
 3187 ~~paragraph must be approved by the commission and submitted to~~
 3188 ~~the respective boards for approval.~~

3189 ~~(5) The core curriculum shall cover the information~~
 3190 ~~required to have all categories of participants appropriately~~
 3191 ~~informed as to their technical and administrative~~
 3192 ~~responsibilities in the effective execution of the code process~~

3193 ~~by all individuals currently licensed under part XII of chapter~~
 3194 ~~468, chapter 471, chapter 481, or chapter 489, except as~~
 3195 ~~otherwise provided in s. 471.017. The core curriculum shall be~~
 3196 ~~prerequisite to the advanced module coursework for all licensees~~
 3197 ~~and shall be completed by individuals licensed in all categories~~
 3198 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~
 3199 ~~chapter 489 within the first 2-year period after initial~~
 3200 ~~licensure. Core course hours taken by licensees to complete this~~
 3201 ~~requirement shall count toward fulfillment of required~~
 3202 ~~continuing education units under part XII of chapter 468,~~
 3203 ~~chapter 471, chapter 481, or chapter 489.~~

3204 (5)~~(6)~~ Each biennium, upon receipt of funds by the
 3205 Department of Community Affairs from the Construction Industry
 3206 Licensing Board and the Electrical Contractors' Licensing Board
 3207 provided under ss. 489.109(3) and 489.509(3), the department
 3208 shall determine the amount of funds available for the Florida
 3209 Building Code Compliance and Mitigation Program.

3210 (6)~~(7)~~ If the projects provided through the Florida
 3211 Building Code Compliance and Mitigation Program in any state
 3212 fiscal year do not require the use of all available funds, the
 3213 unused funds shall be carried forward and allocated for use
 3214 during the following fiscal year.

3215 (7)~~(8)~~ The Florida Building Commission shall provide by
 3216 rule for the accreditation of courses related to the Florida
 3217 Building Code by accreditors approved by the commission. The
 3218 commission shall establish qualifications of accreditors and
 3219 criteria for the accreditation of courses by rule. The
 3220 commission may revoke the accreditation of a course by an

3221 | accreditor if the accreditation is demonstrated to violate this
 3222 | part or the rules of the commission.

3223 | ~~(8)-(9)~~ This section does not prohibit or limit the subject
 3224 | areas or development of continuing education or training on the
 3225 | Florida Building Code by any qualified entity.

3226 | Section 59. Subsections (1), (5), (8), and (17) of section
 3227 | 553.842, Florida Statutes, are amended to read:

3228 | 553.842 Product evaluation and approval.--

3229 | (1) The commission shall adopt rules under ss. 120.536(1)
 3230 | and 120.54 to develop and implement a product evaluation and
 3231 | approval system that applies statewide to operate in
 3232 | coordination with the Florida Building Code. The commission may
 3233 | enter into contracts to provide for administration of the
 3234 | product evaluation and approval system. The commission's rules
 3235 | and any applicable contract may provide that payment of fees
 3236 | related to approvals be made directly to the administrator, who
 3237 | shall remit to the department that portion of the fee necessary
 3238 | to cover the department's costs. The product evaluation and
 3239 | approval system shall provide:

3240 | (a) Appropriate promotion of innovation and new
 3241 | technologies.

3242 | (b) Processing submittals of products from manufacturers
 3243 | in a timely manner.

3244 | (c) Independent, third-party qualified and accredited
 3245 | testing and laboratory facilities, product evaluation entities,
 3246 | quality assurance agencies, certification agencies, and
 3247 | validation entities.

3248 | (d) An easily accessible product acceptance list to

3249 entities subject to the Florida Building Code.

3250 (e) Development of stringent but reasonable testing
 3251 criteria based upon existing consensus standards, when
 3252 available, for products.

3253 (f) Long-term approvals, where feasible. State and local
 3254 approvals will be valid until the requirements of the code on
 3255 which the approval is based change, the product changes in a
 3256 manner affecting its performance as required by the code, or the
 3257 approval is revoked.

3258 (g) Criteria for revocation of a product approval.

3259 (h) Cost-effectiveness.

3260 (5) Statewide approval of products, methods, or systems of
 3261 construction may be achieved by one of the following methods.
 3262 One of these methods must be used by the commission to approve
 3263 the following categories of products: panel walls, exterior
 3264 doors, roofing, skylights, windows, shutters, and structural
 3265 components as established by the commission by rule.

3266 (a) Products for which the code establishes standardized
 3267 testing or comparative or rational analysis methods shall be
 3268 approved by submittal and validation of one of the following
 3269 reports or listings indicating that the product or method or
 3270 system of construction was evaluated to be in compliance with
 3271 the Florida Building Code and that the product or method or
 3272 system of construction is, for the purpose intended, at least
 3273 equivalent to that required by the Florida Building Code:

3274 1. A certification mark or listing of an approved
 3275 certification agency, which may be used only for products for
 3276 which the code designates standardized testing;

- 3277 2. A test report from an approved testing laboratory;
 3278 3. A product evaluation report based upon testing or
 3279 comparative or rational analysis, or a combination thereof, from
 3280 an approved product evaluation entity; or
 3281 4. A product evaluation report based upon testing or
 3282 comparative or rational analysis, or a combination thereof,
 3283 developed and signed and sealed by a professional engineer or
 3284 architect, licensed in this state.

3285
 3286 A product evaluation report or a certification mark or listing
 3287 of an approved certification agency which demonstrates that the
 3288 product or method or system of construction complies with the
 3289 Florida Building Code for the purpose intended shall be
 3290 equivalent to a test report and test procedure as referenced in
 3291 the Florida Building Code. An application for state approval of
 3292 a product under subparagraph 1. shall be approved by the
 3293 department after the commission staff or a designee verifies
 3294 within 10 days after receipt that the application and related
 3295 documentation are complete. Upon approval by the department, the
 3296 product shall be immediately added to the list of state-approved
 3297 products maintained under subsection (13). Approvals by the
 3298 department shall be reviewed and ratified by the commission's
 3299 program oversight committee except for a showing of good cause.

3300 (b) Products, methods, or systems of construction for
 3301 which there are no specific standardized testing or comparative
 3302 or rational analysis methods established in the code may be
 3303 approved by submittal and validation of one of the following:

- 3304 1. A product evaluation report based upon testing or

3305 comparative or rational analysis, or a combination thereof, from
 3306 an approved product evaluation entity indicating that the
 3307 product or method or system of construction was evaluated to be
 3308 in compliance with the intent of the Florida Building Code and
 3309 that the product or method or system of construction is, for the
 3310 purpose intended, at least equivalent to that required by the
 3311 Florida Building Code; or

3312 2. A product evaluation report based upon testing or
 3313 comparative or rational analysis, or a combination thereof,
 3314 developed and signed and sealed by a professional engineer or
 3315 architect, licensed in this state, who certifies that the
 3316 product or method or system of construction is, for the purpose
 3317 intended, at least equivalent to that required by the Florida
 3318 Building Code.

3319 (8) The commission may adopt rules to approve the
 3320 following types of entities that produce information on which
 3321 product approvals are based. All of the following entities,
 3322 including engineers and architects, must comply with a
 3323 nationally recognized standard demonstrating independence or no
 3324 conflict of interest:

3325 (a) Evaluation entities that meet the criteria for
 3326 approval adopted by the commission by rule. The commission shall
 3327 specifically approve the National Evaluation Service, the
 3328 International Association of Plumbing and Mechanical Officials
 3329 Evaluation Service ~~the International Conference of Building~~
 3330 ~~Officials Evaluation Services~~, the International Code Council
 3331 Evaluation Services, ~~the Building Officials and Code~~
 3332 ~~Administrators International Evaluation Services~~, ~~the Southern~~

3333 ~~Building Code Congress International Evaluation Services,~~ and
 3334 the Miami-Dade County Building Code Compliance Office Product
 3335 Control. Architects and engineers licensed in this state are
 3336 also approved to conduct product evaluations as provided in
 3337 subsection (5).

