



ECONOMIC AFFAIRS COMMITTEE

Amendment Packet

Thursday, April 14, 2011

9:00 A.M.

Reed Hall (102 HOB)

**Dean Cannon
Speaker**

**Dorothy L. Hukill
Chair**

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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WITHDRAWN ___ (Y/N)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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Brodeur offered the following:

3
4 **Amendment**

5 Remove lines 97-109 and insert:

6 it shall be collected from the lessee, tenant, ~~or~~ customer, or
7 the person facilitating the booking of the reservation at the
8 time of payment of the consideration for such taxable privilege.
9 A person operating transient accommodations or the owner of such
10 accommodations shall separately state the tax from the rental
11 charged on the receipt, invoice, or other documentation issued
12 with respect to charges for transient accommodations. Persons
13 who facilitate the booking of reservations who are unrelated
14 persons with respect to a person who operates transient
15 accommodations with respect to which the reservation is booked
16 shall separately state, prior to occupancy of the room, the
17 estimated amounts to be charged as taxes by the person operating
18 the transient accommodation or the owner of such accommodation
19 on the final receipt,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 493 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE 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WITHDRAWN _____ (Y/N)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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Brodeur offered the following:

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4 **Amendment**

5 Remove lines 204-216 and insert:

6 shall be collected from the lessee, tenant, ~~or~~ customer, or the
7 person facilitating the booking of the reservation at the time
8 of payment of the consideration for such taxable privilege. A
9 person operating transient accommodations or the owner of such
10 accommodations shall separately state the tax from the rental
11 charged on the receipt, invoice, or other documentation issued
12 with respect to charges for transient accommodations. Persons
13 who facilitate the booking of reservations who are unrelated
14 persons with respect to a person who operates transient
15 accommodations with respect to which the reservation is booked
16 shall separately state, prior to occupancy of the room, the
17 estimated amounts to be charged as taxes by the person operating
18 the transient accommodation or the owner of such accommodation
19 on the final receipt, invoice, or other

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COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Brodeur offered the following:

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Amendment

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Remove lines 423-426 and insert:

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reservation is booked shall separately state, prior to occupancy

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of the room, the estimated amounts to be charged as taxes by the

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person operating the transient accommodation or the owner of

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such accommodation on the final receipt,

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Bill No. CS/HB 493 (2011)

Amendment No. 4

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Brodeur offered the following:

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4 **Amendment**

5 Remove lines 502-513 and insert:
6 collected from the lessee, tenant, ~~or~~ customer, or the person
7 facilitating the booking of the reservation at the time of
8 payment of the consideration for such lease or rental. A person
9 operating transient accommodations or the owner of such
10 accommodations shall separately state the tax from the rental
11 charged on the receipt, invoice, or other documentation issued
12 with respect to charges for transient accommodations. Persons
13 facilitating the booking of reservations who are unrelated to
14 the person operating the transient accommodations in which the
15 reservation is booked shall separately state prior to occupancy
16 of the room, the estimated amounts to be charged as taxes by the
17 person operating the transient accommodation or the owner of
18 such accommodation on the final receipt,

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Amendment No. 5

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Brodeur offered the following:

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4 **Amendment**

5 Remove lines 644-648 and insert:

6 respect to which the reservation is booked shall separately
7 state prior to occupancy of the room, the estimated amounts to
8 be charged as taxes by the person operating the transient
9 accommodation or the owner of such accommodation on the final
10 receipt, invoice, or other documentation provided

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Amendment No.

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative(s) Wood offered the following:

Amendment (with title amendment)

Remove line 308 and insert:

6 properties. This exemption shall not apply to any person
 7 providing insurance or property repair or preservation services
 8 or to any affiliate of such persons.

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

13 Between lines 17 and 18, insert:
 14 providing an exception to the exemption;

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COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative(s) Wood offered the following:

Amendment (with title amendment)

Remove lines 876-914 and insert:

6 (k)1. A residential property An insurer may make a
 7 separate filing limited solely to an adjustment of its rates for
 8 reinsurance, the cost of financing products used as a
 9 replacement for reinsurance, ~~or~~ financing costs incurred in the
 10 purchase of reinsurance, ~~or financing products to replace or~~
 11 ~~finance the payment of the amount covered by the Temporary~~
 12 ~~Increase in Coverage Limits (TICL) portion of the Florida~~
 13 ~~Hurricane Catastrophe Fund including replacement reinsurance for~~
 14 ~~the TICL reductions made pursuant to s. 215.555(17)(c); the~~
 15 ~~actual cost paid due to the application of the TICL premium~~
 16 ~~factor pursuant to s. 215.555(17)(f); and the actual cost paid~~
 17 ~~due to the application of the cash build-up factor pursuant to~~
 18 s. 215.555(5)(b) if the insurer:

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19 a. Elects to purchase financing products such as a
20 liquidity instrument or line of credit, in which case the cost
21 included in ~~the~~ filing for the liquidity instrument or line of
22 credit may not result in a premium increase exceeding 3 percent
23 for any individual policyholder. All costs contained in the
24 filing may not result in an overall premium increase of more
25 than 15 ~~10~~ percent for any individual policyholder.

26 b. Includes in the filing a copy of all of its
27 reinsurance, liquidity instrument, or line of credit contracts;
28 proof of the billing or payment for the contracts; and the
29 calculation upon which the proposed rate change is based
30 demonstrating ~~demonstrates~~ that the costs meet the criteria of
31 this section ~~and are not loaded for expenses or profit for the~~
32 ~~insurer making the filing.~~

33 ~~c. Includes no other changes to its rates in the filing.~~

34 ~~d. Has not implemented a rate increase within the 6 months~~
35 ~~immediately preceding the filing.~~

36 ~~e. Does not file for a rate increase under any other~~
37 ~~paragraph within 6 months after making a filing under this~~
38 ~~paragraph.~~

39 c.f. An insurer that purchases reinsurance or financing
40 products from an affiliated company may make a separate filing
41 ~~in compliance with this paragraph does so~~ only if the costs for
42 such reinsurance or financing products are charged at or below
43 charges made for comparable coverage by nonaffiliated reinsurers
44 or financial entities making such coverage or financing products
45 available in this state.

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46 2. An insurer may ~~only~~ make only one filing per ~~in any~~ 12-
47 month period under this paragraph.

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

52 Remove line 67 and insert:

53 and casualty insurance; revising costs to be included in a rate
54 filing; revising the overall premium increase for a rate filing;
55 revising the information that must be included in a rate filing
56 relating to reinsurance; deleting a provision prohibiting an
57 insurer from implementing a rate increase within 6 months before
58 it makes certain rate filings; deleting a provision prohibiting
59 an insurer from filing for a rate increase within 6 months after
60 it makes certain rate filings; deleting obsolete provisions

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative(s) Wood offered the following:

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Amendment

Remove lines 1710-1714 and insert:
 engineering with a specialty in the geotechnical engineering
 field. A professional engineer must have geotechnical
 experience and

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative(s) Nelson offered the following:

Amendment (with title amendment)

Between lines 196 and 197, insert:

Section 3. Subsection (12) is added to section 215.5595, Florida Statutes, to read:

215.5595 Insurance Capital Build-Up Incentive Program.—

9 (12) The insurer may request that the board renegotiate
 10 the terms of any surplus note issued under this section before
 11 January 1, 2011. The request must be submitted to the board by
 12 January 1, 2012. If the insurer agrees to accelerate the payment
 13 period of the note by at least 5 years, the board must agree to
 14 exempt the insurer from the premium-to-surplus ratios required
 15 under paragraph (2) (d). If the insurer agrees to an acceleration
 16 of the payment period for less than 5 years, the board may,
 17 after consultation with the Office of Insurance Regulation,
 18 agree to an appropriate revision of the premium-to-surplus
 19 ratios required under paragraph (2) (d) for the remaining term of

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20 the note if the revised ratios are not lower than a minimum
21 writing ratio of net premium to surplus of at least 1 to 1 and,
22 alternatively, a minimum writing ratio of gross premium to
23 surplus of at least 3 to 1.

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

29 Between lines 7 and 8, insert:

30 amending s. 215.5595, F.S.; authorizing an insurer to
31 renegotiate the terms a surplus note issued before a certain
32 date; providing limitations;

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative(s) Nunez offered the following:

Amendment (with title amendment)

Between lines 1223 and 1224, insert:

Section 10. Paragraph (b) of subsection (3) of section 627.06281, Florida Statutes, is amended to read:

627.06281 Public hurricane loss projection model; reporting of data by insurers.—

(3)

(b) The fees charged for private sector access and use of the model shall be the reasonable costs associated with the operation and maintenance of the model. Such fees shall not apply to access and use of the model by the office. By January 1, 2009, the office shall establish by rule a fee schedule for access to and the use of the model. The fee schedule must be reasonably calculated to cover only the actual costs of providing access to and the use of the model.

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

Between lines 72 and 73, insert:
amending s. 627.06281, F.S.; providing limitations for fees for
use of the public hurricane model; providing an exception to the
fees;

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Wood offered the following:

Amendment (with title amendment)

5 Remove lines 647-664 and insert:

6 Section 8. Effective June 1, 2011, section 626.70132,
7 Florida Statutes, is created to read:

8 626.70132 Notice of property insurance claim.—Except as
9 provided in s. 627.706(5), a claim, supplemental claim, or
10 reopened claim under an insurance policy that provides property
11 insurance, as defined in s. 624.604, is barred unless notice of
12 the claim, supplemental claim, or reopened claim was given to
13 the insurer in accordance with the terms of the policy within 4
14 years after the date of loss that caused the covered damage. For
15 purposes of this section, the term "supplemental claim" or
16 "reopened claim" means any additional claim for recovery from
17 the insurer for losses from the same peril which the insurer has
18 previously adjusted pursuant to the initial claim. This section
19 does not affect any applicable limitation on civil actions

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20 provided in s. 95.11 for claims, supplemental claims, or
21 reopened claims timely filed under this section.
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26 **T I T L E A M E N D M E N T**

27 Remove lines 59-60 and insert:

28 the insurer within a specified period after the date of loss;
29 providing a definition for the terms

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative(s) Wood offered the following:

Amendment (with title amendment)

Remove line 1794 and insert:

policy within 4 years after the policyholder knew or reasonably

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

Remove line 113 and insert:

placing a 4-year statute of repose on claims for sinkhole

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative(s) Wood offered the following:

Amendment (with title amendment)

Remove line 164 and insert:

7 Section 1. Subsection (2) of section 95.11, Florida
 8 Statutes, is amended to read:

9 95.11 Limitations other than for the recovery of real
 10 property.-

11 (2) WITHIN FIVE YEARS.-

12 (a) An action on judgment or decree of any court, not of
 13 record, of this state or any court of the United States, any
 14 other state or territory in the United States, or a foreign
 15 country.

16 (b) A legal or equitable action on a contract, obligation,
 17 or liability founded on a written instrument, except for an
 18 action to enforce a claim against a payment bond, which shall be

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19 governed by the applicable provisions of ss. 255.05(10 and
20 713.23(1)(e).

21 (c) An action to foreclose a mortgage.

22 (d) An action alleging a willful violation of s. 446.110.

23 (e) Notwithstanding paragraph (b), an action for breach of
24 a property insurance contract, with the time running from the
25 date of loss.

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

32 Remove line 3 and insert:
33 amending s. 95.11, F.S.; specifying a statute of limitation for
34 a breach of a property insurance contract runs from the date of
35 loss; amending s. 215.555, F.S.; providing that specified losses

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative(s) Wood offered the following:

Amendment (with title amendment)

5 Remove line 1330 and insert:
 6 of nonrenewal, cancellation, or termination at least 120 ~~180~~
 7 days

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

12 Remove line 79 and insert:
 13 s. 627.4133, F.S.; reducing the notice of nonrenewal,
 14 cancellation, or termination for specified policyholders;
 15 authorizing an insurer to cancel

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COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Nehr offered the following:

Amendment (with title amendment)

5 Remove lines 671-711 and insert:

6 (2) As to all such classes of insurance:

7 (a) Insurers or rating organizations shall establish and
8 use rates, rating schedules, or rating manuals that ~~to~~ allow
9 the insurer a reasonable rate of return on the ~~such~~ classes of
10 insurance written in this state. A copy of rates, rating
11 schedules, rating manuals, premium credits or discount
12 schedules, and surcharge schedules, and changes thereto, must
13 ~~shall~~ be filed with the office under one of the following
14 procedures except as provided in subparagraph 3.:

15 1. If the filing is made at least 90 days before the
16 proposed effective date and ~~the filing~~ is not implemented
17 during the office's review of the filing and any proceeding
18 and judicial review, ~~then~~ such filing is ~~shall be~~ considered a
19 "file and use" filing. In such case, the office shall finalize

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COMMITTEE/SUBCOMMITTEE AMENDMENT

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20 its review by issuance of an approval ~~a notice of intent to~~
21 ~~approve~~ or a notice of intent to disapprove within 90 days
22 after receipt of the filing. The approval ~~notice of intent to~~
23 ~~approve~~ and the notice of intent to disapprove constitute
24 agency action for purposes of the Administrative Procedure
25 Act. Requests for supporting information, requests for
26 mathematical or mechanical corrections, or notification to the
27 insurer by the office of its preliminary findings does ~~shall~~
28 not toll the 90-day period during any such proceedings and
29 subsequent judicial review. The rate shall be deemed approved
30 if the office does not issue an approval ~~a notice of intent to~~
31 ~~approve~~ or a notice of intent to disapprove within 90 days
32 after receipt of the filing.

33 2. If the filing is not made in accordance with ~~the~~
34 ~~provisions~~ of subparagraph 1., such filing must ~~shall~~ be made
35 as soon as practicable, but within ~~no later than~~ 30 days after
36 the effective date, and is ~~shall~~ be considered a "use and
37 file" filing. An insurer making a "use and file" filing is
38 potentially subject to an order by the office to return to
39 policyholders those portions of rates found to be excessive,
40 as provided in paragraph (h).

41 3. For all property insurance filings made or submitted
42 after January 25, 2007, but before May 1, 2012 ~~December 31,~~
43 ~~2010~~, an insurer seeking a rate that is greater than the rate
44 most recently approved by the office shall make a "file and
45 use" filing. For purposes of this subparagraph, motor vehicle
46 collision and comprehensive coverages are not considered to be
47 property coverages.

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

Remove lines 62-63 and insert:

applicability; amending s. 627.062, F.S.; requiring that the office issue an approval rather than a notice of intent to approve following its approval of a file and use filing; extending the expiration date for making a "file and use" filing; deleting an obsolete provision; prohibiting the Office of Insurance

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative(s) Nehr offered the following:

Amendment (with title amendment)

Remove lines 1520-1541 and insert:

6 (3) In the event of a loss for which a dwelling or
 7 personal property is insured on the basis of replacement costs,
 8 the insurer shall pay the replacement cost without reservation
 9 or holdback of any depreciation in value, whether or not the
 10 insured replaces or repairs the dwelling or property.

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

Remove lines 93-97 and insert:

17 providing intent; amending s. 627.7011, F.S.; amending s.
 18 627.70131, F.S.;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

Bill No. CS/HB 803

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: Economic Affairs Committee
 2 Representative Abruzzo offered the following:

Amendment (with title amendments)

Between lines 299-300, insert:

Section 5: Section 624.46226, Florida Statutes, is amended to read:

624.46226 Public housing authorities self-insurance funds; exemption for taxation and assessments.

(1) Notwithstanding any other provision of law, any two or more public housing authorities in the state as defined in chapter 421 may form a self-insurance fund for the purpose of pooling and spreading liabilities of its members as to any one or combination of casualty risk or real or personal property risk of every kind and every interest in such property against loss or damage from any hazard or cause and against any loss consequential to such loss or damage, provided the self-insurance fund that is created:

(a) Has annual normal premiums in excess of ~~\$5~~ \$3.5 million.

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21 (b) Uses a qualified actuary to determine rates using
22 accepted actuarial principles and annually submits to the office
23 a certification by the actuary that the rates are actuarially
24 sound and are not inadequate, as defined in s. 627.062.

25 (c) Uses a qualified actuary to establish reserves for loss
26 and loss adjustment expenses and annually submits to the office
27 a certification by the actuary that the loss and loss adjustment
28 expense reserves are adequate. If the actuary determines that
29 reserves are not adequate, the fund shall file with the office a
30 remedial plan for increasing the reserves or otherwise
31 addressing the financial condition of the fund, subject to a
32 determination by the office that the fund will operate on an
33 actuarially sound basis and the fund does not pose a significant
34 risk of insolvency.

35 (d) Maintains a continuing program of excess insurance
36 coverage and reserve evaluation to protect the financial
37 stability of the fund in an amount and manner determined by a
38 qualified and independent actuary. At a minimum, this program
39 must:

- 40 1. Purchase excess insurance from authorized insurance
41 carriers or eligible surplus lines insurers.
- 42 2. Retain a per-loss occurrence that does not exceed
43 \$350,000.

44 (e) Submits to the office annually an audited fiscal year-
45 end financial statement by an independent certified public
46 accountant within 6 months after the end of the fiscal year.

47 (f) Has a governing body which is comprised entirely of
48 commissioners of public housing authorities that are members of
49 the public housing authority self-insurance fund or persons
50 appointed by the commissioners of public housing authorities

Amendment No.

51 that are members of the public housing authority self-insurance
52 fund.

53 (g) Uses knowledgeable persons or business entities to
54 administer or service the fund in the areas of claims
55 administration, claims adjusting, underwriting, risk management,
56 loss control, policy administration, financial audit, and legal
57 areas. Such persons must meet all applicable requirements of law
58 for state licensure and must have at least 5 years' experience
59 with commercial self-insurance funds formed under s. 624.462,
60 self-insurance funds formed under s. 624.4622, or domestic
61 insurers.

62 (h) Submits to the office copies of contracts used for its
63 members that clearly establish the liability of each member for
64 the obligations of the fund.

65 (i) Annually submits to the office a certification by the
66 governing body of the fund that, to the best of its knowledge,
67 the requirements of this section are met.

68 (2) As used in this section, the term "qualified actuary"
69 means an actuary that is a member of the Casualty Actuarial
70 Society or the American Academy of Actuaries.

71 (3) A public housing authority's self-insurance fund that
72 meets the requirements of this section is not:

73 (a) An insurer for purposes of participation in or coverage
74 by any insurance guaranty association established by chapter
75 631; or

76 (b) Subject to s. 624.4621 and is not required to file any
77 report with the department under s. 440.38(2)(b) that is
78 uniquely required of group self-insurer funds qualified under s.
79 624.4621.

Amendment No.

80 (4) Premiums, contributions, and assessments received by a
81 public housing authority's self-insurance fund are not subject
82 to ss. 624.509(1) and (2) and 624.5092., ~~except that the tax~~
83 ~~rate shall be 1.6 percent of the gross amount of such premiums,~~
84 ~~contributions, and assessments.~~

85 (5) If any of the requirements of subsection (1) are not
86 met, a public housing authority's self-insurance fund is subject
87 to the requirements of s. 624.4621 if the fund provides only
88 workers' compensation coverage or is subject to the requirements
89 of ss. 624.460-624.488 if the fund provides coverage for other
90 property, casualty, or surety risks. Except, the office may
91 allow a public housing authority's self-insurance fund to
92 continue to operate under this section if subsection (1)(a) is
93 the only requirement not met and the public housing authority's
94 self-insurance fund has provided the office with an acceptable
95 corrective action plan to achieve compliance with subsection
96 (1)(a).

97 (6) Any public housing authority in the state as defined in
98 chapter 421 that is a member of a self-insurance fund pursuant
99 to this section shall be exempt from the assessments imposed
100 under ss. 215.555, 627.351 and 631.57.

101 ~~(7) Reinsurance companies complying with s. 624.610 may~~
102 ~~issue coverage directly to a public housing authority self-~~
103 ~~insuring its liabilities under this section. A public housing~~
104 ~~authority purchasing reinsurance shall be considered an insurer~~
105 ~~for the sole purpose of entering into such reinsurance~~
106 ~~contracts. Contracts of reinsurance issued to public housing~~
107 ~~authorities self-insuring under this section shall receive the~~
108 ~~same tax treatment as reinsurance contracts issued to insurance~~
109 ~~companies. However, the purchase of reinsurance coverage by a~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

110 ~~public housing authority self-insuring under this section shall~~
111 ~~not be construed as authorization to otherwise act as an~~
112 ~~insurer.~~

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

121 Remove line 14 and insert:
122 requirements under specified circumstances; amending s.
123 624.46226, F.S.; revising requirements for a self-insurance fund
124 formed by two or more public housing authorities; exempting
125 these funds from the insurance premium tax, license tax, and
126 premium receipt tax; repealing the specification of the amount
127 of insurance premium tax collected from these funds; providing
128 an exception to applicability of laws to these funds; repealing
129 reinsurance provisions relating to these funds; amending s.

130

Amendment No.

Bill No. CS/HB 803

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: Economic Affairs Committee
2 Representative Jenne offered the following:

Amendment (with title amendments)

Remove lines 1200-1211 and insert:

(d) The commission may adopt rules and forms pursuant

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

Remove line(s) 69-72 and insert:

Session D of the Legislature;

Amendment No.

Bill No. CS/HB 803

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: Economic Affairs Committee
 2 Representative Jenne offered the following:

Amendment (with title amendments)

Between lines 299 and 300, insert:

7 Section 5. Section 626.7452, Florida Statutes, is amended
8 to read:

9 626.7452 Managing general agents; examination authority.—
 10 The acts of the managing general agent are considered to be the
 11 acts of the insurer on whose behalf it is acting. A managing
 12 general agent may be examined as if it were the insurer ~~except~~
 13 ~~in the case where the managing general agent solely represents a~~
 14 ~~single domestic insurer.~~

Amendment No.

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

Remove line 14 and insert:
requirements under specified circumstances; amending s.
626.7452, F.S.; removing an exception for the examination of a
managing general agent; amending s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

Bill No. CS/HB 803

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: Economic Affairs Committee
 2 Representative Jenne offered the following:

Amendment (with title amendments)

Between lines 2280 and 2281, insert:

7 Section 23. Section 627.4106, Florida Statutes, is
 8 created to read:

9 627.4106 Applicability of consumer protection statutes
 10 to the business of insurance.--

11 (1) Notwithstanding any provision to the contrary, the
 12 business of insurance shall be subject to the laws of Florida
 13 applicable to any other business, including, but not limited
 14 to, the Florida Civil Rights Act of 1992 set forth in Part I
 15 of Chapter 760, the Florida Anti-Trust Act of 1980 set forth
 16 in Chapter 542, the Florida Deceptive and Unfair Trade
 17 Practice Act set forth in Part II of Chapter 501, and the
 18 consumer protection provisions contained in chapter 540. It
 19 is also the intent of this provision that all such protections
 20 afforded by Chapters 501, 540, 542 and 760 apply to insurance
 21 consumers.

Amendment No.

22 (2) Nothing in this section shall be construed to
23 prohibit:

24 (a) Any agreement to collect, compile and disseminate
25 historical data on paid claims or reserves for reported
26 claims, provided such data is contemporaneously transmitted to
27 the commissioner;

28 (b) Participation in any joint arrangement established
29 by statute or the commissioner to assure availability of
30 insurance;

31 (c) Any agent or broker, representing one or more
32 insurers, from obtaining from any insurer it represents
33 information relative to the premium for any policy or risk to
34 be underwritten by that insurer;

35 (d) Any agent or broker from disclosing to an insurer it
36 represents any quoted rate or charge offered by another
37 insurer represented by that agent or broker for the purpose of
38 negotiating a lower rate, charge, or term from the insurer to
39 whom the disclosure is made; or

40 (e) Any agents, brokers, or insurers from utilizing or
41 participating with multiple insurers or reinsurers for
42 underwriting a single risk or group of risks.

43 Section 24. Subsection (4) of Section 501.212, Florida
44 Statutes, is amended to read:

45 501.212 Application.--This part does not apply to:

46 (4) Any person or activity regulated under laws
47 administered by:

48 ~~(a) The Office of Insurance Regulation of the Financial~~
49 ~~Services Commission;~~

50 ~~(b) Banks and Savings and loan associations regulated by~~
51 ~~the Office of Financial Regulation of the Financial Services~~

Amendment No.

52 Commission;

53 (b) ~~(e)~~ Banks or Savings and loan associations regulated
54 by federal agencies; or

55 (c) ~~(d)~~ Any person or activity regulated under the laws
56 administered by the former Department of Insurance which are
57 now administered by the Department of Financial Services.

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

66 Remove line 160 and insert:

67 Association Act; creating s. 627.4106, F.S.; providing
68 application of laws to the business of insurance; providing
69 application of laws to insurance consumers; providing
70 exceptions; amending s. 501.212, F.S.; revising exceptions to
71 part II of ch. 501, F.S., the Deceptive and Unfair Trade
72 Practices Act; providing severability; providing

73

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20 (b) Updates of or modifications to the Florida Building
21 Code pursuant to s. 553.73.

22 (c) Updates of or modifications to the Florida Fire
23 Prevention Code pursuant to s. 633.0215.

24 Section 2. Paragraph (a) of subsection (11) of section
25 161.053, Florida Statutes, is amended to read:

26 161.053 Coastal construction and excavation; regulation on
27 county basis.—

28 (11) (a) The coastal construction control requirements
29 defined in subsection (1) and the requirements of the erosion
30 projections in subsection (5) do not apply to any modification,
31 maintenance, or repair of any existing structure within the
32 limits of the existing foundation which does not require,
33 involve, or include any additions to, or repair or modification
34 of, the existing foundation of that structure. Specifically
35 excluded from this exemption are seawalls or other rigid coastal
36 or shore protection structures and any additions or enclosures
37 added, constructed, or installed below the first dwelling floor
38 or lowest deck of the existing structure. The Florida Building
39 Commission may not adopt any rule having the effect of limiting
40 any exceptions or exemptions contained within this paragraph.

41 Section 3. Section 162.12, Florida Statutes, is amended to
42 read:

43 162.12 Notices.—

44 (1) All notices required by this part shall be provided to
45 the alleged violator by:

46 (a) Certified mail, return receipt requested to, ~~provided~~
47 ~~if such notice is sent under this paragraph to the owner of the~~

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48 ~~property in question at~~ the address listed in the tax
49 collector's office for tax notices or to, ~~and at~~ any other
50 address provided by the property owner in writing to the local
51 government for the purposes of receiving notices. For property
52 owned by a corporation, notices may be provided by certified
53 mail, return receipt requested, to the registered agent of the
54 corporation. If any notice sent by certified mail by such owner
55 and is not signed as received within 30 days after the date of
56 mailing returned as unclaimed or refused, notice may be provided
57 by posting as described in subparagraphs (2)(b)1. and 2. ~~and by~~
58 ~~first class mail directed to the addresses furnished to the~~
59 ~~local government with a properly executed proof of mailing or~~
60 ~~affidavit confirming the first class mailing;~~

61 (b) Hand delivery by the sheriff or other law enforcement
62 officer, code inspector, or other person designated by the local
63 governing body;

64 (c) Leaving the notice at the violator's usual place of
65 residence with any person residing therein who is above 15 years
66 of age and informing such person of the contents of the notice;
67 or

68 (d) In the case of commercial premises, leaving the notice
69 with the manager or other person in charge.

70 (2) In addition to providing notice as set forth in
71 subsection (1), at the option of the code enforcement board,
72 notice may also be served by publication or posting, as follows:

73 (a)1. Such notice shall be published once during each week
74 for 4 consecutive weeks (four publications being sufficient) in
75 a newspaper of general circulation in the county where the code

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76 enforcement board is located. The newspaper shall meet such
77 requirements as are prescribed under chapter 50 for legal and
78 official advertisements.

79 2. Proof of publication shall be made as provided in ss.
80 50.041 and 50.051.

81 (b)1. In lieu of publication as described in paragraph
82 (a), such notice may be posted at least 10 days prior to the
83 hearing, or prior to the expiration of any deadline contained in
84 the notice, in at least two locations, one of which shall be the
85 property upon which the violation is alleged to exist and the
86 other of which shall be, in the case of municipalities, at the
87 primary municipal government office, and in the case of
88 counties, at the front door of the courthouse or the main county
89 governmental center in said county.

90 2. Proof of posting shall be by affidavit of the person
91 posting the notice, which affidavit shall include a copy of the
92 notice posted and the date and places of its posting.

93 (c) Notice by publication or posting may run concurrently
94 with, or may follow, an attempt or attempts to provide notice by
95 hand delivery or by mail as required under subsection (1).
96 Evidence that an attempt has been made to hand deliver or mail
97 notice as provided in subsection (1), together with proof of
98 publication or posting as provided in subsection (2), is ~~shall~~
99 ~~be~~ sufficient to show that the notice requirements of this part
100 have been met, without regard to whether or not the alleged
101 violator actually received such notice.

102 Section 4. Subsections (3) and (4) of section 255.252,
103 Florida Statutes, are amended to read:

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104 255.252 Findings and intent.—

105 (3) In order for ~~that~~ such energy-efficiency and
106 sustainable materials considerations to become a function of
107 building design and a model for future application in the
108 private sector, it is ~~shall~~ be the policy of the state that
109 buildings constructed and financed by the state be designed and
110 constructed to comply with a sustainable building rating or a
111 national model green building code ~~the United States Green~~
112 ~~Building Council (USGBC) Leadership in Energy and Environmental~~
113 ~~Design (LEED) rating system, the Green Building Initiative's~~
114 ~~Green Globes rating system, the Florida Green Building Coalition~~
115 ~~standards, or a nationally recognized, high performance green~~
116 ~~building rating system as approved by the department. It is~~
117 further the policy of the state, if ~~when~~ economically feasible,
118 to retrofit existing state-owned buildings in a manner that
119 minimizes ~~which will minimize~~ the consumption of energy used in
120 the operation and maintenance of such buildings.

121 (4) In addition to designing and constructing new
122 buildings to be energy-efficient, it is ~~shall~~ be the policy of
123 the state to operate and maintain state facilities in a manner
124 that minimizes ~~which will minimize~~ energy consumption and
125 maximizes ~~maximize~~ building sustainability, and to operate as
126 ~~well as ensure that~~ facilities leased by the state ~~are operated~~
127 so as to minimize energy use. It is further the policy of the
128 state that the renovation of existing state facilities be in
129 accordance with a sustainable building rating or a national
130 model green building code ~~the United States Green Building~~
131 ~~Council (USGBC) Leadership in Energy and Environmental Design~~

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132 ~~(LEED) rating system, the Green Building Initiative's Green~~
133 ~~Globes rating system, the Florida Green Building Coalition~~
134 ~~standards, or a nationally recognized, high performance green~~
135 ~~building rating system as approved by the department. State~~
136 agencies are encouraged to consider shared savings financing of
137 ~~such~~ energy-efficiency and conservation projects, using
138 contracts that ~~which~~ split the resulting savings for a specified
139 period of time between the state agency and the private firm or
140 cogeneration contracts and that ~~which~~ otherwise permit the state
141 to lower its net energy costs. Such energy contracts may be
142 funded from the operating budget.

143 Section 5. Subsection (7) of section 255.253, Florida
144 Statutes, is amended to read:

145 255.253 Definitions; ss. 255.251-255.258.—

146 (7) "Sustainable building rating or national model green
147 building code" ~~rating~~ means a rating system established by the
148 United States Green Building Council (USGBC) Leadership in
149 Energy and Environmental Design (LEED) rating system, the
150 International Green Construction Code (IGCC), the Green Building
151 Initiative's Green Globes rating system, the Florida Green
152 Building Coalition standards, or a nationally recognized, high-
153 performance green building rating system as approved by the
154 department.

155 Section 6. Subsection (4) of section 255.257, Florida
156 Statutes, is amended to read:

157 255.257 Energy management; buildings occupied by state
158 agencies.—

159 (4) ADOPTION OF STANDARDS.—

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160 (a) All state agencies shall adopt a sustainable building
161 rating system or use a national model green building code the
162 ~~United States Green Building Council (USGBC) Leadership in~~
163 ~~Energy and Environmental Design (LEED) rating system, the Green~~
164 ~~Building Initiative's Green Globes rating system, the Florida~~
165 ~~Green Building Coalition standards, or a nationally recognized,~~
166 ~~high performance green building rating system as approved by the~~
167 ~~department~~ for all new buildings and renovations to existing
168 buildings.

169 (b) No state agency shall enter into new leasing
170 agreements for office space that does not meet Energy Star
171 building standards, except when ~~determined by~~ the appropriate
172 state agency head determines that no other viable or cost-
173 effective alternative exists.

174 (c) All state agencies shall develop energy conservation
175 measures and guidelines for new and existing office space where
176 state agencies occupy more than 5,000 square feet. These
177 conservation measures shall focus on programs that may reduce
178 energy consumption and, when established, provide a net
179 reduction in occupancy costs.

180 Section 7. Subsection (2) of section 255.2575, Florida
181 Statutes, is amended to read:

182 255.2575 Energy-efficient and sustainable buildings.—

183 (2) All county, municipal, school district, water
184 management district, state university, community college, and
185 ~~Florida~~ state court buildings shall be constructed to comply
186 with a sustainable building rating system or a national model
187 green building code ~~meet the United States Green Building~~

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188 Council (USGBC) Leadership in Energy and Environmental Design
189 (LEED) rating system, the Green Building Initiative's Green
190 Globes rating system, the Florida Green Building Coalition
191 standards, or a nationally recognized, high performance green
192 building rating system as approved by the Department of
193 Management Services. This section applies ~~shall apply~~ to all
194 county, municipal, school district, water management district,
195 state university, community college, and Florida state court
196 buildings the architectural plans of which are commenced after
197 July 1, 2008.

198 Section 8. Subsection (1) of section 468.8316, Florida
199 Statutes, is amended to read:

200 468.8316 Continuing education.—

201 (1) The department may not renew a license until the
202 licensee submits proof satisfactory to the department that
203 during the 2 years before ~~prior to his or her~~ application for
204 renewal the licensee ~~has~~ completed at least 14 hours of
205 continuing education. Of the 14 hours, at least 2 hours must be
206 in hurricane mitigation training that includes hurricane
207 mitigation techniques and compliance with the uniform mitigation
208 verification inspection form developed under s. 627.711(2). The
209 department shall adopt rules establishing criteria for approving
210 continuing education providers and courses ~~course content shall~~
211 ~~be approved by the department by rule.~~

212 Section 9. Subsection (3) of section 468.8319, Florida
213 Statutes, is amended to read:

214 468.8319 Prohibitions; penalties.—

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215 ~~(3) This section does not apply to unlicensed activity as~~
216 ~~described in paragraph (1)(a), paragraph(1)(b), or s. 455.228~~
217 ~~that occurs before July 1, 2011.~~

218 Section 10. Paragraph (b) of subsection (1) of section
219 468.8323, Florida Statutes, is amended to read:

220 468.8323 Home inspection report.—Upon completion of each
221 home inspection for compensation, the home inspector shall
222 provide a written report prepared for the client.

223 (1) The home inspector shall report:

224 (b) If not self-evident, a reason why the system or
225 component reported under paragraph (a) is significantly
226 deficient or near the end of its service life.

227 Section 11. Subsections (3) and (4) of section 468.8324,
228 Florida Statutes, are renumbered as subsections (2) and (3),
229 respectively, and present subsections (1) and (2) of that
230 section are amended to read:

231 468.8324 Grandfather clause.—

232 (1) A person who performs home inspection services may
233 qualify for licensure as a home inspector under this part if the
234 person submits an application to the department postmarked on or
235 before July 1, 2012, which shows that the applicant:

236 (a) Possesses certification as a one and two family
237 dwelling inspector issued by the International Code Council or
238 the Southern Building Code Congress International;

239 (b) Has been certified as a one and two family dwelling
240 inspector by the Florida Building Code Administrators and
241 Inspectors Board under part XII of this chapter; or

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242 (c) Possesses a Division I contractor license under part I
243 of chapter 489.

244 ~~(1) A person who performs home inspection services as~~
245 ~~defined in this part may qualify for licensure by the department~~
246 ~~as a home inspector if the person submits an application to the~~
247 ~~department postmarked on or before March 1, 2011, which shows~~
248 ~~that the applicant:~~

249 ~~(a) Is certified as a home inspector by a state or~~
250 ~~national association that requires, for such certification,~~
251 ~~successful completion of a proctored examination on home~~
252 ~~inspection services and completes at least 14 hours of~~
253 ~~verifiable education on such services; or~~

254 ~~(b) Has at least 3 years of experience as a home inspector~~
255 ~~at the time of application and has completed 14 hours of~~
256 ~~verifiable education on home inspection services. To establish~~
257 ~~the 3 years of experience, an applicant must submit at least 120~~
258 ~~home inspection reports prepared by the applicant.~~

259 ~~(2) The department may investigate the validity of a home~~
260 ~~inspection report submitted under paragraph (1)(b) and, if the~~
261 ~~applicant submits a false report, may take disciplinary action~~
262 ~~against the applicant under s. 468.832(1)(e) or (g).~~

263 Section 12. Paragraph (d) of subsection (1) of section
264 468.841, Florida Statutes, is amended to read:

265 468.841 Exemptions.—

266 (1) The following persons are not required to comply with
267 any provisions of this part relating to mold assessment:

268 (d) Persons or business organizations acting within the
269 scope of the respective licenses required under part XV of

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270 chapter 468, chapter 471, part I of chapter 481, chapter 482,
271 chapter 489, or part XV of this chapter, are acting on behalf of
272 an insurer under part VI of chapter 626, or are persons in the
273 manufactured housing industry who are licensed under chapter
274 320, except when any such persons or business organizations hold
275 themselves out for hire to the public as a "certified mold
276 assessor," "registered mold assessor," "licensed mold assessor,"
277 "mold assessor," "professional mold assessor," or any
278 combination thereof stating or implying licensure under this
279 part.

280 Section 13. Subsection (5) of section 481.329, Florida
281 Statutes, is amended to read:

282 481.329 Exceptions; exemptions from licensure.—

283 (5) Nothing in this part prohibits any person from
284 engaging in the practice of landscape design, as defined in s.
285 481.303(7), nor submitting such plans to governmental agencies
286 for approval. Persons providing landscape design services shall
287 not use the title, term, or designation "landscape architect,"
288 "landscape architectural," "landscape architecture," "L.A.,"
289 "landscape engineering," or any description tending to convey
290 the impression that she or he is a landscape architect unless
291 she or he is registered as provided in this part.

292 Section 14. Subsection (18) of section 489.103, Florida
293 Statutes, is amended to read:

294 489.103 Exemptions.—This part does not apply to:

295 (18) Any one-family, two-family, or three-family residence
296 constructed or rehabilitated by Habitat for Humanity

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297 International, Inc., or its local affiliates. Habitat for
298 Humanity International, Inc., or its local affiliates, must:

- 299 (a) Obtain all necessary building permits.
300 (b) Obtain all required building code inspections.
301 (c) Provide for supervision of all work by an individual
302 with construction experience.

303 Section 15. Subsection (3) of section 489.105, Florida
304 Statutes, is amended to read

305 489.105 Definitions.—As used in this part:

306 (3) "Contractor" means the person who is qualified for,
307 and ~~is shall~~ only be responsible for, the project contracted for
308 and means, except as exempted in this part, the person who, for
309 compensation, undertakes to, submits a bid to, or does himself
310 or herself or by others construct, repair, alter, remodel, add
311 to, demolish, subtract from, or improve any building or
312 structure, including related improvements to real estate, for
313 others or for resale to others; and whose job scope is
314 substantially similar to the job scope described in one of the
315 subsequent paragraphs of this subsection. For the purposes of
316 regulation under this part, "demolish" applies only to
317 demolition of steel tanks over 50 feet in height; towers over 50
318 feet in height; other structures over 50 feet in height, other
319 than buildings or residences over three stories tall; and
320 buildings or residences over three stories tall. Contractors are
321 subdivided into two divisions, Division I, consisting of those
322 contractors defined in paragraphs (a)-(c), and Division II,
323 consisting of those contractors defined in paragraphs (d)-(r)
324 ~~(d)-(q)~~:

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325 (a) "General contractor" means a contractor whose services
326 are unlimited as to the type of work which he or she may do, who
327 may contract for any activity requiring licensure under this
328 part, and who may perform any work requiring licensure under
329 this part, except as otherwise expressly provided in s. 489.113.

330 (b) "Building contractor" means a contractor whose
331 services are limited to construction of commercial buildings and
332 single-dwelling or multiple-dwelling residential buildings,
333 which ~~commercial or residential buildings~~ do not exceed three
334 stories in height, and accessory use structures in connection
335 therewith or a contractor whose services are limited to
336 remodeling, repair, or improvement of any size building if the
337 services do not affect the structural members of the building.

338 (c) "Residential contractor" means a contractor whose
339 services are limited to construction, remodeling, repair, or
340 improvement of one-family, two-family, or three-family
341 residences not exceeding two habitable stories above no more
342 than one uninhabitable story and accessory use structures in
343 connection therewith.

344 (d) "Sheet metal contractor" means a contractor whose
345 services are unlimited in the sheet metal trade and who has the
346 experience, knowledge, and skill necessary for the manufacture,
347 fabrication, assembling, handling, erection, installation,
348 dismantling, conditioning, adjustment, insulation, alteration,
349 repair, servicing, or design, if ~~when~~ not prohibited by law, of
350 ferrous or nonferrous metal work of U.S. No. 10 gauge or its
351 equivalent or lighter gauge and of other materials, including,
352 but not limited to, fiberglass, used in lieu thereof and of air-

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353 handling systems, including the setting of air-handling
354 equipment and reinforcement of same, the balancing of air-
355 handling systems, and any duct cleaning and equipment sanitizing
356 ~~that which~~ requires at least a partial disassembling of the
357 system.

358 (e) "Roofing contractor" means a contractor whose services
359 are unlimited in the roofing trade and who has the experience,
360 knowledge, and skill to install, maintain, repair, alter,
361 extend, or design, if ~~when~~ not prohibited by law, and use
362 materials and items used in the installation, maintenance,
363 extension, and alteration of all kinds of roofing,
364 waterproofing, and coating, except when coating is not
365 represented to protect, repair, waterproof, stop leaks, or
366 extend the life of the roof. The scope of work of a roofing
367 contractor also includes required roof-deck attachments and any
368 repair or replacement of wood roof sheathing or fascia as needed
369 during roof repair or replacement.

370 (f) "Class A air-conditioning contractor" means a
371 contractor whose services are unlimited in the execution of
372 contracts requiring the experience, knowledge, and skill to
373 install, maintain, repair, fabricate, alter, extend, or design,
374 if ~~when~~ not prohibited by law, central air-conditioning,
375 refrigeration, heating, and ventilating systems, including duct
376 work in connection with a complete system if ~~only to the extent~~
377 such duct work is performed by the contractor as ~~is~~ necessary to
378 ~~make~~ complete an air-distribution system, boiler and unfired
379 pressure vessel systems, and all appurtenances, apparatus, or
380 equipment used in connection therewith, and any duct cleaning

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381 and equipment sanitizing that ~~which~~ requires at least a partial
 382 disassembling of the system; to install, maintain, repair,
 383 fabricate, alter, extend, or design, if ~~when~~ not prohibited by
 384 law, piping, insulation of pipes, vessels and ducts, pressure
 385 and process piping, and pneumatic control piping; to replace,
 386 disconnect, or reconnect power wiring on the load side of the
 387 dedicated existing electrical disconnect switch; to install,
 388 disconnect, and reconnect low voltage heating, ventilating, and
 389 air-conditioning control wiring; and to install a condensate
 390 drain from an air-conditioning unit to an existing safe waste or
 391 other approved disposal other than a direct connection to a
 392 sanitary system. The scope of work for such contractor ~~shall~~
 393 also includes ~~include~~ any excavation work incidental thereto,
 394 but does ~~shall~~ not include any work such as liquefied petroleum
 395 or natural gas fuel lines within buildings, except for
 396 disconnecting or reconnecting changeouts of liquefied petroleum
 397 or natural gas appliances within buildings; potable water lines
 398 or connections thereto; sanitary sewer lines; swimming pool
 399 piping and filters; or electrical power wiring.

400 (g) "Class B air-conditioning contractor" means a
 401 contractor whose services are limited to 25 tons of cooling and
 402 500,000 Btu of heating in any one system in the execution of
 403 contracts requiring the experience, knowledge, and skill to
 404 install, maintain, repair, fabricate, alter, extend, or design,
 405 if ~~when~~ not prohibited by law, central air-conditioning,
 406 refrigeration, heating, and ventilating systems, including duct
 407 work in connection with a complete system only to the extent
 408 such duct work is performed by the contractor as ~~is~~ necessary to

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409 ~~make~~ complete an air-distribution system being installed under
 410 this classification, and any duct cleaning and equipment
 411 sanitizing that ~~which~~ requires at least a partial disassembling
 412 of the system; to install, maintain, repair, fabricate, alter,
 413 extend, or design, if ~~when~~ not prohibited by law, piping and
 414 insulation of pipes, vessels, and ducts; to replace, disconnect,
 415 or reconnect power wiring on the load side of the dedicated
 416 existing electrical disconnect switch; to install, disconnect,
 417 and reconnect low voltage heating, ventilating, and air-
 418 conditioning control wiring; and to install a condensate drain
 419 from an air-conditioning unit to an existing safe waste or other
 420 approved disposal other than a direct connection to a sanitary
 421 system. The scope of work for such contractor ~~shall~~ also
 422 includes ~~include~~ any excavation work incidental thereto, but
 423 does ~~shall~~ not include any work such as liquefied petroleum or
 424 natural gas fuel lines within buildings, except for
 425 disconnecting or reconnecting changeouts of liquefied petroleum
 426 or natural gas appliances within buildings; potable water lines
 427 or connections thereto; sanitary sewer lines; swimming pool
 428 piping and filters; or electrical power wiring.

429 (h) "Class C air-conditioning contractor" means a
 430 contractor whose business is limited to the servicing of air-
 431 conditioning, heating, or refrigeration systems, including any
 432 duct cleaning and equipment sanitizing that ~~which~~ requires at
 433 least a partial disassembling of the system, and whose
 434 certification or registration, issued pursuant to this part, was
 435 valid on October 1, 1988. Only a ~~No~~ person who was ~~not~~
 436 ~~previously~~ registered or certified as a Class C air-conditioning

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437 contractor as of October 1, 1988, shall be so registered or
438 certified after October 1, 1988. However, the board shall
439 continue to license and regulate those Class C air-conditioning
440 contractors who held Class C licenses before ~~prior to~~ October 1,
441 1988.

442 (i) "Mechanical contractor" means a contractor whose
443 services are unlimited in the execution of contracts requiring
444 the experience, knowledge, and skill to install, maintain,
445 repair, fabricate, alter, extend, or design, if ~~when~~ not
446 prohibited by law, central air-conditioning, refrigeration,
447 heating, and ventilating systems, including duct work in
448 connection with a complete system if ~~only to the extent~~ such
449 duct work is performed by the contractor as ~~is~~ necessary to ~~make~~
450 complete an air-distribution system, boiler and unfired pressure
451 vessel systems, lift station equipment and piping, and all
452 appurtenances, apparatus, or equipment used in connection
453 therewith, and any duct cleaning and equipment sanitizing that
454 ~~which~~ requires at least a partial disassembling of the system;
455 to install, maintain, repair, fabricate, alter, extend, or
456 design, if ~~when~~ not prohibited by law, piping, insulation of
457 pipes, vessels and ducts, pressure and process piping, pneumatic
458 control piping, gasoline tanks and pump installations and piping
459 for same, standpipes, air piping, vacuum line piping, oxygen
460 lines, nitrous oxide piping, ink and chemical lines, fuel
461 transmission lines, liquefied petroleum gas lines within
462 buildings, and natural gas fuel lines within buildings; to
463 replace, disconnect, or reconnect power wiring on the load side
464 of the dedicated existing electrical disconnect switch; to

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465 install, disconnect, and reconnect low voltage heating,
466 ventilating, and air-conditioning control wiring; and to install
467 a condensate drain from an air-conditioning unit to an existing
468 safe waste or other approved disposal other than a direct
469 connection to a sanitary system. The scope of work for such
470 contractor ~~shall~~ also includes ~~include~~ any excavation work
471 incidental thereto, but does ~~shall~~ not include any work such as
472 potable water lines or connections thereto, sanitary sewer
473 lines, swimming pool piping and filters, or electrical power
474 wiring.

475 (j) "Commercial pool/spa contractor" means a contractor
476 whose scope of work involves, but is not limited to, the
477 construction, repair, and servicing of any swimming pool, or hot
478 tub or spa, whether public, private, or otherwise, regardless of
479 use. The scope of work includes the installation, repair, or
480 replacement of existing equipment, any cleaning or equipment
481 sanitizing that ~~which~~ requires at least a partial disassembling,
482 excluding filter changes, and the installation of new pool/spa
483 equipment, interior finishes, the installation of package pool
484 heaters, the installation of all perimeter piping and filter
485 piping, and the construction of equipment rooms or housing for
486 pool/spa equipment, and also includes the scope of work of a
487 swimming pool/spa servicing contractor. The scope of such work
488 does not include direct connections to a sanitary sewer system
489 or to potable water lines. The installation, construction,
490 modification, or replacement of equipment permanently attached
491 to and associated with the pool or spa for the purpose of water
492 treatment or cleaning of the pool or spa requires licensure;

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493 however, the usage of such equipment for the purposes of water
494 treatment or cleaning does ~~shall~~ not require licensure unless
495 the usage involves construction, modification, or replacement of
496 such equipment. Water treatment that does not require such
497 equipment does not require a license. In addition, a license is
498 ~~shall~~ not be required for the cleaning of the pool or spa in a
499 ~~any~~ way that does not affect the structural integrity of the
500 pool or spa or its associated equipment.

