



Economic Expansion & Infrastructure Council

Action Packet

**April 20, 2007
9:15 am – 10:15 am
404 House Office Building**

**Marco Rubio
Speaker**

**Rep. Dean Cannon
Chair**

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

4/20/2007 9:15:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Dean Cannon (Chair)	X		
Gary Aubuchon	X		
Susan Bucher	X		
Edward Bullard	X		
Larry Cretul	X		
Joyce Cusack	X		
Don Davis			X
Mike Davis	X		
Keith Fitzgerald	X		
Richard Glorioso	X		
Doug Holder	X		
Dick Kravitz	X		
Peter Nehr	X		
Pat Patterson	X		
Betty Reed	X		
Totals:	14	0	1

Committee meeting was reported out: Friday, April 20, 2007 12:34:17PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/20/2007 9:15:00AM

Location: 404 HOB

HB 323 : Professional Sports Franchises

Favorable with Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher		X			
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 13		Total Nays: 1			

Committee meeting was reported out: Friday, April 20, 2007 12:34:17PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

4/20/2007 9:15:00AM

Location: 404 HOB

HB 331 : Pedestrian Safety

Favorable with Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14 Total Nays: 0					

Committee meeting was reported out: Friday, April 20, 2007 12:34:17PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 331

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION (Y/N) 4/20/07
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council hearing bill: Economic Expansion & Infrastructure
2 Representative *Cusack* offered the following:

Amendment

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (c) of subsection (1) of section
7 316.075, Florida Statutes, is amended to read:

8 316.075 Traffic control signal devices.--

9 (1) Except for automatic warning signal lights installed
10 or to be installed at railroad crossings, whenever traffic,
11 including municipal traffic, is controlled by traffic control
12 signals exhibiting different colored lights, or colored lighted
13 arrows, successively one at a time or in combination, only the
14 colors green, red, and yellow shall be used, except for special
15 pedestrian signals carrying a word legend, and the lights shall
16 indicate and apply to drivers of vehicles and pedestrians as
17 follows:

18 (c) Steady red indication.--

19 1. Vehicular traffic facing a steady red signal shall stop
20 before entering the crosswalk on the near side of the
21 intersection or, if none, then before entering the intersection

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22 and shall remain standing until a green indication is shown;
23 however:

24 a. The driver of a vehicle which is stopped at a clearly
25 marked stop line, but if none, before entering the crosswalk on
26 the near side of the intersection, or, if none then at the point
27 nearest the intersecting roadway where the driver has a view of
28 approaching traffic on the intersecting roadway before entering
29 the intersection in obedience to a steady red signal may make a
30 right turn, but shall yield the right-of-way to pedestrians and
31 other traffic proceeding as directed by the signal at the
32 intersection, except that municipal and county authorities may
33 prohibit any such right turn against a steady red signal at any
34 intersection, which prohibition shall be effective when a sign
35 giving notice thereof is erected in a location visible to
36 traffic approaching the intersection.

37 b. The driver of a vehicle on a one-way street that
38 intersects another one-way street on which traffic moves to the
39 left shall stop in obedience to a steady red signal, but may
40 then make a left turn into the one-way street, but shall yield
41 the right-of-way to pedestrians and other traffic proceeding as
42 directed by the signal at the intersection, except that
43 municipal and county authorities may prohibit any such left turn
44 as described, which prohibition shall be effective when a sign
45 giving notice thereof is attached to the traffic control signal
46 device at the intersection.

47 2.a. The driver of a vehicle facing a steady red signal
48 shall stop before entering the crosswalk and remain stopped to
49 allow a pedestrian, with a permitted signal, to cross a roadway
50 when the pedestrian is either in the crosswalk or steps into the
51 crosswalk and is upon the half of the roadway upon which the
52 vehicle is traveling or when the pedestrian is approaching so

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53 closely from the opposite half of the roadway as to be in
54 danger.

55 **b.** Unless otherwise directed by a pedestrian control
56 signal as provided in s. 316.0755, pedestrians facing a steady
57 red signal shall not enter the roadway.

58 (4) A violation of this section is a noncriminal traffic
59 infraction, punishable pursuant to chapter 318 as either a
60 pedestrian violation or, if the infraction resulted from the
61 operation of a vehicle, as a moving violation.

62 Section 2. Section 316.130, Florida Statutes, is amended
63 to read:

64 316.130 Pedestrians; ~~Pedestrian obedience to traffic~~
65 ~~control devices and traffic regulations.--~~

66 (1) A pedestrian shall obey the instructions of any
67 official traffic control device specifically applicable to the
68 pedestrian unless otherwise directed by a police officer.

69 (2) Pedestrians shall be subject to traffic control
70 signals at intersections as provided in s. 316.075, but at all
71 other places pedestrians shall be accorded the privileges and be
72 subject to the restrictions stated in this chapter.

73 (3) Where sidewalks are provided, no pedestrian shall,
74 unless required by other circumstances, walk along and upon the
75 portion of a roadway paved for vehicular traffic.

76 (4) Where sidewalks are not provided, any pedestrian
77 walking along and upon a highway shall, when practicable, walk
78 only on the shoulder on the left side of the roadway in relation
79 to the pedestrian's direction of travel, facing traffic which
80 may approach from the opposite direction.

81 (5) No person shall stand in the portion of a roadway
82 paved for vehicular traffic for the purpose of soliciting a
83 ride, employment, or business from the occupant of any vehicle.

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84 (6) No person shall stand on or in proximity to a street
85 or highway for the purpose of soliciting the watching or
86 guarding of any vehicle while parked or about to be parked on a
87 street or highway.

88 (7)(a) The driver of a vehicle at an intersection with a
89 traffic control signal in place shall stop before entering the
90 crosswalk and remain stopped to allow a pedestrian, with a
91 permitted signal, to cross a roadway when the pedestrian is
92 either in the crosswalk or steps into the crosswalk and is upon
93 the half of the roadway upon which the vehicle is traveling or
94 when the pedestrian is approaching so closely from the opposite
95 half of the roadway as to be in danger.

96 (b) The driver of a vehicle at any crosswalk where signage
97 so indicates shall stop and remain stopped to allow a pedestrian
98 to cross a roadway when the pedestrian is either in the
99 crosswalk or steps into the crosswalk and is upon the half of
100 the roadway upon which the vehicle is traveling or when the
101 pedestrian is approaching so closely from the opposite half of
102 the roadway as to be in danger.

103 (c) When traffic control signals are not in place or in
104 operation and there is no signage indicating otherwise, the
105 driver of a vehicle shall yield the right-of-way, slowing down
106 or stopping if need be to so yield, to a pedestrian crossing the
107 roadway within a crosswalk when the pedestrian is upon the half
108 of the roadway upon which the vehicle is traveling or when the
109 pedestrian is approaching so closely from the opposite half of
110 the roadway as to be in danger. Any pedestrian crossing a
111 roadway at a point where a pedestrian tunnel or overhead
112 pedestrian crossing has been provided shall yield the right-of-
113 way to all vehicles upon the roadway.

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144 proper precaution upon observing any child or any obviously
145 confused or incapacitated person.

146 (16) No pedestrian shall enter or remain upon any bridge
147 or approach thereto beyond the bridge signal, gate, or barrier
148 after a bridge operation signal indication has been given. No
149 pedestrian shall pass through, around, over, or under any
150 crossing gate or barrier at a railroad grade crossing or bridge
151 while such gate or barrier is closed or is being opened or
152 closed.

153 (17) No pedestrian may jump or dive from a publicly owned
154 bridge. Nothing in this provision requires the state or any
155 political subdivision of the state to post signs notifying the
156 public of this provision. The failure to post a sign may not be
157 construed by any court to create liability on the part of the
158 state or any of its political subdivisions for injuries
159 sustained as a result of jumping or diving from a bridge in
160 violation of this subsection.

161 (18) No pedestrian shall walk upon a limited access
162 facility or a ramp connecting a limited access facility to any
163 other street or highway; however, this subsection does not apply
164 to maintenance personnel of any governmental subdivision.

165 (19) A violation of this section is a noncriminal traffic
166 infraction, punishable pursuant to chapter 318 as either a
167 pedestrian violation or, if the infraction resulted from the
168 operation of a vehicle, as a moving violation.

169 Section 3. This act shall take effect July 1, 2007.
170

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/20/2007 9:15:00AM

Location: 404 HOB

HB 431 : Tourist-Oriented Directional Sign Program

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Friday, April 20, 2007 12:34:17PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

4/20/2007 9:15:00AM

Location: 404 HOB

HB 589 : Florida Building Code

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14					
Total Nays: 0					

Appearances:

Florida Building Code
 Stephen Shiver-WAIVED TIME (Lobbyist) - Proponent
 Capri Engineering
 215 S. Monroe St.
 Tallahassee FL 32312
 Phone: 850 222-8900

Florida Building Code
 Jim Richmond-WAIVED TIME (Lobbyist) (State Employee) - Proponent
 FL Building Commission
 2555 Shumard Oak
 Tallahassee FL 32399
 Phone: 850 922-1675

Florida Building Code
 Cam Fentriss-WAIVED TIME - Proponent
 FL Roofing Sheet Metal & AC Contractors Assn.
 1400 Village Square, # 3-243
 Tallahassee, FL 32312
 Phone: 850 222-2722

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COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION (Y/N) 4/20/07
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Economic Expansion &
2 Infrastructure Council
3 Representative(s) Cretul offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause, and insert:

7 Section 1. The Florida Building Commission shall review
8 the requirements in the National Electrical Code (2005) which
9 relate to bonding and grounding systems for swimming pools. The
10 commission may adopt a rule authorizing the use of a method for
11 bonding and grounding systems which is an alternative to what is
12 permitted by the National Electrical Code. The commission is
13 further authorized to integrate that alternative method into the
14 2007 edition of the Florida Building Code, notwithstanding the
15 requirements of s. 553.73, Florida Statutes. Until the
16 commission adopts a rule for an alternate method for bonding and
17 grounding systems for swimming pools, the use of an underground
18 bonding conductor made of a single #8 AWG bare solid copper wire
19 buried to a minimum depth of 4 inches to 6 inches below
20 subgrade, and 18 inches to 24 inches from inside the wall of a
21 swimming pool or spa, is deemed a permissible alternative or
22 equivalent to compliance with s. 680.26(c) of the National

Questions: Debate:
Rep. Bucher
Rep. Reed

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23 Electrical Code (2005), NFPA No. 70, adopted by reference within
24 the Florida Building Code.

25 Section 2. (1) The Legislature finds that the results of
26 recent hurricanes striking this state have demonstrated the
27 effectiveness of the Florida Building Code for reducing property
28 damage for buildings constructed in accordance with the
29 requirements of the code. The Legislature also finds that the
30 storms have called attention to the vulnerability of some
31 buildings constructed before the code was implemented. The
32 Legislature also finds that the destructive effects of
33 hurricanes represent a continuing threat to the health, safety,
34 and welfare of the residents of this state and affect the
35 insurance rates in the state. The Legislature additionally finds
36 that mitigating property damage constitutes a valid and
37 recognized objective of the Florida Building Code. The
38 Legislature further finds that retrofitting buildings built
39 before the code was implemented with proven construction methods
40 and materials set forth in the code is cost-effective and a
41 benefit to the state as a whole.

42 (2) The Florida Building Commission shall:

43 (a) Consider the extent to which a proposed code provision
44 will mitigate property damage to buildings and their contents
45 when evaluating whether the proposed code provision should be
46 adopted. If the proposed code provision applies only to the
47 mitigation of property damage and cannot be demonstrated to
48 significantly affect life-safety issues for persons, the
49 proposed code provision must be evaluated by its measurable
50 benefits when compared to the costs the proposed code provision
51 would impose if adopted as a rule.

52 (b) Develop and adopt within the Florida Building Code the
53 appropriate mitigation techniques to use to retrofit buildings

Amendment No. (for drafter's use only)

54 constructed before the code was implemented. The commission must
55 consider, but is not limited to:

56 1. Prescriptive techniques for installing gable-end
57 bracing;

58 2. Secondary water barriers for roofs and standards
59 relating to secondary water barriers. The criteria may include,
60 but are not limited to, roof shape, slope, and composition of
61 all elements of the roof system, and the cost-effectiveness of
62 the secondary water barrier;

63 3. Prescriptive means and criteria to improve roof-to-wall
64 connections; and

65 4. Clarifying that roof-fastener deficiencies must be
66 corrected when exposed during reroofing.

67
68 If the commission finds that the cost to retrofit an existing
69 building to meet the requirements of the code exceeds the cost
70 of applying the code to new construction, the commission must
71 authorizes the use of alternate, less expensive means to
72 retrofit existing buildings.