3338 (b) Testing laboratories accredited by national
 3339 organizations, such as A2LA and the National Voluntary
 3340 Laboratory Accreditation Program, laboratories accredited by
 3341 evaluation entities approved under paragraph (a), and
 3342 laboratories that comply with other guidelines for testing
 3343 laboratories selected by the commission and adopted by rule.

3344 (c) Quality assurance entities approved by evaluation
 3345 entities approved under paragraph (a) and by certification
 3346 agencies approved under paragraph (d) and other quality
 3347 assurance entities that comply with guidelines selected by the
 3348 commission and adopted by rule.

3349 (d) Certification agencies accredited by nationally
 3350 recognized accreditors and other certification agencies that
 3351 comply with guidelines selected by the commission and adopted by
 3352 rule.

3353 (e) Validation entities that comply with accreditation
 3354 standards established by the commission by rule.

3355 ~~(17) (a) The Florida Building Commission shall review the~~
 3356 ~~list of evaluation entities in subsection (8) and, in the annual~~
 3357 ~~report required under s. 553.77, shall either recommend~~
 3358 ~~amendments to the list to add evaluation entities the commission~~
 3359 ~~determines should be authorized to perform product evaluations~~
 3360 ~~or shall report on the criteria adopted by rule or to be adopted~~

3361 ~~by rule allowing the commission to approve evaluation entities~~
 3362 ~~that use the commission's product evaluation process. If the~~
 3363 ~~commission adopts criteria by rule, the rulemaking process must~~
 3364 ~~be completed by July 1, 2009.~~

3365 ~~(b) Notwithstanding paragraph (8)(a), the International~~
 3366 ~~Association of Plumbing and Mechanical Officials Evaluation~~
 3367 ~~Services is approved as an evaluation entity until October 1,~~
 3368 ~~2009. If the association does not obtain permanent approval by~~
 3369 ~~the commission as an evaluation entity by October 1, 2009,~~
 3370 ~~products approved on the basis of an association evaluation must~~
 3371 ~~be substituted by an alternative, approved entity by December~~
 3372 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
 3373 ~~the commission based on an association evaluation is void.~~

3374 Section 60. Subsection (4) is added to section 553.844,
 3375 Florida Statutes, to read:

3376 553.844 Windstorm loss mitigation; requirements for roofs
 3377 and opening protection.--

3378 (4) Notwithstanding the provisions of this section,
 3379 exposed mechanical equipment or appliances fastened to rated
 3380 stands, platforms, curbs, or slabs are deemed to comply with the
 3381 wind resistance requirements for wind-borne debris regions as
 3382 defined in s. 1609.2, Buildings Volume, 2007 Florida Building
 3383 Code, as amended, and no further support or enclosure may be
 3384 required by a state or local official having authority to
 3385 enforce the Florida Building Code. This subsection expires on
 3386 December 31, 2011.

3387 Section 61. Section 553.885, Florida Statutes, is amended
 3388 to read:

3389 553.885 Carbon monoxide alarm required.--

3390 (1) Every separate building or addition to an existing

3391 building, other than a hospital, an inpatient hospice facility,

3392 or a nursing home facility licensed by the Agency for Health

3393 Care Administration, constructed for which a building permit is

3394 issued for new construction on or after July 1, 2008, and having

3395 a fossil-fuel-burning heater or appliance, a fireplace, or an

3396 attached garage, or other feature, fixture, or element that

3397 emits carbon monoxide as a byproduct of combustion shall have an

3398 approved operational carbon monoxide alarm installed within 10

3399 feet of each room used for sleeping purposes in the new building

3400 or addition, or at such other locations as required by the

3401 Florida Building Code. The requirements of this subsection may

3402 be satisfied with the installation of a battery-powered carbon

3403 monoxide alarm or a battery-powered combination carbon monoxide

3404 and smoke alarm. For a new hospital, an inpatient hospice

3405 facility, or a nursing home facility licensed by the Agency for

3406 Health Care Administration, an approved operational carbon

3407 monoxide detector shall be installed inside or directly outside

3408 of each room or area within the hospital or facility where a

3409 fossil-fuel-burning heater, engine, or appliance is located.

3410 This detector shall be connected to the fire alarm system of the

3411 hospital or facility as a supervisory signal. This subsection

3412 does not apply to existing buildings that are undergoing

3413 alterations or repairs unless the alteration is an addition as

3414 defined in subsection (3).

3415 (2) The Florida Building Commission shall adopt rules to

3416 administer this section and shall incorporate such requirements

3417 into its next revision of the Florida Building Code.

3418 (3) As used in this section, the term:

3419 (a) "Carbon monoxide alarm" means a device that is meant
3420 for the purpose of detecting carbon monoxide, that produces a
3421 distinct audible alarm, and that meets the requirements of and
3422 is approved by the Florida Building Commission.

3423 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases,
3424 or other petroleum or hydrocarbon product that emits carbon
3425 monoxide as a by-product of combustion.

3426 (c) "Addition" means an extension or increase in floor
3427 area, number of stories, or height of a building or structure.

3428 Section 62. Subsection (2) of section 553.9061, Florida
3429 Statutes, is amended to read:

3430 553.9061 Scheduled increases in thermal efficiency
3431 standards.--

3432 (2) The Florida Building Commission shall identify within
3433 code support and compliance documentation the specific building
3434 options and elements available to meet the energy performance
3435 goals established in subsection (1). Energy efficiency
3436 performance options and elements include, but are not limited
3437 to:

3438 (a) Energy-efficient water heating systems, including
3439 solar water heating.

3440 (b) Energy-efficient appliances.

3441 (c) Energy-efficient windows, doors, and skylights.

3442 (d) Low solar-absorption roofs, also known as "cool
3443 roofs."

3444 (e) Enhanced ceiling and wall insulation.

- 3445 (f) Reduced-leak duct systems and energy-saving devices
- 3446 and features installed within duct systems.
- 3447 (g) Programmable thermostats.
- 3448 (h) Energy-efficient lighting systems.
- 3449 (i) Energy-saving quality installation procedures for
- 3450 replacement air conditioning systems, including, but not limited
- 3451 to, equipment sizing analysis and duct testing.
- 3452 (j) Shading devices, sunscreening materials, and
- 3453 overhangs.
- 3454 (k) Weatherstripping, caulking, and sealing of exterior
- 3455 openings and penetrations.

