



General Government Policy Council

**Friday, April 9, 2010
Morris Hall
11:45 AM – 3:00 PM**

ACTION PACKET

**Larry Cretul
Speaker**

**Baxter Troutman
Chairman**

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

Summary:

General Government Policy Council

Friday April 09, 2010 11:45 am

CS/CS/HB 303	Favorable With Council Substitute	Yeas: 12	Nays: 0
CS/HB 357	Favorable	Yeas: 12	Nays: 0
CS/HB 447	Temporarily Deferred		
CS/HB 501	Favorable With Council Substitute	Yeas: 14	Nays: 0
HB 629	Favorable	Yeas: 14	Nays: 0
HB 661	Favorable	Yeas: 15	Nays: 0
CS/HB 691	Favorable	Yeas: 12	Nays: 0
CS/CS/HB 713	Favorable With Council Substitute	Yeas: 11	Nays: 0
HB 885	Favorable With Council Substitute	Yeas: 12	Nays: 3
CS/CS/HB 981	Favorable With Council Substitute	Yeas: 15	Nays: 0
CS/HB 1003	Favorable	Yeas: 13	Nays: 0
HB 1147	Favorable	Yeas: 10	Nays: 0
CS/CS/HB 1239	Favorable With Council Substitute	Yeas: 14	Nays: 0
CS/HB 1299	Favorable With Council Substitute	Yeas: 14	Nays: 0
CS/HB 1385	Favorable With Council Substitute	Yeas: 13	Nays: 0
CS/CS/HB 1445	Favorable With Council Substitute	Yeas: 12	Nays: 2
HB 7103	Retained		
HB 7177	Retained		
HB 7191	Favorable	Yeas: 13	Nays: 0
PCB GGPC 10-01	Favorable	Yeas: 11	Nays: 2

Committee meeting was reported out: Friday, April 09, 2010 6:42:19PM

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

PCB GGPC 10-02 Retained

PCB GGPC 10-03 Retained

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Baxter Troutman (Chair)	X		
Debbie Boyd	X		
Mary Brandenburg	X		
Steve Crisafulli	X		
Clay Ford			X
Denise Grimsley	X		
Debbie Mayfield	X		
Peter Nehr	X		
Bryan Nelson	X		
Pat Patterson	X		
Ralph Poppell	X		
Stephen Precourt	X		
Kevin Rader	X		
Dwayne Taylor	X		
Alan Williams	X		
Trudi Williams	X		
Totals:	15	0	1

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

CS/CS/HB 303 : Regulation of Real Estate Appraisers and Appraisal Management Companies

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd			X		
Mary Brandenburg	X				
Steve Crisafulli			X		
Clay Ford			X		
Denise Grimsley			X		
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt	X				
Kevin Rader	X				
Dwayne Taylor	X				
Alan Williams	X				
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Committee meeting was reported out: Friday, April 09, 2010 6:42:19PM

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

CS/HB 357 : Registration of Farm Labor Contractors and Employees

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd			X		
Mary Brandenburg	X				
Steve Crisafulli			X		
Clay Ford			X		
Denise Grimsley			X		
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt	X				
Kevin Rader	X				
Dwayne Taylor	X				
Alan Williams	X				
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 12		Total Nays: 0			

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

CS/HB 447 : Property Insurance

Temporarily Deferred

Committee meeting was reported out: Friday, April 09, 2010 6:42:19PM

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

CS/HB 501 : Estates and Trusts

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford			X		
Denise Grimsley	X				
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt	X				
Kevin Rader	X				
Dwayne Taylor	X				
Alan Williams			X		
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 14		Total Nays: 0			

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

HB 629 : Firesafety Inspections

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford			X		
Denise Grimsley	X				
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt	X				
Kevin Rader	X				
Dwayne Taylor	X				
Alan Williams	X				
Trudi Williams			X		
Baxter Troutman (Chair)	X				
Total Yeas: 14		Total Nays: 0			

COUNCIL MEETING REPORT
General Government Policy Council

4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

HB 661 : Minimum Surplus Requirements for Mortgage Guaranty Insurers

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford			X		
Denise Grimsley	X				
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt	X				
Kevin Rader	X				
Dwayne Taylor	X				
Alan Williams	X				
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 15		Total Nays: 0			

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

CS/HB 691 : Underground Facility Damage Prevention and Safety

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd			X		
Mary Brandenburg	X				
Steve Crisafulli			X		
Clay Ford			X		
Denise Grimsley			X		
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt	X				
Kevin Rader	X				
Dwayne Taylor	X				
Alan Williams	X				
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 12		Total Nays: 0			

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

CS/CS/HB 713 : Department of Business & Professional Regulation

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd			X		
Mary Brandenburg	X				
Steve Crisafulli			X		
Clay Ford			X		
Denise Grimsley			X		
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt			X		
Kevin Rader	X				
Dwayne Taylor	X				
Alan Williams	X				
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Appearances:

Department of Business & Professional Regulation
Wayne Bertsch (Lobbyist) - Opponent
Florida Association of Building Inspectors
4743 Stoney Trace Tallahassee 32309
Phone: 850-251-1835

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)
HB 885 : Life Insurance

Favorable With Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Debbie Boyd	X				
Mary Brandenburg		X			
Steve Crisafulli	X				
Clay Ford			X		
Denise Grimsley	X				
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt	X				
Kevin Rader		X			
Dwayne Taylor	X				
Alan Williams		X			
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 12		Total Nays: 3			

COUNCIL MEETING REPORT
General Government Policy Council

4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

CS/CS/HB 981 : Agriculture

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford			X		
Denise Grimsley	X				
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt	X				
Kevin Rader	X				
Dwayne Taylor	X				
Alan Williams	X				
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

Agriculture

Larry Levy (Lobbyist) - Opponent

Property Appraiser Association of Florida

1828 Riggins Lane

Tallahassee Florida 32308

Phone: 850-219-0220

Agriculture

Vicki Weber (Lobbyist) - Proponent

Hopping Green & Sams

119 South Monroe St. Suite #300

Tallahassee Florida 32301

Phone: 850-222-2500

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

CS/HB 1003 : Veterans

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford			X		
Denise Grimsley	X				
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt			X		
Kevin Rader	X				
Dwayne Taylor	X				
Alan Williams	X				
Trudi Williams			X		
Baxter Troutman (Chair)	X				
Total Yeas: 13		Total Nays: 0			

COUNCIL MEETING REPORT
General Government Policy Council

4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

HB 1147 : Saltwater Products Licenses

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd			X		
Mary Brandenburg	X				
Steve Crisafulli			X		
Clay Ford			X		
Denise Grimsley			X		
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt			X		
Kevin Rader	X				
Dwayne Taylor	X				
Alan Williams				X	
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 10		Total Nays: 0			

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

CS/CS/HB 1239 : Docks

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford			X		
Denise Grimsley	X				
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt	X				
Kevin Rader	X				
Dwayne Taylor	X				
Alan Williams	X				
Trudi Williams			X		
Baxter Troutman (Chair)	X				
Total Yeas: 14		Total Nays: 0			

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

CS/HB 1299 : Streamlining the Issuance of Licenses, Certifications, and Registrations Issued by State Agencies

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford			X		
Denise Grimsley	X				
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt	X				
Kevin Rader	X				
Dwayne Taylor	X				
Alan Williams	X				
Trudi Williams			X		
Baxter Troutman (Chair)	X				
Total Yeas: 14		Total Nays: 0			

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

CS/HB 1385 : Petroleum Contamination Site Cleanup

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford			X		
Denise Grimsley			X		
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson			X		
Ralph Poppell	X				
Stephen Precourt	X				
Kevin Rader	X				
Dwayne Taylor	X				
Alan Williams	X				
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Petroleum Contamination Site Cleanup
 David Mica (Lobbyist) (State Employee) - Proponent
 Florida Petroleum Council
 215 S. Monroe
 Tallahassee Florida
 Phone: 561-6300

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

CS/CS/HB 1445 : Department of Agriculture and Consumer Services

Favorable With Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford			X		
Denise Grimsley			X		
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt	X				
Kevin Rader	X				
Dwayne Taylor		X			
Alan Williams		X			
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 12		Total Nays: 2			

Appearances:

Department of Agriculture and Consumer Services

Scott Dudley (Lobbyist) - Proponent

301 S. Bronough
Tallahassee Florida 32301
Phone: 222-9684

Deptment of Agriculture and Consumer Services

Eric Draper (Lobbyist) - Proponent

2507 Callaway Road #103
Tallahassee Florida 32303
Phone: 224-7546

Deptment of Agriculture and Consumer Services

Diana Ferguson (Lobbyist) - Opponent

Florida Assoc. of Counties
100 S. Monroe St.
Tallahassee Florida 32308
Phone: 922-4300

Deptment of Agriculture and Consumer Services

David Cullen (Lobbyist) - Opponent

Sierra Club 2404
1674 University Pkwy. #296
Tallahassee Florida 34243
Phone: 323-2404

Committee meeting was reported out: Friday, April 09, 2010 6:42:19PM

COUNCIL MEETING REPORT
General Government Policy Council

4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

Deptment of Agriculture and Consumer Services
Sally West (Lobbyist) - Information Only
FRF

Deptment of Agriculture and Consumer Services
Cameron Cooper (Lobbyist) (State Employee) - Information Only
Dept. Environment Protection
3900 Commonwealth Blvd.
Tallahassee Florida 32399
Phone: 251-3848

COUNCIL MEETING REPORT
General Government Policy Council

4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

HB 7103 : Agriculture

Retained

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

HB 7177 : Comprehensive Statewide Water Conservation Program

Retained

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)
HB 7191 : Florida Keys Area

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford			X		
Denise Grimsley			X		
Debbie Mayfield	X				
Peter Nehr			X		
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt	X				
Kevin Rader	X				
Dwayne Taylor	X				
Alan Williams	X				
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 13		Total Nays: 0			

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)

PCB GGPC 10-01 : Florida Hurricane Catastrophe Fund assessments

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd			X		
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford			X		
Denise Grimsley			X		
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson		X			
Ralph Poppell	X				
Stephen Precourt	X				
Kevin Rader		X			
Dwayne Taylor	X				
Alan Williams	X				
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 11		Total Nays: 2			

Appearances:

Florida Hurricane Catastrophe Fund assessments

Reggie Garcia (Lobbyist) - Opponent

Florida Justice Assoc.

P.O. Box 11069

Tallahassee Florida

Phone: 933-7150

Florida Hurricane Catastrophe Fund assessments

Ashley Mayer (Lobbyist) - Proponent

Forest Professionals Insurance Company

215 S. Monroe

Tallahassee Florida 32301

Phone: 222-3533

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)
PCB GGPC 10-02 : Recycling

Retained

COUNCIL MEETING REPORT
General Government Policy Council
4/9/2010 11:45:00AM

Location: Morris Hall (17 HOB)
PCB GGPC 10-03 : Debt Collection

Retained

Amendment No.

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: General Government Policy
2 Council

3 Representative(s) Crisafulli offered the following:

4
5 **Amendment to Amendment (1) by Representative Crisafulli**

6 Remove line 222 and insert:

7 Section 10. This act shall take effect July 1, 2010.

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 303 (2010)

Amendment No.

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER ___

1 Council/Committee hearing bill: General Government Policy
2 Council
3 Representative Crisafulli offered the following:

Amendment (with title amendment)

Remove lines 563-727 and insert:

7 (o) Has engaged in the development of an appraisal or the
8 preparation of an appraisal report, unless the appraisal
9 management company is owned or controlled by certified
10 appraisers.

11 (p) Has failed to communicate an appraisal without good
12 cause.

13 (q) Has accepted an appraisal assignment if the employment
14 itself is contingent upon the appraisal management company
15 reporting a predetermined result, analysis, or opinion or if the
16 fee to be paid for the performance of the appraisal assignment
17 is contingent upon the opinion, conclusion, or valuation reached
18 upon the consequences resulting from the appraisal assignment.

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 303 (2010)

Amendment No.

19 (r) Has failed to timely notify the department of any
20 change in principal business location as an appraisal management
21 company.

22 (s) Has influenced or attempted to influence the
23 development, reporting, or review of an appraisal through
24 coercion, extortion, collusion, compensation, inducement,
25 intimidation, bribery, or any other means, including, but not
26 limited to:

27 1. Withholding or threatening to withhold timely payment
28 for an appraisal, unless such nonpayment is based upon specific
29 quality or other service issues that constitute noncompliance
30 with the appraisal engagement agreement.

31 2. Withholding or threatening to withhold future business
32 from an appraiser.

33 3. Promising future business, promotions, or increased
34 compensation for an appraiser, whether the promise is express or
35 implied.

36 4. Conditioning a request for appraisal services or the
37 payment of an appraisal fee, salary, or bonus upon the opinion,
38 conclusion, or valuation to be reached or upon a preliminary
39 estimate or opinion requested from an appraiser.

40 5. Requesting that an appraiser provide an estimated,
41 predetermined, or desired valuation in an appraisal report or
42 provide estimated values or comparable sales at any time before
43 the appraiser's completion of appraisal services.

44 6. Providing to an appraiser an anticipated, estimated,
45 encouraged, or desired value for a subject property or a
46 proposed or target amount to be loaned to the borrower, except

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 303 (2010)

Amendment No.

47 that a copy of the sales contract for purchase transactions may
48 be provided.

49 7. Providing to an appraiser, or any person related to the
50 appraiser, stock or other financial or nonfinancial benefits.

51 8. Allowing the removal of an appraiser from an appraiser
52 panel without prior written notice to the appraiser.

53 9. Obtaining, using, or paying for a second or subsequent
54 appraisal or ordering an automated valuation model in connection
55 with a mortgage financing transaction unless there is a
56 reasonable basis to believe that the initial appraisal was
57 flawed or tainted and such basis is clearly and appropriately
58 noted in the loan file, or unless such appraisal or automated
59 valuation model is issued pursuant to a bona fide prefunding or
60 postfunding appraisal review or quality control process.

61 10. Any other act or practice that impairs or attempts to
62 impair an appraiser's independence, objectivity, or
63 impartiality.

64 (t) Has altered, modified, or otherwise changed a
65 completed appraisal report submitted by an appraiser to an
66 appraisal management company.

67 (u) Has employed, contracted with, or otherwise retained
68 an appraiser whose registration, license, or certification is
69 suspended or revoked to perform appraisal services or appraisal
70 management services.

71 (2) The board may reprimand an appraisal management
72 company, conditionally or unconditionally suspend or revoke any
73 registration of an appraisal management company issued under
74 this part, or impose administrative fines not to exceed \$5,000

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 303 (2010)

Amendment No.

75 for each count or separate offense against any such appraisal
76 management company if the board determines that the appraisal
77 management company is attempting to perform, has performed, or
78 has attempted to perform any of the following acts:

79 (a) Committing any act in violation of this part.

80 (b) Violating any rule adopted by the board under this
81 part.

82 (c) Obtaining a registration of an appraisal management
83 company by fraud, misrepresentation, or deceit.

84 (3) This section does not prohibit an appraisal management
85 company from requesting an appraiser to:

86 (a) Provide additional information about the basis of a
87 valuation, including consideration of additional comparable
88 data; or

89 (b) Correct objective factual errors in an appraisal
90 report.

91 Section 7. Subsection (1) of section 475.613, Florida
92 Statutes, is amended to read:

93 475.613 Florida Real Estate Appraisal Board.—

94 (1) There is created the Florida Real Estate Appraisal
95 Board, which shall consist of nine ~~seven~~ members appointed by
96 the Governor, subject to confirmation by the Senate. Four
97 members of the board must be real estate appraisers who have
98 been engaged in the general practice of appraising real property
99 in this state for at least 5 years immediately preceding
100 appointment. In appointing real estate appraisers to the board,
101 while not excluding other appraisers, the Governor shall give
102 preference to real estate appraisers who are not primarily

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 303 (2010)

Amendment No.

103 engaged in real estate brokerage or mortgage lending activities.
104 Two members of the board must represent the appraisal management
105 industry. One member of the board must represent organizations
106 that use appraisals for the purpose of eminent domain
107 proceedings, financial transactions, or mortgage insurance. Two
108 members of the board shall be representatives of the general
109 public and shall not be connected in any way with the practice
110 of real estate appraisal, real estate brokerage, or mortgage
111 lending. The appraiser members shall be as representative of the
112 entire industry as possible, and membership in a nationally
113 recognized or state-recognized appraisal organization shall not
114 be a prerequisite to membership on the board. To the extent
115 possible, no more than two members of the board shall be
116 primarily affiliated with any one particular national or state
117 appraisal association. Two of the members must be licensed or
118 certified residential real estate appraisers and two of the
119 members must be certified general real estate appraisers at the
120 time of their appointment.

121 (a) Members of the board shall be appointed for 4-year
122 terms. Any vacancy occurring in the membership of the board
123 shall be filled by appointment by the Governor for the unexpired
124 term. Upon expiration of her or his term, a member of the board
125 shall continue to hold office until the appointment and
126 qualification of the member's successor. A member may not be
127 appointed for more than two consecutive terms. The Governor may
128 remove any member for cause.

129 (b) The headquarters for the board shall be in Orlando.

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 303 (2010)

Amendment No.

130 (c) The board shall meet at least once each calendar
131 quarter to conduct its business.

132 (d) The members of the board shall elect a chairperson at
133 the first meeting each year.

134 (e) Each member of the board is entitled to per diem and
135 travel expenses as set by legislative appropriation for each day
136 that the member engages in the business of the board.

137 Section 8. Section 475.626, Florida Statutes, is amended
138 to read:

139 475.626 Violations and penalties.—

140 (1) A person may not: VIOLATIONS.—

141 (a) ~~No person shall~~ Operate or attempt to operate as a
142 registered trainee appraiser, a or licensed or certified
143 appraiser, or an appraisal management company without being the
144 holder of a valid and current registration, license, or
145 certification.

146 (b) ~~No person shall~~ Violate any lawful order or rule of
147 the board which is binding upon her or him.

148 (c) If a registered trainee appraiser or a licensed or
149 certified appraiser, No person shall commit any conduct or
150 practice set forth in s. 475.624.

151 (d) If an appraisal management company, commit any conduct
152 or practice set forth in s. 475.6245.

153 (e) ~~(d) No person shall~~ Make any false affidavit or
154 affirmation intended for use as evidence by or before the board
155 or any member thereof, or by any of its authorized
156 representatives, nor may shall any person give false testimony

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 303 (2010)

Amendment No.

157 under oath or affirmation to or before the board or any member
158 thereof in any proceeding authorized by this section.

159 ~~(f)~~ ~~(e)~~ ~~No person shall~~ Fail or refuse to appear at the
160 time and place designated in a subpoena issued with respect to a
161 violation of this section, unless such failure to appear is the
162 result of facts or circumstances that are sufficient to excuse
163 appearance in response to a subpoena from the circuit court; nor
164 may ~~shall~~ a person who is present before the board or a member
165 thereof or one of its authorized representatives acting under
166 authority of this section refuse to be sworn or to affirm or
167 fail or refuse to answer fully any question propounded by the
168 board, the member, or such representative, or by any person by
169 the authority of such officer or appointee.

170 ~~(g)~~ ~~(f)~~ ~~No person shall~~ Obstruct or hinder in any manner
171 the enforcement of this section or the performance of any lawful
172 duty by any person acting under the authority of this section,
173 or interfere with, intimidate, or offer any bribe to any member
174 of the board or any of its employees or any person who is, or is
175 expected to be, a witness in any investigation or proceeding
176 relating to a violation of this section.

177 ~~(h)~~ ~~(g)~~ ~~No person shall~~ Knowingly conceal any information
178 relating to violations of this section.

179 (2) A ~~PENALTIES.~~ Any person who violates any provision of
180 ~~the provisions of~~ subsection (1) commits ~~is guilty of~~ a
181 misdemeanor of the second degree, punishable as provided in s.
182 775.082 or s. 775.083, except when a different punishment is
183 prescribed by this section. ~~Nothing in~~ This section does not
184 ~~shall~~ prohibit the prosecution under any other criminal statute

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 303 (2010)

Amendment No.

185 of this state of any person for an act or conduct prohibited by
186 this section; however, in such cases, the state may prosecute
187 under this section or under such other statute, or may charge
188 both offenses in one prosecution, but the sentence imposed shall
189 not be a greater fine or longer sentence than that prescribed
190 for the offense which carries the more severe penalties. A civil
191 case, a criminal case, or a denial, revocation, or suspension
192 proceeding may arise out of the same alleged state of facts, and
193 the pendency or result of one such case or proceeding shall not
194 stay or control the result of either of the others.

195 Section 9. Section 475.629, Florida Statutes, is amended
196 to read:

197 475.629 Retention of records.—An appraiser registered,
198 licensed, or certified under this part or an appraisal
199 management company registered under this part shall retain, for
200 at least 5 years or the period specified in the Uniform
201 Standards of Professional Appraisal Practice, whichever is
202 greater, original or true copies of any contracts engaging the
203 appraiser's or appraisal management company's services,
204 appraisal reports, and supporting data assembled and formulated
205 by the appraiser or company in preparing appraisal reports or
206 engaging in appraisal management services. Except as otherwise
207 specified in the Uniform Standards of Professional Appraisal
208 Practice, the period for retention of the records applicable to
209 each engagement of the services of the appraiser or appraisal
210 management company runs from the date of the submission of the
211 appraisal report to the client. These records must be made
212 available by the appraiser or appraisal management company for

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 303 (2010)

Amendment No.

213 inspection and copying by the department upon ~~on~~ reasonable
214 notice to the appraiser or company. However, the department may
215 not inspect or copy the records of an appraisal management
216 company except in connection with a pending investigation or
217 complaint. If an appraisal has been the subject of or has served
218 as evidence for litigation, reports and records must be retained
219 for at least 2 years after the trial or the period specified in
220 the Uniform Standards of Professional Appraisal Practice,
221 whichever is greater.

222 Section 10. This act shall take effect July 1, 2011.

223

224

225

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

226

Between lines 21 and 22, insert:

227

475.613, F.S.; revising the membership of the board;

228

amending s.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 501 (2010)

Amendment No.

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

1 Council/Committee hearing bill: General Government Policy

2 Council

3 Representative(s) Grady offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 166 and 167, insert:

7 (8) A trustee who performs fiduciary or advisory services
8 related to a policy of life insurance to which subsection (1)
9 applies shall not be compensated for performing the applicable
10 service to which subsection (1) applies.
11

12
13
14 -----
15 **T I T L E A M E N D M E N T**

16 Remove line 17 and insert:

17 by a trustee under certain circumstances; specifying certain
18 activities for which a trustee will not be compensated;
19 providing an
20

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	___	

1 Council/Committee hearing bill: General Government Policy
2 Council
3 Representative(s) Workman offered the following:

Amendment

6 Remove line 653 and insert:
7 pursuant to a claim made under a home warranty contract or
8 individuals certified as Division 1 contractors under s.
9 489.105(3). However, if a Division 1 contractor under s.
10 489.105(3) does the home inspection and offers to do the repair,
11 the department has rule authority to require that the contract
12 for repairs provided to the homeowner disclose that he or she
13 has the right to request competitive bids;

14

Amendment No. 2

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: General Government Policy
2 Council

3 Representative(s) Workman offered the following:

4
5 **Amendment**

6 Remove line 862 and insert:
7 company provided a mold assessment within the last 12 months.
8 This paragraph does not apply to individuals certified as
9 Division 1 contractors under s. 489.105(3). However, if a
10 Division 1 contractor under s. 489.105(3) does the mold
11 assessment and offers to do the repair, the department has rule
12 authority to require that the contract for repairs provided to
13 the homeowner disclose that he or she has the right to request
14 competitive bids;

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No. 3

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: General Government Policy
2 Council
3 Representative(s) Workman offered the following:

Amendment

6 Remove line 894 and insert:
7 company provided a mold remediation within the last 12 months.
8 This paragraph does not apply to individuals certified as
9 Division 1 contractors under s. 489.105(3). However, if a
10 Division 1 contractor under s. 489.105(3) does the mold
11 remediation and offers to do the repair, the department has rule
12 authority to require that the contract for repairs provided to
13 the homeowner disclose that he or she has the right to request
14 competitive bids;

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N) ✓
OTHER ___

1 Council/Committee hearing bill: General Government Policy
2 Council
3 Representative Nelson offered the following:

4
5 **Amendment (with title amendment)**

6 Remove line 1362 and insert:

7 Section 54. Effective October 1, 2010, subsection (1) and
8 paragraph (a) of subsection (2) of section 255.05, Florida
9 Statutes, are amended to read:

10 255.05 Bond of contractor constructing public buildings;
11 form; action by materialmen.—

12 (1)~~(a)~~ Any person entering into a formal contract with the
13 state or any county, municipality ~~city~~, or political subdivision
14 thereof, or other public authority or private entity, for the
15 construction of a public building, for the prosecution and
16 completion of a public work, or for repairs upon a public
17 building or public work shall ~~be required~~, before commencing the
18 work or before recommencing the work after a default or
19 abandonment, ~~to execute and~~ and deliver to the public owner, ~~and~~

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 713 (2010)

Amendment No.

20 ~~record in the public records of the county where the improvement~~
21 ~~is located,~~ a payment and performance bond with a surety insurer
22 authorized to do business in this state as surety.

23 (a) A public entity may not require a contractor to secure
24 a surety bond under this section from a specific agent or
25 bonding company.

26 (b) The bond must state on its front page: the name,
27 principal business address, and phone number of the contractor,
28 the surety, the owner of the property being improved, and, if
29 different from the owner, the contracting public entity; the
30 contract number assigned by the contracting public entity; the
31 bond number assigned by the surety; and a description of the
32 project sufficient to identify it, such as a legal description
33 or the street address of the property being improved, and a
34 general description of the improvement.

35 (c) Such bond shall be conditioned upon the contractor's
36 performance of the construction work in the time and manner
37 prescribed in the contract and promptly making payments to all
38 persons defined in s. 713.01 who furnish labor, services, or
39 materials for the prosecution of the work provided for in the
40 contract.

41 (d) The contractor shall record the payment bond upon
42 issuance in the official records of the county in which the
43 improvement will be located.

44 (e)1. The issuing authority for the building permit, or a
45 private provider performing inspection services, may not inspect
46 the property being improved until:

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

47 a. The issuing authority has a copy of the contractor's
48 recorded payment bond on file; or

49 b. The contracting public entity has filed with the
50 issuing authority a notarized statement stating that the
51 contract is exempt from the requirement for a payment bond as
52 provided in this section.

53 2. This paragraph does not apply to inspections for the
54 installation of temporary electrical service or other temporary
55 utility service, land clearing, or other preliminary site work.

56 (f) Any claimant may apply to the governmental entity
57 having charge of the work for copies of the contract and bond
58 and shall thereupon be furnished with a certified copy of the
59 contract and bond. The claimant ~~has shall have~~ a right of action
60 against the contractor and surety for the amount due him or her,
61 including unpaid finance charges due under the claimant's
62 contract. Such action shall not involve the public authority in
63 any expense.

64 (g)1. A payment and performance bond is not required for a
65 contract with the state for \$100,000 or less. ~~When such work is~~
66 ~~done for the state and the contract is for \$100,000 or less, no~~
67 ~~payment and performance bond shall be required.~~

68 2. ~~At the discretion of~~ The official or board awarding a
69 such contract ~~when such work is done for a~~ any county,
70 municipality ~~city,~~ political subdivision, or public authority
71 may exempt a contract, ~~any person entering into such a contract~~
72 ~~which is~~ for \$200,000 or less from the requirement for a may be
73 exempted from executing the payment and performance bond.

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

74 3. ~~When such work is done for the state,~~ The Secretary of
75 Management Services may delegate to a state agency ~~agencies~~ the
76 authority to exempt ~~any person entering into such a contract for~~
77 ~~amounting to~~ more than \$100,000 but less than \$200,000 from the
78 requirement for a ~~executing the~~ payment and performance bond. If
79 ~~In the event~~ such exemption is granted, the officer or officials
80 are ~~shall~~ not ~~be~~ personally liable to persons suffering loss
81 because of granting such exemption. The Department of Management
82 Services shall maintain information on the number of requests by
83 state agencies for delegation of authority to waive the bond
84 requirements by agency and project number and whether any
85 request for delegation was denied and the justification for the
86 denial.

87 (h) Any provision in a payment bond furnished for public
88 work contracts as provided by this subsection which restricts
89 the classes of persons as defined in s. 713.01 protected by the
90 bond or the venue of any proceeding relating to such bond is
91 unenforceable.

92 (i) ~~(b)~~ The Department of Management Services shall adopt
93 rules with respect to all contracts for \$200,000 or less, to
94 provide:

95 1. Procedures for retaining up to 10 percent of each
96 request for payment submitted by a contractor and procedures for
97 determining disbursements from the amount retained on a pro rata
98 basis to laborers, materialmen, and subcontractors, as defined
99 in s. 713.01.

100 2. Procedures for requiring certification from laborers,
101 materialmen, and subcontractors, as defined in s. 713.01, prior

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

102 to final payment to the contractor, that such laborers,
103 materialmen, and subcontractors have no claims against the
104 contractor resulting from the completion of the work provided
105 for in the contract.

106

107 The state is ~~shall~~ not be held liable to any laborer,
108 materialman, or subcontractor for any amounts greater than the
109 pro rata share as determined under this section.

110 (j)~~(e)~~1. The amount of the bond shall equal the contract
111 price, except that for a contract in excess of \$250 million, if
112 the state, county, municipality, political subdivision, or other
113 public entity finds that a bond in the amount of the contract
114 price is not reasonably available, the public owner shall set
115 the amount of the bond at the largest amount reasonably
116 available, but not less than \$250 million.