73 Section 3. Subsection (7) of section 553.73, Florida
74 Statutes, as amended by section 7 of chapter 2007-1, Laws of
75 Florida, is amended to read:

76 553.73 Florida Building Code.--

77 ~~(7) Upon the conclusion of a triennial update to the~~
78 ~~Florida Building Code,~~ Notwithstanding the provisions of
79 subsection (3) or subsection (6), the commission may address
80 issues identified in this subsection by amending the code
81 pursuant only to the rule adoption procedures contained in
82 chapter 120. Provisions of the Florida Building Code, including
83 those contained in referenced standards and criteria, relating
84 to wind resistance or the prevention of water intrusion may not
85 be amended pursuant to this subsection to diminish those

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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86 construction requirements; however, the commission may, subject
87 to conditions in this subsection, amend the provisions to
88 enhance those construction requirements. Following the approval
89 of any amendments to the Florida Building Code by the commission
90 and publication of the amendments on the commission's website,
91 authorities having jurisdiction to enforce the Florida Building
92 Code may enforce the amendments. The commission may approve
93 amendments that are needed to address:

94 (a) Conflicts within the updated code;

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

97 (c) The omission of previously adopted Florida-specific
98 amendments to the updated code if such omission is not supported
99 by a specific recommendation of a technical advisory committee
100 or particular action by the commission; ~~or~~

101 (d) Unintended results from the integration of previously
102 adopted Florida-specific amendments with the model code; ~~or-~~

103 (e) Changes to federal or state law.

104 Section 4. Present paragraphs (d) through (g) of
105 subsection (3) of section 553.775, Florida Statutes, are
106 redesignated as paragraphs (e) through (h), respectively, and a
107 new paragraph (d) is added to that subsection, to read:

108 553.775 Interpretations.--

109 (3) The following procedures may be invoked regarding
110 interpretations of the Florida Building Code:

111 (d) Upon written application by any substantially affected
112 person, contractor, or designer, or a group representing a
113 substantially affected person, contractor, or designer, the
114 commission shall issue or cause to be issued a formal
115 interpretation of the Florida Building Code as prescribed by
116 paragraph (c).

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117 Section 5. Subsections (1), (2), (4), (8), (9), (10),
118 (11), (13), (15), and (18) of section 553.791, Florida Statutes,
119 are amended to read:

120 553.791 Alternative plans review and inspection.--

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

122 (a) "Applicable codes" means the Florida Building Code and
123 any local technical amendments to the Florida Building Code but
124 does not include the applicable minimum fire prevention and
125 firesafety codes adopted pursuant to chapter 633.

126 (b) "Audit" means the process to confirm that the building
127 code inspection services have been performed by the private
128 provider, including ensuring that the required affidavit for the
129 plan review has been properly completed and affixed to the
130 permit documents and that the minimum mandatory inspections
131 required under the building code have been performed and
132 properly recorded. The term does not mean that the local
133 building official is required to replicate the plan review or
134 inspection being performed by the private provider.

135 ~~(c)~~ (b) "Building" means any construction, erection,
136 alteration, demolition, or improvement of, or addition to, any
137 structure for which permitting by a local enforcement agency is
138 required.

139 ~~(d)~~ (e) "Building code inspection services" means those
140 services described in s. 468.603(6) and (7) involving the review
141 of building plans to determine compliance with applicable codes
142 and those inspections required by law of each phase of
143 construction for which permitting by a local enforcement agency
144 is required to determine compliance with applicable codes.

145 ~~(e)~~ (d) "Duly authorized representative" means an agent by
146 the private provider identified in the permit application who
147 reviews plans or performs inspections as provided by this
148 section and who is licensed as an engineer under chapter 471 or

Amendment No. (for drafter's use only)

149 as an architect under chapter 481 or who holds a standard
150 certificate under part XII of chapter 468.

151 (f) "Immediate threat to public safety and welfare" means
152 a building code violation that, if allowed to persist,
153 constitutes an immediate hazard that could result in death,
154 serious bodily injury, or significant property damage.

155 (g)(e) "Local building official" means the individual
156 within the governing jurisdiction responsible for direct
157 regulatory administration or supervision of plans review,
158 enforcement, and inspection of any construction, erection,
159 alteration, demolition, or substantial improvement of, or
160 addition to, any structure for which permitting is required to
161 indicate compliance with applicable codes and includes any duly
162 authorized designee of such person.

163 (h)(f) "Permit application" means a properly completed and
164 submitted application for the requested building or construction
165 permit, including:

- 166 1. The plans reviewed by the private provider.
- 167 2. The affidavit from the private provider required under
168 pursuant to subsection (6).
- 169 3. Any applicable fees.
- 170 4. Any documents required by the local building official
171 to determine that the fee owner has secured all other government
172 approvals required by law.

173 (i)(g) "Private provider" means a person licensed as an
174 engineer under chapter 471 or as an architect under chapter 481.
175 For purposes of performing inspections under this section for
176 additions and alterations that are limited to 1,000 square feet
177 or less to residential buildings, the term "private provider"
178 also includes a person who holds a standard certificate under
179 part XII of chapter 468.

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180 ~~(j)(h)~~ "Request for certificate of occupancy or
181 certificate of completion" means a properly completed and
182 executed application for:

183 1. A certificate of occupancy or certificate of
184 completion.

185 2. A certificate of compliance from the private provider
186 required under ~~pursuant to~~ subsection (11).

187 3. Any applicable fees.

188 4. Any documents required by the local building official
189 to determine that the fee owner has secured all other government
190 approvals required by law.

191 (k) "Stop-work order" means the issuance of any written
192 statement, written directive, or written order to stop work on a
193 project and further stating the conditions under which the cited
194 work will be permitted to resume.

195 (2) Notwithstanding any other ~~provision of~~ law or local
196 government ordinance or local policy, the fee owner of a
197 building or structure, or the fee owner's contractor upon
198 written authorization from the fee owner, may choose to use a
199 private provider to provide building code inspection services
200 with regard to such building or structure and may make payment
201 directly to the private provider for the provision of such
202 services. All such services shall be the subject of a written
203 contract between the private provider, or the private provider's
204 firm, and the fee owner or the fee owner's contractor, upon
205 written authorization of the fee owner. The fee owner may elect
206 to use a private provider to provide plans review or required
207 building inspections, or both. However, if the fee owner or the
208 fee owner's contractor uses a private provider to provide plans
209 review, the local building official, in his or her discretion
210 and pursuant to duly adopted policies of the local enforcement
211 agency, may require the fee owner or the fee owner's contractor

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212 to use a private provider to also provide required building
213 inspections.

214 (4) A fee owner or the fee owner's contractor using a
215 private provider to provide building code inspection services
216 shall notify the local building official at the time of permit
217 application, or no less than 7 business days prior to the first
218 scheduled inspection by the local building official or building
219 code enforcement agency for a private provider performing
220 required inspections of construction under this section, on a
221 form to be adopted by the commission. This notice shall include
222 the following information:

223 (a) The services to be performed by the private provider.

224 (b) The name, firm, address, telephone number, and
225 facsimile number of each private provider who is performing or
226 will perform such services, his or her professional license or
227 certification number, qualification statements or resumes, and,
228 if required by the local building official, a certificate of
229 insurance demonstrating that professional liability insurance
230 coverage is in place for the private provider's firm, the
231 private provider, and any duly authorized representative in the
232 amounts required by this section.

233 (c) An acknowledgment from the fee owner in substantially
234 the following form:

235 I have elected to use one or more private providers to provide
236 building code plans review and/or inspection services on the
237 building or structure that is the subject of the enclosed permit
238 application, as authorized by s. 553.791, Florida Statutes. I
239 understand that the local building official may not review the
240 plans submitted or perform the required building inspections to
241 determine compliance with the applicable codes, except to the
242 extent specified in said law. Instead, plans review and/or
243 required building inspections will be performed by licensed or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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244 certified personnel identified in the application. The law
245 requires minimum insurance requirements for such personnel, but
246 I understand that I may require more insurance to protect my
247 interests. By executing this form, I acknowledge that I have
248 made inquiry regarding the competence of the licensed or
249 certified personnel and the level of their insurance and am
250 satisfied that my interests are adequately protected. I agree to
251 indemnify, defend, and hold harmless the local government, the
252 local building official, and their building code enforcement
253 personnel from any and all claims arising from my use of these
254 licensed or certified personnel to perform building code
255 inspection services with respect to the building or structure
256 that is the subject of the enclosed permit application.

257
258 If the fee owner or the fee owner's contractor makes any changes
259 to the listed private providers or the services to be provided
260 by those private providers, the fee owner or the fee owner's
261 contractor shall, within 1 business day after any change, update
262 the notice to reflect such changes. A change of a duly
263 authorized representative named in the permit application does
264 not require a revision of the permit, and the building code
265 enforcement agency may not charge a fee for making the change.

266 In addition, the fee owner or the fee owner's contractor shall
267 post at the project site, prior to the commencement of
268 construction and updated within 1 business day after any change,
269 on a form to be adopted by the commission, the name, firm,
270 address, telephone number, and facsimile number of each private
271 provider who is performing or will perform building code
272 inspection services, the type of service being performed, and
273 similar information for the primary contact of the private
274 provider on the project.

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275 (8) A private provider performing required inspections
276 under this section shall inspect each phase of construction as
277 required by the applicable codes. The private provider shall be
278 permitted to send a duly authorized representative to the
279 building site to perform the required inspections, provided all
280 required reports ~~and certifications~~ are prepared by and bear the
281 signature of the private provider or the private provider's duly
282 authorized representative. The duly authorized representative
283 must be an employee of the private provider entitled to receive
284 unemployment compensation benefits under chapter 443. The
285 contractor's contractual or legal obligations are not relieved
286 by any action by the private provider.

287 (9) A private provider performing required inspections
288 under this section shall provide notice to the local building
289 official of the date and approximate time of any such inspection
290 no later than the prior business day by 2 p.m. local time or by
291 any later time permitted by the local building official in that
292 jurisdiction. The local building official may visit the
293 building site as often as necessary to verify that the private
294 provider is performing all required inspections. A deficiency
295 notice must be posted at the job site by the private provider,
296 the duly authorized representative of the private provider, or
297 the building department whenever a nonconforming item is found
298 to exist relating to the building code or permitted documents.
299 Corrections must be made by the appropriate party and the
300 nonconforming item must be reinspected by the private provider
301 or the duly authorized representative before being concealed.
302 Reinspection or reaudit fees shall not be charged by the local
303 jurisdiction as a result of the local jurisdiction's audit
304 inspection occurring before the performance of the private
305 provider inspection or for any other administrative matter not

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306 involving the detection of a building code violation or permit
307 plan nonconformance issue.

308 (10) Upon completing the required inspections at each
309 applicable phase of construction, the private provider shall
310 record such inspections on a form acceptable to the local
311 building official. The form must be signed by the provider or
312 the provider's duly authorized representative. These inspection
313 records shall reflect those inspections required by the
314 applicable codes of each phase of construction for which
315 permitting by a local enforcement agency is required. The
316 private provider, before leaving the project site, shall post
317 each completed inspection record, indicating pass or fail, at
318 the site and provide the record to the local building official
319 within 2 business days. The local building official may waive
320 the requirement to provide a record of each inspection within 2
321 business days if the record is posted at the project site and
322 all such inspection records are submitted with the certificate
323 of compliance. Records of all required and completed inspections
324 shall be maintained at the building site at all times and made
325 available for review by the local building official. The private
326 provider shall report to the local enforcement agency any
327 condition that poses an immediate threat to public safety and
328 welfare.

329 (11) Upon completion of all required inspections, the
330 private provider shall prepare a certificate of compliance, on a
331 form acceptable to the local building official, summarizing the
332 inspections performed and including a written representation,
333 under oath, that the stated inspections have been performed and
334 that, to the best of the private provider's knowledge and
335 belief, the building construction inspected complies with the
336 approved plans and applicable codes. The statement required of
337 the private provider shall be substantially in the following

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338 | form and shall be signed and sealed by a private provider as
339 | established in subsection (1):

340 | To the best of my knowledge and belief, the building components
341 | and site improvements outlined herein and inspected under my
342 | authority have been completed in conformance with the approved
343 | plans and the applicable codes.

344 | (13) If the local building official determines that the
345 | building construction or plans do not comply with the applicable
346 | codes, the official may deny the permit or request for a
347 | certificate of occupancy or certificate of completion, as
348 | appropriate, or may issue a stop-work order for the project or
349 | any portion thereof as provided by law, if the official
350 | determines that the such noncompliance poses an immediate a
351 | threat to public safety and welfare, subject to the following:

352 | (a) The local building official shall be available to meet
353 | with the private provider within 2 business days to resolve any
354 | dispute after issuing a stop-work order or providing notice to
355 | the applicant denying a permit or request for a certificate of
356 | occupancy or certificate of completion.

357 | (b) If the local building official and private provider
358 | are unable to resolve the dispute, the matter shall be referred
359 | to the local enforcement agency's board of appeals, if one
360 | exists, which shall consider the matter at its next scheduled
361 | meeting or sooner. Any decisions by the local enforcement
362 | agency's board of appeals, or local building official if there
363 | is no board of appeals, may be appealed to the commission as
364 | provided by this chapter.