3456 Section 63. Paragraph (d) of subsection (3) of section
 3457 468.609, Florida Statutes, is amended to read:

3458 468.609 Administration of this part; standards for
 3459 certification; additional categories of certification.--

3460 (3) A person may take the examination for certification as
 3461 a building code administrator pursuant to this part if the
 3462 person:

3463 ~~(d) After the building code training program is~~
 3464 ~~established under s. 553.841, demonstrates successful completion~~
 3465 ~~of the core curriculum approved by the Florida Building~~
 3466 ~~Commission, appropriate to the licensing category sought.~~

3467 Section 64. Subsection (6) of section 468.627, Florida
 3468 Statutes, is repealed.

3469 Section 65. Section 471.0195, Florida Statutes, is amended
 3470 to read:

3471 471.0195 Florida Building Code training for
 3472 engineers.--All licensees actively participating in the design

3473 of engineering works or systems in connection with buildings,
3474 structures, or facilities and systems covered by the Florida
3475 Building Code shall take continuing education courses and submit
3476 proof to the board, at such times and in such manner as
3477 established by the board by rule, that the licensee has
3478 completed ~~the core curriculum courses and~~ any specialized or
3479 advanced courses on any portion of the Florida Building Code
3480 applicable to the licensee's area of practice ~~or has passed the~~
3481 ~~appropriate equivalency test of the Building Code Training~~
3482 ~~Program as required by s. 553.841.~~ The board shall record
3483 reported continuing education courses on a system easily
3484 accessed by code enforcement jurisdictions for evaluation when
3485 determining license status for purposes of processing design
3486 documents. Local jurisdictions shall be responsible for
3487 notifying the board when design documents are submitted for
3488 building construction permits by persons who are not in
3489 compliance with this section. The board shall take appropriate
3490 action as provided by its rules when such noncompliance is
3491 determined to exist.

3492 Section 66. Subsection (5) of section 481.215, Florida
3493 Statutes, is repealed.

3494 Section 67. Subsection (5) of section 481.313, Florida
3495 Statutes, is repealed.

3496 Section 68. Paragraph (b) of subsection (4) of section
3497 489.115, Florida Statutes, is amended to read:

3498 489.115 Certification and registration; endorsement;
3499 reciprocity; renewals; continuing education.--

3500 (4)

3501 (b)1. Each certificateholder or registrant shall provide
3502 proof, in a form established by rule of the board, that the
3503 certificateholder or registrant has completed at least 14
3504 classroom hours of at least 50 minutes each of continuing
3505 education courses during each biennium since the issuance or
3506 renewal of the certificate or registration. The board shall
3507 establish by rule that a portion of the required 14 hours must
3508 deal with the subject of workers' compensation, business
3509 practices, workplace safety, and, for applicable licensure
3510 categories, wind mitigation methodologies, and 1 hour of which
3511 must deal with laws and rules. The board shall by rule establish
3512 criteria for the approval of continuing education courses and
3513 providers, including requirements relating to the content of
3514 courses and standards for approval of providers, and may by rule
3515 establish criteria for accepting alternative nonclassroom
3516 continuing education on an hour-for-hour basis. The board shall
3517 prescribe by rule the continuing education, if any, which is
3518 required during the first biennium of initial licensure. A
3519 person who has been licensed for less than an entire biennium
3520 must not be required to complete the full 14 hours of continuing
3521 education.

3522 2. In addition, the board may approve specialized
3523 continuing education courses on compliance with the wind
3524 resistance provisions for one and two family dwellings contained
3525 in the Florida Building Code and any alternate methodologies for
3526 providing such wind resistance which have been approved for use
3527 by the Florida Building Commission. Division I
3528 certificateholders or registrants who demonstrate proficiency

3529 upon completion of such specialized courses may certify plans
3530 and specifications for one and two family dwellings to be in
3531 compliance with the code or alternate methodologies, as
3532 appropriate, except for dwellings located in floodways or
3533 coastal hazard areas as defined in ss. 60.3D and E of the
3534 National Flood Insurance Program.

3535 ~~3. Each certificateholder or registrant shall provide to~~
3536 ~~the board proof of completion of the core curriculum courses, or~~
3537 ~~passing the equivalency test of the Building Code Training~~
3538 ~~Program established under s. 553.841, specific to the licensing~~
3539 ~~category sought, within 2 years after commencement of the~~
3540 ~~program or of initial certification or registration, whichever~~
3541 ~~is later. Classroom hours spent taking core curriculum courses~~
3542 ~~shall count toward the number required for renewal of~~
3543 ~~certificates or registration. A certificateholder or registrant~~
3544 ~~who passes the equivalency test in lieu of taking the core~~
3545 ~~curriculum courses shall receive full credit for core curriculum~~
3546 ~~course hours.~~

3547 3.4. The board shall require, by rule adopted pursuant to
3548 ss. 120.536(1) and 120.54, a specified number of hours in
3549 specialized or advanced module courses, approved by the Florida
3550 Building Commission, on any portion of the Florida Building
3551 Code, adopted pursuant to part IV of chapter 553, relating to
3552 the contractor's respective discipline.

3553 Section 69. Subsection (1) of section 489.1455, Florida
3554 Statutes, is amended to read:

3555 489.1455 Journeyman; reciprocity; standards.--

3556 (1) An individual who holds a valid, active journeyman

3557 license in the plumbing/pipe fitting, mechanical, or HVAC trades
 3558 issued by any county or municipality in this state may work as a
 3559 journeyman in the trade in which he or she is licensed in any
 3560 county or municipality of this state without taking an
 3561 additional examination or paying an additional license fee, if
 3562 he or she:

3563 (a) Has scored at least 70 percent, or after October 1,
 3564 1997, at least 75 percent, on a proctored journeyman Block and
 3565 Associates examination or other proctored examination approved
 3566 by the board for the trade in which he or she is licensed;

3567 (b) Has completed an apprenticeship program registered
 3568 with the Department of Labor and Employment Security and
 3569 demonstrates 4 years' verifiable practical experience in the
 3570 trade for which he or she is licensed, or demonstrates 6 years'
 3571 verifiable practical experience in the trade for which he or she
 3572 is licensed;

3573 (c) Has satisfactorily completed specialized and advanced
 3574 module coursework approved by the Florida Building Commission,
 3575 as part of the Building Code Training Program established in s.
 3576 553.841, specific to the discipline, ~~and successfully completed~~
 3577 ~~the program's core curriculum courses or passed an equivalency~~
 3578 ~~test in lieu of taking the core curriculum courses and provided~~
 3579 ~~proof of completion of such curriculum courses or examination~~
 3580 ~~and obtained a certificate from the board pursuant to this part~~
 3581 or, pursuant to authorization by the certifying authority,
 3582 provides proof of completion of such curriculum or coursework
 3583 within 6 months after such certification; and

3584 (d) Has not had a license suspended or revoked within the

3585 last 5 years.

3586 Section 70. Subsection (3) of section 489.517, Florida
3587 Statutes, is amended to read:

3588 489.517 Renewal of certificate or registration; continuing
3589 education.--

3590 (3)(a) Each certificateholder or registrant shall provide
3591 proof, in a form established by rule of the board, that the
3592 certificateholder or registrant has completed at least 14
3593 classroom hours of at least 50 minutes each of continuing
3594 education courses during each biennium since the issuance or
3595 renewal of the certificate or registration. The board shall by
3596 rule establish criteria for the approval of continuing education
3597 courses and providers and may by rule establish criteria for
3598 accepting alternative nonclassroom continuing education on an
3599 hour-for-hour basis.