117 2. For construction-management or design-build contracts,
118 if the public owner does not include in the bond amount the cost
119 of design or other nonconstruction services, the bond may not be
120 conditioned on performance of such services or payment to
121 persons furnishing such services. Notwithstanding paragraph (h)
122 ~~(a)~~, such a bond may exclude persons furnishing such services
123 from the classes of persons protected by the bond.

124 (2) (a)1. If a claimant is no longer furnishing labor,
125 services, or materials on a project, a contractor or the
126 contractor's agent or attorney may elect to shorten the
127 ~~prescribed time in this paragraph~~ within which an action to
128 enforce any claim against a payment bond must ~~provided pursuant~~

Amendment No.

129 ~~to this section may~~ be commenced by recording in the clerk's
130 office a notice in substantially the following form:

131 NOTICE OF CONTEST OF CLAIM
132 AGAINST PAYMENT BOND
133

134 To: ... (Name and address of claimant) ...
135

136 You are notified that the undersigned contests your notice
137 of nonpayment, dated,, and served on the
138 undersigned on,, and that the time within
139 which you may file suit to enforce your claim is limited to 60
140 days after the date of service of this notice.

141
142 DATED on,

143
144 Signed: ... (Contractor or Attorney) ...
145

146 The claim of any claimant upon whom such notice is served and
147 who fails to institute a suit to enforce his or her claim
148 against the payment bond within 60 days after service of such
149 notice shall be extinguished automatically. The clerk shall mail
150 a copy of the notice of contest to the claimant at the address
151 shown in the notice of nonpayment or most recent amendment
152 thereto by certified or registered mail, return receipt
153 requested, and shall certify to such service on the face of such
154 notice and record the notice. ~~Service is complete upon mailing.~~

155 2. A claimant, except a laborer, who is not in privity
156 with the contractor shall, before commencing or not later than

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

157 45 days after commencing to furnish labor, services, or
158 materials for the prosecution of the work, furnish the
159 contractor with a written notice that he or she intends to look
160 to the bond for protection. A claimant who is not in privity
161 with the contractor and who has not received payment for his or
162 her labor, services, or materials shall deliver to the
163 contractor and to the surety written notice of the performance
164 of the labor or delivery of the materials or supplies and of the
165 nonpayment. The notice of nonpayment may be served at any time
166 during the progress of the work or thereafter but not before 45
167 days after the first furnishing of labor, services, or
168 materials, and not later than 90 days after the final furnishing
169 of the labor, services, or materials by the claimant or, with
170 respect to rental equipment, not later than 90 days after the
171 date that the rental equipment was last on the job site
172 available for use. Any notice of nonpayment served by a claimant
173 who is not in privity with the contractor which includes sums
174 for retainage must specify the portion of the amount claimed for
175 retainage. An ~~No~~ action for ~~the~~ labor, materials, or supplies
176 may not be instituted against the contractor or the surety
177 unless both notices have been given. Notices required or
178 permitted under this section may be served in accordance with s.
179 713.18. A claimant may not waive in advance his or her right to
180 bring an action under the bond against the surety. In any action
181 brought to enforce a claim against a payment bond under this
182 section, the prevailing party is entitled to recover a
183 reasonable fee for the services of his or her attorney for trial
184 and appeal or for arbitration, in an amount to be determined by

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 713 (2010)

Amendment No.

185 the court, and the ~~which~~ fee must be taxed as part of the
186 prevailing party's costs, as allowed in equitable actions. The
187 time periods for service of a notice of nonpayment or for
188 bringing an action against a contractor or a surety shall be
189 measured from the last day of furnishing labor, services, or
190 materials by the claimant and shall not be measured by other
191 standards, such as the issuance of a certificate of occupancy or
192 the issuance of a certificate of substantial completion.

193 Section 55. Effective October 1, 2010, section 713.015,
194 Florida Statutes, is amended to read:

195 713.015 General statement of owner's rights and
196 responsibilities ~~Mandatory provisions for direct contracts.-~~

197 (1) For any direct contract greater than \$2,500 between an
198 owner and a contractor, related to improvements to real property
199 consisting of single or multiple family dwellings up to and
200 including four units, the contractor must provide the owner with
201 a copy of the general statement of owner's rights and
202 responsibilities under Florida's Construction Lien Law as set
203 forth in subsection (2), which must be contain the following
204 notice provision printed in no less than 12-point, capitalized,
205 boldfaced type on the front page of the contract or on a
206 separate page, signed by the owner and dated, and submitted with
207 the original building permit application pursuant to s.

208 713.135.+

209

210 ~~ACCORDING TO FLORIDA'S CONSTRUCTION LIEN LAW (SECTIONS 713.001-~~
211 ~~713.37, FLORIDA STATUTES), THOSE WHO WORK ON YOUR PROPERTY OR~~
212 ~~PROVIDE MATERIALS AND SERVICES AND ARE NOT PAID IN FULL HAVE A~~

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

213 ~~RIGHT TO ENFORCE THEIR CLAIM FOR PAYMENT AGAINST YOUR PROPERTY.~~
214 ~~THIS CLAIM IS KNOWN AS A CONSTRUCTION LIEN. IF YOUR CONTRACTOR~~
215 ~~OR A SUBCONTRACTOR FAILS TO PAY SUBCONTRACTORS, SUB~~
216 ~~SUBCONTRACTORS, OR MATERIAL SUPPLIERS, THOSE PEOPLE WHO ARE OWED~~
217 ~~MONEY MAY LOCK TO YOUR PROPERTY FOR PAYMENT, EVEN IF YOU HAVE~~
218 ~~ALREADY PAID YOUR CONTRACTOR IN FULL. IF YOU FAIL TO PAY YOUR~~
219 ~~CONTRACTOR, YOUR CONTRACTOR MAY ALSO HAVE A LIEN ON YOUR~~
220 ~~PROPERTY. THIS MEANS IF A LIEN IS FILED YOUR PROPERTY COULD BE~~
221 ~~SOLD AGAINST YOUR WILL TO PAY FOR LABOR, MATERIALS, OR OTHER~~
222 ~~SERVICES THAT YOUR CONTRACTOR OR A SUBCONTRACTOR MAY HAVE FAILED~~
223 ~~TO PAY. TO PROTECT YOURSELF, YOU SHOULD STIPULATE IN THIS~~
224 ~~CONTRACT THAT BEFORE ANY PAYMENT IS MADE, YOUR CONTRACTOR IS~~
225 ~~REQUIRED TO PROVIDE YOU WITH A WRITTEN RELEASE OF LIEN FROM ANY~~
226 ~~PERSON OR COMPANY THAT HAS PROVIDED TO YOU A "NOTICE TO OWNER."~~
227 ~~FLORIDA'S CONSTRUCTION LIEN LAW IS COMPLEX, AND IT IS~~
228 ~~RECOMMENDED THAT YOU CONSULT AN ATTORNEY.~~

229 (2) The general statement of an owner's rights and
230 responsibilities under Florida's Construction Lien Law must be
231 in substantially the following form, must include the
232 information contained in the following form, and must include a
233 copy of a notice of commencement as provided in s. 713.13(1):
234

235 GENERAL STATEMENT OF OWNER'S RIGHTS AND RESPONSIBILITIES

236 UNDER FLORIDA'S CONSTRUCTION LIEN LAW

237 (Required by section 713.015, Florida Statutes)

238
239 ABOUT THIS DOCUMENT.-Florida law requires your contractor
240 to provide you with this document when you are contracting to

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

241 make improvements to real property. It is critical that you have
242 some understanding of Florida's construction lien and payment
243 laws and take appropriate steps to protect your investment and
244 fulfill your obligations to those who provide labor, services,
245 or materials for your project.

246
247 You must acknowledge that you have received and read this
248 document by signing on the signature page. The original signed
249 document must be delivered to the building permit authority,
250 along with the building permit application for your project.
251 Your building permit application will not be processed unless
252 this signed document is in the file. You need to retain a copy
253 of this document so that you can follow the procedures described
254 in the document and identify the proper statutory forms as you
255 proceed with your construction project.

256
257 IT IS ALWAYS RECOMMENDED THAT YOU CONSULT LEGAL ADVICE
258 BEFORE UNDERTAKING REAL PROPERTY IMPROVEMENTS. IF YOU HAVE
259 QUESTIONS REGARDING THE INFORMATION CONTAINED IN THIS DOCUMENT,
260 SEEK THE ADVICE OF A FLORIDA CONSTRUCTION LAW ATTORNEY.

261
262 THE FLORIDA CONSTRUCTION LIEN LAW.—Part I of chapter 713,
263 Florida Statutes, governs private construction projects in this
264 state. The complete text of this law can be found at
265 www.leg.state.fl.us. This statement is a guide and does not take
266 precedence over Florida's Construction Lien Law.

267

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

268 Under this law, those who work on your property or provide
269 materials and services and who are not paid in full have a right
270 to enforce their claim for payment against your property. This
271 claim is known as a construction lien. If your contractor or a
272 subcontractor fails to pay subcontractors, sub-subcontractors,
273 or material suppliers, those people who are owed money may look
274 to your property for payment even if you have already paid your
275 contractor in full. If you fail to pay your contractor, your
276 contractor may also have a lien on your property. This means
277 that if a valid lien is filed, your property could be sold
278 against your will to pay for labor, services, or materials that
279 your contractor or a subcontractor may have failed to pay.

280
281 FLORIDA LAW ALSO PROVIDES PROCEDURES TO PROTECT OWNERS FROM
282 PAYING MORE THAN THE AMOUNT OF THEIR CONTRACT. IF YOU FOLLOW THE
283 FOUR STEPS SET FORTH BELOW, YOU WILL PROTECT YOURSELF FROM VALID
284 LIENS AGAINST YOUR PROPERTY, AND FROM PAYING TWICE FOR LABOR,
285 SERVICES, OR MATERIALS FURNISHED FOR YOUR PROJECT.

286
287 STEP 1 – THE NOTICE OF COMMENCEMENT.—An owner is required
288 by law to complete, sign, and record in the public records a
289 Notice of Commencement for all direct contracts that exceed
290 \$2,500. The information provided in the recorded Notice of
291 Commencement is relied upon by all parties who provide labor,
292 services, or materials for your project. A copy of the statutory
293 Notice of Commencement form required by section 713.13, Florida
294 Statutes, is attached to this document.

295

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

296 If a lender is financing your project, the lender will
297 assist you in completing the Notice of Commencement and is
298 responsible for recording it in the public records. It is
299 critical that your Notice of Commencement be recorded after any
300 construction loan or mortgage documents are recorded. If you are
301 not using a lender, preparing and recording the Notice of
302 Commencement is your responsibility. The Notice of Commencement
303 must be recorded before commencing construction and posted on
304 your jobsite. For most projects, a copy of the recorded Notice
305 of Commencement must be submitted to the building permit
306 authority prior to the first building inspection.

307
308 STEP 2 - MONITOR THE DOCUMENTS AND NOTICES YOU RECEIVE.-
309 Pick up your certified mail. Most lien notices are served by
310 certified mail and you need to know who is providing labor,
311 services, or materials for your project. The law provides that
312 any properly addressed notices that are returned to the sender
313 through no fault of the sender are considered served on the date
314 sent, so failing to claim certified mail only hurts you.

315
316 If you expect to be absent for periods of time during your
317 project, you should have an attorney or other agent in a
318 position of trust who understands the law handle these details
319 for you. Make sure someone is receiving your mail and taking
320 steps to obtain the necessary lien releases before making
321 payments to your contractor. If you receive anything that you do
322 not understand, seek the assistance of an experienced
323 construction law attorney.

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

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STEP 3 – OBTAIN SIGNED LIEN WAIVERS EACH TIME YOU MAKE A PAYMENT TO YOUR CONTRACTOR.–Each time you pay your contractor you should obtain a Waiver and Release of Lien form from the contractor AND from anyone who has served you with a Notice to Owner. Make sure that each release waives lien rights against your project for work or materials furnished through the date of the work or materials that your payment covers. This date is probably not the date you are making the payment, but a date prior to the payment date through which labor, services, or materials have been billed.

UNDER FLORIDA LAW, YOU HAVE THE RIGHT TO WITHHOLD PAYMENTS OWED TO THE CONTRACTOR UNTIL YOU HAVE BEEN PROVIDED WITH A WRITTEN WAIVER AND RELEASE OF LIEN UPON PROGRESS PAYMENT OR A WRITTEN WAIVER AND RELEASE OF LIEN UPON FINAL PAYMENT SHOWING THAT THE LIENOR'S CLAIM FOR PAYMENT HAS BEEN PAID.

There are two statutory Waiver and Release of Lien forms. The signed Waiver and Release of Lien Upon Progress Payment should be provided to you by a contractor, subcontractor, or material supplier each time you make a progress payment to your contractor. The signed Waiver and Release of Lien Upon Final Payment should be submitted by your contractor, a subcontractor, or material supplier when they are finished furnishing all work or materials for your project and have received final payment. Once you receive a final waiver from a contractor,

Amendment No.

351 subcontractor, or material supplier, you should not need another
352 waiver unless they are hired to do additional work.

353

354 STEP 4 - OBTAIN A CONTRACTOR'S FINAL PAYMENT AFFIDAVIT
355 BEFORE YOU MAKE FINAL PAYMENT TO YOUR CONTRACTOR.-In addition to
356 obtaining Final Waiver and Release of Lien forms from the
357 contractor and anyone who has served you with a Notice to Owner,
358 you should obtain a Contractor's Final Payment Affidavit before
359 you make final payment to your contractor. This sworn affidavit
360 should reflect that everyone who supplied labor, services, or
361 materials on your project has been paid in full or should list
362 those subcontractors and suppliers who are still owed money.
363 Make sure that anyone listed as not being paid in full is paid
364 before making final payment to your contractor. You have a right
365 to rely on the information contained in the sworn affidavit when
366 you make final payment to your contractor with respect to any
367 lienor who has not served a Notice to Owner. If a lienor has
368 served you with a Notice to Owner, you should obtain a Waiver
369 and Release of Lien Upon Final Payment from that lienor.

370

371 OWNER'S ACKNOWLEDGMENT AND RECEIPT

372

373 The undersigned owner(s) of Florida real property hereby
374 acknowledge that they are preparing to enter into a contract
375 with _____ for the
376 construction of real property improvements to the following
377 described property (insert address or legal description):

378

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

379 _____
380 ..(Signature of Property Owner).....(Date)...
381 ...(Signature of Property Owner).....(Date)...

382
383 Attached Statutory Form: Notice of Commencement
384 Additional information regarding license and insurance
385 requirements for contractors can be obtained online at
386 www.myflorida.com/dbpr/pro/cilb.

387 ~~(2)(a) If the contract is written, the notice must be in~~
388 ~~the contract document. If the contract is oral or implied, the~~
389 ~~notice must be provided in a document referencing the contract.~~

390 (3)(b) The failure to provide such written notice does not
391 bar the enforcement of a lien against a person who has not been
392 adversely affected.

393 (4)(e) This section may not be construed to adversely
394 affect the lien and bond rights of lienors who are not in
395 privity with the owner. This section does not apply when the
396 owner is a contractor licensed under chapter 489 or is a person
397 who created parcels or offers parcels for sale or lease in the
398 ordinary course of business.

399 Section 56. Effective October 1, 2010, paragraph (c) of
400 subsection (2) of section 713.06, Florida Statutes, is amended
401 to read:

402 713.06 Liens of persons not in privity; proper payments.-

403 (2)

404 (c) The notice may be in substantially the following form
405 and must include the information and the warning contained in
406 the following form:

Amendment No.

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WARNING! FLORIDA'S CONSTRUCTION LIEN LAW ALLOWS SOME
UNPAID CONTRACTORS, SUBCONTRACTORS, AND MATERIAL
SUPPLIERS TO FILE LIENS AGAINST YOUR PROPERTY EVEN IF
YOU HAVE MADE PAYMENT IN FULL.

UNDER FLORIDA LAW, YOUR FAILURE TO MAKE SURE THAT WE ARE PAID
MAY RESULT IN A LIEN AGAINST YOUR PROPERTY AND YOUR PAYING
TWICE.

TO PROTECT YOURSELF, EACH TIME YOU MAKE A PAYMENT TO THE
CONTRACTOR ASK YOUR CONTRACTOR TO PROVIDE YOU WITH A WRITTEN
WAIVER AND RELEASE OF LIEN FROM US. FOR ADDITIONAL INFORMATION,
REFER TO THE GENERAL STATEMENT OF OWNER'S RIGHTS AND
RESPONSIBILITIES WHICH WAS PROVIDED TO YOU BY OUR CONTRACTOR AT
THE BEGINNING OF YOUR CONSTRUCTION PROJECT. AVOID A LIEN AND
PAYING TWICE, YOU MUST OBTAIN A WRITTEN RELEASE FROM US EVERY
TIME YOU PAY YOUR CONTRACTOR.

NOTICE TO OWNER

To ... (Owner's name and address)...

The undersigned hereby informs you that he or she has furnished
or is furnishing services or materials as follows:

...(General description of services or materials)... for the
improvement of the real property identified as ...(property
description)... under an order given by.....

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

434 Florida law prescribes the serving of this notice and restricts
435 your right to make payments under your contract in accordance
436 with Section 713.06, Florida Statutes.

437 IMPORTANT INFORMATION FOR
438 YOUR PROTECTION

439
440 Under Florida's laws, those who work on your property or
441 provide materials and are not paid have a right to enforce their
442 claim for payment against your property. This claim is known as
443 a construction lien.

444 If your contractor fails to pay subcontractors or material
445 suppliers or neglects to make other legally required payments,
446 the people who are owed money may look to your property for
447 payment, EVEN IF YOU HAVE PAID YOUR CONTRACTOR IN FULL.

448
449 PROTECT YOURSELF:

450 -RECOGNIZE that this Notice to Owner may result in a lien
451 against your property unless all those supplying a Notice to
452 Owner have been paid.

453 -LEARN more about the Construction Lien Law, Chapter 713,
454 Part I, Florida Statutes, and the meaning of this notice by
455 contacting an attorney or the Florida Department of Business and
456 Professional Regulation.

457(Lienor's Signature).....

458(Lienor's Name).....

459(Lienor's Address).....

460

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 713 (2010)

Amendment No.

461 Copies to: ... (Those persons listed in Section 713.06(2)(a) and
462 (b), Florida Statutes)...

463 The form may be combined with a notice to contractor given under
464 s. 255.05 or s. 713.23 and, if so, may be entitled "NOTICE TO
465 OWNER/NOTICE TO CONTRACTOR."

466 Section 57. Effective October 1, 2010, section 713.13,
467 Florida Statutes, is amended to read:

468 713.13 Notice of commencement.—

469 (1)(a) Except for an improvement that is exempt pursuant
470 to s. 713.02(5), an owner or the owner's authorized agent before
471 actually commencing to improve any real property, or
472 recommencing completion of any improvement after default or
473 abandonment, whether or not a project has a payment bond
474 complying with s. 713.23, shall record a notice of commencement
475 in the clerk's office and forthwith post either a certified copy
476 thereof or a notarized statement that the notice of commencement
477 has been filed for recording along with a copy thereof. The
478 notice of commencement shall contain the following information:

479 1. A description sufficient for identification of the real
480 property to be improved. The description should include the
481 legal description of the property and also should include the
482 street address and tax folio number of the property if available
483 or, if there is no street address available, such additional
484 information as will describe the physical location of the real
485 property to be improved.

486 2. A general description of the improvement.

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

487 3. The name and address of the owner, the owner's interest
488 in the site of the improvement, and the name and address of the
489 fee simple titleholder, if other than such owner.

490 4. The name and address of the contractor.

491 5. The name and address of the surety on the payment bond
492 under s. 713.23, if any, and the amount of such bond.

493 6. The name and address of any person making a loan for
494 the construction of the improvements.

495 7. The name and address within the state of a person other
496 than himself or herself who may be designated by the owner as
497 the person upon whom notices or other documents may be served
498 under this part; and service upon the person so designated
499 constitutes service upon the owner.

500 (b) The owner, ~~at his or her option,~~ may designate a
501 person in addition to himself or herself to receive a copy of
502 the lienor's notice as provided in s. 713.06(2)(b), and if he or
503 she does so, the name and address of such person must be
504 included in the notice of commencement.

505 (c) If the contract between the owner and a contractor
506 named in the notice of commencement expresses a period of time
507 for completion for the construction of the improvement greater
508 than 1 year, the notice of commencement must state that it is
509 effective for a period of 1 year plus any additional period of
510 time. Any payments made by the owner after the expiration of the
511 notice of commencement are considered improper payments.

512 (d) A notice of commencement must be in substantially the
513 following form:

514

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

515 Permit No..... Tax Folio No.....

516 NOTICE OF COMMENCEMENT

517 State of....

518 County of....

519

520 The undersigned hereby gives notice that improvement will be
521 made to certain real property, and in accordance with Chapter
522 713, Florida Statutes, the following information is provided in
523 this Notice of Commencement.

524 1. Description of property: ...(legal description of the
525 property, and street address if available)....

526 2. General description of improvement:.....

527 3. Owner information:.....

528 a. Name and address:.....

529 b. Interest in property:.....

530 c. Name and address of fee simple titleholder (if other
531 than Owner):.....

532 4.a. Contractor: ...(name and address)....

533 b. Contractor's phone number:.....

534 5. Surety...(a copy of the payment bond is attached, if
535 the project is bonded)....

536 a. Name and address:.....

537 b. Phone number:.....

538 c. Amount of bond: \$.....

539 6.a. Lender:.....(name and address).....

540 b. Lender's phone number:.....

541 7.a. Persons within the State of Florida designated by

542 Owner upon whom notices or other documents may be served as

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

543 provided by Section 713.13(1)(a)7., Florida Statutes:

544(name and address).....

545 b. Phone numbers of designated persons:.....

546 8.a. In addition to himself or herself, Owner designates
547 of to receive a copy of the Lienor's
548 Notice as provided in Section 713.13(1)(b), Florida Statutes.

549 b. Phone number of person or entity designated by
550 owner:.....

551 9. Expiration date of notice of commencement (the
552 expiration date is 1 year from the date of recording unless a
553 later different date is specified).....

554

555 WARNING TO OWNER: IF THIS NOTICE OF COMMENCEMENT WILL EXPIRE
556 BEFORE ALL WORK IS COMPLETED AND FINAL PAYMENT IS MADE, THE
557 EXPIRATION DATE MUST BE EXTENDED. ANY PAYMENTS MADE BY THE OWNER
558 AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE
559 CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION
560 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE
561 FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST
562 BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST
563 INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR
564 LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR
565 NOTICE OF COMMENCEMENT.

566

567 Under penalty of perjury, I declare that I have read the
568 foregoing notice of commencement and that the facts stated
569 therein are true to the best of my knowledge and belief.

570

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

571(Signature of Owner or Owner's Authorized
572 Officer/Director/Partner/Manager).....

573
574(Signatory's Title/Office).....

575
576 The foregoing instrument was acknowledged before me this
577 day of, ...(year)...., by ...(name of person)... as ...(type
578 of authority,...e.g. officer, trustee, attorney in fact)... for
579 ...(name of party on behalf of whom instrument was executed)....

580
581 ...(Signature of Notary Public - State of Florida)...

582
583(Print, Type, or Stamp Commissioned Name of Notary
584 Public).....

585
586 Personally Known OR Produced Identification

587
588 Type of Identification Produced.....

589
590 ~~Verification pursuant to Section 92.525, Florida Statutes.~~

591
592 ~~Under penalties of perjury, I declare that I have read the~~
593 ~~foregoing and that the facts stated in it are true to the best~~
594 ~~of my knowledge and belief.~~

595
596 ~~...(Signature of Natural Person Signing Above)...~~

597 (e) A copy of any payment bond must be attached at the
598 time of recordation of the notice of commencement. The failure

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

599 to attach a copy of the bond to the notice of commencement when
600 the notice is recorded negates the exemption provided in s.
601 713.02(6). However, if a payment bond under s. 713.23 exists but
602 was not attached at the time of recordation of the notice of
603 commencement, the bond may be used to transfer any recorded lien
604 of a lienor except that of the contractor by the recordation and
605 service of a notice of bond pursuant to s. 713.23(2). The notice
606 requirements of s. 713.23 apply to any claim against the bond;
607 however, the time limits for serving any required notices shall
608 begin running from the later of the time specified in s. 713.23
609 or the date the notice of bond is served on the lienor.

610 (f) The giving of a notice of commencement is effective
611 upon the filing of the notice in the clerk's office.

612 (g) The owner must sign the notice of commencement and no
613 one else may be permitted to sign in his or her stead.

614 (2) If the improvement described in the notice of
615 commencement is not actually commenced within 90 days after the
616 recording thereof, such notice is void and of no further effect.

617 (3) The recording of a notice of commencement does not
618 constitute a lien, cloud, or encumbrance on real property, but
619 gives constructive notice that claims of lien under this part
620 may be recorded and may take priority as provided in s. 713.07.
621 The posting of a copy does not constitute a lien, cloud, or
622 encumbrance on real property, nor actual or constructive notice
623 of any of them.

624 (4) This section does not apply to an owner who is
625 constructing improvements described in s. 713.04.

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

626 (5) (a) A notice of commencement that is recorded within
627 the effective period may be amended to extend the effective
628 period, change erroneous information in the original notice, or
629 add information that was omitted from the original notice.
630 However, in order to change contractors, a new notice of
631 commencement or notice of recommencement must be executed and
632 recorded.

633 (b) The amended notice must identify the official records
634 book and page where the original notice of commencement is
635 recorded, and a copy of the amended notice must be served by the
636 owner upon the contractor and each lienor who serves notice
637 before or within 30 days after the date the amended notice is
638 recorded.

639 (6) Unless otherwise provided in the notice of
640 commencement or a new or amended notice of commencement, a
641 notice of commencement is not effectual in law or equity against
642 a conveyance, transfer, or mortgage of or lien on the real
643 property described in the notice, or against creditors or
644 subsequent purchasers for a valuable consideration, after 1 year
645 after the date of recording the notice of commencement.

646 (7) A lender must, prior to the disbursement of any
647 construction funds to the contractor, record the notice of
648 commencement in the clerk's office as required by this section;
649 however, the lender is not required to post a certified copy of
650 the notice at the construction site. The posting of the notice
651 at the construction site remains the owner's obligation. The
652 failure of a lender to record the notice of commencement as
653 required by this subsection renders the lender liable to the

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

654 owner for all damages sustained by the owner as a result of the
655 failure. Whenever a lender is required to record a notice of
656 commencement, the lender shall designate the lender, in addition
657 to others, to receive copies of notices to owner. This
658 subsection does not give any person other than the owner a claim
659 or right of action against a lender for failure to record a
660 notice of commencement.

661 Section 58. Effective October 1, 2010, section 713.135,
662 Florida Statutes, is amended to read:

663 713.135 Notice of commencement and applicability of lien.-

664 (1) When any person applies for a building permit, the
665 authority issuing such permit shall:

666 (a) Require the applicant to submit the signed and dated
667 general statement of an owner's rights and responsibilities
668 under Florida's Construction Lien Law provided in s. 713.015 for
669 any single-family or multifamily dwelling up to and including
670 four units. A building permit application may not be processed
671 unless the signed document is in the file.

672 (b) ~~(a)~~ Print on the face of each permit card in no less
673 than 14-point, capitalized, boldfaced type: "WARNING TO OWNER:
674 IF YOU FAIL ~~YOUR FAILURE~~ TO RECORD A NOTICE OF COMMENCEMENT, YOU
675 MAY ~~PAY RESULT IN YOUR PAYING~~ TWICE FOR IMPROVEMENTS TO YOUR
676 PROPERTY. A NOTICE OF COMMENCEMENT, AND THE CONTRACTOR'S PAYMENT
677 BOND IF THE PROJECT IS BONDED, MUST BE RECORDED AND POSTED ON
678 THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO
679 OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE
680 RECORDING YOUR NOTICE OF COMMENCEMENT."

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 713 (2010)

Amendment No.

681 (c)(b) Make available to Provide the applicant and the
682 owner of the real property upon which improvements are to be
683 constructed copies of the general statement of an owner's rights
684 and responsibilities under Florida's with a printed statement
685 stating that the right, title, and interest of the person who
686 has contracted for the improvement may be subject to attachment
687 under the Construction Lien Law, as described in s. 713.015,
688 along with the attached statutory form. The issuing authority
689 may make the general statement and form available in printed
690 form or on the Internet or both. The Department of Business and
691 Professional Regulation shall furnish, for distribution, the
692 statement described in this paragraph, and the statement must be
693 a summary of the Construction Lien Law and must include an
694 explanation of the provisions of the Construction Lien Law
695 relating to the recording, and the posting of copies, of notices
696 of commencement and a statement encouraging the owner to record
697 a notice of commencement and post a copy of the notice of
698 commencement in accordance with s. 713.13. The statement must
699 also contain an explanation of the owner's rights if a lienor
700 fails to furnish the owner with a notice as provided in s.
701 713.06(2) and an explanation of the owner's rights as provided
702 in s. 713.22. The authority that issues the building permit must
703 obtain from the Department of Business and Professional
704 Regulation the statement required by this paragraph and must
705 mail, deliver by electronic mail or other electronic format or
706 facsimile, or personally deliver that statement to the owner or,
707 in a case in which the owner is required to personally appear to
708 obtain the permit, provide that statement to any owner making

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

709 ~~improvements to real property consisting of a single or multiple~~
710 ~~family dwelling up to and including four units. However, the~~
711 ~~failure by the authorities to provide the summary does not~~
712 ~~subject the issuing authority to liability.~~

713 ~~(c) In addition to providing the owner with the statement~~
714 ~~as required by paragraph (b), inform each applicant who is not~~
715 ~~the person whose right, title, and interest is subject to~~
716 ~~attachment that, as a condition to the issuance of a building~~
717 ~~permit, the applicant must promise in good faith that the~~
718 ~~statement will be delivered to the person whose property is~~
719 ~~subject to attachment.~~

720 ~~(d) Furnish to the applicant two or more copies of a form~~
721 ~~of notice of commencement conforming with s. 713.13. If the~~
722 ~~direct contract is greater than \$2,500, the applicant shall file~~
723 ~~with the issuing authority prior to the first inspection either~~
724 ~~a certified copy of the recorded notice of commencement or a~~
725 ~~notarized statement that the notice of commencement has been~~
726 ~~filed for recording, along with a copy thereof. In the absence~~
727 ~~of the filing of a certified copy of the recorded notice of~~
728 ~~commencement, the issuing authority or a private provider~~
729 ~~performing inspection services may not perform or approve~~
730 ~~subsequent inspections until the applicant files by mail,~~
731 ~~facsimile, hand delivery, or any other means such certified copy~~
732 ~~with the issuing authority. The certified copy of the notice of~~
733 ~~commencement must contain the name and address of the owner, the~~
734 ~~name and address of the contractor, and the location or address~~
735 ~~of the property being improved. The issuing authority shall~~

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 713 (2010)

Amendment No.