501 (k) "Residential pool/spa contractor" means a contractor
502 whose scope of work involves, but is not limited to, the
503 construction, repair, and servicing of a ~~any~~ residential
504 swimming pool, or hot tub or spa, regardless of use. The scope
505 of work includes the installation, repair, or replacement of
506 existing equipment, any cleaning or equipment sanitizing that
507 ~~which~~ requires at least a partial disassembling, excluding
508 filter changes, and the installation of new pool/spa equipment,
509 interior finishes, the installation of package pool heaters, the
510 installation of all perimeter piping and filter piping, and the
511 construction of equipment rooms or housing for pool/spa
512 equipment, and also includes the scope of work of a swimming
513 pool/spa servicing contractor. The scope of such work does not
514 include direct connections to a sanitary sewer system or to
515 potable water lines. The installation, construction,
516 modification, or replacement of equipment permanently attached
517 to and associated with the pool or spa for the purpose of water
518 treatment or cleaning of the pool or spa requires licensure;
519 however, the usage of such equipment for the purposes of water
520 treatment or cleaning does ~~shall~~ not require licensure unless

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521 the usage involves construction, modification, or replacement of
522 such equipment. Water treatment that does not require such
523 equipment does not require a license. In addition, a license is
524 ~~shall~~ not be required for the cleaning of the pool or spa in a
525 ~~any~~ way that does not affect the structural integrity of the
526 pool or spa or its associated equipment.

527 (1) "Swimming pool/spa servicing contractor" means a
528 contractor whose scope of work involves, but is not limited to,
529 the repair and servicing of a ~~any~~ swimming pool, or hot tub or
530 spa, whether public or private, or otherwise, regardless of use.
531 The scope of work includes the repair or replacement of existing
532 equipment, any cleaning or equipment sanitizing that ~~which~~
533 requires at least a partial disassembling, excluding filter
534 changes, and the installation of new pool/spa equipment,
535 interior refinishing, the reinstallation or addition of pool
536 heaters, the repair or replacement of all perimeter piping and
537 filter piping, the repair of equipment rooms or housing for
538 pool/spa equipment, and the substantial or complete draining of
539 a swimming pool, or hot tub or spa, for the purpose of ~~any~~
540 repair or renovation. The scope of such work does not include
541 direct connections to a sanitary sewer system or to potable
542 water lines. The installation, construction, modification,
543 substantial or complete disassembly, or replacement of equipment
544 permanently attached to and associated with the pool or spa for
545 the purpose of water treatment or cleaning of the pool or spa
546 requires licensure; however, the usage of such equipment for the
547 purposes of water treatment or cleaning does ~~shall~~ not require
548 licensure unless the usage involves construction, modification,

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549 substantial or complete disassembly, or replacement of such
550 equipment. Water treatment that does not require such equipment
551 does not require a license. In addition, a license is ~~shall~~ not
552 ~~be~~ required for the cleaning of the pool or spa in a ~~any~~ way
553 that does not affect the structural integrity of the pool or spa
554 or its associated equipment.

555 (m) "Plumbing contractor" means a contractor whose
556 contracting business consists of the execution of contracts
557 requiring the experience, financial means, knowledge, and skill
558 to install, maintain, repair, alter, extend, or, if ~~when~~ not
559 prohibited by law, design plumbing. A plumbing contractor may
560 install, maintain, repair, alter, extend, or, if ~~when~~ not
561 prohibited by law, design the following without obtaining an ~~any~~
562 additional local regulatory license, certificate, or
563 registration: sanitary drainage or storm drainage facilities;
564 venting systems; public or private water supply systems; septic
565 tanks; drainage and supply wells; swimming pool piping;
566 irrigation systems; or solar heating water systems and all
567 appurtenances, apparatus, or equipment used in connection
568 therewith, including boilers and pressure process piping and
569 including the installation of water, natural gas, liquefied
570 petroleum gas and related venting, and storm and sanitary sewer
571 lines; and water and sewer plants and substations. The scope of
572 work of the plumbing contractor also includes the design, if
573 ~~when~~ not prohibited by law, and installation, maintenance,
574 repair, alteration, or extension of air-piping, vacuum line
575 piping, oxygen line piping, nitrous oxide piping, and all
576 related medical gas systems; fire line standpipes and fire

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577 sprinklers if ~~to the extent~~ authorized by law; ink and chemical
 578 lines; fuel oil and gasoline piping and tank and pump
 579 installation, except bulk storage plants; and pneumatic control
 580 piping systems, all in ~~such~~ a manner that complies ~~as to comply~~
 581 with all plans, specifications, codes, laws, and regulations
 582 applicable. The scope of work of the plumbing contractor applies
 583 ~~shall apply~~ to private property and public property, including
 584 ~~shall include~~ any excavation work incidental thereto, and
 585 includes ~~shall include~~ the work of the specialty plumbing
 586 contractor. Such contractor shall subcontract, with a qualified
 587 contractor in the field concerned, all other work incidental to
 588 the work but which is specified herein as being the work of a
 589 trade other than that of a plumbing contractor. ~~Nothing in This~~
 590 definition does not ~~shall be construed to~~ limit the scope of
 591 work of any specialty contractor certified pursuant to s.
 592 489.113(6), and does not. ~~Nothing in this definition shall be~~
 593 ~~construed to~~ require certification or registration under this
 594 part of any authorized employee of a public natural gas utility
 595 or of a private natural gas utility regulated by the Public
 596 Service Commission when disconnecting and reconnecting water
 597 lines in the servicing or replacement of an existing water
 598 heater.

599 (n) "Underground utility and excavation contractor" means
 600 a contractor whose services are limited to the construction,
 601 installation, and repair, on public or private property, whether
 602 accomplished through open excavations or through other means,
 603 including, but not limited to, directional drilling, auger
 604 boring, jacking and boring, trenchless technologies, wet and dry

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605 taps, grouting, and slip lining, of main sanitary sewer
606 collection systems, main water distribution systems, storm sewer
607 collection systems, and the continuation of utility lines from
608 the main systems to a point of termination up to and including
609 the meter location for the individual occupancy, sewer
610 collection systems at property line on residential or single-
611 occupancy commercial properties, or on multioccupancy properties
612 at manhole or wye lateral extended to an invert elevation as
613 engineered to accommodate future building sewers, water
614 distribution systems, or storm sewer collection systems at storm
615 sewer structures. However, an underground utility and excavation
616 contractor may install empty underground conduits in rights-of-
617 way, easements, platted rights-of-way in new site development,
618 and sleeves for parking lot crossings no smaller than 2 inches
619 in diameter if, ~~provided that~~ each conduit system installed is
620 designed by a licensed professional engineer or an authorized
621 employee of a municipality, county, or public utility and ~~that~~
622 the installation of ~~any~~ such conduit does not include
623 installation of any conductor wiring or connection to an
624 energized electrical system. An underground utility and
625 excavation contractor may ~~shall~~ not install ~~any~~ piping that is
626 an integral part of a fire protection system as defined in s.
627 633.021 beginning at the point where the piping is used
628 exclusively for such system.

629 (o) "Solar contractor" means a contractor whose services
630 consist of the installation, alteration, repair, maintenance,
631 relocation, or replacement of solar panels for potable solar
632 water heating systems, swimming pool solar heating systems, and

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633 photovoltaic systems and any appurtenances, apparatus, or
634 equipment used in connection therewith, whether public, private,
635 or otherwise, regardless of use. A contractor, certified or
636 registered pursuant to ~~the provisions of~~ this chapter, is not
637 required to become a certified or registered solar contractor or
638 to contract with a solar contractor in order to provide any
639 services enumerated in this paragraph that are within the scope
640 of the services such contractors may render under this part.

641 (p) "Pollutant storage systems contractor" means a
642 contractor whose services are limited to, and who has the
643 experience, knowledge, and skill to install, maintain, repair,
644 alter, extend, or design, if when not prohibited by law, and use
645 materials and items used in the installation, maintenance,
646 extension, and alteration of, pollutant storage tanks. Any
647 person installing a pollutant storage tank shall perform such
648 installation in accordance with the standards adopted pursuant
649 to s. 376.303.

650 (q) "Glass and glazing contractor" means a contractor
651 whose services are unlimited in the execution of contracts
652 requiring the experience, knowledge, and skill to install,
653 attach, maintain, repair, fabricate, alter, extend, or design,
654 in residential and commercial applications without any height
655 restrictions, all types of windows, glass, and mirrors, whether
656 fixed or movable; swinging or sliding glass doors attached to
657 existing walls, floors, columns, or other structural members of
658 the building; glass holding or supporting mullions or horizontal
659 bars; structurally anchored impact-resistant opening protection
660 attached to existing building walls, floors, columns, or other

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661 structural members of the building; prefabricated glass, metal,
662 or plastic curtain walls; storefront frames or panels; shower
663 and tub enclosures; metal fascias; and caulking incidental to
664 such work and assembly.

665 ~~(r)~~(q) "Specialty contractor" means a contractor whose
666 scope of work and responsibility is limited to a particular
667 phase of construction established in a category adopted by board
668 rule and whose scope is limited to a subset of the activities
669 described in one of the paragraphs of this subsection.

670 Section 16. Paragraphs (b) and (c) of subsection (4) of
671 section 489.107, Florida Statutes, are amended to read:

672 489.107 Construction Industry Licensing Board.—

673 (4) The board shall be divided into two divisions,
674 Division I and Division II.

675 (b) Division II is comprised of the roofing contractor,
676 sheet metal contractor, air-conditioning contractor, mechanical
677 contractor, pool contractor, plumbing contractor, and
678 underground utility and excavation contractor members of the
679 board; one of the members appointed pursuant to paragraph
680 (2) (j); and one of the members appointed pursuant to paragraph
681 (2) (k). Division II has jurisdiction over the regulation of
682 contractors defined in s. 489.105(3) (d) - (q) ~~489.105(3) (d) - (p)~~.

683 (c) Jurisdiction for the regulation of specialty
684 contractors defined in s. 489.105(3) (r) ~~489.105(3) (q)~~ shall lie
685 with the division having jurisdiction over the scope of work of
686 the specialty contractor as defined by board rule.

687 Section 17. Paragraph (g) of subsection (2) of section
688 489.141, Florida Statutes, is amended to read:

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689 489.141 Conditions for recovery; eligibility.-

690 (2) A claimant is not qualified to make a claim for
691 recovery from the recovery fund, if:

692 (g) The claimant has contracted with a licensee to perform
693 a scope of work described in s. 489.105(3)(d)-(r) ~~489.105(3)(d)-~~
694 ~~(g)~~.

695 Section 18. Subsection (1) of section 514.028, Florida
696 Statutes, is amended to read:

697 514.028 Advisory review board.-

698 (1) The Governor shall appoint an advisory review board
699 which shall meet as necessary or at least quarterly, to
700 recommend agency action on variance request, rule and policy
701 development, and other technical review problems. The board
702 shall be comprised of ~~the following~~:

703 (a) A representative from the office of licensure and
704 certification of the department.

705 (b) A representative from the county health departments.

706 (c) Three representatives from the swimming pool
707 construction industry.

708 (d) A representative ~~Two representatives~~ from the public
709 lodging industry.

710 (e) A representative from a county or local building
711 department.

712 Section 19. Subsection (3) of section 527.06, Florida
713 Statutes, is amended to read:

714 527.06 Rules.-

715 (3) (a) Rules in substantial conformity with the published
716 standards of the National Fire Protection Association (NFPA) are

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717 ~~shall be~~ deemed to be in substantial conformity with the
718 generally accepted standards of safety concerning the same
719 subject matter.

720 (b) Notwithstanding any other law, the department or other
721 state agency may not require compliance with the minimum
722 separation distances of NFPA 58 for separation between a
723 liquefied petroleum gas tank and a building, adjoining property
724 line, other liquefied petroleum gas tank, or any source of
725 ignition, except in compliance with the minimum separation
726 distances of the 2011 edition of NFPA 58.

727 (c) If the department, the Florida Building Commission as
728 part of the Florida Building Code, and the Office of the State
729 Fire Marshal as part of the Florida Fire Prevention Code each
730 adopt the minimum separation distances of the 2011 edition of
731 NFPA 58 as rules, whether adopted by setting out the minimum
732 separation distances in the text of the rules or through
733 incorporation by reference, this subsection is repealed upon the
734 last effective date of such rules.

735 Section 20. Subsection (11) of section 527.21, Florida
736 Statutes, is amended to read:

737 527.21 Definitions relating to Florida Propane Gas
738 Education, Safety, and Research Act.—As used in ss. 527.20-
739 527.23, the term:

740 (11) "Propane" includes propane, butane, mixtures, and
741 liquefied petroleum gas as defined by the National Fire
742 Protection Association (NFPA) Standard 58, ~~For The Storage and~~
743 ~~Handling of Liquefied Petroleum Gas Code Gases.~~

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744 Section 21. Section 553.502, Florida Statutes, is amended
745 to read:

746 553.502 Intent.—The purpose and intent of this part ~~ss.~~
747 ~~553.501-553.513~~ is to incorporate into the law of this state the
748 accessibility requirements of the Americans with Disabilities
749 Act of 1990, as amended Pub. L. No. 101-336, 42 U.S.C. ss. 12101
750 et seq., and to obtain and maintain United States Department of
751 Justice certification of the Florida Accessibility Code for
752 Building Construction as equivalent to federal standards for
753 accessibility of buildings, structures, and facilities. All
754 state laws, rules, standards, and codes governing facilities
755 covered by the Americans with Disabilities Act Standards for
756 Accessible Design guidelines shall be maintained to assure
757 certification of the state's construction standards and codes.
758 This part ~~Nothing in ss. 553.501-553.513~~ is not intended to
759 expand or diminish the defenses available to a place of public
760 accommodation or a commercial facility under the Americans with
761 Disabilities Act and the standards federal Americans with
762 ~~Disabilities Act Accessibility Guidelines~~, including, but not
763 limited to, the readily achievable standard, and the standards
764 applicable to alterations to private buildings or facilities as
765 defined by the standards places of public accommodation.

766 Section 22. Section 553.503, Florida Statutes, is amended
767 to read:

768 553.503 Adoption of federal standards guidelines.—Subject
769 to modifications under this part ~~the exceptions in s. 553.504~~,
770 the federal Americans with Disabilities Act Standards for
771 Accessible Design Accessibility Guidelines, and related

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772 regulations provided as adopted by reference in 28 C.F.R., parts
773 35 and part 36, and 49 C.F.R. part 37 subparts A and D, and
774 Title II of Pub. L. No. 101-336, are hereby adopted and
775 incorporated by reference as the law of this state and shall be
776 incorporated into. The guidelines shall establish the minimum
777 standards for the accessibility of buildings and facilities
778 built or altered within this state. the 1997 Florida
779 Accessibility Code for Building Construction and must be adopted
780 by the Florida Building Commission in accordance with chapter
781 120.

782 Section 23. Section 553.504, Florida Statutes, is amended
783 to read:

784 553.504 Exceptions to applicability of the federal
785 standards guidelines.—Notwithstanding the adoption of the
786 Americans with Disabilities Act Standards for Accessible Design
787 pursuant to Accessibility Guidelines in s. 553.503, all
788 buildings, structures, and facilities in this state must shall
789 meet the following additional requirements if such requirements
790 when they provide increased accessibility:

791 (1) All new or altered public buildings and facilities,
792 private buildings and facilities, places of public
793 accommodation, and commercial facilities, as those terms are
794 defined by the standards, subject to this part, ss. 553.501-
795 553.513 which may be frequented in, lived in, or worked in by
796 the public must shall comply with this part ss. 553.501-553.513.

797 (2) All new single-family houses, duplexes, triplexes,
798 condominiums, and townhouses shall provide at least one
799 bathroom, located with maximum possible privacy, where bathrooms

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800 are provided on habitable grade levels, with a door that has a
801 29-inch clear opening. However, if only a toilet room is
802 provided at grade level, such toilet room must ~~shall~~ have a
803 clear opening of at least ~~not less than~~ 29 inches.

804 ~~(3) All required doors and walk through openings in~~
805 ~~buildings excluding single family homes, duplexes, and triplexes~~
806 ~~not covered by the Americans with Disabilities Act of 1990 or~~
807 ~~the Fair Housing Act shall have at least 29 inches of clear~~
808 ~~width except under ss. 553.501-553.513.~~

809 ~~(4) In addition to the requirements in reference 4.8.4 of~~
810 ~~the guidelines, all landings on ramps shall be not less than 60~~
811 ~~inches clear, and the bottom of each ramp shall have not less~~
812 ~~than 72 inches of straight and level clearance.~~

813 ~~(5) All curb ramps shall be designed and constructed in~~
814 ~~accordance with the following requirements:~~

815 ~~(a) Notwithstanding the requirements of reference 4.8.5.2~~
816 ~~of the guidelines, handrails on ramps which are not continuous~~
817 ~~shall extend not less than 18 inches beyond the sloped segment~~
818 ~~at both the top and bottom, and shall be parallel to the floor~~
819 ~~or ground surface.~~

820 ~~(b) Notwithstanding the requirements of references 4.3.3~~
821 ~~and 4.8.3 of the guidelines, curb ramps that are part of a~~
822 ~~required means of egress shall be not less than 44 inches wide.~~

823 ~~(c) Notwithstanding the requirements of reference 4.7.5 of~~
824 ~~the guidelines, curb ramps located where pedestrians must use~~
825 ~~them and all curb ramps which are not protected by handrails or~~
826 ~~guardrails shall have flared sides with a slope not exceeding a~~
827 ~~ratio of 1 to 12.~~

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828 ~~(3)(6)~~ Notwithstanding the requirements in s. 404.2.9
829 ~~reference 4.13.11~~ of the standards ~~guidelines~~, exterior hinged
830 doors must ~~shall~~ be ~~so~~ designed so that such doors can be pushed
831 or pulled open with a force not exceeding 8.5 foot pounds.

832 ~~(7)~~ ~~Notwithstanding the requirements in reference 4.33.1~~
833 ~~of the guidelines, all public food service establishments, all~~
834 ~~establishments licensed under the Beverage Law for consumption~~
835 ~~on the premises, and all facilities governed by reference 4.1 of~~
836 ~~the guidelines shall provide seating or spaces for seating in~~
837 ~~accordance with the following requirements:~~

838 ~~(a) For the first 100 fixed seats, accessible and usable~~
839 ~~spaces must be provided consistent with the following table:~~

840

Capacity of Seating	Number of Required
In Assembly Areas	Wheelchair Locations

841

~~1 to 25 1~~

842

~~26 to 50 2~~

843

~~51 to 100 4~~

844

845 ~~(b) For all remaining fixed seats, there shall be not less~~
846 ~~than one such accessible and usable space for each 100 fixed~~
847 ~~seats or fraction thereof.~~

848 ~~(8) Notwithstanding the requirements in references 4.32.1-~~
849 ~~4.32.4 of the guidelines, all fixed seating in public food~~
850 ~~service establishments, in establishments licensed under the~~

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851 ~~Beverage Law for consumption on the premises, and in all other~~
852 ~~facilities governed by reference 4.1 of the guidelines shall be~~
853 ~~designed and constructed in accordance with the following~~
854 ~~requirements:~~

855 ~~(a) All aisles adjacent to fixed seating shall provide~~
856 ~~clear space for wheelchairs.~~

857 ~~(b) Where there are open positions along both sides of~~
858 ~~such aisles, the aisles shall be not less than 52 inches wide.~~

859 ~~(4)(9) In motels and hotels a number of rooms equaling at~~
860 ~~least 5 percent of the guest rooms minus the number of~~
861 ~~accessible rooms required by the standards must ~~guidelines shall~~~~
862 ~~provide the following special accessibility features:~~

863 ~~(a) Grab rails in bathrooms and toilet rooms that comply~~
864 ~~with s. 604.5 ~~4.16.4~~ of the standards ~~guidelines.~~~~

865 ~~(b) All beds in designed accessible guest rooms must shall~~
866 ~~be an open-frame type that allows the ~~to permit~~ passage of lift~~
867 ~~devices.~~

868 ~~(c) Water closets that comply with section 604.4 of the~~
869 ~~standards. All standard water closet seats shall be at a height~~
870 ~~of 15 inches, measured vertically from the finished floor to the~~
871 ~~top of the seat, with a variation of plus or minus 1/2 inch. A~~
872 ~~portable or attached raised toilet seat shall be provided in all~~
873 ~~designated handicapped accessible rooms.~~

874

875 All buildings, structures, or facilities licensed as a hotel,
876 motel, or condominium pursuant to chapter 509 are ~~shall be~~
877 ~~subject to the provisions of this subsection. This subsection~~
878 ~~does not relieve~~ Nothing in this subsection shall be construed

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879 ~~as relieving~~ the owner of the responsibility of providing
880 accessible rooms in conformance with ss. 224 and 806 of the
881 standards 9.1-9.5 of the guidelines.

882 ~~(10) Notwithstanding the requirements in reference 4.29.2~~
883 ~~of the guidelines, all detectable warning surfaces required by~~
884 ~~the guidelines shall be governed by the requirements of American~~
885 ~~National Standards Institute A117.1-1986.~~

886 ~~(11) Notwithstanding the requirements in references 4.31.2~~
887 ~~and 4.31.3 of the guidelines, the installation and placement of~~
888 ~~all public telephones shall be governed by the rules of the~~
889 ~~Florida Public Service Commission.~~

890 ~~(5)-(12)~~ Notwithstanding ss. 213 and 604 of the standards
891 ~~the requirements in references 4.1.3(11) and 4.16-4.23 of the~~
892 ~~guidelines, required bathing rooms restrooms and toilet rooms in~~
893 ~~new construction shall be designed and constructed in accordance~~
894 ~~with the following requirements:~~

895 (a) The wheelchair standard accessible toilet compartment
896 must restroom stall shall contain an accessible lavatory within
897 it, which must be at least the size of such lavatory to be not
898 less than 19 inches wide by 17 inches deep, nominal size, and
899 wall-mounted. The lavatory shall be mounted so as not to overlap
900 the clear floor space areas required by s. 604 of the standards
901 4.17 figure 30(a) of the guidelines for the standard accessible
902 toilet compartment stall and to comply with s. 606 of the
903 standards 4.19 of the guidelines. Such lavatories shall be
904 counted as part of the required fixture count for the building.

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905 (b) The accessible water closet within the wheelchair
906 accessible toilet compartment must ~~shall~~ be located in the
907 corner, diagonal to the door.

908 ~~(c) The accessible stall door shall be self closing.~~

909 ~~(13) All customer checkout aisles not required by the~~
910 ~~guidelines to be handicapped accessible shall have at least 32~~
911 ~~inches of clear passage.~~

912 ~~(14) Turnstiles shall not be used in occupancies which~~
913 ~~serve fewer than 100 persons, but turnstiles may be used in~~
914 ~~occupancies which serve at least 100 persons if there is an~~
915 ~~unlocked alternate passageway on an accessible route affording~~
916 ~~not less than 32 inches of clearance, equipped with latching~~
917 ~~devices in accordance with the guidelines.~~

918 ~~(6)(15)~~ Barriers at common or emergency entrances and
919 exits of business establishments conducting business with the
920 general public that are existing, under construction, or under
921 contract for construction which would prevent a person from
922 using such entrances or exits must ~~shall~~ be removed.

923 Section 24. Section 553.5041, Florida Statutes, is amended
924 to read:

925 553.5041 Parking spaces for persons who have disabilities.—

926 (1) This section is not intended to expand or diminish the
927 defenses available to a place of public accommodation under the
928 Americans with Disabilities Act and the federal Americans with
929 Disabilities Act Standards for Accessible Design Accessibility
930 Guidelines, including, but not limited to, the readily
931 achievable standard, and the standards applicable to alterations
932 to places of public accommodation and commercial facilities.

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933 Subject to the exceptions described in subsections (2), (4),
934 (5), and (6), if when the parking and loading zone requirements
935 of the federal standards and related regulations ~~Americans with~~
936 ~~Disabilities Act Accessibility Guidelines (ADAAG), as adopted by~~
937 ~~reference in 28 C.F.R. part 36, subparts A and D, and Title II~~
938 ~~of Pub. L. No. 101-336, provide increased accessibility, those~~
939 requirements are adopted and incorporated by reference as the
940 law of this state.

941 (2) State agencies and political subdivisions having
942 jurisdiction over street parking or publicly owned or operated
943 parking facilities are not required to provide a greater right-
944 of-way width than would otherwise be planned under regulations,
945 guidelines, or practices normally applied to new development.

946 (3) Designated accessible ~~If parking spaces are provided~~
947 ~~for self parking by employees or visitors, or both, accessible~~
948 ~~spaces shall be provided in each such parking area. Such spaces~~
949 shall be designed and marked for the exclusive use of those
950 individuals who have a severe physical disability and have
951 permanent or temporary mobility problems that substantially
952 impair their ability to ambulate and who have been issued either
953 a disabled parking permit under s. 316.1958 or s. 320.0848 or a
954 license plate under s. 320.084, s. 320.0842, s. 320.0843, or s.
955 320.0845.

956 (4) The number of accessible parking spaces must comply
957 with the parking requirements in ~~ADAAG~~ s. 208 of the standards
958 ~~4.1~~ and the following:

959 (a) There must be one accessible parking space in the
960 immediate vicinity of a publicly owned or leased building that

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961 houses a governmental entity or a political subdivision,
962 including, but not limited to, state office buildings and
963 courthouses, if ~~no~~ parking for the public is not provided on the
964 premises of the building.

965 (b) There must be one accessible parking space for each
966 150 metered on-street parking spaces provided by state agencies
967 and political subdivisions.

968 (c) The number of parking spaces for persons who have
969 disabilities must be increased on the basis of demonstrated and
970 documented need.

971 (5) Accessible perpendicular and diagonal accessible
972 parking spaces and loading zones must be designed and located to
973 conform to ~~in conformance with the guidelines set forth in ADAAG~~
974 ~~ss. 502 and 503 of the standards. 4.1.2 and 4.6 and Appendix s.~~
975 ~~A4.6.3 "Universal Parking Design."~~

976 (a) All spaces must be located on an accessible route that
977 is at least ~~no less than~~ 44 inches wide so that users are ~~will~~
978 ~~not be compelled to walk or wheel behind parked vehicles~~ except
979 behind his or her own vehicle.

980 (b) ~~Each space must be located on the shortest safely~~
981 ~~accessible route from the parking space to an accessible~~
982 ~~entrance.~~ If there are multiple entrances or multiple retail
983 stores, the parking spaces must be dispersed to provide parking
984 at the nearest accessible entrance. If a theme park or an
985 entertainment complex as defined in s. 509.013(9) provides
986 parking in several lots or areas from which access to the theme
987 park or entertainment complex is provided, a single lot or area
988 may be designated for parking by persons who have disabilities,

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989 if the lot or area is located on the shortest ~~safely~~ accessible
990 route to an accessible entrance to the theme park or
991 entertainment complex or to transportation to such an accessible
992 entrance.

993 (c)1. Each parking space must be at least ~~no less than~~ 12
994 feet wide. Parking access aisles must be at least ~~no less than~~ 5
995 feet wide and must be part of an accessible route to the
996 building or facility entrance. ~~In accordance with ADAAG s.~~
997 ~~4.6.3, access aisles must be placed adjacent to accessible~~
998 ~~parking spaces; however, two accessible parking spaces may share~~
999 ~~a common access aisle.~~ The access aisle must be striped
1000 diagonally to designate it as a no-parking zone.

1001 2. The parking access aisles are reserved for the
1002 temporary exclusive use of persons who have disabled parking
1003 permits and who require extra space to deploy a mobility device,
1004 lift, or ramp in order to exit from or enter a vehicle. Parking
1005 is not allowed in an access aisle. Violators are subject to the
1006 same penalties ~~that are~~ imposed for illegally parking in parking
1007 spaces that are designated for persons who have disabilities. A
1008 vehicle may not be parked in an access aisle, even if the
1009 vehicle owner or passenger is disabled or owns a disabled
1010 parking permit.

1011 3. Notwithstanding any other provision of this subsection
1012 ~~to the contrary notwithstanding~~, a theme park or an
1013 entertainment complex as defined in s. 509.013(9) in which are
1014 ~~provided~~ continuous attendant services are provided for
1015 directing individuals to marked accessible parking spaces or
1016 designated lots for parking by persons who have disabilities,

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1017 may, in lieu of the required parking space design, provide
1018 parking spaces that comply with ~~ADAAG~~ ss. 208 and 502 of the
1019 standards 4.1 and 4.6.

1020 (d) ~~On-street parallel parking spaces must be located~~
1021 ~~either at the beginning or end of a block or adjacent to alley~~
1022 ~~entrances. Such spaces must be designed to conform to in~~
1023 ~~conformance with the guidelines set forth in ADAAG ss. 208 and~~
1024 ~~502 of the standards, except that 4.6.2 through 4.6.5,~~
1025 ~~exception;~~ access aisles are not required. Curbs adjacent to
1026 such spaces must be of a height that does ~~will~~ not interfere
1027 with the opening and closing of motor vehicle doors. This
1028 subsection does not relieve the owner of the responsibility to
1029 comply with the parking requirements of ~~ADAAG~~ ss. 208 and 502 of
1030 the standards 4.1 and 4.6.

1031 ~~(e) Parallel parking spaces must be even with surface~~
1032 ~~slopes, may match the grade of the adjacent travel lane, and~~
1033 ~~must not exceed a cross slope of 1 to 50, where feasible.~~

1034 ~~(f) Curb ramps must be located outside of the disabled~~
1035 ~~parking spaces and access aisles.~~

1036 (e)-(g)1. The removal of architectural barriers from a
1037 parking facility in accordance with 28 C.F.R. s. 36.304 or with
1038 s. 553.508 must comply with this section unless compliance would
1039 cause the barrier removal not to be readily achievable. If
1040 compliance would cause the barrier removal not to be readily
1041 achievable, a facility may provide parking spaces at alternative
1042 locations for persons who have disabilities and provide
1043 appropriate signage directing such ~~persons who have disabilities~~
1044 to the alternative parking if readily achievable. The facility

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1045 may not reduce the required number or dimensions of those spaces
1046 ~~or, nor may it~~ unreasonably increase the length of the
1047 accessible route from a parking space to the facility. The
1048 removal of an architectural barrier must not create a
1049 significant risk to the health or safety of a person who has a
1050 disability or to ~~that of~~ others.

1051 2. A facility that is making alterations under s.
1052 553.507(2)(b) must comply with this section to the maximum
1053 extent feasible. If compliance with parking location
1054 requirements is not feasible, the facility may provide parking
1055 spaces at alternative locations for persons who have
1056 disabilities and provide appropriate signage directing such
1057 ~~persons who have a disability~~ to alternative parking. The
1058 facility may not reduce the required number or dimensions of
1059 those spaces, ~~or nor may it~~ unnecessarily increase the length of
1060 the accessible route from a parking space to the facility. The
1061 alteration must not create a significant risk to the health or
1062 safety of a person who has a disability or to ~~that of~~ others.

1063 (6) Each such parking space must be striped in a manner
1064 that is consistent with the standards of the controlling
1065 jurisdiction for other spaces and prominently outlined with blue
1066 paint, and must be repainted when necessary, to be clearly
1067 distinguishable as a parking space designated for persons who
1068 have disabilities. The space and must be posted with a permanent
1069 above-grade sign of a color and design approved by the
1070 Department of Transportation, which is placed on or at least 60
1071 inches above the finished floor or ground surface measured to
1072 the bottom of the sign ~~a distance of 84 inches above the ground~~

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1073 ~~to the bottom of the sign~~ and which bears the international
 1074 symbol of accessibility meeting the requirements of ADAAG s.
 1075 703.7.2.1 of the standards 4.30.7 and the caption "PARKING BY
 1076 DISABLED PERMIT ONLY." Such a sign erected after October 1,
 1077 1996, must indicate the penalty for illegal use of the space.
 1078 Notwithstanding any other provision of this section ~~to the~~
 1079 ~~contrary notwithstanding~~, in a theme park or an entertainment
 1080 complex as defined in s. 509.013(9) in which accessible parking
 1081 is located in designated lots or areas, the signage indicating
 1082 the lot as reserved for accessible parking may be located at the
 1083 entrances to the lot in lieu of a sign at each parking place.
 1084 This subsection does not relieve the owner of the responsibility
 1085 of complying with the signage requirements of ~~ADAAG~~ s. 502.6 of
 1086 the standards 4.30.

1087 Section 25. Section 553.505, Florida Statutes, is amended
 1088 to read:

1089 553.505 Exceptions to applicability of the Americans with
 1090 Disabilities Act.—Notwithstanding the Americans with
 1091 Disabilities Act of 1990, private clubs are governed by this
 1092 part ss. 553.501-553.513. ~~Parking spaces, parking lots, and~~
 1093 ~~other parking facilities are governed by s. 553.5041 when that~~
 1094 ~~section provides increased accessibility.~~

1095 Section 26. Section 553.506, Florida Statutes, is amended
 1096 to read:

1097 553.506 Powers of the commission.—In addition to any other
 1098 authority vested in the Florida Building Commission by law, the
 1099 commission, in implementing this part ss. 553.501-553.513, may,
 1100 by rule, adopt revised and updated versions of the Americans

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1101 with Disabilities Act Standards for Accessible Design
1102 ~~Accessibility Guidelines~~ in accordance with chapter 120.

1103 Section 27. Section 553.507, Florida Statutes, is amended
1104 to read:

1105 553.507 Applicability Exemptions.—This part applies to
1106 ~~Sections 553.501–553.513 do not apply to any of the following:~~

1107 (1) All areas of newly designed and newly constructed
1108 buildings and facilities as determined by the federal standards
1109 established and adopted pursuant to s. 553.503. Buildings,
1110 ~~structures, or facilities that were either under construction or~~
1111 ~~under contract for construction on October 1, 1997.~~

1112 (2) Portions of altered buildings and facilities as
1113 determined by the federal standards established and adopted
1114 pursuant to s. 553.503. Buildings, structures, or facilities
1115 ~~that were in existence on October 1, 1997, unless:~~

1116 ~~(a) The building, structure, or facility is being~~
1117 ~~converted from residential to nonresidential or mixed use, as~~
1118 ~~defined by local law;~~

1119 ~~(b) The proposed alteration or renovation of the building,~~
1120 ~~structure, or facility will affect usability or accessibility to~~
1121 ~~a degree that invokes the requirements of s. 303(a) of the~~
1122 ~~Americans with Disabilities Act of 1990; or~~

1123 ~~(c) The original construction or any former alteration or~~
1124 ~~renovation of the building, structure, or facility was carried~~
1125 ~~out in violation of applicable permitting law.~~

1126 (3) A building or facility that is being converted from
1127 residential to nonresidential or mixed use as defined by the
1128 Florida Building Code. Such building or facility must, at a

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1129 minimum, comply with s. 553.508 and the requirements for
1130 alternations as determined by the federal standards established
1131 and adopted pursuant to s. 553.503.

1132 (4) Buildings and facilities where the original
1133 construction or any former alternation or renovation was carried
1134 out in violation of applicable permitting law.

1135 Section 28. Section 553.509, Florida Statutes, is amended
1136 to read:

1137 553.509 Vertical accessibility.—

1138 (1) This part and the Americans with Disabilities Act
1139 Standards for Accessible Design do not ~~Nothing in ss. 553.501-~~
1140 ~~553.513 or the guidelines shall be construed to relieve the~~
1141 owner of any building, structure, or facility governed by this
1142 ~~part these sections~~ from the duty to provide vertical
1143 accessibility to all levels above and below the occupiable grade
1144 level, regardless of whether the standards ~~guidelines~~ require an
1145 elevator to be installed in such building, structure, or
1146 facility, except for:

1147 (a) Elevator pits, elevator penthouses, mechanical rooms,
1148 piping or equipment catwalks, and automobile lubrication and
1149 maintenance pits and platforms. †

1150 (b) Unoccupiable spaces, such as rooms, enclosed spaces,
1151 and storage spaces that are not designed for human occupancy,
1152 for public accommodations, or for work areas. † ~~and~~

1153 (c) Occupiable spaces and rooms that are not open to the
1154 public and that house no more than five persons, including, but
1155 not limited to, equipment control rooms and projection booths.

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1156 (d) Theaters, concert halls, and stadiums, or other large
1157 assembly areas that have stadium-style seating or tiered seating
1158 if ss. 221 and 802 of the standards are met.

1159 (e) All play and recreation areas if the requirements of
1160 chapter 10 of the standards are met.

1161 (f) All employee areas as exempted in s. 203.9 of the
1162 standards.

1163 (g) Facilities, sites, and spaces exempted by s. 203 of
1164 the standards.

1165 ~~(2) (a) Any person, firm, or corporation that owns,~~
1166 ~~manages, or operates a residential multifamily dwelling,~~
1167 ~~including a condominium, that is at least 75 feet high and~~
1168 ~~contains a public elevator, as described in s. 399.035(2) and~~
1169 ~~(3) and rules adopted by the Florida Building Commission, shall~~
1170 ~~have at least one public elevator that is capable of operating~~
1171 ~~on an alternate power source for emergency purposes. Alternate~~
1172 ~~power shall be available for the purpose of allowing all~~
1173 ~~residents access for a specified number of hours each day over a~~
1174 ~~5-day period following a natural disaster, manmade disaster,~~
1175 ~~emergency, or other civil disturbance that disrupts the normal~~
1176 ~~supply of electricity. The alternate power source that controls~~
1177 ~~elevator operations must also be capable of powering any~~
1178 ~~connected fire alarm system in the building.~~

1179 ~~(b) At a minimum, the elevator must be appropriately~~
1180 ~~prewired and prepared to accept an alternate power source and~~
1181 ~~must have a connection on the line side of the main disconnect,~~
1182 ~~pursuant to National Electric Code Handbook, Article 700. In~~
1183 ~~addition to the required power source for the elevator and~~

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1184 ~~connected fire alarm system in the building, the alternate power~~
1185 ~~supply must be sufficient to provide emergency lighting to the~~
1186 ~~interior lobbies, hallways, and other portions of the building~~
1187 ~~used by the public. Residential multifamily dwellings must have~~
1188 ~~an available generator and fuel source on the property or have~~
1189 ~~proof of a current contract posted in the elevator machine room~~
1190 ~~or other place conspicuous to the elevator inspector affirming a~~
1191 ~~current guaranteed service contract for such equipment and fuel~~
1192 ~~source to operate the elevator on an on call basis within 24~~
1193 ~~hours after a request. By December 31, 2006, any person, firm or~~
1194 ~~corporation that owns, manages, or operates a residential~~
1195 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
1196 ~~the local building inspection agency verification of engineering~~
1197 ~~plans for residential multifamily dwellings that provide for the~~
1198 ~~capability to generate power by alternate means. Compliance with~~
1199 ~~installation requirements and operational capability~~
1200 ~~requirements must be verified by local building inspectors and~~
1201 ~~reported to the county emergency management agency by December~~
1202 ~~31, 2007.~~

1203 ~~(c) Each newly constructed residential multifamily~~
1204 ~~dwelling, including a condominium, that is at least 75 feet high~~
1205 ~~and contains a public elevator, as described in s. 399.035(2)~~
1206 ~~and (3) and rules adopted by the Florida Building Commission,~~
1207 ~~must have at least one public elevator that is capable of~~
1208 ~~operating on an alternate power source for the purpose of~~
1209 ~~allowing all residents access for a specified number of hours~~
1210 ~~each day over a 5 day period following a natural disaster,~~
1211 ~~manmade disaster, emergency, or other civil disturbance that~~

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1212 ~~disrupts the normal supply of electricity. The alternate power~~
1213 ~~source that controls elevator operations must be capable of~~
1214 ~~powering any connected fire alarm system in the building. In~~
1215 ~~addition to the required power source for the elevator and~~
1216 ~~connected fire alarm system, the alternate power supply must be~~
1217 ~~sufficient to provide emergency lighting to the interior~~
1218 ~~lobbies, hallways, and other portions of the building used by~~
1219 ~~the public. Engineering plans and verification of operational~~
1220 ~~capability must be provided by the local building inspector to~~
1221 ~~the county emergency management agency before occupancy of the~~
1222 ~~newly constructed building.~~

1223 ~~(d) Each person, firm, or corporation that is required to~~
1224 ~~maintain an alternate power source under this subsection shall~~
1225 ~~maintain a written emergency operations plan that details the~~
1226 ~~sequence of operations before, during, and after a natural or~~
1227 ~~manmade disaster or other emergency situation. The plan must~~
1228 ~~include, at a minimum, a lifesafety plan for evacuation,~~
1229 ~~maintenance of the electrical and lighting supply, and~~
1230 ~~provisions for the health, safety, and welfare of the residents.~~
1231 ~~In addition, the owner, manager, or operator of the residential~~
1232 ~~multifamily dwelling must keep written records of any contracts~~
1233 ~~for alternative power generation equipment. Also, quarterly~~
1234 ~~inspection records of lifesafety equipment and alternate power~~
1235 ~~generation equipment must be posted in the elevator machine room~~
1236 ~~or other place conspicuous to the elevator inspector, which~~
1237 ~~confirm that such equipment is properly maintained and in good~~
1238 ~~working condition, and copies of contracts for alternate power~~
1239 ~~generation equipment shall be maintained on site for~~

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1240 ~~verification. The written emergency operations plan and~~
1241 ~~inspection records shall also be open for periodic inspection by~~
1242 ~~local and state government agencies as deemed necessary. The~~
1243 ~~owner or operator must keep a generator key in a lockbox posted~~
1244 ~~at or near any installed generator unit.~~

1245 ~~(e) Multistory affordable residential dwellings for~~
1246 ~~persons age 62 and older that are financed or insured by the~~
1247 ~~United States Department of Housing and Urban Development must~~
1248 ~~make every effort to obtain grant funding from the Federal~~
1249 ~~Government or the Florida Housing Finance Corporation to comply~~
1250 ~~with this subsection. If an owner of such a residential dwelling~~
1251 ~~cannot comply with the requirements of this subsection, the~~
1252 ~~owner must develop a plan with the local emergency management~~
1253 ~~agency to ensure that residents are evacuated to a place of~~
1254 ~~safety in the event of a power outage resulting from a natural~~
1255 ~~or manmade disaster or other emergency situation that disrupts~~
1256 ~~the normal supply of electricity for an extended period of time.~~
1257 ~~A place of safety may include, but is not limited to, relocation~~
1258 ~~to an alternative site within the building or evacuation to a~~
1259 ~~local shelter.~~

1260 ~~(f) As a part of the annual elevator inspection required~~
1261 ~~under s. 399.061, certified elevator inspectors shall confirm~~
1262 ~~that all installed generators required by this chapter are in~~
1263 ~~working order, have current inspection records posted in the~~
1264 ~~elevator machine room or other place conspicuous to the elevator~~
1265 ~~inspector, and that the required generator key is present in the~~
1266 ~~lockbox posted at or near the installed generator. If a building~~
1267 ~~does not have an installed generator, the inspector shall~~

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1268 ~~confirm that the appropriate rewiring and switching~~
1269 ~~capabilities are present and that a statement is posted in the~~
1270 ~~elevator machine room or other place conspicuous to the elevator~~
1271 ~~inspector affirming a current guaranteed contract exists for~~
1272 ~~contingent services for alternate power is current for the~~
1273 ~~operating period.~~

1274 (2) However, buildings, structures, and facilities must,
1275 as a minimum, comply with the ~~requirements in the~~ Americans with
1276 Disabilities Act Standards for Accessible Design Accessibility
1277 Guidelines.

1278 Section 29. Consistent with the federal implementation of
1279 the 2010 Americans with Disabilities Act Standards for
1280 Accessible Design, buildings and facilities in this state may be
1281 designed in conformity with the 2010 standards if the design
1282 also complies with Florida-specific requirements provided in
1283 part II of chapter 553, Florida Statutes, until the Florida
1284 Accessibility Code for Building Construction is updated to
1285 implement the changes to part II of chapter 553, Florida
1286 Statutes, as provided by this Act.

1287 Section 30. Subsections (3), (7), (8), and (9), and
1288 paragraph (h) of subsection (10) of section 553.73, Florida
1289 Statutes, are amended to read:

1290 553.73 Florida Building Code.—

1291 (3) The commission shall use the International Codes
1292 published by the International Code Council, the National
1293 Electric Code (NFPA 70), or other nationally adopted model codes
1294 and standards needed to develop the base code in Florida ~~select~~
1295 ~~from available national or international model building codes,~~

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1296 ~~or other available building codes and standards currently~~
1297 ~~recognized by the laws of this state,~~ to form the foundation for
1298 the Florida Building Code. ~~The commission may modify the~~
1299 ~~selected model codes and standards as needed to accommodate the~~
1300 ~~specific needs of this state. Standards or criteria referenced~~
1301 ~~by the selected model codes shall be similarly incorporated by~~
1302 ~~reference. If a referenced standard or criterion requires~~
1303 ~~amplification or modification to be appropriate for use in this~~
1304 ~~state, only the amplification or modification shall be~~
1305 ~~specifically set forth in the Florida Building Code. The Florida~~
1306 Building Commission may approve technical amendments to the
1307 code, subject to ~~the requirements of subsections (8) and (9),~~
1308 after the amendments have been subject to the following
1309 conditions:

1310 (a) The proposed amendment has been published on the
1311 commission's website for a minimum of 45 days and all the
1312 associated documentation has been made available to any
1313 interested party before any consideration by a any Technical
1314 Advisory Committee;

1315 (b) In order for a Technical Advisory Committee to make a
1316 favorable recommendation to the commission, the proposal must
1317 receive a three-fourths vote of the members present at the
1318 Technical Advisory Committee meeting and at least half of the
1319 regular members must be present in order to conduct a meeting;

1320 (c) After Technical Advisory Committee consideration and a
1321 recommendation for approval of any proposed amendment, the
1322 proposal must be published on the commission's website for at

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1323 least not less than 45 days before any consideration by the
1324 commission; and

1325 (d) A ~~Any~~ proposal may be modified by the commission based
1326 on public testimony and evidence from a public hearing held in
1327 accordance with chapter 120.

1328

1329 The commission shall incorporate within sections of the Florida
1330 Building Code provisions which address regional and local
1331 concerns and variations. The commission shall make every effort
1332 to minimize conflicts between the Florida Building Code, the
1333 Florida Fire Prevention Code, and the Life Safety Code.

1334 (7) (a) The commission, by rule adopted pursuant to ss.
1335 120.536(1) and 120.54, shall update the Florida Building Code
1336 every 3 years. When updating the Florida Building Code, the
1337 commission shall select the most current version of the
1338 International Building Code, the International Fuel Gas Code,
1339 the International Mechanical Code, the International Plumbing
1340 Code, and the International Residential Code, all of which are
1341 adopted by the International Code Council, and the National
1342 Electrical Code, which is adopted by the National Fire
1343 Protection Association, to form the foundation codes of the
1344 updated Florida Building Code, if the version has been adopted
1345 by the applicable model code entity. The commission shall select
1346 the most current version of the International Energy
1347 Conservation Code (IECC) as a foundation code; however, the IECC
1348 shall be modified by the commission to maintain the efficiencies
1349 of the Florida Energy Efficiency Code for Building Construction
1350 adopted and amended pursuant to s. 553.901.

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1351 (b) Codes regarding noise contour lines shall be reviewed
1352 annually, and the most current federal guidelines shall be
1353 adopted.

1354 (c) The commission may modify any portion of the
1355 foundation codes only as needed to accommodate the specific
1356 needs of this state, ~~maintaining Florida-specific amendments~~
1357 ~~previously adopted by the commission and not addressed by the~~
1358 ~~updated foundation code~~. Standards or criteria referenced by the
1359 codes shall be incorporated by reference. If a referenced
1360 standard or criterion requires amplification or modification to
1361 be appropriate for use in this state, only the amplification or
1362 modification shall be set forth in the Florida Building Code.
1363 The commission may approve technical amendments to the updated
1364 Florida Building Code after the amendments have been subject to
1365 the conditions set forth in paragraphs (3)(a)-(d). Amendments to
1366 the foundation codes which are adopted in accordance with this
1367 subsection shall be clearly marked in printed versions of the
1368 Florida Building Code so that the fact that the provisions are
1369 Florida-specific amendments to the foundation codes is readily
1370 apparent.

1371 (d) The commission shall further consider the commission's
1372 own interpretations, declaratory statements, appellate
1373 decisions, and approved statewide and local technical amendments
1374 and shall incorporate such interpretations, statements,
1375 decisions, and amendments into the updated Florida Building Code
1376 only to the extent that they are needed to modify the foundation
1377 codes to accommodate the specific needs of the state. A change
1378 made by an institute or standards organization to any standard

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1379 or criterion that is adopted by reference in the Florida
1380 Building Code does not become effective statewide until it has
1381 been adopted by the commission. Furthermore, the edition of the
1382 Florida Building Code which is in effect on the date of
1383 application for any permit authorized by the code governs the
1384 permitted work for the life of the permit and any extension
1385 granted to the permit.

1386 (e) A rule updating the Florida Building Code in
1387 accordance with this subsection shall take effect no sooner than
1388 6 months after publication of the updated code. Any amendment to
1389 the Florida Building Code which is adopted upon a finding by the
1390 commission that the amendment is necessary to protect the public
1391 from immediate threat of harm takes effect immediately.

1392 (f) Provisions of the foundation codes, including those
1393 contained in referenced standards and criteria, relating to wind
1394 resistance or the prevention of water intrusion may not be
1395 modified to diminish those construction requirements; however,
1396 the commission may, subject to conditions in this subsection,
1397 modify the provisions to enhance those construction
1398 requirements.

1399 (g) Amendments or modifications to the foundation code
1400 pursuant to this subsection shall remain effective only until
1401 the adoption by the commission of the new edition of the Florida
1402 Building Code every third year. If amendments that expire
1403 pursuant to this paragraph are resubmitted through the Florida
1404 Building Commission code adoption process, the amendments must
1405 specifically address whether:

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1406 1. The provisions contained in the proposed amendment are
1407 addressed in the applicable international code.

1408 2. The amendment demonstrates by evidence or data that the
1409 geographical jurisdiction of Florida exhibits a need to
1410 strengthen the foundation code beyond the needs or regional
1411 variations addressed by the foundation code, and why the
1412 proposed amendment applies to this state.

1413 3. The proposed amendment was submitted or attempted to be
1414 included in the foundation codes to avoid resubmission to the
1415 Florida Building Code amendment process.

1416
1417 If the proposed amendment has been addressed in the
1418 international code in a substantially equivalent manner, the
1419 Florida Building Commission may not include the proposed
1420 amendment in the foundation code.