3600 ~~(b) Each certificateholder or registrant shall provide to~~
3601 ~~the board proof of completion of the core curriculum courses or~~
3602 ~~passing the equivalency test of the Building Code Training~~
3603 ~~Program established under s. 553.841, specific to the licensing~~
3604 ~~category sought, within 2 years after commencement of the~~
3605 ~~program or of initial certification or registration, whichever~~
3606 ~~is later. Classroom hours spent taking core curriculum courses~~
3607 ~~shall count toward the number required for renewal of~~
3608 ~~certificate or registration. A certificateholder or registrant~~
3609 ~~who passes the equivalency test in lieu of taking the core~~
3610 ~~curriculum courses shall receive full credit for core curriculum~~
3611 ~~course hours.~~

3612 Section 71. For the purpose of incorporating the amendment

3613 made by this act to section 553.79, Florida Statutes, in a
3614 reference thereto, subsection (1) of section 553.80, Florida
3615 Statutes, is reenacted to read:

3616 553.80 Enforcement.--

3617 (1) Except as provided in paragraphs (a)-(g), each local
3618 government and each legally constituted enforcement district
3619 with statutory authority shall regulate building construction
3620 and, where authorized in the state agency's enabling
3621 legislation, each state agency shall enforce the Florida
3622 Building Code required by this part on all public or private
3623 buildings, structures, and facilities, unless such
3624 responsibility has been delegated to another unit of government
3625 pursuant to s. 553.79(9).

3626 (a) Construction regulations relating to correctional
3627 facilities under the jurisdiction of the Department of
3628 Corrections and the Department of Juvenile Justice are to be
3629 enforced exclusively by those departments.

3630 (b) Construction regulations relating to elevator
3631 equipment under the jurisdiction of the Bureau of Elevators of
3632 the Department of Business and Professional Regulation shall be
3633 enforced exclusively by that department.

3634 (c) In addition to the requirements of s. 553.79 and this
3635 section, facilities subject to the provisions of chapter 395 and
3636 part II of chapter 400 shall have facility plans reviewed and
3637 construction surveyed by the state agency authorized to do so
3638 under the requirements of chapter 395 and part II of chapter 400
3639 and the certification requirements of the Federal Government.

3640 (d) Building plans approved under s. 553.77(3) and state-

3641 approved manufactured buildings, including buildings
 3642 manufactured and assembled offsite and not intended for
 3643 habitation, such as lawn storage buildings and storage sheds,
 3644 are exempt from local code enforcing agency plan reviews except
 3645 for provisions of the code relating to erection, assembly, or
 3646 construction at the site. Erection, assembly, and construction
 3647 at the site are subject to local permitting and inspections.
 3648 Lawn storage buildings and storage sheds bearing the insignia of
 3649 approval of the department are not subject to s. 553.842. Such
 3650 buildings that do not exceed 400 square feet may be delivered
 3651 and installed without need of a contractor's or specialty
 3652 license.

3653 (e) Construction regulations governing public schools,
 3654 state universities, and community colleges shall be enforced as
 3655 provided in subsection (6).

3656 (f) The Florida Building Code as it pertains to toll
 3657 collection facilities under the jurisdiction of the turnpike
 3658 enterprise of the Department of Transportation shall be enforced
 3659 exclusively by the turnpike enterprise.

3660 (g) Construction regulations relating to secure mental
 3661 health treatment facilities under the jurisdiction of the
 3662 Department of Children and Family Services shall be enforced
 3663 exclusively by the department in conjunction with the Agency for
 3664 Health Care Administration's review authority under paragraph
 3665 (c).

3666
 3667 The governing bodies of local governments may provide a schedule
 3668 of fees, as authorized by s. 125.56(2) or s. 166.222 and this

3669 section, for the enforcement of the provisions of this part.
 3670 Such fees shall be used solely for carrying out the local
 3671 government's responsibilities in enforcing the Florida Building
 3672 Code. The authority of state enforcing agencies to set fees for
 3673 enforcement shall be derived from authority existing on July 1,
 3674 1998. However, nothing contained in this subsection shall
 3675 operate to limit such agencies from adjusting their fee schedule
 3676 in conformance with existing authority.

3677 Section 72. Paragraph (b) of subsection (3) of section
 3678 633.0215, Florida Statutes, is amended, and subsection (13) is
 3679 added to that section, to read:

3680 633.0215 Florida Fire Prevention Code.--

3681 (3) No later than 180 days before the triennial adoption
 3682 of the Florida Fire Prevention Code, the State Fire Marshal
 3683 shall notify each municipal, county, and special district fire
 3684 department of the triennial code adoption and steps necessary
 3685 for local amendments to be included within the code. No later
 3686 than 120 days before the triennial adoption of the Florida Fire
 3687 Prevention Code, each local jurisdiction shall provide the State
 3688 Fire Marshal with copies of its local fire code amendments. The
 3689 State Fire Marshal has the option to process local fire code
 3690 amendments that are received less than 120 days before the
 3691 adoption date of the Florida Fire Prevention Code.

3692 (b) Any local amendment to the Florida Fire Prevention
 3693 Code adopted by a local government shall be effective only until
 3694 the adoption of the new edition of the Florida Fire Prevention
 3695 Code, which shall be every third year. At such time, the State
 3696 Fire Marshal shall adopt such amendment as part of the Florida

3697 Fire Prevention Code or rescind the amendment. The State Fire
 3698 Marshal shall immediately notify the respective local government
 3699 of the rescission of the amendment and the reason for the
 3700 rescission. After receiving such notice, the respective local
 3701 government may readopt the rescinded amendment. Incorporation of
 3702 local amendments as regional and local concerns and variations
 3703 shall be considered as adoption of an amendment pursuant to this
 3704 section part.

3705 (13) The State Fire Marshal shall issue an expedited
 3706 declaratory statement relating to interpretations of provisions
 3707 of the Florida Fire Prevention Code according to the following
 3708 guidelines:

3709 (a) The declaratory statement shall be rendered in
 3710 accordance with s. 120.565 except that a final decision shall be
 3711 issued by the State Fire Marshal within 45 days after the
 3712 division's receipt of a petition seeking an expedited
 3713 declaratory statement. The State Fire Marshal shall give notice
 3714 of the petition and the expedited declaratory statement or the
 3715 denial of the petition in the next available issue of the
 3716 Florida Administrative Weekly after the petition is filed and
 3717 after the statement or denial is rendered.

3718 (b) The petitioner must be the owner of the disputed
 3719 project or the owner's representative.

3720 (c) The petition for expedited declaratory statement must
 3721 be:

- 3722 1. Related to an active project that is under construction
 3723 or must have been submitted for a permit;
- 3724 2. The subject of a written notice citing a specific

3725 provision of the Florida Fire Prevention Code which is in
 3726 dispute; and

3727 3. Limited to a single question that is capable of being
 3728 answered with a "yes" or "no" response.

3729
 3730 A petition for declaratory statement which does not meet all of
 3731 the requirements of this subsection must be denied without
 3732 prejudice. This subsection does not affect the right of the
 3733 petitioner as a substantially affected person to seek a
 3734 declaratory statement under s. 633.01(6).

3735 Section 73. Section 633.026, Florida Statutes, is amended
 3736 to read:

3737 633.026 Legislative intent; informal interpretations of
 3738 the Florida Fire Prevention Code.--It is the intent of the
 3739 Legislature that the Florida Fire Prevention Code be interpreted
 3740 by fire officials and local enforcement agencies in a manner
 3741 that protects the public safety, health, and welfare by ensuring
 3742 uniform interpretations throughout this state and by providing
 3743 processes for resolving disputes regarding such interpretations
 3744 which are just and expeditious. It is the intent of the
 3745 Legislature that such processes provide for the expeditious
 3746 resolution of the issues presented and that the resulting
 3747 interpretation of such issues be published on the website of the
 3748 Division of State Fire Marshal.