736 (d) Verify that the name and address of the owner, the
737 name of the contractor, and the location or address of the
738 property being improved which is contained in the certified copy
739 of the notice of commencement is consistent with the information
740 in the building permit application.

741 (e) Provide the recording information from the official
742 public records in which the notice of commencement and payment
743 bond, if any, are recorded to any person upon request. ~~The~~
744 ~~issuing authority shall provide the recording information on the~~
745 ~~certified copy of the recorded notice of commencement to any~~
746 ~~person upon request. This subsection does not require the~~
747 ~~recording of a notice of commencement prior to the issuance of a~~
748 ~~building permit. If a local government requires a separate~~
749 ~~permit or inspection for installation of temporary electrical~~
750 ~~service or other temporary utility service, land clearing, or~~
751 ~~other preliminary site work, such permits may be issued and such~~
752 ~~inspections may be conducted without providing the issuing~~
753 ~~authority with a certified copy of a recorded notice of~~
754 ~~commencement or a notarized statement regarding a recorded~~
755 ~~notice of commencement. This subsection does not apply to a~~
756 ~~direct contract to repair or replace an existing heating or air~~
757 ~~conditioning system in an amount less than \$7,500.~~

758 ~~(f)~~(e) Not require that a notice of commencement be
759 recorded as a condition of the application for, or processing or
760 issuance of, a building permit. ~~However, this paragraph does not~~
761 ~~modify or waive the inspection requirements set forth in this~~
762 ~~subsection.~~

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

763 (g) Not require that a notice of commencement be recorded
764 or provided for those projects described in s. 713.137(2).

765 (2) An issuing authority under subsection (1) is not
766 liable in any civil action for the failure of the person whose
767 property is subject to attachment to receive or to be delivered
768 the general statement of an owner's rights and responsibilities
769 under Florida's a printed statement stating that the right,
770 title, and interest of the person who has contracted for the
771 improvement may be subject to attachment under the Construction
772 Lien Law as provided in s. 713.015.

773 (3) An issuing authority under subsection (1) is not
774 liable in any civil action for the failure to verify that a
775 certified copy of the recorded notice of commencement has been
776 filed in accordance with this section.

777 (4) The several boards of county commissioners, municipal
778 councils, or other similar bodies may by ordinance or resolution
779 establish reasonable fees for furnishing, upon request, copies
780 of the forms and the printed statement provided in paragraph
781 (1)(a) paragraphs (1)(b) and (d) in an amount not to exceed \$5
782 to be paid by the applicant for each permit in addition to all
783 other costs of the permit; ~~however, no forms or statement need~~
784 ~~be furnished, mailed, or otherwise provided to, nor may such~~
785 ~~additional fee be obtained from, applicants for permits in those~~
786 ~~cases in which the owner of a legal or equitable interest~~
787 ~~(including that of ownership of stock of a corporate landowner)~~
788 ~~of the real property to be improved is engaged in the business~~
789 ~~of construction of buildings for sale to others and intends to~~
790 ~~make the improvements authorized by the permit on the property~~

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

791 ~~and upon completion will offer the improved real property for~~
792 ~~sale.~~

793 (5) In addition to any other information required by the
794 authority issuing the permit, each building permit application
795 must contain:

796 (a) The name and address of the owner of the real
797 property;

798 (b) The name and address of the contractor;

799 (c) A description sufficient to identify the real property
800 to be improved; and

801 (d) The number or identifying symbol assigned to the
802 building permit by the issuing authority, which ~~number or symbol~~
803 must be affixed to the application by the issuing authority.

804 (6) (a) In addition to any other information required by
805 the authority issuing the permit, the building permit
806 application must be in substantially the following form:

807

808 Tax Folio No.....

809 BUILDING PERMIT APPLICATION

810

811 Owner's Name

812 Owner's Address

813 Fee Simple Titleholder's Name (If other than owner)

814 Fee Simple Titleholder's Address (If other than owner)

815 City

816 State..... Zip.....

817 Contractor's Name

818 Contractor's Address

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.
819 City
820 State..... Zip.....
821 Job Name
822 Job Address
823 City..... County.....
824 Legal Description
825 Bonding Company
826 Bonding Company Address
827 City..... State.....
828 Architect/Engineer's Name
829 Architect/Engineer's Address
830 Mortgage Lender's Name
831 Mortgage Lender's Address

832
833 Application is hereby made to obtain a permit to do the
834 work and installations as indicated. I certify that no work or
835 installation has commenced prior to the issuance of a permit and
836 that all work will be performed to meet the standards of all
837 laws regulating construction in this jurisdiction. I understand
838 that a separate permit must be secured for ELECTRICAL WORK,
839 PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS,
840 TANKS, and AIR CONDITIONERS, etc.

841
842 OWNER'S AFFIDAVIT: I certify that all the foregoing information
843 is accurate and that all work will be done in compliance with
844 all applicable laws regulating construction and zoning.

845

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

846 WARNING TO OWNER: IF YOU FAIL YOUR FAILURE TO RECORD A
847 NOTICE OF COMMENCEMENT, YOU MAY PAY RESULT IN YOUR
848 ~~PAYING~~ TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A
849 NOTICE OF COMMENCEMENT, AND THE CONTRACTOR'S PAYMENT
850 BOND IF THE PROJECT IS BONDED, MUST BE RECORDED AND
851 POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION.

852
853 IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR
854 LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR
855 RECORDING YOUR NOTICE OF COMMENCEMENT.

856
857 ... (Signature of Owner or Agent) ...

858
859 ... (including contractor) ...

860 STATE OF FLORIDA

861 COUNTY OF

862
863 Sworn to (or affirmed) and subscribed before me this
864 day of, ... (year) ..., by ... (name of person making
865 statement)

866
867 ... (Signature of Notary Public - State of Florida) ...

868 ... (Print, Type, or Stamp Commissioned Name of Notary Public) ...

869
870 Personally Known OR Produced Identification

871
872 Type of Identification Produced

873 ... (Signature of Contractor) ...

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

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STATE OF FLORIDA
COUNTY OF

Sworn to (or affirmed) and subscribed before me this
day of, ... (year)...., by (name of person making
statement).....

...(Signature of Notary Public - State of Florida)...
...(Print, Type, or Stamp Commissioned Name of Notary Public)...

Personally Known OR Produced Identification

Type of Identification Produced.....

(Certificate of Competency Holder)

Contractor's State Certification or Registration No.....

Contractor's Certificate of Competency No.....

APPLICATION APPROVED BY

.....Permit Officer

(b) Consistent with the requirements of paragraph (a), an
authority responsible for issuing building permits under this
section may accept a building permit application in an
electronic format, as prescribed by the authority. Building
permit applications submitted to the authority electronically
must contain the following additional statement in lieu of the
requirement in paragraph (a) that a signed, sworn, and notarized

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

902 signature of the owner or agent and the contractor be part of
903 the owner's affidavit:

904

905 OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty of
906 perjury, I declare that all the information contained in this
907 building permit application is true and correct.

908 (c) An authority responsible for issuing building permit
909 applications which accepts building permit applications in an
910 electronic format shall provide public Internet access to the
911 electronic building permit applications in a searchable format.

912 (7) This section applies to every municipality and county
913 in the state which now has or hereafter may have a system of
914 issuing building permits for the construction of improvements or
915 for the alteration or repair of improvements on or to real
916 property located within the geographic limits of the issuing
917 authority.

918 Section 59. Effective October 1, 2010, section 713.137,
919 Florida Statutes, is created to read:

920 713.137 Prerequisites to inspection of improvements;
921 exceptions.-

922 (1) The authority issuing a building permit or a private
923 provider performing inspection services may not inspect the real
924 property being improved unless:

925 (a) The following documents have been filed with the
926 issuing authority:

927 1.a. A certified copy of the recorded notice of
928 commencement; or

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

929 b. A notarized statement that the notice of commencement
930 has been filed for recording, along with a copy of the notice.

931 2. If the permit is for a commercial project:

932 a. A copy of the contractor's recorded payment bond; or

933 b. A notarized statement of the contractor or owner

934 stating that a payment bond was not required.

935 3. A signed copy of the general statement of owner's
936 rights and responsibilities under Florida's Construction Lien
937 Law, if required by s. 713.015.

938 (b) The information in the notice of commencement filed
939 with the issuing authority is consistent with the building
940 permit application, complete, and legible.

941 (2) This section does not apply to inspections of the
942 following improvements:

943 (a) The installation of temporary electrical service or
944 other temporary utility service, land clearing, or other
945 preliminary site work.

946 (b) Improvements pursuant to a direct contract in an
947 amount of \$5,000 or less.

948 (c) The repair or replacement of a heating or air-
949 conditioning system pursuant to a direct contract in an amount
950 of \$7,500 or less.

951 Section 60. Effective October 1, 2010, section 713.16,
952 Florida Statutes, is amended to read:

953 713.16 Demand for copy of contract and statements of
954 account; form.--

955 (1) A copy of the contract of a lienor or owner and a
956 statement of the amount due or to become due if fixed or

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 713 (2010)

Amendment No.

957 ascertainable thereon must be furnished by any party thereto,
958 upon written demand of an owner or a lienor contracting with or
959 employed by the other party to such contract. If the owner or
960 lienor refuses or neglects to furnish such copy of the contract
961 or such statement, or willfully and falsely states the amount
962 due or to become due if fixed or ascertainable under such
963 contract, any person who suffers any detriment thereby has a
964 cause of action against the person refusing or neglecting to
965 furnish the same or willfully and falsely stating the amount due
966 or to become due for his or her damages sustained thereby. The
967 information contained in such copy or statement furnished
968 pursuant to such written demand is binding upon the owner or
969 lienor furnishing it unless actual notice of any modification is
970 given to the person demanding the copy or statement before such
971 person acts in good faith in reliance on it. The person
972 demanding such documents must pay for the reproduction thereof;
973 and, if such person fails or refuses to do so, he or she is
974 entitled only to inspect such documents at reasonable times and
975 places.

976 (2) The owner may serve in writing a demand of any lienor
977 for a written statement under oath of his or her account showing
978 the nature of the labor or services performed and to be
979 performed, if any, the materials furnished, the materials to be
980 furnished, if known, the amount paid on account to date, the
981 amount due, and the amount to become due, if known, as of the
982 date of the statement by the lienor. Any such demand to a lienor
983 must be served on the lienor at the address and to the attention
984 of any person who is designated to receive the demand in the

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

985 notice to owner served by such lienor and must include a
986 description of the project, including the names of the owner,
987 the contractor, and the lienor's customer, sufficient for the
988 lienor to properly identify the account in question. The failure
989 or refusal to furnish the statement does not deprive the lienor
990 of his or her lien if the demand is not served at the address of
991 the lienor or directed to the attention of the person designated
992 to receive the demand in the notice to owner. The failure or
993 refusal to furnish the statement under oath within 30 days after
994 the demand, or the furnishing of a false or fraudulent
995 statement, deprives the person so failing or refusing to furnish
996 such statement of his or her lien. If the owner serves more than
997 one demand for statement of account on a lienor and none of the
998 information regarding the account has changed since the lienor's
999 last response to a demand, the failure or refusal to furnish
1000 such statement does not deprive the lienor of his or her lien.
1001 The negligent inclusion or omission of any information deprives
1002 the person of his or her lien to the extent the owner can
1003 demonstrate prejudice from such act or omission by the lienor.
1004 The failure to furnish a response to a demand for statement of
1005 account does not affect the validity of any claim of lien being
1006 enforced through a foreclosure case filed prior to the date the
1007 demand for statement is received by the lienor.

1008 (3) A request for sworn statement of account must be in
1009 substantially the following form:

1010 REQUEST FOR SWORN STATEMENT OF ACCOUNT
1011

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

1012 WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT, SIGNED
1013 UNDER OATH, WITHIN 30 DAYS OR THE FURNISHING OF A FALSE
1014 STATEMENT WILL RESULT IN THE LOSS OF YOUR LIEN.

1015

1016 To: ... (Lienor's name and address)...

1017

1018 The undersigned hereby demands a written statement under oath of
1019 his or her account showing the nature of the labor or services
1020 performed and to be performed, if any, the materials furnished,
1021 the materials to be furnished, if known, the amount paid on
1022 account to date, the amount due, and the amount to become due,
1023 if known, as of the date of the statement for the improvement of
1024 real property identified as (property description).....

1025 Name of contractor:

1026 Name of the lienor's customer (as specified in the lienor's

1027 Notice to Owner, if such notice has been served):

1028 (signature and address of owner)...

1029 (date of request for sworn statement of account).....

1030 (4) When a contractor has furnished a payment bond
1031 pursuant to s. 713.23, he or she may, when an owner makes any
1032 payment to the contractor or directly to a lienor, serve a
1033 written demand on any other lienor for a written statement under
1034 oath of his or her account showing the nature of the labor or
1035 services performed and to be performed, if any, the materials
1036 furnished, the materials to be furnished, if known, the amount
1037 paid on account to date, the amount due, and the amount to
1038 become due, if known, as of the date of the statement by the
1039 lienor. Any such demand to a lienor must be served on the lienor

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

1040 at the address and to the attention of any person who is
1041 designated to receive the demand in the notice to contractor
1042 served by such lienor. The failure or refusal to furnish the
1043 statement does not deprive the lienor of his or her rights under
1044 the bond if the demand is not served at the address of the
1045 lienor or directed to the attention of the person designated to
1046 receive the demand in the notice to contractor or if the demand
1047 does not include a description of the project, including the
1048 names of the owner, the contractor, and the lienor's customer as
1049 set forth in the lienor's notice to contractor, sufficient for
1050 the lienor to properly identify the account in question. The
1051 failure to furnish the statement within 30 days after the
1052 demand, or the furnishing of a false or fraudulent statement,
1053 deprives the person who fails to furnish the statement, or who
1054 furnishes the false or fraudulent statement, of his or her
1055 rights under the bond. If the contractor serves more than one
1056 demand for statement of account on a lienor and none of the
1057 information regarding the account has changed since the lienor's
1058 last response to a demand, the failure or refusal to furnish
1059 such statement does not deprive the lienor of his or her rights
1060 under the bond. The negligent inclusion or omission of any
1061 information deprives the person of his or her rights under the
1062 bond to the extent the contractor can demonstrate prejudice from
1063 such act or omission by the lienor. The failure to furnish a
1064 response to a demand for statement of account does not affect
1065 the validity of any claim on the bond being enforced in a
1066 lawsuit filed prior to the date the demand for statement of
1067 account is received by the lienor.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 713 (2010)

Amendment No.

1068 (5) (a) Any lienor who submits or mails ~~has recorded~~ a
1069 claim of lien to the clerk for recording may make written demand
1070 on the owner for a written statement under oath showing:

1071 1. The amount of the direct contract under which the lien
1072 was recorded;

1073 2. The dates and amounts paid or to be paid by or on
1074 behalf of the owner for all improvements described in the direct
1075 contract;

1076 3. The reasonable estimated costs of completing the direct
1077 contract under which the lien was claimed pursuant to the scope
1078 of the direct contract; and

1079 4. If known, the actual cost of completion.

1080 (b) Any owner who does not provide the statement within 30
1081 days after demand, or who provides a false or fraudulent
1082 statement, is not a prevailing party for purposes of an award of
1083 attorney's fees under s. 713.29. The written demand must include
1084 the following warning in conspicuous type in substantially the
1085 following form:

1086 WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT
1087 WITHIN 30 DAYS OR THE FURNISHING OF A FALSE STATEMENT WILL
1088 RESULT IN THE LOSS OF YOUR RIGHT TO RECOVER ATTORNEY FEES IN ANY
1089 ACTION TO ENFORCE THE CLAIM OF LIEN OF THE PERSON REQUESTING
1090 THIS STATEMENT.

1091 (6) Any written demand served on the owner shall include a
1092 description of the project, including the names of the
1093 contractor and the lienor's customer as set forth in the
1094 lienor's notice to owner, sufficient for the owner to properly
1095 identify the project in question.

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

1096 ~~(7)~~~~(6)~~ For purposes of this section, the term
1097 "information" means the nature and quantity of the labor,
1098 services, and materials furnished or to be furnished by a lienor
1099 and the amount paid, the amount due, and the amount to become
1100 due on the lienor's account.

1101 Section 61. Effective October 1, 2010, section 713.18,
1102 Florida Statutes, is amended to read:

1103 713.18 Manner of serving notices and other instruments.--

1104 (1) Service of notices, claims of lien, affidavits,
1105 assignments, and other instruments permitted or required under
1106 this part, or copies thereof when so permitted or required,
1107 unless otherwise specifically provided in this part, must be
1108 made by one of the following methods:

1109 (a) By actual delivery to the person to be served; if a
1110 partnership, to one of the partners; if a corporation, to an
1111 officer, director, managing agent, or business agent; or, if a
1112 limited liability company, to a member or manager.

1113 (b) By sending the same by common carrier delivery service
1114 or registered, global express guaranteed, or certified mail,
1115 with postage prepaid, and ~~or by overnight or second day delivery~~
1116 with evidence of delivery, which may be in an electronic format.

1117 (c) ~~If the method specified in paragraph (a) or paragraph~~
1118 ~~(b) cannot be accomplished,~~ By posting on the site of the
1119 improvement if service as provided by paragraph (a) or paragraph
1120 (b) cannot be accomplished premises.

1121 (2) Notwithstanding subsection (1), service of ~~if~~ a notice
1122 to owner, a notice to contractor under s. 713.23, or a
1123 preliminary notice under s. 255.05 is ~~mailed by registered or~~

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

1124 ~~certified mail with postage prepaid to the person to be served~~
1125 ~~at any of the addresses set forth in subsection (3) within 40~~
1126 ~~days after the date the lienor first furnishes labor, services,~~
1127 ~~or materials, service of that notice is effective as of the date~~
1128 of mailing if:

1129 (a) The notice is mailed by registered, global express
1130 guaranteed, or certified mail, with postage prepaid, to the
1131 person to be served at any of the addresses set forth in
1132 subsection (3);

1133 (b) The notice is mailed within 40 days after the date the
1134 lienor first furnishes labor, services, or materials; and

1135 (c)1. The person who served the notice maintains a
1136 registered or certified mail log that shows the registered or
1137 certified mail number issued by the United States Postal
1138 Service, the name and address of the person served, and the date
1139 stamp of the United States Postal Service confirming the date of
1140 mailing; or if

1141 2. The person who served the notice maintains electronic
1142 tracking records generated through use of the United States
1143 Postal Service Confirm service or a similar service containing
1144 the postal tracking number, the name and address of the person
1145 served, and verification of the date of receipt by the United
1146 States Postal Service.

1147 (3) (a) Service of if an instrument served pursuant to this
1148 section is effective on the date of mailing if the instrument:

1149 1. Was sent to the last address shown in the notice of
1150 commencement or any amendment thereto or, in the absence of a
1151 notice of commencement, to the last address shown in the

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

1152 building permit application, or to the last known address of the
1153 person to be served; ~~and, is not received, but~~

1154 2. Is returned as being "refused," "moved, not
1155 forwardable," or "unclaimed," or is otherwise not delivered or
1156 deliverable through no fault of the person serving the item,
1157 ~~then service is effective on the date the instrument was sent.~~

1158 (b) If the address information shown in the notice of
1159 commencement or any amendment to the notice, or in the absence
1160 of a notice of commencement, in the building permit application,
1161 is incomplete for purposes of mailing or delivery, the person
1162 serving the item may complete the address and properly format it
1163 according to United States Postal Service addressing standards
1164 using information obtained from the property appraiser or
1165 another public record or directory without affecting the
1166 validity of service under this section.

1167 (4) A notice served by a lienor on one owner or one
1168 partner of a partnership owning the real property ~~If the real~~
1169 ~~property is owned by more than one person or a partnership, a~~
1170 ~~lienor may serve any notices or other papers under this part on~~
1171 ~~any one of such owners or partners, and such notice is deemed~~
1172 ~~notice to all owners and partners.~~

1173 Section 62. Effective October 1, 2010, section 713.22,
1174 Florida Statutes, is amended to read:

1175 713.22 Duration of lien.—

1176 (1) ~~A No~~ A lien provided by this part ~~may not shall~~ continue
1177 for a longer period than 1 year after the claim of lien has been
1178 recorded or 1 year after the recording of an amended claim of
1179 lien that shows a later date of final furnishing of labor,

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 713 (2010)

Amendment No.

1180 services, or materials, unless within that time an action to
1181 enforce the lien is commenced in a court of competent
1182 jurisdiction. A lien that has been continued beyond the 1-year
1183 period ~~The continuation of the lien effected~~ by the commencement
1184 of an ~~the~~ action is ~~shall~~ not enforceable ~~be good~~ against
1185 creditors or subsequent purchasers for a valuable consideration
1186 and without notice, unless a notice of lis pendens is recorded.

1187 (2) An owner or the owner's agent or attorney may elect to
1188 shorten the time prescribed in subsection (1) within which to
1189 commence an action to enforce any claim of lien or claim against
1190 a bond or other security under s. 713.23 or s. 713.24 by
1191 recording in the clerk's office a notice in substantially the
1192 following form:

1193 NOTICE OF CONTEST OF LIEN

1194 To: ... (Name and address of lienor)...

1195 You are notified that the undersigned contests the claim of lien
1196 filed by you on, ... (year) ..., and recorded in Book
1197, Page, of the public records of County, Florida,
1198 and that the time within which you may file suit to enforce your
1199 lien is limited to 60 days from the date of service of this
1200 notice. This day of, ... (year)

1201 Signed: ... (Owner or Attorney)...

1202
1203 The lien of any lienor upon whom such notice is served and who
1204 fails to institute a suit to enforce his or her lien within 60
1205 days after service of such notice shall be extinguished
1206 automatically. The clerk shall mail a copy of the notice of
1207 contest to the lien claimant at the address shown in the claim

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 713 (2010)

Amendment No.

1208 of lien or most recent amendment thereto, by certified or
1209 registered mail, return receipt requested, and shall certify to
1210 such service on the face of such notice and record the notice.
1211 ~~Service shall be deemed complete upon mailing.~~

1212 Section 63. Effective October 1, 2010, paragraph (e) of
1213 subsection (1) and subsections (2) and (4) of section 713.23,
1214 Florida Statutes, are amended to read:

1215 713.23 Payment bond.—

1216 (1)

1217 (e) An ~~No~~ action for the labor or materials or supplies
1218 may not be instituted or prosecuted against the contractor or
1219 surety unless both notices have been given. An ~~No~~ action may not
1220 ~~shall~~ be instituted or prosecuted against the contractor or
1221 against the surety on the bond under this section after 1 year
1222 from the performance of the labor or completion of delivery of
1223 the materials and supplies. The time period for bringing an
1224 action against the contractor or surety on the bond shall be
1225 measured from the last day of furnishing labor, services, or
1226 materials by the lienor. The time period may and shall not be
1227 measured by other standards, such as the issuance of a
1228 certificate of occupancy or the issuance of a certificate of
1229 substantial completion. A contractor or the contractor's agent
1230 or attorney may elect to shorten the ~~prescribed~~ time within
1231 which an action to enforce any claim against a payment bond
1232 ~~provided~~ under this section or s. 713.245 must ~~may~~ be commenced
1233 at any time after a notice of nonpayment, if required, has been
1234 served for the claim by recording in the clerk's office a notice
1235 in substantially the following form:

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

1236 NOTICE OF CONTEST OF CLAIM
1237 AGAINST PAYMENT BOND

1238 To: ... (Name and address of lienor)...

1239 You are notified that the undersigned contests your notice
1240 of nonpayment, dated,, and served on the undersigned
1241 on,, and that the time within which you may file suit
1242 to enforce your claim is limited to 60 days from the date of
1243 service of this notice.

1244
1245 DATED on,

1246
1247 Signed: ... (Contractor or Attorney)...

1248
1249 The claim of any lienor upon whom the notice is served and who
1250 fails to institute a suit to enforce his or her claim against
1251 the payment bond within 60 days after service of the notice
1252 shall be extinguished automatically. The clerk shall mail a copy
1253 of the notice of contest to the lienor at the address shown in
1254 the notice of nonpayment or most recent amendment thereto, by
1255 certified or registered mail, return receipt requested, and
1256 shall certify to such service on the face of the notice and
1257 record the notice. ~~Service is complete upon mailing.~~

1258 (2) The bond shall secure every lien under the direct
1259 contract accruing subsequent to its execution and delivery,
1260 except that of the contractor. Every claim of lien, except that
1261 of the contractor, filed subsequent to execution and delivery of
1262 the bond shall be transferred to it with the same effect as
1263 liens transferred under s. 713.24. Record notice of the transfer

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

1264 shall be effected by the contractor, or any person having an
1265 interest in the property against which the claim of lien has
1266 been asserted, by recording in the clerk's office a notice in
1267 substantially the following form:

1268 NOTICE OF BOND

1269
1270 To ... (Name and Address of Lienor) ...

1271
1272 You are notified that the claim of lien filed by you on,
1273, and recorded in Official Records Book at page of
1274 the public records of County, Florida, is secured by a
1275 bond, a copy being attached.

1276
1277 Signed: ... (Name of person recording notice) ...

1278
1279 The notice shall be verified. The clerk shall mail a copy of the
1280 notice to the lienor at the address shown in the claim of lien,
1281 or the most recent amendment to it; shall certify to the service
1282 on the face of the notice; and shall record the notice. The
1283 clerk shall receive the same fee as prescribed in s. 713.24 ~~s.~~
1284 ~~713.24(1)~~ for certifying to a transfer of lien.

1285 (4) The provisions of s. 713.24(7) ~~s. 713.24(3)~~ shall
1286 apply to bonds under this section.

1287 Section 64. Effective October 1, 2010, section 713.24,
1288 Florida Statutes, is amended to read:

1289 713.24 Transfer of liens to security.—

1290 (1) A ~~Any~~ lien claimed under this part may be transferred
1291 by a ~~any~~ person having an interest in the real property upon

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 713 (2010)

Amendment No.

1292 which the lien is imposed or the contract under which the lien
1293 is claimed, from such real property to other security by either:

1294 (a) Depositing in the clerk's office a sum of money; ~~or~~

1295 (b) Filing in the clerk's office a bond executed as surety
1296 by a surety insurer licensed to do business in this state. ~~or~~

1297 (2) The security must either to be in an amount equal: to

1298 (a) The amount demanded in the such claim of lien; ~~or~~ plus

1299 (b) Interest on the claim thereon at the legal rate for 3
1300 years, plus \$1,000 or 25 percent of the amount demanded in the
1301 claim of lien, whichever is greater, to apply on any attorney's
1302 fees and court costs that may be taxed in any proceeding to
1303 enforce ~~the said~~ lien.

1304 (3) The security ~~Such deposit or bond~~ shall be conditioned
1305 to pay any judgment or decree that ~~which~~ may be rendered for the
1306 satisfaction of the lien ~~for which such claim of lien was~~
1307 recorded.

1308 (4) A ~~Upon making such deposit or filing such bond,~~ the
1309 clerk who receives other security for a lien:

1310 (a) Shall make and record a certificate showing the
1311 transfer of the lien from the real property to the security. The
1312 clerk and shall serve mail a copy of the certificate and a copy
1313 of the bond, if the lien was transferred to a bond, on thereof
1314 ~~by registered or certified mail to the lienor named in the claim~~
1315 of lien ~~so transferred,~~ at the address stated in the claim
1316 therein. When ~~Upon filing~~ the certificate of transfer is
1317 recorded, the real property is ~~shall thereupon be~~ released from
1318 the lien claimed, and the such lien is ~~shall be~~ transferred to
1319 the other said security.

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

1320 (b) May collect a service charge of no more than \$20 for
1321 making and serving the certificate. The clerk may collect an
1322 additional charge of no more than \$10 for each additional lien
1323 transferred to the security. The clerk shall receive the
1324 statutory service charges as prescribed in s. 28.24 for
1325 recording the certificate and approving the bond.

1326 (5) In the absence of allegations of privity between the
1327 lienor and the owner, and subject to any order of the court
1328 increasing the amount required for the lien transfer deposit or
1329 bond, no other judgment or decree to pay money may be entered by
1330 the court against the owner. ~~The clerk shall be entitled to a~~
1331 ~~service charge for making and serving the certificate, in the~~
1332 ~~amount of up to \$20. If the transaction involves the transfer of~~
1333 ~~multiple liens, an additional charge of up to \$10 for each~~
1334 ~~additional lien shall be charged. For recording the certificate~~
1335 ~~and approving the bond, the clerk shall receive her or his usual~~
1336 ~~statutory service charges as prescribed in s. 28.24. Any number~~
1337 ~~of liens may be transferred to one such security.~~

1338 (6)-(2) Any excess of the security over the aggregate
1339 amount of any judgments or decrees rendered plus costs actually
1340 taxed shall be repaid to the party filing the same or her or his
1341 successor in interest. Any deposit of money shall be considered
1342 as paid into court and ~~is shall be~~ subject to the provisions of
1343 law relative to payments of money into court and the disposition
1344 of same.