1421 (8) Notwithstanding the provisions of subsection (3) or
1422 subsection (7), the commission may address issues identified in
1423 this subsection by amending the code pursuant only to the rule
1424 adoption procedures contained in chapter 120. Provisions of the
1425 Florida Building Code, including those contained in referenced
1426 standards and criteria, relating to wind resistance or the
1427 prevention of water intrusion may not be amended pursuant to
1428 this subsection to diminish those construction requirements;
1429 however, the commission may, subject to conditions in this
1430 subsection, amend the provisions to enhance those construction
1431 requirements. Following the approval of any amendments to the
1432 Florida Building Code by the commission and publication of the
1433 amendments on the commission's website, authorities having

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1434 jurisdiction to enforce the Florida Building Code may enforce
1435 the amendments. The commission may approve amendments that are
1436 needed to address:

1437 (a) Conflicts within the updated code;

1438 (b) Conflicts between the updated code and the Florida
1439 Fire Prevention Code adopted pursuant to chapter 633;

1440 ~~(c) The omission of previously adopted Florida-specific~~
1441 ~~amendments to the updated code if such omission is not supported~~
1442 ~~by a specific recommendation of a technical advisory committee~~
1443 ~~or particular action by the commission;~~

1444 (c)~~(d)~~ Unintended results from the integration of
1445 previously adopted Florida-specific amendments with the model
1446 code;

1447 (d)~~(e)~~ Equivalency of standards;

1448 (e)~~(f)~~ Changes to or inconsistencies with federal or state
1449 law; or

1450 (f)~~(g)~~ Adoption of an updated edition of the National
1451 Electrical Code if the commission finds that delay of
1452 implementing the updated edition causes undue hardship to
1453 stakeholders or otherwise threatens the public health, safety,
1454 and welfare.

1455 (9) (a) The commission may approve technical amendments to
1456 the Florida Building Code once each year for statewide or
1457 regional application upon a finding that the amendment:

1458 1. Is needed in order to accommodate the specific needs of
1459 this state.

1460 2. Has a reasonable and substantial connection with the
1461 health, safety, and welfare of the general public.

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1462 3. Strengthens or improves the Florida Building Code, or
1463 in the case of innovation or new technology, will provide
1464 equivalent or better products or methods or systems of
1465 construction.

1466 4. Does not discriminate against materials, products,
1467 methods, or systems of construction of demonstrated
1468 capabilities.

1469 5. Does not degrade the effectiveness of the Florida
1470 Building Code.

1471

1472 ~~Furthermore,~~ The Florida Building Commission may approve
1473 technical amendments to the code once each year to incorporate
1474 into the Florida Building Code its own interpretations of the
1475 code which are embodied in its opinions, final orders,
1476 declaratory statements, and interpretations of hearing officer
1477 panels under s. 553.775(3)(c), but ~~shall do so~~ only to the
1478 extent that the incorporation of interpretations is needed to
1479 modify the foundation codes to accommodate the specific needs of
1480 this state. Amendments approved under this paragraph shall be
1481 adopted by rule ~~pursuant to ss. 120.536(1) and 120.54,~~ after the
1482 amendments have been subjected to ~~the provisions of~~ subsection
1483 (3).

1484 (b) A proposed amendment must ~~shall~~ include a fiscal
1485 impact statement that ~~which~~ documents the costs and benefits of
1486 the proposed amendment. Criteria for the fiscal impact statement
1487 shall be established by rule by the commission and shall include
1488 the impact to local government relative to enforcement, the
1489 impact to property and building owners, and the impact as well

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1490 ~~as~~ to industry, relative to the cost of compliance. The
1491 amendment must demonstrate by evidence or data that the state's
1492 geographical jurisdiction exhibits a need to strengthen the
1493 foundation code beyond the needs or regional variations
1494 addressed by the foundation code and why the proposed amendment
1495 applies to this state.

1496 (c) The commission may not approve any proposed amendment
1497 that does not accurately and completely address all requirements
1498 for amendment which are set forth in this section. The
1499 commission shall require all proposed amendments and information
1500 submitted with proposed amendments to be reviewed by commission
1501 staff prior to consideration by any technical advisory
1502 committee. These reviews shall be for sufficiency only and are
1503 not intended to be qualitative in nature. Staff members shall
1504 reject any proposed amendment that fails to include a fiscal
1505 impact statement. Proposed amendments rejected by members of the
1506 staff may not be considered by the commission or any technical
1507 advisory committee.

1508 (d) Provisions of the Florida Building Code, including
1509 those contained in referenced standards and criteria, relating
1510 to wind resistance or the prevention of water intrusion may not
1511 be amended pursuant to this subsection to diminish those
1512 construction requirements; however, the commission may, subject
1513 to conditions in this subsection, amend the provisions to
1514 enhance those construction requirements.

1515 (10) The following buildings, structures, and facilities
1516 are exempt from the Florida Building Code as provided by law,

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1517 and any further exemptions shall be as determined by the
1518 Legislature and provided by law:

1519 (h) Storage sheds that are not designed for human
1520 habitation and that have a floor area of 720 square feet or less
1521 are not required to comply with the mandatory wind-borne-debris-
1522 impact standards of the Florida Building Code. In addition, such
1523 buildings that are 400 square feet or less are not subject to
1524 the door height and width requirements of the Florida Building
1525 Code.

1526
1527 With the exception of paragraphs (a), (b), (c), and (f), in
1528 order to preserve the health, safety, and welfare of the public,
1529 the Florida Building Commission may, by rule adopted pursuant to
1530 chapter 120, provide for exceptions to the broad categories of
1531 buildings exempted in this section, including exceptions for
1532 application of specific sections of the code or standards
1533 adopted therein. The Department of Agriculture and Consumer
1534 Services shall have exclusive authority to adopt by rule,
1535 pursuant to chapter 120, exceptions to nonresidential farm
1536 buildings exempted in paragraph (c) when reasonably necessary to
1537 preserve public health, safety, and welfare. The exceptions must
1538 be based upon specific criteria, such as under-roof floor area,
1539 aggregate electrical service capacity, HVAC system capacity, or
1540 other building requirements. Further, the commission may
1541 recommend to the Legislature additional categories of buildings,
1542 structures, or facilities which should be exempted from the
1543 Florida Building Code, to be provided by law. The Florida
1544 Building Code does not apply to temporary housing provided by

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1545 the Department of Corrections to any prisoner in the state
1546 correctional system.

1547 Section 31. Paragraph (v) of subsection (1) of section
1548 553.74, Florida Statutes, is amended to read:

1549 553.74 Florida Building Commission.—

1550 (1) The Florida Building Commission is created and shall
1551 be located within the Department of Community Affairs for
1552 administrative purposes. Members shall be appointed by the
1553 Governor subject to confirmation by the Senate. The commission
1554 shall be composed of 25 members, consisting of the following:

1555 (v) One member who is a representative of the green
1556 building industry and who is a third-party commission agent, a
1557 Florida board member of the United States Green Building Council
1558 or Green Building Initiative, a professional who is accredited
1559 under the International Green Construction Code (IGCC), or a
1560 professional who is accredited under Leadership in Energy and
1561 Environmental Design (LEED) LEED-accredited professional.

1562
1563 Any person serving on the commission under paragraph (c) or
1564 paragraph (h) on October 1, 2003, and who has served less than
1565 two full terms is eligible for reappointment to the commission
1566 regardless of whether he or she meets the new qualification.

1567 Section 32. Subsection (5) of section 553.842, Florida
1568 Statutes, is amended to read:

1569 553.842 Product evaluation and approval.—

1570 (5) Statewide approval of products, methods, or systems of
1571 construction may be achieved by one of the following methods.
1572 One of these methods must be used by the commission to approve

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1573 the following categories of products: panel walls, exterior
1574 doors, roofing, skylights, windows, shutters, and structural
1575 components as established by the commission by rule. A product
1576 may not be advertised, sold, offered, provided, distributed, or
1577 marketed as hurricane, wind storm, or impact protection from
1578 wind-borne debris during a hurricane or wind storm unless it is
1579 approved pursuant to s. 553.842 or s. 553.8425. Any person who
1580 advertises, sells, offers, provides, distributes, or markets a
1581 product as hurricane, windstorm, or impact protection from wind-
1582 borne debris without such approval is subject to the Florida
1583 Deceptive and Unfair Trade Practices Act under part II of
1584 chapter 501 brought by the enforcing authority as defined in s.
1585 501.203.

1586 (a) Products for which the code establishes standardized
1587 testing or comparative or rational analysis methods shall be
1588 approved by submittal and validation of one of the following
1589 reports or listings indicating that the product or method or
1590 system of construction was ~~evaluated to be~~ in compliance with
1591 the Florida Building Code and that the product or method or
1592 system of construction is, for the purpose intended, at least
1593 equivalent to that required by the Florida Building Code:

- 1594 1. A certification mark or listing of an approved
1595 certification agency, which may be used only for products for
1596 which the code designates standardized testing;
- 1597 2. A test report from an approved testing laboratory;
- 1598 3. A product evaluation report based upon testing or
1599 comparative or rational analysis, or a combination thereof, from
1600 an approved product evaluation entity; or

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1601 4. A product evaluation report based upon testing or
1602 comparative or rational analysis, or a combination thereof,
1603 developed and signed and sealed by a professional engineer or
1604 architect, licensed in this state.

1605

1606 A product evaluation report or a certification mark or listing
1607 of an approved certification agency which demonstrates that the
1608 product or method or system of construction complies with the
1609 Florida Building Code for the purpose intended is ~~shall be~~
1610 equivalent to a test report and test procedure ~~as~~ referenced in
1611 the Florida Building Code. An application for state approval of
1612 a product under subparagraph 1. must be approved by the
1613 department after the commission staff or a designee verifies
1614 that the application and related documentation are complete.
1615 This verification must be completed within 10 business days
1616 after receipt of the application. Upon approval by the
1617 department, the product shall be immediately added to the list
1618 of state-approved products maintained under subsection (13).
1619 Approvals by the department shall be reviewed and ratified by
1620 the commission's program oversight committee except for a
1621 showing of good cause that a review by the full commission is
1622 necessary. The commission shall adopt rules providing means to
1623 cure deficiencies identified within submittals for products
1624 approved under this paragraph.

1625 (b) Products, methods, or systems of construction for
1626 which there are no specific standardized testing or comparative
1627 or rational analysis methods established in the code may be
1628 approved by submittal and validation of one of the following:

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1629 1. A product evaluation report based upon testing or
1630 comparative or rational analysis, or a combination thereof, from
1631 an approved product evaluation entity indicating that the
1632 product or method or system of construction was ~~evaluated to be~~
1633 in compliance with the intent of the Florida Building Code and
1634 that the product or method or system of construction is, for the
1635 purpose intended, at least equivalent to that required by the
1636 Florida Building Code; or

1637 2. A product evaluation report based upon testing or
1638 comparative or rational analysis, or a combination thereof,
1639 developed and signed and sealed by a professional engineer or
1640 architect, licensed in this state, who certifies that the
1641 product or method or system of construction is, for the purpose
1642 intended, at least equivalent to that required by the Florida
1643 Building Code.

1644 Section 33. Section 553.9061, Florida Statutes, is amended
1645 to read:

1646 (Substantial rewording of section. See
1647 s. 553.9061, F.S., for present text.)

1648 553.9061 Scheduled increases in thermal efficiency
1649 standards.—The energy efficiency standards for the Florida
1650 Building Code as created in this chapter shall be based on the
1651 national consensus standards of the International Energy
1652 Conservation Code as referenced by the United States Department
1653 of Energy.

1654 Section 34. Subsections (3), (4), and (5) of section
1655 553.909, Florida Statutes, are amended to read:

1656 553.909 Setting requirements for appliances; exceptions.—

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1657 (3) Commercial or residential swimming pool ~~pumps or water~~
1658 heaters manufactured and sold on or after December 31, 2011, for
1659 installation in this state must July 1, 2011, shall comply with
1660 the requirements of the Florida Energy Efficiency Code for
1661 Building Construction ~~this subsection.~~

1662 ~~(a) Natural gas pool heaters shall not be equipped with~~
1663 ~~constantly burning pilots.~~

1664 ~~(b) Heat pump pool heaters shall have a coefficient of~~
1665 ~~performance at low temperature of not less than 4.0.~~

1666 ~~(c) The thermal efficiency of gas fired pool heaters and~~
1667 ~~oil fired pool heaters shall not be less than 78 percent.~~

1668 ~~(d) All pool heaters shall have a readily accessible on-~~
1669 ~~off switch that is mounted outside the heater and that allows~~
1670 ~~shutting off the heater without adjusting the thermostat~~
1671 ~~setting.~~

1672 (4)(a) Residential swimming pool filtration pumps and pump
1673 motors manufactured and sold on or after December 31, 2011, for
1674 installation in this state July 1, 2011, must comply with the
1675 requirements of the Florida Energy Efficiency Code for Building
1676 Construction ~~in this subsection.~~

1677 ~~(b) Residential filtration pool pump motors shall not be~~
1678 ~~split phase, shaded pole, or capacitor start induction run~~
1679 ~~types.~~

1680 ~~(c) Residential filtration pool pumps and pool pump motors~~
1681 ~~with a total horsepower of 1 HP or more shall have the~~
1682 ~~capability of operating at two or more speeds with a low speed~~
1683 ~~having a rotation rate that is no more than one half of the~~
1684 ~~motor's maximum rotation rate.~~

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1685 ~~(d) Residential filtration pool pump motor controls shall~~
1686 ~~have the capability of operating the pool pump at a minimum of~~
1687 ~~two speeds. The default circulation speed shall be the~~
1688 ~~residential filtration speed, with a higher speed override~~
1689 ~~capability being for a temporary period not to exceed one normal~~
1690 ~~cycle or 24 hours, whichever is less, except that circulation~~
1691 ~~speed for solar pool heating systems shall be permitted to run~~
1692 ~~at higher speeds during periods of usable solar heat gain.~~

1693 (5) Portable electric spas manufactured and sold on or
1694 after December 31, 2011, for installation in this state must
1695 comply with the requirements of the Florida Energy Efficiency
1696 Code for Building Construction spa standby power shall not be
1697 greater than $5(V^2/3)$ watts where V = the total volume, in
1698 gallons, when spas are measured in accordance with the spa
1699 industry test protocol.

1700 Section 35. Paragraph (a) of subsection (2) of section
1701 627.711, Florida Statutes, is amended to read:

1702 627.711 Notice of premium discounts for hurricane loss
1703 mitigation; uniform mitigation verification inspection form.—

1704 (2) (a) The Financial Services Commission shall develop by
1705 rule a uniform mitigation verification inspection form that
1706 shall be used by all insurers when submitted by policyholders
1707 for the purpose of factoring discounts for wind insurance. In
1708 developing the form, the commission shall seek input from
1709 insurance, construction, and building code representatives.
1710 Further, the commission shall provide guidance as to the length
1711 of time the inspection results are valid. An insurer shall

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1712 accept as valid a uniform mitigation verification form signed by
1713 the following authorized mitigation inspectors:

1714 1. A home inspector licensed under s. 468.8314 who has
1715 completed at least 3 hours of hurricane mitigation training
1716 approved by the Construction Industry Licensing Board which
1717 includes hurricane mitigation techniques and compliance with the
1718 uniform mitigation verification form and completion of a
1719 proficiency exam. ~~Thereafter, home inspectors licensed under s.~~
1720 ~~468.8314 must complete at least 2 hours of continuing education,~~
1721 ~~as part of the existing licensure renewal requirements each~~
1722 ~~year, related to mitigation inspection and the uniform~~
1723 ~~mitigation form;~~

1724 2. A building code inspector certified under s. 468.607;

1725 3. A general, building, or residential contractor
1726 licensed under s. 489.111;

1727 4. A professional engineer licensed under s. 471.015;

1728 5. A professional architect licensed under s. 481.213; or

1729 6. Any other individual or entity recognized by the
1730 insurer as possessing the necessary qualifications to properly
1731 complete a uniform mitigation verification form.

1732 Section 36. This act shall take effect July 1, 2011.

1733

1734

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

1735 Remove the entire title and insert:

1737 A bill to be entitled

1738 An act relating to building construction and inspection;
1739 amending s. 120.541, F.S.; exempting rules that adopt

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1740 federal standards and updates of or modifications to the
1741 Florida Building Code or Florida Fire Prevention Code from
1742 a requirement that the Legislature ratify any rule that
1743 has an adverse impact or regulatory costs which exceed
1744 certain criteria; deleting an exemption for emergency
1745 rules and rules that adopt federal standards from a
1746 requirement that an agency's statement of a rule's
1747 estimated regulatory costs include an economic analysis of
1748 the rule's adverse impacts and regulatory costs; amending
1749 s. 161.053, F.S.; prohibiting the Florida Building
1750 Commission from adopting rules that limit any exceptions
1751 or exemptions provided for modifications or repairs of
1752 existing structures within the limits of an existing
1753 foundation under certain circumstances; amending s.
1754 162.12, F.S.; authorizing notices relating to a code
1755 violation to be sent by certified mail to the property
1756 owner at an address provided to the local government for
1757 the purposes of receiving notices or to the registered
1758 agent of a corporation for property owned by a
1759 corporation; deleting a requirement for such notices to be
1760 sent by first-class mail; amending s. 255.252, F.S.;
1761 conforming provisions to changes made by the act; amending
1762 s. 255.253, F.S.; redefining the term "sustainable
1763 building rating" to include a national model green
1764 building code; amending ss. 255.257 and 255.2575, F.S.;
1765 requiring that state agencies, local governments, and the
1766 court system adopt a sustainable building rating system or
1767 use a national model green building code for new and

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1768 renovated buildings; amending s. 468.8316, F.S.; revising
1769 the continuing education requirements for licensed home
1770 inspectors; amending s. 468.8319, F.S.; deleting an
1771 obsolete provision; amending s. 468.8323, F.S.; clarifying
1772 a provision relating to the contents of a home inspection
1773 report; amending s. 468.8324, F.S.; providing alternative
1774 criteria for obtaining a home inspector's license;
1775 removing certain application requirements for a person who
1776 performs home inspection services and who qualifies for
1777 licensure on or before a specified date; amending s.
1778 468.841, F.S.; adding licensed home inspectors to those
1779 who are exempt from complying with provisions related to
1780 mold assessment; amending s. 481.329, F.S.; providing that
1781 part II of ch. 481, F.S., does not preclude any person who
1782 engages in the business of landscape design from
1783 submitting such plans to governmental agencies for
1784 approval; amending s. 489.103, F.S.; clarifying an
1785 exemption from construction contracting regulation
1786 relating to Habitat for Humanity; amending s. 489.105,
1787 F.S.; adding the term "glass and glazing contractors" to
1788 the definition of the term "contractor"; amending ss.
1789 489.107 and 489.141, F.S.; conforming cross-references;
1790 amending s. 514.028, F.S.; revising the composition of the
1791 advisory review board relating to public swimming pools
1792 and bathing facilities; amending s. 527.06, F.S.;
1793 prohibiting the Department of Agriculture and Consumer
1794 Services and other state agencies from requiring
1795 compliance with certain national standards for liquefied

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1796 petroleum gas tanks unless the department or agencies
1797 require compliance with a specified edition of the
1798 national standards; providing for repeal under certain
1799 circumstances; amending s. 527.21, F.S.; revising the term
1800 "propane" for purposes of the Florida Propane Gas
1801 Education, Safety, and Research Act, to incorporate
1802 changes to certain national standards in a reference
1803 thereto; amending s. 553.502, F.S.; revising intent with
1804 respect to the Florida Americans with Disabilities Act;
1805 amending s. 553.503, F.S.; incorporating the Americans
1806 with Disabilities Act Standards for Accessible Design into
1807 state law by reference and directing that they be adopted
1808 by rule into the Florida Accessibility Code for Building
1809 Construction; amending s. 553.504, F.S.; revising
1810 exceptions to incorporate the standards; amending s.
1811 553.5041, F.S.; revising provisions relating to parking
1812 spaces for persons who have disabilities to incorporate
1813 the standards; amending ss. 553.505 and 553.506, F.S.;
1814 conforming provisions to changes made by the act; amending
1815 s. 553.507, F.S.; providing for the applicability of the
1816 act; amending s. 553.509, F.S.; revising provisions
1817 relating to vertical accessibility to incorporate the
1818 standards; providing that buildings and facilities in this
1819 state do not have to comply with the changes provided by
1820 this act until the Florida Accessibility Code for Building
1821 Construction is updated; amending s. 553.73, F.S.;
1822 revising requirements relating to the Florida Building
1823 Code; specifying national codes to form the foundation for

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1824 state building standards and codes; revising provisions
1825 for the amendment or modification of the foundation code;
1826 revising the criteria for approval by the Florida Building
1827 Commission of technical amendments to the code; exempting
1828 certain storage sheds from door height and width
1829 requirements; amending s. 553.74, F.S.; revising
1830 requirements for selecting a member of the Florida
1831 Building Commission; amending s. 553.842, F.S.; providing
1832 for the approval of certain windstorm products; providing
1833 a cause of action against any person who advertises,
1834 sells, offers, provides, distributes, or markets certain
1835 products without approval; amending s. 553.9061, F.S.;
1836 revising requirements for increases in the energy
1837 efficiency standards of the Florida Building Code;
1838 amending s. 553.909, F.S.; revising the requirements and
1839 effective dates for certain pool-related equipment;
1840 amending s. 627.711, F.S.; revising requirements relating
1841 to home inspectors conducting hurricane mitigation
1842 inspections; providing an effective date.

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COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Patronis offered the following:

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (p) is added to subsection (2) of
7 section 120.569, Florida Statutes, to read:

8 120.569 Decisions which affect substantial interests.—

9 (2)

10 (p) For any proceeding arising under chapter 373, chapter
11 378, or chapter 403, if a nonapplicant petitions as a third
12 party to challenge an agency's issuance of a license, permit, or
13 conceptual approval, the order of presentation in the proceeding
14 shall be for the permit applicant to present a prima facie case
15 demonstrating entitlement to the license, permit, or conceptual
16 approval, followed by the agency. This demonstration may be made
17 by entering into evidence the application and relevant material
18 submitted to the agency in support of the application, and the
19 agency's staff report or notice of intent to approve the permit,

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20 license, or conceptual approval. Subsequent to the presentation
21 of the applicant's prima facie case and any direct evidence
22 submitted by the agency, the petitioner initiating the action
23 challenging the issuance of the license, permit, or conceptual
24 approval has the burden of ultimate persuasion and has the
25 burden of going forward to prove the case in opposition to the
26 license, permit, or conceptual approval through the presentation
27 of competent and substantial evidence. The permit applicant and
28 agency may on rebuttal present any evidence relevant to
29 demonstrating that the application meets the conditions for
30 issuance. Notwithstanding subsection (1), this paragraph applies
31 to proceedings under s. 120.574.

32 Section 2. Section 125.022, Florida Statutes, is amended
33 to read:

34 125.022 Development permits.—When a county denies an
35 application for a development permit, the county shall give
36 written notice to the applicant. The notice must include a
37 citation to the applicable portions of an ordinance, rule,
38 statute, or other legal authority for the denial of the permit.
39 As used in this section, the term "development permit" has the
40 same meaning as in s. 163.3164. A county may not require as a
41 condition of processing a development permit that an applicant
42 obtain a permit or approval from any other state or federal
43 agency unless the agency has issued a notice of intent to deny
44 the federal or state permit before the county action on the
45 local development permit. Issuance of a development permit by a
46 county does not in any way create any rights on the part of the
47 applicant to obtain a permit from another state or federal

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48 agency and does not create any liability on the part of the
49 county for issuance of the permit if the applicant fails to
50 fulfill its legal obligations to obtain requisite approvals or
51 fulfill the obligations imposed by another state or a federal
52 agency. A county may attach such a disclaimer to the issuance of
53 a development permit, and may include a permit condition that
54 all other applicable state or federal permits be obtained before
55 commencement of the development. This section does not prohibit
56 a county from providing information to an applicant regarding
57 what other state or federal permits may apply.

58 Section 3. Section 161.032, Florida Statutes, is created
59 to read:

60 161.032 Application review; request for additional
61 information.—

62 (1) Within 30 days after receipt of an application for a
63 permit under this part, the department shall review the
64 application and shall request submission of any additional
65 information the department is permitted by law to require. If
66 the applicant believes that a request for additional information
67 is not authorized by law or rule, the applicant may request a
68 hearing pursuant to s. 120.57. Within 30 days after receipt of
69 such additional information, the department shall review such
70 additional information and may request only that information
71 needed to clarify such additional information or to answer new
72 questions raised by or directly related to such additional
73 information. If the applicant believes that the request for such
74 additional information by the department is not authorized by

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

77 (2) Notwithstanding s. 120.60, an applicant for a permit
78 under this part has 90 days after the date of a timely request
79 for additional information to submit such information. If an
80 applicant requires more than 90 days in order to respond to a
81 request for additional information, the applicant must notify
82 the agency processing the permit application in writing of the
83 circumstances, at which time the application shall be held in
84 active status for no more than one additional period of up to 90
85 days. Additional extensions may be granted for good cause shown
86 by the applicant. A showing that the applicant is making a
87 diligent effort to obtain the requested additional information
88 constitutes good cause. Failure of an applicant to provide the
89 timely requested information by the applicable deadline shall
90 result in denial of the application without prejudice.

91 (3) Notwithstanding any other provision of law, the
92 department is authorized to issue permits pursuant to this part
93 in advance of the issuance of any incidental take authorization
94 as provided for in the Endangered Species Act and its
95 implementing regulations if the permits and authorizations
96 include a condition requiring that authorized activities shall
97 not begin until such incidental take authorization is issued.

98 Section 4. Subsections (5), (6), and (7) are added to
99 section 161.041, Florida Statutes, to read:

100 161.041 Permits required.-

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101 (5) The provisions of s. 403.0874, relating to the
102 incentive-based permitting program, apply to all permits issued
103 under this chapter.

104 (6) The department may not require as a permit condition
105 sediment quality specifications or turbidity standards more
106 stringent than those provided for in this chapter, chapter 373,
107 or the Florida Administrative Code. The department may not issue
108 guidelines that are enforceable as standards without going
109 through the rulemaking process pursuant to chapter 120.

110 (7) As an incentive for permit applicants, it is the
111 Legislature's intent to simplify the permitting for periodic
112 maintenance of beach renourishment projects previously permitted
113 and restored under the joint coastal permit process pursuant to
114 this section or part IV of chapter 373. The department shall
115 amend chapters 62B-41 and 62B-49 of the Florida Administrative
116 Code to streamline the permitting process, as necessary, for
117 periodic maintenance projects.

118 Section 5. Subsection (10) of section 163.3180, Florida
119 Statutes, is amended to read:

120 163.3180 Concurrency.—

121 (10) (a) Except in transportation concurrency exception
122 areas, with regard to roadway facilities on the Strategic
123 Intermodal System designated in accordance with s. 339.63, local
124 governments shall adopt the level-of-service standard
125 established by the Department of Transportation by rule.
126 However, if the Office of Tourism, Trade, and Economic
127 Development concurs in writing with the local government that
128 the proposed development is for a qualified job creation project

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129 under s. 288.0656 or s. 403.973, the affected local government,
130 after consulting with the Department of Transportation, may
131 provide for a waiver of transportation concurrency for the
132 project. For all other roads on the State Highway System, local
133 governments shall establish an adequate level-of-service
134 standard that need not be consistent with any level-of-service
135 standard established by the Department of Transportation. In
136 establishing adequate level-of-service standards for any
137 arterial roads, or collector roads as appropriate, which
138 traverse multiple jurisdictions, local governments shall
139 consider compatibility with the roadway facility's adopted
140 level-of-service standards in adjacent jurisdictions. Each local
141 government within a county shall use a professionally accepted
142 methodology for measuring impacts on transportation facilities
143 for the purposes of implementing its concurrency management
144 system. Counties are encouraged to coordinate with adjacent
145 counties, and local governments within a county are encouraged
146 to coordinate, for the purpose of using common methodologies for
147 measuring impacts on transportation facilities for the purpose
148 of implementing their concurrency management systems.

149 (b) There shall be a limited exemption from the Strategic
150 Intermodal System adopted level-of-service standards for new or
151 redevelopment projects consistent with the local comprehensive
152 plan as inland multimodal facilities receiving or sending cargo
153 for distribution and providing cargo storage, consolidation,
154 repackaging, and transfer of goods, and which may, if developed
155 as proposed, include other intermodal terminals, related
156 transportation facilities, warehousing and distribution

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157 facilities, and associated office space, light industrial,
158 manufacturing, and assembly uses. The limited exemption applies
159 if the project meets all of the following criteria:

160 1. The project will not cause the adopted level-of-service
161 standards for the Strategic Intermodal System facilities to be
162 exceeded by more than 150 percent within the first 5 years of
163 the project's development.

164 2. The project, upon completion, would result in the
165 creation of at least 50 full-time jobs.

166 3. The project is compatible with existing and planned
167 adjacent land uses.

168 4. The project is consistent with local and regional
169 economic development goals or plans.

170 5. The project is proximate to regionally significant road
171 and rail transportation facilities.

172 6. The project is proximate to a community having an
173 unemployment rate, as of the date of the development order
174 application, which is 10 percent or more above the statewide
175 reported average.

176 Section 6. Section 166.033, Florida Statutes, is amended
177 to read:

178 166.033 Development permits.—When a municipality denies an
179 application for a development permit, the municipality shall
180 give written notice to the applicant. The notice must include a
181 citation to the applicable portions of an ordinance, rule,
182 statute, or other legal authority for the denial of the permit.
183 As used in this section, the term "development permit" has the
184 same meaning as in s. 163.3164. A municipality may not require

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185 as a condition of processing a development permit that an
186 applicant obtain a permit or approval from any other state or
187 federal agency unless the agency has issued a notice of intent
188 to deny the federal or state permit before the municipal action
189 on the local development permit. Issuance of a development
190 permit by a municipality does not in any way create any right on
191 the part of an applicant to obtain a permit from another state
192 or federal agency and does not create any liability on the part
193 of the municipality for issuance of the permit if the applicant
194 fails to fulfill its legal obligations to obtain requisite
195 approvals or fulfill the obligations imposed by another state or
196 federal agency. A municipality may attach such a disclaimer to
197 the issuance of development permits and may include a permit
198 condition that all other applicable state or federal permits be
199 obtained before commencement of the development. This section
200 does not prohibit a municipality from providing information to
201 an applicant regarding what other state or federal permits may
202 apply.

203 Section 7. Section 218.075, Florida Statutes, is amended
204 to read:

205 218.075 Reduction or waiver of permit processing fees.—
206 Notwithstanding any other provision of law, the Department of
207 Environmental Protection and the water management districts
208 shall reduce or waive permit processing fees for counties with a
209 population of 50,000 or less on April 1, 1994, until such
210 counties exceed a population of 75,000 and municipalities with a
211 population of 25,000 or less, or for an entity created by
212 special act, local ordinance, or interlocal agreement of such

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213 counties or municipalities, or for any county or municipality
214 not included within a metropolitan statistical area. Fee
215 reductions or waivers shall be approved on the basis of fiscal
216 hardship or environmental need for a particular project or
217 activity. The governing body must certify that the cost of the
218 permit processing fee is a fiscal hardship due to one of the
219 following factors:

220 (1) Per capita taxable value is less than the statewide
221 average for the current fiscal year;

222 (2) Percentage of assessed property value that is exempt
223 from ad valorem taxation is higher than the statewide average
224 for the current fiscal year;

225 (3) Any condition specified in s. 218.503(1) which results
226 in the county or municipality being in a state of financial
227 emergency;

228 (4) Ad valorem operating millage rate for the current
229 fiscal year is greater than 8 mills; or

230 (5) A financial condition that is documented in annual
231 financial statements at the end of the current fiscal year and
232 indicates an inability to pay the permit processing fee during
233 that fiscal year.

234

235 The permit applicant must be the governing body of a county or
236 municipality or a third party under contract with a county or
237 municipality or an entity created by special act, local
238 ordinance, or interlocal agreement and the project for which the
239 fee reduction or waiver is sought must serve a public purpose.

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240 If a permit processing fee is reduced, the total fee shall not
241 exceed \$100.

242 Section 8. Paragraphs (a) and (b) of subsection (3) of
243 section 258.397, Florida Statutes, are amended to read:

244 258.397 Biscayne Bay Aquatic Preserve.—

245 (3) AUTHORITY OF TRUSTEES.—The Board of Trustees of the
246 Internal Improvement Trust Fund is authorized and directed to
247 maintain the aquatic preserve hereby created pursuant and
248 subject to the following provisions:

249 (a) No further sale, transfer, or lease of sovereignty
250 submerged lands in the preserve shall be approved or consummated
251 by the board of trustees, except upon a showing of extreme
252 hardship on the part of the applicant and a determination by the
253 board of trustees that such sale, transfer, or lease is in the
254 public interest. A municipal applicant proposing a project under
255 paragraph (b) is exempt from showing extreme hardship.

256 (b) No further dredging or filling of submerged lands of
257 the preserve shall be approved or tolerated by the board of
258 trustees except:

259 1. Such minimum dredging and spoiling as may be authorized
260 for public navigation projects or for such minimum dredging and
261 spoiling as may be constituted as a public necessity or for
262 preservation of the bay according to the expressed intent of
263 this section.

264 2. Such other alteration of physical conditions, including
265 the placement of riprap, as may be necessary to enhance the
266 quality and utility of the preserve.

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267 3. Such minimum dredging and filling as may be authorized
268 for the creation and maintenance of marinas, piers, and docks
269 and their attendant navigation channels and access roads. Such
270 projects may only be authorized upon a specific finding by the
271 board of trustees that there is assurance that the project will
272 be constructed and operated in a manner that will not adversely
273 affect the water quality and utility of the preserve. This
274 subparagraph shall not authorize the connection of upland canals
275 to the waters of the preserve.

276 4. Such dredging as is necessary for the purpose of
277 eliminating conditions hazardous to the public health or for the
278 purpose of eliminating stagnant waters, islands, and spoil
279 banks, the dredging of which would enhance the aesthetic and
280 environmental quality and utility of the preserve and be clearly
281 in the public interest as determined by the board of trustees.

282 5. Such dredging and filling as is necessary for the
283 creation of public waterfront promenades.

284 Any dredging or filling under this subsection or improvements
285 under subsection (5) shall be approved only after public notice
286 as provided by s. 253.115.

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

289 373.026 General powers and duties of the department.—The
290 department, or its successor agency, shall be responsible for
291 the administration of this chapter at the state level. However,
292 it is the policy of the state that, to the greatest extent
293 possible, the department may enter into interagency or
294 interlocal agreements with any other state agency, any water

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295 management district, or any local government conducting programs
296 related to or materially affecting the water resources of the
297 state. All such agreements shall be subject to the provisions of
298 s. 373.046. In addition to its other powers and duties, the
299 department shall, to the greatest extent possible:

300 (10) Expand the use of Internet-based self-certification
301 services for appropriate exemptions and general permits issued
302 by the department and the water management districts, if such
303 expansion is economically feasible. In addition to expanding the
304 use of Internet-based self-certification services for
305 appropriate exemptions and general permits, the department and
306 water management districts shall identify and develop general
307 permits for appropriate activities currently requiring
308 individual review which could be expedited through the use of
309 applicable professional certification.

310 Section 10. Subsection (6) is added to section 373.413,
311 Florida Statutes, to read:

312 373.413 Permits for construction or alteration.—

313 (6) The provisions of s. 403.0874, relating to the
314 incentive-based permitting program, apply to permits issued
315 under this section.

316 Section 11. Paragraph (c) of subsection (6) of section
317 373.4135, Florida Statutes, is amended to read:

318 373.4135 Mitigation banks and offsite regional
319 mitigation.—

320 (6) An environmental creation, preservation, enhancement,
321 or restoration project, including regional offsite mitigation
322 areas, for which money is donated or paid as mitigation, that is

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323 sponsored by the department, a water management district, or a
324 local government and provides mitigation for five or more
325 applicants for permits under this part, or for 35 or more acres
326 of adverse impacts, shall be established and operated under a
327 memorandum of agreement. The memorandum of agreement shall be
328 between the governmental entity proposing the mitigation project
329 and the department or water management district, as appropriate.
330 Such memorandum of agreement need not be adopted by rule. For
331 the purposes of this subsection, one creation, preservation,
332 enhancement, or restoration project shall mean one or more
333 parcels of land with similar ecological communities that are
334 intended to be created, preserved, enhanced, or restored under a
335 common scheme.

336 (c) At a minimum, the memorandum of agreement must address
337 the following for each project authorized:

338 1. A description of the work that will be conducted on the
339 site and a timeline for completion of such work.

340 2. A timeline for obtaining any required environmental
341 resource permit.

342 3. The environmental success criteria that the project
343 must achieve.

344 4. The monitoring and long-term management requirements
345 that must be undertaken for the project.

346 5. An assessment of the project in accordance with s.
347 373.4136(4)(a)—(i), until the adoption of the uniform wetland
348 mitigation assessment method pursuant to s. 373.414(18).

349 6. A designation of the entity responsible for the
350 successful completion of the mitigation work.

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351 7. A definition of the geographic area where the project
352 may be used as mitigation established using the criteria of s.
353 373.4136(6).

354 8. Full cost accounting of the project, including annual
355 review and adjustment.

356 9. Provision and a timetable for the acquisition of any
357 lands necessary for the project.

358 10. Provision for preservation of the site.

359 11. Provision for application of all moneys received
360 solely to the project for which they were collected.

361 12. Provision for termination of the agreement and
362 cessation of use of the project as mitigation if any material
363 contingency of the agreement has failed to occur.

364 Section 12. Subsection (4) of section 373.4136, Florida
365 Statutes, is amended to read:

366 373.4136 Establishment and operation of mitigation banks.—

367 (4) MITIGATION CREDITS.—After evaluating the information
368 submitted by the applicant for a mitigation bank permit and
369 assessing the proposed mitigation bank pursuant to the criteria
370 in this section, the department or water management district
371 shall award a number of mitigation credits to a proposed
372 mitigation bank or phase of such mitigation bank. An entity
373 establishing and operating a mitigation bank may apply to modify
374 the mitigation bank permit to seek the award of additional
375 mitigation credits if the mitigation bank results in an
376 additional increase in ecological value over the value
377 contemplated at the time of the original permit issuance, or the
378 most recent modification thereto involving the number of credits

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379 awarded. The number of credits awarded shall be based on the
380 degree of improvement in ecological value expected to result
381 from the establishment and operation of the mitigation bank as
382 determined using the uniform mitigation assessment method
383 adopted pursuant to s. 373.414(18). ~~a functional assessment~~
384 ~~methodology. In determining the degree of improvement in~~
385 ~~ecological value, each of the following factors, at a minimum,~~
386 ~~shall be evaluated:~~

387 ~~(a) The extent to which target hydrologic regimes can be~~
388 ~~achieved and maintained.~~

389 ~~(b) The extent to which management activities promote~~
390 ~~natural ecological conditions, such as natural fire patterns.~~

391 ~~(c) The proximity of the mitigation bank to areas with~~
392 ~~regionally significant ecological resources or habitats, such as~~
393 ~~national or state parks, Outstanding National Resource Waters~~
394 ~~and associated watersheds, Outstanding Florida Waters and~~
395 ~~associated watersheds, and lands acquired through governmental~~
396 ~~or nonprofit land acquisition programs for environmental~~
397 ~~conservation; and the extent to which the mitigation bank~~
398 ~~establishes corridors for fish, wildlife, or listed species to~~
399 ~~those resources or habitats.~~

400 ~~(d) The quality and quantity of wetland or upland~~
401 ~~restoration, enhancement, preservation, or creation.~~

402 ~~(e) The ecological and hydrological relationship between~~
403 ~~wetlands and uplands in the mitigation bank.~~

404 ~~(f) The extent to which the mitigation bank provides~~
405 ~~habitat for fish and wildlife, especially habitat for species~~
406 ~~listed as threatened, endangered, or of special concern, or~~

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407 ~~provides habitats that are unique for that mitigation service~~
408 ~~area.~~

409 ~~(g) The extent to which the lands that are to be preserved~~
410 ~~are already protected by existing state, local, or federal~~
411 ~~regulations or land use restrictions.~~

412 ~~(h) The extent to which lands to be preserved would be~~
413 ~~adversely affected if they were not preserved.~~

414 ~~(i) Any special designation or classification of the~~
415 ~~affected waters and lands.~~

416 Section 13. Subsections (1) and (2), paragraph (c) of
417 subsection (3), and subsection (4) of section 373.4137, Florida
418 Statutes, are amended to read:

419 373.4137 Mitigation requirements for specified
420 transportation projects.—

421 (1) The Legislature finds that environmental mitigation
422 for the impact of transportation projects proposed by the
423 Department of Transportation or a transportation authority
424 established pursuant to chapter 348 or chapter 349 can be more
425 effectively achieved by regional, long-range mitigation planning
426 rather than on a project-by-project basis. It is the intent of
427 the Legislature that mitigation to offset the adverse effects of
428 these transportation projects be funded by the Department of
429 Transportation and be carried out by the water management
430 districts, through including the use of private mitigation banks
431 if available or, if a private mitigation bank is not available,
432 through any other mitigation options that satisfy state and
433 federal requirements established pursuant to this part.

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434 (2) Environmental impact inventories for transportation
435 projects proposed by the Department of Transportation or a
436 transportation authority established pursuant to chapter 348 or
437 chapter 349 shall be developed as follows:

438 (a) By July 1 of each year, the Department of
439 Transportation or a transportation authority established
440 pursuant to chapter 348 or chapter 349 which chooses to
441 participate in this program shall submit to the water management
442 districts a list ~~copy~~ of its projects in the adopted work
443 program and an environmental impact inventory of habitats
444 addressed in the rules adopted pursuant to this part and s. 404
445 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted
446 by its plan of construction for transportation projects in the
447 next 3 years of the tentative work program. The Department of
448 Transportation or a transportation authority established
449 pursuant to chapter 348 or chapter 349 may also include in its
450 environmental impact inventory the habitat impacts of any future
451 transportation project. The Department of Transportation and
452 each transportation authority established pursuant to chapter
453 348 or chapter 349 may fund any mitigation activities for future
454 projects using current year funds.

455 (b) The environmental impact inventory shall include a
456 description of these habitat impacts, including their location,
457 acreage, and type; state water quality classification of
458 impacted wetlands and other surface waters; any other state or
459 regional designations for these habitats; and a list ~~survey~~ of
460 threatened species, endangered species, and species of special
461 concern affected by the proposed project.

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(3)

(c) Except for current mitigation projects in the monitoring and maintenance phase and except as allowed by paragraph (d), the water management districts may request a transfer of funds from an escrow account no sooner than 30 days prior to the date the funds are needed to pay for activities associated with development or implementation of the approved mitigation plan described in subsection (4) for the current fiscal year, including, but not limited to, design, engineering, production, and staff support. Actual conceptual plan preparation costs incurred before plan approval may be submitted to the Department of Transportation or the appropriate transportation authority each year with the plan. The conceptual plan preparation costs of each water management district will be paid from mitigation funds associated with the environmental impact inventory for the current year. The amount transferred to the escrow accounts each year by the Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 shall correspond to a cost per acre of \$75,000 multiplied by the projected acres of impact identified in the environmental impact inventory described in subsection (2). However, the \$75,000 cost per acre does not constitute an admission against interest by the state or its subdivisions nor is the cost admissible as evidence of full compensation for any property acquired by eminent domain or through inverse condemnation. Each July 1, the cost per acre shall be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States

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490 Department of Labor for the most recent 12-month period ending
491 September 30, compared to the base year average, which is the
492 average for the 12-month period ending September 30, 1996. Each
493 quarter, the projected acreage of impact shall be reconciled
494 with the acreage of impact of projects as permitted, including
495 permit modifications, pursuant to this part and s. 404 of the
496 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer
497 of funds shall be adjusted accordingly to reflect the acreage of
498 impacts as permitted. The Department of Transportation and
499 participating transportation authorities established pursuant to
500 chapter 348 or chapter 349 are authorized to transfer such funds
501 from the escrow accounts to the water management districts to
502 carry out the mitigation programs. Environmental mitigation
503 funds that are identified or maintained in an escrow account for
504 the benefit of a water management district may be released if
505 the associated transportation project is excluded in whole or
506 part from the mitigation plan. For a mitigation project that is
507 in the maintenance and monitoring phase, the water management
508 district may request and receive a one-time payment based on the
509 project's expected future maintenance and monitoring costs. Upon
510 disbursement of the final maintenance and monitoring payment,
511 the department or the participating transportation authorities'
512 obligation will be satisfied, the water management district will
513 have continuing responsibility for the mitigation project, and
514 the escrow account for the project established by the Department
515 of Transportation or the participating transportation authority
516 may be closed. Any interest earned on these disbursed funds

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517 shall remain with the water management district and must be used
518 as authorized under this section.

519 (4) Prior to March 1 of each year, each water management
520 district, in consultation with the Department of Environmental
521 Protection, the United States Army Corps of Engineers, the
522 Department of Transportation, participating transportation
523 authorities established pursuant to chapter 348 or chapter 349,
524 and other appropriate federal, state, and local governments, and
525 other interested parties, including entities operating
526 mitigation banks, shall develop a plan for the primary purpose
527 of complying with the mitigation requirements adopted pursuant
528 to this part and 33 U.S.C. s. 1344. In developing such plans,
529 private mitigation banks shall be used if available or, if a
530 private mitigation bank is not available, the districts shall
531 use utilize sound ecosystem management practices to address
532 significant water resource needs and shall focus on activities
533 of the Department of Environmental Protection and the water
534 management districts, such as surface water improvement and
535 management (SWIM) projects and lands identified for potential
536 acquisition for preservation, restoration or enhancement, and
537 the control of invasive and exotic plants in wetlands and other
538 surface waters, to the extent that such activities comply with
539 the mitigation requirements adopted under this part and 33
540 U.S.C. s. 1344. In determining the activities to be included in
541 such plans, the districts shall ~~also consider the purchase of~~
542 credits from public or private mitigation banks permitted under
543 s. 373.4136 and associated federal authorization and shall
544 include such purchase as a part of the mitigation plan when such

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545 purchase would offset the impact of the transportation project,
546 ~~provide equal benefits to the water resources than other~~
547 ~~mitigation options being considered, and provide the most cost-~~
548 ~~effective mitigation option.~~ The mitigation plan shall be
549 submitted to the water management district governing board, or
550 its designee, for review and approval. At least 14 days prior to
551 approval, the water management district shall provide a copy of
552 the draft mitigation plan to any person who has requested a
553 copy.

554 (a) For each transportation project with a funding request
555 for the next fiscal year, the mitigation plan must include a
556 brief explanation of why a mitigation bank was or was not chosen
557 as a mitigation option, including an estimation of identifiable
558 costs of the mitigation bank and nonbank options to the extent
559 practicable.

560 (b) Specific projects may be excluded from the mitigation
561 plan, in whole or in part, and shall not be subject to this
562 section upon the election agreement of the Department of
563 Transportation, ~~or~~ a transportation authority if applicable, or
564 ~~and~~ the appropriate water management district ~~that the inclusion~~
565 ~~of such projects would hamper the efficiency or timeliness of~~
566 ~~the mitigation planning and permitting process.~~ The water
567 ~~management district may choose to exclude a project in whole or~~
568 ~~in part if the district is unable to identify mitigation that~~
569 ~~would offset impacts of the project.~~

570 Section 14. Subsection (18) of section 373.414, Florida
571 Statutes, is amended to read:

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572 373.414 Additional criteria for activities in surface
573 waters and wetlands.-

574 (18) The department, in coordination with and each water
575 management district responsible for implementation of the
576 environmental resource permitting program, shall develop a
577 uniform mitigation assessment method for wetlands and other
578 surface waters. ~~The department shall adopt the uniform~~
579 ~~mitigation assessment method by rule no later than July 31,~~
580 ~~2002.~~ The rule shall provide an exclusive, uniform, and
581 consistent process for determining the amount of mitigation
582 required to offset impacts to wetlands and other surface waters,
583 and, once effective, shall supersede all rules, ordinances, and
584 variance procedures from ordinances that determine the amount of
585 mitigation needed to offset such impacts. Except when evaluating
586 mitigation bank applications, which must meet the criteria of s.
587 373.4136(1), the rule shall be applied only after determining
588 that the mitigation is appropriate to offset the values and
589 functions of wetlands and surface waters to be adversely
590 impacted by the proposed activity. Once the department adopts
591 the uniform mitigation assessment method by rule, the uniform
592 mitigation assessment method shall be binding on the department,
593 the water management districts, local governments, and any other
594 governmental agencies and shall be the sole means to determine
595 the amount of mitigation needed to offset adverse impacts to
596 wetlands and other surface waters and to award and deduct
597 mitigation bank credits. A water management district and any
598 other governmental agency subject to chapter 120 may apply the
599 uniform mitigation assessment method without the need to adopt

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600 it pursuant to s. 120.54. It shall be a goal of the department
601 and water management districts that the uniform mitigation
602 assessment method developed be practicable for use within the
603 timeframes provided in the permitting process and result in a
604 consistent process for determining mitigation requirements. It
605 shall be recognized that any such method shall require the
606 application of reasonable scientific judgment. The uniform
607 mitigation assessment method must determine the value of
608 functions provided by wetlands and other surface waters
609 considering the current conditions of these areas, utilization
610 by fish and wildlife, location, uniqueness, and hydrologic
611 connection, ~~and, when applied to mitigation banks, the factors~~
612 ~~listed in s. 373.4136(4)~~. The uniform mitigation assessment
613 method shall also account for the expected time-lag associated
614 with offsetting impacts and the degree of risk associated with
615 the proposed mitigation. The uniform mitigation assessment
616 method shall account for different ecological communities in
617 different areas of the state. In developing the uniform
618 mitigation assessment method, the department and water
619 management districts shall consult with approved local programs
620 under s. 403.182 which have an established mitigation program
621 for wetlands or other surface waters. The department and water
622 management districts shall consider the recommendations
623 submitted by such approved local programs, including any
624 recommendations relating to the adoption by the department and
625 water management districts of any uniform mitigation methodology
626 that has been adopted and used by an approved local program in
627 its established mitigation program for wetlands or other surface

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628 waters. Environmental resource permitting rules may establish
629 categories of permits or thresholds for minor impacts under
630 which the use of the uniform mitigation assessment method will
631 not be required. The application of the uniform mitigation
632 assessment method is not subject to s. 70.001. In the event the
633 rule establishing the uniform mitigation assessment method is
634 deemed to be invalid, the applicable rules related to
635 establishing needed mitigation in existence prior to the
636 adoption of the uniform mitigation assessment method, including
637 those adopted by a county which is an approved local program
638 under s. 403.182, and the method described in paragraph (b) for
639 existing mitigation banks, shall be authorized for use by the
640 department, water management districts, local governments, and
641 other state agencies.