3749 (1) The Division of State Fire Marshal shall by rule
 3750 establish an informal process of rendering nonbinding
 3751 interpretations of the Florida Fire Prevention Code. The
 3752 Division of State Fire Marshal may contract with and refer

3753 interpretive issues to a nonprofit organization that has
3754 experience in interpreting and enforcing the Florida Fire
3755 Prevention Code. ~~The Division of State Fire Marshal shall~~
3756 ~~immediately implement the process prior to the completion of~~
3757 ~~formal rulemaking.~~ It is the intent of the Legislature that the
3758 Division of State Fire Marshal establish ~~create~~ a Fire Code
3759 Interpretation Committee composed of seven persons and seven
3760 alternates, equally representing each area of the state ~~process~~
3761 ~~to refer questions to a small group of individuals certified~~
3762 ~~under s. 633.081(2), to which a party can pose questions~~
3763 regarding the interpretation of the Florida Fire Prevention Code
3764 provisions.

3765 (2) Each member and alternate member of the Fire Code
3766 Interpretation Committee must be certified as a firesafety
3767 inspector pursuant to s. 633.081(2) and must have a minimum of 5
3768 years of experience interpreting and enforcing the Florida Fire
3769 Prevention Code and the Life Safety Code. Each member and
3770 alternate member must be approved by the Division of State Fire
3771 Marshal and deemed by the division to have met these
3772 requirements for at least 30 days before participating in a
3773 review of a nonbinding interpretation ~~It is the intent of the~~
3774 ~~Legislature that the process provide for the expeditious~~
3775 ~~resolution of the issues presented and publication of the~~
3776 ~~resulting interpretation on the website of the Division of State~~
3777 ~~Fire Marshal. It is the intent of the Legislature that this~~
3778 ~~program be similar to the program established by the Florida~~
3779 ~~Building Commission in s. 553.775(3)(g).~~

3780 (3) Each nonbinding interpretation of code provisions must

3781 be provided within 10 business days after receipt of a request
 3782 for interpretation. The response period established in this
 3783 subsection may be waived only with the written consent of the
 3784 party requesting the nonbinding interpretation and the Division
 3785 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
 3786 advisory only and nonbinding on the parties or the State Fire
 3787 Marshal.

3788 (4) In order to administer this section, the Division of
 3789 State Fire Marshal must charge ~~department may adopt by rule and~~
 3790 ~~impose~~ a fee for nonbinding interpretations, with payment made
 3791 ~~directly to the third party.~~ The fee may not exceed \$150 for
 3792 each request for a review or interpretation. The division may
 3793 authorize payment of fees directly to the nonprofit organization
 3794 under contract pursuant to subsection (1).

3795 (5) A party requesting a nonbinding interpretation who
 3796 disagrees with the interpretation issued under this section may
 3797 apply for a formal interpretation from the State Fire Marshal
 3798 pursuant to s. 633.01(6).

3799 (6) The Division of State Fire Marshall shall issue or
 3800 cause to be issued a nonbinding interpretation of the Florida
 3801 Fire Prevention Code pursuant to this section when requested to
 3802 do so upon submission of a petition by the owner or the owner's
 3803 representative, or the contractor or the contractor's
 3804 representative, of a project in dispute, or by a fire official.
 3805 The division shall adopt a petition form by rule and the
 3806 petition form must be published on the State Fire Marshal's
 3807 website. The form shall, at a minimum, require the following:

3808 (a) The name and address of the local fire official,

3809 including the address of the county, municipal, or special
3810 district.

3811 (b) The name and address of the owner or the owner's
3812 representative, or the contractor or the contractor's
3813 representative.

3814 (c) A statement of the specific sections of the Florida
3815 Fire Prevention Code being interpreted by the local fire
3816 official.

3817 (d) An explanation of how the petitioner's substantial
3818 interests are being affected by the local interpretation of the
3819 Florida Fire Prevention Code.

3820 (e) A statement of the interpretation of the specific
3821 sections of the Florida Fire Prevention Code by the local fire
3822 official.

3823 (f) A statement of the interpretation that the petitioner
3824 contends should be given to the specific sections of the Florida
3825 Fire Prevention Code and a statement supporting the petitioner's
3826 interpretation.

3827 (7) Upon receipt of a petition that meets the requirements
3828 of subsection (6), the Division of State Fire Marshal shall
3829 immediately provide copies of the petition to the Fire Code
3830 Interpretation Committee, and shall publish the petition and any
3831 response submitted by the local fire official on the State Fire
3832 Marshal's website.

3833 (8) The committee shall conduct proceedings as necessary
3834 to resolve the issues and give due regard to the petition, the
3835 facts of the matter at issue, specific code sections cited, and
3836 any statutory implications affecting the Florida Fire Prevention

3837 Code. The committee shall issue an interpretation regarding the
3838 provisions of the Florida Fire Prevention Code within 10 days
3839 after the filing of a petition. The committee shall issue an
3840 interpretation based upon the Florida Fire Prevention Code or,
3841 if the code is ambiguous, the intent of the code. The
3842 committee's interpretation shall be provided to the petitioner
3843 and shall include a notice that if the petitioner disagrees with
3844 the interpretation, the petitioner may file a request for formal
3845 interpretation by the State Fire Marshal under s. 633.01(6). The
3846 committee's interpretation shall be provided to the State Fire
3847 Marshal, and the division shall publish the interpretation on
3848 the State Fire Marshal's website and in the Florida
3849 Administrative Weekly.

3850 Section 74. Section 633.081, Florida Statutes, is amended
3851 to read:

3852 633.081 Inspection of buildings and equipment; orders;
3853 firesafety inspection training requirements; certification;
3854 disciplinary action.--The State Fire Marshal and her or his
3855 agents shall, at any reasonable hour, when the State Fire
3856 Marshal ~~department~~ has reasonable cause to believe that a
3857 violation of this chapter or s. 509.215, or a rule promulgated
3858 thereunder, or a minimum firesafety code adopted by a local
3859 authority, may exist, inspect any and all buildings and
3860 structures which are subject to the requirements of this chapter
3861 or s. 509.215 and rules promulgated thereunder. The authority to
3862 inspect shall extend to all equipment, vehicles, and chemicals
3863 which are located within the premises of any such building or
3864 structure.

3865 (1) Each county, municipality, and special district that
 3866 has firesafety enforcement responsibilities shall employ or
 3867 contract with a firesafety inspector. The firesafety inspector
 3868 must conduct all firesafety inspections that are required by
 3869 law. The governing body of a county, municipality, or special
 3870 district that has firesafety enforcement responsibilities may
 3871 provide a schedule of fees to pay only the costs of inspections
 3872 conducted pursuant to this subsection and related administrative
 3873 expenses. Two or more counties, municipalities, or special
 3874 districts that have firesafety enforcement responsibilities may
 3875 jointly employ or contract with a firesafety inspector.

3876 (2) Every firesafety inspection conducted pursuant to
 3877 state or local firesafety requirements shall be by a person
 3878 certified as having met the inspection training requirements set
 3879 by the State Fire Marshal. Such person shall:

3880 (a) Be a high school graduate or the equivalent as
 3881 determined by the department;

3882 (b) Not have been found guilty of, or having pleaded
 3883 guilty or nolo contendere to, a felony or a crime punishable by
 3884 imprisonment of 1 year or more under the law of the United
 3885 States, or of any state thereof, which involves moral turpitude,
 3886 without regard to whether a judgment of conviction has been
 3887 entered by the court having jurisdiction of such cases;

3888 (c) Have her or his fingerprints on file with the
 3889 department or with an agency designated by the department;

3890 (d) Have good moral character as determined by the
 3891 department;

3892 (e) Be at least 18 years of age;

3893 (f) Have satisfactorily completed the firesafety inspector
3894 certification examination as prescribed by the department; and

3895 (g)1. Have satisfactorily completed, as determined by the
3896 department, a firesafety inspector training program of not less
3897 than 200 hours established by the department and administered by
3898 agencies and institutions approved by the department for the
3899 purpose of providing basic certification training for firesafety
3900 inspectors; or

3901 2. Have received in another state training which is
3902 determined by the department to be at least equivalent to that
3903 required by the department for approved firesafety inspector
3904 education and training programs in this state.