1345 (7)-(3) Any party having an interest in such security or
1346 the property from which the lien was transferred may at any
1347 time, and any number of times, file a complaint in chancery in

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 713 (2010)

Amendment No.

1348 the circuit court of the county where such security is
1349 deposited, or file a motion in a pending action to enforce a
1350 lien, for an order to require additional security, reduction of
1351 security, change or substitution of sureties, payment of
1352 discharge thereof, or any other matter affecting the said
1353 security. If the court finds that the amount of the deposit or
1354 bond in excess of the amount claimed in the claim of lien is
1355 insufficient to pay the lienor's attorney's fees and court costs
1356 incurred in the action to enforce the lien, the court must
1357 increase the amount of the cash deposit or lien transfer bond.
1358 ~~Nothing in~~ This section does not ~~shall be construed to~~ vest
1359 exclusive jurisdiction in the circuit courts over transfer bond
1360 claims for nonpayment of an amount within the monetary
1361 jurisdiction of the county courts.

1362 (8)~~(4)~~ If a proceeding to enforce a transferred lien is
1363 not commenced within the time specified in s. 713.22 or if it
1364 appears that the transferred lien has been satisfied of record,
1365 the clerk shall return the said security upon request of the
1366 person depositing or filing the same, or the insurer. If a
1367 proceeding to enforce a lien is commenced in a court of
1368 competent jurisdiction within the time specified in s. 713.22
1369 and, during such proceeding, the lien is transferred pursuant to
1370 this section or s. 713.13(1)(e), an action commenced within 1
1371 year after the transfer, unless otherwise shortened by operation
1372 of law, in the same county or circuit court to recover against
1373 the security shall be deemed to have been brought as of the date
1374 of filing the action to enforce the lien, and the court has
1375 ~~shall have~~ jurisdiction over the action.

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

1376 Section 65. Except as otherwise expressly provided in this
1377 act, this act shall take effect July 1, 2010.

1378

1379

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

1381

Remove lines 145-146 and insert:

1382

468.832, F.S., in a reference thereto; amending s. 255.05,

1383

F.S.; requiring that a contractor record in the official

1384

records a payment bond for a public works construction

1385

project; requiring that the bond number be stated on the

1386

first page of the bond; prohibiting the issuing authority

1387

for a building permit or a private provider performing

1388

inspection services from inspecting the property being

1389

improved until certain documents are filed; providing that

1390

a payment and performance bond is not required for certain

1391

contracts; authorizing certain entities to exempt certain

1392

contracts from the requirement for a payment and

1393

performance bond; requiring the clerk of court to mail a

1394

notice of contest of lien by certified or registered mail;

1395

amending s. 713.015, F.S.; requiring that a contractor

1396

provide an owner with a general statement of an owner's

1397

rights and responsibilities under Florida's Construction

1398

Lien Law; requiring that a signed copy of the statement be

1399

filed with the building permit application; specifying the

1400

form and content of the statement; deleting the

1401

requirement that notice be included in the direct contract

1402

between the contractor and the owner; amending s. 713.06,

1403

F.S.; revising the form of a notice for liens of persons

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 713 (2010)

Amendment No.

1404 not in privity with the owner; amending s. 713.13, F.S.;

1405 revising the form of the notice of commencement; requiring

1406 the posting of a payment bond on a job site; amending s.

1407 713.135, F.S.; revising the warning to the owner printed

1408 on certain permit cards; deleting a requirement relating

1409 to filing a notice of commencement before certain

1410 inspections; revising the warning to the owner provided on

1411 a building permit form; deleting provisions requiring the

1412 authority issuing a building permit to provide certain

1413 statements and information; creating s. 713.137, F.S.;

1414 prohibiting the authority issuing a building permit or a

1415 private provider performing inspection services from

1416 inspecting an improvement until certain documents have

1417 been filed and the information in the notice of

1418 commencement meets certain standards; providing

1419 exceptions; amending s. 713.16, F.S.; revising

1420 requirements for demands for a copy of a construction

1421 contract and a statement of account; authorizing a lienor

1422 who submits or mails a claim of lien to the clerk for

1423 recording to make certain demands to an owner for certain

1424 written statements; providing requirements for such

1425 written demands; amending s. 713.18, F.S.; providing

1426 additional methods by which certain items may be served by

1427 mail; specifying the information required on certain

1428 written instruments under certain circumstances; amending

1429 s. 713.22, F.S.; requiring that the clerk of court serve a

1430 notice of contest of lien; amending s. 713.23, F.S.;

1431 requiring that the clerk of court mail a notice of contest

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 713 (2010)

Amendment No.

1432 of nonpayment by certified or registered mail; conforming
1433 cross-references; amending s. 713.24, F.S.; requiring that
1434 the clerk of court mail, by certified or registered mail,
1435 a copy of the certificate showing the transfer of a lien
1436 and a copy of the security if the lien is transferred to a
1437 security; authorizing a clerk to collect certain service
1438 charges under certain circumstances; providing effective
1439 dates.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 885 (2010)

Amendment No.

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: General Government Policy

2 Council

3 Representative *Nelson* ~~Tobia~~ offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 24 and 25, insert:

7 Section 2. Paragraph (a) of subsection (1) of section
8 627.552, Florida Statutes, is amended to read:

9 627.552 Employee groups.—Subject to all of the
10 requirements of this section, the lives of a group of individual
11 employees of an employer may be insured, for the benefit of
12 persons other than the employer, under a policy issued to the
13 employer or to the trustees of a fund established by an
14 employer, which employer or board of trustees is deemed to be
15 the policyholder.

16 (1) (a) The employees eligible for insurance under the
17 policy shall be all of the employees of the employer, or all of
18 any class or classes of employees determined by conditions
19 pertaining to their employment; however, a class of employees

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 885 (2010)

Amendment No.

20 may not be created or permitted that consists solely of
21 employees covered under the employer's group health plan. This
22 section does not prohibit an employer from requiring
23 participation in its group health plan as a condition of
24 employment.

25
26 This section does not affect the provisions of ss. 112.08-
27 112.14.

28
29 -----
30 **T I T L E A M E N D M E N T**

31 Remove line 5 and insert:

32 circumstances; amending s. 627.552, F.S.; prohibiting the
33 creating or permitting of certain classes of employees for
34 group health insurance policy purposes; preserving an
35 employer's authority to require certain plan participation
36 as a condition of employment; amending s. 627.5575, F.S.;
37 revising the

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 885 (2010)

Amendment No.

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: General Government Policy
2 Council
3 Representative Nelson offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 11 and 12, insert:

7 Section 1. Subsection (3) is added to section 627.464,
8 Florida Statutes, to read:

9 627.464 Annuity contracts, pure endowment contracts;
10 standard provisions.-

11 (3) An annuity purchased, dedicated, or otherwise allocated,
12 as part of a settlement to satisfy the requirements of 42 U.S.C. s.
13 1395y(b) (2) may not be sold to, or commuted by or for, a third
14 party unconnected to the settlement.

15 Section 2. Section 627.6011, Florida Statutes, is created
16 to read:

17 627.6011 Mandated coverages exclusion.-Mandatory health
18 benefits that must be covered by an insurer or health maintenance
19 organization in any group or individual medical plans regulated by

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 885 (2010)

Amendment No.

20 this chapter are not required to be covered in specified-accident,
21 specified-disease, hospital indemnity, limited benefit, disability
22 income, Medicare supplement, or long-term care insurance policies,
23 or other supplemental or limited benefit policies as described in
24 s. 627.6561(5)(b)-(d). For purposes of this section, the term
25 "mandatory health benefits" means those benefits set forth in ss.
26 627.6401-627.64193, s. 627.65626, ss. 627.65735-627.6579, ss.
27 627.6612-627.6619, and ss. 627.668-627.66911, and any cross-
28 references to such sections, or any other mandatory treatment or
29 health coverages or benefits enacted after January 1, 2010.

30 Section 3. Section 627.9403, Florida Statutes, is amended
31 to read:

32 627.9403 Scope.—The provisions of this part shall apply to
33 long-term care insurance policies delivered or issued for
34 delivery in this state, and to policies delivered or issued for
35 delivery outside this state to the extent provided in s.
36 627.9406, by an insurer, a fraternal benefit society as defined
37 in s. 632.601, a health maintenance organization as defined in
38 s. 641.19, a prepaid health clinic as defined in s. 641.402, or
39 a multiple-employer welfare arrangement as defined in s.
40 624.437. A policy which is advertised, marketed, or offered as a
41 long-term care policy and as a Medicare supplement policy shall
42 meet the requirements of this part and the requirements of ss.
43 627.671-627.675 and, to the extent of a conflict, be subject to
44 the requirement that is more favorable to the policyholder or
45 certificateholder. Except as provided with respect to the
46 definition of the term "guaranteed renewable" in this section,
47 the provisions of this part shall not apply to a continuing care

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 885 (2010)

Amendment No.

48 contract issued pursuant to chapter 651 and shall not apply to
49 guaranteed renewable policies issued prior to October 1, 1988.
50 With respect to all policies of insurance covered under this part
51 whenever issued, the term "guaranteed renewable" means the insured
52 has the right to continue the policy in force by the timely payment
53 of premiums and the insurer has no unilateral right to make any
54 change in any provision of the policy while the insurance is in force
55 and cannot decline to renew the policy, except that rates may be
56 revised by the insurer on a class basis. The continuation or renewal
57 of a guaranteed renewable policy of insurance by the timely payment
58 of required premiums does not constitute making or issuing a new
59 policy of insurance for any purpose, including, but not limited to,
60 for purposes of incorporating into the policy changes in the rules
61 or provisions of law governing insurance policies. Any limited
62 benefit policy that limits coverage to care in a nursing home or
63 to one or more lower levels of care required or authorized to be
64 provided by this part or by commission rule is a type of long-
65 term care insurance policy that must meet all requirements of
66 this part that apply to long-term care insurance policies,
67 except ss. 627.9407(3)(c), (9), (10)(f), and (12) and
68 627.94073(2).

69 Section 4. Paragraph (b) of subsection (13) of section
70 634.282, Florida Statutes, is amended to read:

71 634.282 Unfair methods of competition and unfair or
72 deceptive acts or practices defined.—The following methods,
73 acts, or practices are defined as unfair methods of competition
74 and unfair or deceptive acts or practices:

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 885 (2010)

Amendment No.

75 (13) ILLEGAL DEALINGS IN PREMIUMS; EXCESS OR REDUCED
76 CHARGES FOR MOTOR VEHICLE SERVICE AGREEMENTS.—

77 (b) Knowingly collecting as a premium or charge for a
78 motor vehicle service agreement any sum in excess of or less
79 than the premium or charge applicable to such motor vehicle
80 service agreement, in accordance with the applicable
81 classifications and rates as filed with the office, and as
82 specified in the motor vehicle service agreement. However, a
83 violation of this paragraph does not occur if excess premiums or
84 charges are refunded to the service agreement holder within 45 days
85 after receipt of the agreement by the service agreement company or if
86 the licensed sales representative's commission is reduced by the
87 amount of any premium undercharge.

88
89 No provision of this section shall be deemed to prohibit a
90 service agreement company or a licensed insurer from giving to
91 service agreement holders, prospective service agreement
92 holders, and others for the purpose of advertising, any article
93 of merchandise having a value of not more than \$25.

94
95
96

97 -----

98 **T I T L E A M E N D M E N T**

99 Remove line 2 and insert:

100 An act relating to insurance; amending s. 627.464, F.S.;

101 providing a limitation on the resale of certain annuities to

102 third parties; creating s. 627.6011, F.S.; excluding certain

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 885 (2010)

Amendment No.

103 mandatory health benefits from coverage in certain
104 insurance policies or other supplemental or limited benefit
105 policies; providing a definition; amending s. 627.9403,
106 F.S.; revising application of provisions to certain
107 policies of insurance; providing a definition; amending s.
108 634.282, F.S.; revising provisions relating to refunds of
109 excess premiums or charges; creating s. 627.4605,

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 885 (2010)

Amendment No.

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: General Government Policy
2 Council
3 Representative Nelson offered the following:

Amendment (with title amendment)

Between lines 11 and 12, insert:

Section 1. Subsection (3) is added to section 626.9541,
Florida Statutes, to read:

626.9541 Unfair methods of competition and unfair or
deceptive acts or practices defined.—

(3) IN-PATIENT FACILITY NETWORK.—This section may not be
construed to prohibit a Medicare supplement insurer from
granting a premium credit to insureds for using an in-network
in-patient facility.

Section 2. Subsection (6) is added to section 627.6741,
Florida Statutes, to read:

627.6741 Issuance, cancellation, nonrenewal, and
replacement.—

Amendment No.

19 (6) An insurer offering a Medicare supplement policy under
20 this part is not prohibited from entering into an agreement
21 through a network with in-patient facilities that agree to waive
22 the Medicare Part A deductible in whole or in part. An insurer
23 is not required to file a copy of the network agreement with,
24 and such network agreements are not subject to approval of, the
25 office.

26 Section 3. Subsection (8) is added to section 627.6745,
27 Florida Statutes, to read:

28 627.6745 Loss ratio standards; public rate hearings.—

29 (8) For an insurer that enters into a network agreement
30 pursuant to s. 627.6741(6), the waiver of the Medicare Part A
31 deductible and premium credit shall be factored into the
32 insurer's loss-ratio calculation and policy premium.

33
34
35 -----
36 **T I T L E A M E N D M E N T**

37 Remove line 2 and insert:

38 An act relating to insurance; amending s. 626.9541, F.S.;

39 prohibiting construction to prevent a Medicare supplement

40 insurer from granting a premium credit to insureds under certain

41 circumstances; amending s. 627.6741, F.S.; specifying absence of

42 a prohibition against certain Medicare supplement policy

43 insurers from entering into agreements through a network with

44 certain facilities; specifying absence of a requirement to file

45 certain contracts with the Office of Insurance Regulation;

46 amending s. 627.6745, F.S.; requiring certain insurers to factor

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 885 (2010)

Amendment No.

47 | certain deductibles and premium credits into loss-ratio
48 | calculation and policy premiums; creating s. 627.4605,

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 885 (2010)

Amendment No.

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: General Government Policy
2 Council
3 Representative Nelson offered the following:
4

Amendment (with title amendment)

Between lines 35 and 36, insert:

7 Section 3. (1) It is hereby declared that the public
8 policy of this state, consistent with our constitutionally
9 recognized and inalienable rights of liberty, is that every
10 person within this state is and shall be free from governmental
11 intrusion in choosing or declining to choose any mode of
12 securing health insurance coverage without penalty or threat of
13 penalty.

14 (2) A resident of this state, regardless of whether he or
15 she has or is eligible for health insurance coverage under any
16 policy or program provided by or through his or her employer, or
17 a plan sponsored by the state or the Federal Government, may not
18 be required to obtain or maintain a policy of individual health
19 insurance coverage. A person in this state is not liable for any

Amendment No.

20 penalty or fine for failing to obtain or maintain health
21 insurance coverage.

22 (3) The Attorney General may initiate and shall have
23 standing to pursue litigation in any federal or state court or
24 any administrative forum on behalf of one or more persons within
25 the state whose constitutional rights may be subject to
26 infringement by an act of Congress, or the implementation of a
27 federal legislative program, that relates to or has any impact
28 upon the rights or interests of persons as described in this
29 section.

30
31
32 -----
33 **T I T L E A M E N D M E N T**

34 Remove line 8 and insert:

35 life insurance policy; providing a declaration of state
36 public policy protecting persons from government intrusion
37 relating to securing health insurance coverage without
38 penalty; prohibiting state residents from being required to
39 obtain or maintain a policy of individual health insurance
40 coverage; specifying absence of liability for penalty or
41 fine for failing to obtain or maintain health insurance
42 coverage; authorizing the Attorney General to initiate and
43 pursue litigation in federal or state court or
44 administrative forum on behalf of certain persons under
45 certain circumstances; providing an effective date.

COUNCIL/COMMITTEE AMENDMENT
Bill No. HB 885 (2010)

Amendment No.

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
~~FAILED TO ADOPT~~ ___ (Y/N)
WITHDRAWN ✓ (Y/N)
OTHER ___

1 Council/Committee hearing bill: General Government Policy
2 Council
3 Representative Crisafulli offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 11 and 12, insert:

7
8 Section 1. Subsection (3) is added to section 626.9541,
9 Florida Statutes, to read:

10 626.9541 Unfair methods of competition and unfair or
11 deceptive acts or practices defined.—

12 (3) IN-PATIENT FACILITY NETWORK.—This section may not be
13 construed to prohibit a Medicare supplement insurer from
14 granting a premium credit to insureds for using an in-network
15 in-patient facility.

16 Section 2. Subsection (6) is added to section 627.6741,
17 Florida Statutes, to read:

18 627.6741 Issuance, cancellation, nonrenewal, and
19 replacement.—

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 885 (2010)

Amendment No.

20 (6) An insurer offering a Medicare supplement policy under
21 this part is not prohibited from entering into an agreement
22 through a network with in-patient facilities that agree to waive
23 the Medicare Part A deductible in whole or in part. An insurer
24 is not required to file a copy of the network agreement with,
25 and such network agreements are not subject to approval of, the
26 office.

27 Section 3. Subsection (8) is added to section 627.6745,
28 Florida Statutes, to read:

29 627.6745 Loss ratio standards; public rate hearings.-

30 (8) For an insurer that enters into a network agreement
31 pursuant to s. 627.6741(6), the waiver of the Medicare Part A
32 deductible and premium credit shall be factored into the
33 insurer's loss-ratio calculation and policy premium.

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

37 Remove line 2 and insert:

38 An act relating to insurance; amending s. 626.9541, F.S.;

39 prohibiting construction to prevent a Medicare supplement

40 insurer from granting a premium credit to insureds under

41 certain circumstances; amending s. 627.6741, F.S.;

42 specifying absence of a prohibition against certain

43 Medicare supplement policy insurers from entering into

44 agreements through a network with certain facilities;

45 specifying absence of a requirement to file certain

46 contracts with the Office of Insurance Regulation; amending

47 s. 627.6745, F.S.; requiring certain insurers to factor

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 885 (2010)

Amendment No.

48 | certain deductibles and premium credits into loss-ratio
49 | calculation and policy premiums; creating s. 627.4605,

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 981 (2010)

Amendment No.1

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER ___

1 Council/Committee hearing bill: General Government Policy
2 Council
3 Representative Grimsley offered the following:

Amendment

6 Remove lines 174-175 and insert:
7 temporary deviation from the acute toxicity provisions of the
8 department's rule establishing surface water quality standards,
9 not to exceed the time

Amendment No.2

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council/Committee hearing bill: General Government Policy
2 Council
3 Representative(s) Crisafulli offered the following:

4
5 **Amendment**

6 Remove lines 88-92 and insert:

7 3. Structures or improvements used for horticulture
8 production that provide shade and shelter and improve water
9 quality or water conservation, as designated by the Department
10 of Agriculture and Consumer Services' interim measures or best
11 management practices adopted pursuant to s. 570.085 or s.
12 403.067(7)(c), shall be assessed by the methodology described in
13 subparagraph 1.
14

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1239 (2010)

Amendment No.

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: General Government Policy

2 Council

3 Representative(s) Patronis offered the following:

4

5 **Amendment**

6 Remove lines 40-41 and insert:

7 roof does not overhang more than 1 foot beyond the footprint of
8 the lift and the boat stored at the lift. Such roofs are not
9 included in the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

Bill No. CS/HB 1299

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: General Government Policy

2 Council

3 Representative(s) Patterson offered the following:

4
5 **Amendment**

6 Remove line(s) 81-94 and insert:

7 (b) By December 15, 2010, the workgroup shall submit a
8 plan for establishing the business licensing portal to the
9 Governor, the President of the Senate, and the Speaker of the
10 House of Representatives that identifies:

11 1. Business requirements and the costs associated with
12 implementation of a technology solution for businesses and
13 individuals that provides easy access to state business
14 licensing, certification, and registration requirements through
15 MyFlorida.com.

16 2. Clear systemwide objectives, a governance structure,
17 accountability measures, and an opportunity for stakeholders to
18 make suggestions regarding the use of the business licensing
19 portal.

20 3. Issues that need to be addressed before a technology
21 solution is implemented.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

22 4. Issues that need to be addressed to enable local
23 governments to make local requirements for starting and
24 operating a business accessible through the state's business
25 licensing portal.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

Bill No. CS/HB 1299

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: General Government Policy

2 Council

3 Representative Patterson offered the following:

4
5 **Amendment**

6 Remove line(s) 42-47 and insert:

7 (3) (a) It is the intent of the Legislature that by July 1,
8 2012, the state establish an online connection that is easily
9 accessible through the state's official portal, "MyFlorida.com,"
10 and that provides an efficient and effective online, self-
11 service method for an individual to access state requirements
12 for starting and operating a business.

13 (b) Once the state's online business licensing connection
14 is available, it is the intent of the Legislature that local
15 governments have the opportunity to make local requirements for
16 starting and operating a business accessible in a similar manner
17 through the state's portal, "MyFlorida.com."

Amendment No.

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION (Y/N)

~~FAILED TO ADOPT~~ _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

1 Council/Committee hearing bill: General Government Policy

2 Council

3 Representative Poppell offered the following:

4

5 **Amendment (with title amendment)**

6 Between lines 245 and 246, insert:

7 Section 2. The installation of fuel tank upgrades to
8 secondary containment systems shall be completed by the
9 deadlines specified in rule 62-761.510, Florida Administrative
10 Code, Table UST. For fuel service station facilities that have
11 orders issued by the Department of Environmental Protection
12 before July 1, 2010, granting an extension to the deadline, the
13 deadline shall be extended to September 30, 2011. Such
14 facilities must be in compliance with all other state and
15 federal regulations pertaining to petroleum storage systems.

16

17

18

19

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

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 1385 (2010)

Amendment No.

20 Remove line 23 and insert:
21 nonreimbursable voluntary cleanup; requiring the
22 installation of fuel tank upgrades to secondary
23 containment systems to be completed by specified
24 deadlines; providing an exception; providing an effective

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: General Government Policy
2 Council
3 Representative Poppell offered the following:

4
5 **Amendment to the Strike-All Amendment (with title**
6 **amendment)**

7 Between lines 1162 and 1163, insert:

8 Section 40. Paragraph (c) of subsection (16) of section
9 570.07, Florida Statutes, is amended to read:

10 570.07 Department of Agriculture and Consumer Services;
11 functions, powers, and duties.—The department shall have and
12 exercise the following functions, powers, and duties:

13 (16) To enforce the state laws and rules relating to:

14 (c) Registration, labeling, inspection, sale, use and
15 analysis of commercial stock feeds and commercial fertilizers;

16
17 In order to ensure uniform health and safety standards, the
18 adoption of standards and fines in the subject areas of
19 paragraphs (a)-(n) is expressly preempted to the state and the

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

20 department. Any local government enforcing the subject areas of
21 paragraphs (a)-(n) must use the standards and fines set forth in
22 the pertinent statutes or any rules adopted by the department
23 pursuant to those statutes.

24 Note.—Section 1, ch. 2006-41, amended s. 112.061(6)(a) to
25 revise the maximum amount from \$50 to \$80.

26 Note.—Former ss. 570.35, 570.39, 570.08.

27
28
29 -----
30 **T I T L E A M E N D M E N T**

31 Remove line 1947 and insert:

32 opportunities; amending s. 570.07, F.S.; amending the authority
33 of the Department of Agriculture and Consumer Services to
34 enforce laws relating to commercial stock feeds and commercial
35 fertilizers; amending s. 570.0725, F.S.; revising

Amendment No.

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: General Government Policy
2 Council

3 Representative Poppell offered the following:
4

5 **Amendment to the Strike-All Amendment (with title**
6 **amendment)**

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Amendment No.

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22 the pertinent statutes or any rules adopted by the department
23 pursuant to those statutes.

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25 revise the maximum amount from \$50 to \$80.

26 Note.—Former ss. 570.35, 570.39, 570.08.

27
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30 **T I T L E A M E N D M E N T**

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33 of the Department of Agriculture and Consumer Services to
34 enforce laws relating to commercial stock feeds and commercial
35 fertilizers; amending s. 570.0725, F.S.; revising

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	✓	(Y/N)
OTHER	___	

1 Council/Committee hearing bill: General Government Policy
2 Council

3 Representative Poppell offered the following:
4

5 **Amendment to the Strike-All Amendment (with title**
6 **amendment)**

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9 570.07, Florida Statutes, is amended to read:

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13 (16) To enforce the state laws and rules relating to:

14 (c) Registration, labeling, inspection, sale, use and
15 analysis of commercial stock feeds and commercial fertilizers;
16

17 In order to ensure uniform health and safety standards, the
18 adoption of standards and fines in the subject areas of
19 paragraphs (a)-(n) is expressly preempted to the state and the

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

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23 pursuant to those statutes.

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25 revise the maximum amount from \$50 to \$80.

26 Note.—Former ss. 570.35, 570.39, 570.08.

27

28

29

30

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

31

Remove line 1947 and insert:

32

opportunities; amending s. 570.07, F.S.; amending the authority
33 of the Department of Agriculture and Consumer Services to
34 enforce laws relating to commercial stock feeds and commercial
35 fertilizers; amending s. 570.0725, F.S.; revising

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: General Government Policy

2 Council

3 Representative Nelson offered the following:

4
5 **Strike-All Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 15.0455, Florida Statutes, is created
8 to read:

9 15.0455 Official state agricultural museum.—The Florida
10 Agricultural Museum, located in Flagler County, is hereby
11 designated and declared as the official state agricultural
12 museum.

13 Section 2. Paragraph (b) of subsection (4) and subsection
14 (9) of section 369.20, Florida Statutes, is amended to read:

15 369.20 Florida Aquatic Weed Control Act.—

16 (4) The commission shall also promote, develop, and
17 support research activities directed toward the more effective
18 and efficient control of aquatic plants. In the furtherance of
19 this purpose, the commission may ~~is authorized to~~:

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

20 (b) Contract or enter into agreements with public or
21 private agencies or corporations for research and development of
22 aquatic plant control methods or for the performance of aquatic
23 plant control activities. The commission may enter into an
24 agreement with the Department of Environmental Protection to
25 ensure the uniform regulation of pesticides applied to the
26 waters of the state, including provisions for coordinating
27 agency staff and resources through the implementation of
28 permitting, compliance, and enforcement activities under ss.
29 403.088 and 403.0885;

30 (9) ~~The A permit issued pursuant to this section for the~~
31 ~~application of herbicides to waters of in the state for the~~
32 ~~control of aquatic plants, algae, or invasive exotic plants is~~
33 ~~exempt from the requirement to obtain a water pollution~~
34 ~~operation permit except as provided in ss. pursuant to s.~~
35 ~~403.088 and 403.0885.~~

36 Note.—Section 2, ch. 2009-65, and s. 49, ch. 2009-86,
37 provide that "[t]he statutory powers, duties, and functions
38 related to ss. 369.20, 369.22, and 369.252, Florida Statutes,
39 which were transferred by chapter 2008-150, Laws of Florida, and
40 all records, personnel, and property; unexpended balances of
41 appropriations, allocations, and other funds; administrative
42 authority; administrative rules; pending issues; and existing
43 contracts of the Bureau of Invasive Plant Management in the
44 Department of Environmental Protection are transferred by a type
45 two transfer, pursuant to s. 20.06(2), Florida Statutes, to the
46 Fish and Wildlife Conservation Commission. All actions taken

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

47 pursuant to chapter 2008-150, Laws of Florida, and the
48 interagency agreement executed pursuant thereto are ratified."

49 Note.—Former s. 372.925.

50 Section 3. Subsections (1) and (3) of section 403.088,
51 Florida Statutes, are amended to read:

52 403.088 Water pollution operation permits; conditions.—

53 (1) Without ~~No person, without the~~ written authorization
54 of the department, a person may not shall discharge any waste
55 into the waters of within the state ~~any waste~~ which, by itself
56 or in combination with the wastes of other sources, reduces the
57 quality of the receiving waters below the classification
58 established for such waters them. However, this section does
59 ~~shall not be deemed to~~ prohibit the application of pesticides to
60 such waters in the state for the control of insects, aquatic
61 weeds, ~~or~~ algae, or other pests if provided the application is
62 performed in accordance with this section:

63 (a) Upon execution of the agreement provided in s.
64 487.163(3), the department may develop a permit or other
65 authorization as required by 33 U.S.C. s. 1342 for the
66 application of pesticides. A person must obtain such permit or
67 other authorization before applying pesticides to the waters of
68 the state.

69 (b) In consultation with the Department of Agriculture and
70 Consumer Services and the Fish and Wildlife Conservation
71 Commission, the department shall also develop a general permit
72 under s. 403.0885(2), for the application of pesticides.