642 (a) In developing the uniform mitigation assessment method,
643 the department shall seek input from the United States Army
644 Corps of Engineers in order to promote consistency in the
645 mitigation assessment methods used by the state and federal
646 permitting programs.

647 (b) An entity which has received a mitigation bank permit
648 prior to the adoption of the uniform mitigation assessment
649 method shall have impact sites assessed, for the purpose of
650 deducting bank credits, using the credit assessment method,
651 including any functional assessment methodology, which was in
652 place when the bank was permitted; unless the entity elects to
653 have its credits redetermined, and thereafter have its credits
654 deducted, using the uniform mitigation assessment method.

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655 (c) The department shall ensure statewide coordination and
656 consistency in the interpretation and application of the uniform
657 mitigation assessment method rule by providing programmatic
658 training and guidance to staff of the department, water
659 management districts, and local governments. To ensure that the
660 uniform mitigation assessment method rule is interpreted and
661 applied uniformly, the department's interpretation, guidance,
662 and approach to applying the uniform mitigation assessment
663 method rule shall govern.

664 (d) Applicants shall submit the information needed to
665 perform the assessment required under the uniform mitigation
666 assessment method rule and may submit the qualitative
667 characterization and quantitative assessment for each assessment
668 area specified by the rule. The reviewing agency shall review
669 that information and notify the applicant of any inadequacy in
670 the information or application of the assessment method.

671 (e) When conducting qualitative characterization of
672 artificial wetlands and other surface waters, such as borrow
673 pits, ditches, and canals, under the uniform mitigation
674 assessment method rule, the native community type to which it is
675 most analogous in function shall be used as a reference. For
676 wetlands or other surface waters that have been altered from
677 their native community type, the historic community type at that
678 location shall be used as a reference, unless the alteration has
679 been of such a degree and extent that a different native
680 community type is now present and self-sustaining.

681 (f) When conducting qualitative characterization of upland
682 mitigation assessment areas, the characterization shall include

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683 functions that the upland assessment area provides to the fish
684 and wildlife of the associated wetland or other surface waters.
685 These functions shall be considered and accounted for when
686 scoring the upland assessment area for preservation,
687 enhancement, or restoration.

688 (g) The term "preservation mitigation," as used in the
689 uniform mitigation assessment method, means the protection of
690 important wetland, other surface water, or upland ecosystems
691 predominantly in their existing condition and absent
692 restoration, creation, or enhancement from adverse impacts by
693 placing a conservation easement or other comparable land use
694 restriction over the property or by donation of fee simple
695 interest in the property. Preservation may include a management
696 plan for perpetual protection of the area. The preservation
697 adjustment factor set forth in rule 62-345.500(3), Florida
698 Administrative Code, shall only apply to preservation
699 mitigation.

700 (h) When assessing a preservation mitigation assessment
701 area under the uniform mitigation assessment method, the
702 following apply:

703 1. The term "without preservation" means the reasonably
704 anticipated loss of functions and values provided by the
705 assessment area, assuming the area is not preserved.

706 2. Each of the considerations of the preservation
707 adjustment factor specified in rule 62-345.500(3)(a), Florida
708 Administrative Code, shall be equally weighted and scored on a
709 scale from 0, no value, to 0.2, optimal value. In addition, the
710 minimum preservation adjustment factor shall be 0.2.

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711 (i) The location and landscape support scores, pursuant to
712 rule 62-345.500, Florida Administrative Code, may change in the
713 "with mitigation" or "with impact" condition in both upland and
714 wetland assessment areas, regardless of the initial community
715 structure or water environment scores.

716 (j) When a mitigation plan for creation, restoration, or
717 enhancement includes a preservation mechanism, such as a
718 conservation easement, the "with mitigation" assessment of that
719 creation, restoration, or enhancement shall consider, and the
720 scores shall reflect, the benefits of that preservation
721 mechanism, and the benefits of that preservation mechanism may
722 not be scored separately.

723 (k) Any entity holding a mitigation bank permit that was
724 evaluated under the uniform mitigation assessment method before
725 the effective date of paragraphs (c)-(j) may submit a permit
726 modification request to the relevant permitting agency to have
727 such mitigation bank reassessed pursuant to the provisions set
728 forth in this section, and the relevant permitting agency shall
729 reassess such mitigation bank, if such request is filed with
730 that agency no later than September 30, 2011.

731 Section 15. Section 373.4141, Florida Statutes, is amended
732 to read:

733 373.4141 Permits; processing.—

734 (1) Within 30 days after receipt of an application for a
735 permit under this part, the department or the water management
736 district shall review the application and shall request
737 submittal of all additional information the department or the
738 water management district is permitted by law to require. If the

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739 applicant believes any request for additional information is not
740 authorized by law or rule, the applicant may request a hearing
741 pursuant to s. 120.57. Within 30 days after receipt of such
742 additional information, the department or water management
743 district shall review it and may request only that information
744 needed to clarify such additional information or to answer new
745 questions raised by or directly related to such additional
746 information. If the applicant believes the request of the
747 department or water management district for such additional
748 information is not authorized by law or rule, the department or
749 water management district, at the applicant's request, shall
750 proceed to process the permit application. The department or
751 water management district may request additional information no
752 more than twice unless the applicant waives this limitation in
753 writing. If the applicant does not provide a written response to
754 the second request for additional information within 90 days or
755 another time period mutually agreed upon between the applicant
756 and the department or water management district, the application
757 shall be considered withdrawn.

758 (2) A permit shall be approved, ~~or~~ subject to a
759 notice of proposed agency action within 60 ~~90~~ days after receipt
760 of the original application, the last item of timely requested
761 additional material, or the applicant's written request to begin
762 processing the permit application.

763 (3) Processing of applications for permits for affordable
764 housing projects shall be expedited to a greater degree than
765 other projects.

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766 (4) A state agency or an agency of the state may not
767 require as a condition of approval for a permit or as an item to
768 complete a pending permit application that an applicant obtain a
769 permit or approval from any other local, state, or federal
770 agency without explicit statutory authority to require such
771 permit or approval.

772 Section 16. Section 373.4144, Florida Statutes, is amended
773 to read:

774 373.4144 Federal environmental permitting.—

775 (1) It is the intent of the Legislature to:

776 (a) Facilitate coordination and a more efficient process
777 of implementing regulatory duties and functions between the
778 Department of Environmental Protection, the water management
779 districts, the United States Army Corps of Engineers, the United
780 States Fish and Wildlife Service, the National Marine Fisheries
781 Service, the United States Environmental Protection Agency, the
782 Fish and Wildlife Conservation Commission, and other relevant
783 federal and state agencies.

784 (b) Authorize the Department of Environmental Protection
785 to obtain issuance by the United States Army Corps of Engineers,
786 pursuant to state and federal law and as set forth in this
787 section, of an expanded state programmatic general permit, or a
788 series of regional general permits, for categories of activities
789 in waters of the United States governed by the Clean Water Act
790 and in navigable waters under the Rivers and Harbors Act of 1899
791 which are similar in nature, which will cause only minimal
792 adverse environmental effects when performed separately, and

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793 which will have only minimal cumulative adverse effects on the
794 environment.

795 (c) Use the mechanism of such a state general permit or
796 such regional general permits to eliminate overlapping federal
797 regulations and state rules that seek to protect the same
798 resource and to avoid duplication of permitting between the
799 United States Army Corps of Engineers and the department for
800 minor work located in waters of the United States, including
801 navigable waters, thus eliminating, in appropriate cases, the
802 need for a separate individual approval from the United States
803 Army Corps of Engineers while ensuring the most stringent
804 protection of wetland resources.

805 (d) Direct the department not to seek issuance of or take
806 any action pursuant to any such permit or permits unless such
807 conditions are at least as protective of the environment and
808 natural resources as existing state law under this part and
809 federal law under the Clean Water Act and the Rivers and Harbors
810 Act of 1899. ~~The department is directed to develop, on or before~~
811 ~~October 1, 2005, a mechanism or plan to consolidate, to the~~
812 ~~maximum extent practicable, the federal and state wetland~~
813 ~~permitting programs. It is the intent of the Legislature that~~
814 ~~all dredge and fill activities impacting 10 acres or less of~~
815 ~~wetlands or waters, including navigable waters, be processed by~~
816 ~~the state as part of the environmental resource permitting~~
817 ~~program implemented by the department and the water management~~
818 ~~districts. The resulting mechanism or plan shall analyze and~~
819 ~~propose the development of an expanded state programmatic~~
820 ~~general permit program in conjunction with the United States~~

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821 ~~Army Corps of Engineers pursuant to s. 404 of the Clean Water~~
822 ~~Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.,~~
823 ~~and s. 10 of the Rivers and Harbors Act of 1899. Alternatively,~~
824 ~~or in combination with an expanded state programmatic general~~
825 ~~permit, the mechanism or plan may propose the creation of a~~
826 ~~series of regional general permits issued by the United States~~
827 ~~Army Corps of Engineers pursuant to the referenced statutes. All~~
828 ~~of the regional general permits must be administered by the~~
829 ~~department or the water management districts or their designees.~~

830 (2) In order to effectuate efficient wetland permitting
831 and avoid duplication, the department and water management
832 districts are authorized to implement a voluntary state
833 programmatic general permit for all dredge and fill activities
834 impacting 3 acres or less of wetlands or other surface waters,
835 including navigable waters, subject to agreement with the United
836 States Army Corps of Engineers, if the general permit is at
837 least as protective of the environment and natural resources as
838 existing state law under this part and federal law under the
839 Clean Water Act and the Rivers and Harbors Act of 1899. The
840 ~~department is directed to file with the Speaker of the House of~~
841 ~~Representatives and the President of the Senate a report~~
842 ~~proposing any required federal and state statutory changes that~~
843 ~~would be necessary to accomplish the directives listed in this~~
844 ~~section and to coordinate with the Florida Congressional~~
845 ~~Delegation on any necessary changes to federal law to implement~~
846 ~~the directives.~~

847 (3) Nothing in this section shall be construed to preclude
848 the department from pursuing a series of regional general

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849 permits for construction activities in wetlands or surface
850 waters or complete assumption of federal permitting programs
851 regulating the discharge of dredged or fill material pursuant to
852 s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended,
853 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers and Harbors
854 Act of 1899, so long as the assumption encompasses all dredge
855 and fill activities in, on, or over jurisdictional wetlands or
856 waters, including navigable waters, within the state.

857 Section 17. Subsections (2) and (3), paragraph (a) of
858 subsection (4), and paragraph (a) of subsection (6) of section
859 373.41492, Florida Statutes, are amended to read:

860 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
861 mitigation for mining activities within the Miami-Dade County
862 Lake Belt.—

863 (2) To provide for the mitigation of wetland resources
864 lost to mining activities within the Miami-Dade County Lake Belt
865 Plan, effective October 1, 1999, a mitigation fee is imposed on
866 each ton of limerock and sand extracted by any person who
867 engages in the business of extracting limerock or sand from
868 within the Miami-Dade County Lake Belt Area and the east one-
869 half of sections 24 and 25 and all of sections 35 and 36,
870 Township 53 South, Range 39 East. The mitigation fee is imposed
871 for each ton of limerock and sand sold from within the
872 properties where the fee applies in raw, processed, or
873 manufactured form, including, but not limited to, sized
874 aggregate, asphalt, cement, concrete, and other limerock and
875 concrete products. The mitigation fee imposed by this subsection
876 for each ton of limerock and sand sold shall be 12 cents per ton

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877 beginning January 1, 2007; 18 cents per ton beginning January 1,
878 2008; 24 cents per ton beginning January 1, 2009; and 45 cents
879 per ton beginning close of business December 31, 2011. To pay
880 for seepage mitigation projects, including hydrological
881 structures, as authorized in an environmental resource permit
882 issued by the department for mining activities within the Miami-
883 Dade County Lake Belt Area, and to upgrade a water treatment
884 plant that treats water coming from the Northwest Wellfield in
885 Miami-Dade County, a water treatment plant upgrade fee is
886 imposed within the same Lake Belt Area subject to the mitigation
887 fee and upon the same kind of mined limerock and sand subject to
888 the mitigation fee. The water treatment plant upgrade fee
889 imposed by this subsection for each ton of limerock and sand
890 sold shall be 15 cents per ton beginning on January 1, 2007, and
891 the collection of this fee shall cease once the total amount of
892 proceeds collected for this fee reaches the amount of the actual
893 moneys necessary to design and construct the water treatment
894 plant upgrade, as determined in an open, public solicitation
895 process. Any limerock or sand that is used within the mine from
896 which the limerock or sand is extracted is exempt from the fees.
897 The amount of the mitigation fee and the water treatment plant
898 upgrade fee imposed under this section must be stated separately
899 on the invoice provided to the purchaser of the limerock or sand
900 product from the limerock or sand miner, or its subsidiary or
901 affiliate, for which the fee or fees apply. The limerock or sand
902 miner, or its subsidiary or affiliate, who sells the limerock or
903 sand product shall collect the mitigation fee and the water
904 treatment plant upgrade fee and forward the proceeds of the fees

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905 to the Department of Revenue on or before the 20th day of the
906 month following the calendar month in which the sale occurs. As
907 used in this section, the term "proceeds of the fee" means all
908 funds collected and received by the Department of Revenue under
909 this section, including interest and penalties on delinquent
910 fees. The amount deducted for administrative costs may not
911 exceed 3 percent of the total revenues collected under this
912 section and may equal only those administrative costs reasonably
913 attributable to the fees.

914 (3) The mitigation fee and the water treatment plant
915 upgrade fee imposed by this section must be reported to the
916 Department of Revenue. Payment of the mitigation and the water
917 treatment plant upgrade fees must be accompanied by a form
918 prescribed by the Department of Revenue. The proceeds of the
919 mitigation fee, less administrative costs, must be transferred
920 by the Department of Revenue to the South Florida Water
921 Management District and deposited into the Lake Belt Mitigation
922 Trust Fund. Beginning January 1, 2012, and ending December 31,
923 2017, or upon issuance of water quality certification by the
924 department for mining activities within Phase II of the Miami-
925 Dade County Lake Belt Plan, whichever occurs later, the proceeds
926 of the water treatment plant upgrade fee, less administrative
927 costs, must be transferred by the Department of Revenue to the
928 South Florida Water Management District and deposited into the
929 Lake Belt Mitigation Trust Fund. Beginning January 1, 2018, the
930 proceeds of the water treatment plant upgrade fee, less
931 administrative costs, must be transferred by the Department of
932 Revenue to a trust fund established by Miami-Dade County, for

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933 the sole purpose authorized by paragraph (6) (a). ~~As used in this~~
934 ~~section, the term "proceeds of the fee" means all funds~~
935 ~~collected and received by the Department of Revenue under this~~
936 ~~section, including interest and penalties on delinquent fees.~~
937 ~~The amount deducted for administrative costs may not exceed 3~~
938 ~~percent of the total revenues collected under this section and~~
939 ~~may equal only those administrative costs reasonably~~
940 ~~attributable to the fees.~~

941 (4) (a) The Department of Revenue shall administer,
942 collect, and enforce the mitigation and water treatment plant
943 upgrade fees authorized under this section in accordance with
944 the procedures used to administer, collect, and enforce the
945 general sales tax imposed under chapter 212. The provisions of
946 chapter 212 with respect to the authority of the Department of
947 Revenue to audit and make assessments, the keeping of books and
948 records, and the interest and penalties imposed on delinquent
949 fees apply to this section. The fees may not be included in
950 computing estimated taxes under s. 212.11, and the dealer's
951 credit for collecting taxes or fees provided for in s. 212.12
952 does not apply to the fees imposed by this section.

953 (6) (a) The proceeds of the mitigation fee must be used to
954 conduct mitigation activities that are appropriate to offset the
955 loss of the value and functions of wetlands as a result of
956 mining activities and must be used in a manner consistent with
957 the recommendations contained in the reports submitted to the
958 Legislature by the Miami-Dade County Lake Belt Plan
959 Implementation Committee and adopted under s. 373.4149. Such
960 mitigation may include the purchase, enhancement, restoration,

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961 and management of wetlands and uplands, the purchase of
962 mitigation credit from a permitted mitigation bank, and any
963 structural modifications to the existing drainage system to
964 enhance the hydrology of the Miami-Dade County Lake Belt Area.
965 Funds may also be used to reimburse other funding sources,
966 including the Save Our Rivers Land Acquisition Program, the
967 Internal Improvement Trust Fund, the South Florida Water
968 Management District, and Miami-Dade County, for the purchase of
969 lands that were acquired in areas appropriate for mitigation due
970 to rock mining and to reimburse governmental agencies that
971 exchanged land under s. 373.4149 for mitigation due to rock
972 mining. The proceeds of the water treatment plant upgrade fee
973 that are deposited into the Lake Belt Mitigation Trust Fund
974 shall be used solely to pay for seepage mitigation projects,
975 including groundwater or surface water management structures, as
976 authorized in an environmental resource permit issued by the
977 department for mining activities within the Miami-Dade County
978 Lake Belt Area. The proceeds of the water treatment plant
979 upgrade fee that are transferred to a trust fund established by
980 Miami-Dade County shall be used to upgrade a water treatment
981 plant that treats water coming from the Northwest Wellfield in
982 Miami-Dade County. As used in this section, the terms "upgrade a
983 water treatment plant" or "water treatment plant upgrade" means
984 those works necessary to treat or filter a surface water source
985 or supply or both.

986 Section 18. Present subsections (3), (4), and (5) of
987 section 373.441, Florida Statutes, are renumbered as subsections

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988 (7), (8), and (9), respectively, and new subsections (3), (4),
989 (5), and (6) are added to that section, to read:

990 373.441 Role of counties, municipalities, and local
991 pollution control programs in permit processing; delegation.—

992 (3) A county having a population of 200,000 or more or a
993 municipality having a population of 100,000 or more that
994 implements a local pollution control program regulating all or a
995 portion of the wetlands or surface waters throughout its
996 geographic boundary must apply for delegation of state
997 environmental resource permitting authority on or before June 1,
998 2012. A county or municipality that fails to receive delegation
999 of all or a portion of state environmental resource permitting
1000 authority within 1 year after submitting its application for
1001 delegation or by June 1, 2013, at the latest, may not require
1002 permits that in part or in full are substantially similar to the
1003 requirements needed to obtain an environmental resource permit.
1004 A county or municipality that has received delegation before
1005 June 1, 2012, does not need to reapply.

1006 (4) The department is responsible for all delegations of
1007 state environmental resource permitting authority to local
1008 governments. The department must grant or deny an application
1009 for delegation submitted by a county or municipality that meets
1010 the criteria in subsection (3) within 1 year after the receipt
1011 of the application. If an application for delegation is denied,
1012 any available legal challenge to such denial shall toll the 1-
1013 year preemption deadline until resolution of the legal
1014 challenge. Upon delegation to a qualified local government, the
1015 department and water management district may not regulate the

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1016 activities subject to the delegation within that jurisdiction
1017 unless regulation is required pursuant to the terms of the
1018 delegation agreement.

1019 (5) This section does not prohibit or limit a local
1020 government that meets the criteria in subsection (3) from
1021 regulating wetlands or surface waters after June 1, 2012, if the
1022 local government receives delegation of all or a portion of
1023 state environmental resource permitting authority within 1 year
1024 after submitting its application for delegation.

1025 (6) Notwithstanding subsections (3), (4), and (5), this
1026 section does not apply to environmental resource permitting or
1027 reclamation applications for solid mineral mining and does not
1028 prohibit the application of local government regulations to any
1029 new solid mineral mine or any proposed addition to, change to,
1030 or expansion of an existing solid mineral mine.

1031 Section 19. Section 376.30715, Florida Statutes, is
1032 amended to read:

1033 376.30715 Innocent victim petroleum storage system
1034 restoration.—A contaminated site acquired by the current owner
1035 prior to July 1, 1990, which has ceased operating as a petroleum
1036 storage or retail business prior to January 1, 1985, is eligible
1037 for financial assistance pursuant to s. 376.305(6),
1038 notwithstanding s. 376.305(6)(a). For purposes of this section,
1039 the term "acquired" means the acquisition of title to the
1040 property; however, a subsequent transfer of the property to a
1041 spouse or child of the owner, a surviving spouse or child of the
1042 owner in trust or free of trust, ~~or~~ a revocable trust created
1043 for the benefit of the settlor, or a corporate entity created by

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1044 the owner to hold title to the site does not disqualify the site
1045 from financial assistance pursuant to s. 376.305(6) and
1046 applicants previously denied coverage may reapply. Eligible
1047 sites shall be ranked in accordance with s. 376.3071(5).

1048 Section 20. Paragraph (u) is added to subsection (24) of
1049 section 380.06, Florida Statutes, to read:

1050 380.06 Developments of regional impact.—

1051 (24) STATUTORY EXEMPTIONS.—

1052 (u) Any proposed solid mineral mine and any proposed
1053 addition to, expansion of, or change to an existing solid
1054 mineral mine is exempt from the provisions of this section.
1055 Proposed changes to any previously approved solid mineral mine
1056 development-of-regional-impact development orders having vested
1057 rights is not subject to further review or approval as a
1058 development of regional impact or notice of proposed change
1059 review or approval pursuant to subsection (19), except for those
1060 applications pending as of July 1, 2011, which shall be governed
1061 by s. 380.115(2). Notwithstanding the foregoing, however,
1062 pursuant to s. 380.115(1), previously approved solid mineral
1063 mine development-of-regional-impact development orders shall
1064 continue to enjoy vested rights and continue to be effective
1065 unless rescinded by the developer. All local government
1066 regulations of proposed solid mineral mines apply to any new
1067 solid mineral mine or to any proposed addition to, expansion of,
1068 or change to an existing solid mineral mine.

1069

1070 If a use is exempt from review as a development of regional
1071 impact under paragraphs (a)-(s), but will be part of a larger

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1072 project that is subject to review as a development of regional
1073 impact, the impact of the exempt use must be included in the
1074 review of the larger project, unless such exempt use involves a
1075 development of regional impact that includes a landowner,
1076 tenant, or user that has entered into a funding agreement with
1077 the Office of Tourism, Trade, and Economic Development under the
1078 Innovation Incentive Program and the agreement contemplates a
1079 state award of at least \$50 million.

1080 Section 21. Subsection (1) of section 380.0657, Florida
1081 Statutes, is amended to read:

1082 380.0657 Expedited permitting process for economic
1083 development projects.—

1084 (1) The Department of Environmental Protection and, as
1085 appropriate, the water management districts created under
1086 chapter 373 shall adopt programs to expedite the processing of
1087 wetland resource and environmental resource permits for economic
1088 development projects that have been identified by a municipality
1089 or county as meeting the definition of target industry
1090 businesses under s. 288.106, or any inland multimodal facility,
1091 receiving or sending cargo to or from Florida ports, with the
1092 exception of those projects requiring approval by the Board of
1093 Trustees of the Internal Improvement Trust Fund.

1094 Section 22. Subsection (11) of section 403.061, Florida
1095 Statutes, is amended to read:

1096 403.061 Department; powers and duties.—The department
1097 shall have the power and the duty to control and prohibit
1098 pollution of air and water in accordance with the law and rules
1099 adopted and promulgated by it and, for this purpose, to:

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1100 (11) Establish ambient air quality and water quality
1101 standards for the state as a whole or for any part thereof, and
1102 also standards for the abatement of excessive and unnecessary
1103 noise. The department is authorized to establish reasonable
1104 zones of mixing for discharges into waters. For existing
1105 installations as defined by rule 62-520.200(10), Florida
1106 Administrative Code, effective July 12, 2009, zones of discharge
1107 to groundwater are authorized to a facility's or owner's
1108 property boundary and extending to the base of a specifically
1109 designated aquifer or aquifers. Exceedance of primary and
1110 secondary groundwater standards that occur within a zone of
1111 discharge does not create liability pursuant to this chapter or
1112 chapter 376 for site cleanup, and the exceedance of soil cleanup
1113 target levels is not a basis for enforcement or site cleanup.

1114 (a) When a receiving body of water fails to meet a water
1115 quality standard for pollutants set forth in department rules, a
1116 steam electric generating plant discharge of pollutants that is
1117 existing or licensed under this chapter on July 1, 1984, may
1118 nevertheless be granted a mixing zone, provided that:

1119 1. The standard would not be met in the water body in the
1120 absence of the discharge;

1121 2. The discharge is in compliance with all applicable
1122 technology-based effluent limitations;

1123 3. The discharge does not cause a measurable increase in
1124 the degree of noncompliance with the standard at the boundary of
1125 the mixing zone; and

1126 4. The discharge otherwise complies with the mixing zone
1127 provisions specified in department rules.

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1128 (b) No mixing zone for point source discharges shall be
1129 permitted in Outstanding Florida Waters except for:

1130 1. Sources that have received permits from the department
1131 prior to April 1, 1982, or the date of designation, whichever is
1132 later;

1133 2. Blowdown from new power plants certified pursuant to
1134 the Florida Electrical Power Plant Siting Act;

1135 3. Discharges of water necessary for water management
1136 purposes which have been approved by the governing board of a
1137 water management district and, if required by law, by the
1138 secretary; and

1139 4. The discharge of demineralization concentrate which has
1140 been determined permissible under s. 403.0882 and which meets
1141 the specific provisions of s. 403.0882(4)(a) and (b), if the
1142 proposed discharge is clearly in the public interest.

1143 (c) The department, by rule, shall establish water quality
1144 criteria for wetlands which criteria give appropriate
1145 recognition to the water quality of such wetlands in their
1146 natural state.

1147

1148 Nothing in this act shall be construed to invalidate any
1149 existing department rule relating to mixing zones. The
1150 department shall cooperate with the Department of Highway Safety
1151 and Motor Vehicles in the development of regulations required by
1152 s. 316.272(1).

1153

1154 The department shall implement such programs in conjunction with
1155 its other powers and duties and shall place special emphasis on

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1156 reducing and eliminating contamination that presents a threat to
1157 humans, animals or plants, or to the environment.

1158 Section 23. Subsection (7) of section 403.087, Florida
1159 Statutes, is amended to read:

1160 403.087 Permits; general issuance; denial; revocation;
1161 prohibition; penalty.—

1162 (7) A permit issued pursuant to this section shall not
1163 become a vested right in the permittee. The department may
1164 revoke any permit issued by it if it finds that the permit holder
1165 has:

1166 (a) ~~Has~~ Submitted false or inaccurate information in the
1167 his or her application for such permit;

1168 (b) ~~Has~~ Violated law, department orders, rules, ~~or~~
1169 regulations, or permit conditions;

1170 (c) ~~Has~~ Failed to submit operational reports or other
1171 information required by department rule which directly relate to
1172 such permit and has refused to correct or cure such violations
1173 when requested to do so or regulation; or

1174 (d) ~~Has~~ Refused lawful inspection under s. 403.091 at the
1175 facility authorized by such permit.

1176 Section 24. Section 403.0874, Florida Statutes, is created
1177 to read:

1178 403.0874 Incentive-based permitting program.—

1179 (1) SHORT TITLE.—This section may be cited as the "Florida
1180 Incentive-based Permitting Act."

1181 (2) FINDINGS AND INTENT.—The Legislature finds and
1182 declares that the department should consider compliance history
1183 when deciding whether to issue, renew, amend, or modify a permit

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1184 by evaluating an applicant's site-specific and program-specific
1185 relevant aggregate compliance history. Persons having a history
1186 of complying with applicable permits or state environmental laws
1187 and rules are eligible for permitting benefits, including, but
1188 not limited to, expedited permit application reviews, longer-
1189 duration permit periods, decreased announced compliance
1190 inspections, and other similar regulatory and compliance
1191 incentives to encourage and reward such persons for their
1192 environmental performance.

1193 (3) APPLICABILITY.—

1194 (a) This section applies to all persons and regulated
1195 activities that are subject to the permitting requirements of
1196 chapter 161, chapter 373, or this chapter, and all other
1197 applicable state or federal laws that govern activities for the
1198 purpose of protecting the environment or the public health from
1199 pollution or contamination.

1200 (b) Notwithstanding paragraph (a), this section does not
1201 apply to certain permit actions or environmental permitting laws
1202 such as:

1203 1. Environmental permitting or authorization laws that
1204 regulate activities for the purpose of zoning, growth
1205 management, or land use; or

1206 2. Any federal law or program delegated or assumed by the
1207 state to the extent that implementation of this section, or any
1208 part of this section, would jeopardize the ability of the state
1209 to retain such delegation or assumption.

1210 (c) As used in this section, the term "regulated activity"
1211 means any activity, including, but not limited to, the

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1212 construction or operation of a facility, installation, system,
1213 or project, for which a permit, certification, or authorization
1214 is required under chapter 161, chapter 373, or this chapter.

1215 (4) COMPLIANCE HISTORY.—The compliance history period
1216 shall be the 10 years before the date any permit or renewal
1217 application is received by the department. Any person is
1218 entitled to the incentives under subsection (5) if:

1219 (a)1. The applicant has conducted the regulated activity
1220 at the same site for which the permit or renewal is sought for
1221 at least 8 of the 10 years before the date the permit
1222 application is received by the department; or

1223 2. The applicant has conducted the same regulated activity
1224 at a different site within the state for at least 8 of the 10
1225 years before the date the permit or renewal application is
1226 received by the department;

1227 (b) In the 10 years before the date the permit or renewal
1228 application is received by the department or water management
1229 district, the applicant has not been subject to a formal
1230 administrative or civil judgment or criminal conviction whereby
1231 an administrative law judge or civil or criminal court found the
1232 applicant violated the applicable law or rule or has been the
1233 subject of an administrative settlement or consent order,
1234 whether formal or informal, that established a violation of an
1235 applicable law or rule; and

1236 (c) The applicant can demonstrate during a 10-year
1237 compliance history period the implementation of activities or
1238 practices that resulted in:

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- 1239 1. Reductions in actual or permitted discharges or
1240 emissions;
- 1241 2. Reductions in the impacts of regulated activities on
1242 public lands or natural resources; and
- 1243 3. Implementation of voluntary environmental performance
1244 programs, such as environmental management systems.
- 1245 (5) COMPLIANCE INCENTIVES.—An applicant shall request all
1246 applicable incentives at the time of application submittal.
1247 Unless otherwise prohibited by state or federal law, rule, or
1248 regulation, and if the applicant meets all other applicable
1249 criteria for the issuance of a permit or authorization, an
1250 applicant is entitled to the following incentives:
- 1251 (a) Expedited reviews on permit actions, including, but
1252 not limited to, initial permit issuance, renewal, modification,
1253 and transfer, if applicable. Expedited review means, at a
1254 minimum, that the initial request for additional information
1255 regarding a permit application shall be issued no later than 30
1256 days after the application is filed, and final agency action
1257 shall be taken no later than 60 days after the application is
1258 deemed complete;
- 1259 (b) Priority review of the permit application;
- 1260 (c) Reduction in the number of routine compliance
1261 inspections;
- 1262 (d) No more than two requests for additional information
1263 under s. 120.60; and
- 1264 (e) Longer permit period durations.
- 1265 (6) RULEMAKING.—The department may adopt additional
1266 incentives by rule. Such incentives shall be based on, and

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1267 proportional to, actions taken by the applicant to reduce the
1268 applicant's impacts on human health and the environment beyond
1269 those actions required by law. The department's rules adopted
1270 under this section are binding on the water management districts
1271 and any local government that has been delegated or assumed a
1272 regulatory program to which this section applies.

1273 (7) SAVINGS PROVISION.—This section does not affect an
1274 applicant's responsibility to provide reasonable assurance of
1275 compliance with applicable statutes and rules as a condition
1276 precedent to issuance of a permit and does not limit factors the
1277 department, a water management district, or a delegated program
1278 may consider in evaluating a permit application under existing
1279 law.

1280 Section 25. Subsection (2) of section 403.1838, Florida
1281 Statutes, is amended to read:

1282 403.1838 Small Community Sewer Construction Assistance
1283 Act.—

1284 (2) The department shall use funds specifically
1285 appropriated to award grants under this section to assist
1286 financially disadvantaged small communities with their needs for
1287 adequate sewer facilities. For purposes of this section, the
1288 term "financially disadvantaged small community" means a
1289 municipality that has ~~with~~ a population of 10,000 ~~7,500~~ or fewer
1290 ~~less~~, according to the latest decennial census and a per capita
1291 annual income less than the state per capita annual income as
1292 determined by the United States Department of Commerce.

1293 Section 26. Paragraph (f) of subsection (1) of section
1294 403.7045, Florida Statutes, is amended to read:

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1295 403.7045 Application of act and integration with other
1296 acts.-

1297 (1) The following wastes or activities shall not be
1298 regulated pursuant to this act:

1299 (f) Industrial byproducts, if:

1300 1. A majority of the industrial byproducts are demonstrated
1301 to be sold, used, or reused within 1 year.

1302 2. The industrial byproducts are not discharged, deposited,
1303 injected, dumped, spilled, leaked, or placed upon any land or
1304 water so that such industrial byproducts, or any constituent
1305 thereof, may enter other lands or be emitted into the air or
1306 discharged into any waters, including groundwaters, or otherwise
1307 enter the environment such that a threat of contamination in
1308 excess of applicable department standards and criteria or a
1309 significant threat to public health is caused.

1310 3. The industrial byproducts are not hazardous wastes as
1311 defined under s. 403.703 and rules adopted under this section.

1312

1313 Sludge from an industrial waste treatment works that meets the
1314 exemption requirements of this paragraph is not solid waste as
1315 defined in s. 403.703(32).

1316 Section 27. Subsections (2) and (3) of section 403.707,
1317 Florida Statutes, are amended to read:

1318 403.707 Permits.-

1319 (2) Except as provided in s. 403.722(6), a permit under
1320 this section is not required for the following, ~~if the activity~~
1321 ~~does not create a public nuisance or any condition adversely~~
1322 ~~affecting the environment or public health and does not violate~~

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1323 ~~other state or local laws, ordinances, rules, regulations, or~~
1324 ~~orders:~~

1325 (a) Disposal by persons of solid waste resulting from
1326 their own activities on their own property, if such waste is
1327 ordinary household waste from their residential property or is
1328 rocks, soils, trees, tree remains, and other vegetative matter
1329 that normally result from land development operations. Disposal
1330 of materials that could create a public nuisance or adversely
1331 affect the environment or public health, such as white goods;
1332 automotive materials, such as batteries and tires; petroleum
1333 products; pesticides; solvents; or hazardous substances, is not
1334 covered under this exemption.

1335 (b) Storage in containers by persons of solid waste
1336 resulting from their own activities on their property, leased or
1337 rented property, or property subject to a homeowners or
1338 maintenance association for which the person contributes
1339 association assessments, if the solid waste in such containers
1340 is collected at least once a week.

1341 (c) Disposal by persons of solid waste resulting from
1342 their own activities on their property, if the environmental
1343 effects of such disposal on groundwater and surface waters are:

1344 1. Addressed or authorized by a site certification order
1345 issued under part II or a permit issued by the department under
1346 this chapter or rules adopted pursuant to this chapter; or

1347 2. Addressed or authorized by, or exempted from the
1348 requirement to obtain, a groundwater monitoring plan approved by
1349 the department.

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1350 (d) Disposal by persons of solid waste resulting from
1351 their own activities on their own property, if such disposal
1352 occurred prior to October 1, 1988.

1353 (e) Disposal of solid waste resulting from normal farming
1354 operations as defined by department rule. Polyethylene
1355 agricultural plastic, damaged, nonsalvageable, untreated wood
1356 pallets, and packing material that cannot be feasibly recycled,
1357 which are used in connection with agricultural operations
1358 related to the growing, harvesting, or maintenance of crops, may
1359 be disposed of by open burning if a public nuisance or any
1360 condition adversely affecting the environment or the public
1361 health is not created by the open burning and state or federal
1362 ambient air quality standards are not violated.

1363 (f) The use of clean debris as fill material in any area.
1364 However, this paragraph does not exempt any person from
1365 obtaining any other required permits, and does not affect a
1366 person's responsibility to dispose of clean debris appropriately
1367 if it is not to be used as fill material.

1368 (g) Compost operations that produce less than 50 cubic
1369 yards of compost per year when the compost produced is used on
1370 the property where the compost operation is located.

1371 (3) (a) All applicable provisions of ss. 403.087 and
1372 403.088, relating to permits, apply to the control of solid
1373 waste management facilities.

1374 (b) If a facility has a permit authorizing disposal
1375 activity, new areas where solid waste is being disposed of that
1376 are monitored by an existing or modified groundwater monitoring

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1377 plan are not required to be specifically authorized in a permit
1378 or other certification.

1379 (c) Any permit issued to a solid waste management facility
1380 that is designed with a leachate control system that meets
1381 department requirements shall be issued for a term of 20 years
1382 unless the applicant requests a lesser permit term. Existing
1383 permit fees for qualifying solid waste management facilities
1384 shall be prorated to the permit term authorized by this section.
1385 This provision applies to all qualifying solid waste management
1386 facilities that apply for an operating or construction permit or
1387 renew an existing operating or construction permit on or after
1388 July 1, 2012.

1389 Section 28. Subsection (12) is added to section 403.814,
1390 Florida Statutes, to read:

1391 403.814 General permits; delegation.—

1392 (12) A general permit shall be granted for the
1393 construction, alteration, and maintenance of a surface water
1394 management system serving a total project area of up to 10
1395 acres. The construction of such a system may proceed without any
1396 agency action by the department or water management district if:

1397 (a) The total project area is less than 10 acres;

1398 (b) The total project area involves less than 2 acres of
1399 impervious surface;

1400 (c) No activities will impact wetlands or other surface
1401 waters;

1402 (d) No activities are conducted in, on, or over wetlands
1403 or other surface waters;

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1404 (e) Drainage facilities will not include pipes having
1405 diameters greater than 24 inches, or the hydraulic equivalent,
1406 and will not use pumps in any manner;

1407 (f) The project is not part of a larger common plan,
1408 development, or sale.

1409 (g) The project does not:

1410 1. Cause adverse water quantity or flooding impacts to
1411 receiving water and adjacent lands;

1412 2. Cause adverse impacts to existing surface water storage
1413 and conveyance capabilities;

1414 3. Cause a violation of state water quality standards; and

1415 4. Cause an adverse impact to the maintenance of surface
1416 or ground water levels or surface water flows established
1417 pursuant to s. 373.042 or a work of the district established
1418 pursuant to s. 373.086; and

1419 (h) The surface water management system design plans must
1420 be signed and sealed by a Florida registered professional who
1421 shall attest that the system will perform and function as
1422 proposed and has been designed in accordance with appropriate,
1423 generally accepted performance standards and scientific
1424 principles.

1425 Section 29. Paragraph (a) of subsection (3) and
1426 subsections (4), (5), (10), (11), (14), (15), and (18) of
1427 section 403.973, Florida Statutes, are amended to read:

1428 403.973 Expedited permitting; amendments to comprehensive
1429 plans.—

1430 (3) (a) The secretary shall direct the creation of regional
1431 permit action teams for the purpose of expediting review of

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1432 permit applications and local comprehensive plan amendments
1433 submitted by:

1434 1. Businesses creating at least 50 jobs or a commercial or
1435 industrial development project that will be occupied by
1436 businesses that would individually or collectively create at
1437 least 50 jobs; or

1438 2. Businesses creating at least 25 jobs if the project is
1439 located in an enterprise zone, or in a county having a
1440 population of fewer than 75,000 or in a county having a
1441 population of fewer than 125,000 which is contiguous to a county
1442 having a population of fewer than 75,000, as determined by the
1443 most recent decennial census, residing in incorporated and
1444 unincorporated areas of the county.

1445 (4) The regional teams shall be established through the
1446 execution of a project-specific memoranda of agreement developed
1447 and executed by the applicant and the secretary, with input
1448 solicited from ~~the office and~~ the respective heads of the
1449 Department of Community Affairs, the Department of
1450 Transportation and its district offices, the Department of
1451 Agriculture and Consumer Services, the Fish and Wildlife
1452 Conservation Commission, appropriate regional planning councils,
1453 appropriate water management districts, and voluntarily
1454 participating municipalities and counties. The memoranda of
1455 agreement should also accommodate participation in this
1456 expedited process by other local governments and federal
1457 agencies as circumstances warrant.

1458 (5) In order to facilitate local government's option to
1459 participate in this expedited review process, the secretary

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1460 shall, in cooperation with local governments and participating
1461 state agencies, create a standard form memorandum of agreement.
1462 The standard form of the memorandum of agreement shall be used
1463 only if the local government participates in the expedited
1464 review process. In the absence of local government
1465 participation, only the project-specific memorandum of agreement
1466 executed pursuant to subsection (4) applies. A local government
1467 shall hold a duly noticed public workshop to review and explain
1468 to the public the expedited permitting process and the terms and
1469 conditions of the standard form memorandum of agreement.

1470 (10) The memoranda of agreement may provide for the waiver
1471 or modification of procedural rules prescribing forms, fees,
1472 procedures, or time limits for the review or processing of
1473 permit applications under the jurisdiction of those agencies
1474 that are members of the regional permit action team party to the
1475 memoranda of agreement. Notwithstanding any other provision of
1476 law to the contrary, a memorandum of agreement must to the
1477 extent feasible provide for proceedings and hearings otherwise
1478 held separately ~~by the parties to the memorandum of agreement~~ to
1479 be combined into one proceeding or held jointly and at one
1480 location. Such waivers or modifications shall not be available
1481 for permit applications governed by federally delegated or
1482 approved permitting programs, the requirements of which would
1483 prohibit, or be inconsistent with, such a waiver or
1484 modification.

1485 (11) The ~~standard form for~~ memoranda of agreement shall
1486 include guidelines to be used in working with state, regional,

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1487 and local permitting authorities. Guidelines may include, but
1488 are not limited to, the following:

1489 (a) A central contact point for filing permit applications
1490 and local comprehensive plan amendments and for obtaining
1491 information on permit and local comprehensive plan amendment
1492 requirements;

1493 (b) Identification of the individual or individuals within
1494 each respective agency who will be responsible for processing
1495 the expedited permit application or local comprehensive plan
1496 amendment for that agency;

1497 (c) A mandatory preapplication review process to reduce
1498 permitting conflicts by providing guidance to applicants
1499 regarding the permits needed from each agency and governmental
1500 entity, site planning and development, site suitability and
1501 limitations, facility design, and steps the applicant can take
1502 to ensure expeditious permit application and local comprehensive
1503 plan amendment review. As a part of this process, the first
1504 interagency meeting to discuss a project shall be held within 14
1505 days after the secretary's determination that the project is
1506 eligible for expedited review. Subsequent interagency meetings
1507 may be scheduled to accommodate the needs of participating local
1508 governments that are unable to meet public notice requirements
1509 for executing a memorandum of agreement within this timeframe.
1510 This accommodation may not exceed 45 days from the secretary's
1511 determination that the project is eligible for expedited review;

1512 (d) The preparation of a single coordinated project
1513 description form and checklist and an agreement by state and

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1514 regional agencies to reduce the burden on an applicant to
1515 provide duplicate information to multiple agencies;

1516 (e) Establishment of a process for the adoption and review
1517 of any comprehensive plan amendment needed by any certified
1518 project within 90 days after the submission of an application
1519 for a comprehensive plan amendment. However, the memorandum of
1520 agreement may not prevent affected persons as defined in s.
1521 163.3184 from appealing or participating in this expedited plan
1522 amendment process and any review or appeals of decisions made
1523 under this paragraph; and

1524 (f) Additional incentives for an applicant who proposes a
1525 project that provides a net ecosystem benefit.

1526 (14)(a) Challenges to state agency action in the expedited
1527 permitting process for projects processed under this section are
1528 subject to the summary hearing provisions of s. 120.574, except
1529 that the administrative law judge's decision, as provided in s.
1530 120.574(2)(f), shall be in the form of a recommended order and
1531 shall not constitute the final action of the state agency. In
1532 those proceedings where the action of only one agency of the
1533 state other than the Department of Environmental Protection is
1534 challenged, the agency of the state shall issue the final order
1535 within 45 working days after receipt of the administrative law
1536 judge's recommended order, and the recommended order shall
1537 inform the parties of their right to file exceptions or
1538 responses to the recommended order in accordance with the
1539 uniform rules of procedure pursuant to s. 120.54. In those
1540 proceedings where the actions of more than one agency of the
1541 state are challenged, the Governor shall issue the final order

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1542 within 45 working days after receipt of the administrative law
 1543 judge's recommended order, and the recommended order shall
 1544 inform the parties of their right to file exceptions or
 1545 responses to the recommended order in accordance with the
 1546 uniform rules of procedure pursuant to s. 120.54. For This
 1547 ~~paragraph does not apply to~~ the issuance of department licenses
 1548 required under any federally delegated or approved permit
 1549 program. In such instances, the department, and not the
 1550 Governor, shall enter the final order. The participating
 1551 agencies of the state may opt at the preliminary hearing
 1552 conference to allow the administrative law judge's decision to
 1553 constitute the final agency action. If a participating local
 1554 government agrees to participate in the summary hearing
 1555 provisions of s. 120.574 for purposes of review of local
 1556 government comprehensive plan amendments, s. 163.3184(9) and
 1557 (10) apply.

1558 (b) Projects identified in paragraph (3)(f) or challenges
 1559 to state agency action in the expedited permitting process for
 1560 establishment of a state-of-the-art biomedical research
 1561 institution and campus in this state by the grantee under s.
 1562 288.955 are subject to the same requirements as challenges
 1563 brought under paragraph (a), except that, notwithstanding s.
 1564 120.574, summary proceedings must be conducted within 30 days
 1565 after a party files the motion for summary hearing, regardless
 1566 of whether the parties agree to the summary proceeding.

1567 (15) The office, working with the agencies providing
 1568 cooperative assistance and input regarding the memoranda of
 1569 agreement, shall review sites proposed for the location of

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1570 facilities that the office has certified to be eligible for the
1571 Innovation Incentive Program under s. 288.1089. Within 20 days
1572 after the request for the review by the office, the agencies
1573 shall provide to the office a statement as to each site's
1574 necessary permits under local, state, and federal law and an
1575 identification of significant permitting issues, which if
1576 unresolved, may result in the denial of an agency permit or
1577 approval or any significant delay caused by the permitting
1578 process.

1579 (18) The office, working with the Rural Economic
1580 Development Initiative and ~~the agencies participating in the~~
1581 ~~memoranda of agreement~~, shall provide technical assistance in
1582 preparing permit applications and local comprehensive plan
1583 amendments for counties having a population of fewer than 75,000
1584 residents, or counties having fewer than 125,000 residents which
1585 are contiguous to counties having fewer than 75,000 residents.
1586 Additional assistance may include, but not be limited to,
1587 guidance in land development regulations and permitting
1588 processes, working cooperatively with state, regional, and local
1589 entities to identify areas within these counties which may be
1590 suitable or adaptable for preclearance review of specified types
1591 of land uses and other activities requiring permits.

1592 Section 30. Subsection (5) is added to section 526.203,
1593 Florida Statutes, to read:

1594 526.203 Renewable fuel standard.—

1595 (5) This section does not prohibit the sale of unblended
1596 fuels for the uses exempted under subsection (3).

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1597 Section 31. The installation of fuel tank upgrades to
1598 secondary containment systems shall be completed by the
1599 deadlines specified in rule 62-761.510, Florida Administrative
1600 Code, Table UST. However, notwithstanding any agreements to the
1601 contrary, any fuel service station that changed ownership
1602 interest through a bona fide sale of the property between
1603 January 1, 2009, and December 31, 2009, is not required to
1604 complete the upgrades described in Rule 62-761.510, Florida
1605 Administrative Code, Table UST, until December 31, 2012.