3905 (3) Each special state firesafety inspection which is
3906 required by law and is conducted by or on behalf of an agency of
3907 the state must be performed by an individual who has met the
3908 provision of subsection (2), except that the duration of the
3909 training program shall not exceed 120 hours of specific training
3910 for the type of property that such special state firesafety
3911 inspectors are assigned to inspect.

3912 (4) A firefighter certified pursuant to s. 633.35 may
3913 conduct firesafety inspections, under the supervision of a
3914 certified firesafety inspector, while on duty as a member of a
3915 fire department company conducting inservice firesafety
3916 inspections without being certified as a firesafety inspector,
3917 if such firefighter has satisfactorily completed an inservice
3918 fire department company inspector training program of at least
3919 24 hours' duration as provided by rule of the department.

3920 (5) Every firesafety inspector or special state firesafety

3921 inspector certificate is valid for a period of 3 years from the
 3922 date of issuance. Renewal of certification shall be subject to
 3923 the affected person's completing proper application for renewal
 3924 and meeting all of the requirements for renewal as established
 3925 under this chapter or by rule promulgated thereunder, which
 3926 shall include completion of at least 40 hours during the
 3927 preceding 3-year period of continuing education as required by
 3928 the rule of the department or, in lieu thereof, successful
 3929 passage of an examination as established by the department.

3930 (6) The State Fire Marshal may deny, refuse to renew,
 3931 suspend, or revoke the certificate of a firesafety inspector or
 3932 special state firesafety inspector if it finds that any of the
 3933 following grounds exist:

3934 (a) Any cause for which issuance of a certificate could
 3935 have been refused had it then existed and been known to the
 3936 State Fire Marshal.

3937 (b) Violation of this chapter or any rule or order of the
 3938 State Fire Marshal.

3939 (c) Falsification of records relating to the certificate.

3940 (d) Having been found guilty of or having pleaded guilty
 3941 or nolo contendere to a felony, whether or not a judgment of
 3942 conviction has been entered.

3943 (e) Failure to meet any of the renewal requirements.

3944 (f) Having been convicted of a crime in any jurisdiction
 3945 which directly relates to the practice of fire code inspection,
 3946 plan review, or administration.

3947 (g) Making or filing a report or record that the
 3948 certificateholder knows to be false, or knowingly inducing

3949 another to file a false report or record, or knowingly failing
 3950 to file a report or record required by state or local law, or
 3951 knowingly impeding or obstructing such filing, or knowingly
 3952 inducing another person to impede or obstruct such filing.

3953 (h) Failing to properly enforce applicable fire codes or
 3954 permit requirements within this state which the
 3955 certificateholder knows are applicable by committing willful
 3956 misconduct, gross negligence, gross misconduct, repeated
 3957 negligence, or negligence resulting in a significant danger to
 3958 life or property.

3959 (i) Accepting labor, services, or materials at no charge
 3960 or at a noncompetitive rate from any person who performs work
 3961 that is under the enforcement authority of the certificateholder
 3962 and who is not an immediate family member of the
 3963 certificateholder. For the purpose of this paragraph, the term
 3964 "immediate family member" means a spouse, child, parent,
 3965 sibling, grandparent, aunt, uncle, or first cousin of the person
 3966 or the person's spouse or any person who resides in the primary
 3967 residence of the certificateholder.

3968 (7) The Division of State Fire Marshal and the Florida
 3969 Building Code Administrator and Inspectors Board, established
 3970 pursuant to s. 468.605, shall enter into a reciprocity agreement
 3971 to facilitate joint recognition of continuing education
 3972 recertification hours for certificateholders licensed under s.
 3973 468.609 and firesafety inspectors certified under subsection
 3974 (2).

3975 (8)~~(7)~~ The department shall provide by rule for the
 3976 certification of firesafety inspectors.

3977 Section 75. Section 633.352, Florida Statutes, is amended
 3978 to read:

3979 633.352 Retention of firefighter certification.--Any
 3980 certified firefighter who has not been active as a firefighter,
 3981 or as a volunteer firefighter with an organized fire department,
 3982 for a period of 3 years shall be required to retake the
 3983 practical portion of the minimum standards state examination
 3984 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
 3985 Administrative Code, in order to maintain her or his
 3986 certification as a firefighter; however, this requirement does
 3987 not apply to state-certified firefighters who are certified and
 3988 employed as full-time firesafety inspectors or firesafety
 3989 instructors, regardless of the firefighter's employment status
 3990 ~~as determined by the division~~. The 3-year period begins on the
 3991 date the certificate of compliance is issued or upon termination
 3992 of service with an organized fire department.

3993 Section 76. Paragraph (e) of subsection (2) and
 3994 subsections (3), (10), and (11) of section 633.521, Florida
 3995 Statutes, are amended to read:

3996 633.521 Certificate application and issuance; permit
 3997 issuance; examination and investigation of applicant.--

3998 (2)

3999 (e) An applicant may not be examined more than four times
 4000 during 1 year for certification as a contractor pursuant to this
 4001 section unless the person is or has been certified and is taking
 4002 the examination to change classifications. If an applicant does
 4003 not pass one or more parts of the examination, she or he may
 4004 take any part of the examination three more times during the 1-

4005 year period beginning upon the date she or he originally filed
 4006 an application to take the examination. If the applicant does
 4007 not pass the examination within that 1-year period, she or he
 4008 must file a new application and pay the application and
 4009 examination fees in order to take the examination or a part of
 4010 the examination again. However, the applicant may not file a new
 4011 application sooner than 6 months after the date of her or his
 4012 last examination. An applicant who passes the examination but
 4013 does not meet the remaining qualifications as provided in
 4014 applicable statutes and rules within 1 year after the
 4015 application date must file a new application, pay the
 4016 application and examination fee, successfully complete a
 4017 prescribed training course approved by the State Fire College or
 4018 an equivalent court approved by the State Fire Marshal, and
 4019 retake and pass the written examination.

4020 (3) (a) As a prerequisite to taking the examination for
 4021 certification as a Contractor I, ~~Contractor II, or Contractor~~
 4022 ~~III~~, the applicant must be at least 18 years of age, be of good
 4023 moral character, and shall possess 4 years' proven experience in
 4024 the employment of a fire protection system Contractor I,
 4025 ~~Contractor II, or Contractor III~~ or a combination of equivalent
 4026 education and experience in both water-based and chemical fire
 4027 suppression systems.

4028 (b) As a prerequisite to taking the examination for
 4029 certification as a Contractor II, the applicant must be at least
 4030 18 years of age, be of good moral character, and have 4 years of
 4031 verifiable employment experience with a fire protection system
 4032 as a Contractor I or Contractor II, or a combination of

4033 equivalent education and experience in water-based fire
4034 suppression systems.

4035 (c) Required education and experience for certification as
4036 a Contractor I, Contractor II, Contractor III, or Contractor IV
4037 includes training and experience in both installation and system
4038 layout as defined in s. 633.021.

4039 (d) As a prerequisite to taking the examination for
4040 certification as a Contractor III, the applicant must be at
4041 least 18 years of age, be of good moral character, and have 4
4042 years of verifiable employment experience with a fire protection
4043 system as a Contractor I or Contractor II, or a combination of
4044 equivalent education and experience in chemical fire suppression
4045 systems.