365 | (c) Notwithstanding any provision of this section, any
366 | decisions regarding the issuance of a building permit,
367 | certificate of occupancy, or certificate of completion may be
368 | reviewed by the local enforcement agency's board of appeals, if
369 | one exists. Any decision by the local enforcement agency's board

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370 of appeals, or local building official if there is no board of
371 appeals, may be appealed to the commission as provided by this
372 chapter, which shall consider the matter at the commission's
373 next scheduled meeting.

374 (15) (a) A ~~No~~ local enforcement agency, local building
375 official, or local government may not adopt or enforce any laws,
376 rules, procedures, policies, qualifications, or standards more
377 stringent than those prescribed by this section.

378 (b) A local enforcement agency, local building official,
379 or local government may establish, for private providers and
380 duly authorized representatives working within that
381 jurisdiction, a system of registration to verify compliance with
382 the licensure requirements of paragraph (1)(g) and the insurance
383 requirements of subsection (16).

384 (c) ~~Nothing in~~ This section does not limit ~~limits~~ the
385 authority of the local building official to issue a stop-work
386 order for a building project or any portion of the project ~~such~~
387 ~~order~~, as provided by law, if the official determines that a
388 condition on the building site constitutes an immediate threat
389 to public safety and welfare.

390 (18) Each local building code enforcement agency may audit
391 the performance of building code inspection services by private
392 providers operating within the local jurisdiction. Work on a
393 building or structure may proceed after inspection and approval
394 by a private provider if the provider has given notice of the
395 inspection pursuant to subsection (9) and, subsequent to such
396 inspection and approval, the work shall ~~may~~ not be delayed for
397 completion of an inspection audit by the local building code
398 enforcement agency.

399 Section 6. Section 553.841, Florida Statutes, is amended
400 to read:

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401 553.841 Building code education, mitigation, and outreach
402 program.--

403 (1) The Legislature finds that knowledge and understanding
404 by persons licensed in the design and construction industries of
405 the importance and need for complying with the Florida Building
406 Code is vital to the public health, safety, and welfare of this
407 state, especially for mitigating damage caused by hurricanes to
408 residents and visitors to the state. The Legislature further
409 finds that the Florida Building Code can be effective only if
410 all participants in the design and construction industries
411 maintain a thorough knowledge of the code and additions thereto
412 which improve construction standards to protect against storm
413 and other damage. Consequently, the Legislature finds that there
414 is a need for a program to provide ongoing education and
415 outreach activities concerning compliance with the Florida
416 Building Code and hurricane mitigation ~~the effectiveness of the~~
417 ~~building codes of this state depends on the performance of all~~
418 ~~participants, as demonstrated through knowledge of the codes and~~
419 ~~commitment to compliance with code directives, and that to~~
420 ~~strengthen compliance by industry and enforcement by government,~~
421 ~~a building code education and outreach program is needed.~~

422 (2) The Department of Community Affairs shall administer a
423 program, designated as the Florida Building Code Compliance and
424 Mitigation Program, to develop, coordinate, and maintain
425 education and outreach to persons required to comply with the
426 Florida Building Code and ensure consistent education, training,
427 and communication of the code's requirements, including, but not
428 limited to, methods for mitigation of storm-related damage. The
429 program may achieve these objectives in part by promoting design
430 and construction techniques and materials for mitigating
431 hurricane damage at trade conferences based in this state. The
432 program shall also operate a clearinghouse through which design,

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433 construction, and building code enforcement licensees,
434 suppliers, and consumers in this state may find others in order
435 to exchange information relating to mitigation and facilitate
436 repairs in the aftermath of a natural disaster. ~~There is created~~
437 ~~the Building Code Education and Outreach Council to coordinate,~~
438 ~~develop, and maintain education and outreach to ensure~~
439 ~~administration and enforcement of the Florida Building Code.~~

440 (3) All services and materials under the program must be
441 provided by a private, nonprofit corporation under contract with
442 the department. The term of the contract shall be for 4 years,
443 with the option of one 4-year renewal at the end of the contract
444 term. The initial contract must be in effect no later than
445 November 1, 2007. The private, nonprofit corporation must be an
446 organization whose membership includes trade and professional
447 organizations whose members consist primarily of persons and
448 entities that are required to comply with the Florida Building
449 Code and that are licensed under part XII of chapter 468,
450 chapter 471, chapter 481, or chapter 489. When selecting the
451 private, nonprofit corporation for the program, the department
452 must give primary consideration to the corporation's
453 demonstrated experience and the ability to:

454 (a) Develop and deliver building code-related education,
455 training, and outreach;

456 (b) Directly access the majority of persons licensed in
457 the occupations of design, construction, and building code
458 enforcement individually and through established statewide trade
459 and professional association networks;

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

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

466 (d) Accept input from the Florida Building Commission,
467 licensing regulatory boards, local building departments, and the
468 design and construction industries in order to improve its
469 education and outreach programs; and

470 (e) Promote design and construction techniques and
471 materials for mitigating hurricane damage at a Florida-based
472 trade conference that includes participants from the broadest
473 possible range of design and construction trades and
474 professions, including from those private and public-sector
475 entities having jurisdiction over building codes and design and
476 construction licensure. The Building Code Education and Outreach
477 Council shall be composed of the following members:

478 ~~(a) Three representatives of the Florida Building~~
479 ~~Commission, one of whom must be a member of a Florida-based~~
480 ~~organization of persons with disabilities or a nationally~~
481 ~~chartered organization of persons with disabilities having~~
482 ~~chapters in this state, selected by the commission;~~

483 ~~(b) One representative of the Florida Building Code~~
484 ~~Administrators and Inspectors Board, selected by that board;~~

485 ~~(c) One representative of the Construction Industry~~
486 ~~Licensing Board, selected by that board;~~

487 ~~(d) One representative of the Electrical Contractors'~~
488 ~~Licensing Board, selected by that board;~~

489 ~~(e) One representative of the Florida Board of~~
490 ~~Professional Engineers, selected by that board;~~

491 ~~(f) One architect representative of the Board of~~
492 ~~Architecture and Interior Design, selected by that board;~~

493 ~~(g) One interior designer representative of the Board of~~
494 ~~Architecture and Interior Design, selected by that board;~~

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- 495 ~~(h) One representative of the Board of Landscape~~
496 ~~Architecture, selected by that board;~~
497 ~~(i) One representative from the office of the State Fire~~
498 ~~Marshal, selected by that office; and~~
499 ~~(j) One representative with experience and expertise in K-~~
500 ~~12 public school construction.~~

501
502 ~~Each member of the board shall be appointed to a 2-year term and~~
503 ~~may be reappointed at the discretion of the appointing body. A~~
504 ~~chair shall be elected by majority vote of the council and shall~~
505 ~~serve a term of 1 year.~~

506 ~~(4) The Building Code Education and Outreach Council shall~~
507 ~~meet in Tallahassee no more than semiannually. The council may~~
508 ~~meet more often but not more than monthly, and such additional~~
509 ~~meetings shall be by telephone conference call. Travel costs, if~~
510 ~~any, shall be borne by the respective appointing entity. The~~
511 ~~Department of Community Affairs shall provide administrative~~
512 ~~support to the council; however, the department may contract~~
513 ~~with an entity that has previous experience with building code~~
514 ~~training, development, and coordination to provide~~
515 ~~administrative support for the council.~~

516 ~~(5) The Building Code Education and Outreach Council~~
517 ~~shall:~~

518 ~~(a) Consider and determine any policies or procedures~~
519 ~~needed to administer ss. 489.109(3) and 489.509(3).~~

520 ~~(b) Administer the provisions of this section.~~

521 ~~(c) Determine the areas of priority for which funds should~~
522 ~~be expended for education and outreach.~~

523 ~~(d) Review all proposed subjects for advanced courses~~
524 ~~concerning the Florida Building Code and recommend to the~~
525 ~~commission any related subjects that should be approved for~~
526 ~~advanced courses.~~

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527 ~~(4)(6)~~ The Building Code Education and Outreach Program
528 ~~Council~~ shall maintain, update, develop, or cause to be
529 developed:

530 (a) A core curriculum that is prerequisite to the advanced
531 module coursework.

532 (b) Advanced modules designed for use by each profession.

533 (c) The core curriculum developed under this subsection
534 must be approved by the commission and submitted to the
535 Department of Business and Professional Regulation for approval.
536 Advanced modules developed under this paragraph must be approved
537 by the commission and submitted to the respective boards for
538 approval.

539 ~~(5)(7)~~ The core curriculum shall cover the information
540 required to have all categories of participants appropriately
541 informed as to their technical and administrative
542 responsibilities in the effective execution of the code process
543 by all individuals currently licensed under part XII of chapter
544 468, chapter 471, chapter 481, or chapter 489, except as
545 otherwise provided in s. 471.017. The core curriculum shall be
546 prerequisite to the advanced module coursework for all licensees
547 and shall be completed by individuals licensed in all categories
548 under part XII of chapter 468, chapter 471, chapter 481, or
549 chapter 489 within the first 2-year period after initial
550 licensure. Core course hours taken by licensees to complete this
551 requirement shall count toward fulfillment of required
552 continuing education units under part XII of chapter 468,
553 chapter 471, chapter 481, or chapter 489.

554 ~~(6)(8)~~ Each biennium, upon receipt of funds by the
555 Department of Community Affairs from the Construction Industry
556 Licensing Board and the Electrical Contractors' Licensing Board
557 provided under ss. 489.109(3) and 489.509(3), the department
558 ~~council~~ shall determine the amount of funds available for the

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559 Florida Building Code Compliance and Mitigation Program
560 ~~education and outreach projects from the proceeds of contractor~~
561 ~~licensing fees and identify, solicit, and accept funds from~~
562 ~~other sources for education and outreach projects.~~

563 ~~(7)(9)~~ If the funds collected for education and outreach
564 projects provided through the Florida Building Code Compliance
565 and Mitigation Program in any state fiscal year do not require
566 the use of all available funds, the unused funds shall be
567 carried forward and allocated for use during the following
568 fiscal year.

569 (8) The Florida Building Commission shall provide by rule
570 for the accreditation of courses related to the Florida Building
571 Code by accreditors approved by the commission. The commission
572 shall establish qualifications of accreditors and criteria for
573 the accreditation of courses by rule. The commission may revoke
574 the accreditation of a course by an accreditor if the
575 accreditation is demonstrated to violate this part or the rules
576 of the commission.

577 (9) This section does not prohibit or limit the subject
578 areas or development of continuing education or training on the
579 Florida Building Code by any qualified entity.

580 ~~(10) The commission shall consider and approve or reject~~
581 ~~the recommendations made by the council for subjects for~~
582 ~~education and outreach concerning the Florida Building Code. Any~~
583 ~~rejection must be made with specificity and must be communicated~~
584 ~~to the council.~~

585 ~~(11) The commission shall adopt rules for establishing~~
586 ~~procedures and criteria for the approval of advanced courses.~~
587 ~~This section does not modify or eliminate the continuing~~
588 ~~education course requirements or authority of any licensing~~
589 ~~board under part XII of chapter 468, chapter 471, chapter 481,~~
590 ~~or chapter 489.~~

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591 Section 7. Paragraph (a) of subsection (5) and subsection
592 (7) of section 553.842, Florida Statutes, are amended, and
593 subsection (16) is added to that section to read:

594 553.842 Product evaluation and approval.--

595 (5) Statewide approval of products, methods, or systems of
596 construction may be achieved by one of the following methods.
597 One of these methods must be used by the commission to approve
598 the following categories of products: panel walls, exterior
599 doors, roofing, skylights, windows, shutters, and structural
600 components as established by the commission by rule.

601 (a) Products for which the code establishes standardized
602 testing or comparative or rational analysis methods shall be
603 approved by submittal and validation of one of the following
604 reports or listings indicating that the product or method or
605 system of construction was evaluated to be in compliance with
606 the Florida Building Code and that the product or method or
607 system of construction is, for the purpose intended, at least
608 equivalent to that required by the Florida Building Code:

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

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

613 3. A product evaluation report based upon testing or
614 comparative or rational analysis, or a combination thereof, from
615 an approved product evaluation entity; or

616 4. A product evaluation report based upon testing or
617 comparative or rational analysis, or a combination thereof,
618 developed and signed and sealed by a professional engineer or
619 architect, licensed in this state.

620
621 A product evaluation report or a certification mark or listing
622 of an approved certification agency which demonstrates that the

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623 product or method or system of construction complies with the
624 Florida Building Code for the purpose intended shall be
625 equivalent to a test report and test procedure as referenced in
626 the Florida Building Code.

627 (7) For state approvals, validation shall be performed by
628 validation entities approved by the commission. The commission
629 shall adopt by rule criteria for approval of validation
630 entities, which shall be third-party entities independent of the
631 product's manufacturer and which shall certify to the commission
632 the product's compliance with the code. The commission may adopt
633 by rule a schedule of penalties to be imposed against approved
634 validation entities that validate product applications in
635 violation of this section or rules adopted under this section.

636 (16) The commission may adopt a rule that identifies
637 standards that are equivalent to or more stringent than those
638 specifically adopted by the code, thereby allowing the use in
639 this state of the products that comply with the equivalent
640 standard.