73 (c) The department shall also enter into agreements with
74 the Department of Agriculture and Consumer Services pursuant to

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

75 ~~a program approved by the Department of Health,~~ in the case of
76 insect or other pest control, and with or the Fish and Wildlife
77 Conservation Commission, in the case of aquatic weed, other
78 aquatic pests, or algae control. The department is directed to
79 enter into interagency agreements to establish the procedures
80 for program approval. Such agreements must shall provide for
81 public health, welfare, and safety, as well as environmental
82 factors, and must ensure the uniform regulation of pesticides
83 applied to waters of the state, including provisions for the
84 coordination of agency staff and resources, through the
85 implementation of permitting, compliance, and enforcement
86 activities under this section and s. 403.0885. Pesticides that
87 are Approved programs must provide that only chemicals approved
88 for a the particular use by the United States Environmental
89 Protection Agency or by the Department of Agriculture and
90 Consumer Services may be employed and that they be applied in
91 accordance with registered label instructions, state standards
92 for such application, including any permit or other
93 authorization required by this subsection, and the provisions of
94 the Florida Pesticide Law, part I of chapter 487, are allowed a
95 temporary deviation from the acute toxicity provisions of the
96 department's water quality rule not to exceed the time necessary
97 to control the target pests and only if the application does not
98 reduce the quality of the receiving waters below the
99 classification for such waters and is not likely to adversely
100 affect any threatened or endangered species.

101 Section 4. Subsection (3) is added to section 487.163,
102 Florida Statutes, to read:

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

103 487.163 Information; interagency cooperation.-

104 (3) The department shall enter into an agreement with the
105 Department of Environmental Protection to ensure the uniform
106 regulation of pesticides applied to waters of the state,
107 including provisions for the coordination of agency staff and
108 resources through the implementation of permitting, compliance,
109 and enforcement activities under ss. 403.088 and 403.0885.

110 Section 5. Paragraph (d) of subsection (1) of section
111 373.1391, Florida Statutes, is amended to read:

112 373.1391 Management of real property.-

113 (1)

114 (d) For any fee simple acquisition of a parcel which is or
115 will be leased back for agricultural purposes, or for any
116 acquisition of a less-than-fee interest in lands that is or will
117 be used for agricultural purposes, the district governing board
118 shall first consider having a soil and water conservation
119 district created pursuant to chapter 582 manage and monitor such
120 interest. Priority shall be given to the agricultural use
121 present at the time of fee simple acquisition of the parcel.

122 Section 6. Section 403.9336, Florida Statutes, is amended
123 to read:

124 403.9336 Legislative findings.—The Legislature finds that
125 ~~the implementation of the Model Ordinance for Florida-Friendly~~
126 ~~Fertilizer Use on Urban Landscapes (2008), which was developed~~
127 ~~by the department in conjunction with the Florida Consumer~~
128 ~~Fertilizer Task Force, the Department of Agriculture and~~
129 ~~Consumer Services, and the University of Florida Institute of~~
130 ~~Food and Agricultural Sciences,~~ will assist in protecting the

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

131 quality of Florida's surface water and groundwater resources.
132 The Legislature further finds that local conditions, including
133 variations in the types and quality of water bodies, site-
134 specific soils and geology, and urban or rural densities and
135 characteristics, may necessitate ~~the implementation of~~
136 additional or more stringent fertilizer management practices at
137 the local government level.

138 Section 7. Section 403.9337, Florida Statutes, is amended
139 to read:

140 403.9337 Model Ordinance for Florida-Friendly Fertilizer
141 Use on Urban Landscapes.—

142 (1) The department may amend its Model Ordinance for
143 Florida-Friendly Fertilizer Use on Urban Landscapes (2009).
144 However, any amendment of the model ordinance after July 1,
145 2010, must be adopted by order of the department. Before
146 adopting an amendment to the model ordinance, the department
147 must hold at least one public workshop to discuss and receive
148 comments on the proposed amendment. The department, at a
149 minimum, must notify interested stakeholders of the public
150 workshop, including representatives of the nursery and landscape
151 industry, the pest control industry, the Department of
152 Agriculture and Consumer Services, the University of Florida's
153 Institute of Food and Agricultural Sciences, environmental
154 groups, and county and local governments. Such an order amending
155 the model ordinance is subject to challenge under chapter 120.

156 (2)~~(1)~~ All county and municipal governments are encouraged
157 to adopt and enforce the Model Ordinance for Florida-Friendly
158 Fertilizer Use on Urban Landscapes or an equivalent requirement

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

159 as a mechanism for protecting local surface and groundwater
160 quality.

161 ~~(3)-(2)~~ Each county and municipal government located within
162 the watershed of a water body or water segment that is listed as
163 impaired by nutrients pursuant to s. 403.067, must ~~shall, at a~~
164 ~~minimum,~~ adopt the most recent version of the department's Model
165 Ordinance for Florida-Friendly Fertilizer Use on Urban
166 Landscapes.

167 (4) A local government may adopt additional or more
168 stringent standards than the model ordinance if, before
169 adoption, one of the following criteria are met:

170 (a) The local government has implemented ~~demonstrated, as~~
171 ~~part of~~ a comprehensive program to address nonpoint sources of
172 nutrient pollution but which is science based, and economically
173 ~~and technically feasible, that~~ additional or more stringent
174 standards than the model ordinance are necessary in order to
175 adequately address ~~urban fertilizer contributions to~~ nonpoint
176 source nutrient loading to a water body. In any such instance,
177 the comprehensive program must be scientifically based and
178 economically and technically feasible. The comprehensive program
179 may include, but is not limited to:

180 1. Nonpoint source activities adopted as part of a basin
181 management plan developed pursuant to s. 403.067(7);

182 2. Adoption of Florida-friendly landscaping requirements,
183 as provided in s. 373.185, into the local government's
184 development code;

185 3. The requirement for and enforcement of the
186 implementation of low-impact development practices; or

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

187 (b) The local government documents in the public record
188 the need for more stringent standards, including the
189 scientifically documented impairment of waters within the local
190 government's jurisdiction by nutrient enrichment due to
191 landforms, soils, hydrology, climate, or geology.

192 (5) If the local government proposes more stringent
193 standards, it must document documents that it has requested and
194 considered all relevant scientific information, including input
195 from the department, ~~the institute,~~ the Department of
196 Agriculture and Consumer Services, and the University of
197 Florida's Florida Institute of Food and Agricultural Sciences,
198 if provided, on the need for additional or more stringent
199 provisions to address fertilizer use as a contributor to water
200 quality degradation. All documentation must become part of the
201 public record before adoption of the additional or more
202 stringent criteria.

203 (6) ~~(3)~~ Any county or municipal government that adopted its
204 own fertilizer use ordinance before January 1, 2009, is exempt
205 from this section. Ordinances adopted or amended on or after
206 January 1, 2009, must substantively conform to the most recent
207 version of the model fertilizer ordinance and are subject to
208 subsections (2) through (5) ~~(1) and (2)~~, as applicable.

209 (7) A fertilizer ordinance adopted by a county or
210 municipal government shall not prohibit an individual certified
211 pursuant to s. 482.1562 from applying fertilizer during any
212 specified period of the calendar year. However, a local
213 government may require a certified applicator to perform a soil
214 test or leaf tissue analysis to demonstrate the need for

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

215 nutrient application during any specified period of the calendar
216 year when the use of fertilizer is restricted or prohibited by
217 local ordinance. The provisions of paragraph (6) of this
218 section shall continue to apply to local governments that amend
219 their ordinances to comply with this paragraph.

220 (8)(4) This section does not apply to the use of
221 fertilizer:

222 (a) On farm operations as defined in s. 823.14; or

223 (b) On lands classified as agricultural lands pursuant to
224 s. 193.461; or

225 (c) On any lands used for scientific research, including,
226 but not limited to, research on the effects of fertilizer use on
227 urban stormwater, water quality, agronomics, or horticulture.

228 Section 8. Subsection (1) of section 493.6102, Florida
229 Statutes, is amended to read:

230 493.6102 Inapplicability of this chapter.—This chapter
231 shall not apply to:

232 (1) Any individual who is an "officer" as defined in s.
233 943.10(14), ~~or is~~ a law enforcement officer of the United States
234 Government, while the such local, state, or federal officer is
235 engaged in her or his official duties or, if approved by the
236 officer's supervisors, when performing off-duty activities as a
237 security officer activities approved by her or his superiors.

238 Section 9. Section 493.6105, Florida Statutes, is amended
239 to read:

240 493.6105 Initial application for license.—

241 (1) Each individual, partner, or principal officer in a
242 corporation, shall file with the department a complete

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

243 application accompanied by an application fee not to exceed \$60,
244 except that the applicant for a Class "D" or Class "G" license
245 ~~is shall~~ not be required to submit an application fee. The
246 application fee ~~is shall~~ not be refundable.

247 (a) The application submitted by any individual, partner,
248 or corporate officer must ~~shall~~ be approved by the department
249 before the ~~prior to that~~ individual, partner, or corporate
250 officer assumes ~~assuming~~ his or her duties.

251 (b) Individuals who invest in the ownership of a licensed
252 agency, but do not participate in, direct, or control the
253 operations of the agency are ~~shall~~ not be required to file an
254 application.

255 (2) Each application must ~~shall~~ be signed and verified by
256 the individual under oath as provided in s. 92.525 ~~and shall be~~
257 ~~notarized~~.

258 (3) The application must ~~shall~~ contain the following
259 information concerning the individual signing the application
260 ~~same~~:

261 (a) Name and any aliases.

262 (b) Age and date of birth.

263 (c) Place of birth.

264 (d) Social security number or alien registration number,
265 whichever is applicable.

266 (e) Current ~~Present~~ residence address ~~and his or her~~
267 ~~residence addresses within the 5 years immediately preceding the~~
268 ~~submission of the application.~~

269 ~~(f) Occupations held presently and within the 5 years~~
270 ~~immediately preceding the submission of the application.~~

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

271 ~~(f)(g)~~ A statement of all criminal convictions, findings
272 of guilt, and pleas of guilty or nolo contendere, regardless of
273 adjudication of guilt.

274 (g) One passport-type color photograph taken within the 6
275 months immediately preceding submission of the application.

276 (h) A statement whether he or she has ever been
277 adjudicated incompetent under chapter 744.

278 (i) A statement whether he or she has ever been committed
279 to a mental institution under chapter 394.

280 (j) A full set of fingerprints on a card provided by the
281 department and a fingerprint fee to be established by rule of
282 the department based upon costs determined by state and federal
283 agency charges and department processing costs. An applicant who
284 has, within the immediately preceding 6 months, submitted a
285 fingerprint card and fee for licensing purposes under this
286 chapter shall not be required to submit another fingerprint card
287 or fee.

288 (k) A personal inquiry waiver which allows the department
289 to conduct necessary investigations to satisfy the requirements
290 of this chapter.

291 (l) Such further facts as may be required by the
292 department to show that the individual signing the application
293 is of good moral character and qualified by experience and
294 training to satisfy the requirements of this chapter.

295 ~~(4) In addition to the application requirements outlined~~
296 ~~in subsection (3), the applicant for a Class "C," Class "CC,"~~
297 ~~Class "E," Class "EE," or Class "G" license shall submit two~~
298 ~~color photographs taken within the 6 months immediately~~

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

299 ~~preceding the submission of the application, which meet~~
300 ~~specifications prescribed by rule of the department. All other~~
301 ~~applicants shall submit one photograph taken within the 6 months~~
302 ~~immediately preceding the submission of the application.~~

303 ~~(4)-(5)~~ In addition to the application requirements
304 outlined under subsection (3), the applicant for a Class "C,"
305 Class "E," Class "M," Class "MA," Class "MB," or Class "MR"
306 license shall include a statement on a form provided by the
307 department of the experience which he or she believes will
308 qualify him or her for such license.

309 ~~(5)-(6)~~ In addition to the requirements outlined in
310 subsection (3), an applicant for a Class "G" license shall
311 satisfy minimum training criteria for firearms established by
312 rule of the department, which training criteria shall include,
313 but is not limited to, 28 hours of range and classroom training
314 taught and administered by a Class "K" licensee; however, no
315 more than 8 hours of such training shall consist of range
316 training. If the applicant can show proof that he or she is an
317 active law enforcement officer currently certified under the
318 Criminal Justice Standards and Training Commission or has
319 completed the training required for that certification within
320 the last 12 months, or if the applicant submits one of the
321 certificates specified in paragraph ~~(6)(a)~~ ~~(7)(a)~~, the
322 department may waive the foregoing firearms training
323 requirement.

324 ~~(6)-(7)~~ In addition to the requirements under subsection
325 (3), an applicant for a Class "K" license shall:

326 (a) Submit one of the following certificates:

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

327 1. The Florida Criminal Justice Standards and Training
328 Commission ~~Firearms~~ Instructor's Certificate and confirmation by
329 the commission that the applicant is authorized to provide
330 firearms instruction.

331 2. The National Rifle Association Law Enforcement ~~Police~~
332 Firearms Instructor's Certificate.

333 ~~3. The National Rifle Association Security Firearms~~
334 ~~Instructor's Certificate.~~

335 3.4. A firearms instructor's training certificate issued
336 by any branch of the United States Armed Forces, from a federal
337 law enforcement academy or agency, state, county, or municipal
338 police academy in this state recognized as such by the Criminal
339 Justice Standards and Training Commission or by the Department
40 of Education.

341 (b) Pay the fee for and pass an examination administered
342 by the department which shall be based upon, but is not
343 necessarily limited to, a firearms instruction manual provided
344 by the department.

345 ~~(7)-(8)~~ In addition to the application requirements for
346 individuals, partners, or officers outlined under subsection
347 (3), the application for an agency license shall contain the
348 following information:

349 (a) The proposed name under which the agency intends to
350 operate.

351 (b) The street address, mailing address, and telephone
352 numbers of the principal location at which business is to be
353 conducted in this state.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

354 (c) The street address, mailing address, and telephone
355 numbers of all branch offices within this state.

356 (d) The names and titles of all partners or, in the case
357 of a corporation, the names and titles of its principal
358 officers.

359 ~~(8)~~~~(9)~~ Upon submission of a complete application, a Class
360 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"
361 Class "MA," Class "MB," or Class "MR" applicant may commence
362 employment or appropriate duties for a licensed agency or branch
363 office. However, the Class "C" or Class "E" applicant must work
364 under the direction and control of a sponsoring licensee while
365 his or her application is being processed. If the department
366 denies application for licensure, the employment of the
367 applicant must be terminated immediately, unless he or she
368 performs only unregulated duties.

369 Section 10. Paragraph (f) of subsection (1) and paragraph
370 (a) of subsection (2) of section 493.6106, Florida Statutes, are
371 amended, and paragraph (g) is added to subsection (1) of that
372 section, to read:

373 493.6106 License requirements; posting.-

374 (1) Each individual licensed by the department must:

375 (f) Be a citizen or permanent legal resident alien of the
376 United States or have appropriate ~~been granted~~ authorization
377 issued ~~to seek employment in this country~~ by the United States
378 Bureau of Citizenship and Immigration Services of the United
379 States Department of Homeland Security.

380 1. An applicant for a Class "C," Class "CC," Class "D,"
381 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

382 "MB," Class "MR," or Class "RI" license who is not a United
383 States citizen must submit proof of current employment
384 authorization issued by the United States Bureau of Citizenship
385 and Immigration Services or proof that she or he is deemed a
386 permanent legal resident alien by the United States Bureau of
387 Citizenship and Immigration Services.

388 2. An applicant for a Class "G" or Class "K" license who
389 is not a United States citizen must submit proof that she or he
390 is deemed a permanent legal resident alien by the United States
391 Bureau of Citizenship and Immigration Services, together with
392 additional documentation establishing that she or he has resided
393 in the state of residence shown on the application for at least
394 90 consecutive days before the date that the application is
395 submitted.

396 3. An applicant for an agency or school license who is not
397 a United States citizen or permanent legal resident alien must
398 submit documentation issued by the United States Bureau of
399 Citizenship and Immigration Services stating that she or he is
400 lawfully in the United States and is authorized to own and
401 operate the type of agency or school for which she or he is
402 applying. An employment authorization card issued by the United
403 States Bureau of Citizenship and Immigration Services is not
404 sufficient documentation.

405 (g) Not be prohibited from purchasing or possessing a
406 firearm by state or federal law if the individual is applying
407 for a Class "G" license or a Class "K" license.

408 (2) Each agency shall have a minimum of one physical
409 location within this state from which the normal business of the

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

410 agency is conducted, and this location shall be considered the
411 primary office for that agency in this state.

412 (a) If an agency or branch office desires to change the
413 physical location of the business, as it appears on the agency
414 license, the department must be notified within 10 days of the
415 change, and, except upon renewal, the fee prescribed in s.
416 493.6107 must be submitted for each license requiring revision.
417 Each license requiring revision must be returned with such
418 notification.

419 Section 11. Subsection (3) of section 493.6107, Florida
420 Statutes, is amended to read:

421 493.6107 Fees.—

422 ~~(3) The fees set forth in this section must be paid by~~
423 ~~certified check or money order or, at the discretion of the~~
424 ~~department, by agency check~~ at the time the application is
425 approved, except that the applicant for a Class "G" or Class "M"
426 license must pay the license fee at the time the application is
427 made. If a license is revoked or denied or if the application is
428 withdrawn, the license fee shall not be refunded.

429 Section 12. Paragraph (a) of subsection (1) and subsection
430 (3) of section 493.6108, Florida Statutes, are amended to read:

431 493.6108 Investigation of applicants by Department of
432 Agriculture and Consumer Services.—

433 (1) Except as otherwise provided, prior to the issuance of
434 a license under this chapter, the department shall make an
435 investigation of the applicant for a license. The investigation
436 shall include:

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

437 (a)1. An examination of fingerprint records and police
438 records. When a criminal history analysis of any applicant under
439 this chapter is performed by means of fingerprint card
440 identification, the time limitations prescribed by s. 120.60(1)
441 shall be tolled during the time the applicant's fingerprint card
442 is under review by the Department of Law Enforcement or the
443 United States Department of Justice, Federal Bureau of
444 Investigation.

445 2. If a legible set of fingerprints, as determined by the
446 Department of Law Enforcement or the Federal Bureau of
447 Investigation, cannot be obtained after two attempts, the
448 Department of Agriculture and Consumer Services may determine
449 the applicant's eligibility based upon a criminal history record
450 check under the applicant's name conducted by the Department of
451 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~
452 ~~A set of fingerprints~~ are taken by a law enforcement agency or
453 the department and the applicant submits a written statement
454 signed by the fingerprint technician or a licensed physician
455 stating that there is a physical condition that precludes
456 obtaining a legible set of fingerprints or that the fingerprints
457 taken are the best that can be obtained ~~is sufficient to meet~~
458 ~~this requirement.~~

459 (3) The department shall also investigate the mental
460 history and current mental and emotional fitness of any Class
461 "G" or Class "K" applicant, and may deny a Class "G" or Class
462 "K" license to anyone who has a history of mental illness or
463 drug or alcohol abuse.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

464 Section 13. Subsection (4) of section 493.6111, Florida
465 Statutes, is amended to read:

466 493.6111 License; contents; identification card.-

467 (4) Notwithstanding the existence of a valid Florida
468 corporate registration, an ~~no~~ agency or school licensee may not
469 conduct activities regulated under this chapter under any
470 fictitious name without prior written authorization from the
471 department to use that name in the conduct of activities
472 regulated under this chapter. The department may not authorize
473 the use of a name which is so similar to that of a public
474 officer or agency, or of that used by another licensee, that the
475 public may be confused or misled thereby. The authorization for
476 the use of a fictitious name shall require, as a condition
477 precedent to the use of such name, the filing of a certificate
478 of engaging in business under a fictitious name under s. 865.09.
479 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business
480 under more than one fictitious name except as separately
481 licensed nor shall the license be valid to protect any licensee
482 who is engaged in ~~the~~ business under any name other than that
483 specified in the license. An agency desiring to change its
484 licensed name shall notify the department and, except upon
485 renewal, pay a fee not to exceed \$30 for each license requiring
486 revision including those of all licensed employees except Class
487 "D" or Class "G" licensees. Upon the return of such licenses to
488 the department, revised licenses shall be provided.

489 Section 14. Subsection (2) and paragraph (a) of subsection
490 (3) of section 493.6113, Florida Statutes, are amended to read:

491 493.6113 Renewal application for licensure.-

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

492 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the
493 expiration date of the license, the department shall mail a
494 written notice to the last known mailing residence address of
495 the licensee for individual licensees and to the last known
496 agency address for agencies.

497 (3) Each licensee shall be responsible for renewing his or
498 her license on or before its expiration by filing with the
499 department an application for renewal accompanied by payment of
500 the prescribed license fee.

501 (a) Each Class "B" ~~Class "A," Class "B," or Class "R"~~
502 licensee shall additionally submit on a form prescribed by the
503 department a certification of insurance which evidences that the
504 licensee maintains coverage as required under s. 493.6110.

505 Section 15. Subsection (8), paragraph (d) of subsection
506 (12), and subsection (16) of section 493.6115, Florida Statutes,
507 are amended to read:

508 493.6115 Weapons and firearms.—

509 (8) A Class "G" applicant must satisfy the minimum
510 training criteria as set forth in s. 493.6105(5)(6) and as
511 established by rule of the department.

512 (12) The department may issue a temporary Class "G"
513 license, on a case-by-case basis, if:

514 (d) The applicant has received approval from the
515 department subsequent to its conduct of a criminal history
516 record check as authorized in s. 493.6108(1)(a)1. ~~493.6121(6).~~

517 (16) If the criminal history record check program
518 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the
519 department may issue a temporary "G" license on a case-by-case

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

520 basis, provided that the applicant has met all statutory
521 requirements for the issuance of a temporary "G" license as
522 specified in subsection (12), excepting the criminal history
523 record check stipulated there; provided, that the department
524 requires that the licensed employer of the applicant conduct a
525 criminal history record check of the applicant pursuant to
526 standards set forth in rule by the department, and provide to
527 the department an affidavit containing such information and
528 statements as required by the department, including a statement
529 that the criminal history record check did not indicate the
530 existence of any criminal history that would prohibit licensure.
531 Failure to properly conduct such a check, or knowingly providing
532 incorrect or misleading information or statements in the
533 affidavit shall constitute grounds for disciplinary action
534 against the licensed agency, including revocation of license.

535 Section 16. Paragraph (u) of subsection (1) of section
536 493.6118, Florida Statutes, is redesignated as paragraph (v),
537 and a new paragraph (u) is added to that subsection to read:

538 493.6118 Grounds for disciplinary action.—

539 (1) The following constitute grounds for which
540 disciplinary action specified in subsection (2) may be taken by
541 the department against any licensee, agency, or applicant
542 regulated by this chapter, or any unlicensed person engaged in
543 activities regulated under this chapter.

544 (u) For a Class "G" or a Class "K" applicant or licensee,
545 being prohibited from purchasing or possessing a firearm by
546 state or federal law.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

547 Section 17. Subsections (7) and (8) of section 493.6121,
548 Florida Statutes, are renumbered as subsections (6) and (7),
549 respectively, and present subsection (6) of that section is
550 amended, to read:

551 493.6121 Enforcement; investigation.—

552 ~~(6) The department shall be provided access to the program~~
553 ~~that is operated by the Department of Law Enforcement, pursuant~~
554 ~~to s. 790.065, for providing criminal history record information~~
555 ~~to licensed gun dealers, manufacturers, and exporters. The~~
556 ~~department may make inquiries, and shall receive responses in~~
557 ~~the same fashion as provided under s. 790.065. The department~~
558 ~~shall be responsible for payment to the Department of Law~~
559 ~~Enforcement of the same fees as charged to others afforded~~
560 ~~access to the program.~~

561 Section 18. Subsection (3) of section 493.6202, Florida
562 Statutes, is amended to read:

563 493.6202 Fees.—

564 (3) The fees set forth in this section must be paid by
565 certified check or money order ~~or, at the discretion of the~~
566 ~~department, by agency check~~ at the time the application is
567 approved, except that the applicant for a Class "G," Class "C,"
568 Class "CC," Class "M," or Class "MA" license must pay the
569 license fee at the time the application is made. If a license is
570 revoked or denied or if the application is withdrawn, the
571 license fee shall not be refunded.

572 Section 19. Subsections (2), (4), and (6) of section
573 493.6203, Florida Statutes, are amended to read:

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

574 493.6203 License requirements.—In addition to the license
575 requirements set forth elsewhere in this chapter, each
576 individual or agency shall comply with the following additional
577 requirements:

578 (2) An applicant for a Class "MA" license shall have 2
579 years of lawfully gained, verifiable, full-time experience, or
580 training in:

581 (a) Private investigative work or related fields of work
582 that provided equivalent experience or training;

583 (b) Work as a Class "CC" licensed intern;

584 (c) Any combination of paragraphs (a) and (b);

585 (d) Experience described in paragraph (a) for 1 year and
586 experience described in paragraph (e) for 1 year;

587 (e) No more than 1 year using:

588 1. College coursework related to criminal justice,
589 criminology, or law enforcement administration; or

590 2. Successfully completed law enforcement-related training
591 received from any federal, state, county, or municipal agency;
592 or

593 (f) Experience described in paragraph (a) for 1 year and
594 work in a managerial or supervisory capacity for 1 year.

595

596 However, experience in performing bodyguard services is not
597 creditable toward the requirements of this subsection.

598 (4) An applicant for a Class "C" license shall have 2
599 years of lawfully gained, verifiable, full-time experience, or
600 training in one, or a combination of more than one, of the
601 following:

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

602 (a) Private investigative work or related fields of work
603 that provided equivalent experience or training.

604 (b) College coursework related to criminal justice,
605 criminology, or law enforcement administration, or successful
606 completion of any law enforcement-related training received from
607 any federal, state, county, or municipal agency, except that no
608 more than 1 year may be used from this category.

609 (c) Work as a Class "CC" licensed intern.

610

611 However, experience in performing bodyguard services is not
612 creditable toward the requirements of this subsection.

613 (6) (a) A Class "CC" licensee shall serve an internship
614 under the direction and control of a designated sponsor, who is
615 a Class "C," Class "MA," or Class "M" licensee.

616 (b) Effective July 1, 2010 ~~September 1, 2008~~, before
617 submission of an application to the department, the an applicant
618 for a Class "CC" license must have completed a minimum of 40 at
619 least 24 hours of professional training a 40-hour course
620 pertaining to general investigative techniques and this chapter,
621 which course is offered by a state university or by a school,
622 community college, college, or university under the purview of
623 the Department of Education, and the applicant must pass an
624 examination. The training must be provided in two parts, one 24-
625 hour course and one 16-hour course. The certificate evidencing
626 satisfactory completion of the 40 at least 24 hours of
627 professional training a 40-hour course must be submitted with
628 the application for a Class "CC" license. The remaining 16 hours
629 must be completed and an examination passed within 180 days. If

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

630 ~~documentation of completion of the required training is not~~
631 ~~submitted within the specified timeframe, the individual's~~
632 ~~license is automatically suspended or his or her authority to~~
633 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
634 ~~until such time as proof of certificate of completion is~~
635 ~~provided to the department.~~ The training course specified in
636 this paragraph may be provided by face-to-face presentation,
637 online technology, or a home study course in accordance with
638 rules and procedures of the Department of Education. The
639 administrator of the examination must verify the identity of
640 each applicant taking the examination.

641 1. Upon an applicant's successful completion of each part
642 of the approved training course and passage of any required
643 examination, the school, community college, college, or
644 university shall issue a certificate of completion to the
645 applicant. The certificates must be on a form established by
646 rule of the department.

647 2. The department shall establish by rule the general
648 content of the professional training course and the examination
649 criteria.

650 3. If the license of an applicant for relicensure is ~~has~~
651 ~~been~~ invalid for more than 1 year, the applicant must complete
652 the required training and pass any required examination.

653 (c) An individual who submits an application for a Class
654 "CC" license on or after September 1, 2008, through June 30,
655 2010, who has not completed the 16-hour course must submit proof
656 of successful completion of the course within 180 days after the
657 date the application is submitted. If documentation of

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

658 completion of the required training is not submitted by that
659 date, the individual's license is automatically suspended until
660 proof of the required training is submitted to the department.
661 An individual licensed on or before August 31, 2008, is not
662 required to complete additional training hours in order to renew
663 an active license beyond the required total amount of training,
664 and within the timeframe, in effect at the time he or she was
665 licensed.

666 Section 20. Subsection (3) of section 493.6302, Florida
667 Statutes, is amended to read:

668 493.6302 Fees.—

669 (3) The fees set forth in this section must be paid by
670 ~~certified check or money order or, at the discretion of the~~
671 ~~department, by agency check~~ at the time the application is
672 approved, except that the applicant for a Class "D," Class "G,"
673 Class "M," or Class "MB" license must pay the license fee at the
674 time the application is made. If a license is revoked or denied
675 or if the application is withdrawn, the license fee shall not be
676 refunded.

677 Section 21. Subsection (4) of section 493.6303, Florida
678 Statutes, is amended to read:

679 493.6303 License requirements.—In addition to the license
680 requirements set forth elsewhere in this chapter, each
681 individual or agency shall comply with the following additional
682 requirements:

683 (4) (a) Effective July 1, 2010, an applicant for a Class
684 "D" license must submit proof of successful completion of
685 ~~complete~~ a minimum of 40 hours of professional training at a

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

686 school or training facility licensed by the department. The
687 training must be provided in two parts, one 24-hour course and
688 one 16-hour course. The department shall by rule establish the
689 general content and number of hours of each subject area to be
690 taught.