1606 Section 32. This act shall take effect July 1, 2011.

1607
1608

1609 -----

1610 **T I T L E A M E N D M E N T**

1611 Remove the entire title and insert:

1612 A bill to be entitled

1613 An act relating to environmental regulation; amending s.
1614 120.569, F.S.; providing that a nonapplicant who petitions
1615 to challenge an agency's issuance of a license, permit, or
1616 conceptual approval in certain circumstances has the
1617 burden of ultimate persuasion and the burden of going
1618 forward with evidence; amending s. 125.022, F.S.;
1619 prohibiting a county from requiring an applicant to obtain
1620 a permit or approval from another state or federal agency
1621 as a condition of processing a development permit under
1622 certain conditions; authorizing a county to attach certain
1623 disclaimers to the issuance of a development permit;
1624 creating s. 161.032, F.S.; requiring that the Department

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1625 of Environmental Protection review an application for
1626 certain permits under the Beach and Shore Preservation Act
1627 and request additional information within a specified
1628 time; requiring that the department proceed to process the
1629 application if the applicant believes that a request for
1630 additional information is not authorized by law or rule;
1631 extending the period for an applicant to timely submit
1632 additional information, notwithstanding certain provisions
1633 of the Administrative Procedure Act; authorizing the
1634 department to issue such permits in advance of the
1635 issuance of certain permits as provided for in the
1636 Endangered Species Act under certain conditions; amending
1637 s. 161.041, F.S.; specifying that s. 403.0874, F.S.,
1638 authorizing expedited permitting, applies to provisions
1639 governing coastal construction; prohibiting the Department
1640 of Environmental Protection from requiring certain
1641 sediment quality specifications or turbidity standards as
1642 a permit condition; providing legislative intent with
1643 respect to permitting for beach renourishment projects;
1644 directing the department to amend specified rules relating
1645 to permitting for such projects; amending s. 163.3180,
1646 F.S.; providing an exemption to the level-of-service
1647 standards adopted under the Strategic Intermodal System
1648 for certain inland multimodal facilities; specifying
1649 project criteria; amending s. 166.033, F.S.; prohibiting a
1650 municipality from requiring an applicant to obtain a
1651 permit or approval from another state or federal agency as
1652 a condition of processing a development permit under

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1653 certain conditions; authorizing a county to attach certain
1654 disclaimers to the issuance of a development permit;
1655 amending s. 218.075, F.S.; providing for the reduction or
1656 waiver of permit processing fees relating to projects that
1657 serve a public purpose for certain entities created by
1658 special act, local ordinance, or interlocal agreement;
1659 amending s. 258.397, F.S.; providing an exemption from a
1660 showing of extreme hardship relating to the sale,
1661 transfer, or lease of sovereignty submerged lands in the
1662 Biscayne Bay Aquatic Preserve for certain municipal
1663 applicants; providing for additional dredging and filling
1664 activities in the preserve; amending s. 373.026, F.S.;
1665 requiring the Department of Environmental Protection to
1666 expand its use of Internet-based self-certification
1667 services for exemptions and permits issued by the
1668 department and water management districts; amending s.
1669 373.413, F.S.; specifying that s. 403.0874, F.S.,
1670 authorizing expedited permitting, applies to provisions
1671 governing surface water management and storage; amending
1672 s. 373.4135, F.S.; conforming a cross-reference; amending
1673 s. 373.4136, F.S.; clarifying the use of the uniform
1674 mitigation assessment method for mitigation credits for
1675 the establishment and operation of mitigation banks;
1676 amending s. 373.4137, F.S.; revising legislative findings
1677 with respect to the options for mitigation relating to
1678 transportation projects; revising certain requirements for
1679 determining the habitat impacts of transportation
1680 projects; requiring water management districts to purchase

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1681 credits from public or private mitigation banks under
1682 certain conditions; providing for the release of certain
1683 mitigation funds held for the benefit of a water
1684 management district if a project is excluded from a
1685 mitigation plan; requiring water management districts to
1686 use private mitigation banks in developing plans for
1687 complying with mitigation requirements; providing an
1688 exception; revising the procedure for excluding a project
1689 from a mitigation plan; amending s. 373.414, F.S.;
1690 revising provisions for the uniform mitigation assessment
1691 method rule for wetlands and other surface waters;
1692 providing requirements for the interpretation and
1693 application of the uniform mitigation assessment method
1694 rule; providing an exception; defining the terms
1695 "preservation mitigation" and "without preservation" for
1696 the purposes of certain assessments pursuant to the rule;
1697 providing for reassessment of mitigation banks under
1698 certain conditions; amending s. 373.4141, F.S.; providing
1699 a limitation for the request of additional information
1700 from an applicant by the department; providing that
1701 failure of an applicant to respond to such a request
1702 within a specified time period constitutes withdrawal of
1703 the application; reducing the time within which a permit
1704 must be approved, denied, or subject to notice of proposed
1705 agency action; prohibiting a state agency or an agency of
1706 the state from requiring additional permits or approval
1707 from a local, state, or federal agency without explicit
1708 authority; amending s. 373.4144, F.S.; providing

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1709 legislative intent with respect to the coordination of
1710 regulatory duties among specified state and federal
1711 agencies; requiring that the department report annually to
1712 the Legislature on efforts to expand the state
1713 programmatic general permit or regional general permits;
1714 providing for a voluntary state programmatic general
1715 permit for certain dredge and fill activities; amending s.
1716 373.41492, F.S.; authorizing the use of proceeds from the
1717 water treatment plant upgrade fee to pay for specified
1718 mitigation projects; requiring proceeds from the water
1719 treatment plant upgrade fee to be transferred by the
1720 Department of Revenue to the South Florida Water
1721 Management District and deposited into the Lake Belt
1722 Mitigation Trust Fund for a specified period of time;
1723 providing, after that period, for the proceeds of the
1724 water treatment plant upgrade fee to return to being
1725 transferred by the Department of Revenue to a trust fund
1726 established by Miami-Dade County for specified purposes;
1727 conforming a term; amending s. 373.441, F.S.; requiring
1728 that certain counties or municipalities apply by a
1729 specified date to the department or water management
1730 district for authority to require certain permits;
1731 providing that following such delegation, the department
1732 or district may not regulate activities that are subject
1733 to the delegation; clarifying the authority of local
1734 governments to adopt pollution control programs under
1735 certain conditions; amending s. 376.30715, F.S.; providing
1736 that the transfer of a contaminated site from an owner to

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1737 a child of the owner or corporate entity does not
1738 disqualify the site from the innocent victim petroleum
1739 storage system restoration financial assistance program;
1740 authorizing certain applicants to reapply for financial
1741 assistance; amending s. 380.06, F.S.; exempting a proposed
1742 solid mineral mine or a proposed addition or expansion of
1743 an existing solid mineral mine from provisions governing
1744 developments of regional impact; providing certain
1745 exceptions; clarifying the applicability of local
1746 government regulations with respect to such mining
1747 activities; amending s. 380.0657, F.S.; authorizing
1748 expedited permitting for certain inland multimodal
1749 facilities that individually or collectively will create a
1750 minimum number of jobs; amending s. 403.061, F.S.;
1751 requiring the Department of Environmental Protection to
1752 establish reasonable zones of mixing for discharges into
1753 specified waters; providing that exceedance of certain
1754 groundwater standards does not create liability for site
1755 cleanup; providing that exceedance of soil cleanup target
1756 levels is not a basis for enforcement or cleanup; amending
1757 s. 403.087, F.S.; revising conditions under which the
1758 department is authorized to revoke environmental resource
1759 permits; creating s. 403.0874, F.S.; providing a short
1760 title; providing legislative findings and intent with
1761 respect to the consideration of the compliance history of
1762 a permit applicant; providing for applicability;
1763 specifying the period of compliance history to be
1764 considered is issuing or renewing a permit; providing

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1765 criteria to be considered by the Department of
1766 Environmental Protection; authorizing expedited review of
1767 permit issuance, renewal, modification, and transfer;
1768 providing for a reduced number of inspections; providing
1769 for extended permit duration; authorizing the department
1770 to make additional incentives available under certain
1771 circumstances; providing for automatic permit renewal and
1772 reduced or waived fees under certain circumstances;
1773 authorizing the department to adopt additional incentives
1774 by rule; providing that such rules are binding on a water
1775 management district or local government that has been
1776 delegated certain regulatory duties; limiting
1777 applicability; amending s. 403.1838, F.S.; revising the
1778 definition of the term "financially disadvantaged small
1779 community" for the purposes of the Small Community Sewer
1780 Construction Assistance Act; amending s. 403.7045, F.S.;
1781 providing conditions under which sludge from an industrial
1782 waste treatment works is not solid waste; amending s.
1783 403.707, F.S.; exempting the disposal of solid waste
1784 monitored by certain groundwater monitoring plans from
1785 specific authorization; extending the duration of all
1786 permits issued to solid waste management facilities that
1787 meet specified criteria; providing an exception; providing
1788 for prorated permit fees; providing applicability;
1789 amending s. 403.814, F.S.; providing for issuance of
1790 general permits for the construction, alteration, and
1791 maintenance of certain surface water management systems
1792 without the action of the department or a water management

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1793 district; specifying conditions for the general permits;
1794 amending s. 403.973, F.S.; authorizing expedited
1795 permitting for certain commercial or industrial
1796 development projects that individually or collectively
1797 will create a minimum number of jobs; providing for a
1798 project-specific memorandum of agreement to apply to a
1799 project subject to expedited permitting; clarifying the
1800 authority of the Department of Environmental Protection to
1801 enter final orders for the issuance of certain licenses;
1802 revising criteria for the review of certain sites;
1803 amending s. 526.203, F.S.; authorizing the sale of
1804 unblended fuels for certain uses; revising the deadline
1805 for completion of the installation of fuel tank upgrades
1806 to secondary containment systems for specified properties;
1807 providing an effective date.

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COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Drake offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 1424 and 1425, insert:

6 Section 29. Paragraph (i) is added to subsection (1) of
7 section 403.862, Florida Statutes, to read:

8 403.862 Department of Health; public water supply duties
9 and responsibilities; coordinated budget requests with
10 department.--

11 (1) Recognizing that supervision and control of county
12 health departments of the Department of Health is retained by
13 the State Surgeon General, and that public health aspects of the
14 state public water supply program require joint participation in
15 the program by the Department of Health and its units and the
16 department, the Department of Health shall:

17 (i) Notwithstanding any other provision of law, delegate
18 the responsibility of testing public water systems in small

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19 counties, as defined in s. 163.05(3), to the local health
20 department.

21

22

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24

25

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

26

Between lines 1793 and 1794, insert:

27

amending s. 403.862, F.S.; requiring the Department of

28

Health to delegate the responsibility of testing public

29

water systems in certain counties to the local health

30

department;

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Amendment No. |

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Holder offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Subsection (8) of section 624.402, Florida
7 Statutes, is amended to read:

8 624.402 Exceptions, certificate of authority required.—A
9 certificate of authority shall not be required of an insurer
10 with respect to:

11 (8) An insurer domiciled outside the United States
12 covering only persons who, at the time of issuance or renewal,
13 are nonresidents of the United States if:

14 (a) The insurer or any affiliated person as defined in
15 624.04 under common ownership or control with the insurer does
16 not solicit, sell or accept application for any insurance policy
17 or contract to be delivered or issued for delivery to any person
18 in any state;

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19 (b) The insurer registers with the office via a letter of
20 notification upon commencing business from this state;

21 (c) The insurer provides the following information, in
22 English, to the office annually by March 1:

23 1. The name of the insurer, the country of domicile, the
24 address of the insurer's principal office and office in this
25 state, the names of the owners of the insurer and their
26 percentage of ownership, the names of the officers and directors
27 of the insurer, the name, e-mail, and telephone number of a
28 contact person for the insurer, and the number of individuals
29 who are employed by the insurer or its affiliates in this state;

30 2. The lines of insurance and types of products offered by
31 the insurer;

32 3. A statement from the applicable regulatory body of the
33 insurer's domicile certifying that the insurer is licensed or
34 registered for those lines of insurance and types of products in
35 that domicile; and

36 4. A copy of the filings required by the applicable
37 regulatory body of the insurer's country of domicile and in such
38 country's official language or in English, if available;

39 (d) All certificates, policies, or contracts issued in
40 this state showing coverage under the insurer's policy include
41 the following statement in a contrasting color and at least 10-
42 point type: "The policy providing your coverage and the insurer
43 providing this policy have not been approved by the Florida
44 Office of Insurance Regulation"; and

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45 (e) In the event the insurer ceases to do business from
46 this state, the insurer will provide written notification to the
47 office within 30 days after cessation.

48 (f) For purposes of this subsection, "nonresident" means a
49 person who resides in and maintains a physical place of domicile
50 in a country other than the United States, which he or she
51 recognizes as and intends to maintain as his or her permanent
52 home. A nonresident does not include an unauthorized immigrant
53 present in the United States. Notwithstanding any other
54 provision of law, it is conclusively presumed, for purposes of
55 this subsection, that a person is a resident of the United
56 States if such person:

57 1. has had his or her principal place of domicile in the
58 United States for 180 days or more in the 365 days prior to
59 issuance or renewal of the policy;

60 2. has registered to vote in any state;

61 3. has made a statement of domicile in any state; or

62 4. has filed for homestead tax exemption on property in any
63 state.

64 (g) Subject to the limitations contained in this
65 subsection, services including those listed in s. 624.10 may be
66 provided by the insurer or an affiliated person as defined in
67 624.04 under common ownership or control with the insurer.

68 (h) An alien insurer transacting insurance in this state
69 without complying with the provisions of this subsection shall
70 be in violation of this chapter and subject to the penalties
71 provided in s. 624.15.

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72 ~~(a) Life insurance policies or annuity contracts issued by~~
73 ~~an insurer domiciled outside the United States covering only~~
74 ~~persons who, at the time of issuance, are not residents of the~~
75 ~~United States and are not nonresidents illegally residing in the~~
76 ~~United States, provided:~~

77 ~~1. The insurer must currently be an authorized insurer in~~
78 ~~its country of domicile as to the kind or kinds of insurance~~
79 ~~proposed to be offered and must have been such an insurer for~~
80 ~~not fewer than the immediately preceding 3 years, or must be the~~
81 ~~wholly owned subsidiary of such authorized insurer or must be~~
82 ~~the wholly owned subsidiary of an already eligible authorized~~
83 ~~insurer as to the kind or kinds of insurance proposed for a~~
84 ~~period of not fewer than the immediately preceding 3 years.~~
85 ~~However, the office may waive the 3-year requirement if the~~
86 ~~insurer has operated successfully for a period of at least the~~
87 ~~immediately preceding year and has capital and surplus of not~~
88 ~~less than \$25 million.~~

89 ~~2. Before the office may grant eligibility, the requesting~~
90 ~~insurer shall furnish the office with a duly authenticated copy~~
91 ~~of its current annual financial statement, in English, and with~~
92 ~~all monetary values therein expressed in United States dollars,~~
93 ~~at an exchange rate then-current and shown in the statement, in~~
94 ~~the case of statements originally made in the currencies of~~
95 ~~other countries, and with such additional information relative~~
96 ~~to the insurer as the office may request.~~

97 ~~3. The insurer must have and maintain surplus as to~~
98 ~~policyholders of not less than \$15 million. Any such surplus as~~
99 ~~to policyholders shall be represented by investments consisting~~

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100 ~~of eligible investments for like funds of like domestic insurers~~
101 ~~under part II of chapter 625; however, any such surplus as to~~
102 ~~policyholders may be represented by investments permitted by the~~
103 ~~domestic regulator of such alien insurance company if such~~
104 ~~investments are substantially similar in terms of quality,~~
105 ~~liquidity, and security to eligible investments for like funds~~
106 ~~of like domestic insurers under part II of chapter 625.~~

107 ~~4. The insurer must be of good reputation as to the~~
108 ~~providing of service to its policyholders and the payment of~~
109 ~~losses and claims.~~

110 ~~5. To maintain eligibility, the insurer shall furnish the~~
111 ~~office within the time period specified in s. 624.424(1)(a) a~~
112 ~~duly authenticated copy of its current annual and quarterly~~
113 ~~financial statements, in English, and with all monetary values~~
114 ~~therein expressed in United States dollars, at an exchange rate~~
115 ~~then-current and shown in the statement, in the case of~~
116 ~~statements originally made in the currencies of other countries,~~
117 ~~and with such additional information relative to the insurer as~~
118 ~~the office may request.~~

119 ~~6. An insurer receiving eligibility under this subsection~~
120 ~~shall agree to make its books and records pertaining to its~~
121 ~~operations in this state available for inspection during normal~~
122 ~~business hours upon request of the office.~~

123 ~~7. The insurer shall provide to the applicant for the~~
124 ~~policy or contract a copy of the most recent quarterly financial~~
125 ~~statements of the insurer providing, in clear and conspicuous~~
126 ~~language:~~

127 ~~a. The date of organization of the insurer.~~

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128 ~~b. The identity of and rating assigned by each recognized~~
129 ~~insurance company rating organization that has rated the insurer~~
130 ~~or, if applicable, that the insurer is unrated.~~

131 ~~c. That the insurer does not hold a certificate of~~
132 ~~authority issued in this state and that the office does not~~
133 ~~exercise regulatory oversight over the insurer.~~

134 ~~d. The identity and address of the regulatory authority~~
135 ~~exercising oversight of the insurer.~~

136

137 ~~This paragraph does not impose upon the office any duty or~~
138 ~~responsibility to determine the actual financial condition or~~
139 ~~claims practices of any unauthorized insurer, and the status of~~
140 ~~eligibility, if granted by the office, indicates only that the~~
141 ~~insurer appears to be financially sound and to have satisfactory~~
142 ~~claims practices and that the office has no credible evidence to~~
143 ~~the contrary.~~

144 ~~(b) If at any time the office has reason to believe that~~
145 ~~an insurer issuing policies or contracts pursuant to this~~
146 ~~subsection is insolvent or is in unsound financial condition,~~
147 ~~does not make reasonable prompt payment of benefits, or is no~~
148 ~~longer eligible under the conditions specified in this~~
149 ~~subsection, the office may conduct an examination or~~
150 ~~investigation in accordance with s. 624.316, s. 624.3161, or s.~~
151 ~~624.320 and, if the findings of such examination or~~
152 ~~investigation warrant, may withdraw the eligibility of the~~
153 ~~insurer to issue policies or contracts pursuant to this~~
154 ~~subsection without having a certificate of authority issued by~~
155 ~~the office.~~

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156 ~~(c) This subsection does not provide an exception to the~~
157 ~~agent licensure requirements of chapter 626. Any insurer issuing~~
158 ~~policies or contracts pursuant to this subsection shall appoint~~
159 ~~the agents that the insurer uses to sell such policies or~~
160 ~~contracts as provided in chapter 626.~~

161 ~~(d) An insurer issuing policies or contracts pursuant to~~
162 ~~this subsection is subject to part IX of chapter 626, Unfair~~
163 ~~Insurance Trade Practices, and the office may take such actions~~
164 ~~against the insurer for a violation as are provided in that~~
165 ~~part.~~

166 ~~(e) Policies and contracts issued pursuant to this~~
167 ~~subsection are not subject to the premium tax specified in s.~~
168 ~~624.509.~~

169 ~~(f) Applications for life insurance coverage offered under~~
170 ~~this subsection must contain, in contrasting color and not less~~
171 ~~than 12-point type, the following statement on the same page as~~
172 ~~the applicant's signature:~~

173 ~~This policy is primarily governed by the laws of a foreign~~
174 ~~country. As a result, all of the rating and underwriting laws~~
175 ~~applicable to policies filed in this state do not apply to this~~
176 ~~coverage, which may result in your premiums being higher than~~
177 ~~would be permissible under a Florida-approved policy. Any~~
178 ~~purchase of individual life insurance should be considered~~
179 ~~carefully, as future medical conditions may make it impossible~~
180 ~~to qualify for another individual life policy. If the insurer~~
181 ~~issuing your policy becomes insolvent, this policy is not~~
182 ~~covered by the Florida Life and Health Insurance Guaranty~~
183 ~~Association. For information concerning individual life coverage~~

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184 ~~under a Florida-approved policy, consult your agent or the~~
185 ~~Florida Department of Financial Services.~~

186 ~~(g) All life insurance policies and annuity contracts~~
187 ~~issued pursuant to this subsection must contain on the first~~
188 ~~page of the policy or contract, in contrasting color and not~~
189 ~~less than 10-point type, the following statement:~~

190 ~~The benefits of the policy providing your coverage are governed~~
191 ~~primarily by the law of a country other than the United States.~~

192 ~~(h) All single-premium life insurance policies and single-~~
193 ~~premium annuity contracts issued to persons who are not~~
194 ~~residents of the United States and are not nonresidents~~
195 ~~illegally residing in the United States pursuant to this~~
196 ~~subsection shall be subject to the provisions of chapter 896.~~

197 Section 2. Upon this act becoming a law, section 626.207,
198 Florida Statutes, is amended to read:

199 626.207 Disqualification of applicants and licensees;
200 penalties against licensees; rulemaking authority Department
201 rulemaking authority; waiting periods for applicants; penalties
202 against licensees.-

203 (1) For purposes of this section, "financial services
204 business" means any financial activity regulated by the
205 Department of Financial Services, the Office of Insurance
206 Regulation, or the Office of Financial Regulation.

207 (2) For purposes of this section, the terms "first degree
208 felony" and "capital felony" shall include all felonies
209 designated as such by the Florida Statutes, as well as any
210 felony so designated in the jurisdiction in which the plea is
211 entered or judgment is rendered.

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212 (3) An applicant who commits a first degree felony, a
213 capital felony, a felony involving money laundering, fraud, or
214 embezzlement, or a felony directly related to the financial
215 services business is permanently barred from applying for a
216 license under this Part. This bar applies to convictions, guilty
217 pleas, or nolo contendere pleas, regardless of adjudication, by
218 any applicant, officer, director, majority owner, partner,
219 manager, or other person who manages or controls any applicant.

220 (4) For all other crimes not included in subsection (3),
221 the department shall adopt rules establishing the process and
222 application of disqualifying periods:

223 (a) A 15 year disqualifying period for all felonies
224 involving moral turpitude that are not specifically included in
225 the permanent bar contained in subsection (3).

226 ~~The department shall adopt rules establishing specific waiting~~
227 ~~periods for applicants to become eligible for licensure~~
228 ~~following denial, suspension, or revocation pursuant to s.~~
229 ~~626.611, s. 626.621, s. 626.8437, s. 626.844, s. 626.935, s.~~
230 ~~634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s.~~
231 ~~634.423, s. 642.041, or s. 642.043. The purpose of the waiting~~
232 ~~periods is to provide sufficient time to demonstrate reformation~~
233 ~~of character and rehabilitation. The waiting periods shall vary~~
234 ~~based on the type of conduct and the length of time since the~~
235 ~~conduct occurred and shall also be based on the probability that~~
236 ~~the propensity to commit illegal conduct has been overcome. The~~
237 ~~waiting periods may be adjusted based on aggravating and~~
238 ~~mitigating factors established by rule and consistent with this~~
239 ~~purpose.~~

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240 (b) A 7 year disqualifying period for all felonies to
241 which neither the permanent bar in subsection (3) nor the 15
242 year disqualifying period in subsection (4) (a) apply.

243 (c) A 7 year disqualifying period for all misdemeanors
244 directly related to the financial services business.

245 (5) The department shall adopt rules providing for
246 additional disqualifying periods due to the commitment of
247 multiple crimes and other factors reasonably related to the
248 applicant's criminal history. The rules shall provide for
249 mitigating and aggravating factors. However, mitigation may not
250 result in a period of disqualification of less than 7 years and
251 may not mitigate the disqualifying periods in subsections (4)
252 (b) and (4) (c).

253 (6) For purposes of this section, the disqualifying periods
254 shall begin upon the applicant's final release from supervision
255 or upon completion of the applicant's criminal sentence,
256 including payment of fines, restitution, and court costs, for
257 the crime for which the disqualifying period applies.

258 (7) After the disqualifying period has been met, the
259 burden is on the applicant to demonstrate that the applicant has
260 been rehabilitated, does not pose a risk to the insurance buying
261 public, is fit and trustworthy to engage in the business of
262 insurance pursuant to s. 626.611(7), and is otherwise qualified
263 for licensure.

264 (8)-(2) The department shall adopt rules establishing
265 specific penalties against licensees in accordance with the
266 provisions of s. 626.641 and s. 626.651 for violations of s.
267 626.611, s. 626.621, s. 626.8437, s. 626.844, s. 626.935, s.

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268 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s.
269 634.423, s. 642.041, or s. 642.043. The purpose of the
270 revocation or suspension is to provide a sufficient penalty to
271 deter future violations of the Florida Insurance Code. The
272 imposition of a revocation or the length of suspension shall be
273 based on the type of conduct and the probability that the
274 propensity to commit further illegal conduct has been overcome
275 at the time of eligibility for relicensure. The ~~revocation or~~
276 ~~the~~ length of suspension may be adjusted based on aggravating or
277 mitigating factors, established by rule and consistent with this
278 purpose.

279
280 The provisions of s. 112.011 do not apply to any applicants for
281 licensure under the Florida Insurance Code, including, but not
282 limited to, agents, agencies, adjusters, adjusting firms,
283 customer representatives, or managing general agents.

284 Section 3. Paragraphs (a) and (b) of subsection (1),
285 paragraphs (a) and (b) of subsection (2), and subsection (4) of
286 section 627.4133, Florida Statutes, are amended to read:

287 627.4133 Notice of cancellation, nonrenewal, or renewal
288 premium.-

289 (1) Except as provided in subsection (2):

290 (a) An insurer issuing a policy providing coverage for
291 workers' compensation and employer's liability insurance,
292 property, casualty, except mortgage guaranty, surety, or marine
293 insurance, other than motor vehicle insurance subject to s.
294 627.728, shall give the first-named insured at least 45 days'
295 advance written notice of nonrenewal or of the renewal premium.

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296 If the policy is not to be renewed, the written notice shall
297 state the reason or reasons as to why the policy is not to be
298 renewed. This requirement applies only if the insured has
299 furnished all of the necessary information so as to enable the
300 insurer to develop the renewal premium prior to the expiration
301 date of the policy to be renewed.

302 (b) An insurer issuing a policy providing coverage for
303 property, casualty, except mortgage guaranty, surety, or marine
304 insurance, other than motor vehicle insurance subject to s.
305 627.728 or s. 627.7281, shall give the first-named insured
306 written notice of cancellation or termination other than
307 nonrenewal at least 45 days prior to the effective date of the
308 cancellation or termination, including in the written notice the
309 reason or reasons for the cancellation or termination, except
310 that:

311 1. When cancellation is for nonpayment of premium, at
312 least 10 days' written notice of cancellation accompanied by the
313 reason therefor shall be given. As used in this subparagraph and
314 in s. 440.42(3), the term "nonpayment of premium" means failure
315 of the named insured to discharge when due any of her or his
316 obligations in connection with the payment of premiums on a
317 policy or any installment of such premium, whether the premium
318 is payable directly to the insurer or its agent or indirectly
319 under any premium finance plan or extension of credit, or
320 failure to maintain membership in an organization if such
321 membership is a condition precedent to insurance coverage.
322 "Nonpayment of premium" also means the failure of a financial
323 institution to honor an insurance applicant's check after

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324 delivery to a licensed agent for payment of a premium, even if
325 the agent has previously delivered or transferred the premium to
326 the insurer. If a dishonored check represents the initial
327 premium payment, the contract and all contractual obligations
328 shall be void ab initio unless the nonpayment is cured within
329 the earlier of 5 days after actual notice by certified mail is
330 received by the applicant or 15 days after notice is sent to the
331 applicant by certified mail or registered mail, and if the
332 contract is void, any premium received by the insurer from a
333 third party shall be refunded to that party in full; and

334 2. When such cancellation or termination occurs during the
335 first 90 days during which the insurance is in force and the
336 insurance is canceled or terminated for reasons other than
337 nonpayment of premium, at least 20 days' written notice of
338 cancellation or termination accompanied by the reason therefor
339 shall be given except where there has been a material
340 misstatement or misrepresentation or failure to comply with the
341 underwriting requirements established by the insurer.

342
343 After the policy has been in effect for 90 days, no such policy
344 shall be canceled by the insurer except when there has been a
345 material misstatement, a nonpayment of premium, a failure to
346 comply with underwriting requirements established by the insurer
347 within 90 days of the date of effectuation of coverage, or a
348 substantial change in the risk covered by the policy or when the
349 cancellation is for all insureds under such policies for a given
350 class of insureds. This subsection does not apply to

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351 individually rated risks having a policy term of less than 90
352 days.

353 (2) With respect to any personal lines or commercial
354 residential property insurance policy, including, but not
355 limited to, any homeowner's, mobile home owner's, farmowner's,
356 condominium association, condominium unit owner's, apartment
357 building, or other policy covering a residential structure or
358 its contents:

359 (a) The insurer shall give the first-named insured at
360 least 45 days' advance written notice of the renewal premium.

361 (b) The insurer shall give the first-named insured written
362 notice of nonrenewal, cancellation, or termination at least 100
363 days prior to the effective date of the nonrenewal,
364 cancellation, or termination. However, the insurer shall give at
365 least 100 days' written notice, or written notice by June 1,
366 whichever is earlier, for any nonrenewal, cancellation, or
367 termination that would be effective between June 1 and November
368 30. The notice must include the reason or reasons for the
369 nonrenewal, cancellation, or termination, except that:

370 1. The insurer shall give the first-named insured written
371 notice of nonrenewal, cancellation, or termination at least 180
372 days prior to the effective date of the nonrenewal,
373 cancellation, or termination for a first-named insured whose
374 residential structure has been insured by that insurer or an
375 affiliated insurer for at least a 5-year period immediately
376 prior to the date of the written notice.

377 2. When cancellation is for nonpayment of premium, at
378 least 10 days' written notice of cancellation accompanied by the

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379 reason therefor shall be given. As used in this subparagraph,
380 the term "nonpayment of premium" means failure of the named
381 insured to discharge when due any of her or his obligations in
382 connection with the payment of premiums on a policy or any
383 installment of such premium, whether the premium is payable
384 directly to the insurer or its agent or indirectly under any
385 premium finance plan or extension of credit, or failure to
386 maintain membership in an organization if such membership is a
387 condition precedent to insurance coverage. "Nonpayment of
388 premium" also means the failure of a financial institution to
389 honor an insurance applicant's check after delivery to a
390 licensed agent for payment of a premium, even if the agent has
391 previously delivered or transferred the premium to the insurer.
392 If a dishonored check represents the initial premium payment,
393 the contract and all contractual obligations shall be void ab
394 initio unless the nonpayment is cured within the earlier of 5
395 days after actual notice by certified mail is received by the
396 applicant or 15 days after notice is sent to the applicant by
397 certified mail or registered mail, and if the contract is void,
398 any premium received by the insurer from a third party shall be
399 refunded to that party in full.

400 3. When such cancellation or termination occurs during the
401 first 90 days during which the insurance is in force and the
402 insurance is canceled or terminated for reasons other than
403 nonpayment of premium, at least 20 days' written notice of
404 cancellation or termination accompanied by the reason therefor
405 shall be given except where there has been a material

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406 misstatement or misrepresentation or failure to comply with the
407 underwriting requirements established by the insurer.

408 4. The requirement for providing written notice of
409 nonrenewal by June 1 of any nonrenewal that would be effective
410 between June 1 and November 30 does not apply to the following
411 situations, but the insurer remains subject to the requirement
412 to provide such notice at least 100 days prior to the effective
413 date of nonrenewal:

414 a. A policy that is nonrenewed due to a revision in the
415 coverage for sinkhole losses and catastrophic ground cover
416 collapse pursuant to s. 627.706, as amended by s. 30, chapter
417 2007-1, Laws of Florida.

418 b. A policy that is nonrenewed by Citizens Property
419 Insurance Corporation, pursuant to s. 627.351(6), for a policy
420 that has been assumed by an authorized insurer offering
421 replacement or renewal coverage to the policyholder.

422
423 After the policy has been in effect for 90 days, the policy
424 shall not be canceled by the insurer except when there has been
425 a material misstatement, a nonpayment of premium, a failure to
426 comply with underwriting requirements established by the insurer
427 within 90 days of the date of effectuation of coverage, or a
428 substantial change in the risk covered by the policy or when the
429 cancellation is for all insureds under such policies for a given
430 class of insureds. This paragraph does not apply to individually
431 rated risks having a policy term of less than 90 days.

432 (4) Notwithstanding the provisions of s. 440.42(3), if
433 cancellation of a policy providing coverage for workers'

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434 compensation and employer's liability insurance is requested in
435 writing by the insured, such cancellation shall be effective on
436 the date requested by the insured, or if no date is specified by
437 the insured cancellation shall be effective on the date of the
438 written request. The carrier shall not be required to send
439 notice of cancellation to the insured if the cancellation is
440 requested in writing by the insured ~~the carrier sends the notice~~
441 ~~of cancellation to the insured.~~ Any retroactive assumption of
442 coverage and liabilities under a policy providing workers'
443 compensation and employer's liability insurance may not exceed
444 21 days.

445 Section 4. Subsection (3) is added to section 627.4137,
446 Florida Statutes, to read:

447 627.4137 Disclosure of certain information required.—

448 (3) Any request made to a self-insured corporation
449 pursuant to this section shall be sent by certified mail to the
450 registered agent of the disclosing entity.

451 Section 5. Subsection (2) of section 627.7277, Florida
452 Statutes, is amended to read:

453 627.7277 Notice of renewal premium.—

454 (2) An insurer shall mail or deliver to the first-named
455 insured ~~its policyholder~~ at least 30 days' advance written
456 notice of the renewal premium for the policy.

457 Section 6. Paragraph (a) of subsection (3), paragraphs (a)
458 and (d) of subsection (4), and subsections (5) and (6) of
459 section 627.728, Florida Statutes, are amended to read:

460 627.728 Cancellations; nonrenewals.—

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461 (3)(a) No notice of cancellation of a policy to which this
462 section applies shall be effective unless mailed or delivered by
463 the insurer to the first-named insured and to the first-named
464 insured's insurance agent at least 45 days prior to the
465 effective date of cancellation, except that, when cancellation
466 is for nonpayment of premium, at least 10 days' notice of
467 cancellation accompanied by the reason therefor shall be given.
468 No notice of cancellation of a policy to which this section
469 applies shall be effective unless the reason or reasons for
470 cancellation accompany the notice of cancellation.

471 (4)(a) No insurer shall fail to renew a policy unless it
472 mails or delivers to the first-named insured, at the address
473 shown in the policy, and to the first-named insured's insurance
474 agent at her or his business address, at least 45 days' advance
475 notice of its intention not to renew; and the reasons for
476 refusal to renew must accompany such notice. This subsection
477 does not apply:

- 478 1. If the insurer has manifested its willingness to renew;
479 or
480 2. In case of nonpayment of premium.

481
482 Notwithstanding the failure of an insurer to comply with this
483 subsection, the policy shall terminate on the effective date of
484 any other automobile liability insurance policy procured by the
485 insured with respect to any automobile designated in both
486 policies. Unless a written explanation for refusal to renew
487 accompanies the notice of intention not to renew, the policy
488 shall remain in full force and effect.

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489 (d) Instead of canceling or nonrenewing a policy, an
490 insurer may, upon expiration of the policy term, transfer a
491 policy to another insurer under the same ownership or management
492 as the transferring insurer, by giving the first-named insured
493 at least 45 days' advance notice of its intent to transfer the
494 policy and of the premium and the specific reasons for any
495 increase in the premium.

496 (5) United States postal proof of mailing or certified or
497 registered mailing of notice of cancellation, of intention not
498 to renew, or of reasons for cancellation, or of the intention of
499 the insurer to issue a policy by an insurer under the same
500 ownership or management, to the first-named insured at the
501 address shown in the policy shall be sufficient proof of notice.

502 (6) When a policy is canceled, other than for nonpayment
503 of premium, or in the event of failure to renew a policy to
504 which subsection (4) applies, the insurer shall notify the
505 first-named insured of her or his possible eligibility for
506 insurance through the Automobile Joint Underwriting Association.
507 Such notice shall accompany or be included in the notice of
508 cancellation or the notice of intent not to renew and shall
509 state that such notice of availability of the Automobile Joint
510 Underwriting Association is given pursuant to this section.

511 Section 7. Section 627.7281, Florida Statutes, is amended
512 to read:

513 627.7281 Cancellation notice.—An insurer issuing a policy
514 of motor vehicle insurance not covered under the cancellation
515 provisions of s. 627.728 shall give the first-named insured
516 notice of cancellation at least 45 days prior to the effective

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517 date of cancellation, except that, when cancellation is for
518 nonpayment of premium, at least 10 days' notice of cancellation
519 accompanied by the reason therefor shall be given. As used in
520 this section, "policy" does not include a binder as defined in
521 s. 627.420 unless the duration of the binder period exceeds 60
522 days.

523 Section 8. Section 634.1711, Florida Statutes, is created
524 to read:

525 634.1711 Premium payable.—Notwithstanding ss. 634.1815,
526 634.282(6), (7) and (13), a consumer may purchase a service
527 agreement for a premium amount negotiated with the salesperson.
528 The service agreement company shall be responsible for
529 establishing minimum premium rates to assure its solvency under
530 this part. Other than as stated herein, no other terms or
531 conditions of the service agreement may be revised, amended, or
532 changed by the salesperson.

533 Section 9. Section 634.403, Florida Statutes, is amended
534 to read:

535 634.403 License required; Exemptions.—

536 (1) No person in this state shall provide or offer to
537 provide service warranties to residents of this state unless
538 authorized therefor under a subsisting license issued by the
539 office. The service warranty association shall pay to the office
540 a license fee of \$200 for such license for each license year, or
541 part thereof, the license is in force.

542 (2) An insurer, while authorized to transact property or
543 casualty insurance in this state, may also transact a service
544 warranty business without additional qualifications or

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545 authority, but shall be otherwise subject to the applicable
546 provisions of this part.

547 (3) The office may, pursuant to s. 120.569, in its
548 discretion and without advance notice and hearing, issue an
549 immediate final order to cease and desist to any person or
550 entity which violates this section. The Legislature finds that a
551 violation of this section constitutes an imminent and immediate
552 threat to the public health, safety, and welfare of the
553 residents of this state.

554 (4) Any person that is an affiliate of a domestic insurer
555 as defined in chapter 624 is exempt from application of this
556 part if the person does not issue, or market or cause to be
557 marketed, service warranties to residents of this state and does
558 not administer service warranties that were originally issued to
559 residents of this state. The domestic insurer or its wholly
560 owned Florida licensed insurer must be the direct obligor of all
561 service warranties issued by such affiliate or must issue a
562 contractual liability insurance policy to such affiliate that
563 meets the conditions described in s. 634.406(3). If the Office
564 of Insurance Regulation determines, after notice and opportunity
565 for a hearing, that a person's intentional business practices do
566 not comply with any of the exemption requirements of this
567 subsection, the person shall be subject to this part.

568 (5) A person is exempt from the license requirement if it
569 complies with the following:

570 (a) The service warranties are only sold to non-Florida
571 residents and the person does not issue, or market or cause to
572 be marketed, service warranties to residents of this state and

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573 | does not administer service warranties that were originally
574 | issued to residents of this state.

575 | (b) The person submits a letter of notification to the
576 | office upon start of business from this state and annually by
577 | March 1, which provides the following information:

578 | 1. The type of products offered and a statement certifying
579 | that the products are not regulated in the state in which it is
580 | transacting business or that the person is licensed in the state
581 | in which it is transacting business.

582 | 2. The name of the person, the state of domicile, the home
583 | address and Florida address of the person, the names of the
584 | owners and their percentage of ownership, the names of the
585 | officers and directors, the name, e-mail, and telephone number
586 | of a contact person, the states in which it is transacting
587 | business, and how many individuals are employed in this state.

588 | (c) If the person ceases to do business from this state,
589 | it shall provide written notification of such to the office
590 | within 30 days of cessation.

591 | (6)-(5) Any person who provides, offers to provide, or
592 | holds oneself out as providing or offering to provide a service
593 | warranty to residents of this state ~~in this state or from this~~
594 | ~~state~~ without holding a subsisting license commits, in addition
595 | to any other violation, a misdemeanor of the first degree,
596 | punishable as provided in s. 775.082 or s. 775.083.

597 | Section 10. The amendments made by this act to s. 626.207
598 | do not apply to pending and new applicants until s. 626.207
599 | becomes a law.

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600 Section 11. Except as otherwise expressly provided in this
601 act, and except for the amendments to s. 626.207 which shall
602 take effect upon becoming a law, this act shall take effect July
603 1, 2011.

604
605
606
607 -----
608 **T I T L E A M E N D M E N T**

609 Remove the entire title and insert:

610 An act relating to insurance; amending s. 624.402, FS; exempting
611 insurers covering nonresidents from having to obtain a
612 certificate of authority; requiring certain documentation be
613 provided to the office; providing for a disclaimer; defining a
614 "nonresident"; providing for non-compliance penalties; deleting
615 procedures for life insurers to be exempt from having to obtain
616 a certificate of authority; amending s. 626.207, F.S.; defining
617 financial services business; precluding licensure under the
618 Florida Insurance Code for specified offenses; establishing
619 waiting periods for licensure for other specified offenses;
620 granting rulemaking authority to the Department of Financial
621 Services; clarifying rulemaking authority relating to penalties
622 for licensees; establishing that statutory provisions providing
623 that prior crimes are not a bar to certain employment are not
624 applicable to applicants for licensure under the Florida
625 Insurance Code; amending s. 627.4133, F.S.; changing the
626 designated person or persons who must be notified by an insurer
627 from the "insured" to the "first-named insured" in situations

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628 involving the nonrenewal, renewal premium, cancellation, or
629 termination of workers' compensation, employer liability, or
630 certain property and casualty insurance coverage; specifying
631 that the date of cancellation of a workers' compensation or
632 employer's liability policy be the date of the insured's written
633 request to cancel; amending s. 627.4137, F.S.; requiring a
634 claimant's request about insurance coverage to be appropriately
635 served upon the disclosing entity; amending s. 627.7277, F.S.;
636 making a conforming change that specifies the "first-named
637 insured" as the person who is to receive notification of a
638 renewal premium; amending s. 627.728, F.S.; changing the
639 designated person or persons who must be notified by an insurer
640 from the "insured" to the "first-named insured" in certain
641 situations involving the cancellation or nonrenewal of motor
642 vehicle insurance coverage; making a conforming change that
643 specifies the "first-named insured's insurance agent" as a
644 person who is to receive certain notifications relating to motor
645 vehicle insurance coverage; amending s. 627.7281, F.S.; making a
646 conforming change that specifies the "first-named insured" as
647 the person who is to receive notification of cancellation of
648 motor vehicle insurance coverage; creating s. 634.1711; allowing
649 a consumer to purchase a service agreement for a premium
650 negotiated with the salesperson; allowing the service agreement
651 company to be responsible for establishing premium rate;
652 amending s. 634.403; exempting certain persons from service
653 warranty licensure requirements under certain circumstances;
654 providing an effective date.

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COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Dorworth offered the following:

3
4 **Amendment to Amendment (1) by Representative Holder (with**
5 **title amendment)**

6 Between lines 5 and 6, insert:

7 Section 1. Subsection (1) of section 440.12, Florida
8 Statutes, is amended to read:

9 440.12 Time for commencement and limits on weekly rate of
10 compensation.—

11 (1) ~~No~~ Compensation is not ~~shall be~~ allowed for the first
12 7 days of the disability, except for benefits provided under ~~for~~
13 ~~in~~ s. 440.13. However, if the injury results in disability of
14 more than 21 days, compensation shall be allowed from the
15 commencement of the disability.

16 (a) All weekly compensation payments, except for the first
17 payment, shall be paid by check or, if authorized by the
18 employee, on a prepaid card pursuant to paragraph (b) or
19 deposited directly into the employee's account at a financial

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20 institution. As used in this subsection, the term "financial
21 institution" means a financial institution as defined in s.
22 655.005(1)(h).

23 (b) Upon receipt of authorization by the employee as
24 provided in s. 440.12(1)(a), a carrier may use a prepaid card to
25 deliver the payment of compensation to an employee if the
26 employee is:

27 1. Provided with at least one means of accessing his or
28 her entire compensation payment once per week without incurring
29 fees;

30 2. Provided with the ability to make point-of-sale
31 purchases without incurring fees from the financial institution
32 issuing the prepaid card; and

33 3. Provided with the terms and conditions of the prepaid
34 card program, including a description of any fees that may be
35 assessed.

36 (c) Each carrier shall keep a record of all payments made
37 under this subsection and the time and manner of such payments,
38 and shall furnish these records, or a report based on these
39 records, to the Division of Insurance Fraud and the Division of
40 Workers' Compensation upon request.

41 (d) The department may adopt rules to administer this
42 section.

43 Section 2. Paragraph (a) of subsection (1) of section
44 440.20, Florida Statutes, is amended to read:

45 440.20 Time for payment of compensation and medical bills;
46 penalties for late payment.-

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47 (1)(a) Unless it denies compensability or entitlement to
48 benefits, the carrier shall pay compensation directly to the
49 employee as required by ss. 440.14, 440.15, and 440.16, in
50 accordance with the obligations set forth in those such
51 sections. If authorized by the employee, Upon receipt of the
52 employee's authorization as provided for in s. 440.12(1)(a), the
53 carrier's obligation to pay compensation directly to the
54 employee is satisfied when the carrier directly deposits, by
55 electronic transfer or other means, compensation into the
56 employee's account at a financial institution or onto a prepaid
57 card in accordance with s. 440.12(1). As used in this paragraph,
58 the term "financial institution" means a financial institution
59 as defined in s. 655.005(1)(h). Compensation by direct deposit
60 or through the use of a prepaid card is considered paid on the
61 date the funds become available for withdrawal by the employee.
62
63

64 -----
65 **T I T L E A M E N D M E N T**

66 Remove line 610 and insert:

67 An act relating to insurance; amending s. 440.12, F.S.;
68 authorizing payment of workers' compensation benefits on a
69 prepaid card in certain circumstances; amending s. 440.20, F.S.;
70 specifying when an insurer's obligation to pay workers'
71 compensation benefits is satisfied when payment is made on a
72 prepaid card; amending s. 624.402, F.S.; exempting

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Wood offered the following:

3
4 **Amendment to Amendment (1) by Representative Holder (with**
5 **title amendment)**

6 Between lines 196 and 197, insert:

7 Section 2. Paragraph (d) of subsection (8) of section
8 624.424, Florida Statutes, is amended to read:

9 624.424 Annual statement and other information.—

10 (8)

11 (d) An insurer may not use the same accountant or partner
12 of an accounting firm responsible for preparing the report
13 required by this subsection for more than 5 7 consecutive years.
14 Following this period, the insurer may not use such accountant
15 or partner for a period of 5 2 years, but may use another
16 accountant or partner of the same firm. An insurer may request
17 the office to waive this prohibition based upon an unusual
18 hardship to the insurer and a determination that the accountant
19 is exercising independent judgment that is not unduly influenced

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20 by the insurer considering such factors as the number of
21 partners, expertise of the partners or the number of insurance
22 clients of the accounting firm; the premium volume of the
23 insurer; and the number of jurisdictions in which the insurer
24 transacts business.

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

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Remove line 616 and insert:

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a certificate of authority; amending s. 624.424; revising the

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frequency that an insurer may use the same accountant or partner

33

to prepare an annual audited financial report; amending s.

34

626.207, F.S.; defining

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COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Abruzzo offered the following:

3
4 **Amendment to Amendment (1) by Representative Holder (with**
5 **title amendment)**

6 Between lines 283 and 284, insert:

7 Section 3. Subsection (4) of section 626.8651, Florida
8 Statutes, is amended to read:

9 626.8651 Public adjuster apprentice license;
10 qualifications.—

11 (4) An applicant must have received designation as an
12 Accredited Claims Adjuster (ACA), as a Certified Adjuster (CA),
13 or as a Certified Claims Adjuster (CCA) after completion of
14 training that qualifies the applicant to engage in the business
15 of a public adjuster apprentice fairly and without injury to the
16 public. Such training and instruction must address adjusting
17 damages and losses under insurance contracts, the terms and
18 effects of insurance contracts, and knowledge of the laws of
19 this state relating to insurance contracts.

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

Remove line 625 and insert:

Insurance Code; amending s. 626.8651, F.S.; revising requirements for a public adjuster apprentice license to add additional designations; amending s. 627.4133, F.S.; changing the

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Amendment No. 4A

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Nelson offered the following:

3
4 **Amendment to Amendment (1) by Representative Holder (with**
5 **title amendment)**

6 Between lines 522 and 523, insert:

7 Section 8. Section 627.9403, Florida Statutes, is amended
8 to read:

9 627.9403 Scope.—

10 (1) The provisions of this part shall apply to long-term
11 care insurance policies delivered or issued for delivery in this
12 state, and to policies delivered or issued for delivery outside
13 this state to the extent provided in s. 627.9406, by an insurer,
14 a fraternal benefit society as defined in s. 632.601, a health
15 maintenance organization as defined in s. 641.19, a prepaid
16 health clinic as defined in s. 641.402, or a multiple-employer
17 welfare arrangement as defined in s. 624.437. A policy which is
18 advertised, marketed, or offered as a long-term care policy and
19 as a Medicare supplement policy shall meet the requirements of

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20 this part and the requirements of ss. 627.671-627.675 and, to
21 the extent of a conflict, be subject to the requirement that is
22 more favorable to the policyholder or certificateholder. Except
23 as provided in subsection (2) with respect to the definition of
24 the term "guaranteed renewable", the provisions of this part
25 shall not apply to a continuing care contract issued pursuant to
26 chapter 651 and shall not apply to guaranteed renewable policies
27 issued prior to October 1, 1988.

28 (2) With respect to all policies of insurance covered
29 under this part whenever issued, the term "guaranteed renewable"
30 means the insured has the right to continue the policy in force
31 by the timely payment of premiums and the insurer has no
32 unilateral right to make any change in any provision of the
33 policy while the insurance is in force and cannot decline to
34 renew, except that rates may be revised by the insurer on a
35 class basis. The continuation or renewal of a guaranteed
36 renewable policy of insurance by the timely payment of required
37 premiums does not constitute the making or issuance of a new
38 policy of insurance for any purpose, including for purposes of
39 incorporating into the policy changes in the regulations or
40 legislation governing insurance policies.

41 (3) Any limited benefit policy that limits coverage to
42 care in a nursing home or to one or more lower levels of care
43 required or authorized to be provided by this part or by
44 commission rule is a type of long-term care insurance policy
45 that must meet all requirements of this part that apply to long-

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46 term care insurance policies, except ss. 627.9407(3)(c), (9),
47 (10)(f), and (12) and 627.94073(2).

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

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Remove line 648 and insert:

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motor vehicle insurance coverage; amending s. 627.9403 F.S.;

55

providing a meaning for "guaranteed renewable" as applied to

56

long term care insurance policies; clarifying the rights of the

57

insured and insurer; providing that continuation or renewal of a

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guaranteed renewable policy does not constitute making or

59

issuance of a new policy of insurance for any purpose; creating

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s. 634.1711, F.S.; allowing

Amendment No. 1

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Albritton offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 20.24, Florida Statutes, is amended to
7 read:

8 20.24 Department of Highway Safety and Motor Vehicles.—

9 There is created a Department of Highway Safety and Motor
10 Vehicles.

11 (1) The head of the Department of Highway Safety and Motor
12 Vehicles is the Governor and Cabinet. An executive director
13 shall serve at the pleasure of the Governor and Cabinet. The
14 executive director may establish a command, operational, and
15 administrative services structure to assist, manage, and support
16 the department in operating programs and delivering services.

17 (2) The following divisions, ~~and bureaus within the~~
18 ~~divisions,~~ of the Department of Highway Safety and Motor
19 Vehicles are established:

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20 (a) Division of the Florida Highway Patrol.

21 (b) Division of Motorist Services.

22 ~~(b) Division of Driver Licenses.~~

23 ~~(c) Division of Motor Vehicles.~~

24 Section 2. Subsection (9) of section 261.03, Florida
25 Statutes, is amended to read:

26 261.03 Definitions.—As used in this chapter, the term:

27 (9) "ROV" means any motorized recreational off-highway
28 vehicle 64 inches or less in width, having a dry weight of 2,000
29 pounds or less, designed to travel on four or more nonhighway
30 tires, having nonstraddle seating and a steering wheel, and
31 manufactured for recreational use by one or more persons. The
32 term "ROV" does not include a golf cart as defined in ss.
33 320.01(22) and 316.003(68) or a low-speed vehicle as defined in
34 s. 320.01(42).