641 Section 8. The Florida Building Commission shall review
642 modifications 2151, 2152, 2153 and 2492, reviewed by the
643 commission's technical advisory committee. The commission shall
644 take public comment on these modifications, including the need
645 for the modifications, how the modifications will affect the
646 health, safety, and welfare of the residents of this state, and
647 the continuing need for any Florida-specific requirement of the
648 code which the modifications seek to repeal. Notwithstanding s.
649 553.73, Florida Statutes, the commission may adopt or modify the
650 modifications in response to the public comments subject only to
651 the rule-adoption procedures of chapter 120, Florida Statutes,
652 for inclusion in the next edition of the Florida Building Code.

653 Section 9. Evaluation of hurricane loss relativities and
654 resulting premium discounts; study required.--

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655 (1) Contingent upon appropriations from the Legislature,
656 the Florida Building Commission shall conduct a study updating
657 the evaluation of loss relativities and resulting reasonable
658 discounts, credits, and other rate differentials or appropriate
659 reductions in deductibles for properties on which fixtures or
660 construction techniques demonstrated to reduce the amount of
661 loss in a windstorm have been installed or implemented. The
662 fixtures or construction techniques must include, but are not
663 limited to, those activities that enhance roof strength, roof-
664 covering performance, roof-to-wall strength, wall-to-floor-to-
665 foundation strength, opening protection, and window, door, or
666 skylight strength.

667 (2) The commission shall prepare a report on the results
668 of the study and deliver it to the Governor, the Chief Financial
669 Officer, the Commissioner of Insurance Regulation, the President
670 of the Senate, and the Speaker of the House of Representatives
671 no later than March 1, 2008. Upon the request of the commission,
672 the Office of Insurance Regulation shall assist the commission
673 with developing the scope and methodology used to perform the
674 study.

675 Section 10. The Florida Building Commission shall, in
676 consultation with the Florida Energy Commission, the Building
677 Officials Association of Florida, the Florida Energy Office, the
678 Florida Home Builders Association, the Florida Association of
679 Counties, the Florida League of Cities, and other stakeholders,
680 review the Florida Energy Code for new building construction.
681 Specifically, the commission must evaluate the analysis of the
682 cost-effectiveness that serves as the basis for energy-
683 efficiency levels for residential buildings, identify cost-
684 effective means to improve energy efficiency in commercial
685 buildings, and compare the findings to the International Energy
686 Conservation Code and the American Society of Heating, Air

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687 Conditioning, and Refrigeration Engineers Standards 90.1 and
688 90.2. The commission must complete and present a report to the
689 Legislature no later than March 1, 2008. The report must include
690 a new energy-efficiency standard that may be adopted for the
691 construction of all new residential, commercial, and government
692 buildings.

693 Section 11. The sum of \$1 million is appropriated from the
694 Department of Community Affairs Operating Trust Fund for the
695 2007-2008 fiscal year for the purposes of implementing and
696 administering s. 553.841, Florida Statutes, relating to building
697 code education, mitigation, and outreach programs.

698 Section 12. The sum of \$750,000 in nonrecurring funds is
699 appropriated from the General Revenue Fund to the Department of
700 Community Affairs for the 2007-2008 fiscal year for the purpose
701 of implementing the study required by this act.

702 Section 13. This act shall take effect upon becoming a
703 law.

704 ===== T I T L E A M E N D M E N T =====

705 Remove the entire title, and insert:

706 A bill to be entitled

707 An act relating to the Florida Building Commission; requiring
708 the commission to review the requirements in the National
709 Electrical Code which relate to bonding and grounding systems
710 for swimming pools; authorizing the commission to adopt a rule
711 for bonding and grounding which is an alterative to that of the
712 National Electrical Code; providing legislative intent relating
713 to retrofitting buildings to prevent hurricane and storm damage;
714 directing the commission to consider the costs and benefits of
715 any mitigation techniques before adoption of a rule; requiring
716 the commission to develop and adopt within the Florida Building
717 Code appropriate mitigation techniques to use to retrofit
718 buildings constructed before the code was implemented; amending

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719 s. 553.73, F.S.; authorizing the commission to approve certain
720 amendments to the code; amending s. 553.775, F.S.; providing
721 that, upon written application by substantially affected
722 persons, the Florida Building Commission must issue, or cause to
723 be issued, a formal interpretation of the code; amending s.
724 553.791, F.S.; defining terms; requiring that certain forms be
725 signed at the completion of a required inspection; requiring
726 that a deficiency notice be posted at the job site whenever an
727 element is found to be not in conformance with the building code
728 or the permitting documents; providing for corrective actions;
729 prohibiting the charging of certain fees; amending s. 553.841,
730 F.S.; providing legislative intent regarding education and
731 outreach for understanding the Florida Building Code; requiring
732 the Department of Community Affairs to administer an education
733 and outreach program; requiring that the education and outreach
734 program be provided by a private, nonprofit corporation under
735 contract with the department; requiring the department to
736 consider certain criteria when selecting the corporation;
737 requiring the commission to provide certain courses to accredit
738 persons subject to the building code; authorizing the commission
739 to adopt rules; amending s. 553.842, F.S.; providing for
740 certification of products; authorizing the commission to impose
741 penalties for violation of the product validation process;
742 requiring the commission to review certain modifications
743 recommended by the commission's technical advisory committee;
744 authorizing the commission to adopt or modify the modifications
745 in response to public comments; contingent upon appropriations,
746 directing the commission to conduct a study to evaluate certain
747 specified activities related to mitigation of property loss;
748 requiring the commission to deliver a report to the Governor and
749 others by a specified date; providing for the content of the
750 report; directing the commission to work with others to review

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751 the Florida Energy Code and to compare that code to other energy
752 efficiency codes; requiring the commission to deliver a report
753 to the Legislature by a specified date; providing
754 appropriations; providing an effective date.

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<u>X</u>	(Y/N) 4/20/07
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Economic Expansion and
 2 Infrastructure Council
 3 Representative(s) Cretul offered the following:
 4
 5 **Amendment to Amendment by Representative Cretul (with**
 6 **directory and title amendments)**
 7 Remove line(s) 699-701 and insert:
 8 appropriated from the Operating Trust Fund within the Department
 9 of Community Affairs for the 2007-2008 fiscal year for the
 10 purpose of implementing the study required by section 9 of this
 11 act.

13 ===== D I R E C T O R Y A M E N D M E N T =====

14 Remove line(s) and insert:

17 ===== T I T L E A M E N D M E N T =====

18 Remove line(s) and insert:

Question

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

4/20/2007 9:15:00AM

Location: 404 HOB

HB 747 : Real Property Electronic Recording

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14 Total Nays: 0					

Appearances:

Real Property Electronic Recording
 Fred Baggett-WAIVED TIME (State Employee) - Proponent
 FL Assn of Court Clerks
 101 E. College Ave.
 Tallahassee, FL 32301

Committee meeting was reported out: Friday, April 20, 2007 12:34:17PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 02 (for drafter's use only)

Bill No. HB 747

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 4/20/07
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Economic Expansion &
 2 Infrastructure
 3 Representative(s) Ambler offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 695.27, Florida Statutes, is created to read:
695.27 Uniform Real Property Electronic Recording Act.--

(1) SHORT TITLE.--This section may be cited as the "Uniform
Real Property Electronic Recording Act."

(2) DEFINITIONS.--As used in this section:

(a) "Document" means information that is:

- 1. Inscribed on a tangible medium or that is stored in an
electronic or other medium and is retrievable in perceivable form; and
- 2. Eligible to be recorded in the Official Records, as defined
in s. 28.222, and maintained by a county recorder.

(b) "Electronic" means relating to technology having
electrical, digital, magnetic, wireless, optical, electromagnetic, or
similar capabilities.

(c) "Electronic document" means a document that is received by
a county recorder in an electronic form.

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23 (d) "Electronic signature" means an electronic sound, symbol, or
24 process which is executed or adopted by a person with the intent to
25 sign the document and is attached to or logically associated with a
26 document such that, when recorded, is assigned the same document
27 number or a consecutive page number immediately following such
28 document.

29 (e) "Person" means an individual, corporation, business trust,
30 estate, trust, partnership, limited liability company, association,
31 joint venture, public corporation, government or governmental
32 subdivision, agency, instrumentality; or any other legal or commercial
33 entity.

34 (f) "State" means a state of the United States, the District of
35 Columbia, Puerto Rico, the United States Virgin Islands, or any
36 territory or insular possession subject to the jurisdiction of the
37 United States.

38 (3) VALIDITY OF ELECTRONIC DOCUMENTS.--

39 (a) If a law requires, as a condition for recording, that a
40 document be an original, be on paper or another tangible medium, or be
41 in writing, the requirement is satisfied by an electronic document
42 satisfying the requirements of this section.

43 (b) If a law requires, as a condition for recording, that a
44 document be signed, the requirement is satisfied by an electronic
45 signature.

46 (c) A requirement that a document or a signature associated
47 with a document be notarized, acknowledged, verified, witnessed, or
48 made under oath is satisfied if the electronic signature of the person
49 authorized to perform that act, and all other information required to
50 be included, is attached to or logically associated with the document
51 or signature. A physical or electronic image of a stamp, impression,
52 or seal need not accompany an electronic signature.

53 (4) RECORDING OF DOCUMENTS.--

54 (a) In this subsection, the term "paper document" means a
55 document that is received by the county recorder in a form that is not
56 electronic.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

57 (b) A county recorder:

58 1. Who implements any of the functions listed in this section
59 shall do so in compliance with standards established by rule by the
60 Department of State.

61 2. May receive, index, store, archive, and transmit electronic
62 documents.

63 3. May provide for access to, and for search and retrieval of,
64 documents and information by electronic means.

65 4. Who accepts electronic documents for recording shall
66 continue to accept paper documents as authorized by state law and
67 shall place entries for both types of documents in the same index.

68 5. May convert paper documents accepted for recording into
69 electronic form.

70 6. May convert into electronic form information recorded
71 before the county recorder began to record electronic documents.

72 7. May agree with other officials of a state or a political
73 subdivision thereof, or of the United States, on procedures or
74 processes to facilitate the electronic satisfaction of prior approvals
75 and conditions precedent to recording.

76 (5) ADMINISTRATION AND STANDARDS.--

77 (a) The Department of State, by rule pursuant to ss. 120.536(1)
78 and 120.54, shall prescribe standards to implement this section in
79 consultation with the Electronic Recording Advisory Committee, which
80 is hereby created. The Florida Association of Court Clerks and
81 Comptrollers shall provide administrative support to the committee and
82 technical support to the Department of State and the committee at no
83 charge. The committee shall consist of nine members, as follows:

84 1. Five members appointed by the Florida Association of Court
85 Clerks and Comptrollers, one of whom must be an official from a large
86 urban charter county where the duty to maintain official records
87 exists in a county office other than the clerk of court or
88 comptroller.

89 2. One attorney appointed by the Real Property, Probate and
90 Trust Law Section of The Florida Bar Association.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

91 3. Two members appointed by the Florida Land Title
92 Association.

93 4. One member appointed by the Florida Bankers Association.

94 (b) Appointed members shall serve a 1-year term. All initial
95 terms shall commence on the effective date of this act. Members shall
96 serve until their successors are appointed. An appointing authority
97 may reappoint a member for successive terms. A vacancy on the
98 committee shall be filled in the same manner in which the original
99 appointment was made, and the term shall be for the balance of the
100 unexpired term.

101 (c) The first meeting of the committee shall be within 60 days
102 of the effective date of this act. Thereafter, the committee shall
103 meet at the call of the chair, but at least annually.

104 (d) The members of the committee shall serve without
105 compensation and shall not claim per diem and travel expenses from the
106 Secretary of State.

107 (e) To keep the standards and practices of county recorders in
108 this state in harmony with the standards and practices of recording
109 offices in other jurisdictions that enact substantially this section
110 and to keep the technology used by county recorders in this state
111 compatible with technology used by recording offices in other
112 jurisdictions that enact substantially this section, the Department of
113 State, in consultation with the Committee, so far as is consistent
114 with the purposes, policies, and provisions of this section, in
115 adopting, amending, and repealing standards, shall consider:

116 1. Standards and practices of other jurisdictions.

117 2. The most recent standards adopted by national standard-
118 setting bodies, such as the Property Records Industry Association.

119 3. The views of interested persons and governmental officials
120 and entities.

121 4. The needs of counties of varying size, population, and
122 resources.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

123 5. Standards requiring adequate information security
124 protection to ensure that electronic documents are accurate,
125 authentic, adequately preserved, and resistant to tampering.

126 (f) The committee shall terminate on July 1, 2010.

127 (6) UNIFORMITY OF APPLICATION AND CONSTRUCTION.--In applying
128 and construing this section, consideration must be given to the need
129 to promote uniformity of the law with respect to its subject matter
130 among states that enact it.