691 (b) An individual who submits an application for a Class
692 "D" license on or after January 1, 2007, through June 30, 2010,
693 who has not completed the 16-hour course must submit proof of
694 successful completion of the course within 180 days after the
695 date the application is submitted. If documentation of
696 completion of the required training is not submitted by that
697 date, the individual's license is automatically suspended until
698 proof of the required training is submitted to the department.
699 This section does not require a person licensed before January
700 1, 2007, to complete additional training hours in order to renew
701 an active license beyond the required total amount of training
702 within the timeframe prescribed by law at the time he or she was
703 licensed. An applicant may fulfill the training requirement
704 prescribed in paragraph (a) by submitting proof of:

705 1. ~~Successful completion of the total number of required~~
706 ~~hours of training before initial application for a Class "D"~~
707 ~~license; or~~

708 2. ~~Successful completion of 24 hours of training before~~
709 ~~initial application for a Class "D" license and successful~~
710 ~~completion of the remaining 16 hours of training within 180 days~~
711 ~~after the date that the application is submitted. If~~
712 ~~documentation of completion of the required training is not~~
713 ~~submitted within the specified timeframe, the individual's~~

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

714 ~~license is automatically suspended until such time as proof of~~
715 ~~the required training is provided to the department.~~

716 (c) An individual ~~However, any person whose license is~~
717 ~~suspended or has been revoked, suspended pursuant to paragraph~~
718 ~~(b) subparagraph 2., or is expired for at least 1 year, or~~
719 ~~longer is considered, upon reapplication for a license, an~~
720 ~~initial applicant and must submit proof of successful completion~~
721 ~~of 40 hours of professional training at a school or training~~
722 ~~facility licensed by the department as provided prescribed in~~
723 ~~paragraph (a) before a license is will be issued. Any person~~
724 ~~whose license was issued before January 1, 2007, and whose~~
725 ~~license has been expired for less than 1 year must, upon~~
726 ~~reapplication for a license, submit documentation of completion~~
727 ~~of the total number of hours of training prescribed by law at~~
728 ~~the time her or his initial license was issued before another~~
729 ~~license will be issued. This subsection does not require an~~
730 ~~individual licensed before January 1, 2007, to complete~~
731 ~~additional training hours in order to renew an active license,~~
732 ~~beyond the required total amount of training within the~~
733 ~~timeframe prescribed by law at the time she or he was licensed.~~

734 Section 22. Subsection (2) of section 493.6304, Florida
735 Statutes, is amended to read:

736 493.6304 Security officer school or training facility.-

737 (2) The application shall be signed and verified by the
738 applicant under oath as provided in s. 92.525 ~~notarized and~~
739 shall contain, at a minimum, the following information:

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

740 (a) The name and address of the school or training
741 facility and, if the applicant is an individual, her or his
742 name, address, and social security or alien registration number.

743 (b) The street address of the place at which the training
744 is to be conducted.

745 (c) A copy of the training curriculum and final
746 examination to be administered.

747 Section 23. Subsections (7) and (8) of section 493.6401,
748 Florida Statutes, are amended to read:

749 493.6401 Classes of licenses.—

750 (7) Any person who operates a recovery agent ~~repossessor~~
751 school or training facility or who conducts an Internet-based
752 training course or a correspondence training course must have a
753 Class "RS" license.

754 (8) Any individual who teaches or instructs at a Class
755 "RS" recovery agent ~~repossessor~~ school or training facility
756 shall have a Class "RI" license.

757 Section 24. Paragraphs (f) and (g) of subsection (1) and
758 subsection (3) of section 493.6402, Florida Statutes, are
759 amended to read:

760 493.6402 Fees.—

761 (1) The department shall establish by rule biennial
762 license fees which shall not exceed the following:

763 (f) Class "RS" license—recovery agent ~~repossessor~~ school
764 or training facility: \$60.

765 (g) Class "RI" license—recovery agent ~~repossessor~~ school
766 or training facility instructor: \$60.

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

767 (3) The fees set forth in this section must be paid by
768 ~~certified check or money order, or, at the discretion of the~~
769 ~~department, by agency check~~ at the time the application is
770 approved, except that the applicant for a Class "E," Class "EE,"
771 or Class "MR" license must pay the license fee at the time the
772 application is made. If a license is revoked or denied, or if an
773 application is withdrawn, the license fee shall not be refunded.

774 Section 25. Subsections (1) and (2) of section 493.6406,
775 Florida Statutes, are amended to read:

776 493.6406 Recovery agent ~~Repossession services~~ school or
777 training facility.-

778 (1) Any school, training facility, or instructor who
779 offers the training outlined in s. 493.6403(2) for Class "E" or
780 Class "EE" applicants shall, before licensure of such school,
781 training facility, or instructor, file with the department an
782 application accompanied by an application fee in an amount to be
783 determined by rule, not to exceed \$60. The fee shall not be
784 refundable. This training may be offered as face-to-face
785 training, Internet-based training, or correspondence training.

786 (2) The application shall be signed and verified by the
787 applicant under oath as provided in s. 92.525 ~~notarized~~ and
788 shall contain, at a minimum, the following information:

789 (a) The name and address of the school or training
790 facility and, if the applicant is an individual, his or her
791 name, address, and social security or alien registration number.

792 (b) The street address of the place at which the training
793 is to be conducted or the street address of the Class "RS"
794 school offering Internet-based or correspondence training.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

795 (c) A copy of the training curriculum and final
796 examination to be administered.

797 Section 26. Subsection (1) of section 500.033, Florida
798 Statutes, is amended to read:

799 500.033 Florida Food Safety and Food Defense Advisory
800 Council.—

801 (1) There is created the Florida Food Safety and Food
802 Defense Advisory Council for the purpose of serving as a forum
803 for presenting, investigating, and evaluating issues of current
804 importance to the assurance of a safe and secure food supply to
805 the citizens of Florida. The Florida Food Safety and Food
806 Defense Advisory Council shall consist of, but not be limited
807 to: the Commissioner of Agriculture or his or her designee; the
808 State Surgeon General or his or her designee; the Secretary of
809 Business and Professional Regulation or his or her designee; the
810 person responsible for domestic security with the Department of
811 Law Enforcement; members representing the production,
812 processing, distribution, and sale of foods; members
813 representing small farmers; consumers or members of citizens
814 groups; representatives of food industry groups; scientists or
815 other experts in aspects of food safety from state universities;
816 representatives from local, state, and federal agencies that are
817 charged with responsibilities for food safety or food defense;
818 the chairs of the Agriculture Committees of the Senate and the
819 House of Representatives or their designees; and the chairs of
820 the committees of the Senate and the House of Representatives
821 with jurisdictional oversight of home defense issues or their
822 designees. The Commissioner of Agriculture shall appoint the

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

823 remaining members. The council shall make periodic reports to
824 the Department of Agriculture and Consumer Services concerning
825 findings and recommendations in the area of food safety and food
826 defense.

827 Section 27. Paragraph (a) of subsection (2) of section
828 501.605, Florida Statutes, is amended to read:

829 501.605 Licensure of commercial telephone sellers.--

830 (2) An applicant for a license as a commercial telephone
831 seller must submit to the department, in such form as it
832 prescribes, a written application for the license. The
833 application must set forth the following information:

834 (a) The true name, date of birth, driver's license number,
835 ~~social security number~~, and home address of the applicant,
836 including each name under which he or she intends to do
837 business.

838

839 The application shall be accompanied by a copy of any: Script,
840 outline, or presentation the applicant will require or suggest a
841 salesperson to use when soliciting, or, if no such document is
842 used, a statement to that effect; sales information or
843 literature to be provided by the applicant to a salesperson; and
844 sales information or literature to be provided by the applicant
845 to a purchaser in connection with any solicitation.

846 Section 28. Paragraph (a) of subsection (1) of section
847 501.607, Florida Statutes, is amended to read:

848 501.607 Licensure of salespersons.--

849 (1) An applicant for a license as a salesperson must
850 submit to the department, in such form as it prescribes, a

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

851 written application for a license. The application must set
852 forth the following information:

853 (a) The true name, date of birth, driver's license number,
854 ~~social security number~~, and home address of the applicant.

855 Section 29. Subsection (2) of section 501.913, Florida
856 Statutes, is amended to read:

857 501.913 Registration.—

858 (2) The completed application shall be accompanied by:

859 (a) Specimens or facsimiles of the label for each brand of
860 antifreeze;

861 (b) An application fee of \$200 for each brand; and

862 (c) A properly labeled sample of at least 1 gallon, but
863 not more than 2 gallons, of each brand of antifreeze.

864 Section 30. Subsection (2) of section 525.01, Florida
865 Statutes, is amended to read:

866 525.01 Gasoline and oil to be inspected.—

867 (2) All petroleum fuels are ~~shall be~~ subject to inspection
868 and analysis by the department. Before selling or offering for

869 sale in this state any petroleum fuel, all manufacturers,
870 terminal suppliers, wholesalers, and importers as defined in s.

871 206.01 jobbers shall file with the department:

872 (a) An affidavit that they desire to do business in this
873 state, and the name and address of the manufacturer of the
874 petroleum fuel.

875 (b) An affidavit stating that the petroleum fuel is in
876 conformity with the standards prescribed by department rule.

877 Section 31. Subsections (1) and (3) of section 525.09,
878 Florida Statutes, are amended to read:

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

879 525.09 Inspection fee.-

880 (1) For the purpose of defraying the expenses incident to
881 inspecting, testing, and analyzing petroleum fuels in this
882 state, there shall be paid to the department a charge of one-
883 eighth cent per gallon on all gasoline, alternative fuel
884 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,
885 kerosene (except when used as aviation turbine fuel), and #1
886 fuel oil for sale or use in this state. This inspection fee
887 shall be imposed in the same manner as the motor fuel tax
888 pursuant to s. 206.41. Payment shall be made on or before the
889 25th day of each month.

890 (3) All remittances to the department for the inspection
891 tax herein provided shall be accompanied by a detailed report
892 under oath showing the number of gallons of gasoline,
893 alternative fuel containing alcohol as defined in s.
894 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered
895 in each county.

896 Section 32. Section 526.50, Florida Statutes, is amended
897 to read:

898 526.50 Definition of terms.-As used in this part:

899 (1) "Brake fluid" means the fluid intended for use as the
900 liquid medium through which force is transmitted in the
901 hydraulic brake system of a vehicle operated upon the highways.

902 (2) "Brand" means the product name appearing on the label
903 of a container of brake fluid.

904 (3)-(5) "Container" means any receptacle in which brake
905 fluid is immediately contained when sold, but does not mean a

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

906 carton or wrapping in which a number of such receptacles are
907 shipped or stored or a tank car or truck.

908 ~~(4)~~(2) "Department" means the Department of Agriculture
909 and Consumer Services.

910 (5) "Formula" means the name of the chemical mixture or
911 composition of the brake fluid product.

912 ~~(6)~~(4) "Labeling" includes all written, printed or graphic
913 representations, in any form whatsoever, imprinted upon or
914 affixed to any container of brake fluid.

915 ~~(7)~~(6) "Permit year" means a period of 12 months
916 commencing July 1 and ending on the next succeeding June 30.

917 ~~(8)~~(7) "Registrant" means any manufacturer, packer,
918 distributor, seller, or other person who has registered a brake
919 fluid with the department.

920 ~~(9)~~(3) "Sell" includes give, distribute, barter, exchange,
921 trade, keep for sale, offer for sale or expose for sale, in any
922 of their variant forms.

923 Section 33. Paragraph (a) of subsection (1) of section
924 526.51, Florida Statutes, is amended to read:

925 526.51 Registration; renewal and fees; departmental
926 expenses; cancellation or refusal to issue or renew.—

927 (1)(a) Application for registration of each brand of brake
928 fluid shall be made on forms to be supplied by the department.
929 The applicant shall give his or her name and address and the
930 brand name of the brake fluid, state that he or she owns the
931 brand name and has complete control over the product sold
932 thereunder in Florida, and provide the name and address of the
933 resident agent in Florida. If the applicant does not own the

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

934 brand name but wishes to register the product with the
935 department, a notarized affidavit that gives the applicant full
936 authorization to register the brand name and that is signed by
937 the owner of the brand name must accompany the application for
938 registration. The affidavit must include all affected brand
939 names, the owner's company or corporate name and address, the
940 applicant's company or corporate name and address, and a
941 statement from the owner authorizing the applicant to register
942 the product with the department. The owner of the brand name
943 shall maintain complete control over each product sold under
944 that brand name in this state. All first-time brand-formula
945 combination new-product applications must be accompanied by a
946 certified report from an independent testing laboratory, setting
947 forth the analysis of the brake fluid which shall show its
948 quality to be not less than the specifications established by
949 the department for brake fluids. A sample of not less than 24
950 fluid ounces of brake fluid shall be submitted, in a container
951 or containers, with labels representing exactly how the
952 containers of brake fluid will be labeled when sold, and the
953 sample and container shall be analyzed and inspected by the
954 Division of Standards in order that compliance with the
955 department's specifications and labeling requirements may be
956 verified. Upon approval of the application, the department shall
957 register the brand name of the brake fluid and issue to the
958 applicant a permit authorizing the registrant to sell the brake
959 fluid in this state during the permit year specified in the
960 permit.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

961 Section 34. Paragraph (a) of subsection (3) of section
962 526.52, Florida Statutes, is amended to read:

963 526.52 Specifications; adulteration and misbranding.—

964 (3) Brake fluid is deemed to be misbranded:

965 (a) If its container does not bear on its side or top a
966 label on which is printed the name and place of business of the
967 registrant of the product, the words "brake fluid," and a
968 statement that the product therein equals or exceeds the minimum
969 specification of the Society of Automotive Engineers for heavy-
970 duty-type brake fluid or equals or exceeds Federal Motor Vehicle
971 Safety Standard No. 116 adopted by the United States Department
972 of Transportation, heavy-duty type. By regulation the department
973 may require that the duty-type classification appear on the
974 label.

975 Section 35. Subsection (2) of section 526.53, Florida
976 Statutes, is amended to read:

977 526.53 Enforcement; inspection and analysis, stop-sale and
978 disposition, regulations.—

979 (2)(a) When any brake fluid is sold in violation of any of
980 the provisions of this part, all such affected brake fluid of
981 the same brand name ~~on the same premises on which the violation~~
982 ~~occurred~~ shall be placed under a stop-sale order by the
983 department by serving the owner of the brand name, distributor,
984 or other entity responsible for selling or distributing the
985 product in the state with the stop-sale order. The department
986 shall withdraw its stop-sale order upon the removal of the
987 violation or upon voluntary destruction of the product, or other

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

988 disposal approved by the department, under the supervision of
989 the department.

990 (b) In addition to being subject to the stop-sale
991 procedures above, unregistered brake fluid shall be held by the
992 department or its representative, at a place to be designated in
993 the stop-sale order, until properly registered and released in
994 writing by the department or its representative. If application
995 is has not been made for registration of the such product within
996 30 days after issue of the stop-sale order, such product shall
997 be disposed of by the department, or, with the department's
998 consent, by the business, to any tax-supported institution or
999 agency of the state if the brake fluid meets legal
1000 specifications or by other disposal authorized by rule of the
1001 department if it fails to meet legal specifications.

1002 Section 36. Subsections (1) and (3) and paragraphs (a) and
1003 (c) of subsection (5) of section 527.0201, Florida Statutes, are
1004 amended to read:

1005 527.0201 Qualifiers; master qualifiers; examinations.—

1006 (1) In addition to the requirements of s. 527.02, any
1007 person applying for a license to engage in the activities of a
1008 pipeline system operator, category I liquefied petroleum gas
1009 dealer, category II liquefied petroleum gas dispenser, category
1010 IV liquefied petroleum gas dispenser and recreational vehicle
1011 servicer, category V liquefied petroleum gases dealer for
1012 industrial uses only, LP gas installer, specialty installer,
1013 requalifier ~~requalification~~ of cylinders, or fabricator,
1014 repairer, and tester of vehicles and cargo tanks must prove
1015 competency by passing a written examination administered by the

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1016 department or its agent with a grade of at least 75 percent in
1017 each area tested ~~or above~~. Each applicant for examination shall
1018 submit a \$20 nonrefundable fee. The department shall by rule
1019 specify the general areas of competency to be covered by each
1020 examination and the relative weight to be assigned in grading
1021 each area tested.

1022 (3) Qualifier cards issued to category I liquefied
1023 petroleum gas dealers and liquefied petroleum gas installers
1024 shall expire 3 years after the date of issuance. All category I
1025 liquefied petroleum gas dealer qualifiers and liquefied
1026 petroleum gas installer qualifiers holding a valid qualifier
1027 card upon the effective date of this act shall retain their
1028 qualifier status until July 1, 2003, and may sit for the master
1029 qualifier examination at any time during that time period. All
1030 such category I liquefied petroleum gas dealer qualifiers and
1031 liquefied petroleum gas installer qualifiers may renew their
1032 qualification on or before July 1, 2003, upon application to the
1033 department, payment of a \$20 renewal fee, and documentation of
1034 the completion of a minimum of 16 ~~12~~ hours of approved
1035 continuing education courses, as defined by department rule,
1036 during the previous 3-year period. Applications for renewal must
1037 be made 30 calendar days prior to expiration. Persons failing to
1038 renew prior to the expiration date must reapply and take a
1039 qualifier competency examination in order to reestablish
1040 category I liquefied petroleum gas dealer qualifier and
1041 liquefied petroleum gas installer qualifier status. If a
1042 category I liquefied petroleum gas qualifier or liquefied
1043 petroleum gas installer qualifier becomes a master qualifier at

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1044 any time during the effective date of the qualifier card, the
1045 card shall remain in effect until expiration of the master
1046 qualifier certification.

1047 (5) In addition to all other licensing requirements, each
1048 category I liquefied petroleum gas dealer and liquefied
1049 petroleum gas installer must, at the time of application for
1050 licensure, identify to the department one master qualifier who
1051 is a full-time employee at the licensed location. This person
1052 shall be a manager, owner, or otherwise primarily responsible
1053 for overseeing the operations of the licensed location and must
1054 provide documentation to the department as provided by rule. The
1055 master qualifier requirement shall be in addition to the
1056 requirements of subsection (1).

1057 (a) In order to apply for certification as a master
1058 qualifier, each applicant must be a category I liquefied
1059 petroleum gas dealer qualifier or liquefied petroleum gas
1060 installer qualifier, must be employed by a licensed category I
1061 liquefied petroleum gas dealer, liquefied petroleum gas
1062 installer, or applicant for such license, must provide
1063 documentation of a minimum of 1 year's work experience in the
1064 gas industry, and must pass a master qualifier competency
1065 examination. Master qualifier examinations shall be based on
1066 Florida's laws, rules, and adopted codes governing liquefied
1067 petroleum gas safety, general industry safety standards, and
1068 administrative procedures. The examination must be successfully
1069 passed ~~completed~~ by the applicant with a grade of at least 75
1070 percent ~~or more~~. Each applicant for master qualifier status

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1071 shall submit to the department a nonrefundable \$30 examination
1072 fee prior to the examination.

1073 (c) Master qualifier status shall expire 3 years after the
1074 date of issuance of the certificate and may be renewed by
1075 submission to the department of documentation of completion of
1076 at least 16 ~~12~~ hours of approved continuing education courses
1077 during the 3-year period; proof of employment with a licensed
1078 category I liquefied petroleum gas dealer, liquefied petroleum
1079 gas installer, or applicant; and a \$30 certificate renewal fee.
1080 The department shall define, by rule, approved courses of
1081 continuing education.

1082 Section 37. Section 527.12, Florida Statutes, is amended
1083 to read:

1084 527.12 Cease and desist orders; stop-use orders; stop-
1085 operation orders; stop-sale orders; administrative fines.-

1086 (1) Whenever the department has ~~shall have~~ reason to
1087 believe that any person is violating or has violated ~~been~~
1088 ~~violating provisions of this chapter or any rules adopted under~~
1089 this chapter pursuant thereto, the department ~~it~~ may issue a
1090 cease and desist order, ~~or~~ impose a civil penalty, or do both
1091 ~~may issue such cease and desist order and impose a civil~~
1092 ~~penalty.~~

1093 (2) Whenever a person or liquefied petroleum gas system or
1094 storage facility, or any part or component thereof, fails to
1095 comply with this chapter or any rules adopted under this
1096 chapter, the department may issue a stop-use order, stop-
1097 operation order, or stop-sale order.

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1098 Section 38. Subsection (1) of section 559.805, Florida
1099 Statutes, is amended to read:

1100 559.805 Filings with the department; disclosure of
1101 advertisement identification number.--

1102 (1) Every seller of a business opportunity shall annually
1103 file with the department a copy of the disclosure statement
1104 required by s. 559.803 before ~~prior to~~ placing an advertisement
1105 or making any other representation designed to offer to, sell
1106 to, or solicit an offer to buy a business opportunity from a
1107 prospective purchaser in this state and shall update this filing
1108 by reporting any material change in the required information
1109 within 30 days after the material change occurs. An
1110 advertisement is not placed in the state merely because the
1111 publisher circulates, or there is circulated on his or her
1112 behalf in the state, any bona fide newspaper or other
1113 publication of general, regular, and paid circulation which has
1114 had more than two-thirds of its circulation during the past 12
1115 months outside the state or because a radio or television
1116 program originating outside the state is received in the state.
1117 If the seller is required by s. 559.807 to provide a bond or
1118 establish a trust account or guaranteed letter of credit, he or
1119 she shall contemporaneously file with the department a copy of
1120 the bond, a copy of the formal notification by the depository
1121 that the trust account is established, or a copy of the
1122 guaranteed letter of credit. Every seller of a business
1123 opportunity shall file with the department a list of independent
1124 agents who will engage in the offer or sale of business
1125 opportunities on behalf of the seller in this state. This list

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1126 must be kept current and shall include the following
1127 information: name, home and business address, telephone number,
1128 present employer, ~~social security number~~, and birth date. A No
1129 person may not ~~shall be allowed to~~ offer or sell business
1130 opportunities unless the required information is ~~has been~~
1131 provided to the department.

1132 Section 39. Subsection (3) of section 559.928, Florida
1133 Statutes, is amended to read:

1134 559.928 Registration.—

1135 (3) Each independent agent shall annually file an
1136 affidavit with the department before ~~prior to~~ engaging in
1137 business in this state. This affidavit must include the
1138 independent agent's full name, legal business or trade name,
1139 mailing address, business address, telephone number, ~~social~~
1140 ~~security number~~, and the name or names and addresses of each
1141 seller of travel represented by the independent agent. A letter
1142 evidencing proof of filing must be issued by the department and
1143 must be prominently displayed in the independent agent's primary
1144 place of business. Each independent agent must also submit an
1145 annual registration fee of \$50. All moneys collected pursuant to
1146 the imposition of the fee shall be deposited by the Chief
1147 Financial Officer into the General Inspection Trust Fund of the
1148 Department of Agriculture and Consumer Services for the sole
1149 purpose of administrating this part. As used in this subsection,
1150 the term "independent agent" means a person who represents a
1151 seller of travel by soliciting persons on its behalf; who has a
1152 written contract with a seller of travel which is operating in
1153 compliance with this part and any rules adopted thereunder; who

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1154 does not receive a fee, commission, or other valuable
1155 consideration directly from the purchaser for the seller of
1156 travel; who does not at any time have any unissued ticket stock
1157 or travel documents in his or her possession; and who does not
1158 have the ability to issue tickets, vacation certificates, or any
1159 other travel document. The term "independent agent" does not
1160 include an affiliate of the seller of travel, as that term is
1161 used in s. 559.935(3), or the employees of the seller of travel
1162 or of such affiliates.

1163 Section 40. Subsection (7) of section 570.0725, Florida
1164 Statutes, is amended to read:

1165 570.0725 Food recovery; legislative intent; department
1166 functions.-

1167 (7) For public information purposes, the department may
1168 ~~shall~~ develop and provide a public information brochure
1169 detailing the need for food banks and similar of food recovery
1170 programs, the benefit of such food recovery programs, the manner
1171 in which such organizations may become involved in such food
1172 recovery programs, and the protection afforded to such programs
1173 under s. 768.136, and the food recovery entities or food banks
1174 that exist in the state. This brochure must be updated annually.
1175 A food bank or similar food recovery organization seeking to be
1176 included on a list of such organizations must notify the
1177 department and provide the information required by rule of the
1178 department. Such organizations are responsible for updating the
1179 information and providing the updated information to the
1180 department. The department may adopt rules to implement this
1181 section.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1182 Section 41. Paragraph (e) of subsection (6) of section
1183 570.53, Florida Statutes, is amended to read:

1184 570.53 Division of Marketing and Development; powers and
1185 duties.—The powers and duties of the Division of Marketing and
1186 Development include, but are not limited to:

1187 (6)

1188 (e) Extending in every practicable way the distribution
1189 and sale of Florida agricultural products throughout the markets
1190 of the world as required of the department by s. ss. 570.07(7),
1191 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

1192 Section 42. Subsection (2) of section 570.54, Florida
1193 Statutes, is amended to read:

1194 570.54 Director; duties.—

1195 (2) It shall be the duty of the director of this division
1196 to supervise, direct, and coordinate the activities authorized
1197 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
1198 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
1199 chapters 504, 571, 573, and 574 and to exercise other powers and
1200 authority as authorized by the department.

1201 Section 43. Subsection (4) of section 570.55, Florida
1202 Statutes, is amended to read:

1203 570.55 Identification of sellers or handlers of tropical
1204 or subtropical fruit and vegetables; containers specified;
1205 penalties.—

1206 (4) IDENTIFICATION OF HANDLER.—At the time of each
1207 transaction involving the handling or sale of 55 pounds or more
1208 of tropical or subtropical fruit or vegetables in the primary
1209 channel of trade, the buyer or receiver of the tropical or

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1210 subtropical fruit or vegetables shall demand a bill of sale,
1211 invoice, sales memorandum, or other document listing the date of
1212 the transaction, the quantity of the tropical or subtropical
1213 fruit or vegetables involved in the transaction, and the
1214 identification of the seller or handler as it appears on the
1215 driver's license of the seller or handler, including the
1216 driver's license number. If the seller or handler does not
1217 possess a driver's license, the buyer or receiver shall use any
1218 other acceptable means of identification, which may include, but
1219 is not limited to, i.e., voter's registration card and number,
1220 draft card, ~~social security card,~~ or other identification.
1221 However, no less than two identification documents shall be
1222 used. The identification of the seller or handler shall be
1223 recorded on the bill of sale, sales memorandum, invoice, or
1224 voucher, which shall be retained by the buyer or receiver for a
1225 period of not less than 1 year from the date of the transaction.

1226 Section 44. Subsection (3) of section 570.902, Florida
1227 Statutes, is amended to read:

1228 570.902 Definitions; ss. 570.902 and 570.903.—For the
1229 purpose of ss. 570.902 and 570.903:

1230 ~~(3) "Museum" means the Florida Agricultural Museum which~~
1231 ~~is designated as the museum for agriculture and rural history of~~
1232 ~~the State of Florida.~~

1233 Section 45. Section 570.903, Florida Statutes, is amended
1234 to read:

1235 570.903 Direct-support organization.—

1236 (1) When the Legislature authorizes the establishment of a
37 direct-support organization to provide assistance for the

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1238 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~
1239 ~~Florida State Collection of Arthropods,~~ the Friends of the
1240 Florida State Forests Program of the Division of Forestry, and
1241 the Forestry Arson Alert Program, and other programs of the
1242 department, the following provisions shall govern the creation,
1243 use, powers, and duties of the direct-support organization.

1244 (a) The department shall enter into a memorandum or letter
1245 of agreement with the direct-support organization, which shall
1246 specify the approval of the department, the powers and duties of
1247 the direct-support organization, and rules with which the
1248 direct-support organization shall comply.

1249 (b) The department may permit, without charge, appropriate
1250 use of property, facilities, and personnel of the department by
1251 a direct-support organization, subject to the provisions of ss.
1252 570.902 and 570.903. The use shall be directly in keeping with
1253 the approved purposes of the direct-support organization and
1254 shall not be made at times or places that would unreasonably
1255 interfere with opportunities for the general public to use
1256 department facilities for established purposes.

1257 (c) The department shall prescribe by contract or by rule
1258 conditions with which a direct-support organization shall comply
1259 in order to use property, facilities, or personnel of the
1260 department ~~or museum~~. Such rules shall provide for budget and
1261 audit review and oversight by the department.

1262 (d) The department shall not permit the use of property,
1263 facilities, or personnel of the ~~museum,~~ department, or
1264 designated program by a direct-support organization which does
1265 not provide equal employment opportunities to all persons

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1266 regardless of race, color, religion, sex, age, or national
1267 origin.

1268 (2) (a) The direct-support organization shall be empowered
1269 to conduct programs and activities; raise funds; request and
1270 receive grants, gifts, and bequests of money; acquire, receive,
1271 hold, invest, and administer, in its own name, securities,
1272 funds, objects of value, or other property, real or personal;
1273 and make expenditures to or for the direct or indirect benefit
1274 of the ~~museum or~~ designated program.

1275 (b) Notwithstanding the provisions of s. 287.057, the
1276 direct-support organization may enter into contracts or
1277 agreements with or without competitive bidding for the
1278 ~~restoration of objects, historical buildings, and other~~
1279 ~~historical materials or for the purchase of objects, historical~~
1280 ~~buildings, and other historical materials which are to be added~~
1281 ~~to the collections of the museum, or benefit of~~ of the designated
1282 program. However, before the direct-support organization may
1283 enter into a contract or agreement without competitive bidding,
1284 the direct-support organization shall file a certification of
1285 conditions and circumstances with the internal auditor of the
1286 department justifying each contract or agreement.

1287 (c) Notwithstanding the provisions of s. 287.025(1)(e),
1288 the direct-support organization may enter into contracts to
1289 insure property of the ~~museum or~~ designated programs and may
1290 ~~insure objects or collections on loan from others in satisfying~~
1291 ~~security terms of the lender.~~

1292 (3) The direct-support organization shall provide for an
1293 annual financial audit in accordance with s. 215.981.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1294 (4) Neither a designated program ~~or a museum~~, nor a
1295 nonprofit corporation trustee or employee may:

1296 (a) Receive a commission, fee, or financial benefit in
1297 connection with the sale or exchange of property ~~historical~~
1298 ~~objects or properties~~ to the direct-support organization, ~~the~~
1299 ~~museum~~, or the designated program; or

1300 (b) Be a business associate of any individual, firm, or
1301 organization involved in the sale or exchange of property to the
1302 direct-support organization, ~~the museum~~, or the designated
1303 program.