4046 (e) As a prerequisite to taking the examination for
4047 certification as a Contractor IV, the applicant ~~must~~ shall be at
4048 least 18 years old, be of good moral character, be licensed as a
4049 certified plumbing contractor under chapter 489, and
4050 successfully complete a training program acceptable to the State
4051 Fire Marshal of not less than 40 contact hours regarding the
4052 applicable installation standard used by the Contractor IV as
4053 described in NFPA 13D. The State Fire Marshal may adopt rules to
4054 administer this subsection ~~have at least 2 years' proven~~
4055 ~~experience in the employment of a fire protection system~~
4056 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
4057 ~~combination of equivalent education and experience which~~
4058 ~~combination need not include experience in the employment of a~~
4059 ~~fire protection system contractor.~~

4060 (f) As a prerequisite to taking the examination for

4061 certification as a Contractor V, the applicant must ~~shall~~ be at
 4062 least 18 years old, be of good moral character, and have been
 4063 licensed as a certified underground utility and excavation
 4064 contractor or certified plumbing contractor pursuant to chapter
 4065 489, have verification by an individual who is licensed as a
 4066 certified utility contractor or certified plumbing contractor
 4067 pursuant to chapter 489 that the applicant has 4 years' proven
 4068 experience in the employ of a certified underground utility and
 4069 excavation contractor or certified plumbing contractor, or have
 4070 a combination of education and experience equivalent to 4 years'
 4071 proven experience in the employ of a certified underground
 4072 utility and excavation contractor or certified plumbing
 4073 contractor.

4074 (g) Within 30 days after the date of the examination, the
 4075 State Fire Marshal shall inform the applicant in writing whether
 4076 she or he has qualified or not and, if the applicant has
 4077 qualified, that she or he is ready to issue a certificate of
 4078 competency, subject to compliance with the requirements of
 4079 subsection (4).

4080 (10) Effective July 1, 2008, the State Fire Marshal shall
 4081 require the National Institute of Certification in Engineering
 4082 Technologies (NICET), Sub-field of Inspection and Testing of
 4083 Fire Protection Systems Level II or equivalent training and
 4084 education as determined by the division as proof that the
 4085 permitholders are knowledgeable about nationally accepted
 4086 standards for the inspection of fire protection systems. ~~It is~~
 4087 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
 4088 ~~to accept continuing education of all certificateholders'~~

4089 ~~employees who perform inspection functions which specifically~~
 4090 ~~prepares the permitholder to qualify for NICET II certification.~~

4091 (11) It is intended that a certificateholder, or a
 4092 permitholder who is employed by a certificateholder, conduct
 4093 inspections required by this chapter. It is understood that
 4094 after July 1, 2008, employee turnover may result in a depletion
 4095 of personnel who are certified under the NICET Sub-field of
 4096 Inspection and Testing of Fire Protection Systems Level II or
 4097 equivalent training and education as required by the Division of
 4098 State Fire Marshal which is required for permitholders. The
 4099 ~~extensive training and experience necessary to achieve NICET~~
 4100 ~~Level II certification is recognized.~~ A certificateholder may
 4101 therefore obtain a provisional permit with an endorsement for
 4102 inspection, testing, and maintenance of water-based fire
 4103 extinguishing systems for an employee if the employee has
 4104 initiated procedures for obtaining Level II certification from
 4105 the National Institute for Certification in Engineering
 4106 Technologies Sub-field of Inspection and Testing of Fire
 4107 Protection Systems and achieved Level I certification or an
 4108 equivalent level as determined by the State Fire Marshal through
 4109 verification of experience, training, and examination. The State
 4110 Fire Marshal may establish rules to administer this subsection.
 4111 After 2 years of provisional certification, the employee must
 4112 have achieved NICET Level II certification, or obtain equivalent
 4113 training and education as determined by the division, or cease
 4114 performing inspections requiring Level II certification. The
 4115 provisional permit is valid only for the 2 calendar years after
 4116 the date of issuance, may not be extended, and is not renewable.

4117 After the initial 2-year provisional permit expires, the
4118 certificateholder must wait 2 additional years before a new
4119 provisional permit may be issued. The intent is to prohibit the
4120 certificateholder from using employees who never reach NICET
4121 Level II, or equivalent training and education as determined by
4122 the division, status by continuously obtaining provisional
4123 permits.

4124 Section 77. Subsection (3) is added to section 633.524,
4125 Florida Statutes, to read:

4126 633.524 Certificate and permit fees; use and deposit of
4127 collected funds.--

4128 (3) The State Fire Marshal may enter into a contract with
4129 any qualified public entity or private company in accordance
4130 with chapter 287 to provide examinations for any applicant for
4131 any examination administered under the jurisdiction of the State
4132 Fire Marshal. The State Fire Marshal may direct payments from
4133 each applicant for each examination directly to such contracted
4134 entity or company.

4135 Section 78. Subsection (4) of section 633.537, Florida
4136 Statutes, is amended to read:

4137 633.537 Certificate; expiration; renewal; inactive
4138 certificate; continuing education.--

4139 (4) The renewal period for the permit class is the same as
4140 that for the employing certificateholder. The continuing
4141 education requirements for permitholders are what is required to
4142 maintain NICET Sub-field of Inspection and Testing of Fire
4143 Protection Systems Level II, equivalent training and education
4144 as determined by the division, or higher certification plus 8

4145 | contact hours of continuing education approved by the State Fire
 4146 | Marshal during each biennial renewal period thereafter. ~~The~~
 4147 | ~~continuing education curriculum from July 1, 2005, until July 1,~~
 4148 | ~~2008, shall be the preparatory curriculum for NICET II~~
 4149 | ~~certification; after July 1, 2008, the technical curriculum is~~
 4150 | ~~at the discretion of the State Fire Marshal and may be used to~~
 4151 | ~~meet the maintenance of NICET Level II certification and 8~~
 4152 | ~~contact hours of continuing education requirements.~~ It is the
 4153 | responsibility of the permit holder to maintain NICET II
 4154 | certification or equivalent training and education as determined
 4155 | by the division as a condition of permit renewal after July 1,
 4156 | 2008.

4157 | Section 79. Subsection (4) of section 633.72, Florida
 4158 | Statutes, is amended to read:

4159 | 633.72 Florida Fire Code Advisory Council.--

4160 | (4) Each appointee shall serve a 4-year term. No member
 4161 | shall serve more than two consecutive terms ~~one term~~. No member
 4162 | of the council shall be paid a salary as such member, but each
 4163 | shall receive travel and expense reimbursement as provided in s.
 4164 | 112.061.

4165 | Section 80. Section 553.509, Florida Statutes, is amended
 4166 | to read:

4167 | 553.509 Vertical accessibility.--

4168 | ~~(1)~~ Nothing in ss. 553.501-553.513 or the guidelines shall
 4169 | be construed to relieve the owner of any building, structure, or
 4170 | facility governed by those sections from the duty to provide
 4171 | vertical accessibility to all levels above and below the
 4172 | occupiable grade level, regardless of whether the guidelines

4173 | require an elevator to be installed in such building, structure,
 4174 | or facility, except for:

4175 | (1)~~(a)~~ Elevator pits, elevator penthouses, mechanical
 4176 | rooms, piping or equipment catwalks, and automobile lubrication
 4177 | and maintenance pits and platforms;

4178 | (2)~~(b)~~ Unoccupiable spaces, such as rooms, enclosed
 4179 | spaces, and storage spaces that are not designed for human
 4180 | occupancy, for public accommodations, or for work areas; and

4181 | (3)~~(c)~~ Occupiable spaces and rooms that are not open to
 4182 | the public and that house no more than five persons, including,
 4183 | but not limited to, equipment control rooms and projection
 4184 | booths.