131 (7) RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL
132 COMMERCE ACT.--This section modifies, limits, and supersedes the
133 federal Electronic Signatures in Global and National Commerce Act, 15
134 U.S.C. ss. 7001 et seq., but this section does not modify, limit, or
135 supersede s. 101(c) of that act, 15 U.S.C. s. 7001(c), or authorize
136 electronic delivery of any of the notices described in s. 103(b) of
137 that act, 15 U.S.C. s. 7003(b).

138 Section 2. Section 201.01, Florida Statutes, is
139 amended to read:

140 201.01 Documents taxable, generally.--There shall be
141 levied, collected, and paid the taxes specified in this chapter, for
142 and in respect to the several documents, bonds, debentures or
143 certificates of stock and indebtedness, and other documents,
144 instruments, matters, writings, and things described in the following
145 sections, or for or in respect of the vellum, parchment, ~~or~~ paper, or
146 any other medium whether tangible, electronic, or otherwise, upon
147 which such document, instrument, matter, writing, or thing, or any of
148 them, is written, ~~or~~ printed, or created electronically or otherwise,
149 by any person who makes, signs, executes, issues, sells, removes,
150 consigns, assigns, records, or ships the same, or for whose benefit or
151 use the same are made, signed, executed, issued, sold, removed,
152 consigned, assigned, recorded, or shipped in the state. Unless exempt
153 under s. 201.24 or under any state or federal law, if the United
154 States, the state, or any political subdivision of the state is a
155 party to a document taxable under this chapter, any tax specified in
156 this chapter shall be paid by a nonexempt party to the document. The

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

157 documentary stamp taxes shall be paid on all recordable instruments
158 requiring documentary stamp tax according to law, prior to
159 recordation. With respect to mortgages or trust deeds which do not
160 incorporate the certificate of indebtedness, a notation shall be made
161 on the note or certificate that the tax has been paid on the mortgage
162 or trust deed.

163 Section 3. Subsections (1) and (3) of section 201.022,
164 Florida Statutes, are amended to read:

165 201.022 Consideration for realty; filing of return
166 condition precedent to recordation; penalty; compensation of
167 clerks; failure to file does not impair validity.--

168 (1) As a condition precedent to the recordation of any
169 deed transferring an interest in real property, the grantor or
170 the grantee or agent for grantee shall execute and file a
171 return with the clerk of the circuit court, who may accept the
172 return electronically. The return shall state the actual
173 consideration paid for the interest in real property. The
174 return shall state the parcel identification number maintained
175 by the county property appraiser in a manner prescribed by the
176 department. If the parcel is a split or cutout parcel, the return
177 shall state the parent parcel identification number if
178 the parcel identification number has not been assigned. The
179 return shall not be recorded or otherwise become a public
180 record and shall be confidential as provided by s. 193.074
181 and shall be exempt from the provisions of s. 119.07(1),
182 except that the Department of Environmental Protection or,
183 through the Department of Environmental Protection, its contract
184 appraiser, shall have access to the return to verify the consideration
185 paid in any transfer of an interest in real
186 property, when such transfer is considered as part of an
187 appraisal for a proposed land acquisition project conducted
188 pursuant to any Department of Environmental Protection land
189 acquisition program. The Department of Environmental Protection or its
190 contract appraiser shall not disclose the contents of the return to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

191 any other public or private entity. The original return shall be
192 forwarded to the Department of Revenue, and a copy shall be forwarded
193 to the property appraiser.

194 (3) If the return required by this section is not
195 executed and filed, the clerk of the circuit court is required
196 to execute and file the return, on paper or electronically,
197 with the department. The clerk shall be compensated 1.0
198 percent of the tax paid on deeds as the cost of processing the
199 return required by this section in the form of a deduction from the
200 amount of the tax due and remitted by the clerk, and the department
201 shall allow the deduction to the clerk paying and remitting the tax in
202 the manner provided by the department. However, no deduction or
203 allowance shall be granted when there is a manifest failure to
204 maintain proper records or make proper reports. The compensation
205 provided herein shall be in addition to that provided in s. 201.11(2).

206 Section 4. This act shall take effect upon becoming a law.
207
208
209

210 ===== T I T L E A M E N D M E N T =====

211 Remove line 8-17 and insert:

212 authority; creating the Electronic Recording Advisory
213 Committee; providing the committee with certain powers and
214 duties; providing for membership and meetings of the
215 committee; providing that committee members shall serve
216 without compensation and may not claim per diem and travel
217 expenses from the Secretary of State; providing guidelines
218 for the department, in consultation with the committee, to
219 consider in adopting, amending, and repealing standards;
220 providing a termination date for the committee; providing
221 for uniformity of application and construction; specifying
222 the relation to a federal act; amending s. 201.01, F.S.;

223 providing that such electronic documents are subject to the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

224 same taxes as paper documents; amending s. 201.022, F.S.;

225 providing for the electronic filing of certain required

226 returns;

227

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

4/20/2007 9:15:00AM

Location: 404 HOB

HB 1057 : State Historic Highways

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14 Total Nays: 0					

Appearances:

State Historic Highways
 Kelly Mallette-WAIVED TIME (Lobbyist) - Proponent
 Town of Cutler Bay
 106 E. College Ave., # 1450
 Tallahassee FL 32301
 Phone: 850 224-3427

Committee meeting was reported out: Friday, April 20, 2007 12:34:17PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 1057

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 4/20/07
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Economic Expansion &
 2 Infrastructure
 3 Representative(s) Bullard offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

8 Section 1. (1) Notwithstanding any provision of chapter
 9 74-400, Laws of Florida, public funds may be used for the
 10 alteration of Old Cutler Road, between Southwest 184th Street
 11 and Southwest 216th Street, in the Town of Cutler Bay. Such
 12 alteration may include the installation of sidewalks, curbing,
 13 and landscaping in order to enhance pedestrian access to the
 14 road.

15 (2) Before any alteration is started, the Department of
 16 State must be consulted and its official approval obtained.

Section 2. This act shall take effect July 1, 2007.

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

Remove the entire title and insert:

A bill to be entitled

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

23 An act relating to Old Cutler Road in the Town of Cutler
24 Bay; authorizing the expenditure of public funds for the
25 alteration of Old Cutler Road; requiring the approval of
26 the Department of State; providing an effective date.

27

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/20/2007 9:15:00AM

Location: 404 HOB

HB 1247 : Uniform Traffic Control

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

Uniform Traffic Control
 Melissa Wandall (At Request Of Chair) - Information Only
 Stop! Red Light Running
 6711 63rd Terrace C.
 Bradenton FL 34203
 Phone: 941 545-3359

Uniform Traffic Control
 Commissioner Linda Stewart (General Public) - Proponent
 Metroplan Orlando
 4206 Inwood Landing Dr.
 Orlando FL
 Phone: 407 857-3989

Uniform Traffic Control
 Councilwoman Lynda Bell (General Public) - Proponent
 City of Homestead
 Homestead FL

Uniform Traffic Control
 Marsha Hosack-WAIVED TIME (Lobbyist) - Proponent
 Sarasota County Government
 1660 Ringling
 Sarasota FL 34236
 Phone: 941 650-6968

Committee meeting was reported out: Friday, April 20, 2007 12:34:17PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

4/20/2007 9:15:00AM

Location: 404 HOB

Unif

Todd Bonlarron-WAIVED TIME (Lobbyist) - Proponent

Palm Beach County
310 N. Olive Ave.
West Palm Beach FL 133401
Phone: 561 533-0926

Uniform Traffic Control

Doug Callaway (Lobbyist) - Proponent

Floridians for Better Transportation
136 S. Bronough Street
Tallahassee FL 32301
Phone: 850 521-1256

Uniform Traffic Control

Matt Bower-WAIVED TIME (General Public) - Proponent

Mothers Against Drunk Driving
7430 N. Tamiami Trail
Sarasota FL 34243
Phone: 941 355-7778

Uniform Traffic Control

Howard Glassman (Lobbyist) - Proponent

FL MPO Advisory Council
605 Suwannee St.
Tallahassee FL 32399
Phone: 850 414-4062

Uniform Traffic Control

Jose Diaz-WAIVED TIME (Lobbyist) - Proponent

American Traffic Solutions
108 E. Jefferson St.
Tallahassee FL

Uniform Traffic Control

C. Scott Dudley-WAIVED TIME (Lobbyist) - Proponent

FL League of Cities, Inc.
300 S. Bronough St., Ste. 301
Tallahassee FL 32302
Phone: 850 222-9684

Committee meeting was reported out: Friday, April 20, 2007 12:34:17PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 1247

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N) 4/20/07

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER (Y/N)

1 Council hearing bill: Economic Expansion & Infrastructure
 2 Representative offered the following:

Amendment

Remove lines 146 - 150 and insert:

6 municipality, as appropriate, an affidavit that sets forth
 7 detailed information supporting an exemption as provided in sub-
 8 subparagraphs a., b., or c. For an exemption under sub-
 9 subparagraph c., the affidavit must set forth:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 1247

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N) *11/20/07*
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER _____

1 Council hearing bill: Economic Expansion & Infrastructure
 2 Representative offered the following:

technical

4 **Amendment**

5 Remove line 227 and insert:

6 shall provide an annual summary report to the Governor, the

7 President of

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/20/2007 9:15:00AM

Location: 404 HOB

HB 1487 : Insurance Premium and Corporate Income Tax Credits

Favorable with Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

Insurance Premium & Corporate Income Tax Credits
 Slater Bayliss-WAIVED TIME (Lobbyist) - Proponent
 Tew Cardenas and Advantage Capital
 215 S. Monroe St.
 Tallahassee FL 32311
 Phone: 850 222-8900

Committee meeting was reported out: Friday, April 20, 2007 12:34:17PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 02 (for drafter's use only)

Bill No. 1487

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N) 4/20/07
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER _____

1 Council/Committee hearing bill: Economic Expansion &
2 Infrastructure Council
3 Representative(s) Schenck offered the following:
4

Amendment (with title amendment)

6 Remove everything after the enacting clause, and insert:

7 Section 1. Section 288.991, Florida Statutes, is created
8 to read:

9 288.991 New Markets Tax Credit Act.--This part may be
10 cited as the "New Markets Tax Credit Act."

11 Section 2. Section 288.992, Florida Statutes, is created
12 to read:

13 288.992 New markets tax credit.--

14 (1) DEFINITIONS.--As used in this section, the term:

15 (a) "Adjusted purchase price" means the product of the
16 amount paid at issuance for a qualified equity investment and a
17 fraction the numerator of which is the dollar amount of
18 qualified low-income community investments in this state made
19 with the proceeds of the issuance of the qualified equity
20 investment and held by the qualified community development
21 entity on the applicable credit allowance date and the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 denominator of which is the total dollar amount of qualified
23 low-income community investments made with the proceeds of the
24 issuance of the qualified equity investment held by the
25 qualified community development entity on such date.

26 (b) "Credit allowance date" means:

- 27 1. The first anniversary of the date on which any
28 qualified equity investment is initially made; and
29 2. Each of the five subsequent anniversaries of such date.

30 (c) "Long-term debt security" means any debt instrument
31 issued by a qualified community development entity, at par value
32 or a premium, having an original maturity date of at least 7
33 years after the date of its issuance, with no acceleration of
34 repayment, amortization, or prepayment features before its
35 original maturity date, and having no distribution, payment, or
36 interest features related to the profitability of the qualified
37 community development entity or the performance of the qualified
38 community development entity's investment portfolio. This
39 paragraph does not limit the holder's ability to accelerate
40 payments on the debt instrument in situations in which the
41 qualified community development entity has defaulted on
42 covenants designed to ensure compliance with this section or s.
43 45D of the Internal Revenue Code of 1986, as amended.

44 (d) "Low-income community" means any population census
45 tract within this state for which:

- 46 1. The federal individual poverty rate of such tract is at
47 least 20 percent; or

48 2.a. In the case of a tract not located within a
49 metropolitan area, the median family income for such tract does
50 not exceed 80 percent of statewide median family income; or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

51 b. In the case of a tract located within a metropolitan
52 area, the median family income for such a tract does not exceed
53 80 percent of the greater of statewide median family income or
54 the metropolitan area median income.

55 (e) "Qualified active low-income community business" has
56 the same meaning as in s. 45D of the Internal Revenue Code of
57 1986, as amended, provided, the term "qualified active low-
58 income community business" does not include any trade or
59 business that:

60 1. Derives or projects to derive 15 percent or more of its
61 annual revenue from the rental or sale of real estate;

62 2. Consists predominantly of the development or holding of
63 intangibles for sale or license;

64 3. Consists of the operation of any private or commercial
65 golf course, country club, massage parlor, hot tub facility,
66 tanning facility, racetrack or other facility used for gambling,
67 or any store the principal business of which is the sale of
68 alcoholic beverages for consumption off premises; or

69 4. The principal activity of which is farming if the sum
70 of the aggregate unadjusted bases or, if greater, the fair
71 market value, of the assets owned by the business that are used
72 in such trade or business, and the aggregate value of the assets
73 leased by the business used in such trade or business exceeds
74 \$500,000. For the purposes of this paragraph, two or more trades
75 or businesses will be treated as a single trade or business.