1304 (5) All moneys received by the direct-support organization
1305 shall be deposited into an account of the direct-support
1306 organization and shall be used by the organization in a manner
1307 consistent with the goals of the ~~museum~~ or designated program.

1308 (6) The identity of a donor or prospective donor who
1309 desires to remain anonymous and all information identifying such
1310 donor or prospective donor are confidential and exempt from the
1311 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1312 Constitution.

1313 (7) The Commissioner of Agriculture, or the commissioner's
1314 designee, may serve on the board of trustees and the executive
1315 committee of any direct-support organization established to
1316 benefit ~~the museum~~ or any designated program.

1317 ~~(8) The department shall establish by rule archival~~
1318 ~~procedures relating to museum artifacts and records. The rules~~
1319 ~~shall provide procedures which protect the museum's artifacts~~
1320 ~~and records equivalent to those procedures which have been~~

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1321 ~~established by the Department of State under chapters 257 and~~
1322 ~~267.~~

1323 Section 46. Subsection (4) of section 573.118, Florida
1324 Statutes, is amended to read:

1325 573.118 Assessment; funds; audit; loans.—

1326 (4) In the event of levying and collecting of assessments,
1327 for each fiscal year in which assessment funds are received by
1328 the department, the department shall maintain records of
1329 collections and expenditures for each marketing order separately
1330 within the state's accounting system. If requested by an
1331 advisory council, department staff shall cause to be made a
1332 thorough ~~annual~~ audit of the ~~books and accounts by a certified~~
1333 ~~public accountant~~, such audit to be completed within 60 days
1334 after the request is received ~~end of the fiscal year~~. The
1335 advisory council ~~department and all producers and handlers~~
1336 ~~covered by the marketing order~~ shall be provided a copy of the
1337 ~~properly advised of the details of the annual official~~ audit of
1338 the accounts as ~~shown by the certified public accountant~~ within
1339 30 days after completion of the audit.

1340 Section 47. Subsections (18) through (30) of section
1341 581.011, Florida Statutes, are renumbered as subsections (17)
1342 through (29), respectively, and present subsections (17) and
1343 (20) of that section are amended to read:

1344 581.011 Definitions.—As used in this chapter:

1345 ~~(17) "Museum" means the Florida State Collection of~~
1346 ~~Arthropods.~~

1347 (19) ~~(20)~~ "Nursery" means any grounds or premises on or in
1348 which nursery stock is grown, propagated, or held for sale or

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1349 distribution, including ~~except where~~ aquatic plant species are
1350 tended for harvest in the natural environment.

1351 Section 48. Paragraph (a) of subsection (3) of section
1352 581.211, Florida Statutes, is amended to read:

1353 581.211 Penalties for violations.—

1354 (3)(a)1. In addition to any other provision of law, the
1355 department may, after notice and hearing, impose an
1356 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each
1357 violation of this chapter, upon any person, nurseryman, stock
1358 dealer, agent or plant broker. The fine, when paid, shall be
1359 deposited in the Plant Industry Trust Fund. In addition, the
1360 department may place the violator on probation for up to 1 year,
1361 with conditions.

1362 2. The imposition of a fine or probation pursuant to this
1363 subsection may be in addition to or in lieu of the suspension or
1364 revocation of a certificate of registration or certificate of
1365 inspection.

1366 Section 49. Section 583.13, Florida Statutes, is amended
1367 to read:

1368 583.13 Labeling and advertising requirements for dressed
1369 poultry; unlawful acts.—

1370 (1) It is unlawful for any dealer or broker to sell, offer
1371 for sale, or hold for the purpose of sale in the state any
1372 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry
1373 is packed in a container clearly bearing a label, not less than
1374 3 inches by 5 inches, on which shall be plainly and legibly
1375 printed, in letters of not less than 1/4 inch high ~~in height~~,
1376 ~~the grade and~~ the part name or whole-bird statement of such

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1377 poultry. ~~The grade may be expressed in the term "premium,"~~
1378 ~~"good," or "standard," or as the grade of another state or~~
1379 ~~federal agency the standards of quality of which, by law, are~~
1380 ~~equal to the standards of quality provided by this law and rules~~
1381 ~~promulgated hereunder.~~

1382 (2) It is unlawful to sell unpackaged dressed or ready-to-
1383 cook poultry at retail unless such poultry is labeled by a
1384 placard immediately adjacent to the poultry or unless each bird
1385 is individually labeled to show ~~the grade and~~ the part name or
1386 whole-bird statement. The placard shall be no smaller than 7
1387 inches by 7 inches in size, and the required labeling
1388 information shall be legibly and plainly printed on the placard
1389 in letters not smaller than 1 inch in height.

1390 (3) It is unlawful to sell packaged dressed or ready-to-
1391 cook poultry at retail unless such poultry is labeled to show
1392 ~~the grade,~~ the part name or whole-bird statement, the net weight
1393 of the poultry, and the name and address of the dealer. The size
1394 of the type on the label must be one-eighth inch or larger. A
1395 placard immediately adjacent to such poultry may be used to
1396 indicate ~~the grade and~~ the part name or whole-bird statement,
1397 but not the net weight of the poultry or the name and address of
1398 the dealer.

1399 (4) It is unlawful to use dressed or ready-to-cook poultry
1400 in bulk in the preparation of food served to the public, or to
1401 hold such poultry for the purpose of such use, unless the
1402 poultry when received was packed in a container clearly bearing
1403 a label, not less than 3 inches by 5 inches, on which was
1404 plainly and legibly printed, in letters not less than 1/4 one-

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1405 ~~fourth inch high in height, the grade and the part name or~~
1406 ~~whole-bird statement of such poultry. The grade may be expressed~~
1407 ~~in the term "premium," "good," or "standard," or as the grade of~~
1408 ~~another state or federal agency the standards of quality of~~
1409 ~~which, by law, are equal to the standards of quality provided by~~
1410 ~~this law and rules promulgated hereunder.~~

1411 (5) It is unlawful to offer dressed or ready-to-cook
1412 poultry for sale in any advertisement in a newspaper or
1413 circular, on radio or television, or in any other form of
1414 advertising without plainly designating in such advertisement
1415 ~~the grade and the part name or whole-bird statement of such~~
1416 ~~poultry.~~

1417 Section 50. Subsection (1) of section 585.61, Florida
1418 Statutes, is amended to read:

1419 585.61 Animal disease diagnostic laboratories.—

1420 (1) There is hereby created and established an animal
1421 disease diagnostic laboratory in Osceola County and Suwannee
1422 County. The laboratory complex in Osceola County is designated
1423 the "Bronson Animal Disease Diagnostic Laboratory."

1424 Note.—Former ss. 585.621(2), 585.64, and 585.65.

1425 Section 51. Subsections (4) and (5) of section 590.125,
1426 Florida Statutes, are renumbered as subsections (5) and (6),
1427 respectively, subsection (1), paragraph (b) of subsection (3),
1428 and paragraph (c) of present subsection (4) are amended, and new
1429 subsections (4) and (7) are added to that section, to read:

1430 590.125 Open burning authorized by the division.—

1431 (1) DEFINITIONS.—As used in this section, the term:

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1432 (a) "Certified pile burner" means an individual who
1433 successfully completes the division's pile burning certification
1434 program and possesses a valid pile burner certification number.

1435 (b) "Certified prescribed burn manager" means an
1436 individual who successfully completes the certified prescribed
1437 burning certification program of the division and possesses a
1438 valid certification number.

1439 (c) ~~(d)~~ "Extinguished" means:

1440 1. ~~that no spreading flame~~ For wild land burning or
1441 certified prescribed burning, that no spreading flames exist.

1442 2. ~~and no visible flame, smoke, or emissions~~ For
1443 vegetative land-clearing debris burning or pile burning, that no
1444 visible flames exist.

1445 3. For vegetative land-clearing debris burning or pile
1446 burning in an area designated as smoke sensitive by the
1447 division, that no visible flames, smoke, or emissions exist.

1448 (d) "Land-clearing operation" means the uprooting or
1449 clearing of vegetation in connection with the construction of
1450 buildings and rights-of-way, land development, and mineral
1451 operations. The term does not include the clearing of yard
1452 trash.

1453 (e) "Pile burning" means the burning of silvicultural,
1454 agricultural, or land-clearing and tree-cutting debris
1455 originating onsite, which is stacked together in a round or
1456 linear fashion, including, but not limited to, a windrow.

1457 (f) ~~(a)~~ "Prescribed burning" means the controlled
1458 application of fire in accordance with a written prescription
1459 for vegetative fuels under specified environmental conditions

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1460 while following appropriate precautionary measures that ensure
1461 that the fire is confined to a predetermined area to accomplish
1462 the planned fire or land-management objectives.

1463 (g) ~~(e)~~ "Prescription" means a written plan establishing
1464 the criteria necessary for starting, controlling, and
1465 extinguishing a prescribed burn.

1466 (h) "Yard trash" means vegetative matter resulting from
1467 landscaping and yard maintenance operations and other such
1468 routine property cleanup activities. The term includes materials
1469 such as leaves, shrub trimmings, grass clippings, brush, and
1470 palm fronds.

1471 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
1472 PURPOSE.—

1473 (b) Certified prescribed burning pertains only to
1474 broadcast burning for purposes of silviculture, wildlife
1475 management, ecological maintenance and restoration, and range
1476 and pasture management. It must be conducted in accordance with
1477 this subsection and:

1478 1. May be accomplished only when a certified prescribed
1479 burn manager is present on site with a copy of the prescription
1480 from ignition of the burn to its completion.

1481 2. Requires that a written prescription be prepared before
1482 receiving authorization to burn from the division.

1483 3. Requires that the specific consent of the landowner or
1484 his or her designee be obtained before requesting an
1485 authorization.

1486 4. Requires that an authorization to burn be obtained from
1487 the division before igniting the burn.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1488 5. Requires that there be adequate firebreaks at the burn
1489 site and sufficient personnel and firefighting equipment for the
1490 control of the fire.

1491 6. Is considered to be in the public interest and does not
1492 constitute a public or private nuisance when conducted under
1493 applicable state air pollution statutes and rules.

1494 7. Is considered to be a property right of the property
1495 owner if vegetative fuels are burned as required in this
1496 subsection.

1497 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
1498 PURPOSE.—

1499 (a) Pile burning is a tool that benefits current and
1500 future generations in Florida by disposing of naturally
1501 occurring vegetative debris through burning rather than
1502 disposing of the debris in landfills.

1503 (b) Certified pile burning pertains to the disposal of
1504 piled, naturally occurring debris from an agricultural,
1505 silvicultural, or temporary land-clearing operation. A land-
1506 clearing operation is temporary if it operates for 6 months or
1507 less. Certified pile burning must be conducted in accordance
1508 with this subsection, and:

1509 1. A certified pile burner must ensure, before ignition,
1510 that the piles are properly placed and that the content of the
1511 piles is conducive to efficient burning.

1512 2. A certified pile burner must ensure that the piles are
1513 properly extinguished no later than 1 hour after sunset. If the
1514 burn is conducted in an area designated by the division as smoke

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1515 sensitive, a certified pile burner must ensure that the piles
1516 are properly extinguished at least 1 hour before sunset.

1517 3. A written pile burn plan must be prepared before
1518 receiving authorization from the division to burn.

1519 4. The specific consent of the landowner or his or her
1520 agent must be obtained before requesting authorization to burn.

1521 5. An authorization to burn must be obtained from the
1522 division or its designated agent before igniting the burn.

1523 6. There must be adequate firebreaks and sufficient
1524 personnel and firefighting equipment at the burn site to control
1525 the fire.

1526 (c) If a burn is conducted in accordance with this
1527 subsection, the property owner and his or her agent are not
1528 liable under s. 590.13 for damage or injury caused by the fire
1529 or resulting smoke, and are not in violation of subsection (2),
1530 unless gross negligence is proven.

1531 (d) A certified pile burner who violates this section
1532 commits a misdemeanor of the second degree, punishable as
1533 provided in s. 775.082 or s. 775.083.

1534 (e) The division shall adopt rules regulating certified
1535 pile burning. The rules shall include procedures and criteria
1536 for certifying and decertifying certified pile burn managers
1537 based on past experience, training, and record of compliance
1538 with this section.

1539 (5)-(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE
1540 DIVISION.—The division may conduct fuel reduction initiatives,
1541 including, but not limited to, burning and mechanical and
1542 chemical treatment, on any area of wild land within the state

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1543 which is reasonably determined to be in danger of wildfire in
1544 accordance with the following procedures:

1545 (c) Prepare, and send the county tax collector shall
1546 include with the annual tax statement, a notice to be sent to
1547 all landowners in each area township designated by the division
1548 as a wildfire hazard area. The notice must describe particularly
1549 the area to be treated and the tentative date or dates of the
1550 treatment and must list the reasons for and the expected
1551 benefits from the wildfire hazard reduction.

1552 (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING
1553 AUTHORIZATION PROGRAMS.-

1554 (a) A county or municipality may exercise the division's
1555 authority, if delegated by the division under this subsection,
1556 to issue authorizations for the burning of yard trash or debris
1557 from land-clearing operations. A county's or municipality's
1558 existing or proposed open burning authorization program must:

1559 1. Be approved by the division. The division shall not
1560 approve a program if it fails to meet the requirements of
1561 subsections (2) and (4) and any rules adopted under those
1562 subsections.

1563 2. Provide by ordinance or local law the requirements for
1564 obtaining and performing a burn authorization that comply with
1565 subsections (2) and (4) and any rules adopted under those
1566 subsections.

1567 3. Provide for the enforcement of the program's
1568 requirements.

1569 4. Provide financial, personnel, and other resources
1570 needed to carry out the program.

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1571 (b) If the division determines that a county's or
1572 municipality's open burning authorization program does not
1573 comply with subsections (2) and (4) and any rules adopted under
1574 those subsections, the division shall require the county or
1575 municipality to take necessary corrective actions within a
1576 reasonable period, not to exceed 90 days.

1577 1. If the county or municipality fails to take the
1578 necessary corrective actions within the required period, the
1579 division shall resume administration of the open burning
1580 authorization program in the county or municipality and the
1581 county or municipality shall cease administration of its
1582 program.

1583 2. Each county and municipality administering an open
1584 burning authorization program must cooperate with and assist the
1585 division in carrying out the division's powers, duties, and
1586 functions.

1587 3. A person who violates the requirements of a county's or
1588 municipality's open burning authorization program, as provided
1589 by ordinance or local law enacted pursuant to this section,
1590 commits a violation of this chapter, punishable as provided in
1591 s. 590.14.

1592 Section 52. Section 590.14, Florida Statutes, is amended
1593 to read:

1594 590.14 Notice of violation; penalties.-

1595 (1) If a division employee determines that a person has
1596 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
1597 the division to administer provisions of law conferring duties
1598 upon the division, the division employee ~~he or she~~ may issue a

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1599 notice of violation indicating the statute violated. This notice
1600 will be filed with the division and a copy forwarded to the
1601 appropriate law enforcement entity for further action if
1602 necessary.

1603 (2) In addition to any penalties provided by law, any
1604 person who causes a wildfire or permits any authorized fire to
1605 escape the boundaries of the authorization or to burn past the
1606 time of the authorization is liable for the payment of all
1607 reasonable costs and expenses incurred in suppressing the fire
1608 or \$150, whichever is greater. All costs and expenses incurred
1609 by the division shall be payable to the division. When such
1610 costs and expenses are not paid within 30 days after demand, the
1611 division may take proper legal proceedings for the collection of
1612 the costs and expenses. Those costs incurred by an agency acting
1613 at the division's direction are recoverable by that agency.

1614 (3) The department may also impose an administrative fine,
1615 not to exceed \$1,000 per violation of any section of chapter 589
1616 or this chapter or violation of any rule adopted by the division
1617 to administer provisions of law conferring duties upon the
1618 division. The fine shall be based upon the degree of damage, the
1619 prior violation record of the person, and whether the person
1620 knowingly provided false information to obtain an authorization.
1621 The fines shall be deposited in the Incidental Trust Fund of the
1622 division.

1623 (4) A person may not:

1624 (a) Fail to comply with any rule or order adopted by the
1625 division to administer provisions of law conferring duties upon
1626 the division; or

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1627 (b) Knowingly make any false statement or representation
1628 in any application, record, plan, or other document required by
1629 this chapter or any rules adopted under this chapter.

1630 (5) A person who violates paragraph (4)(a) or paragraph
1631 (4)(b) commits a misdemeanor of the second degree, punishable as
1632 provided in s. 775.082 or s. 775.083.

1633 (6) It is the intent of the Legislature that a penalty
1634 imposed by a court under subsection (5) be of a severity that
1635 ensures immediate and continued compliance with this section.

1636 (7)-(4) The penalties provided in this section shall extend
1637 to both the actual violator and the person or persons, firm, or
1638 corporation causing, directing, or permitting the violation.

1639 Section 53. Paragraph (a) of subsection (1) of section
1640 599.004, Florida Statutes, is amended to read:

1641 599.004 Florida Farm Winery Program; registration; logo;
1642 fees.-

1643 (1) The Florida Farm Winery Program is established within
1644 the Department of Agriculture and Consumer Services. Under this
1645 program, a winery may qualify as a tourist attraction only if it
1646 is registered with and certified by the department as a Florida
1647 Farm Winery. A winery may not claim to be certified unless it
1648 has received written approval from the department.

1649 (a) To qualify as a certified Florida Farm Winery, a
1650 winery shall meet the following standards:

1651 1. Produce or sell less than 250,000 gallons of wine
1652 annually.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1653 2. Maintain a minimum of 10 acres of owned or managed land
1654 ~~vineyards~~ in Florida which produces commodities used in the
1655 production of wine.

1656 3. Be open to the public for tours, tastings, and sales at
1657 least 30 hours each week.

1658 4. Make annual application to the department for
1659 recognition as a Florida Farm Winery, on forms provided by the
1660 department.

1661 5. Pay an annual application and registration fee of \$100.

1662 Section 54. Subsection (1) of section 604.15, Florida
1663 Statutes, is amended, and subsection (11) is added to that
1664 section, to read:

1665 604.15 Dealers in agricultural products; definitions.—For
1666 the purpose of ss. 604.15-604.34, the following words and terms,
1667 when used, shall be construed to mean:

1668 (1) "Agricultural products" means the natural products of
1669 the farm, nursery, grove, orchard, vineyard, garden, and apiary
1670 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;
1671 livestock; milk and milk products; poultry and poultry products;
1672 the fruit of the saw palmetto (meaning the fruit of the Serenoa
1673 repens); limes (meaning the fruit Citrus aurantifolia, variety
1674 Persian, Tahiti, Bearss, or Florida Key limes); and any other
1675 nonexempt agricultural products produced in the state, except
1676 tobacco, sugarcane, tropical foliage, timber and timber
1677 byproducts, forest products as defined in s. 591.17, and citrus
1678 other than limes.

1679 (11) "Responsible position" means a position within the
1680 business of a dealer in agricultural products that has the

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1681 authority to negotiate or make the purchase of agricultural
1682 products on behalf of the dealer's business or has principal
1683 active management authority over the business decisions,
1684 actions, and activities of the dealer's business in this state.

1685 Section 55. Section 604.19, Florida Statutes, is amended
1686 to read:

1687 604.19 License; fee; bond; certificate of deposit;
1688 penalty.—Unless the department refuses the application on one or
1689 more of the grounds provided in this section, it shall issue to
1690 an applicant, upon the payment of required fees and the
1691 execution and delivery of a bond or certificate of deposit as
1692 provided in this section, a state license entitling the
1693 applicant to conduct business as a dealer in agricultural
1694 products for a 1-year period to coincide with the effective
1695 period of the bond or certificate of deposit furnished by the
1696 applicant. During the 1-year period covered by a license, if the
1697 supporting surety bond or certificate of deposit is canceled for
1698 any reason, the license shall automatically expire on the date
1699 the surety bond or certificate of deposit terminates, unless an
1700 acceptable replacement is in effect before the date of
1701 termination so that continual coverage occurs for the remaining
1702 period of the license. A surety company shall give the
1703 department a 30-day written notice of cancellation by certified
1704 mail in order to cancel a bond. Cancellation of a bond or
1705 certificate of deposit does ~~shall~~ not relieve a surety company
1706 or financial institution of liability for purchases or sales
1707 occurring while the bond or certificate of deposit was in
1708 effect. The license fee, which must be paid for the principal

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1709 place of business for a dealer in agricultural products, shall
1710 be based upon the amount of the dealer's surety bond or
1711 certificate of deposit furnished by each dealer under the
1712 provisions of s. 604.20 and may not exceed \$500. For each
1713 additional place in which the applicant desires to conduct
1714 business and which the applicant names in the application, the
1715 additional license fee must be paid but may not exceed \$100
1716 annually. If a ~~Should any~~ dealer in agricultural products ~~fails,~~
1717 ~~refuses, or neglects fail, refuse, or neglect~~ to apply and
1718 qualify for the renewal of a license on or before ~~its the date~~
1719 ~~of expiration date~~ thereof, a penalty not to exceed \$100 shall
1720 apply to and be added to the ~~original~~ license fee ~~for the~~
1721 ~~principal place of business and to the license fee for each~~
1722 ~~additional place of business named in the application~~ and shall
1723 be paid by the applicant before the renewal license may be
1724 issued. The department by rule shall prescribe fee amounts
1725 sufficient to fund ss. 604.15-604.34.

1726 Section 56. Section 604.25, Florida Statutes, is amended
1727 to read:

1728 604.25 Denial of, refusal to ~~renew grant,~~ or suspension or
1729 revocation of, license.-

1730 (1) The department may ~~deny, refuse to renew, decline to~~
1731 ~~grant a license~~ or may suspend or revoke a license already
1732 ~~granted~~ if the applicant or licensee has:

1733 (1)(a) Suffered a monetary judgment entered against the
1734 applicant or licensee upon which ~~is execution has been returned~~
1735 unsatisfied;

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

- 1736 (2)~~(b)~~ Made false charges for handling or services
1737 rendered;
- 1738 (3)~~(e)~~ Failed to account promptly and properly or to make
1739 settlements with any producer;
- 1740 (4)~~(d)~~ Made any false statement or statements as to
1741 condition, quality, or quantity of goods received or held for
1742 sale when the true condition, quality, or quantity could have
1743 been ascertained by reasonable inspection;
- 1744 (5)~~(e)~~ Made any false or misleading statement or
1745 statements as to market conditions or service rendered;
- 1746 (6)~~(f)~~ Been guilty of a fraud in the attempt to procure,
1747 or the procurement of, a license;
- 1748 (7)~~(g)~~ Directly or indirectly sold agricultural products
1749 received on consignment or on a net return basis for her or his
1750 own account, without prior authority from the producer
1751 consigning the same, or without notifying such producer;
- 1752 (8)~~(h)~~ Failed to prevent a person from holding a position
1753 as the applicant's or licensee's owner, officer, director,
1754 general or managing partner, or employee ~~Employed~~ in a
1755 responsible position ~~a person~~, or holding any other similarly
1756 situated position, if the person holds or has held a similar
1757 position with any entity that ~~an officer of a corporation, who~~
1758 has failed to fully comply with an order of the department, has
1759 not satisfied a civil judgment held by the department, has
1760 pending any administrative or civil enforcement action by the
1761 department, or has pending any criminal charges pursuant to s.
1762 604.30 at any time within 1 year after issuance;

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1763 ~~(9)(i)~~ Violated any statute or rule relating to the
1764 purchase or sale of any agricultural product, whether or not
1765 such transaction is subject to the provisions of this chapter;
1766 ~~or~~

1767 ~~(10)(j)~~ Failed to submit to the department an application,
1768 appropriate license fees, and an acceptable surety bond or
1769 certificate of deposit; ~~or-~~

1770 ~~(11)(2)~~ ~~Failed~~ ~~if a licensee fails or refused~~ ~~refuses~~ to
1771 ~~comply in full~~ with an order of the department ~~or failed to~~
1772 ~~satisfy a civil judgment owed to the department, her or his~~
1773 ~~license may be suspended or revoked, in which case she or he~~
1774 ~~shall not be eligible for license for a period of 1 year or~~
1775 ~~until she or he has fully complied with the order of the~~
1776 ~~department.~~

1777 ~~(3)~~ ~~No person, or officer of a corporation, whose license~~
1778 ~~has been suspended or revoked for failure to comply with an~~
1779 ~~order of the department may hold a responsible position with a~~
1780 ~~licensee for a period of 1 year or until the order of the~~
1781 ~~department has been fully complied with.~~

1782 Section 57. Subsections (18) and (19) of section 616.242,
1783 Florida Statutes, are renumbered as subsections (19) and (20),
1784 respectively, and a new subsection (18) is added to that section
1785 to read:

1786 616.242 Safety standards for amusement rides.-

1787 (18) STOP-OPERATION ORDERS.-If an owner or amusement ride
1788 fails to comply with this chapter or any rule adopted under this
1789 chapter, the department may issue a stop-operation order.

1790

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1791 Section 58. Subsection (7) is added to section 624.4095,
1792 Florida Statutes, to read:

1793 624.4095 Premiums written; restrictions.—

1794 (7) For purposes of this section and s. 624.407, with
1795 regard to capital and surplus required, gross written premiums
1796 for federal multiple-peril crop insurance that is ceded to the
1797 Federal Crop Insurance Corporation and authorized reinsurers
1798 shall not be included when calculating the insurer's gross
1799 writing ratio. The liabilities for ceded reinsurance premiums
1800 payable for federal multiple-peril crop insurance ceded to the
1801 Federal Crop Insurance Corporation and authorized reinsurers
1802 shall be netted against the asset for amounts recoverable from
1803 reinsurers. Each insurer that writes other insurance products
1804 together with federal multiple-peril crop insurance shall
1805 disclose in the notes to the annual and quarterly financial
1806 statement, or file a supplement to the financial statement that
1807 discloses, a breakout of the gross written premiums for federal
1808 multiple-peril crop insurance.

1809 Section 59. Subsection (4) of section 686.201, Florida
1810 Statutes, is amended to read:

1811 686.201 Sales representative contracts involving
1812 commissions; requirements; termination of agreement; civil
1813 remedies.—

1814 (4) This section does not apply to:

1815 (a) Persons licensed pursuant to chapter 475 who are
1816 performing services within the scope of their license.

1817 (b) Contracts to which a seller of travel as defined in s.
1818 559.927 is a party.

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1819 Section 60. Paragraph (c) of subsection (5) of section
1820 790.06, Florida Statutes, is amended to read:

1821 790.06 License to carry concealed weapon or firearm.—

1822 (5) The applicant shall submit to the Department of
1823 Agriculture and Consumer Services:

1824 (c) A full set of fingerprints of the applicant
1825 administered by a law enforcement agency or the Division of
1826 Licensing of the Department of Agriculture and Consumer
1827 Services.