4185 | ~~(2) (a) Any person, firm, or corporation that owns,
 4186 | manages, or operates a residential multifamily dwelling,
 4187 | including a condominium, that is at least 75 feet high and
 4188 | contains a public elevator, as described in s. 399.035(2) and
 4189 | (3) and rules adopted by the Florida Building Commission, shall
 4190 | have at least one public elevator that is capable of operating
 4191 | on an alternate power source for emergency purposes. Alternate
 4192 | power shall be available for the purpose of allowing all
 4193 | residents access for a specified number of hours each day over a
 4194 | 5-day period following a natural disaster, manmade disaster,
 4195 | emergency, or other civil disturbance that disrupts the normal
 4196 | supply of electricity. The alternate power source that controls
 4197 | elevator operations must also be capable of powering any
 4198 | connected fire alarm system in the building.~~

4199 | ~~(b) At a minimum, the elevator must be appropriately
 4200 | prewired and prepared to accept an alternate power source and~~

4201 ~~must have a connection on the line side of the main disconnect,~~
 4202 ~~pursuant to National Electric Code Handbook, Article 700. In~~
 4203 ~~addition to the required power source for the elevator and~~
 4204 ~~connected fire alarm system in the building, the alternate power~~
 4205 ~~supply must be sufficient to provide emergency lighting to the~~
 4206 ~~interior lobbies, hallways, and other portions of the building~~
 4207 ~~used by the public. Residential multifamily dwellings must have~~
 4208 ~~an available generator and fuel source on the property or have~~
 4209 ~~proof of a current contract posted in the elevator machine room~~
 4210 ~~or other place conspicuous to the elevator inspector affirming a~~
 4211 ~~current guaranteed service contract for such equipment and fuel~~
 4212 ~~source to operate the elevator on an on-call basis within 24~~
 4213 ~~hours after a request. By December 31, 2006, any person, firm or~~
 4214 ~~corporation that owns, manages, or operates a residential~~
 4215 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
 4216 ~~the local building inspection agency verification of engineering~~
 4217 ~~plans for residential multifamily dwellings that provide for the~~
 4218 ~~capability to generate power by alternate means. Compliance with~~
 4219 ~~installation requirements and operational capability~~
 4220 ~~requirements must be verified by local building inspectors and~~
 4221 ~~reported to the county emergency management agency by December~~
 4222 ~~31, 2007.~~

4223 ~~(c) Each newly constructed residential multifamily~~
 4224 ~~dwelling, including a condominium, that is at least 75 feet high~~
 4225 ~~and contains a public elevator, as described in s. 399.035(2)~~
 4226 ~~and (3) and rules adopted by the Florida Building Commission,~~
 4227 ~~must have at least one public elevator that is capable of~~
 4228 ~~operating on an alternate power source for the purpose of~~

4229 ~~allowing all residents access for a specified number of hours~~
4230 ~~each day over a 5-day period following a natural disaster,~~
4231 ~~manmade disaster, emergency, or other civil disturbance that~~
4232 ~~disrupts the normal supply of electricity. The alternate power~~
4233 ~~source that controls elevator operations must be capable of~~
4234 ~~powering any connected fire alarm system in the building. In~~
4235 ~~addition to the required power source for the elevator and~~
4236 ~~connected fire alarm system, the alternate power supply must be~~
4237 ~~sufficient to provide emergency lighting to the interior~~
4238 ~~lobbies, hallways, and other portions of the building used by~~
4239 ~~the public. Engineering plans and verification of operational~~
4240 ~~capability must be provided by the local building inspector to~~
4241 ~~the county emergency management agency before occupancy of the~~
4242 ~~newly constructed building.~~

4243 ~~(d) Each person, firm, or corporation that is required to~~
4244 ~~maintain an alternate power source under this subsection shall~~
4245 ~~maintain a written emergency operations plan that details the~~
4246 ~~sequence of operations before, during, and after a natural or~~
4247 ~~manmade disaster or other emergency situation. The plan must~~
4248 ~~include, at a minimum, a lifesafety plan for evacuation,~~
4249 ~~maintenance of the electrical and lighting supply, and~~
4250 ~~provisions for the health, safety, and welfare of the residents.~~
4251 ~~In addition, the owner, manager, or operator of the residential~~
4252 ~~multifamily dwelling must keep written records of any contracts~~
4253 ~~for alternative power generation equipment. Also, quarterly~~
4254 ~~inspection records of lifesafety equipment and alternate power~~
4255 ~~generation equipment must be posted in the elevator machine room~~
4256 ~~or other place conspicuous to the elevator inspector, which~~

4257 ~~confirm that such equipment is properly maintained and in good~~
4258 ~~working condition, and copies of contracts for alternate power~~
4259 ~~generation equipment shall be maintained on site for~~
4260 ~~verification. The written emergency operations plan and~~
4261 ~~inspection records shall also be open for periodic inspection by~~
4262 ~~local and state government agencies as deemed necessary. The~~
4263 ~~owner or operator must keep a generator key in a lockbox posted~~
4264 ~~at or near any installed generator unit.~~

4265 ~~(e) Multistory affordable residential dwellings for~~
4266 ~~persons age 62 and older that are financed or insured by the~~
4267 ~~United States Department of Housing and Urban Development must~~
4268 ~~make every effort to obtain grant funding from the Federal~~
4269 ~~Government or the Florida Housing Finance Corporation to comply~~
4270 ~~with this subsection. If an owner of such a residential dwelling~~
4271 ~~cannot comply with the requirements of this subsection, the~~
4272 ~~owner must develop a plan with the local emergency management~~
4273 ~~agency to ensure that residents are evacuated to a place of~~
4274 ~~safety in the event of a power outage resulting from a natural~~
4275 ~~or manmade disaster or other emergency situation that disrupts~~
4276 ~~the normal supply of electricity for an extended period of time.~~
4277 ~~A place of safety may include, but is not limited to, relocation~~
4278 ~~to an alternative site within the building or evacuation to a~~
4279 ~~local shelter.~~

4280 ~~(f) As a part of the annual elevator inspection required~~
4281 ~~under s. 399.061, certified elevator inspectors shall confirm~~
4282 ~~that all installed generators required by this chapter are in~~
4283 ~~working order, have current inspection records posted in the~~
4284 ~~elevator machine room or other place conspicuous to the elevator~~

4285 ~~inspector, and that the required generator key is present in the~~
 4286 ~~lockbox posted at or near the installed generator. If a building~~
 4287 ~~does not have an installed generator, the inspector shall~~
 4288 ~~confirm that the appropriate rewiring and switching~~
 4289 ~~capabilities are present and that a statement is posted in the~~
 4290 ~~elevator machine room or other place conspicuous to the elevator~~
 4291 ~~inspector affirming a current guaranteed contract exists for~~
 4292 ~~contingent services for alternate power is current for the~~
 4293 ~~operating period.~~

4294
 4295 However, buildings, structures, and facilities must, as a
 4296 minimum, comply with the requirements in the Americans with
 4297 Disabilities Act Accessibility Guidelines.

4298 Section 81. The Florida Building Commission is directed to
 4299 adjust the Florida Building Code for consistency with the
 4300 revisions to s. 399.02, Florida Statutes, by this act.

4301 Section 82. This act shall take effect July 1, 2009.