76 (f) "Qualified community development entity" means any
77 entity that has been certified as a qualified community
78 development entity by the Community Development Financial
79 Institutions Fund of the United States Treasury Department
80 pursuant to s. 45D of the Internal Revenue Code of 1986, as

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

81 amended, whose certification has not been revoked and who has
82 entered into an allocation agreement with the Community
83 Development Financial Institutions Fund with respect to tax
84 credits authorized by s. 45D of the Internal Revenue Code of
85 1986, as amended.

86 (g) "Qualified equity investment" means any equity
87 investment or long-term debt security issued by a qualified
88 community development entity that:

89 1. Is acquired on or after July 1, 2007, at its original
90 issuance solely in exchange for cash;

91 2. Has at least 85 percent of its cash purchase price used
92 by the qualified community development entity to make qualified
93 low-income community investments within the 12-month period
94 beginning on the date the cash is paid by the taxpayer to the
95 community development entity; and

96 3. Is certified by the Office of Tourism, Trade, and
97 Economic Development as a qualified equity investment pursuant
98 to this section.

99 (h) "Qualified low-income community investment" means any
100 capital or equity investment in or loan to any qualified active
101 low-income community business made after July 1, 2007. With
102 respect to any one qualified active low-income community
103 business, the maximum amount of debt or equity issued by it, on
104 a collective basis with all of its affiliates, that may be
105 included in the calculation of any numerator described in
106 paragraph (1)(a) shall be \$10 million, whether such investments
107 are issued to one or more qualified community development
108 entities.

109 (i) "Office" means the Office of Tourism, Trade, and
110 Economic Development.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

111 (2) AUTHORIZATION OF TAX CREDITS.--

112 (a) A taxpayer holding a qualified equity investment on a
113 credit allowance date of such qualified equity investment shall
114 be entitled to a tax credit against the taxes imposed by
115 s.220.11 or s. 624.509 during the tax year that includes the
116 credit allowance date. The tax credit amount is equal to 8.33
117 percent of the adjusted purchase price of the qualified equity
118 investment.

119 (b) A taxpayer may not redeem any portion of such tax
120 credit in any tax year that exceeds the taxpayer's state tax
121 liability for such tax year. Any amount of the tax credit that
122 the taxpayer is so prohibited from redeeming in a tax year may
123 be carried forward for use in any subsequent tax year; however,
124 all unused tax credits shall expire on December 31, 2028.

125 (c) The taxpayer's cash investment received by the
126 community development entity is treated as invested in a
127 qualified low-income community investment only to the extent
128 that the cash is so invested within the 12-month period
129 beginning on the date the cash is paid by the taxpayer to the
130 community development entity.

131 (d) A tax credit authorized under this section is not
132 refundable or transferable. However, if a qualified equity
133 investment is transferred, the tax credits for future credit
134 allowance dates, if any, shall transfer with the qualified
135 equity investment. Credit amounts, including any carryover
136 amounts, from credit allowance dates prior to the date of
137 transfer do not transfer with the qualified equity investment.
138 Tax credits earned by a partnership, limited liability company,
139 S corporation, or other pass-through entity may be allocated to
140 the partners, members, or shareholders of such entity for their

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

141 direct redemption in accordance with the provisions of any
142 agreement among the partners, members, or shareholders.

143 (3) DESIGNATION OF QUALIFIED EQUITY INVESTMENTS.--

144 (a) Any qualified community development entity that
145 desires to have an equity investment or long-term debt security
146 designated as a qualified equity investment and eligible for tax
147 credits under this section shall apply to the office. The
148 qualified community development entity shall file an application
149 on a form which the office may prescribe by rule, which shall
150 include, but not be limited to, the following:

151 1. The name, address, tax identification number of the
152 entity, and evidence of the entity's certification as a
153 qualified community development entity by the Community
154 Development Financial Institutions Fund of the United States
155 Department of Treasury.

156 2. A copy of an allocation agreement executed by the
157 qualified community development entity and the Community
158 Development Financial Institutions Fund with respect to an
159 allocation of tax credits under s.45D of the Internal Revenue
160 Code of 1986, as amended.

161 3. A certificate, executed by an executive of the
162 qualified community development entity, attesting that such
163 allocation agreement remains in effect and has not been revoked
164 or cancelled by the Community Development Financial Institutions
165 Fund.

166 4. A description of the proposed amount, structure, and
167 purchaser of the equity investment or long-term debt security.

168 5. The name and tax identification number of any person or
169 entity that will be eligible to redeem tax credits earned as a
170 result of the issuance of the qualified equity investment.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

171 6. Information regarding the proposed use of proceeds from
172 the issuance of the qualified equity investment, which shall
173 include the types of qualified active low-income community
174 businesses that will be funded and an estimate of the percentage
175 of qualified low-income community investments that will be made
176 in the state with the proceeds of the qualified equity
177 investment. In addition, the entity shall submit a nonrefundable
178 application fee of \$1,000 to the office in connection with each
179 application filed with the office.

180 7. A statement setting forth the applicant's plans for the
181 development of relationships with community-based organizations,
182 local community development offices and organizations, and
183 economic development organizations, as well as any steps the
184 community development entity has taken to implement these
185 relationships.

186 (b) Within 30 days after receipt of a completed
187 application containing all information necessary for the office
188 to certify a potential qualified equity investment, including
189 payment of the application fee, the office shall grant or deny
190 the application in full or in part. If the office denies any
191 part of the application, it shall inform the qualified community
192 development entity of the grounds for the denial. If the
193 qualified community development entity provides any additional
194 information required by the office or otherwise completes its
195 application within 15 days' notice of denial, the application
196 shall be considered completed as of its original date of
197 submission. If the qualified community development entity fails
198 to provide such information or complete its application within
199 this 15-day period, the application will remain denied and will

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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200 be required to be resubmitted in full with a new submission
201 date.

202 (c) If an application is deemed complete by the office, it
203 shall certify the proposed equity investment or long-term debt
204 security as a qualified equity investment and eligible for tax
205 credits under this section. The office shall provide written
206 notice of that certification to the qualified community
207 development entity and the Department of Revenue. The written
208 notice shall include the maximum amount of tax credits that may
209 be earned as a result of the issuance of the qualified equity
210 investment, which shall be calculated with reference to the
211 percentage of qualified low-income community investments
212 estimated to be made in this state by the qualified community
213 development entity in its application, and the names of those
214 taxpayers who are eligible to redeem the credits and their
215 respective credit amounts. The office shall certify qualified
216 equity investments in the order which applications for their
217 certification are received. Any applications received on the
218 same day shall be deemed to have been received simultaneously.

219 (d) Once the office has certified qualified equity
220 investments on a cumulative basis that are eligible for \$105
221 million in tax credits, of which no more than \$15 million may be
222 claimed per state fiscal year, exclusive of tax credits carried
223 forward, and on or after June 30, 2014, the office may not
224 certify any more qualified equity investments. Tax credits
225 subject to appropriations in any year must be approved and
226 enacted by the Legislature. If a pending request for
227 certification of a qualified equity investment can be partially
228 certified but not fully certified because of the application of
229 this section, the office shall certify that portion of the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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230 qualified equity investment that may be certified unless the
231 qualified community development entity elects to withdraw its
232 request rather than receive partial credits.

233 (e) Within 30 days' notice of certification from the
234 office, the qualified community development entity must issue
235 the qualified equity investment and receive cash in the amount
236 of the certified amount. The qualified community development
237 entity shall provide the office with evidence of the receipt of
238 the investment within 10 business days after its receipt. If the
239 qualified community development entity does not issue the
240 qualified equity investment and receive the cash investment
241 within the 30 days after receipt of the certification notice,
242 the certification shall lapse and the qualified community
243 development entity shall no longer be entitled to issue such
244 qualified equity investment without reapplying to the office for
245 certification. Any certifications that lapse pursuant to the
246 preceding sentence shall revert back to the office and may be
247 reissued in accordance with the application process outlined in
248 this section.

249 (f) On the date on which a qualified equity investment is
250 initially made, the purchaser thereof shall make an election to
251 apply the credit against taxes due under chapter 220 or chapter
252 624 or against a stated combination of the two taxes, and shall
253 provide notice of such election to the office and Department of
254 Revenue. A purchaser, subsequent holder of the qualified equity
255 investment, or member, partner, or shareholder of the holder who
256 is eligible to take the credit, may not alter this election
257 without prior notice to and approval by the Department of
258 Revenue.

259 (4) ANNUAL CALCULATION OF CREDIT.--

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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260 (a) Within 30 days after each credit allowance date, each
261 qualified community development entity shall submit to the
262 office the following with respect to each qualified equity
263 investment issued by it, including, but not limited to:

264 1. A listing, certified by an executive officer of the
265 qualified community development entity, of all qualified low-
266 income community investments made by the qualified community
267 development entity with the proceeds of a qualified equity
268 investment and held as of the credit allowance date, which shall
269 include the name of each qualified active low-income business
270 funded, the location of the principal office of each such
271 business, the type of business and the amount of the qualified
272 low-income community investment in each such business, and the
273 total of qualified low income community investments by all
274 community development entities in each such business.

275 2. Bank records, wire transfer records, or other similar
276 documents that reflect the investments listed in subparagraph 1.

277 3. A calculation certified by the chief financial officer
278 or accounting officer of the qualified community development
279 entity of the amount of qualified low-income community
280 investments in this state made with the proceeds of the issuance
281 of the qualified equity investment held by the qualified
282 community development entity as of the credit allowance date and
283 the total qualified low-income community investments made with
284 the proceeds of the issuance of the qualified equity investment
285 held by the qualified community development entity on the credit
286 allowance date. In making this calculation an investment in this
287 state shall be deemed to be held by a qualified community
288 development entity, even if the investment has been sold or
289 repaid, if the qualified community development entity reinvests

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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290 an amount equal to the capital returned to or recovered from the
291 original investment, exclusive of any profits realized, in
292 another qualified low-income community investment in this state
293 within 12 months after receipt of such capital. A qualified
294 community development entity is not required to reinvest capital
295 returned from qualified low-income community investments after
296 the 6th anniversary of the issuance of the qualified equity
297 investment for which the proceeds were used to make the
298 qualified low-income community investment. The qualified low-
299 income community investment shall be deemed to be held by the
300 qualified community development entity through the 7th
301 anniversary of the qualified equity investment's issuance.

302 4. An attestation from the qualified community development
303 entity's chief financial or accounting officer that no
304 redemption or principal payment was made with respect to the
305 qualified equity investment since the previous credit allowance
306 date.

307 5. Any information with respect to a recapture of the
308 federal tax credits available with respect to a qualified equity
309 investment that the qualified community development entity has
310 received since the prior credit allowance date.

311 (b) Within 20 days after receipt of the information listed
312 in paragraph (a), the office shall certify in writing to the
313 qualified community development entity and to the Department of
314 Revenue the amount of credit that is eligible for use for such
315 credit allowance date. The notice shall include a listing of
316 those taxpayers that are eligible to redeem the tax credit for
317 such credit allowance date.

318 (5) AUDIT AND RECAPTURE.--

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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319 (a) A qualified community development entity that receives
320 an annual allocation of tax credits in an amount equal to or in
321 excess of \$500,000 shall be treated as a recipient pursuant to
322 s. 215.97(2) and required to participate in a state single audit
323 pursuant to the provisions of s. 215.97. In addition to the
324 financial reporting package required therein, the audit shall
325 attest to the qualified community development entity's adherence
326 to the performance conditions enumerated in this section as they
327 relate to the potential for recapture of the tax credit required
328 by paragraph (b). The office shall be deemed the state awarding
329 agency and state coordinating agency pursuant to s. 215.97(2).
330 Taxpayers that are not qualified community development entities
331 shall not be treated as subrecipients pursuant to s. 215.97(2)
332 or otherwise required to participate in the state single audit
333 program as a result of their receipt of tax credits that were
334 allocated to the qualified community development entity since
335 such persons do not control adherence to the performance
336 standards of this program.

337 (b) The office shall order recapture of any tax credit
338 allowed under this section with respect to a qualified equity
339 investment if:

340 1. Any amount of the federal tax credit available with
341 respect to a qualified equity investment that is eligible for a
342 tax credit under this section is recaptured under s. 45D of the
343 Internal Revenue Code of 1986, as amended;

344 2. The qualified community development entity redeems or
345 makes any principal repayment with respect to a qualified equity
346 investment before the seventh anniversary of the issuance of the
347 qualified equity investment;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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348 3. The qualified community development entity fails to
349 maintain at least 85 percent of the proceeds of the qualified
350 equity investment in qualified low-income community investments
351 at any time before the seventh anniversary of the issuance of
352 the qualified equity investment and remains in compliance with
353 subparagraph (1)(g)2.;

354 4. The qualified community development entity fails to
355 provide to the office and the Department of Revenue any of the
356 information or reports required by this section; or

357 5. The office determines, as a result of a state single
358 audit or an examination by the office, that a taxpayer received
359 tax credits pursuant to this section to which the taxpayer was
360 not entitled.