35 Section 3. Paragraph (e) of subsection (2) of section
36 288.816, Florida Statutes, is amended to read:

37 288.816 Intergovernmental relations.—

38 (2) The Office of Tourism, Trade, and Economic Development
39 shall be responsible for all consular relations between the
40 state and all foreign governments doing business in Florida. The
41 office shall monitor United States laws and directives to ensure
42 that all federal treaties regarding foreign privileges and
43 immunities are properly observed. The office shall promulgate
44 rules which shall:

45 (e) Verify entitlement to issuance of special motor
46 vehicle license plates by ~~the Division of Motor Vehicles of the~~
47 Department of Highway Safety and Motor Vehicles to honorary

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48 consuls or such other officials representing foreign governments
49 who are not entitled to issuance of special Consul Corps license
50 plates by the United States Government.

51 Section 4. Paragraph (a) of subsection (3) of section
52 311.121, Florida Statutes, is amended to read:

53 311.121 Qualifications, training, and certification of
54 licensed security officers at Florida seaports.—

55 (3) The Seaport Security Officer Qualification, Training,
56 and Standards Coordinating Council is created under the
57 Department of Law Enforcement.

58 (a) The executive director of the Department of Law
59 Enforcement shall appoint 11 members to the council, to include:

60 1. The seaport administrator of the Department of Law
61 Enforcement.

62 2. The Commissioner of Education or his or her designee.

63 3. The director of the Division of Licensing of the
64 Department of Agriculture and Consumer Services.

65 4. The administrator of the Florida Seaport Transportation
66 and Economic Development Council.

67 5. Two seaport security directors from seaports designated
68 under s. 311.09.

69 6. One director of a state law enforcement academy.

70 7. One representative of a local law enforcement agency.

71 8. Two representatives of contract security services.

72 9. One representative of ~~the Division of Driver Licenses~~
73 ~~of~~ the Department of Highway Safety and Motor Vehicles.

74 Section 5. Subsections (2) and (21) of section 316.003,
75 Florida Statutes, are amended, and subsection (89) is added to

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76 that section, to read:

77 316.003 Definitions.—The following words and phrases, when
78 used in this chapter, shall have the meanings respectively
79 ascribed to them in this section, except where the context
80 otherwise requires:

81 (2) BICYCLE.—Every vehicle propelled solely by human
82 power, and every motorized bicycle propelled by a combination of
83 human power and a an electric helper motor capable of propelling
84 the vehicle at a speed of not more than 20 miles per hour on
85 level ground upon which any person may ride, having two tandem
86 wheels, and including any device generally recognized as a
87 bicycle though equipped with two front or two rear wheels. The
88 term does not include such a vehicle with a seat height of no
89 more than 25 inches from the ground when the seat is adjusted to
90 its highest position or a scooter or similar device. No person
91 under the age of 16 may operate or ride upon a motorized
92 bicycle.

93 (21) MOTOR VEHICLE.—Any self-propelled vehicle not
94 operated upon rails or guideway, but not including any bicycle,
95 motorized scooter, electric personal assistive mobility device,
96 swamp buggy, or moped.

97 (89) SWAMP BUGGY.—A motorized off-road vehicle designed to
98 travel over swampy terrain, which may use large tires or tracks
99 operated from an elevated platform, and may be used upon varied
100 terrain. A swamp buggy does not include any vehicle defined in
101 chapter 261 or otherwise defined or classified in this chapter.
102 A swamp buggy may not be operated upon the public roads,
103 streets, or highways of this state, except to the extent

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104 specifically authorized by a state or federal agency to be used
105 exclusively upon lands, managed, owned, or leased by that
106 agency.

107 Section 6. For the purpose of incorporating the amendment
108 made by chapter 2010-163, Laws of Florida, to section 316.066,
109 Florida Statutes, in a reference thereto, subsection (4) of
110 section 316.065, Florida Statutes, is reenacted retroactive to
111 July 1, 2010, to read:

112 316.065 Crashes; reports; penalties.—

113 (4) Any person who knowingly repairs a motor vehicle
114 without having made a report as required by subsection (3) is
115 guilty of a misdemeanor of the first degree, punishable as
116 provided in s. 775.082 or s. 775.083. The owner and driver of a
117 vehicle involved in a crash who makes a report thereof in
118 accordance with subsection (1) or s. 316.066(1) is not liable
119 under this section.

120 Section 7. Subsection (1) of section 316.066, Florida
121 Statutes, as amended by chapter 2010-163, Laws of Florida,
122 reads:

123 316.066 Written reports of crashes.—

124 (1)(a) A Florida Traffic Crash Report, Long Form is
125 required to be completed and submitted to the department within
126 10 days after completing an investigation by every law
127 enforcement officer who in the regular course of duty
128 investigates a motor vehicle crash:

129 1. That resulted in death or personal injury.

130 2. That involved a violation of s. 316.061(1) or s.
131 316.193.

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132 3. In which a vehicle was rendered inoperative to a degree
133 that required a wrecker to remove it from traffic, if such
134 action is appropriate, in the officer's discretion.

135 (b) In every crash for which a Florida Traffic Crash
136 Report, Long Form is not required by this section, the law
137 enforcement officer may complete a short-form crash report or
138 provide a short-form crash report to be completed by each party
139 involved in the crash. The short-form report must include:

- 140 1. The date, time, and location of the crash.
- 141 2. A description of the vehicles involved.
- 142 3. The names and addresses of the parties involved.
- 143 4. The names and addresses of witnesses.
- 144 5. The name, badge number, and law enforcement agency of
145 the officer investigating the crash.
- 146 6. The names of the insurance companies for the respective
147 parties involved in the crash.

148 (c) Each party to the crash shall provide the law
149 enforcement officer with proof of insurance to be included in
150 the crash report. If a law enforcement officer submits a report
151 on the accident, proof of insurance must be provided to the
152 officer by each party involved in the crash. Any party who fails
153 to provide the required information commits a noncriminal
154 traffic infraction, punishable as a nonmoving violation as
155 provided in chapter 318, unless the officer determines that due
156 to injuries or other special circumstances such insurance
157 information cannot be provided immediately. If the person
158 provides the law enforcement agency, within 24 hours after the
159 crash, proof of insurance that was valid at the time of the

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160 crash, the law enforcement agency may void the citation.

161 (d) The driver of a vehicle that was in any manner
162 involved in a crash resulting in damage to any vehicle or other
163 property in an amount of \$500 or more, which crash was not
164 investigated by a law enforcement agency, shall, within 10 days
165 after the crash, submit a written report of the crash to the
166 department or traffic records center. The entity receiving the
167 report may require witnesses of crashes to render reports and
168 may require any driver of a vehicle involved in a crash of which
169 a written report must be made as provided in this section to
170 file supplemental written reports whenever the original report
171 is deemed insufficient by the receiving entity.

172 (e) Short-form crash reports prepared by law enforcement
173 shall be maintained by the law enforcement officer's agency.

174 Section 8. Paragraph (a) of subsection (2) of section
175 316.1933, Florida Statutes, is amended to read:

176 316.1933 Blood test for impairment or intoxication in
177 cases of death or serious bodily injury; right to use reasonable
178 force.—

179 (2)(a) Only a physician, certified paramedic, registered
180 nurse, licensed practical nurse, other personnel authorized by a
181 hospital to draw blood, or duly licensed clinical laboratory
182 director, supervisor, technologist, or technician, acting at the
183 request of a law enforcement officer, may withdraw blood for the
184 purpose of determining the alcoholic content thereof or the
185 presence of chemical substances or controlled substances
186 therein. However, the failure of a law enforcement officer to
187 request the withdrawal of blood shall not affect the

Amendment No.

188 admissibility of a test of blood withdrawn for medical purposes.

189 1. Notwithstanding any provision of law pertaining to the
190 confidentiality of hospital records or other medical records, if
191 a health care provider, who is providing medical care in a
192 health care facility to a driver ~~person~~ injured in a motor
193 vehicle crash, becomes aware, as a result of any blood test
194 performed in the course of that medical treatment, that the
195 person's blood-alcohol level meets or exceeds the blood-alcohol
196 level specified in s. 316.193(1)(b), or detects the presence of
197 a controlled substance listed in s. 893.03(1), the health care
198 provider may notify any law enforcement officer or law
199 enforcement agency. Any such notice must be given within a
200 reasonable time after the health care provider receives the test
201 result. Any such notice shall be used only for the purpose of
202 providing the law enforcement officer with reasonable cause to
203 request the withdrawal of a blood sample pursuant to this
204 section.

205 2. The notice shall consist only of the name of the person
206 being treated, the name of the person who drew the blood, the
207 blood-alcohol level indicated by the test, and the date and time
208 of the administration of the test.

209 3. Nothing contained in s. 395.3025(4), s. 456.057, or any
210 applicable practice act affects the authority to provide notice
211 under this section, and the health care provider is not
212 considered to have breached any duty owed to the person under s.
213 395.3025(4), s. 456.057, or any applicable practice act by
214 providing notice or failing to provide notice. It shall not be a
215 breach of any ethical, moral, or legal duty for a health care

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216 provider to provide notice or fail to provide notice.

217 4. A civil, criminal, or administrative action may not be
218 brought against any person or health care provider participating
219 in good faith in the provision of notice or failure to provide
220 notice as provided in this section. Any person or health care
221 provider participating in the provision of notice or failure to
222 provide notice as provided in this section shall be immune from
223 any civil or criminal liability and from any professional
224 disciplinary action with respect to the provision of notice or
225 failure to provide notice under this section. Any such
226 participant has the same immunity with respect to participating
227 in any judicial proceedings resulting from the notice or failure
228 to provide notice.

229 Section 9. Section 316.1957, Florida Statutes, is amended
230 to read:

231 316.1957 Parking violations; designated parking spaces for
232 persons who have disabilities.—When evidence is presented in any
233 court of the fact that any motor vehicle was parked in a
234 properly designated parking space for persons who have
235 disabilities in violation of s. 316.1955, it is prima facie
236 evidence that the vehicle was parked and left in the space by
237 the person, firm, or corporation in whose name the vehicle is
238 registered and licensed according to the records of the
239 department ~~Division of Motor Vehicles~~.

240 Section 10. Paragraph (d) of subsection (3) and
241 subsections (5) and (8) of section 316.2065, Florida Statutes,
242 are amended to read:

243 316.2065 Bicycle regulations.—

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244 (3)

245 (d) A bicycle rider or passenger who is under 16 years of
246 age must wear a bicycle helmet that is properly fitted and is
247 fastened securely upon the passenger's head by a strap, and that
248 meets the federal safety standard for bicycle helmets, final
249 rule, 16 C.F.R. part 1203. Helmets purchased before October 1,
250 2011, and meeting standards of the American National Standards
251 Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards
252 of the Snell Memorial Foundation (1984 Standard for Protective
253 Headgear for Use in Bicycling), or any other nationally
254 recognized standards for bicycle helmets adopted by the
255 department may continue to be worn by riders or passengers until
256 January 1, 2015. As used in this subsection, the term
257 "passenger" includes a child who is riding in a trailer or
258 semitrailer attached to a bicycle.

259 (5) (a) Any person operating a bicycle upon a roadway at
260 less than the normal speed of traffic at the time and place and
261 under the conditions then existing shall ride in the lane marked
262 for bicycle use or, if no lane is marked for bicycle use, as
263 close as practicable to the right-hand curb or edge of the
264 roadway except under any of the following situations:

265 1. When overtaking and passing another bicycle or vehicle
266 proceeding in the same direction.

267 2. When preparing for a left turn at an intersection or
268 into a private road or driveway.

269 3. When reasonably necessary to avoid any condition or
270 potential conflict, including, but not limited to, a fixed or
271 moving object, parked or moving vehicle, bicycle, pedestrian,

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272 animal, surface hazard, turn lane, or substandard-width lane,
273 which ~~that~~ makes it unsafe to continue along the right-hand curb
274 or edge or within a bicycle lane. For the purposes of this
275 subsection, a "substandard-width lane" is a lane that is too
276 narrow for a bicycle and another vehicle to travel safely side
277 by side within the lane.

278 (b) Any person operating a bicycle upon a one-way highway
279 with two or more marked traffic lanes may ride as near the left-
280 hand curb or edge of such roadway as practicable.

281 (8) Every bicycle in use between sunset and sunrise shall
282 be equipped with a lamp on the front exhibiting a white light
283 visible from a distance of at least 500 feet to the front and a
284 lamp and reflector on the rear each exhibiting a red light
285 visible from a distance of 600 feet to the rear. A bicycle or
286 its rider may be equipped with lights or reflectors in addition
287 to those required by this section. A law enforcement officer may
288 issue a bicycle safety brochure and a verbal warning to a
289 bicycle rider who violates this subsection. A bicycle rider who
290 violates this subsection may be issued a citation by a law
291 enforcement officer and assessed a fine for a pedestrian
292 violation, as provided in s. 318.18. The court shall dismiss the
293 charge against a bicycle rider for a first violation of this
294 subsection upon proof of purchase and installation of the proper
295 lighting equipment.

296 Section 11. Subsection (3) of section 316.2085, Florida
297 Statutes, is amended to read:

298 316.2085 Riding on motorcycles or mopeds.—

299 (3) The license tag of a motorcycle or moped must be

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300 permanently affixed to the vehicle and remain clearly visible
301 from the rear at all times ~~may not be adjusted or capable of~~
302 ~~being flipped up. Any deliberate act to conceal or obscure~~ ~~No~~
303 ~~device for or method of concealing or obscuring~~ the legibility
304 of the license tag of a motorcycle is prohibited ~~shall be~~
305 ~~installed or used~~. The license tag of a motorcycle or moped may
306 be affixed horizontally to the ground so that the numbers and
307 letters read from left to right. Alternatively, a Florida
308 license tag for a motorcycle or moped for which the numbers and
309 letters read from top to bottom may be affixed perpendicularly
310 to the ground, provided that the registered owner of the
311 motorcycle or moped maintains a prepaid toll account in good
312 standing and a transponder associated with the prepaid toll
313 account is affixed to the motorcycle or moped. A license tag for
314 a motorcycle or moped issued by another jurisdiction for which
315 the numbers and letters read from top to bottom may be affixed
316 perpendicularly to the ground.

317 Section 12. Section 316.2122, Florida Statutes, is amended
318 to read:

319 316.2122 Operation of a low-speed vehicle or mini truck on
320 certain roadways.—The operation of a low-speed vehicle as
321 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
322 320.01~~(45)~~ on any road as defined in s. 334.03(15) or (33) is
323 authorized with the following restrictions:

324 (1) A low-speed vehicle or mini truck may be operated only
325 on streets where the posted speed limit is 35 miles per hour or
326 less. This does not prohibit a low-speed vehicle or mini truck
327 from crossing a road or street at an intersection where the road

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328 or street has a posted speed limit of more than 35 miles per
329 hour.

330 (2) A low-speed vehicle must be equipped with headlamps,
331 stop lamps, turn signal lamps, taillamps, reflex reflectors,
332 parking brakes, rearview mirrors, windshields, seat belts, and
333 vehicle identification numbers.

334 (3) A low-speed vehicle or mini truck must be registered
335 and insured in accordance with s. 320.02 and titled pursuant to
336 chapter 319.

337 (4) Any person operating a low-speed vehicle or mini truck
338 must have in his or her possession a valid driver's license.

339 (5) A county or municipality may prohibit the operation of
340 low-speed vehicles or mini trucks on any road under its
341 jurisdiction if the governing body of the county or municipality
342 determines that such prohibition is necessary in the interest of
343 safety.

344 (6) The Department of Transportation may prohibit the
345 operation of low-speed vehicles or mini trucks on any road under
346 its jurisdiction if it determines that such prohibition is
347 necessary in the interest of safety.

348 Section 13. Section 316.2124, Florida Statutes, is amended
349 to read:

350 316.2124 Motorized disability access vehicles.—The
351 Department of Highway Safety and Motor Vehicles is directed to
352 provide, by rule, for the regulation of motorized disability
353 access vehicles as described in s. 320.01~~(34)~~. The department
354 shall provide that motorized disability access vehicles shall be
355 registered in the same manner as motorcycles and shall pay the

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356 same registration fee as for a motorcycle. There shall also be
357 assessed, in addition to the registration fee, a \$2.50 surcharge
358 for motorized disability access vehicles. This surcharge shall
359 be paid into the Highway Safety Operating Trust Fund. Motorized
360 disability access vehicles shall not be required to be titled by
361 the department. The department shall require motorized
362 disability access vehicles to be subject to the same safety
363 requirements as set forth in this chapter for motorcycles.

364 Section 14. Subsection (1) of section 316.21265, Florida
365 Statutes, is amended to read:

366 316.21265 Use of all-terrain vehicles, golf carts, low-
367 speed vehicles, or utility vehicles by law enforcement
368 agencies.-

369 (1) Notwithstanding any provision of law to the contrary,
370 any law enforcement agency in this state may operate all-terrain
371 vehicles as defined in s. 316.2074, golf carts as defined in s.
372 320.01~~(22)~~, low-speed vehicles as defined in s. 320.01~~(42)~~, or
373 utility vehicles as defined in s. 320.01~~(43)~~ on any street,
374 road, or highway in this state while carrying out its official
375 duties.

376 Section 15. Subsection (1) of section 316.3026, Florida
377 Statutes, is amended to read:

378 316.3026 Unlawful operation of motor carriers.-

379 (1) The Office of Motor Carrier Compliance of the
380 Department of Transportation may issue out-of-service orders to
381 motor carriers, as defined in s. 320.01~~(33)~~, who have after
382 proper notice failed to pay any penalty or fine assessed by the
383 department, or its agent, against any owner or motor carrier for

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384 violations of state law, refused to submit to a compliance
385 review and provide records pursuant to s. 316.302(5) or s.
386 316.70, or violated safety regulations pursuant to s. 316.302 or
387 insurance requirements found in s. 627.7415. Such out-of-service
388 orders shall have the effect of prohibiting the operations of
389 any motor vehicles owned, leased, or otherwise operated by the
390 motor carrier upon the roadways of this state, until such time
391 as the violations have been corrected or penalties have been
392 paid. Out-of-service orders issued under this section must be
393 approved by the Secretary of Transportation or his or her
394 designee. An administrative hearing pursuant to s. 120.569 shall
395 be afforded to motor carriers subject to such orders.

396 Section 16. Subsection (3) of section 316.545, Florida
397 Statutes, is amended to read:

398 316.545 Weight and load unlawful; special fuel and motor
399 fuel tax enforcement; inspection; penalty; review.-

400 (3) Any person who violates the overloading provisions of
401 this chapter shall be conclusively presumed to have damaged the
402 highways of this state by reason of such overloading, which
403 damage is hereby fixed as follows:

404 (a) When the excess weight is 200 pounds or less than the
405 maximum herein provided, the penalty shall be \$10;

406 (b) Five cents per pound for each pound of weight in
407 excess of the maximum herein provided when the excess weight
408 exceeds 200 pounds. However, whenever the gross weight of the
409 vehicle or combination of vehicles does not exceed the maximum
410 allowable gross weight, the maximum fine for the first 600
411 pounds of unlawful axle weight shall be \$10;

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412 (c) For a vehicle equipped with fully functional idle-
413 reduction technology, any penalty shall be calculated by
414 reducing the actual gross vehicle weight or the internal bridge
415 weight by the certified weight of the idle-reduction technology
416 or by 400 pounds, whichever is less. The vehicle operator must
417 present written certification of the weight of the idle-
418 reduction technology and must demonstrate or certify that the
419 idle-reduction technology is fully functional at all times. This
420 calculation is not allowed for vehicles described in s.
421 316.535(6);

422 (d) An apportionable ~~apportioned motor~~ vehicle, as defined
423 in s. 320.01, operating on the highways of this state without
424 being properly licensed and registered shall be subject to the
425 penalties as herein provided; and

426 (e) Vehicles operating on the highways of this state from
427 nonmember International Registration Plan jurisdictions which
428 are not in compliance with the provisions of s. 316.605 shall be
429 subject to the penalties as herein provided.

430 Section 17. Paragraph (a) of subsection (5) and subsection
431 (10) of section 316.550, Florida Statutes, are amended to read:

432 316.550 Operations not in conformity with law; special
433 permits.—

434 (5) (a) The Department of Transportation may issue a
435 wrecker special blanket permit to authorize a wrecker as defined
436 in s. 320.01~~(40)~~ to tow a disabled vehicle as defined in s.
437 320.01~~(38)~~ where the combination of the wrecker and the disabled
438 vehicle being towed exceeds the maximum weight limits as
439 established by s. 316.535.

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440 (10) Whenever any motor vehicle, or the combination of a
441 wrecker as defined in s. 320.01~~(40)~~ and a towed motor vehicle,
442 exceeds any weight or dimensional criteria or special
443 operational or safety stipulation contained in a special permit
444 issued under the provisions of this section, the penalty
445 assessed to the owner or operator shall be as follows:

446 (a) For violation of weight criteria contained in a
447 special permit, the penalty per pound or portion thereof
448 exceeding the permitted weight shall be as provided in s.
449 316.545.

450 (b) For each violation of dimensional criteria in a
451 special permit, the penalty shall be as provided in s. 316.516
452 and penalties for multiple violations of dimensional criteria
453 shall be cumulative except that the total penalty for the
454 vehicle shall not exceed \$1,000.

455 (c) For each violation of an operational or safety
456 stipulation in a special permit, the penalty shall be an amount
457 not to exceed \$1,000 per violation and penalties for multiple
458 violations of operational or safety stipulations shall be
459 cumulative except that the total penalty for the vehicle shall
460 not exceed \$1,000.

461 (d) For violation of any special condition that has been
462 prescribed in the rules of the Department of Transportation and
463 declared on the permit, the vehicle shall be determined to be
464 out of conformance with the permit and the permit shall be
465 declared null and void for the vehicle, and weight and
466 dimensional limits for the vehicle shall be as established in s.
467 316.515 or s. 316.535, whichever is applicable, and:

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468 1. For weight violations, a penalty as provided in s.
469 316.545 shall be assessed for those weights which exceed the
470 limits thus established for the vehicle; and

471 2. For dimensional, operational, or safety violations, a
472 penalty as established in paragraph (c) or s. 316.516, whichever
473 is applicable, shall be assessed for each nonconforming
474 dimensional, operational, or safety violation and the penalties
475 for multiple violations shall be cumulative for the vehicle.

476 Section 18. Subsection (5) of section 316.613, Florida
477 Statutes, is renumbered as subsection (6), and a new subsection
478 (5) is added to that section to read:

479 316.613 Child restraint requirements.-

480 (5) It is the legislative intent that the child restraint
481 requirements imposed by this section shall not apply to a
482 chauffeur-driven taxi, limousine, sedan, van, bus, motor coach,
483 or other passenger vehicle if the operator and the motor vehicle
484 are hired and used for the transportation of persons for
485 compensation. It is the obligation and responsibility of the
486 parent, guardian, or other person responsible for a child's
487 welfare, as defined in s. 39.01(47), to comply with the
488 requirements of this section.

489 Section 19. Subsection (9) of section 317.0003, Florida
490 Statutes, is amended to read:

491 317.0003 Definitions.-As used in this chapter, the term:

492 (9) "ROV" means any motorized recreational off-highway
493 vehicle 64 inches or less in width, having a dry weight of 2,000
494 pounds or less, designed to travel on four or more nonhighway
495 tires, having nonstraddle seating and a steering wheel, and

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496 manufactured for recreational use by one or more persons. The
497 term "ROV" does not include a golf cart as defined in ss.
498 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
499 s. 320.01~~(42)~~.

500 Section 20. Section 317.0016, Florida Statutes, is amended
501 to read:

502 317.0016 Expedited service; applications; fees.—The
503 department shall provide, through its agents and for use by the
504 public, expedited service on title transfers, title issuances,
505 duplicate titles, and recordation of liens, ~~and certificates of~~
506 ~~repossession~~. A fee of \$7 shall be charged for this service,
507 which is in addition to the fees imposed by ss. 317.0007 and
508 317.0008, and \$3.50 of this fee shall be retained by the
509 processing agency. All remaining fees shall be deposited in the
510 Incidental Trust Fund of the Division of Forestry of the
511 Department of Agriculture and Consumer Services. Application for
512 expedited service may be made by mail or in person. The
513 department shall issue each title applied for pursuant to this
514 section within 5 working days after receipt of the application
515 except for an application for a duplicate title certificate
516 covered by s. 317.0008(3), in which case the title must be
517 issued within 5 working days after compliance with the
518 department's verification requirements.

519 Section 21. Subsection (9) and paragraph (a) of subsection
520 (10) of section 318.14, Florida Statutes, are amended to read:

521 318.14 Noncriminal traffic infractions; exception;
522 procedures.—

523 (9) Any person who does not hold a commercial driver's

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524 license and who is cited while driving a noncommercial motor
525 vehicle for an infraction under this section other than a
526 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the
527 driver exceeds the posted limit by 30 miles per hour or more, s.
528 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s.
529 322.61, or s. 322.62 may, in lieu of a court appearance, elect
530 to attend in the location of his or her choice within this state
531 a basic driver improvement course approved by the Department of
532 Highway Safety and Motor Vehicles. In such a case, adjudication
533 must be withheld and points, as provided by s. 322.27, may not
534 be assessed. However, a person may not make an election under
535 this subsection if the person has made an election under this
536 subsection in the preceding 12 months. A person may make no more
537 than five elections within his or her lifetime under this
538 subsection. The requirement for community service under s.
539 318.18(8) is not waived by a plea of nolo contendere or by the
540 withholding of adjudication of guilt by a court. If a person
541 makes an election to attend a basic driver improvement course
542 under this subsection, 18 percent of the civil penalty imposed
543 under s. 318.18(3) shall be deposited in the State Courts
544 Revenue Trust Fund; however, that portion is not revenue for
545 purposes of s. 28.36 and may not be used in establishing the
546 budget of the clerk of the court under that section or s. 28.35.

547 (10)(a) Any person who does not hold a commercial driver's
548 license and who is cited while driving a noncommercial motor
549 vehicle for an offense listed under this subsection may, in lieu
550 of payment of fine or court appearance, elect to enter a plea of
551 nolo contendere and provide proof of compliance to the clerk of

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552 the court, designated official, or authorized operator of a
553 traffic violations bureau. In such case, adjudication shall be
554 withheld; however, no election shall be made under this
555 subsection if such person has made an election under this
556 subsection in the 12 months preceding election hereunder. No
557 person may make more than three elections under this subsection.
558 This subsection applies to the following offenses:

559 1. Operating a motor vehicle without a valid driver's
560 license in violation of the provisions of s. 322.03, s. 322.065,
561 or s. 322.15(1), or operating a motor vehicle with a license
562 that has been suspended for failure to appear, failure to pay
563 civil penalty, or failure to attend a driver improvement course
564 pursuant to s. 322.291.

565 2. Operating a motor vehicle without a valid registration
566 in violation of s. 320.0605, s. 320.07, or s. 320.131.

567 3. Operating a motor vehicle in violation of s. 316.646.

568 4. Operating a motor vehicle with a license that has been
569 suspended under s. 61.13016 or s. 322.245 for failure to pay
570 child support or for failure to pay any other financial
571 obligation as provided in s. 322.245; however, this subparagraph
572 does not apply if the license has been suspended pursuant to s.
573 322.245(1).

574 5. Operating a motor vehicle with a license that has been
575 suspended under s. 322.091 for failure to meet school attendance
576 requirements.

577 Section 22. Paragraph (a) of subsection (2) of section
578 318.1451, Florida Statutes, is amended to read:

579 318.1451 Driver improvement schools.—

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580 (2) (a) In determining whether to approve the courses
581 referenced in this section, the department shall consider course
582 content designed to promote safety, driver awareness, crash
583 avoidance techniques, the dangers of driving while distracted,
584 which must specifically include the use of technology while
585 driving, and other factors or criteria to improve driver
586 performance from a safety viewpoint.

587 Section 23. Paragraph (a) of subsection (1) of section
588 318.15, Florida Statutes, is amended to read:

589 318.15 Failure to comply with civil penalty or to appear;
590 penalty.—

591 (1) (a) If a person fails to comply with the civil
592 penalties provided in s. 318.18 within the time period specified
593 in s. 318.14(4), fails to enter into or comply with the terms of
594 a penalty payment plan with the clerk of the court in accordance
595 with ss. 318.14 and 28.246, fails to attend driver improvement
596 school, or fails to appear at a scheduled hearing, the clerk of
597 the court shall notify the ~~Division of Driver Licenses of the~~
598 Department of Highway Safety and Motor Vehicles of such failure
599 within 10 days after such failure. Upon receipt of such notice,
600 the department shall immediately issue an order suspending the
601 driver's license and privilege to drive of such person effective
602 20 days after the date the order of suspension is mailed in
603 accordance with s. 322.251(1), (2), and (6). Any such suspension
604 of the driving privilege which has not been reinstated,
605 including a similar suspension imposed outside Florida, shall
606 remain on the records of the department for a period of 7 years
607 from the date imposed and shall be removed from the records

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608 after the expiration of 7 years from the date it is imposed.

609 Section 24. Section 319.14, Florida Statutes, is amended
610 to read:

611 319.14 Sale of motor vehicles registered or used as
612 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,
613 ~~and~~ nonconforming vehicles, custom vehicles, or street rod
614 vehicles.—

615 (1) (a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
616 sell, or exchange any vehicle that has been licensed,
617 registered, or used as a taxicab, police vehicle, or short-term-
618 lease vehicle, or a vehicle that has been repurchased by a
619 manufacturer pursuant to a settlement, determination, or
620 decision under chapter 681, until the department has stamped in
621 a conspicuous place on the certificate of title of the vehicle,
622 or its duplicate, words stating the nature of the previous use
623 of the vehicle or the title has been stamped "Manufacturer's Buy
624 Back" to reflect that the vehicle is a nonconforming vehicle. If
625 the certificate of title or duplicate was not so stamped upon
626 initial issuance thereof or if, subsequent to initial issuance
627 of the title, the use of the vehicle is changed to a use
628 requiring the notation provided for in this section, the owner
629 or lienholder of the vehicle shall surrender the certificate of
630 title or duplicate to the department before ~~prior to~~ offering
631 the vehicle for sale, and the department shall stamp the
632 certificate or duplicate as required herein. If ~~When~~ a vehicle
633 has been repurchased by a manufacturer pursuant to a settlement,
634 determination, or decision under chapter 681, the title shall be
635 stamped "Manufacturer's Buy Back" to reflect that the vehicle is

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636 a nonconforming vehicle.

637 (b) A ~~No~~ person may not shall knowingly offer for sale,
638 sell, or exchange a rebuilt vehicle until the department has
639 stamped in a conspicuous place on the certificate of title for
640 the vehicle words stating that the vehicle has been rebuilt or
641 assembled from parts, or is a kit car, glider kit, replica, ~~or~~
642 flood vehicle, custom vehicle, or street rod vehicle unless
643 proper application for a certificate of title for a vehicle that
644 is rebuilt or assembled from parts, or is a kit car, glider kit,
645 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle
646 has been made to the department in accordance with this chapter
647 and the department has conducted the physical examination of the
648 vehicle to assure the identity of the vehicle and all major
649 component parts, as defined in s. 319.30(1), which have been
650 repaired or replaced. Thereafter, the department shall affix a
651 decal to the vehicle, in the manner prescribed by the
652 department, showing the vehicle to be rebuilt. A vehicle may not
653 be inspected or issued a rebuilt title until all major component
654 parts, as defined in s. 319.30, which were damaged have been
655 repaired or replaced.

656 (c) As used in this section, the term:

657 1. "Police vehicle" means a motor vehicle owned or leased
658 by the state or a county or municipality and used in law
659 enforcement.

660 2.a. "Short-term-lease vehicle" means a motor vehicle
661 leased without a driver and under a written agreement to one or
662 more persons from time to time for a period of less than 12
663 months.

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664 b. "Long-term-lease vehicle" means a motor vehicle leased
665 without a driver and under a written agreement to one person for
666 a period of 12 months or longer.

667 c. "Lease vehicle" includes both short-term-lease vehicles
668 and long-term-lease vehicles.

669 3. "Rebuilt vehicle" means a motor vehicle or mobile home
670 built from salvage or junk, as defined in s. 319.30(1).

671 4. "Assembled from parts" means a motor vehicle or mobile
672 home assembled from parts or combined from parts of motor
673 vehicles or mobile homes, new or used. "Assembled from parts"
674 does not mean a motor vehicle defined as a "rebuilt vehicle" in
675 subparagraph 3., which has been declared a total loss pursuant
676 to s. 319.30.

677 5. "Kit car" means a motor vehicle assembled with a kit
678 supplied by a manufacturer to rebuild a wrecked or outdated
679 motor vehicle with a new body kit.

680 6. "Glider kit" means a vehicle assembled with a kit
681 supplied by a manufacturer to rebuild a wrecked or outdated
682 truck or truck tractor.

683 7. "Replica" means a complete new motor vehicle
684 manufactured to look like an old vehicle.

685 8. "Flood vehicle" means a motor vehicle or mobile home
686 that has been declared to be a total loss pursuant to s.
687 319.30(3)(a) resulting from damage caused by water.

688 9. "Nonconforming vehicle" means a motor vehicle which has
689 been purchased by a manufacturer pursuant to a settlement,
690 determination, or decision under chapter 681.

691 10. "Settlement" means an agreement entered into between a

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692 manufacturer and a consumer that occurs after a dispute is
693 submitted to a program, or an informal dispute settlement
694 procedure established by a manufacturer or is approved for
695 arbitration before the New Motor Vehicle Arbitration Board as
696 defined in s. 681.102.

697 11. "Custom vehicle" means a motor vehicle that:

698 a. Is 25 years of age or older and of a model year after
699 1948, or was manufactured to resemble a vehicle that is 25 years
700 of age or older and of a model year after 1948; and

701 b. Has been altered from the manufacturer's original
702 design or has a body constructed from nonoriginal materials.

703

704 The model year and year of manufacture which the body of a
705 custom vehicle resembles is the model year and year of
706 manufacture listed on the certificate of title, regardless of
707 when the vehicle was actually manufactured.

708 12. "Street rod" means a motor vehicle that:

709 a. Is a model year of 1948 or older or was manufactured
710 after 1948 to resemble a vehicle of a model year of 1948 or
711 older; and

712 b. Has been altered from the manufacturer's original
713 design or has a body constructed from nonoriginal materials.

714

715 The model year and year of manufacture which the body of a
716 street rod resembles is the model year and year of manufacture
717 listed on the certificate of title, regardless of when the
718 vehicle was actually manufactured.

719 (2) A No person may not shall knowingly sell, exchange, or

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720 transfer a vehicle referred to in subsection (1) without, before
721 ~~prior to~~ consummating the sale, exchange, or transfer,
722 disclosing in writing to the purchaser, customer, or transferee
723 the fact that the vehicle has previously been titled,
724 registered, or used as a taxicab, police vehicle, or short-term-
725 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from
726 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,
727 or is a nonconforming vehicle, custom vehicle, or street rod
728 vehicle, as the case may be.

729 (3) Any person who, with intent to offer for sale or
730 exchange any vehicle referred to in subsection (1), knowingly or
731 intentionally advertises, publishes, disseminates, circulates,
732 or places before the public in any communications medium,
733 whether directly or indirectly, any offer to sell or exchange
734 the vehicle shall clearly and precisely state in each ~~such~~ offer
735 that the vehicle has previously been titled, registered, or used
736 as a taxicab, police vehicle, or short-term-lease vehicle or
737 that the vehicle or mobile home is a vehicle that is rebuilt or
738 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or
739 flood vehicle, or is a nonconforming vehicle, custom vehicle, or
740 street rod vehicle, as the case may be. Any person who violates
741 this subsection commits a misdemeanor of the second degree,
742 punishable as provided in s. 775.082 or s. 775.083.

743 (4) If ~~When~~ a certificate of title, including a foreign
744 certificate, is branded to reflect a condition or prior use of
745 the titled vehicle, the brand must be noted on the registration
746 certificate of the vehicle and such brand shall be carried
747 forward on all subsequent certificates of title and registration

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748 certificates issued for the life of the vehicle.

749 (5) Any person who knowingly sells, exchanges, or offers
750 to sell or exchange a motor vehicle or mobile home contrary to
751 ~~the provisions of~~ this section or any officer, agent, or
752 employee of a person who knowingly authorizes, directs, aids in,
753 or consents to the sale, exchange, or offer to sell or exchange
754 a motor vehicle or mobile home contrary to ~~the provisions of~~
755 this section commits a misdemeanor of the second degree,
756 punishable as provided in s. 775.082 or s. 775.083.

757 (6) Any person who removes a rebuilt decal from a rebuilt
758 vehicle with the intent to conceal the rebuilt status of the
759 vehicle commits a felony of the third degree, punishable as
760 provided in s. 775.082, s. 775.083, or s. 775.084.

761 (7) This section applies to a mobile home, travel trailer,
762 camping trailer, truck camper, or fifth-wheel recreation trailer
763 only when the ~~such~~ mobile home or vehicle is a rebuilt vehicle
764 or is assembled from parts.

765 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in
766 any civil action arising out of a violation of this section if
767 the designation of the previous use or condition of the motor
768 vehicle is not noted on the certificate of title and
769 registration certificate of the vehicle which was received by,
770 or delivered to, such person, unless the ~~such~~ person has
771 actively concealed the prior use or condition of the vehicle
772 from the purchaser.

773 (9) Subsections (1), (2), and (3) do not apply to the
774 transfer of ownership of a motor vehicle after the motor vehicle
775 has ceased to be used as a lease vehicle and the ownership has

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776 | been transferred to an owner for private use or to the transfer
777 | of ownership of a nonconforming vehicle with 36,000 or more
778 | miles on its odometer, or 34 months whichever is later and the
779 | ownership has been transferred to an owner for private use. Such
780 | owner, as shown on the title certificate, may request the
781 | department to issue a corrected certificate of title that does
782 | not contain the statement of the previous use of the vehicle as
783 | a lease vehicle or condition as a nonconforming vehicle.

784 | Section 25. Section 319.225, Florida Statutes, is amended
785 | to read:

786 | 319.225 Transfer and reassignment forms; odometer
787 | disclosure statements.—

788 | (1) Every certificate of title issued by the department
789 | must contain the following statement ~~on its reverse side~~:

790 | "Federal and state law require the completion of the odometer
791 | statement set out below. Failure to complete or providing false
792 | information may result in fines, imprisonment, or both."

793 | (2) Each certificate of title issued by the department
794 | must contain ~~on its reverse side~~ a form for transfer of title by
795 | the titleholder of record, which form must contain an odometer
796 | disclosure statement in the form required by 49 C.F.R. s. 580.5.

797 | (3) Each certificate of title issued by the department
798 | must contain ~~on its reverse side~~ as many forms as space allows
799 | for reassignment of title by a licensed dealer as permitted by
800 | s. 319.21(3), which form or forms shall contain an odometer
801 | disclosure statement in the form required by 49 C.F.R. s. 580.5.
802 | When all dealer reassignment forms ~~provided on the back of the~~
803 | ~~title certificate~~ have been filled in, a dealer may reassign the

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804 title certificate by using a separate dealer reassignment form
805 issued by the department in compliance with 49 C.F.R. ss. 580.4
806 and 580.5, which form shall contain an original, ~~two carbon~~
807 ~~copies one of~~ which shall be submitted ~~directly~~ to the
808 department by the dealer ~~within 5 business days after the~~
809 ~~transfer~~ and a copy, ~~one of~~ which shall be retained by the
810 dealer in his or her records for 5 years. The provisions of this
811 subsection ~~shall~~ also apply to vehicles not previously titled in
812 this state and vehicles whose title certificates do not contain
813 the forms required by this section.

814 (4) Upon transfer or reassignment of a certificate of
815 title to a used motor vehicle, the transferor shall complete the
816 odometer disclosure statement provided for by this section and
817 the transferee shall acknowledge the disclosure by signing and
818 printing his or her name in the spaces provided. This subsection
819 does not apply to a vehicle that has a gross vehicle rating of
820 more than 16,000 pounds, a vehicle that is not self-propelled,
821 or a vehicle that is 10 years old or older. A lessor who
822 transfers title to his or her vehicle without obtaining
823 possession of the vehicle shall make odometer disclosure as
824 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
825 or acknowledge a disclosure statement as required by this
826 subsection commits ~~is guilty of~~ a misdemeanor of the second
827 degree, punishable as provided in s. 775.082 or s. 775.083. The
828 department may not issue a certificate of title unless this
829 subsection has been complied with.

830 (5) The same person may not sign a disclosure statement as
831 both the transferor and the transferee in the same transaction

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832 except as provided in subsection (6).

833 (6)(a) If the certificate of title is physically held by a
834 lienholder, the transferor may give a power of attorney to his
835 or her transferee for the purpose of odometer disclosure. The
836 power of attorney must be on a form issued or authorized by the
837 department, which form must be in compliance with 49 C.F.R. ss.
838 580.4 and 580.13. The department shall not require the signature
839 of the transferor to be notarized on the form; however, in lieu
840 of notarization, the form shall include an affidavit with the
841 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
842 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
843 ARE TRUE. The transferee shall sign the power of attorney form,
844 print his or her name, and return a copy of the power of
845 attorney form to the transferor. Upon receipt of a title
846 certificate, the transferee shall complete the space for mileage
847 disclosure on the title certificate exactly as the mileage was
848 disclosed by the transferor on the power of attorney form. If
849 the transferee is a licensed motor vehicle dealer who is
850 transferring the vehicle to a retail purchaser, the dealer shall
851 make application on behalf of the retail purchaser as provided
852 in s. 319.23(6) and shall submit the original power of attorney
853 form to the department with the application for title and the
854 transferor's title certificate; otherwise, a dealer may reassign
855 the title certificate by using the dealer reassignment form in
856 the manner prescribed in subsection (3), and, at the time of
857 physical transfer of the vehicle, the original power of attorney
858 shall be delivered to the person designated as the transferee of
859 the dealer on the dealer reassignment form. ~~A copy of the~~

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860 ~~executed power of attorney shall be submitted to the department~~
861 ~~with a copy of the executed dealer reassignment form within 5~~
862 ~~business days after the certificate of title and dealer~~
863 ~~reassignment form are delivered by the dealer to its transferee.~~

864 (b) If the certificate of title is lost or otherwise
865 unavailable, the transferor may give a power of attorney to his
866 or her transferee for the purpose of odometer disclosure. The
867 power of attorney must be on a form issued or authorized by the
868 department, which form must be in compliance with 49 C.F.R. ss.
869 580.4 and 580.13. The department shall not require the signature
870 of the transferor to be notarized on the form; however, in lieu
871 of notarization, the form shall include an affidavit with the
872 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
873 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
874 ARE TRUE. The transferee shall sign the power of attorney form,
875 print his or her name, and return a copy of the power of
876 attorney form to the transferor. Upon receipt of the title
877 certificate or a duplicate title certificate, the transferee
878 shall complete the space for mileage disclosure on the title
879 certificate exactly as the mileage was disclosed by the
880 transferor on the power of attorney form. If the transferee is a
881 licensed motor vehicle dealer who is transferring the vehicle to
882 a retail purchaser, the dealer shall make application on behalf
883 of the retail purchaser as provided in s. 319.23(6) and shall
884 submit the original power of attorney form to the department
885 with the application for title and the transferor's title
886 certificate or duplicate title certificate; otherwise, a dealer
887 may reassign the title certificate by using the dealer

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888 reassignment form in the manner prescribed in subsection (3),
889 and, at the time of physical transfer of the vehicle, the
890 original power of attorney shall be delivered to the person
891 designated as the transferee of the dealer on the dealer
892 reassignment form. If the dealer sells the vehicle to an out-of-
893 state resident or an out-of-state dealer and the power of
894 attorney form is applicable to the transaction, the dealer must
895 photocopy the completed original of the form and mail it
896 directly to the department within 5 business days after the
897 certificate of title and dealer reassignment form are delivered
898 by the dealer to the purchaser. A copy of the executed power of
899 attorney shall be submitted to the department with a copy of the
900 executed dealer reassignment form within 5 business days after
901 the duplicate certificate of title and dealer reassignment form
902 are delivered by the dealer to its transferee.

903 (c) If the mechanics of the transfer of title to a motor
904 vehicle in accordance with the provisions of paragraph (a) or
905 paragraph (b) are determined to be incompatible with and
906 unlawful under the provisions of 49 C.F.R. part 580, the
907 transfer of title to a motor vehicle by operation of this
908 subsection can be effected in any manner not inconsistent with
909 49 C.F.R. part 580 and Florida law; provided, any power of
910 attorney form issued or authorized by the department under this
911 subsection shall contain an original, two carbon copies, one of
912 which shall be submitted directly to the department by the
913 dealer within 5 business days of use by the dealer to effect
914 transfer of a title certificate as provided in paragraphs (a)
915 and (b) and a copy, one of which shall be retained by the dealer

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916 in its records for 5 years.

917 (d) Any person who fails to complete the information
918 required by this subsection or to file with the department the
919 forms required by this subsection commits ~~is guilty of~~ a
920 misdemeanor of the second degree, punishable as provided in s.
921 775.082 or s. 775.083. The department shall not issue a
922 certificate of title unless this subsection has been complied
923 with.

924 (7) Subject to approval by the National Highway Traffic
925 Safety Administration or any other applicable authority, if a
926 title is held electronically and the transferee agrees to
927 maintain the title electronically, the transferor and transferee
928 shall complete a secure reassignment document that discloses the
929 odometer reading and is signed by both the transferor and
930 transferee at the tax collector's office or license plate
931 agency. A dealer acquiring a motor vehicle that has an
932 electronic title shall use a secure reassignment document signed
933 by the person from whom the dealer acquired the motor vehicle.
934 Upon transferring the motor vehicle to a purchaser, a separate
935 reassignment document shall be executed.

936 (8)-(7) Each certificate of title issued by the department
937 must contain ~~on its reverse side~~ a minimum of three ~~four~~ spaces
938 for notation of the name and license number of any auction
939 through which the vehicle is sold and the date the vehicle was
940 auctioned. Each separate dealer reassignment form issued by the
941 department must also have the space referred to in this section.
942 When a transfer of title is made at a motor vehicle auction, the
943 reassignment must note the name and address of the auction, but

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944 the auction shall not thereby be deemed to be the owner, seller,
945 transferor, or assignor of title. A motor vehicle auction is
946 required to execute a dealer reassignment only when it is the
947 owner of a vehicle being sold.

948 ~~(9)~~ Upon transfer or reassignment of a used motor
949 vehicle through the services of an auction, the auction shall
950 complete the information in the space provided for by subsection
951 ~~(8)~~ ~~(7)~~. Any person who fails to complete the information as
952 required by this subsection commits ~~is guilty of~~ a misdemeanor
953 of the second degree, punishable as provided in s. 775.082 or s.
954 775.083. The department shall not issue a certificate of title
955 unless this subsection has been complied with.

956 ~~(10)~~ ~~(9)~~ This section shall be construed to conform to 49
957 C.F.R. part 580.

958 Section 26. Subsection (6) of section 319.23, Florida
959 Statutes, is amended, present subsections (7) through (11) of
960 that section are renumbered as subsections (8) through (12),
961 respectively, and a new subsection (7) is added to that
962 section, to read:

963 319.23 Application for, and issuance of, certificate of
964 title.—

965 (6) (a) In the case of the sale of a motor vehicle or
966 mobile home by a licensed dealer to a general purchaser, the
967 certificate of title must be obtained in the name of the
968 purchaser by the dealer upon application signed by the
969 purchaser, and in each other case such certificate must be
970 obtained by the purchaser. In each case of transfer of a motor
971 vehicle or mobile home, the application for a certificate of

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972 title, a corrected certificate, or an assignment or reassignment
973 must be filed within 30 days after the delivery of the motor
974 vehicle or from consummation of the sale of a mobile home to the
975 purchaser. An applicant must pay a fee of \$20, in addition to
976 all other fees and penalties required by law, for failing to
977 file such application within the specified time. In the case of
978 the sale of a motor vehicle by a licensed motor vehicle dealer
979 to a general purchaser who resides in another state or country,
980 the dealer is not required to apply for a certificate of title
981 for the motor vehicle; however, the dealer must transfer
982 ownership and reassign the certificate of title or
983 manufacturer's certificate of origin to the purchaser, and the
984 purchaser must sign an affidavit, as approved by the department,
985 that the purchaser will title and register the motor vehicle in
986 another state or country.

987 (b) If a licensed dealer acquires a motor vehicle or
988 mobile home as a trade-in, the dealer must file with the
989 department, within 30 days, a notice of sale signed by the
990 seller. The department shall update its database for that title
991 record to indicate "sold." A licensed dealer need not apply for
992 a certificate of title for any motor vehicle or mobile home in
993 stock acquired for stock purposes except as provided in s.
994 319.225.

995 (7) If an applicant for a certificate of title is unable
996 to provide the department with a certificate of title that
997 assigns the prior owner's interest in the motor vehicle, the
998 department may accept a bond in the form prescribed by the
999 department, along with an affidavit in a form prescribed by the

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1000 department, which includes verification of the vehicle
1001 identification number and an application for title.

1002 (a) The bond must be:

1003 1. In a form prescribed by the department;

1004 2. Executed by the applicant;

1005 3. Issued by a person authorized to conduct a surety
1006 business in this state;

1007 4. In an amount equal to two times the value of the
1008 vehicle as determined by the department; and

1009 5. Conditioned to indemnify all prior owners and
1010 lienholders and all subsequent purchasers of the vehicle or
1011 persons who acquire a security interest in the vehicle, and
1012 their successors in interest, against any expense, loss, or
1013 damage, including reasonable attorney's fees, occurring because
1014 of the issuance of the certificate of title for the vehicle or
1015 for a defect in or undisclosed security interest on the right,
1016 title, or interest of the applicant to the vehicle.

1017 (b) An interested person has a right to recover on the
1018 bond for a breach of the bond's condition. The aggregate
1019 liability of the surety to all persons may not exceed the amount
1020 of the bond.

1021 (c) A bond under this subsection expires on the third
1022 anniversary of the date the bond became effective.

1023 (d) The affidavit must:

1024 1. Be in a form prescribed by the department;

1025 2. Include the facts and circumstances through which the
1026 applicant acquired ownership and possession of the motor
1027 vehicle;

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1028 3. Disclose that no security interests, liens, or
1029 encumbrances against the motor vehicle are known to the
1030 applicant against the motor vehicle; and

1031 4. State that the applicant has the right to have a
1032 certificate of title issued.