1828 Section 61. Sections 570.071 and 570.901, Florida
1829 Statutes, are repealed.

1830 Section 62. This act shall take effect July 1, 2010.

1831

1832

1833

1834

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

1835 Remove the entire title and insert:

1836 An act relating to the Department of Agriculture and
1837 Consumer Services; creating s. 15.0455, F.S.; creating a
1838 designation for the official state agricultural museum;
1839 amending s. 369.20, F.S.; amending the duties of the
1840 Florida Wildlife Commission relating to the Florida
1841 Aquatic Weed Control Act; amending s. 403.088, F.S.;
1842 authorizing the Department of Environmental Protection to
1843 develop a permit for the application of pesticides;
1844 requiring possession of a permit or authorization prior to
1845 applying pesticides to waters of the state; providing for
1846

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1847 uniform regulation of pesticides; providing for temporary
1848 deviations from toxicity provisions; amending s. 487.163,
1849 F.S.; allowing the Department of Agriculture and Consumer
1850 Services to enter into agreements to ensure the uniform
1851 regulation of pesticides applied to the waters of the
1852 state; amending s. 373.1391, F.S.; requiring water
1853 management districts to give priority to the agricultural
1854 use of certain parcels for purposes of management of such
1855 parcels; amending s. 403.9336, F.S.; revising a reference
1856 to the Model Ordinance for Florida-Friendly Fertilizer Use
1857 on Urban Landscapes; amending s. 403.9337, F.S.; providing
1858 for amendment of the model ordinance by the Department of
1859 Environmental Protection; revising the criteria for a
1860 local government's adoption of additional or more
1861 stringent standards; providing exemptions; amending s.
1862 493.6102, F.S.; specifying that provisions regulating
1863 security officers do not apply to certain law enforcement,
1864 correctional, and probation officers performing off-duty
1865 activities; amending s. 493.6105, F.S.; revising the
1866 application requirements and procedures for certain
1867 private investigative, private security, recovery agent,
1868 and firearm licenses; specifying application requirements
1869 for firearms instructor licenses; amending s. 493.6106,
1870 F.S.; revising citizenship requirements and documentation
1871 for certain private investigative, private security, and
1872 recovery agent licenses; prohibiting the licensure of
1873 applicants for a statewide firearm license or firearms
1874 instructor license who are prohibited from purchasing or

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1875 possessing firearms; requiring that private investigative,
1876 security, and recovery agencies notify the Department of
1877 Agriculture and Consumer Services of changes to their
1878 branch office locations; amending s. 493.6107, F.S.;
1879 requiring the department to accept certain methods of
1880 payment for certain fees; amending s. 493.6108, F.S.;
1881 revising requirements for criminal history checks of
1882 license applicants whose fingerprints are not legible;
1883 requiring the investigation of the mental and emotional
1884 fitness of applicants for firearms instructor licenses;
1885 amending s. 493.6111, F.S.; requiring a security officer
1886 school or recovery agent school to obtain the department's
1887 approval for use of a fictitious name; specifying that a
1888 licensee may not conduct business under more than one
1889 fictitious name; amending s. 493.6113, F.S.; revising
1890 application renewal procedures and requirements; amending
1891 s. 493.6115, F.S.; conforming cross-references; amending
1892 s. 493.6118, F.S.; authorizing disciplinary action against
1893 statewide firearm licensees and firearms instructor
1894 licensees who are prohibited from purchasing or possessing
1895 firearms; amending s. 493.6121, F.S.; deleting provisions
1896 for the department's access to certain criminal history
1897 records provided to licensed gun dealers, manufacturers,
1898 and exporters; amending s. 493.6202, F.S.; requiring the
1899 department to accept certain methods of payment for
1900 certain fees; amending s. 493.6203, F.S.; prohibiting
1901 bodyguard services from being credited toward certain
1902 license requirements; revising the training requirements

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1903 for private investigator intern license applicants;
1904 requiring the automatic suspension of an intern's license
1905 under certain circumstances; providing an exception;
1906 amending s. 493.6302, F.S.; requiring the department to
1907 accept certain methods of payment for certain fees;
1908 amending s. 493.6303, F.S.; revising the training
1909 requirements for security officer license applicants;
1910 amending s. 493.6304, F.S.; revising application
1911 requirements and procedures for security officer school
1912 licenses; amending s. 493.6401, F.S.; revising terminology
1913 for recovery agent schools and training facilities;
1914 amending s. 493.6402, F.S.; revising terminology for
1915 recovery agent schools and training facilities; requiring
1916 the department to accept certain methods of payment for
1917 certain fees; amending s. 493.6406, F.S.; revising
1918 terminology; requiring recovery agent school and
1919 instructor licenses; providing license application
1920 requirements and procedures; amending s. 500.033, F.S.;
1921 revising the membership of the Florida Food Safety and
1922 Food Defense Advisory Council; amending ss. 501.605 and
1923 501.607, F.S.; revising application requirements for
1924 commercial telephone seller and salesperson licenses;
1925 amending s. 501.913, F.S.; specifying the sample size
1926 required for antifreeze registration application; amending
1927 s. 525.01, F.S.; revising requirements for petroleum fuel
1928 affidavits; amending s. 525.09, F.S.; imposing an
1929 inspection fee on certain alternative fuels containing
1930 alcohol; amending s. 526.50, F.S.; defining terms

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1931 applicable to regulation of the sale of brake fluid;
1932 amending s. 526.51, F.S.; revising brake fluid permit
1933 application requirements; amending s. 526.52, F.S.;
1934 revising requirements for printed statements on brake
1935 fluid containers; amending s. 526.53, F.S.; revising
1936 requirements and procedures for brake fluid stop-sale
1937 orders; authorizing businesses to dispose of unregistered
1938 brake fluid under certain circumstances; amending s.
1939 527.0201, F.S.; revising requirements for liquefied
1940 petroleum gas qualifying examinations; increasing
1941 continuing education requirements for certain liquefied
1942 petroleum gas qualifiers; amending s. 527.12, F.S.;
1943 providing for the issuance of certain stop orders;
1944 amending ss. 559.805 and 559.928, F.S.; deleting social
1945 security numbers as a listing requirement on registration
1946 affidavits for independent agents of sellers of business
1947 opportunities; amending s. 570.0725, F.S.; revising
1948 provisions for public information about food banks and
1949 similar food recovery programs; authorizing the department
1950 to adopt rules; amending ss. 570.53 and 570.54, F.S.;
1951 conforming cross-references; amending s. 570.55, F.S.;
1952 revising requirements for identifying sellers or handlers
1953 of tropical or subtropical fruit or vegetables; amending
1954 s. 570.902, F.S.; conforming terminology to the repeal by
1955 the act of provisions establishing the Florida
1956 Agricultural Museum; amending s. 570.903, F.S.; revising
1957 provisions for direct-support organizations for certain
1958 agricultural programs to conform to the repeal by the act

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1959 of provisions establishing the Florida Agricultural
1960 Museum; deleting provisions for a direct-support
1961 organization for the Florida State Collection of
1962 Arthropods; amending s. 573.118, F.S.; requiring the
1963 department to maintain records of marketing orders;
1964 requiring an audit at the request of an advisory council;
1965 requiring that the advisory council receive a copy of the
1966 audit within a specified time; amending s. 581.011, F.S.;
1967 deleting terminology relating to the Florida State
1968 Collection of Arthropods; revising the term "nursery" for
1969 purposes of plant industry regulations; amending s.
1970 581.211, F.S.; increasing the maximum fine for violations
1971 of plant industry regulations; amending s. 583.13, F.S.;
1972 deleting a prohibition on the sale of poultry without
1973 displaying the poultry grade; amending s. 585.61, F.S.;
1974 designating an animal disease diagnostic laboratory
1975 complex in Osceola County as the "Bronson Animal Disease
1976 Diagnostic Laboratory"; amending s. 590.125, F.S.;
1977 revising terminology for open burning authorizations;
1978 specifying purposes of certified prescribed burning;
1979 requiring the authorization of the Division of Forestry
1980 for certified pile burning; providing pile burning
1981 requirements; limiting the liability of property owners or
1982 agents engaged in pile burning; providing for the
1983 certification of pile burners; providing penalties for
1984 violations by certified pile burners; requiring rules;
1985 authorizing the division to adopt rules regulating
1986 certified pile burning; revising notice requirements for

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

1987 wildfire hazard reduction treatments; providing for
1988 approval of local government open burning authorization
1989 programs; providing program requirements; authorizing the
1990 division to close local government programs under certain
1991 circumstances; providing penalties for violations of local
1992 government open burning requirements; amending s. 590.14,
1993 F.S.; authorizing fines for violations of any division
1994 rule; providing penalties for certain violations;
1995 providing legislative intent; amending s. 599.004, F.S.;
1996 revising standards that a winery must meet to qualify as a
1997 certified Florida Farm Winery; amending s. 604.15, F.S.;
1998 revising the term "agricultural products" to make tropical
1999 foliage exempt from regulation under provisions relating
2000 to dealers in agricultural products; defining the term
2001 "responsible position"; amending s. 604.19, F.S.; revising
2002 requirements for late fees on agricultural products dealer
2003 applications; amending s. 604.25, F.S.; revising
2004 conditions under which the department may deny, refuse to
2005 renew, suspend, or revoke agricultural products dealer
2006 licenses; deleting a provision prohibiting certain persons
2007 from holding a responsible position with a licensee;
2008 amending s. 616.242, F.S.; authorizing the issuance of
2009 stop-operation orders for amusement rides under certain
2010 circumstances; amending s. 624.4095, F.S.; requiring that
2011 gross written premiums for certain crop insurance not be
2012 included when calculating the insurer's gross writing
2013 ratio; requiring that liabilities for ceded reinsurance
2014 premiums be netted against the asset for amounts

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/CS/HB 1445 (2010)

Amendment No.

2015 recoverable from reinsurers; requiring that insurers who
2016 write other insurance products disclose a breakout of the
2017 gross written premiums for crop insurance; amending s.
2018 686.201, F.S.; exempting contracts involving a seller of
2019 travel from requirements for certain sales representative
2020 contracts; amending s. 790.06, F.S.; authorizing a
2021 concealed firearm license applicant to submit fingerprints
2022 administered by the Division of Licensing; repealing ss.
2023 570.071 and 570.901, F.S., relating to the Florida
2024 Agricultural Exposition and the Florida Agricultural
2025 Museum; providing an effective date.
2026

Amendment No.

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: General Government Policy
2 Council
3 Representative Nelson offered the following:

4
5 **Amendment to the Strike-All Amendment (with title**
6 **amendment)**

7 Between lines 1162 and 1163, insert:

8 Section 40. Paragraph (c) of subsection (16) of section
9 570.07, Florida Statutes, is amended to read:

10 570.07 Department of Agriculture and Consumer Services;
11 functions, powers, and duties.—The department shall have and
12 exercise the following functions, powers, and duties:

13 (16) To enforce the state laws and rules relating to:

14 (c) Registration, labeling, inspection, sale, use and
15 analysis of commercial stock feeds and commercial fertilizers;

16
17 In order to ensure uniform health and safety standards, the
18 adoption of standards and fines in the subject areas of
19 paragraphs (a)-(n) is expressly preempted to the state and the

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 1445 (2010)

Amendment No.

20 department. Any local government enforcing the subject areas of
21 paragraphs (a)-(n) must use the standards and fines set forth in
22 the pertinent statutes or any rules adopted by the department
23 pursuant to those statutes.

24 Note.—Section 1, ch. 2006-41, amended s. 112.061(6)(a) to
25 revise the maximum amount from \$50 to \$80.

26 Note.—Former ss. 570.35, 570.39, 570.08.

27
28
29 -----
30 **T I T L E A M E N D M E N T**

31 Remove line 1947 and insert:
32 opportunities; amending s. 570.07, F.S.; amending the authority
33 of the Department of Agriculture and Consumer Services to
34 enforce laws relating to commercial stock feeds and commercial
35 fertilizers; amending s. 570.0725, F.S.; revising



TYPE OR PRINT CLEARLY

W

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill Number 303 Date 4/9/2010

Name FRANK CRESOIDE

Title

Address 6205 25th AVE NORTH

City ST. PETERSBURG State/Zip FL 33710

Phone Number 727-344-3393

Representing PAST MEMBER FLORIDA REAL ESTATE APPRAISAL BOARD

Lobbyist (registered) YES [] NO [X]

State Employee YES [] NO [X]

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

		<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/> Proponent	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
I have been requested to speak	<input type="checkbox"/> Opponent	<input type="checkbox"/>	<input type="checkbox"/>
	Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter:

Council/Committee:

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TYPE OR PRINT CLEARLY

COUNCIL/COMMITTEE APPEARANCE RECORD

W

Bill Number 713 Date April 9, 2010

Name Darrick D. McGehee

Title Director, Office of Legislative Affairs

Address 1940 North Monroe Street

City Tallahassee State/Zip FL 32399

Phone Number (850) 487-4827

Representing Dept. of Business and Professional Regulation

Lobbyist (registered) YES [checked] NO []

State Employee YES [checked] NO []

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

		<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/> Proponent	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I have been requested to speak	<input type="checkbox"/> Opponent	<input type="checkbox"/>	<input type="checkbox"/>
	Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: Department Bill

Council/Committee: General Government Policy Council

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TYPE OR PRINT CLEARLY



COUNCIL/COMMITTEE APPEARANCE RECORD



Bill Number 885 Date 4-9-10

Name Paul Sanford

Title _____

Address 106 S. Monroe St

City Tallahassee State/Zip FL 3230

Phone Number 222-7200

Representing ACLI

Lobbyist (registered) YES NO

State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/>	Proponent	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: _____

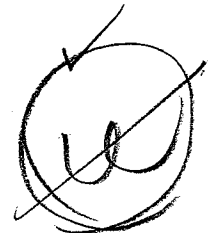
Council/Committee: _____

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TYPE OR PRINT CLEARLY

COUNCIL/COMMITTEE APPEARANCE RECORD



Bill Number 885 Date 4/9 SPOKE
 Name Joe Jacquot (Jay-Ko)
 Title Chief of Staff
 Address 1601 The Capitol
 City Tallahassee State/Zip FL 32399
 Phone Number 245-0140
 Representing Attorney General's Office

Lobbyist (registered) YES NO
 State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/>	Proponent	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>	<input type="checkbox"/>
		Information	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Subject matter: Second Nelson Amendment

Council/Committee: General Gov't Policy Council

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TYPE OR PRINT CLEARLY

W ✓

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill Number 1299 ~~1299~~ Date 4/9/10

Name Samantha Padgett

Title Deputy General Counsel

Address 227 S. Adams Street

City Tallahassee State/Zip FL 32301

Phone Number 222-4082

Representing Florida Retail Federation

Lobbyist (registered) YES NO

State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/>	Proponent	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: Streamlining Issuance of Licenses

Council/Committee: General Government Policy

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COUNCIL/COMMITTEE APPEARANCE RECORD

W

Bill Number 1299 Date April 9, 2010

Name Keyna Cory

Title Senior Lobbyist

Address 110 E. College Ave.

City Tallahassee State/Zip FL 32301

Phone Number 850 681 1065

Representing AIF

Lobbyist (registered) YES NO

State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/>	Proponent	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: Streamlining

Council/Committee: GGCP

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W

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill Number HB 1299 Date April 9th

Name Connie Mayo

Title Analyst

Address Capitol

City Tall State/Zip

Phone Number 487-3914

Representing Executive Office of the Governor

Lobbyist (registered) YES NO [checked]

State Employee YES [checked] NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

Table with 4 columns: Statement, Position, Amendment, Bill. Includes rows for 'I wish to speak' (Proponent, Amendment, Bill) and 'I have been requested to speak' (Opponent, Information, Amendment, Bill).

Subject matter: Streamlining the Issuance of Licenses, Cert, and Registrations Issued by State Agencies

Council/Committee:

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COUNCIL/COMMITTEE APPEARANCE RECORD

Bill Number HB 1299 Date April 9th

Name Connie Mayo

Title Analyst

Address Capitol

City Tall State/Zip

Phone Number 487-3914

Representing Executive Office of the Governor

Lobbyist (registered) YES NO [checked]

State Employee YES [checked] NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

Table with 4 columns: Statement, Position, Amendment, Bill. Includes rows for 'I wish to speak' (Proponent, Amendment, Bill) and 'I have been requested to speak' (Opponent, Information, Amendment, Bill).

Subject matter: Streamlining the Issuance of Licenses, Cert, and Registrations Issued by State Agencies

Council/Committee:

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TYPE OR PRINT CLEARLY

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W

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill Number 1239 Date 4-

Name Missy Timmins

Title _____

Address 2900 Kerry Forest Pkwy D4-368

City TLH State/Zip FL 32309

Phone Number 264-3225

Representing Marine Industries Assoc of FLA

Lobbyist (registered) YES NO

State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input type="checkbox"/>	Proponent	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: Docks

Council/Committee: _____

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COUNCIL/COMMITTEE APPEARANCE RECORD

Handwritten mark resembling a stylized 'w' or 'u' inside a circle.

Bill Number 501 Date 4/9/10

Name Scott Jenkins

Title Senior Vice President

Address 1001 Thomasville Rd.

City Tallahassee, FL State/Zip 32303

Phone Number 850.224.2265

Representing Florida Bankers Assoc.

Lobbyist (registered) YES NO

State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

		<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/> Proponent	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I have been requested to speak	<input type="checkbox"/> Opponent	<input type="checkbox"/>	<input type="checkbox"/>
	Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: Trusts & Estates

Council/Committee: _____

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TYPE OR PRINT CLEARLY

W

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill Number HB 629 Date April 9, 2010

Name Karen Peterson

Title _____

Address 310 West College Ave.

City Tampl. State/Zip 32307

Phone Number 212-7485

Representing City of Tampa

Lobbyist (registered) YES NO

State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/>	Proponent	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: Fire Hydrant Inspection

Council/Committee: _____

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COUNCIL/COMMITTEE APPEARANCE RECORD

W

Bill Number 1003 Date 4/9/10

Name Bill Helmick

Title

Address 303 Johns Dr

City Tallahassee State/Zip FL 32301

Phone Number

Representing Veterans of Foreign Wars

Lobbyist (registered) YES [checked] NO []

State Employee YES [] NO [checked]

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	[checked]	Proponent	[]	[checked]
I have been requested to speak	[]	Opponent	[]	[]
		Information	[]	[]

Subject matter: Veterans

Council/Committee:

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TYPE OR PRINT CLEARLY

COUNCIL/COMMITTEE APPEARANCE RECORD

(W)

Bill Number HB 661 Date 4-9-10

Name Sandy Safley

Title Consultant

Address Box 10095

City Tallahassee State/Zip FL

Phone Number 222-3533

Representing Mortgage Insurance Companies of America

Lobbyist (registered) YES NO

State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

		<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/> Proponent	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I have been requested to speak	<input type="checkbox"/> Opponent	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/> Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: Mortgage Guaranty Insurance

Council/Committee: General Gov't. Policy Council

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TYPE OR PRINT CLEARLY

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COUNCIL/COMMITTEE APPEARANCE RECORD

Waive Is Support of

Bill Number 981 Date 4-9-10
Name CAMERON COOPER
Title Legislative Affairs Director
Address 3900 Commonwealth Blvd
City Tallahassee State/Zip FL
Phone Number 251-3848
Representing Dept of Environmental Protection

Lobbyist (registered) YES [X] NO []
State Employee YES [X] NO []

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

I wish to speak [X] Proponent Amendment [] Bill [X]
I have been requested to speak [] Opponent Amendment [] Bill []
Information Amendment [] Bill []

Subject matter: Waive in Support of 981

Council/Committee: Gen Gov. Policy Council

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TYPE OR PRINT CLEARLY

COUNCIL/COMMITTEE APPEARANCE RECORD

W

Bill Number 981 Date 4/9/10

Name Sam Ard (waive time in support)

Title

Address PO Box 10406

City TLH State/Zip FL 32302

Phone Number 850 577 6500

Representing Fla. Cattlemen's Assn; Fla. Fertilizer & Agrichemical Assn

Lobbyist (registered) YES [checked] NO []

State Employee YES [] NO [checked]

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/>	Proponent	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: Green belt

Council/Committee: H. Gen. Gov. Policy Council

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TYPE OR PRINT CLEARLY

COUNCIL/COMMITTEE APPEARANCE RECORD

✓
W

Bill Number 981 Date 4/9/10

Name Brandon Wagner

Title _____

Address 601 E. Kennedy Blvd.

City Tampa State/Zip FL 33602

Phone Number 813-276-2640

Representing Hillsborough County Govt.

Lobbyist (registered) YES NO

State Employee YES NO

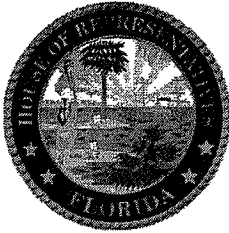
If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input type="checkbox"/>	Proponent	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: Support of Amendment #2 by Rep. Crisafulli
and the bill as amended

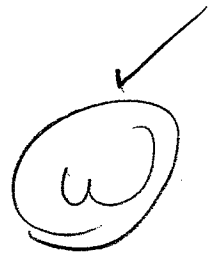
Council/Committee: General Govt. Policy Council

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TYPE OR PRINT CLEARLY

COUNCIL/COMMITTEE APPEARANCE RECORD



Bill Number HB 981 Date 4-9-10

Name Herb Sheheane (Sheehan)

Title _____

Address 1455 Cone Creek Rd

City Darney State/Zip FL 32357

Phone Number 850-566-1100

Representing Southeast Milk

Lobbyist (registered) YES NO

State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

		<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/> Proponent	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I have been requested to speak	<input type="checkbox"/> Opponent	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/> Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: _____

Council/Committee: _____

PLEASE FILL OUT THE ENTIRE FORM AND SUBMIT TWO COPIES TO THE COUNCIL/COMMITTEE ADMINISTRATIVE ASSISTANT AT THE MEETING



TYPE OR PRINT CLEARLY



COUNCIL/COMMITTEE APPEARANCE RECORD



Bill Number 981 Date 4/9/10
 Name Alan Shelby
 Title _____
 Address 402 E. Jefferson St.
 City Tell State/Zip FL 32301
 Phone Number 850-222-5646
 Representing Florida Forestry Assn.

Lobbyist (registered) YES NO
 State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/>	Proponent	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: _____

Council/Committee: _____

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TYPE OR PRINT CLEARLY

COUNCIL/COMMITTEE APPEARANCE RECORD

✓
W

Bill Number 981 Date April 9/20

Name Keyna Cory

Title Lobbyist

Address 110 E. College Ave.

City Tallahassee State/Zip FL 32301

Phone Number 850 6911045

Representing AIF

Lobbyist (registered) YES NO

State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/>	Proponent	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: Agriculture

Council/Committee: GEPC

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TYPE OR PRINT CLEARLY

COUNCIL/COMMITTEE APPEARANCE RECORD



Bill Number 981 Date 4/9/10
 Name Ben Parks
 Title Legislative Director
 Address 315 S. Calhoun St. # 850
 City Tallahassee State/Zip FL 32301
 Phone Number 222-2557
 Representing Fla. Farm Bureau

Lobbyist (registered) YES NO
 State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/>	Proponent	<input type="checkbox"/>	<input type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: Agriculture
 Council/Committee: General Govt Policy Council

PLEASE FILL OUT THE ENTIRE FORM AND SUBMIT TWO COPIES TO THE COUNCIL/COMMITTEE ADMINISTRATIVE ASSISTANT AT THE MEETING



TYPE OR PRINT CLEARLY

COUNCIL/COMMITTEE APPEARANCE RECORD

✓
W

Bill Number 981 Date April 9, 2010
 Name Jackie Fauls
 Title Legislative Affairs Director
 Address 620 S. Meridian Street
 City Tallahassee State/Zip FL 32399
 Phone Number 487-3795
 Representing Fish & Wildlife Conservation Commission

Lobbyist (registered) YES NO
 State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/>	Proponent	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: Agriculture - aquatic weeds permit

Council/Committee: General Government Policy Council

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TYPE OR PRINT CLEARLY

COUNCIL/COMMITTEE APPEARANCE RECORD

✓
W

CS/CS/HB

Bill Number 981 Date April 9, 2010

Name Eric Drape

Title President

Address 2307 Callaway Rd #103

City Tallah State/Zip 32303

Phone Number 229 7546

Representing Fl Audubon

Lobbyist (registered) YES NO

State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/>	Proponent	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: green belt classification

Council/Committee: _____

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TYPE OR PRINT CLEARLY



COUNCIL/COMMITTEE APPEARANCE RECORD

Handwritten circled 'u'

Bill Number 981 Date 4-9-10

Name Craig Meyer

Title Deputy Commissioner

Address The Capitol PL10

City Tallahassee State/Zip FL 32399

Phone Number 488 3022

Representing Department of Agriculture & Consumer Services

Lobbyist (registered) YES [checked] NO []

State Employee YES [checked] NO []

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/>	Proponent	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter:

Council/Committee: General Government Policy Council

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TYPE OR PRINT CLEARLY

COUNCIL/COMMITTEE APPEARANCE RECORD

W

Bill Number 981 Date 4/9/10

Name Jim Spratt

Title Director of Government Affairs

Address 310 W. College Ave

City Tallahassee State/Zip FL/32301

Phone Number

Representing FLORIDA NURSERY, Growers & Landscape Association

Lobbyist (registered) YES [checked] NO []

State Employee YES [] NO []

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input type="checkbox"/>	Proponent	<input type="checkbox"/>	<input type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter:

Council/Committee:

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TYPE OR PRINT CLEARLY

COUNCIL/COMMITTEE APPEARANCE RECORD

✓
W

Bill Number CS/HB 1385 Date 4/9/10

Name Phil Leary

Title _____

Address 1821 Cner St

City Panama State/Zip FL 32007

Phone Number 386/937-7829

Representing Florida Ground Water Association

Lobbyist (registered) YES NO

State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

		<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/> Proponent	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I have been requested to speak	<input type="checkbox"/> Opponent	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/> Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: Petroleum Tank Cleanup

Council/Committee: Gen. Gov. Policy

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COUNCIL/COMMITTEE APPEARANCE RECORD

W

Bill No. 1385 Date 4-9-2010

Name Jim Smith

Title PRESIDENT

Address 209 OFFICE PLAZA DRIVE

City TALLAHASSEE State/Zip FL 32301

Phone Number 877-5178

Representing FLA. PETROLEUM MARKETERS & CONVENIENCE STORE ASSOC

Lobbyist (registered) YES [checked] NO []

State Employee YES [] NO [checked]

I wish to speak: [checked] Proponent [checked]

* I have been requested to speak [] Opponent []

Information []

Subject matter: PETROLEUM CLEAN UP

Council/Committee: GENERAL GOVERNMENT POLICY COUNCIL

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.
Appearing at request of Chair []
Approved by _____ Chair

Copies to: Original - Council/Committee Copy - Person requested to appear



TYPE OR PRINT CLEARLY

COUNCIL/COMMITTEE APPEARANCE RECORD

W

Bill Number 1445 Date 4-9-10
 Name FRED DICKINSON
 Title _____
 Address 106 E. College Ave Ste 1100
 City TALAHASSEE State/Zip FL
 Phone Number 850-681-1980
 Representing CITY OF SANIBEL

Lobbyist (registered) YES NO
 State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input type="checkbox"/>	Proponent	<input type="checkbox"/>	<input type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: Fertilizer Amendment to Amendment 10001
 Council/Committee: Gov. Ops. Appropriations

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TYPE OR PRINT CLEARLY

COUNCIL/COMMITTEE APPEARANCE RECORD

6

Bill Number 1445 Date 4/9/10

Name Leslie Dughi

Title

Address 101 E College Ave

City Tall, FL State/Zip 32301

Phone Number

Representing Servicemaster

Lobbyist (registered) YES [checked] NO []

State Employee YES [] NO []

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

Table with 4 columns: Statement, Proponent/Information, Amendment, Bill. Includes rows for 'I wish to speak' and 'I have been requested to speak'.

Subject matter:

Council/Committee:

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TYPE OR PRINT CLEARLY

W

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill Number 1445 Date 4/9/10

Name Brandon Wagner

Title

Address 601 E. Kennedy Blvd.

City Tampa State/Zip FL 33602

Phone Number 813-276-2640

Representing Hillsborough County Govt.

Lobbyist (registered) YES [checked] NO []

State Employee YES [] NO [checked]

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input checked="" type="checkbox"/>	Proponent	<input type="checkbox"/>	<input type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: Rep. Poppell amendment to HB 1445

Council/Committee: General Government Policy Council

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TYPE OR PRINT CLEARLY

(Handwritten mark)

**COUNCIL/COMMITTEE
APPEARANCE RECORD**

Bill Number 1445 Date 4/9/10

Name Jim Spratt

Title Director of Government Affairs

Address 310 W. College Ave

City TALLAHASSEE State/Zip FL/32301

Phone Number _____

Representing Florida Nursery, Growers & LANDSCAPE Association

Lobbyist (registered) YES NO

State Employee YES NO

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	<input type="checkbox"/>	Proponent	<input type="checkbox"/>	<input type="checkbox"/>
I have been requested to speak	<input type="checkbox"/>	Opponent	<input type="checkbox"/>	<input type="checkbox"/>
		Information	<input type="checkbox"/>	<input type="checkbox"/>

Subject matter: _____

Council/Committee: _____

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TYPE OR PRINT CLEARLY

COUNCIL/COMMITTEE APPEARANCE RECORD

W

Bill Number 7191 Date 4/9/10

Name CAMERON COOPER

Title DIRECTOR OF LEGISLATIVE AFFAIRS

Address 3900 COMMONWEALTH BLVD

City TALLAHASSEE State/Zip FL 32399

Phone Number 850.251.3848

Representing DEPARTMENT OF ENVIRONMENTAL PROTECTION

Lobbyist (registered) YES [X] NO []

State Employee YES [X] NO []

If you are testifying regarding an amendment, please indicate if your position as a proponent or an opponent is the same as on the bill as a whole.

			<u>Amendment</u>	<u>Bill</u>
I wish to speak	[X]	Proponent	[X]	[]
I have been requested to speak	[]	Opponent	[]	[]
		Information	[]	[]

Subject matter: WAIVE IN SUPPORT

Council/Committee: Gen Gov. Policy Council

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General Government Policy Council

**Friday, April 9, 2010
Morris Hall
11:45 AM – 3:00 PM**

Amended ACTION PACKET

**Larry Cretul
Speaker**

**Baxter Troutman
Chairman**

Amendment No.

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: General Government Policy
2 Council
3 Representative Brandenburg offered the following:
4

5 **Amendment to the Strike-All Amendment (with title**
6 **amendment)**

7 Between lines 1827 and 1828, insert:

8 Section 61. Section 828.126, Florida Statutes, is created
9 to read:

10 828.126 Sexual activities involving animals.-

11 (1) As used in this section, the term sexual activities
12 means oral, anal, or vaginal penetration by, or union with, the
13 sexual organ of an animal or the anal or vaginal penetration of
14 any animal by any object.

15 (2) A person may not:

16 (a) Knowingly engage in sexual activities with an animal;

17 (b) Knowingly cause, aid, or abet another person to engage
18 in sexual activities with an animal;

Amendment No.

19 (c) Knowingly permit any sexual activities with an animal
20 to be conducted on any premises under his or her control; or

21 (d) Knowingly organize, promote, conduct, advertise, aid,
22 abet, participate in as an observer, or perform any service in
23 the furtherance of an act involving any sexual activities with
24 an animal for a commercial or recreational purpose.

25 (3) A person who violates this section commits a
26 misdemeanor of the first degree, punishable as provided in s.
27 775.082 or s. 775.083.

28 (4) This section does not apply to normal and ordinary
29 animal husbandry practices, conformation judging practices, or
30 accepted veterinary medical practices.

31

32

33

34

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

35

Remove line 2022 and insert:

36

administered by the Division of Licensing; creating s. 828.126,

37

F.S.; providing a definition; prohibiting knowing sexual conduct

38

or sexual contact with an animal; prohibiting specified related

39

activities; providing penalties; providing that the act does not

40

apply to certain husbandry, conformation judging, and veterinary

41

practices; repealing ss.

General Government Policy Council

Friday, April 9, 2010

Morris Hall

11:45 AM - 3:00 PM

The General Government Policy Council heard and voted on PCB GGPC 10-01, Florida Hurricane Catastrophe Fund Assessments. Representative Rader voted Nay but would like for the record to show that if he could change his vote it would be Yes.