361 (c) The office shall provide notice to the qualified
362 community development entity and to the Department of Revenue of
363 any proposed recapture of tax credits pursuant to this section.
364 The qualified community development entity shall have 90 days to
365 cure any deficiency indicated in the office's original recapture
366 notice and avoid such recapture. If the qualified community
367 development entity fails or is unable to cure such deficiency
368 within such 90-day period, the office shall provide the
369 qualified community development entity and the Department of
370 Revenue with a final order of recapture. The qualified community
371 development entity shall be responsible for providing copies of
372 such final order of recapture to persons owning the tax credits
373 at issue.

374 (d) Any tax credit for which a final recapture order has
375 been issued shall be recaptured by the Department of Revenue
376 from the taxpayer who claimed the tax credit on a tax return, or
377 in the case of multiple succeeding entities, in the order of tax

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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378 credit succession, and such funds shall be paid into the General
379 Revenue Fund. Such action by the Department of Revenue shall not
380 constitute an audit or otherwise alter the Department of
381 Revenue's ability to audit the taxpayer.

382 (6) ANNUAL REPORTING.--Within 120 days after the end of a
383 calendar year which includes a credit allowance date, each
384 community development entity that has an equity investment or
385 long-term debt security certified as a qualified equity
386 investment under this section shall provide the office, but
387 shall not be limited to:

388 (a)1. Annual financial statements of the qualified
389 community development entity for the immediately preceding
390 calendar year, audited by an firm of independent certified
391 public accountants.

392 2. Using the North American Industry Classification System
393 Code, the types of businesses funded, the counties where the
394 qualified active low-income community businesses are located,
395 the dollars invested, and the number of jobs created and
396 retained by qualified active low-income businesses funded, in a
397 form satisfactory to the office.

398 3. A statement detailing a description of the
399 relationships the community development entity has established
400 with community-based organizations, local community development
401 offices and organizations, and economic development
402 organizations and a summary of the outcomes resulting from those
403 relationships.

404 (b) The office shall file an annual report on all
405 qualified low-income community investments made in this state
406 with the proceeds of qualified equity investments that includes
407 relevant statistics from the North American Industry

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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408 Classification System Code, the county or counties where the
409 qualified low-income community investments are located, the
410 dollars invested, the number of jobs created and retained by
411 business in which qualified low-income community investments
412 have been made, and the value of applicable state tax credits
413 claimed the latest year for which such information is available.
414 The office shall submit a copy to the Governor, the President of
415 the Senate, and the Speaker of the House of Representatives each
416 July 1, beginning in 2009, and also may post the annual report
417 on the office's website.

418 (7) EXAMINATION.--

419 (a) The office may conduct examinations to verify that tax
420 credits under this section have been received and applied
421 according to the requirements of this section and to verify
422 information provided by qualified community development entities
423 to the office.

424 (b) The office may revoke or modify any written decision
425 qualifying, certifying, or otherwise granting eligibility for
426 tax credits under this section if it is discovered that the
427 qualified community development entity submitted any false
428 statement, representation, or certification in any application,
429 record, report, plan, or other document filed in an attempt to
430 receive tax credits under this section.

431 (c) Any qualified community development entity that
432 submits information under this section that includes fraudulent
433 information is liable for reimbursement of the reasonable costs
434 and fees associated with the review, processing, investigation,
435 and prosecution of the fraudulent claim plus a penalty in an
436 amount double the credit amount certified and claimed by the
437 holders of its qualified equity investments, which penalty is in

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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438 addition to any criminal penalty to which the taxpayer is liable
439 for the same acts.

440 (8) APPLICATION.--This section does not apply for any
441 fiscal year unless funds sufficient to offset the tax credits to
442 be allocated by the Department of Revenue have been appropriated
443 from the General Revenue Fund for that fiscal year.

444 (9) REPEAL.--This section is repealed December 31, 2028.

445 (10) RULEMAKING AUTHORITY.--

446 (a) The office may adopt rules pursuant to ss. 120.536(1)
447 and 120.54 to implement the provisions of this section.

448 (b) The Department of Revenue may adopt rules pursuant to
449 ss. 120.536(1) and 120.54 to implement the provisions of this
450 section.

451 Section 3. Subsection (19) is added to section 213.053,
452 Florida Statutes, to read:

453 213.053 Confidentiality and information sharing.--

454 (19) Information relative to tax credits taken by a
455 taxpayer under s. 288.992 may be disclosed to the Office of
456 Tourism, Trade, and Economic Development, or its employees or
457 agents that are identified in writing by the office to the
458 department, for use in performance of their official duties. The
459 office shall be bound by the same requirements of
460 confidentiality as the department.

461 Section 4. Subsection (8) of section 220.02, Florida
462 Statutes, is amended to read:

463 220.02 Legislative intent.--

464 (8) It is the intent of the Legislature that credits
465 against either the corporate income tax or the franchise tax be
466 applied in the following order: those enumerated in s. 631.828,
467 those enumerated in s. 220.191, those enumerated in s. 220.181,

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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468 those enumerated in s. 220.183, those enumerated in s. 220.182,
469 those enumerated in s. 220.1895, those enumerated in s. 221.02,
470 those enumerated in s. 220.184, those enumerated in s. 220.186,
471 those enumerated in s. 220.1845, those enumerated in s. 220.19,
472 those enumerated in s. 220.185, those enumerated in s. 220.187,
473 those enumerated in s. 220.192, ~~and~~ those enumerated in s.
474 220.193, and those enumerated in s. 288.992.

475 Section 5. Paragraph (a) of subsection (1) of section
476 220.13, Florida Statutes, is amended to read:

477 220.13 "Adjusted federal income" defined.--

478 (1) The term "adjusted federal income" means an amount
479 equal to the taxpayer's taxable income as defined in subsection
480 (2), or such taxable income of more than one taxpayer as
481 provided in s. 220.131, for the taxable year, adjusted as
482 follows:

483 (a) Additions.--There shall be added to such taxable
484 income:

485 1. The amount of any tax upon or measured by income,
486 excluding taxes based on gross receipts or revenues, paid or
487 accrued as a liability to the District of Columbia or any state
488 of the United States which is deductible from gross income in
489 the computation of taxable income for the taxable year.

490 2. The amount of interest which is excluded from taxable
491 income under s. 103(a) of the Internal Revenue Code or any other
492 federal law, less the associated expenses disallowed in the
493 computation of taxable income under s. 265 of the Internal
494 Revenue Code or any other law, excluding 60 percent of any
495 amounts included in alternative minimum taxable income, as
496 defined in s. 55(b)(2) of the Internal Revenue Code, if the
497 taxpayer pays tax under s. 220.11(3).

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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498 3. In the case of a regulated investment company or real
499 estate investment trust, an amount equal to the excess of the
500 net long-term capital gain for the taxable year over the amount
501 of the capital gain dividends attributable to the taxable year.

502 4. That portion of the wages or salaries paid or incurred
503 for the taxable year which is equal to the amount of the credit
504 allowable for the taxable year under s. 220.181. This
505 subparagraph shall expire on the date specified in s. 290.016
506 for the expiration of the Florida Enterprise Zone Act.

507 5. That portion of the ad valorem school taxes paid or
508 incurred for the taxable year which is equal to the amount of
509 the credit allowable for the taxable year under s. 220.182. This
510 subparagraph shall expire on the date specified in s. 290.016
511 for the expiration of the Florida Enterprise Zone Act.

512 6. The amount of emergency excise tax paid or accrued as a
513 liability to this state under chapter 221 which tax is
514 deductible from gross income in the computation of taxable
515 income for the taxable year.

516 7. That portion of assessments to fund a guaranty
517 association incurred for the taxable year which is equal to the
518 amount of the credit allowable for the taxable year.

519 8. In the case of a nonprofit corporation which holds a
520 pari-mutuel permit and which is exempt from federal income tax
521 as a farmers' cooperative, an amount equal to the excess of the
522 gross income attributable to the pari-mutuel operations over the
523 attributable expenses for the taxable year.

524 9. The amount taken as a credit for the taxable year under
525 s. 220.1895.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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526 10. Up to nine percent of the eligible basis of any
527 designated project which is equal to the credit allowable for
528 the taxable year under s. 220.185.

529 11. The amount taken as a credit for the taxable year
530 under s. 220.187.

531 12. The amount taken as a credit for the taxable year
532 under s. 220.192.

533 13. The amount taken as a credit for the taxable year
534 under s. 220.193.

535 14. Any portion of a qualified equity investment, as
536 defined in s. 288.993(1)(g), that has been claimed as a
537 deduction by the taxpayer for purposes of computing the
538 taxpayer's net income.

539 Section 6. This act shall take effect July 1, 2007, and
540 shall apply to tax years ending after December 31, 2007.

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543 ===== T I T L E A M E N D M E N T =====

544 Remove the entire title, and insert:

545 A bill to be entitled

546 An act relating to insurance premium and corporate income tax
547 credits; creating part XII of ch. 288, F.S., consisting of ss.
548 288.991 and 288.992, F.S.; providing definitions; providing that
549 taxpayers who hold a qualified equity investment on a credit
550 allowance date of the investment are entitled to a
551 nonrefundable, nontransferable tax credit for the taxable year
552 in which the credit allowance date falls; providing for
553 calculating the amount of the tax credit; limiting the amount of
554 the tax credit which may be redeemed in a fiscal year; providing
555 for carryforward of tax credits; providing for the redemption of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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556 tax credits earned by certain business entities and by the
557 partners, members, or shareholders of those entities;
558 authorizing a taxpayer to carryover any amount of the tax credit
559 that the taxpayer is prohibited from redeeming in a taxable year
560 to any subsequent taxable year; requiring the issuer of a
561 qualified equity investment to certify to the Department of
562 Revenue the anticipated dollar amount of investments to be made
563 in this state during a specified period following the initial
564 credit allowance date; requiring the department to limit the
565 monetary amount of qualified equity investments to a level
566 necessary to limit the use of tax credits to a specified amount
567 in each fiscal year; providing a basis for such limitation;
568 authorizing the department to adjust tax credits under certain
569 circumstances; requiring certifications to be accompanied by
570 audited financial statements and notarized affidavits; requiring
571 taxpayers to make an irrevocable election as to the taxes to
572 which to apply the credit; requiring the department to recapture
573 tax credits from certain taxpayers under certain circumstances;
574 requiring the department to adopt rules; requiring the
575 department to administer the allocation of tax credits for
576 certain qualified investments in a specified manner; requiring
577 certain community development entities to report certain
578 information to the department; requiring the department to file
579 annual reports on certain community investments; authorizing the
580 department to conduct examinations and audits to verify receipt
581 and application of tax credits; authorizing the department to
582 pursue recovery of certain funds; authorizing the department to
583 revoke or modify certain decisions relating to eligibility for
584 tax credits under certain circumstances; providing grounds for
585 forfeiture of tax credits under certain circumstances; requiring

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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586 taxpayers to return forfeited tax credits under certain
587 circumstances; providing for recovery of tax deficiencies under
588 certain circumstances; providing for applicant liability for
589 costs and fees relating to investigations of fraudulent claims;
590 providing for taxpayer liability for reimbursement of
591 fraudulently claimed tax credits; providing a penalty; providing
592 for taxpayer liability for costs for investigating and
593 prosecuting fraudulent claims; providing application; providing
594 for future repeal; providing for continuation of certain tax
595 credit carryforwards; amending s. 213.053, F.S.; providing for
596 disclosure of certain tax credit information to the Office of
597 Tourism, Trade, and Economic Development for certain purpose;
598 amending s. 220.02, F.S.; revising legislative intent with
599 respect to the order of tax credits to conform; amending s.
600 220.13, F.S.; revising a definition to conform; providing an
601 effective date.

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COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

4/20/2007 9:15:00AM

Location: 404 HOB

PCB EEIC 07-11 : An act relating to growth management

	<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon		X				
Susan Bucher		X				
Edward Bullard		X				
Larry Cretul		X				
Joyce Cusack		X				
Don Davis				X		
Mike Davis		X				
Keith Fitzgerald		X				
Richard Glorioso		X				
Doug Holder		X				
Dick Kravitz		X				
Peter Nehr		X				
Pat Patterson		X				
Betty Reed		X				
Dean Cannon (Chair)		X				
Total Yeas: 14		Total Nays: 0				

Appearances:

An act relating to growth management

Charles Pattison (Lobbyist) - Opponent

1000 Friends of Florida

926 E. Park Ave.

Tallahassee FL 32301

Phone: 850 222-6277

An act relating to growth management

Charles Gauthier (Lobbyist) (State Employee) - Opponent

Department of Community Affairs

2555 Shumand Oak Blvd.

Tallahassee FL 32399

Phone: 850 487-4545

An act relating to growth management

David Ramba (Lobbyist) - Proponent

Callelry Judge Grove/Charlie Michaels, Inc.