1033 Section 27. Paragraph (b) of subsection (2) of section
1034 319.28, Florida Statutes, is amended to read:

1035 319.28 Transfer of ownership by operation of law.—

1036 (2)

1037 (b) In case of repossession of a motor vehicle or mobile
1038 home pursuant to the terms of a security agreement or similar
1039 instrument, an affidavit by the party to whom possession has
1040 passed stating that the vehicle or mobile home was repossessed
1041 upon default in the terms of the security agreement or other
1042 instrument shall be considered satisfactory proof of ownership
1043 and right of possession. At least 5 days before ~~prior to~~ selling
1044 the repossessed vehicle, any subsequent lienholder named in the
1045 last issued certificate of title shall be sent notice of the
1046 repossession by certified mail, on a form prescribed by the
1047 department. If such notice is given and no written protest to
1048 the department is presented by a subsequent lienholder within 15
1049 days after ~~from~~ the date on which the notice was mailed, the
1050 certificate of title ~~or the certificate of repossession~~ shall be
1051 issued showing no liens. If the former owner or any subsequent
1052 lienholder files a written protest under oath within such 15-day
1053 period, the department shall not issue the certificate of title
1054 ~~or certificate of repossession~~ for 10 days thereafter. If within
1055 the 10-day period no injunction or other order of a court of

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1056 competent jurisdiction has been served on the department
1057 commanding it not to deliver the certificate of title ~~or~~
1058 ~~certificate of repossession~~, the department shall deliver the
1059 certificate of title ~~or repossession~~ to the applicant or as may
1060 otherwise be directed in the application showing no other liens
1061 than those shown in the application. Any lienholder who has
1062 repossessed a vehicle in this state in compliance with the
1063 provisions of this section must apply to a tax collector's
1064 office in this state or to the department for a ~~certificate of~~
1065 ~~repossession or to the department for a~~ certificate of title
1066 pursuant to s. 319.323. Proof of the required notice to
1067 subsequent lienholders shall be submitted together with regular
1068 title fees. ~~A lienholder to whom a certificate of repossession~~
1069 ~~has been issued may assign the certificate of title to the~~
1070 ~~subsequent owner.~~ Any person who violates ~~found guilty of~~
1071 ~~violating~~ any requirements of this paragraph commits ~~shall be~~
1072 ~~guilty of~~ a felony of the third degree, punishable as provided
1073 in s. 775.082, s. 775.083, or s. 775.084.

1074 Section 28. Section 319.323, Florida Statutes, is amended
1075 to read:

1076 319.323 Expedited service; applications; fees.—The
1077 department shall establish a separate title office which may be
1078 used by private citizens and licensed motor vehicle dealers to
1079 receive expedited service on title transfers, title issuances,
1080 duplicate titles, and recordation of liens, ~~and certificates of~~
1081 ~~repossession~~. A fee of \$10 shall be charged for this service,
1082 which fee is in addition to the fees imposed by s. 319.32. The
1083 fee, after deducting the amount referenced by s. 319.324 and

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1084 \$3.50 to be retained by the processing agency, shall be
1085 deposited into the General Revenue Fund. Application for
1086 expedited service may be made by mail or in person. The
1087 department shall issue each title applied for under this section
1088 within 5 working days after receipt of the application except
1089 for an application for a duplicate title certificate covered by
1090 s. 319.23(4), in which case the title must be issued within 5
1091 working days after compliance with the department's verification
1092 requirements.

1093 Section 29. Section 319.40, Florida Statutes, is amended
1094 to read:

1095 319.40 Transactions by electronic or telephonic means.—

1096 (1) The department may ~~is authorized to~~ accept any
1097 application provided for under this chapter by electronic or
1098 telephonic means.

1099 (2) The department may issue an electronic certificate of
1100 title in lieu of printing a paper title.

1101 (3) The department may collect and use electronic mail
1102 addresses as a notification method in lieu of the United States
1103 Postal Service.

1104 Section 30. Paragraph (a) of subsection (1) of section
1105 320.01, Florida Statutes, is amended, present subsections (24)
1106 through (45) are renumbered as subsections (23) through (44),
1107 respectively, present subsections (23), (25), and (26) are
1108 amended, and a new subsection (45) is added to that section, to
1109 read:

1110 320.01 Definitions, general.—As used in the Florida
1111 Statutes, except as otherwise provided, the term:

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1112 (1) "Motor vehicle" means:

1113 (a) An automobile, motorcycle, truck, trailer,
1114 semitrailer, truck tractor and semitrailer combination, or any
1115 other vehicle operated on the roads of this state, used to
1116 transport persons or property, and propelled by power other than
1117 muscular power, but the term does not include traction engines,
1118 road rollers, special mobile equipment as defined in chapter
1119 316, such vehicles as run only upon a track, bicycles, swamp
1120 buggies, or mopeds.

1121 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
1122 ~~which is required to be registered, or with respect to which an~~
1123 ~~election has been made to register it, under the International~~
1124 ~~Registration Plan.~~

1125 ~~(24)~~(25) "Apportionable vehicle" means any vehicle, except
1126 recreational vehicles, vehicles displaying restricted plates,
1127 city pickup and delivery vehicles, buses used in transportation
1128 of chartered parties, and government-owned vehicles, which is
1129 used or intended for use in two or more member jurisdictions
1130 that allocate or proportionally register vehicles and which is
1131 used for the transportation of persons for hire or is designed,
1132 used, or maintained primarily for the transportation of property
1133 and:

1134 (a) Is a power unit having a gross vehicle weight in
1135 excess of 26,000 ~~26,001~~ pounds;

1136 (b) Is a power unit having three or more axles, regardless
1137 of weight; or

1138 (c) Is used in combination, when the weight of such
1139 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

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1140
1141 Vehicles, or combinations thereof, having a gross vehicle weight
1142 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
1143 proportionally registered.

1144 (25) ~~(26)~~ "Commercial motor vehicle" means any vehicle that
1145 ~~which~~ is not owned or operated by a governmental entity, that
1146 ~~which~~ uses special fuel or motor fuel on the public highways,
1147 and that ~~which~~ has a gross vehicle weight of 26,001 pounds or
1148 more, or has three or more axles regardless of weight, or is
1149 used in combination when the weight of such combination exceeds
1150 26,000 ~~26,001~~ pounds gross vehicle weight. A vehicle that
1151 occasionally transports personal property to and from a closed-
1152 course motorsport facility, as defined in s. 549.09(1)(a), is
1153 not a commercial motor vehicle if the use is not for profit and
1154 corporate sponsorship is not involved. As used in this
1155 subsection, the term "corporate sponsorship" means a payment,
1156 donation, gratuity, in-kind service, or other benefit provided
1157 to or derived by a person in relation to the underlying
1158 activity, other than the display of product or corporate names,
1159 logos, or other graphic information on the property being
1160 transported.

1161 (45) SWAMP BUGGY.—A motorized off-road vehicle designed to
1162 travel over swampy terrain, which may utilize large tires or
1163 tracks operated from an elevated platform, and may be used upon
1164 varied terrain. A swamp buggy does not include any vehicle
1165 defined in chapter 261 or otherwise defined or classified in
1166 this chapter. A swamp buggy may not be operated upon the public
1167 roads, streets, or highways of this state, except to the extent

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1168 specifically authorized by a state or federal agency to be used
1169 exclusively upon lands, managed, owned, or leased by that
1170 agency.

1171 Section 31. Subsection (2) of section 320.02, Florida
1172 Statutes, is amended, paragraphs (o), (p), (q), and (r) are
1173 added to subsection (15), and subsections (18) and (19) are
1174 added to that section, to read:

1175 320.02 Registration required; application for
1176 registration; forms.—

1177 (2) (a) The application for registration shall include the
1178 street address of the owner's permanent residence or the address
1179 of his or her permanent place of business and shall be
1180 accompanied by personal or business identification information
1181 which may include, but need not be limited to, a driver's
1182 license number, Florida identification card number, or federal
1183 employer identification number. If the owner does not have a
1184 permanent residence or permanent place of business or if the
1185 owner's permanent residence or permanent place of business
1186 cannot be identified by a street address, the application shall
1187 include:

1188 1. If the vehicle is registered to a business, the name
1189 and street address of the permanent residence of an owner of the
1190 business, an officer of the corporation, or an employee who is
1191 in a supervisory position.

1192 2. If the vehicle is registered to an individual, the name
1193 and street address of the permanent residence of a close
1194 relative or friend who is a resident of this state.

1195

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1196 If the vehicle is registered to an active-duty military member
1197 who is a Florida resident, the member is exempt from the
1198 requirement to provide a Florida residential address.

1199 (b) The department shall prescribe a form upon which motor
1200 vehicle owners may record odometer readings when registering
1201 their motor vehicles.

1202 (15)

1203 (o) The application form for motor vehicle registration
1204 and renewal registration must include language permitting the
1205 voluntary contribution of \$1 to End Hunger in Florida. The
1206 proceeds shall be distributed monthly by the department to the
1207 Florida Association of Food Banks, Inc., a corporation not for
1208 profit under s. 501(c)(3) of the Internal Revenue Code. The
1209 funds shall be used by the organization for the purpose of
1210 ending hunger in Florida.

1211 (p) The application form for motor vehicle registration
1212 and renewal of registration must include language permitting a
1213 voluntary contribution of \$1 to Take Stock In Children. Such
1214 contributions shall be transferred by the department each month
1215 to Take Stock In Children, Inc.

1216 (q) The application form for motor vehicle registration
1217 and renewal of registration must include language permitting a
1218 voluntary contribution of \$1 per applicant for Autism Services
1219 and Supports. Such contributions must be transferred by the
1220 department each month to the Achievement and Rehabilitation
1221 Centers, Inc., Autism Services Fund.

1222 (r) The application form for motor vehicle registration
1223 and renewal of registration must include language permitting a

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1224 voluntary contribution of \$1 to Support Our Troops, which shall
1225 be distributed monthly to Support Our Troops, Inc., a Florida
1226 not-for-profit organization.

1227
1228 For the purpose of applying the service charge provided in s.
1229 215.20, contributions received under this subsection are not
1230 income of a revenue nature.

1231 (18) All electronic registration records shall be retained
1232 by the department for not less than 10 years.

1233 (19) Notwithstanding the provisions set forth in
1234 subsections (8), (14) and (15) above, the department or the tax
1235 collector shall include information for customers on voluntary
1236 contributions. The renewal application form must include either
1237 a complete list of all authorized voluntary contributions or the
1238 department's website address which provides a complete list and
1239 information on all authorized voluntary contributions. Nothing
1240 shall prohibit the department or tax collector from including a
1241 complete list of voluntary contributions and the department's
1242 website. Customers renewing a registration at either a tax
1243 collector or state office shall be provided information on
1244 voluntary contribution options.

1245 Section 32. Subsections (1), (2), (3), and (4) of s.
1246 320.023, Florida Statutes, are amended to read:

1247 320.023 Requests to establish voluntary contribution
1248 ~~checkoff~~ on motor vehicle registration ~~application~~.—

1249 (1) An organization that seeks authorization to establish a
1250 voluntary contribution on a motor vehicle registration
1251 ~~application~~ must submit to the department:

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1252 (a) A request for the particular voluntary contribution
1253 being sought, describing the proposed voluntary contribution in
1254 general terms.

1255 (b) An application fee, not to exceed \$10,000 to defray the
1256 department's cost for reviewing the application and developing
1257 the voluntary contribution checkoff or website, if authorized.
1258 State funds may not be used to pay the application fee.

1259 (c) A marketing strategy outlining short-term and long-term
1260 marketing plans for the requested voluntary contribution and a
1261 financial analysis outlining the anticipated revenues and the
1262 planned expenditures of the revenues to be derived from the
1263 voluntary contribution.

1264

1265 The information required under this subsection must be submitted
1266 to the department at least 90 days before the convening of the
1267 next regular session of the Legislature.

1268 (2) If the voluntary contribution is not approved by the
1269 Legislature, the application fee must be refunded to the
1270 requesting organization.

1271 (3) The department must include any voluntary contributions
1272 approved by the Legislature on the motor vehicle application
1273 form when the form is reprinted by the agency in accordance with
1274 s. 320.02(19), F.S.

1275 (4) (a) The department must discontinue the voluntary
1276 contribution if:

1277 1. Less than \$25,000 has been contributed by the end of the
1278 5th year.

1279 2. Less than \$25,000 is contributed during any subsequent

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1280 5-year period.

1281 (b) The department is authorized to discontinue the
1282 voluntary contribution and distribution of associated proceeds
1283 if the organization no longer exists, if the organization has
1284 stopped providing services that are authorized to be funded from
1285 the voluntary contributions, or pursuant to an organizational
1286 recipient's request. Organizations are required to notify the
1287 department immediately to stop warrants for voluntary ~~check-off~~
1288 contributions if any of the conditions in this subsection exist,
1289 and must meet the requirements of paragraph (5)(b) or paragraph
1290 (5)(c), if applicable, for any period of operation during the
1291 fiscal year.

1292 Section 33. Subsections (7) and (8) of section 320.03,
1293 Florida Statutes, are amended to read:

1294 320.03 Registration; duties of tax collectors;
1295 International Registration Plan.-

1296 (7) The Department of Highway Safety and Motor Vehicles
1297 shall register apportionable ~~apportioned-motor~~ vehicles under
1298 the provisions of the International Registration Plan. The
1299 department may adopt rules to implement and enforce the
1300 provisions of the plan.

1301 (8) If the applicant's name appears on the list referred
1302 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
1303 license plate or revalidation sticker may not be issued until
1304 that person's name no longer appears on the list or until the
1305 person presents a receipt from the governmental entity or the
1306 clerk of court that provided the data showing that the fines
1307 outstanding have been paid. This subsection does not apply to

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1308 the owner of a leased vehicle if the vehicle is registered in
1309 the name of the lessee of the vehicle. The tax collector and the
1310 clerk of the court are each entitled to receive monthly, as
1311 costs for implementing and administering this subsection, 10
1312 percent of the civil penalties and fines recovered from such
1313 persons. As used in this subsection, the term "civil penalties
1314 and fines" does not include a wrecker operator's lien as
1315 described in s. 713.78(13). If the tax collector has private tag
1316 agents, such tag agents are entitled to receive a pro rata share
1317 of the amount paid to the tax collector, based upon the
1318 percentage of license plates and revalidation stickers issued by
1319 the tag agent compared to the total issued within the county.
1320 The authority of any private agent to issue license plates shall
1321 be revoked, after notice and a hearing as provided in chapter
1322 120, if he or she issues any license plate or revalidation
1323 sticker contrary to the provisions of this subsection. This
1324 section applies only to the annual renewal in the owner's birth
1325 month of a motor vehicle registration and does not apply to the
1326 transfer of a registration of a motor vehicle sold by a motor
1327 vehicle dealer licensed under this chapter, except for the
1328 transfer of registrations which is inclusive of the annual
1329 renewals. This section does not affect the issuance of the title
1330 to a motor vehicle, notwithstanding s. 319.23(8)~~(7)~~(b).

1331 Section 34. Paragraph (b) of subsection (3) and subsection
1332 (5) of section 320.05, Florida Statutes, are amended to read:

1333 320.05 Records of the department; inspection procedure;
1334 lists and searches; fees.—

1335 (3)

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1336 (b) Fees therefor shall be charged and collected as
1337 follows:

1338 1. For providing lists of motor vehicle or vessel records
1339 for the entire state, or any part or parts thereof, divided
1340 according to counties, a sum computed at a rate of not less than
1341 1 cent nor more than 5 cents per item.

1342 2. For providing noncertified photographic copies of motor
1343 vehicle or vessel documents, \$1 per page.

1344 3. For providing noncertified photographic copies of
1345 micrographic records, \$1 per page.

1346 4. For providing certified copies of motor vehicle or
1347 vessel records, \$3 per record.

1348 5. For providing noncertified computer-generated printouts
1349 of motor vehicle or vessel records, 50 cents per record.

1350 6. For providing certified computer-generated printouts of
1351 motor vehicle or vessel records, \$3 per record.

1352 7. For providing electronic access to motor vehicle,
1353 vessel, and mobile home registration data requested by tag,
1354 vehicle identification number, title number, or decal number, 50
1355 cents per item.

1356 8. For providing electronic access to driver's license
1357 status report by name, sex, and date of birth or by driver
1358 license number, 50 cents per item.

1359 9. For providing lists of licensed mobile home dealers and
1360 manufacturers and recreational vehicle dealers and
1361 manufacturers, \$15 per list.

1362 10. For providing lists of licensed motor vehicle dealers,
1363 \$25 per list.

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1364 11. For each copy of a videotape record, \$15 per tape.

1365 ~~12. For each copy of the Division of Motor Vehicles~~

1366 ~~Procedures Manual, \$25.~~

1367 (5) The creation and maintenance of records by the
1368 Division of Motorist Services within the department and the
1369 ~~Division of Motor Vehicles~~ pursuant to this chapter shall not be
1370 regarded as law enforcement functions of agency recordkeeping.

1371 Section 35. Paragraph (d) is added to subsection (1) of
1372 section 320.06, Florida Statutes, and subsection (5) is added to
1373 that section, to read:

1374 320.06 Registration certificates, license plates, and
1375 validation stickers generally.—

1376 (1)

1377 (d) The department may conduct a pilot program to evaluate
1378 designs, concepts, and technologies for alternative license
1379 plate technologies. The pilot program shall investigate the
1380 feasibility and use of alternative license plate technologies
1381 and shall be limited to license plates that are used on
1382 government-owned motor vehicles, as defined in s. 320.0655.
1383 Government license plates in the pilot program are exempt from
1384 current license plate requirements in paragraph (3)(a).

1385 (5) All license plates issued pursuant to this chapter are
1386 the property of the State of Florida.

1387 Section 36. Section 320.061, Florida Statutes, is amended
1388 to read:

1389 320.061 Unlawful to alter motor vehicle registration
1390 certificates, temporary license plates, license plates, mobile
1391 home stickers, or validation stickers or to obscure license

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1392 plates; penalty.—No person shall alter the original appearance
1393 of any registration license plate, temporary license plate,
1394 mobile home sticker, validation sticker, or vehicle registration
1395 certificate issued for and assigned to any motor vehicle or
1396 mobile home, whether by mutilation, alteration, defacement, or
1397 change of color or in any other manner. No person shall apply or
1398 attach any substance, reflective matter, illuminated device,
1399 spray, coating, covering, or other material onto or around any
1400 license plate that interferes with the legibility, angular
1401 visibility, or detectability of any feature or detail on the
1402 license plate or interferes with the ability to record any
1403 feature or detail on the license plate. Any person who violates
1404 this section commits a noncriminal traffic infraction,
1405 punishable as a moving violation as provided in chapter 318.

1406 Section 37. Subsection (1) of section 320.071, Florida
1407 Statutes, is amended to read:

1408 320.071 Advance registration renewal; procedures.—

1409 (1)(a) The owner of any motor vehicle or mobile home
1410 currently registered in this state may file an application for
1411 renewal of registration with the department, or its authorized
1412 agent in the county wherein the owner resides, any time during
1413 the 3 months preceding the date of expiration of the
1414 registration period. The registration period may not exceed 27
1415 months.

1416 (b) The owner of any apportionable ~~apportioned motor~~
1417 vehicle currently registered in this state under the provisions
1418 of the International Registration Plan may file an application
1419 for renewal of registration with the department any time during

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1420 the 3 months preceding the date of expiration of the
1421 registration period.

1422 Section 38. Subsections (1) and (3) of section 320.0715,
1423 Florida Statutes, are amended to read:

1424 320.0715 International Registration Plan; motor carrier
1425 services; permits; retention of records.—

1426 (1) All apportionable ~~commercial-motor~~ vehicles domiciled
1427 in this state ~~and engaged in interstate commerce~~ shall be
1428 registered in accordance with the provisions of the
1429 International Registration Plan ~~and shall display apportioned~~
1430 ~~license plates.~~

1431 (3) (a) If the department is unable to immediately issue
1432 the apportioned license plate to an applicant currently
1433 registered in this state under the International Registration
1434 Plan or to a vehicle currently titled in this state, the
1435 department or its designated agent is authorized to issue a 60-
1436 day temporary operational permit. The department or agent of the
1437 department shall charge a \$3 fee and the service charge
1438 authorized by s. 320.04 for each temporary operational permit it
1439 issues.

1440 (b) The department shall in no event issue a temporary
1441 operational permit for any apportionable ~~commercial-motor~~
1442 vehicle to any applicant until the applicant has shown that:

1443 1. All sales or use taxes due on the registration of the
1444 vehicle are paid; and

1445 2. Insurance requirements have been met in accordance with
1446 ss. 320.02(5) and 627.7415.

1447 (c) Issuance of a temporary operational permit provides

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1448 ~~commercial motor vehicle~~ registration privileges in each
1449 International Registration Plan member jurisdiction designated
1450 on said permit and therefore requires payment of all applicable
1451 registration fees and taxes due for that period of registration.

1452 (d) Application for permanent registration must be made to
1453 the department within 10 days following ~~from~~ issuance of a
1454 temporary operational permit. Failure to file an application
1455 within this 10-day period may result in cancellation of the
1456 temporary operational permit.

1457 Section 39. Paragraph (d) of subsection (5) of section
1458 320.08, Florida Statutes, is amended to read:

1459 320.08 License taxes.—Except as otherwise provided herein,
1460 there are hereby levied and imposed annual license taxes for the
1461 operation of motor vehicles, mopeds, motorized bicycles as
1462 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
1463 and mobile homes, as defined in s. 320.01, which shall be paid
1464 to and collected by the department or its agent upon the
1465 registration or renewal of registration of the following:

1466 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
1467 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1468 (d) A wrecker, as defined in s. 320.01~~(40)~~, which is used
1469 to tow a vessel as defined in s. 327.02(39), a disabled,
1470 abandoned, stolen-recovered, or impounded motor vehicle as
1471 defined in s. 320.01~~(38)~~, or a replacement motor vehicle as
1472 defined in s. 320.01~~(39)~~: \$41 flat, of which \$11 shall be
1473 deposited into the General Revenue Fund.

1474 Section 40. Paragraph (e) of subsection (4) of section
1475 320.08068, Florida Statutes, is amended to read:

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1476 320.08068 Motorcycle specialty license plates.-

1477 (4) A license plate annual use fee of \$20 shall be
1478 collected for each motorcycle specialty license plate. Annual
1479 use fees shall be distributed to The Able Trust as custodial
1480 agent. The Able Trust may retain a maximum of 10 percent of the
1481 proceeds from the sale of the license plate for administrative
1482 costs. The Able Trust shall distribute the remaining funds as
1483 follows:

1484 (e) Twenty percent to the Florida Association of Centers
1485 for Independent Living ~~to be used to leverage additional funding~~
1486 ~~and new sources of revenue for the centers for independent~~
1487 ~~living in this state.~~

1488 Section 41. Subsection (1) of section 320.0847, Florida
1489 Statutes, is amended to read:

1490 320.0847 Mini truck and low-speed vehicle license plates.-

1491 (1) The department shall issue a license plate to the
1492 owner or lessee of any vehicle registered as a low-speed vehicle
1493 as defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
1494 320.01~~(45)~~ upon payment of the appropriate license taxes and
1495 fees prescribed in s. 320.08.

1496 Section 42. Subsection (4) of section 320.0848, Florida
1497 Statutes, is amended to read:

1498 320.0848 Persons who have disabilities; issuance of
1499 disabled parking permits; temporary permits; permits for certain
1500 providers of transportation services to persons who have
1501 disabilities.-

1502 (4) From the proceeds of the temporary disabled parking
1503 permit fees:

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1504 (a) The Department of Highway Safety and Motor Vehicles
1505 must receive \$3.50 for each temporary permit, to be deposited
1506 into the Highway Safety Operating Trust Fund and used for
1507 implementing the real-time disabled parking permit database and
1508 for administering the disabled parking permit program.

1509 (b) The tax collector, for processing, must receive \$2.50
1510 for each temporary permit.

1511 (c) The remainder must be distributed monthly as follows:

1512 1. To the Florida Endowment Foundation for Vocational
1513 Rehabilitation, known as "The Able Trust," ~~Florida Governor's~~
1514 ~~Alliance for the Employment of Disabled Citizens~~ for the purpose
1515 of improving employment and training opportunities for persons
1516 who have disabilities, with special emphasis on removing
1517 transportation barriers, \$4. These fees must be directly
1518 deposited into the Florida Endowment Foundation for Vocational
1519 Rehabilitation as established in s. 413.615 ~~Transportation~~
1520 ~~Disadvantaged Trust Fund~~ for transfer to the ~~Florida Governor's~~
1521 ~~Alliance for Employment of Disabled Citizens~~.

1522 2. To the Transportation Disadvantaged Trust Fund to be
1523 used for funding matching grants to counties for the purpose of
1524 improving transportation of persons who have disabilities, \$5.

1525 Section 43. Effective October 1, 2011, subsection (1) of
1526 section 320.089, Florida Statutes, is amended to read:

1527 320.089 Members of National Guard and active United States
1528 Armed Forces reservists; former prisoners of war; survivors of
1529 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
1530 Freedom and Operation Enduring Freedom Veterans; Combat Infantry
1531 Badge recipients; special license plates; fee.-

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1532 (1) (a) Each owner or lessee of an automobile or truck for
1533 private use or recreational vehicle as specified in s.
1534 320.08(9)(c) or (d), which is not used for hire or commercial
1535 use, who is a resident of the state and an active or retired
1536 member of the Florida National Guard, a survivor of the attack
1537 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an
1538 active or retired member of any branch of the United States
1539 Armed Forces Reserve, or a recipient of the Combat Infantry
1540 Badge shall, upon application to the department, accompanied by
1541 proof of active membership or retired status in the Florida
1542 National Guard, proof of membership in the Pearl Harbor
1543 Survivors Association or proof of active military duty in Pearl
1544 Harbor on December 7, 1941, proof of being a Purple Heart medal
1545 recipient, ~~or~~ proof of active or retired membership in any
1546 branch of the Armed Forces Reserve, or proof of membership in
1547 the Combat Infantrymen's Association, Inc., or other proof of
1548 being a recipient of the Combat Infantry Badge, and upon payment
1549 of the license tax for the vehicle as provided in s. 320.08, be
1550 issued a license plate as provided by s. 320.06, upon which, in
1551 lieu of the serial numbers prescribed by s. 320.06, shall be
1552 stamped the words "National Guard," "Pearl Harbor Survivor,"
1553 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry
1554 Badge," as appropriate, followed by the serial number of the
1555 license plate. Additionally, the Purple Heart plate may have the
1556 words "Purple Heart" stamped on the plate and the likeness of
1557 the Purple Heart medal appearing on the plate.

1558 (b) Notwithstanding any other provision of law to the
1559 contrary, beginning with fiscal year 2002-2003 and annually

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1560 thereafter, the first \$100,000 in general revenue generated from
1561 the sale of license plates issued under this section shall be
1562 deposited into the Grants and Donations Trust Fund, as described
1563 in s. 296.38(2), to be used for the purposes established by law
1564 for that trust fund. Any additional general revenue generated
1565 from the sale of such plates shall be deposited into the State
1566 Homes for Veterans Trust Fund and used solely to construct,
1567 operate, and maintain domiciliary and nursing homes for
1568 veterans, subject to the requirements of chapter 216.

1569 (c) Notwithstanding any provisions of law to the contrary,
1570 an applicant for a Pearl Harbor Survivor license plate or a
1571 Purple Heart license plate who also qualifies for a disabled
1572 veteran's license plate under s. 320.084 shall be issued the
1573 appropriate special license plate without payment of the license
1574 tax imposed by s. 320.08.

1575 Section 44. Subsection (3) of section 320.27, Florida
1576 Statutes, is amended to read:

1577 320.27 Motor vehicle dealers.—

1578 (3) APPLICATION AND FEE.—The application for the license
1579 shall be in such form as may be prescribed by the department and
1580 shall be subject to such rules with respect thereto as may be so
1581 prescribed by it. Such application shall be verified by oath or
1582 affirmation and shall contain a full statement of the name and
1583 birth date of the person or persons applying therefor; the name
1584 of the firm or copartnership, with the names and places of
1585 residence of all members thereof, if such applicant is a firm or
1586 copartnership; the names and places of residence of the
1587 principal officers, if the applicant is a body corporate or

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1588 other artificial body; the name of the state under whose laws
1589 the corporation is organized; the present and former place or
1590 places of residence of the applicant; and prior business in
1591 which the applicant has been engaged and the location thereof.
1592 Such application shall describe the exact location of the place
1593 of business and shall state whether the place of business is
1594 owned by the applicant and when acquired, or, if leased, a true
1595 copy of the lease shall be attached to the application. The
1596 applicant shall certify that the location provides an adequately
1597 equipped office and is not a residence; that the location
1598 affords sufficient unoccupied space upon and within which
1599 adequately to store all motor vehicles offered and displayed for
1600 sale; and that the location is a suitable place where the
1601 applicant can in good faith carry on such business and keep and
1602 maintain books, records, and files necessary to conduct such
1603 business, which will be available at all reasonable hours to
1604 inspection by the department or any of its inspectors or other
1605 employees. The applicant shall certify that the business of a
1606 motor vehicle dealer is the principal business which shall be
1607 conducted at that location. Such application shall contain a
1608 statement that the applicant is either franchised by a
1609 manufacturer of motor vehicles, in which case the name of each
1610 motor vehicle that the applicant is franchised to sell shall be
1611 included, or an independent (nonfranchised) motor vehicle
1612 dealer. Such application shall contain such other relevant
1613 information as may be required by the department, including
1614 evidence that the applicant is insured under a garage liability
1615 insurance policy or a general liability insurance policy coupled

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1616 with a business automobile policy, which shall include, at a
1617 minimum, \$25,000 combined single-limit liability coverage
1618 including bodily injury and property damage protection and
1619 \$10,000 personal injury protection. A salvage motor vehicle
1620 dealer as defined in subparagraph (1)(c)5. is exempt from the
1621 requirements for garage liability insurance and personal injury
1622 protection. Franchise dealers must submit a garage liability
1623 insurance policy, and all other dealers must submit a garage
1624 liability insurance policy or a general liability insurance
1625 policy coupled with a business automobile policy. Such policy
1626 shall be for the license period, and evidence of a new or
1627 continued policy shall be delivered to the department at the
1628 beginning of each license period. Upon making initial
1629 application, the applicant shall pay to the department a fee of
1630 \$300 in addition to any other fees now required by law; upon
1631 making a subsequent renewal application, the applicant shall pay
1632 to the department a fee of \$75 in addition to any other fees now
1633 required by law. Upon making an application for a change of
1634 location, the person shall pay a fee of \$50 in addition to any
1635 other fees now required by law. The department shall, in the
1636 case of every application for initial licensure, verify whether
1637 certain facts set forth in the application are true. Each
1638 applicant, general partner in the case of a partnership, or
1639 corporate officer and director in the case of a corporate
1640 applicant, must file a set of fingerprints with the department
1641 for the purpose of determining any prior criminal record or any
1642 outstanding warrants. The department shall submit the
1643 fingerprints to the Department of Law Enforcement for state

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1644 processing and forwarding to the Federal Bureau of Investigation
1645 for federal processing. The actual cost of state and federal
1646 processing shall be borne by the applicant and is in addition to
1647 the fee for licensure. The department may issue a license to an
1648 applicant pending the results of the fingerprint investigation,
1649 which license is fully revocable if the department subsequently
1650 determines that any facts set forth in the application are not
1651 true or correctly represented.

1652 Section 45. Paragraphs (a) and (b) of subsection (2) of
1653 section 320.275, Florida Statutes, are amended to read:

1654 320.275 Automobile Dealers Industry Advisory Board.—

1655 (2) MEMBERSHIP, TERMS, MEETINGS.—

1656 (a) The board shall be composed of 12 members. The
1657 executive director of the Department of Highway Safety and Motor
1658 Vehicles shall appoint the members from names submitted by the
1659 entities for the designated categories the member will
1660 represent. The executive director shall appoint one
1661 representative of the Department of Highway Safety and Motor
1662 Vehicles, ~~who must represent the Division of Motor Vehicles;~~ two
1663 representatives of the independent motor vehicle industry as
1664 recommended by the Florida Independent Automobile Dealers
1665 Association; two representatives of the franchise motor vehicle
1666 industry as recommended by the Florida Automobile Dealers
1667 Association; one representative of the auction motor vehicle
1668 industry who is from an auction chain and is recommended by a
1669 group affiliated with the National Auto Auction Association; one
1670 representative of the auction motor vehicle industry who is from
1671 an independent auction and is recommended by a group affiliated

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1672 with the National Auto Auction Association; one representative
1673 from the Department of Revenue; a Florida tax collector
1674 representative recommended by the Florida Tax Collectors
1675 Association; one representative from the Better Business Bureau;
1676 one representative from the Department of Agriculture and
1677 Consumer Services, who must represent the Division of Consumer
1678 Services; and one representative of the insurance industry who
1679 writes motor vehicle dealer surety bonds.

1680 (b)1. The executive director shall appoint the following
1681 initial members to 1-year terms: one representative from the
1682 motor vehicle auction industry who represents an auction chain,
1683 one representative from the independent motor vehicle industry,
1684 one representative from the franchise motor vehicle industry,
1685 one representative from the Department of Revenue, one Florida
1686 tax collector, and one representative from the Better Business
1687 Bureau.

1688 2. The executive director shall appoint the following
1689 initial members to 2-year terms: one representative from the
1690 motor vehicle auction industry who represents an independent
1691 auction, one representative from the independent motor vehicle
1692 industry, one representative from the franchise motor vehicle
1693 industry, one representative from the Division of Consumer
1694 Services, one representative from the insurance industry, and
1695 one representative from the department ~~Division of Motor~~
1696 ~~Vehicles~~.

1697 3. As the initial terms expire, the executive director
1698 shall appoint successors from the same designated category for
1699 terms of 2 years. If renominated, a member may succeed himself

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1700 or herself.

1701 4. The board shall appoint a chair and vice chair at its
1702 initial meeting and every 2 years thereafter.

1703 Section 46. Subsection (1) of section 320.771, Florida
1704 Statutes, is amended to read:

1705 320.771 License required of recreational vehicle dealers.-

1706 (1) DEFINITIONS.-As used in this section:

1707 (a) "Dealer" means any person engaged in the business of
1708 buying, selling, or dealing in recreational vehicles or offering
1709 or displaying recreational vehicles for sale. The term "dealer"
1710 includes a recreational vehicle broker. Any person who buys,
1711 sells, deals in, or offers or displays for sale, or who acts as
1712 the agent for the sale of, one or more recreational vehicles in
1713 any 12-month period shall be prima facie presumed to be a
1714 dealer. The terms "selling" and "sale" include lease-purchase
1715 transactions. The term "dealer" does not include banks, credit
1716 unions, and finance companies that acquire recreational vehicles
1717 as an incident to their regular business and does not include
1718 mobile home rental and leasing companies that sell recreational
1719 vehicles to dealers licensed under this section. A licensed
1720 dealer may transact business in recreational vehicles with a
1721 motor vehicle auction as defined in s. 320.27(1)(c)4. Further, a
1722 licensed dealer may, at retail or wholesale, sell a motor
1723 vehicle, as described in s. 320.01(1)(a), acquired in exchange
1724 for the sale of a recreational vehicle, if such acquisition is
1725 incidental to the principal business of being a recreational
1726 vehicle dealer. However, a recreational vehicle dealer may not
1727 buy a motor vehicle for the purpose of resale unless licensed as

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1728 a motor vehicle dealer pursuant to s. 320.27.

1729 (b) "Recreational vehicle broker" means any person who is
1730 engaged in the business of offering to procure or procuring used
1731 recreational vehicles for the general public; who holds himself
1732 or herself out through solicitation, advertisement, or otherwise
1733 as one who offers to procure or procures used recreational
1734 vehicles for the general public; or who acts as the agent or
1735 intermediary on behalf of the owner or seller of a used
1736 recreational vehicle which is for sale or who assists or
1737 represents the seller in finding a buyer for the recreational
1738 vehicle.

1739 (c) For the purposes of this section, the term
1740 "recreational vehicle" does not include any camping trailer, as
1741 defined in s. 320.01(1)(b)2.

1742 (d) A dealer may apply for a certificate of title to a
1743 recreational vehicle required to be registered under s.
1744 320.08(9) using a manufacturer's statement of origin as
1745 permitted by s. 319.23(1) only if such dealer is authorized by a
1746 manufacturer/dealer agreement as defined in s. 320.3202(8) on
1747 file with the department to buy, sell, or deal in that
1748 particular line-make of recreational vehicle and is authorized
1749 by such agreement to perform delivery and preparation
1750 obligations and warranty defect adjustments on that line-make.

1751 Section 47. Section 320.95, Florida Statutes, is amended
1752 to read:

1753 320.95 Transactions by electronic or telephonic means.—

1754 (1) The department may ~~is authorized to~~ accept any
1755 application provided for under this chapter by electronic or

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1756 telephonic means.

1757 (2) The department may collect and use electronic mail
1758 addresses for the purpose of providing renewal notices in lieu
1759 of the United States Postal Service.

1760 Section 48. Section 321.02, Florida Statutes, is amended
1761 to read:

1762 321.02 Powers and duties of department, highway patrol.—
1763 The director of the Division of Highway Patrol of the Department
1764 of Highway Safety and Motor Vehicles shall be designated the
1765 Colonel ~~also be the commander~~ of the Florida Highway Patrol. The
1766 said department shall set up and promulgate rules and
1767 regulations by which the personnel of the Florida Highway Patrol
1768 officers shall be examined, employed, trained, located,
1769 suspended, reduced in rank, discharged, recruited, paid and
1770 pensioned, subject to civil service provisions hereafter set
1771 out. The department may enter into contracts or agreements, with
1772 or without competitive bidding or procurement, to make
1773 available, on a fair, reasonable, nonexclusive, and
1774 nondiscriminatory basis, property and other structures under
1775 division control for the placement of new facilities by any
1776 wireless provider of mobile service as defined in 47 U.S.C. s.
1777 153(27) or s. 332(d), and any telecommunications company as
1778 defined in s. 364.02 when it is determined to be practical and
1779 feasible to make such property or other structures available.
1780 The department may, without adopting a rule, charge a just,
1781 reasonable, and nondiscriminatory fee for placement of the
1782 facilities, payable annually, based on the fair market value of
1783 space used by comparable communications facilities in the state.

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1784 The department and a wireless provider or telecommunications
1785 company may negotiate the reduction or elimination of a fee in
1786 consideration of services provided to the division by the
1787 wireless provider or the telecommunications company. All such
1788 fees collected by the department shall be deposited directly
1789 into the State Agency Law Enforcement Radio System Trust Fund,
1790 and may be used to construct, maintain, or support the system.
1791 The department is further specifically authorized to purchase,
1792 sell, trade, rent, lease and maintain all necessary equipment,
1793 uniforms, motor vehicles, communication systems, housing
1794 facilities, office space, and perform any other acts necessary
1795 for the proper administration and enforcement of this chapter.
1796 However, all supplies and equipment consisting of single items
1797 or in lots shall be purchased under the requirements of s.
1798 287.057. Purchases shall be made by accepting the bid of the
1799 lowest responsive bidder, the right being reserved to reject all
1800 bids. The department shall prescribe a distinctive uniform and
1801 distinctive emblem to be worn by all officers of the Florida
1802 Highway Patrol. It shall be unlawful for any other person or
1803 persons to wear a similar uniform or emblem, or any part or
1804 parts thereof. The department shall also prescribe distinctive
1805 colors for use on motor vehicles and motorcycles operated by the
1806 Florida Highway Patrol. The prescribed colors shall be referred
1807 to as "Florida Highway Patrol black and tan."

1808 Section 49. Subsection (3) of section 322.02, Florida
1809 Statutes, is amended to read:

1810 322.02 Legislative intent; administration.—

1811 (3) The department shall employ a director, who is charged

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1812 with the duty of serving as the executive officer of the
1813 Division of Motorist Services within ~~Driver Licenses~~ of the
1814 department insofar as the administration of this chapter is
1815 concerned. He or she shall be subject to the supervision and
1816 direction of the department, and his or her official actions and
1817 decisions as executive officer shall be conclusive unless the
1818 same are superseded or reversed by the department or by a court
1819 of competent jurisdiction.

1820 Section 50. Subsection (1) of section 322.04, Florida
1821 Statutes, is amended to read:

1822 322.04 Persons exempt from obtaining driver's license.—

1823 (1) The following persons are exempt from obtaining a
1824 driver's license:

1825 (a) Any employee of the United States Government, while
1826 operating a noncommercial motor vehicle owned by or leased to
1827 the United States Government and being operated on official
1828 business.

1829 (b) Any person while driving or operating any road
1830 machine, farm tractor, or implement of husbandry temporarily
1831 operated or moved on a highway.

1832 (c) A nonresident who is at least 16 years of age ~~and who~~
1833 ~~has in his or her immediate possession a valid noncommercial~~
1834 ~~driver's license issued to the nonresident in his or her home~~
1835 ~~state or country,~~ may operate a motor vehicle of the type for
1836 which a Class E driver's license is required in this state if he
1837 or she has in their immediate possession:

1838 1. A valid noncommercial driver's license issued in his or
1839 her name from another state or territory of the United States;

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1840 or

1841 2. An International Driving Permit issued in his or her
1842 name in their country of residence and a valid license issued in
1843 that country.

1844 ~~(d) A nonresident who is at least 18 years of age and who~~
1845 ~~has in his or her immediate possession a valid noncommercial~~
1846 ~~driver's license issued to the nonresident in his or her home~~
1847 ~~state or country may operate a motor vehicle, other than a~~
1848 ~~commercial motor vehicle, in this state.~~

1849 (d)(e) Any person operating a golf cart, as defined in s.
1850 320.01, which is operated in accordance with the provisions of
1851 s. 316.212.

1852 Section 51. Subsection (12) is added to section 322.34,
1853 Florida Statutes, to read:

1854 322.34 Driving while license suspended, revoked, canceled,
1855 or disqualified.-

1856 (12) A person who commits a moving violation as provided
1857 in subsection (1) shall not have his or her motor vehicle
1858 impounded or immobilized.

1859 Section 52. Paragraph (a) of subsection (1) of section
1860 322.051, Florida Statutes, is amended to read:

1861 322.051 Identification cards.-

1862 (1) Any person who is 5 years of age or older, or any
1863 person who has a disability, regardless of age, who applies for
1864 a disabled parking permit under s. 320.0848, may be issued an
1865 identification card by the department upon completion of an
1866 application and payment of an application fee.

1867 (a) Each such application shall include the following

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1868 information regarding the applicant:

1869 1. Full name (first, middle or maiden, and last), gender,
1870 proof of social security card number satisfactory to the
1871 department, county of residence, mailing address, proof of
1872 residential address satisfactory to the department, country of
1873 birth, and a brief description.

1874 2. Proof of birth date satisfactory to the department.

1875 3. Proof of identity satisfactory to the department. Such
1876 proof must include one of the following documents issued to the
1877 applicant:

1878 a. A driver's license record or identification card record
1879 from another jurisdiction that required the applicant to submit
1880 a document for identification which is substantially similar to
1881 a document required under sub-subparagraph b., sub-subparagraph
1882 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
1883 f., sub-subparagraph g., or sub-subparagraph h.;

1884 b. A certified copy of a United States birth certificate;

1885 c. A valid, unexpired United States passport;

1886 d. A naturalization certificate issued by the United
1887 States Department of Homeland Security;

1888 e. A valid, unexpired alien registration receipt card
1889 (green card);

1890 f. A Consular Report of Birth Abroad provided by the
1891 United States Department of State;

1892 g. An unexpired employment authorization card issued by
1893 the United States Department of Homeland Security; or

1894 h. Proof of nonimmigrant classification provided by the
1895 United States Department of Homeland Security, for an original

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1896 identification card. In order to prove such nonimmigrant
1897 classification, applicants must provide at least one of ~~may~~
1898 ~~produce but are not limited to~~ the following documents, and, in
1899 addition, the department may require applicants to produce
1900 United States Department of Homeland Security documents for the
1901 sole purpose of establishing the maintenance of or efforts to
1902 maintain continuous lawful presence:

1903 (I) A notice of hearing from an immigration court
1904 scheduling a hearing on any proceeding.

1905 (II) A notice from the Board of Immigration Appeals
1906 acknowledging pendency of an appeal.

1907 (III) Notice of the approval of an application for
1908 adjustment of status issued by the United States Bureau of
1909 Citizenship and Immigration Services.

1910 (IV) Any official documentation confirming the filing of a
1911 petition for asylum or refugee status or any other relief issued
1912 by the United States Bureau of Citizenship and Immigration
1913 Services.

1914 (V) Notice of action transferring any pending matter from
1915 another jurisdiction to Florida, issued by the United States
1916 Bureau of Citizenship and Immigration Services.

1917 (VI) Order of an immigration judge or immigration officer
1918 granting any relief that authorizes the alien to live and work
1919 in the United States including, but not limited to asylum.

1920 (VII) Evidence that an application is pending for
1921 adjustment of status to that of an alien lawfully admitted for
1922 permanent residence in the United States or conditional
1923 permanent resident status in the United States, if a visa number

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1924 is available having a current priority date for processing by
1925 the United States Bureau of Citizenship and Immigration
1926 Services.

1927 (VIII) On or after January 1, 2010, an unexpired foreign
1928 passport with an unexpired United States Visa affixed,
1929 accompanied by an approved I-94, documenting the most recent
1930 admittance into the United States.

1931

1932 An identification card issued based on documents required
1933 ~~Presentation of any of the documents described in sub-~~
1934 ~~subparagraph g. or sub-subparagraph h. is valid entitles the~~
1935 ~~applicant to an identification card~~ for a period not to exceed
1936 the expiration date of the document presented or 1 year,
1937 whichever first occurs.

1938 Section 53. Subsection (4) of section 322.058, Florida
1939 Statutes, is amended to read:

1940 322.058 Suspension of driving privileges due to support
1941 delinquency; reinstatement.-

1942 (4) This section applies only to the annual renewal in the
1943 owner's birth month of a motor vehicle registration and does not
1944 apply to the transfer of a registration of a motor vehicle sold
1945 by a motor vehicle dealer licensed under chapter 320, except for
1946 the transfer of registrations which is inclusive of the annual
1947 renewals. This section does not affect the issuance of the title
1948 to a motor vehicle, notwithstanding s. 319.23(8)-(7)(b).

1949 Section 54. Section 322.065, Florida Statutes, is amended
1950 to read:

1951 322.065 Driver's license expired for 6 4 months or less;

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1952 penalties.—Any person whose driver's license has been expired
1953 for 6 4 months or less and who drives a motor vehicle upon the
1954 highways of this state commits ~~is guilty of~~ an infraction and is
1955 subject to the penalty provided in s. 318.18.

1956 Section 55. Subsection (3) of section 322.07, Florida
1957 Statutes, is amended to read:

1958 322.07 Instruction permits and temporary licenses.—

1959 (3) Any person who, except for his or her lack of
1960 instruction in operating a commercial motor vehicle, would
1961 otherwise be qualified to obtain a commercial driver's license
1962 under this chapter, may apply for a temporary commercial
1963 instruction permit. The department shall issue such a permit
1964 entitling the applicant, while having the permit in his or her
1965 immediate possession, to drive a commercial motor vehicle on the
1966 highways, provided that:

1967 (a) The applicant possesses a valid Florida driver's
1968 license ~~issued in any state~~; and

1969 (b) The applicant, while operating a commercial motor
1970 vehicle, is accompanied by a licensed driver who is 21 years of
1971 age or older, who is licensed to operate the class of vehicle
1972 being operated, and who is actually occupying the closest seat
1973 to the right of the driver.

1974 Section 56. Subsection (2) of section 322.08, Florida
1975 Statutes, is amended, paragraphs (o) and (p) are added to
1976 subsection (7), and subsections (8) and (9) are added to that
1977 section, to read:

1978 322.08 Application for license; requirements for license
1979 and identification card forms.—

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1980 (2) Each such application shall include the following
1981 information regarding the applicant:

1982 (a) Full name (first, middle or maiden, and last), gender,
1983 proof of social security card number satisfactory to the
1984 department, county of residence, mailing address, proof of
1985 residential address satisfactory to the department, country of
1986 birth, and a brief description.

1987 (b) Proof of birth date satisfactory to the department.

1988 (c) Proof of identity satisfactory to the department. Such
1989 proof must include one of the following documents issued to the
1990 applicant:

1991 1. A driver's license record or identification card record
1992 from another jurisdiction that required the applicant to submit
1993 a document for identification which is substantially similar to
1994 a document required under subparagraph 2., subparagraph 3.,
1995 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
1996 7., or subparagraph 8.;

1997 2. A certified copy of a United States birth certificate;

1998 3. A valid, unexpired United States passport;

1999 4. A naturalization certificate issued by the United
2000 States Department of Homeland Security;

2001 5. A valid, unexpired alien registration receipt card
2002 (green card);

2003 6. A Consular Report of Birth Abroad provided by the
2004 United States Department of State;

2005 7. An unexpired employment authorization card issued by
2006 the United States Department of Homeland Security; or

2007 8. Proof of nonimmigrant classification provided by the

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2008 United States Department of Homeland Security, for an original
2009 driver's license. In order to prove nonimmigrant classification,
2010 an applicant must provide at least one of the following
2011 documents, and, in addition, the department may require
2012 applicants to produce United States Department of Homeland
2013 Security documents for the sole purpose of establishing the
2014 maintenance of or efforts to maintain continuous lawful presence
2015 ~~may produce the following documents, including, but not limited~~
2016 ~~to:~~

- 2017 a. A notice of hearing from an immigration court
2018 scheduling a hearing on any proceeding.
- 2019 b. A notice from the Board of Immigration Appeals
2020 acknowledging pendency of an appeal.
- 2021 c. A notice of the approval of an application for
2022 adjustment of status issued by the United States Bureau of
2023 Citizenship and Immigration Services.
- 2024 d. Any official documentation confirming the filing of a
2025 petition for asylum or refugee status or any other relief issued
2026 by the United States Bureau of Citizenship and Immigration
2027 Services.
- 2028 e. A notice of action transferring any pending matter from
2029 another jurisdiction to this state issued by the United States
2030 Bureau of Citizenship and Immigration Services.
- 2031 f. An order of an immigration judge or immigration officer
2032 granting any relief that authorizes the alien to live and work
2033 in the United States, including, but not limited to, asylum.
- 2034 g. Evidence that an application is pending for adjustment
2035 of status to that of an alien lawfully admitted for permanent

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2036 residence in the United States or conditional permanent resident
2037 status in the United States, if a visa number is available
2038 having a current priority date for processing by the United
2039 States Bureau of Citizenship and Immigration Services.