Tallahassee, FL 32301

Phone: 850 222-5702

An act relating to growth management

Louis Rotundo (Lobbyist) - Proponent

City of Altamonte Sprintgs

302 Pinestraw Circle

Altamonte Springs FL 32714

Phone: 407 699-9361

Committee meeting was reported out: Friday, April 20, 2007 12:34:17PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

4/20/2007 9:15:00AM

Location: 404 HOB

An act relating to growth management
Eric Draper (Lobbyist) - Information Only
Audubon of Florida
2507 Callaway Rd., # 103
Tallahassee, FL32308 32303
Phone: 850 224-7546

An act relating to growth management
Wade Hopping (Lobbyist) - Proponent
Assn. of FL Community Developers
710 N. Ride
Tallahassee FL 32303
Phone: 850 222-7500

An act relating to growth management
Rebecca O'Hara (Lobbyist) - Proponent
FL League of Cities
P. O. Box 1757
Tallahassee FL 32301
Phone: 850 222-9684

Committee meeting was reported out: Friday, April 20, 2007 12:34:17PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

PCB EEIC 07-11.

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION X (Y/N) 4/20/07
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER _____

1 Council/Committee hearing bill: Economic Expansion &
2 Infrastructure Council
3 Representative(s) Bucher offered the following:
4

Amendment (with title amendment)

Between lines 514 and 515, insert:

8 Section 4. Section 163.3182, Florida Statutes, is created
9 to read:

10 163.3182 Transportation concurrency.--

11 (1) SHORT TITLE.--This section may be cited as the
12 "Transportation Concurrency Backlog Act."

13 (2) DEFINITIONS.--For purposes of this section, the term:

14 (a) "Transportation construction backlog area" means the
15 geographic area within the unincorporated portion of a county or
16 within the municipal boundary of a municipality for which a
17 transportation concurrency backlog authority is created pursuant
18 to this section.

19 (b) "Authority" or "transportation concurrency backlog
20 authority" means the governing body of a county or municipality
21 within which an authority is created.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

22 (c) "Governing body" means the council, commission, or
23 other legislative body charged with governing the county or
24 municipality within which a transportation concurrency backlog
25 authority is created pursuant to this section.

26 (d) "Transportation concurrency backlog" means an
27 identified failure or failing of a given transportation link
28 within any county or municipality, as identified and designated
29 pursuant to this part, and the applicable local government
30 comprehensive plan and related documents. Such backlog includes
31 a failed or failing transportation link the condition of which
32 has been caused in whole or in part by the failure to construct
33 adequate facilities or because of the grant of a transportation
34 concurrency exemption or exception by the responsible local
35 government.

36 (e) "Transportation concurrency backlog plan" means the
37 plan adopted by the governing body of a county or municipality
38 acting as a transportation concurrency backlog authority.

39 (f) "Transportation concurrency backlog project" means any
40 designated transportation project identified for construction
41 within the jurisdiction of a transportation construction backlog
42 authority.

43 (g) "Debt service millage" means any millage levied
44 pursuant to s. 12, Art. VII of the State Constitution.

45 (h) "Increment revenue" means the amount calculated
46 pursuant to s. 163.31825.

47 (i) "Taxing authority" means a public body that levies or
48 is authorized to levy an ad valorem tax on real property located
49 within a transportation concurrency backlog area.

50 (3) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
51 AUTHORITIES.--

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

52 (a) A county or municipality may create a transportation
53 concurrency backlog authority if it has an identified
54 transportation concurrency backlog.

55 (b) Acting as the transportation concurrency backlog
56 authority within its jurisdictional boundary, the governing
57 board of each county or municipality shall adopt and implement a
58 plan to eliminate all identified transportation concurrency
59 backlogs within its jurisdiction using funds provided pursuant
60 to s. 163.31825 and as otherwise provided pursuant to this
61 section.

62 (4) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
63 AUTHORITY.--Each transportation concurrency backlog authority
64 has the powers necessary or convenient to carry out the purposes
65 of this section, including the following powers in addition to
66 others granted in this section:

67 (a) To make and execute contracts and other instruments
68 necessary or convenient to the exercise of its powers under this
69 section.

70 (b) To undertake and carry out transportation concurrency
71 backlog projects for all streets, roads, and related public
72 facilities that have a transportation concurrency backlog within
73 the authority's jurisdiction.

74 (c) To invest any transportation concurrency backlog funds
75 held in reserves, sinking funds, or any such funds not required
76 for immediate disbursement in property or securities in which
77 savings banks may legally invest funds subject to the control of
78 the authority and to redeem such bonds as have been issued
79 pursuant to this section at the redemption price established
80 therein, or to purchase such bonds at less than redemption
81 price. All such bonds redeemed or purchased shall be canceled.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

82 (d) To borrow money, apply for and accept advances, loans,
83 grants, contributions, and any other forms of financial
84 assistance from the Federal Government or the state, county, or
85 any other public body or from any sources, public or private,
86 for the purposes of this part, to give such security as may be
87 required, to enter into and carry out contracts or agreements,
88 and to include in any contracts for financial assistance with
89 the Federal Government for or with respect to a transportation
90 concurrency backlog project and related activities such
91 conditions imposed pursuant to federal laws as the
92 transportation concurrency backlog authority considers
93 reasonable and appropriate and which are not inconsistent with
94 purposes of this section.

95 (e) To make or have made all surveys and plans necessary
96 to the carrying out of the purposes of this section, to contract
97 with any persons, public or private, in making and carrying out
98 such plans, and to adopt, approve, modify, or amend such
99 transportation concurrency backlog plans.

100 (f) To appropriate such funds and make such expenditures
101 as are necessary to carry out the purposes of this part, and to
102 zone or rezone any part of the transportation concurrency
103 backlog area or make exceptions from regulations and to enter
104 into agreements with other public bodies which agreements may
105 extend over any period, notwithstanding any provision or rule of
106 law to the contrary.

107 (5) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--Each
108 transportation concurrency backlog authority shall adopt a
109 transportation concurrency backlog plan within 6 months after
110 the creation of the authority. The plan shall:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

111 (a) Identify all transportation links that have been
112 designated as failing or failed links and require the
113 expenditure of moneys to upgrade, modify, or mitigate the links.

114 (b) Include a priority listing of all transportation links
115 that have been designated as failed or failing links and do not
116 satisfy concurrency requirements as specified pursuant to this
117 part, and the applicable local government comprehensive plan and
118 land development regulations.

119 (c) Establish a schedule for financing and construction of
120 transportation concurrency backlog projects that will eliminate
121 transportation concurrency backlogs within the jurisdiction of
122 the authority within 10 years after transportation concurrency
123 backlog plan adoption.

124 (d) The transportation concurrency backlog plan adopted by
125 each authority is not subject to review or approval by the
126 Department of Community Affairs.

127 (6) ESTABLISHMENT OF TRUST FUND.--The transportation
128 concurrency backlog authority shall establish a transportation
129 concurrency backlog trust fund upon creation of the authority.
130 Each trust fund shall be administered by the transportation
131 concurrency backlog authority within which a transportation
132 concurrency backlog has been identified. Beginning in the first
133 fiscal year after the creation of the authority, each trust fund
134 shall be funded by the proceeds of an ad valorem tax increment
135 collected within each transportation concurrency backlog area to
136 be determined annually and shall be the amount equal to 25
137 percent of the difference between:

138 (a) The amount of ad valorem tax levied each year by each
139 taxing authority, exclusive of any amount from any debt service
140 millage, on taxable real property contained within the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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141 jurisdiction of the transportation concurrency backlog authority
142 and within the transportation backlog area; and

143 (b) The amount of ad valorem taxes which would have been
144 produced by a rate upon which the tax is levied each year by or
145 for each taxing authority exclusive of any debt service millage
146 upon the total of the assessed value of the taxable real
147 property within the transportation concurrency backlog area as
148 shown on the most recent assessment roll used in connection with
149 the taxation of such property by each taxing authority.

150 (7) EXEMPTIONS.--

151 (a) The following public bodies or taxing authorities are
152 exempt from the provisions of this section:

153 1. A special district that levies ad valorem taxes on
154 taxable real property in more than one county.

155 2. A special district for which the sole available source
156 of revenue the district has the authority to levy ad valorem
157 taxes at the time an ordinance is adopted under this section.
158 However, revenues or aid that may be dispensed or appropriated
159 to a district as defined in s. 388.011 at the discretion of an
160 entity other than such district shall not be deemed available.

161 3. A library district.

162 4. A neighborhood improvement district created under the
163 Safe Neighborhoods Act.

164 5. A metropolitan transportation authority.

165 6. A water management district created under s. 373.069.

166 (b) A transportation concurrency exemption authority may
167 also exempt from this section a special district that levies ad
168 valorem taxes within the transportation concurrency backlog area
169 pursuant to s. 163.387(2)d.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

170 (8) TRANSPORTATION CONCURRENCY SATISFACTION.--Upon
171 adoption of a transportation concurrency backlog plan by an
172 authority, all transportation concurrency backlogs within the
173 jurisdiction of an authority shall be deemed to be financed and
174 fully financially feasible for purposes of calculating
175 transportation concurrency pursuant to this part. A landowner
176 may proceed with development of a specific parcel of land if all
177 other applicable provisions of s. 163.3180(11) have been
178 satisfied and the landowner may not be assessed any
179 proportionate share or impact fees for backlog.

180 (9) DISSOLUTION.--Upon completion of all transportation
181 concurrency backlog projects, a transportation concurrency
182 backlog authority shall be dissolved and its assets and
183 liabilities shall be transferred to the county or municipality
184 within which the authority is located. All remaining assets of
185 the authority must be used for implementation of transportation
186 projects within the jurisdiction of the authority.

187
188
189 ===== T I T L E A M E N D M E N T =====

190 Remove line 21 and insert:

191
192 creating s. 163.3182, F.S.; providing a short title; providing
193 for the creation of transportation concurrency backlog
194 authorities; providing powers and responsibilities of such
195 authorities; providing for transportation concurrency backlog
196 plans; providing for the issuance of revenue bonds for certain
197 purposes; providing for the establishment of a trust fund within
198 each county or municipality with an identified transportation
199 concurrency backlog; providing exemptions from transportation

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

200 concurrency requirements; providing for the satisfaction of
201 concurrency requirements; providing for dissolution of
202 transportation concurrency backlog authorities; amending s.
203 163.3187, F.S.; modifying maximum acreage

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 02 (for drafter's use only)

Bill No. **PCB EEIC 07-11**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)	
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)	
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)	4/20/07
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)	
WITHDRAWN	<input type="checkbox"/>	(Y/N)	
OTHER	<input type="checkbox"/>		

1 Council/Committee hearing bill: Economic Expansion and
 2 Infrastructure
 3 Representative(s) Nehr offered the following:

Amendment (with directory and title amendments)

Between line(s) 637 and 638 insert:

Section 6. Section 163.3229, Florida Statutes is amended to read:

163.3229 Duration of a development agreement and relationship to local comprehensive plan.--The duration of a development agreement shall not exceed 20 ~~10~~ years. It may be extended by mutual consent of the governing body and the developer, subject to a public hearing in accordance with s. 163.3225. No development agreement shall be effective or be implemented by a local government unless the local government's comprehensive plan and plan amendments implementing or related to the agreement are found in compliance by the state land planning agency in accordance with s. 163.3184, s. 163.3187, or s. 163.3189.

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

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 02 (for drafter's use only)

22 Remove line(s) 23 and insert:
23 amending s. 163.3229, F.S.; providing for the duration of a
24 development agreement; creating s. 163.32465, F.S.; creating a
25 pilot program

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. ^{#3} (for drafter's use only)

Bill No. PCB EEIC 07-11

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 4/20/07
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Economic Expansion &
 2 Infrastructure
 3 Representative(s) Nehr offered the following:

Amendment (with directory and title amendments)

Remove line(s) 887 and insert:

of three years, regardless of any prior extensions. Such 3-year

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/20/2007 9:15:00AM

Location: 404 HOB

PCB EEIC 07-12 : Recreational Vehicle Manufacturers, Distributors, Dealers, and Importers

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

Recreational Vehicle Manufacturers, Distributors, Dealers & Importers

Marc Dunbar-WAIVED TIME (Lobbyist) - Proponent

FL RV Trade Association

215 S. Monroe St.

Tallahassee FL 32301

Phone: 850 222-3533

Committee meeting was reported out: Friday, April 20, 2007 12:34:17PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/20/2007 9:15:00AM

Location: 404 HOB

Summary:

Economic Expansion & Infrastructure Council

Friday April 20, 2007 09:15 am

HB 323	Favorable with Council Substitute	Yeas: 13	Nays: 1
HB 331	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 431	Favorable	Yeas: 14	Nays: 0
HB 589	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 747	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 1057	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 1247	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 1487	Favorable with Council Substitute	Yeas: 14	Nays: 0
PCB EEIC 07-11	Favorable	Yeas: 14	Nays: 0
PCB EEIC 07-12	Favorable	Yeas: 14	Nays: 0

Committee meeting was reported out: Friday, April 20, 2007 12:34:17PM