2040 h. On or after January 1, 2010, an unexpired foreign
2041 passport with an unexpired United States Visa affixed,
2042 accompanied by an approved I-94, documenting the most recent
2043 admittance into the United States.

2044
2045 A driver's license or temporary permit issued based on documents
2046 required ~~Presentation of any of the documents~~ in subparagraph 7.
2047 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~
2048 ~~license or temporary permit~~ for a period not to exceed the
2049 expiration date of the document presented or 1 year, whichever
2050 occurs first.

2051 (d) Whether the applicant has previously been licensed to
2052 drive, and, if so, when and by what state, and whether any such
2053 license or driving privilege has ever been disqualified,
2054 revoked, or suspended, or whether an application has ever been
2055 refused, and, if so, the date of and reason for such
2056 disqualification, suspension, revocation, or refusal.

2057 (e) Each such application may include fingerprints and
2058 other unique biometric means of identity.

2059 (7) The application form for an original, renewal, or
2060 replacement driver's license or identification card shall
2061 include language permitting the following:

2062 (o) A voluntary contribution of \$1 per applicant for
2063 Autism Services and Supports. Such contributions must be

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2064 transferred by the department each month to the Achievement and
2065 Rehabilitation Centers, Inc., Autism Services Fund.

2066 (p) A voluntary contribution of \$1 per applicant to
2067 Support Our Troops, which shall be distributed monthly to
2068 Support Our Troops, Inc., a Florida not-for-profit organization.

2069

2070 A statement providing an explanation of the purpose of the trust
2071 funds shall also be included. For the purpose of applying the
2072 service charge provided in s. 215.20, contributions received
2073 under paragraphs (b)-(n) are not income of a revenue nature.

2074 (8) The department may collect and use electronic mail
2075 addresses for the purpose of providing renewal notices in lieu
2076 of the United State Postal Service.

2077 (9) Notwithstanding the provisions set forth in subsection
2078 (7) above, the department or its authorized agent shall include
2079 information for customers on voluntary contributions. The
2080 renewal application form must include either a complete list of
2081 all authorized voluntary contributions or the department's
2082 website address which provides a complete list and information
2083 on all authorized voluntary contributions. Nothing shall
2084 prohibit the department or authorized agent from including a
2085 complete list of voluntary contributions on the renewal forms
2086 and on the department's website. Customers at either a tax
2087 collector or state office shall be provided information on
2088 voluntary contribution options.

2089 Section 57. Subsections (1), (2), and (3) of section
2090 322.081, Florida Statutes, are amended to read:

2091 322.081 Requests to establish voluntary contribution

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2092 ~~checkoff~~ on driver's license application.-

2093 (1) An organization that seeks authorization to establish
2094 a voluntary contribution on a driver's license application must
2095 submit to the department:

2096 (a) A request for the particular voluntary contribution
2097 being sought, describing the proposed voluntary contribution in
2098 general terms.

2099 (b) An application fee, not to exceed \$10,000 to defray
2100 the department's cost for reviewing the application and
2101 developing the voluntary contribution checkoff or website, if
2102 authorized. State funds may not be used to pay the application
2103 fee.

2104 (c) A marketing strategy outlining short-term and long-
2105 term marketing plans for the requested voluntary contribution
2106 and a financial analysis outlining the anticipated revenues and
2107 the planned expenditures of the revenues to be derived from the
2108 voluntary contribution.

2109
2110 The information required under this subsection must be submitted
2111 to the department at least 90 days before the convening of the
2112 next regular session of the Legislature.

2113 (2) If the voluntary contribution is not approved by the
2114 Legislature, the application fee must be refunded to the
2115 requesting organization.

2116 (3) The department must include any voluntary contributions
2117 approved by the Legislature on the driver's license application
2118 form in accordance with s. 322.08(9), F.S. ~~when the form is~~
2119 ~~reprinted by the agency.~~

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2120

2121 Section 58. Subsection (1) of section 322.095, Florida
2122 Statutes, is amended to read:

2123 322.095 Traffic law and substance abuse education program
2124 for driver's license applicants.—

2125 (1) The Department of Highway Safety and Motor Vehicles
2126 must approve traffic law and substance abuse education courses
2127 that must be completed by applicants for a Florida driver's
2128 license. The curricula for the courses must provide instruction
2129 on the physiological and psychological consequences of the abuse
2130 of alcohol and other drugs, the societal and economic costs of
2131 alcohol and drug abuse, the effects of alcohol and drug abuse on
2132 the driver of a motor vehicle, the dangers of driving while
2133 distracted, which must specifically include the use of
2134 technology while driving, and the laws of this state relating to
2135 the operation of a motor vehicle. All instructors teaching the
2136 courses shall be certified by the department.

2137 Section 59. Subsection (5) of section 322.12, Florida
2138 Statutes, is amended to read:

2139 322.12 Examination of applicants.—

2140 ~~(5)(a) The department shall formulate a separate~~
2141 ~~examination for applicants for licenses to operate motorcycles.~~
2142 ~~Any applicant for a driver's license who wishes to operate a~~
2143 ~~motorcycle, and who is otherwise qualified, must successfully~~
2144 ~~complete such an examination, which is in addition to the~~
2145 ~~examination administered under subsection (3). The examination~~
2146 ~~must test the applicant's knowledge of the operation of a~~
2147 ~~motorcycle and of any traffic laws specifically relating thereto~~

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2148 ~~and must include an actual demonstration of his or her ability~~
2149 ~~to exercise ordinary and reasonable control in the operation of~~
2150 ~~a motorcycle. Any applicant who fails to pass the initial~~
2151 ~~knowledge examination will incur a \$5 fee for each subsequent~~
2152 ~~examination, to be deposited into the Highway Safety Operating~~
2153 ~~Trust Fund. Any applicant who fails to pass the initial skills~~
2154 ~~examination will incur a \$10 fee for each subsequent~~
2155 ~~examination, to be deposited into the Highway Safety Operating~~
2156 ~~Trust Fund. In the formulation of the examination, the~~
2157 ~~department shall consider the use of the Motorcycle Operator~~
2158 ~~Skills Test and the Motorcycle in Traffic Test offered by the~~
2159 ~~Motorcycle Safety Foundation. The department shall indicate on~~
2160 ~~the license of any person who successfully completes the~~
2161 ~~examination that the licensee is authorized to operate a~~
2162 ~~motorcycle. If the applicant wishes to be licensed to operate a~~
2163 ~~motorcycle only, he or she need not take the skill or road test~~
2164 ~~required under subsection (3) for the operation of a motor~~
2165 ~~vehicle, and the department shall indicate such a limitation on~~
2166 ~~his or her license as a restriction. Every first-time applicant~~
2167 ~~for licensure to operate a motorcycle must provide proof of~~
2168 ~~completion of a motorcycle safety course, as provided for in s.~~
2169 ~~322.0255, which shall include a final examination before the~~
2170 ~~applicant may be licensed to operate a motorcycle. The~~
2171 ~~department shall indicate on the license of any person who~~
2172 ~~successfully completes the course that the licensee is~~
2173 ~~authorized to operate a motorcycle. If the applicant wishes to~~
2174 ~~be licensed to operate a motorcycle only, he or she need not~~
2175 ~~take the skills or road test required under subsection (3) for~~

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2176 the operation of a motor vehicle, and the department shall
2177 indicate such a limitation on his or her license as a
2178 restriction.

2179 ~~(b) The department may exempt any applicant from the~~
2180 ~~examination provided in this subsection if the applicant~~
2181 ~~presents a certificate showing successful completion of a course~~
2182 ~~approved by the department, which course includes a similar~~
2183 ~~examination of the knowledge and skill of the applicant in the~~
2184 ~~operation of a motorcycle.~~

2185 Section 60. Subsection (5) of section 322.121, Florida
2186 Statutes, is amended to read:

2187 322.121 Periodic reexamination of all drivers.-

2188 (5) Members of the Armed Forces, or their dependents
2189 residing with them, shall be granted an automatic extension for
2190 the expiration of their Class E licenses without reexamination
2191 while serving on active duty outside this state. This extension
2192 is valid for 90 days after the member of the Armed Forces is
2193 either discharged or returns to this state to live.

2194 Section 61. Paragraph (a) of subsection (1) of section
2195 322.14, Florida Statutes, is amended to read:

2196 322.14 Licenses issued to drivers.-

2197 (1)(a) The department shall, upon successful completion of
2198 all required examinations and payment of the required fee, issue
2199 to every applicant qualifying therefor, a driver's license as
2200 applied for, which license shall bear thereon a color photograph
2201 or digital image of the licensee; the name of the state; a
2202 distinguishing number assigned to the licensee; and the
2203 licensee's full name, date of birth, and residence address; a

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2204 brief description of the licensee, including, but not limited
2205 to, the licensee's gender and height; and the dates of issuance
2206 and expiration of the license. A space shall be provided upon
2207 which the licensee shall affix his or her usual signature. No
2208 license shall be valid until it has been so signed by the
2209 licensee except that the signature of said licensee shall not be
2210 required if it appears thereon in facsimile or if the licensee
2211 is not present within the state at the time of issuance.
2212 ~~Applicants qualifying to receive a Class A, Class B, or Class C~~
2213 ~~driver's license must appear in person within the state for~~
2214 ~~issuance of a color photographic or digital imaged driver's~~
2215 ~~license pursuant to s. 322.142.~~

2216 Section 62. Subsections (9), (10), (13), (14), and (16) of
2217 section 322.20, Florida Statutes, are amended to read:

2218 322.20 Records of the department; fees; destruction of
2219 records.—

2220 (9) The department may, upon application, furnish to any
2221 person, from its ~~the records of the Division of Driver Licenses,~~
2222 a list of the names, addresses, and birth dates of the licensed
2223 drivers of the entire state or any portion thereof by age group.
2224 In addition, the department may furnish to the courts, for the
2225 purpose of establishing jury selection lists, the names,
2226 addresses, and birth dates of the persons of the entire state or
2227 any portion thereof by age group having identification cards
2228 issued by the department. Each person who requests such
2229 information shall pay a fee, set by the department, of 1 cent
2230 per name listed, except that the department shall furnish such
2231 information without charge to the courts for the purpose of jury

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2232 selection or to any state agency or to any state attorney,
2233 sheriff, or chief of police. Such court, state agency, state
2234 attorney, or law enforcement agency may not sell, give away, or
2235 allow the copying of such information. Noncompliance with this
2236 prohibition shall authorize the department to charge the
2237 noncomplying court, state agency, state attorney, or law
2238 enforcement agency the appropriate fee for any subsequent lists
2239 requested. The department may adopt rules necessary to implement
2240 this subsection.

2241 (10) The department ~~Division of Driver Licenses~~ is
2242 authorized, upon application of any person and payment of the
2243 proper fees, to search and to assist such person in the search
2244 of the records of the department and make reports thereof and to
2245 make photographic copies of the departmental records and
2246 attestations thereof.

2247 (13) The department ~~Division of Driver Licenses~~ shall
2248 implement a system that allows either parent of a minor, or a
2249 guardian, or other responsible adult who signed a minor's
2250 application for a driver's license to have Internet access
2251 through a secure website to inspect the minor's driver history
2252 record. Internet access to driver history records granted to a
2253 minor's parents, guardian, or other responsible adult shall be
2254 furnished by the department at no fee and shall terminate when
2255 the minor attains 18 years of age.

2256 (14) The department is authorized in accordance with
2257 chapter 257 to destroy reports, records, documents, papers, and
2258 correspondence in the department ~~Division of Driver Licenses~~
2259 which are considered obsolete.

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2260 (16) The creation and maintenance of records by the
2261 Division of Motorist Services within the department ~~and the~~
2262 ~~Division of Driver Licenses~~ pursuant to this chapter shall not
2263 be regarded as law enforcement functions of agency
2264 recordkeeping.

2265 Section 63. Section 322.202, Florida Statutes, is amended
2266 to read:

2267 322.202 Admission of evidence obtained from the Division
2268 of Motorist Services ~~Driver Licenses and the Division of Motor~~
2269 ~~Vehicles.~~

2270 (1) The Legislature finds that the Division of Motorist
2271 Services ~~Driver Licenses and the Division of Motor Vehicles~~ of
2272 the Department of Highway Safety and Motor Vehicles is ~~are~~ not a
2273 law enforcement agency ~~agencies~~. The Legislature also finds that
2274 the division is ~~divisions are~~ not an adjunct ~~adjuncts~~ of any law
2275 enforcement agency in that employees have no stake in particular
2276 prosecutions. The Legislature further finds that errors in
2277 records maintained by the Division of Motorist Services
2278 ~~divisions~~ are not within the collective knowledge of any law
2279 enforcement agency. The Legislature also finds that the mission
2280 ~~missions~~ of the Division of Motorist Services ~~Driver Licenses,~~
2281 ~~the Division of Motor Vehicles,~~ and the Department of Highway
2282 Safety and Motor Vehicles provides ~~provide~~ a sufficient
2283 incentive to maintain records in a current and correct fashion.

2284 (2) The Legislature finds that the purpose of the
2285 exclusionary rule is to deter misconduct on the part of law
2286 enforcement officers and law enforcement agencies.

2287 (3) The Legislature finds that the application of the

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2288 exclusionary rule to cases where a law enforcement officer
2289 effects an arrest based on objectively reasonable reliance on
2290 information obtained from the division ~~divisions~~ is repugnant to
2291 the purposes of the exclusionary rule and contrary to the
2292 decisions of the United States Supreme Court in *Arizona v.*
2293 *Evans*, 514 U.S. 1 (1995) and *United States v. Leon*, 468 U.S. 897
2294 (1984).

2295 (4) In any case where a law enforcement officer effects an
2296 arrest based on objectively reasonable reliance on information
2297 obtained from the division ~~divisions~~, evidence found pursuant to
2298 such an arrest shall not be suppressed by application of the
2299 exclusionary rule on the grounds that the arrest is subsequently
2300 determined to be unlawful due to erroneous information obtained
2301 from the divisions.

2302 Section 64. Subsections (2) and (4) of section 322.21,
2303 Florida Statutes, are amended to read:

2304 322.21 License fees; procedure for handling and collecting
2305 fees.—

2306 (2) It is the duty of the director of the Division of
2307 Motorist Services to provide Driver Licenses to set up a
2308 ~~division in the department with the necessary personnel to~~
2309 perform the necessary clerical and routine work for the
2310 department in issuing and recording applications, licenses, and
2311 certificates of eligibility, including the receiving and
2312 accounting of all license funds and their payment into the State
2313 Treasury, and other incidental clerical work connected with the
2314 administration of this chapter. The department may use such
2315 electronic, mechanical, or other devices as necessary to

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2316 accomplish the purposes of this chapter.

2317 (4) If the department determines from its records or is
2318 otherwise satisfied that the holder of a license about to expire
2319 is entitled to have it renewed, the department shall mail a
2320 renewal notice to the licensee at his or her last known address,
2321 at least within 30 days before the licensee's birthday. The
2322 licensee may shall be issued a renewal license, after
2323 reexamination, if required, ~~during the 30 days immediately~~
2324 ~~preceding his or her birthday upon presenting a renewal notice,~~
2325 ~~his or her current license, and the fee for renewal to the~~
2326 ~~department at any driver's license examining office. A driver~~
2327 may renew his or her driver's license up to 18 months prior to
2328 the license expiration date.

2329 Section 65. Subsection (1) of section 322.22, Florida
2330 Statutes, is amended to read:

2331 322.22 Authority of department to cancel license.-

2332 (1) The department is authorized to cancel any driver's
2333 license, upon determining that the licensee is ~~was~~ not entitled
2334 to the license issuance thereof, or that the licensee failed to
2335 give the required or correct information in his or her
2336 application or committed any fraud in making such application,
2337 or that the licensee has two or more licenses on file with the
2338 department, each in a different name but bearing the photograph
2339 of the licensee, unless the licensee has complied with the
2340 requirements of this chapter in obtaining the licenses. The
2341 department may cancel any driver's license, identification card,
2342 vehicle or vessel registration, or fuel-use decal if the
2343 licensee fails to pay the correct fee or pays for the driver's

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2344 license, identification card, vehicle or vessel registration, or
2345 fuel-use decal; pays any tax liability, penalty, or interest
2346 specified in chapter 207; or pays any administrative,
2347 delinquency, or reinstatement fee by a dishonored check.

2348 Section 66. Subsection (6) of section 322.2615, Florida
2349 Statutes, is amended to read:

2350 322.2615 Suspension of license; right to review.—

2351 (6) (a) If the person whose license was suspended requests
2352 a formal review, the department must schedule a hearing to be
2353 held within 30 days after such request is received by the
2354 department and must notify the person of the date, time, and
2355 place of the hearing.

2356 (b) Such formal review hearing shall be held before a
2357 hearing officer designated ~~employed~~ by the department, and the
2358 hearing officer shall be authorized to administer oaths, examine
2359 witnesses and take testimony, receive relevant evidence, issue
2360 subpoenas for the officers and witnesses identified in documents
2361 in subsection (2), regulate the course and conduct of the
2362 hearing, question witnesses, and make a ruling on the
2363 suspension. The party requesting the presence of a witness shall
2364 be responsible for the payment of any witness fees and for
2365 notifying in writing the state attorney's office in the
2366 appropriate circuit of the issuance of the subpoena. If the
2367 person who requests a formal review hearing fails to appear and
2368 the hearing officer finds such failure to be without just cause,
2369 the right to a formal hearing is waived and the suspension shall
2370 be sustained.

2371 (c) A party may seek enforcement of a subpoena under

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2372 paragraph (b) by:

2373 1. Filing a motion for enforcement of a subpoena in the
2374 related criminal case, if any; or

2375 2. Filing a petition for enforcement in the circuit court
2376 of the judicial circuit in which the person failing to comply
2377 with the subpoena resides. A failure to comply with an order of
2378 the court shall result in a finding of contempt of court.
2379 However, a person is not in contempt while a subpoena is being
2380 challenged.

2381 (d) The department must, within 7 working days after a
2382 formal review hearing, send notice to the person of the hearing
2383 officer's decision as to whether sufficient cause exists to
2384 sustain, amend, or invalidate the suspension.

2385 Section 67. Subsection (2) of section 322.53, Florida
2386 Statutes, is amended to read:

2387 322.53 License required; exemptions.—

2388 (2) The following persons are exempt from the requirement
2389 to obtain a commercial driver's license:

2390 (a) Drivers of authorized emergency vehicles.

2391 (b) Military personnel driving vehicles operated for
2392 military purposes.

2393 (c) Farmers transporting agricultural products, farm
2394 supplies, or farm machinery to or from their farms within 150
2395 miles of their farm if the vehicle operated under this exemption
2396 is not used in the operations of a common or contract motor
2397 carrier, or transporting agricultural products to or from the
2398 first place of storage or processing or directly to or from
2399 market, within 150 miles of their farm.

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2400 (d) Drivers of recreational vehicles, as defined in s.
2401 320.01.

2402 (e) Drivers who operate straight trucks, as defined in s.
2403 316.003, which ~~that~~ are exclusively transporting their own
2404 tangible personal property ~~that~~ ~~which~~ is not for sale or hire,
2405 and the vehicles are not used in commerce.

2406 (f) An employee of a publicly owned transit system who is
2407 limited to moving vehicles for maintenance or parking purposes
2408 exclusively within the restricted-access confines of a transit
2409 system's property.

2410 Section 68. Subsection (5) is added to section 322.54,
2411 Florida Statutes, to read:

2412 322.54 Classification.-

2413 (5) The required driver's license classification of any
2414 person operating a commercial motor vehicle that has no gross
2415 vehicle weight rating plate or no vehicle identification number
2416 shall be determined by the actual weight of the vehicle.

2417 Section 69. Section 322.58, Florida Statutes, is repealed.

2418 Section 70. Section 322.59, Florida Statutes, is amended
2419 to read:

2420 322.59 Possession of medical examiner's certificate.-

2421 (1) The department shall not issue a commercial driver's
2422 license to any person who is required by the laws of this state
2423 or by federal law to possess a medical examiner's certificate,
2424 unless such person provides ~~presents~~ a valid certificate, as
2425 described in 49 C.F.R. s. 383.71 prior to licensure.

2426 (2) The department shall disqualify a driver from
2427 operating a commercial motor vehicle if that driver holds a

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2428 commercial driver's license and fails to comply with the medical
2429 certification requirements described in 49 C.F.R. s. 383.71.

2430 ~~(2) This section does not expand the requirements as to~~
2431 ~~who must possess a medical examiner's certificate.~~

2432 Section 71. Subsection (5) of section 322.61, Florida
2433 Statutes, is amended to read:

2434 322.61 Disqualification from operating a commercial motor
2435 vehicle.—

2436 (5) Any person who is convicted of two violations
2437 specified in subsection (3) which were committed while operating
2438 a commercial motor vehicle, or any combination thereof, arising
2439 in separate incidents shall be permanently disqualified from
2440 operating a commercial motor vehicle. Any holder of a commercial
2441 driver's license who is convicted of two violations specified in
2442 subsection (3), which were committed while operating any a
2443 ~~noncommercial~~ motor vehicle, ~~or any combination thereof~~, arising
2444 in separate incidents shall be permanently disqualified from
2445 operating a commercial motor vehicle. The penalty provided in
2446 this subsection is in addition to any other applicable penalty.

2447 Section 72. Subsections (1), (4), (7), (8), and (11) of
2448 section 322.64, Florida Statutes, are amended to read:

2449 322.64 Holder of commercial driver's license; persons
2450 operating a commercial motor vehicle; driving with unlawful
2451 blood-alcohol level; refusal to submit to breath, urine, or
2452 blood test.—

2453 (1) (a) A law enforcement officer or correctional officer
2454 shall, on behalf of the department, disqualify from operating
2455 any commercial motor vehicle a person who while operating or in

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2456 actual physical control of a commercial motor vehicle is
2457 arrested for a violation of s. 316.193, relating to unlawful
2458 blood-alcohol level or breath-alcohol level, or a person who has
2459 refused to submit to a breath, urine, or blood test authorized
2460 by s. 322.63 or s. 316.1932 arising out of the operation or
2461 actual physical control of a commercial motor vehicle. A law
2462 enforcement officer or correctional officer shall, on behalf of
2463 the department, disqualify the holder of a commercial driver's
2464 license from operating any commercial motor vehicle if the
2465 licenseholder, while operating or in actual physical control of
2466 a motor vehicle, is arrested for a violation of s. 316.193,
2467 relating to unlawful blood-alcohol level or breath-alcohol
2468 level, or refused to submit to a breath, urine, or blood test
2469 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
2470 the person, the officer shall take the person's driver's license
2471 and issue the person a 10-day temporary permit for the operation
2472 of noncommercial vehicles only if the person is otherwise
2473 eligible for the driving privilege and shall issue the person a
2474 notice of disqualification. If the person has been given a
2475 blood, breath, or urine test, the results of which are not
2476 available to the officer at the time of the arrest, the agency
2477 employing the officer shall transmit such results to the
2478 department within 5 days after receipt of the results. If the
2479 department then determines that the person had a blood-alcohol
2480 level or breath-alcohol level of 0.08 or higher, the department
2481 shall disqualify the person from operating a commercial motor
2482 vehicle pursuant to subsection (3).

2483 (b) For purposes of determining the period of

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2484 disqualification described in 49 C.F.R. s. 383.51,
2485 disqualifications listed in paragraph (a) shall be treated as
2486 convictions.

2487 (c)-(b) The disqualification under paragraph (a) shall be
2488 pursuant to, and the notice of disqualification shall inform the
2489 driver of, the following:

2490 1.a. The driver refused to submit to a lawful breath,
2491 blood, or urine test and he or she is disqualified from
2492 operating a commercial motor vehicle for the time period
2493 specified in 49 C.F.R. s. 383.51 ~~a period of 1 year, for a first~~
2494 ~~refusal, or permanently, if he or she has previously been~~
2495 ~~disqualified under this section; or~~

2496 b. The driver had an unlawful blood-alcohol or breath-
2497 alcohol level of 0.08 or higher while driving or in actual
2498 physical control of a commercial motor vehicle, or any motor
2499 vehicle if the driver holds a commercial driver license, and is
2500 disqualified for the time period specified in 49 C.F.R. s.
2501 383.51. ~~The driver was driving or in actual physical control of~~
2502 ~~a commercial motor vehicle, or any motor vehicle if the driver~~
2503 ~~holds a commercial driver's license, had an unlawful blood-~~
2504 ~~alcohol level or breath-alcohol level of 0.08 or higher, and his~~
2505 ~~or her driving privilege shall be disqualified for a period of 1~~
2506 ~~year for a first offense or permanently disqualified if his or~~
2507 ~~her driving privilege has been previously disqualified under~~
2508 ~~this section.~~

2509 2. The disqualification period for operating commercial
2510 vehicles shall commence on the date of issuance of the notice of
2511 disqualification.

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2512 3. The driver may request a formal or informal review of
2513 the disqualification by the department within 10 days after the
2514 date of issuance of the notice of disqualification.

2515 4. The temporary permit issued at the time of
2516 disqualification expires at midnight of the 10th day following
2517 the date of disqualification.

2518 5. The driver may submit to the department any materials
2519 relevant to the disqualification.

2520 (4) If the person disqualified requests an informal review
2521 pursuant to subparagraph (1)(c)-~~(b)~~3., the department shall
2522 conduct the informal review by a hearing officer employed by the
2523 department. Such informal review hearing shall consist solely of
2524 an examination by the department of the materials submitted by a
2525 law enforcement officer or correctional officer and by the
2526 person disqualified, and the presence of an officer or witness
2527 is not required.

2528 (7) In a formal review hearing under subsection (6) or an
2529 informal review hearing under subsection (4), the hearing
2530 officer shall determine by a preponderance of the evidence
2531 whether sufficient cause exists to sustain, amend, or invalidate
2532 the disqualification. The scope of the review shall be limited
2533 to the following issues:

2534 (a) If the person was disqualified from operating a
2535 commercial motor vehicle for driving with an unlawful blood-
2536 alcohol level:

2537 1. Whether the ~~arresting~~ law enforcement officer had
2538 probable cause to believe that the person was driving or in
2539 actual physical control of a commercial motor vehicle, or any

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2540 motor vehicle if the driver holds a commercial driver's license,
2541 in this state while he or she had any alcohol, chemical
2542 substances, or controlled substances in his or her body.

2543 2. Whether the person had an unlawful blood-alcohol level
2544 or breath-alcohol level of 0.08 or higher.

2545 (b) If the person was disqualified from operating a
2546 commercial motor vehicle for refusal to submit to a breath,
2547 blood, or urine test:

2548 1. Whether the law enforcement officer had probable cause
2549 to believe that the person was driving or in actual physical
2550 control of a commercial motor vehicle, or any motor vehicle if
2551 the driver holds a commercial driver's license, in this state
2552 while he or she had any alcohol, chemical substances, or
2553 controlled substances in his or her body.

2554 2. Whether the person refused to submit to the test after
2555 being requested to do so by a law enforcement officer or
2556 correctional officer.

2557 3. Whether the person was told that if he or she refused
2558 to submit to such test he or she would be disqualified from
2559 operating a commercial motor vehicle for a period of 1 year or,
2560 if previously disqualified under this section, permanently.

2561 (8) Based on the determination of the hearing officer
2562 pursuant to subsection (7) for both informal hearings under
2563 subsection (4) and formal hearings under subsection (6), the
2564 department shall:

2565 (a) sustain the disqualification for the time period
2566 described in 49 C.F.R. s. 383.51 ~~a period of 1 year for a first~~
2567 ~~refusal, or permanently if such person has been previously~~

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2568 ~~disqualified from operating a commercial motor vehicle under~~
2569 ~~this section.~~ The disqualification period commences on the date
2570 of the issuance of the notice of disqualification.

2571 ~~(b) Sustain the disqualification:~~

2572 ~~1. For a period of 1 year if the person was driving or in~~
2573 ~~actual physical control of a commercial motor vehicle, or any~~
2574 ~~motor vehicle if the driver holds a commercial driver's license,~~
2575 ~~and had an unlawful blood alcohol level or breath alcohol level~~
2576 ~~of 0.08 or higher; or~~

2577 ~~2. Permanently if the person has been previously~~
2578 ~~disqualified from operating a commercial motor vehicle under~~
2579 ~~this section or his or her driving privilege has been previously~~
2580 ~~suspended for driving or being in actual physical control of a~~
2581 ~~commercial motor vehicle, or any motor vehicle if the driver~~
2582 ~~holds a commercial driver's license, and had an unlawful blood-~~
2583 ~~alcohol level or breath alcohol level of 0.08 or higher.~~

2584

2585 ~~The disqualification period commences on the date of the~~
2586 ~~issuance of the notice of disqualification.~~

2587 (11) The formal review hearing may be conducted upon a
2588 review of the reports of a law enforcement officer or a
2589 correctional officer, including documents relating to the
2590 administration of a breath test or blood test or the refusal to
2591 take a breath, blood, or urine ~~either~~ test. However, as provided
2592 in subsection (6), the driver may subpoena the officer or any
2593 person who administered or analyzed a breath or blood test.

2594 Section 73. Section 328.30, Florida Statutes, is amended
2595 to read:

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2596 328.30 Transactions by electronic or telephonic means.-

2597 (1) The department may ~~is authorized to~~ accept any
2598 application provided for under this chapter by electronic or
2599 telephonic means.

2600 (2) The department may issue an electronic certificate of
2601 title in lieu of printing a paper title.

2602 (3) The department may collect and use electronic mail
2603 addresses for the purpose of providing renewal notices in lieu
2604 of the United States Postal Service.

2605 Section 74. Subsection (18) is added to section 328.72,
2606 Florida Statutes, to read:

2607 328.72 Classification; registration; fees and charges;
2608 surcharge; disposition of fees; fines; marine turtle stickers.-

2609 (18) Notwithstanding the provisions set forth in
2610 subsection (11) above, the department or the tax collector shall
2611 include information for customers on voluntary contributions.
2612 The renewal application forms must include either a complete
2613 list of all authorized voluntary contributions or the
2614 department's website address which provides a complete list and
2615 information on all authorized voluntary contributions. Nothing
2616 shall prohibit the department or tax collector from including a
2617 complete list of voluntary contributions on the renewals and on
2618 the department's website. Customers at either a tax collector
2619 or state office shall be provided information on voluntary
2620 contribution options.

2621 Section 75. Subsection (2) of section 413.012, Florida
2622 Statutes, is amended to read:

2623 413.012 Confidential records disclosure prohibited;

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2624 exemptions.-

2625 (2) It is unlawful for any person to disclose, authorize
2626 the disclosure, solicit, receive, or make use of any list of
2627 names and addresses or any record containing any information set
2628 forth in subsection (1) and maintained in the division. The
2629 prohibition provided for in this subsection shall not apply to
2630 the use of such information for purposes directly connected with
2631 the administration of the vocational rehabilitation program or
2632 with the monthly dispatch to ~~the Division of Driver Licenses of~~
2633 the Department of Highway Safety and Motor Vehicles of the name
2634 in full, place and date of birth, sex, social security number,
2635 and resident address of individuals with central visual acuity
2636 20/200 or less in the better eye with correcting glasses, or a
2637 disqualifying field defect in which the peripheral field has
2638 contracted to such an extent that the widest diameter or visual
2639 field subtends an angular distance no greater than 20 degrees.
2640 When requested in writing by an applicant or client, or her or
2641 his representative, the Division of Blind Services shall release
2642 confidential information to the applicant or client or her or
2643 his representative.

2644 Section 76. Paragraph (f) of subsection (13) of section
2645 713.78, Florida Statutes, is amended to read:

2646 713.78 Liens for recovering, towing, or storing vehicles
2647 and vessels.-

2648 (13)

2649 (f) This subsection applies only to the annual renewal in
2650 the registered owner's birth month of a motor vehicle
2651 registration and does not apply to the transfer of a

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2652 registration of a motor vehicle sold by a motor vehicle dealer
2653 licensed under chapter 320, except for the transfer of
2654 registrations which is inclusive of the annual renewals. This
2655 subsection does not apply to any vehicle registered in the name
2656 of the lessor. This subsection does not affect the issuance of
2657 the title to a motor vehicle, notwithstanding s.
2658 319.23(8)~~(7)~~(b).

2659 Section 77. (1) This section may be cited as the "To
2660 Inform Families First Act."

2661 (2) The Department of Highway Safety and Motor Vehicles is
2662 encouraged to educate the law enforcement community and the
2663 general public about the importance of making certain that
2664 drivers are aware of and use the Emergency Contact Information
2665 program, established by the department. The department shall
2666 provide signs for the driver license offices to advertise the
2667 program. This voluntary program allows all drivers the
2668 opportunity to register the names of up to two individuals as
2669 the person they would want to be contacted in the event that
2670 they are involved in a crash.

2671
2672 Section 78. Except as otherwise expressly provided in this
2673 act, this act shall take effect July 1, 2011.

2674

2675

2676

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

2677

2678

Remove the entire title and insert:

2679

A bill to be entitled

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2680 An act relating to the Department of Highway Safety and
2681 Motor Vehicles; amending s. 20.24, F.S.; specifying that
2682 the executive director of the department serves at the
2683 pleasure of the Governor and Cabinet; creating a Division
2684 of Motorist Services within the department; eliminating
2685 the Division of Driver Licenses and the Division of Motor
2686 Vehicles; amending s. 261.03, F.S.; conforming cross-
2687 references; amending s. 288.816, F.S., relating to Consul
2688 Corps license plates; conforming a reference; amending s.
2689 311.121, F.S., relating to membership of the Seaport
2690 Security Officer Qualification, Training, and Standards
2691 Coordinating Council; conforming provisions to changes
2692 made by the act; amending s. 316.003, F.S.; revising
2693 definitions and defining the term "swamp buggy" for
2694 purposes of the Florida Uniform Traffic Control Law;
2695 reenacting s. 316.065(4), F.S., relating to crash
2696 reports, to incorporate changes made to s. 316.066, F.S.,
2697 by chapter 2010-163, Laws of Florida; amending s.
2698 316.1933, F.S.; revising provisions for a health care
2699 provider to notify a law enforcement agency if the
2700 provider becomes aware that a person's blood-alcohol
2701 level meets or exceeds a specified blood-alcohol level;
2702 authorizing a health care provider to notify a law
2703 enforcement agency after detecting the presence of a
2704 controlled substance in the blood of a driver injured in
2705 a motor vehicle crash; amending s. 316.1957, F.S.,
2706 relating to parking violations; conforming a reference;
2707 amending s. 316.2065, F.S.; revising safety standard

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2708 requirements for bicycle helmets that must be worn by
 2709 certain riders and passengers; clarifying provisions
 2710 relating to when a bicycle operator must ride in a
 2711 bicycle lane or along the curb or edge of the roadway;
 2712 providing for enforcement of requirements for bicycle
 2713 lighting equipment; providing penalties for violations;
 2714 providing for dismissal of the charge following a first
 2715 offense under certain circumstances; amending s.
 2716 316.2085, F.S.; requiring the license tag of a motorcycle
 2717 or moped to remain clearly visible from the rear;
 2718 prohibiting deliberate acts to conceal or obscure the
 2719 tag; providing for certain tags to be affixed
 2720 perpendicularly; amending ss. 316.2122, 316.2124,
 2721 316.21265, 316.3026, and 316.550, F.S., relating to the
 2722 operation of low-speed vehicles, motorized disability
 2723 access vehicles, and all-terrain or utility vehicles, the
 2724 unlawful operation of motor carriers, and special
 2725 permits, respectively; conforming cross-references;
 2726 amending s. 316.545, F.S.; providing for the regulation
 2727 of apportionable vehicles; amending s. 316.613, F.S.;
 2728 providing legislative intent with respect to application
 2729 of provisions requiring the use of child restraint
 2730 devices in motor vehicles; amending s. 317.0003, F.S.,
 2731 relating to off-highway vehicles; conforming a cross-
 2732 reference; amending s. 317.0016, F.S.; eliminating a
 2733 requirement that the department provide expedited service
 2734 for certificates of repossession; amending s. 318.14,
 2735 F.S.; clarifying provisions authorizing a person cited

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2736 for a noncriminal traffic infraction to elect to attend a
2737 driver improvement course or enter a plea of nolo
2738 contendere; amending s. 318.1451, F.S.; requiring the
2739 curricula of driver improvement schools to include
2740 instruction on the dangers of driving while distracted;
2741 amending s. 318.15, F.S., relating to the suspension of
2742 driving privileges; conforming a reference; amending s.
2743 319.14, F.S.; prohibiting a person from knowingly
2744 offering for sale, selling, or exchanging certain
2745 vehicles unless the department has stamped in a
2746 conspicuous place on the certificate of title words
2747 stating that the vehicle is a custom vehicle or street
2748 rod vehicle; defining the terms "custom vehicle" and
2749 "street rod"; providing requirements for inspection and
2750 issuance of a rebuilt title; amending s. 319.225, F.S.;
2751 revising provisions for vehicle certificates of title;
2752 revising requirements for the transfer and reassignment
2753 forms for vehicles; revising dealer submission
2754 requirements; requiring a dealer selling a vehicle out of
2755 state to mail a copy of the power of attorney form to the
2756 department; providing for the electronic transfer of a
2757 vehicle title; amending s. 319.23, F.S.; providing for
2758 the application for a certificate of title, corrected
2759 certificate, or assignment or reassignment to be filed
2760 from the consummation of the sale of a mobile home;
2761 authorizing the department to accept a bond if the
2762 applicant for a certificate of title is unable to provide
2763 a title that assigns the prior owner's interest in the

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2764 motor vehicle; providing requirements for the bond and
2765 the affidavit; providing for future expiration of the
2766 bond; amending s. 319.28, F.S.; eliminating certain
2767 requirements that a lienholder obtain a certificate of
2768 repossession following repossession of a vehicle or
2769 mobile home; amending s. 319.323, F.S., relating to title
2770 offices for expedited service; conforming provisions to
2771 changes made by the act; amending s. 319.40, F.S.;
2772 authorizing the department to issue electronic
2773 certificates of title and use electronic mail addresses
2774 for purposes of notification; amending s. 320.01, F.S.;
2775 revising definitions; excluding special mobile equipment
2776 and swamp buggies from the meaning of the term "motor
2777 vehicle"; deleting an obsolete definition; revising the
2778 gross vehicle weight for purposes of defining the terms
2779 "apportionable vehicle" and "commercial motor vehicle";
2780 defining the term "swamp buggy"; amending s. 320.02,
2781 F.S.; providing that an active-duty military member is
2782 exempt from the requirement to provide an address on an
2783 application for vehicle registration; requiring the
2784 application forms for motor vehicle registration and
2785 renewal of registration to include language permitting
2786 the applicant to make a voluntary contribution to End
2787 Hunger in Florida, Take Stock In Children, Autism
2788 Services and Supports, and Support Our Troops; requiring
2789 that the department retain certain records for a
2790 specified period; requiring the department or tax
2791 collector to include information for voluntary

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2792 contributions; providing requirements for renewal
2793 application; requiring certain information to be provided
2794 by a tax collector or state office; amending s. 320.023,
2795 F.S.; relating to voluntary contributions; revising
2796 provisions regarding requests to establish voluntary
2797 contributions; conforming provisions to changes made by
2798 the act; amending s. 320.03, F.S., relating to the
2799 International Registration Plan; conforming provisions to
2800 changes made by the act; amending s. 320.05, F.S.;

2801 deleting a provision requiring that the department
2802 provide a procedures manual for a fee; clarifying that
2803 the creation and maintenance of records by the Division
2804 of Motorist Services is not a law enforcement function of
2805 agency recordkeeping; amending s. 320.06, F.S.;

2806 authorizing the department to conduct a pilot program to
2807 evaluate alternative license plate technologies for use
2808 on government-owned motor vehicles; exempting plates in
2809 the pilot program from specified license plate design and
2810 construction requirements; specifying that all license
2811 plates issued by the department are the property of the
2812 state; amending s. 320.061, F.S.; providing that it is a
2813 noncriminal traffic infraction to alter a temporary
2814 license plate; amending s. 320.071, F.S.; providing for
2815 the renewal of registration for an apportionable vehicle
2816 that is registered under the International Registration
2817 Plan; amending s. 320.0715, F.S.; clarifying provisions
2818 requiring the registration of apportionable vehicles
2819 under the International Registration Plan; amending s.

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2820 320.08, F.S., relating to license taxes; conforming
2821 cross-references; amending s. 320.08068, F.S.; revising
2822 use of funds received from the sale of motorcycle
2823 specialty license plates; amending s. 320.0847, F.S.,
2824 relating to license plates for mini trucks and low-speed
2825 vehicles; conforming cross-references; amending s.
2826 320.0848, F.S.; revising the requirements for the deposit
2827 of fee proceeds from temporary disabled parking permits;
2828 amending s. 320.089, F.S.; providing for the issuance of
2829 a Combat Infantry Badge license plate; providing
2830 qualifications and requirements for the plate; providing
2831 for the use of proceeds from the sale of the plate;
2832 amending s. 320.27, F.S.; exempting salvage motor vehicle
2833 dealers from certain security requirements; amending s.
2834 320.275, F.S., relating to the Automobile Dealers
2835 Industry Advisory Board; conforming provisions to the
2836 elimination of the Division of Motor Vehicles within the
2837 department; amending s. 320.771, F.S.; providing criteria
2838 for a dealer to apply for a certificate of title to a
2839 recreational vehicle under certain circumstances;
2840 amending s. 320.95, F.S.; authorizing the department to
2841 use electronic mail addresses for the purpose of
2842 providing license renewal notices; amending s. 321.02,
2843 F.S.; designating the director of the Division of Highway
2844 Patrol of the department as the Colonel of the Florida
2845 Highway Patrol; amending s. 322.02, F.S.; providing for a
2846 director of the Division of Motorist Services; amending
2847 s. 322.04, F.S.; revising provisions exempting a

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2848 nonresident from the requirement to obtain a driver's
2849 license under certain circumstances; amending s. 322.051,
2850 F.S.; revising requirements by which an applicant for an
2851 identification card may prove nonimmigrant
2852 classification; clarifying the validity of an
2853 identification card based on specified documents;
2854 amending s. 322.058, F.S., relating to renewal of motor
2855 vehicle registration; conforming a cross-reference;
2856 amending s. 322.065, F.S.; revising the period of
2857 expiration that constitutes the offense of driving with
2858 an expired driver's license; amending s. 322.07, F.S.;

2859 revising qualifications for obtaining a temporary
2860 commercial instruction permit; amending s. 322.08, F.S.;

2861 revising requirements by which an applicant for a
2862 driver's license may prove nonimmigrant classification;
2863 clarifying the validity of a license based on specified
2864 documents; providing for driver's license application
2865 forms to allow the applicant to make a voluntary
2866 contribution to Autism Services and Supports and Support
2867 Our Troops, Inc.; authorizing the department to use
2868 electronic mail addresses for the purposes of providing
2869 license renewal notices; requiring certain information
2870 related to voluntary contributions; providing
2871 requirements for renewal application; amending s.
2872 322.081, F.S.; relating to voluntary contributions;
2873 revising provisions regarding requests to establish
2874 voluntary contributions; conforming provisions to changes
2875 made by the act; amending s. 322.095, F.S.; requiring the

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2876 curricula of traffic law and substance abuse education
2877 courses to include instruction on the dangers of driving
2878 while distracted; amending s. 322.12, F.S.; deleting
2879 provisions requiring a separate examination for
2880 applicants for a license to operate a motorcycle;
2881 requiring that the motorcycle safety course for a first-
2882 time applicant include a final examination; requiring
2883 that completion of the course be indicated on the
2884 license; amending s. 322.121, F.S.; clarifying provisions
2885 authorizing the automatic extension of a license for
2886 members of the Armed Forces or their dependents while
2887 serving on active duty outside the state; amending s.
2888 322.14, F.S.; deleting a requirement that applicants for
2889 specified licenses appear in person for issuance of a
2890 color photographic or digital imaged driver's license;
2891 providing for the department to suspend a person's
2892 driver's license for violating certain restrictions on
2893 his or her authorization to drive; amending s. 322.20,
2894 F.S., relating to department records; conforming
2895 provisions to changes made by the act; amending s.
2896 322.202, F.S.; clarifying that the Division of Motorist
2897 Services is not a law enforcement agency; amending s.
2898 322.21, F.S.; conforming provisions to changes made by
2899 the act; authorizing a driver to renew his or her
2900 driver's license during a specified period before the
2901 license expiration date; amending s. 322.22, F.S.;
2902 clarifying provisions authorizing the department to
2903 cancel a driver's license; authorizing the department to

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Bill No. CS/CS/HB 1353 (2011)

Amendment No.

2904 cancel a license upon determining that the licensee is
2905 not entitled to the license; amending s. 322.2615, F.S.,
2906 relating to a person's right to review of a license
2907 suspension; revising provisions for a formal review
2908 hearing and enforcement of a subpoena; amending s.
2909 322.34, F.S., providing a person who commits a certain
2910 infraction shall not have a vehicle impounded or
2911 immobilized; amending s. 322.53, F.S.; revising
2912 provisions exempting certain farmers and drivers who
2913 operate straight trucks from the requirement to obtain a
2914 commercial driver's license; amending s. 322.54, F.S.;
2915 requiring that the weight of a commercial motor vehicle
2916 be based on the vehicle's actual weight under certain
2917 circumstances; repealing s. 322.58, F.S., relating to
2918 holders of chauffeur's licenses; amending s. 322.59,
2919 F.S.; requiring that the department disqualify a driver
2920 holding a commercial driver's license who fails to comply
2921 with specified federal certification requirements;
2922 amending s. 322.61, F.S.; providing that the holder of a
2923 commercial driver's license is permanently disqualified
2924 from operating a commercial motor vehicle following two
2925 violations of specified offenses committed while
2926 operating any vehicle; amending s. 322.64, F.S.;
2927 providing that a notice of disqualification from
2928 operating a commercial motor vehicle acts as a conviction
2929 for purposes of certain federal restrictions imposed for
2930 the offense of operating a commercial motor vehicle while
2931 under the influence of alcohol; deleting provisions

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Bill No. CS/CS/HB 1353 (2011)

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2932 | authorizing the department to impose certain alternative
2933 | restrictions for such offense; amending s. 328.30, F.S.;
2934 | authorizing the department to issue electronic
2935 | certificates of title for vessels and use electronic mail
2936 | addresses for purposes of providing renewal notices;
2937 | amending s. 328.72, F.S., requiring the department or tax
2938 | collector to provide certain information regarding
2939 | voluntary contributions; providing certain requirements
2940 | for the information on voluntary contributions; amending
2941 | s. 413.012, F.S., relating to a prohibition on disclosing
2942 | confidential records held by the department; conforming
2943 | provisions to changes made by the act; amending s.
2944 | 713.78, F.S., relating to renewal of motor vehicle
2945 | registration; conforming a cross-reference; providing a
2946 | short title; providing for a voluntary emergency contact
2947 | information program established by the department;
2948 | providing effective dates.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1437 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Porter offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (6) of section 474.202, Florida
7 Statutes, is amended to read:

8 474.202 Definitions.—As used in this chapter:

9 (6) "Limited-service veterinary vaccination clinic medical
10 practice" means a veterinary practice at which a veterinarian
11 performs vaccinations or immunizations on multiple animals at a
12 temporary location and operates for a limited time offering or
13 providing veterinary services at any location that has a primary
14 purpose other than that of providing veterinary medical service
15 at a permanent or mobile establishment permitted by the board,
16 provides veterinary medical services for privately owned animals
17 that do not reside at that location, operates for a limited
18 time, and provides limited types of veterinary medical services.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1437 (2011)

Amendment No.

19 Section 2. Subsection (7) of section 474.215, Florida
20 Statutes, is amended to read:

21 474.215 Premises permits.—

22 (7) The board by rule shall establish minimum standards
23 for the operation of limited service veterinary vaccination
24 clinics ~~medical practices~~. Such rules shall ~~not restrict limited~~
25 ~~service veterinary medical practices and shall~~ be consistent
26 with the type of limited veterinary vaccination and immunization
27 services ~~medical service~~ provided.

28 (a) Any person that offers or provides limited service
29 veterinary vaccination clinics ~~medical practice~~ shall obtain a
30 biennial permit from the board the cost of which shall not
31 exceed \$250. The limited service permittee shall register each
32 location where a limited service veterinary vaccination clinic
33 is held and shall pay a fee set by rule not to exceed \$25 to
34 register each such location.

35 (b) All permits issued under this subsection are subject
36 to the provisions of ss. 474.213 and 474.214.

37 (c) Notwithstanding any provision of this subsection to the
38 contrary, any temporary rabies vaccination effort operated by a
39 county health department in response to a public health threat,
40 as declared by the State Health Officer in consultation with the
41 State Veterinarian, is not subject to any preregistration, time
42 limitation, or fee requirements, but must adhere to all other
43 requirements for limited service veterinary vaccination clinics
44 ~~medical practice~~ as prescribed by rule. The fee charged to the
45 public for a rabies vaccination administered during such
46 temporary rabies vaccination effort may not exceed the actual

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1437 (2011)

Amendment No.

47 cost of administering the rabies vaccine. Such rabies
48 vaccination efforts may not be used for any purpose other than
49 to address the public health consequences of the rabies
50 outbreak. The board shall be immediately notified in writing of
51 any temporary rabies vaccination effort operated under this
52 paragraph.

53 Section 3. Section 455.2185, Florida Statutes, is amended
54 to read:

55 455.2185 Exemption for certain out-of-state or foreign
56 professionals; limited practice permitted.—

57 (1) A professional of any other state or of any territory
58 or other jurisdiction of the United States or of any other
59 nation or foreign jurisdiction is exempt from the requirements
60 of licensure under this chapter and the applicable professional
61 practice act under the agency with regulatory jurisdiction over
62 the profession if that profession is regulated in this state
63 under the agency with regulatory jurisdiction over the
64 profession and if that person:

65 (a) Holds, if so required in the jurisdiction in which
66 that person practices, an active license to practice that
67 profession.

68 (b) Engages in the active practice of that profession
69 outside the state.

70 (c) Is employed or designated in that professional
71 capacity by a sports entity visiting the state for a specific
72 sporting event.

73 (2) A professional's practice under this section is
74 limited to the members, coaches, and staff of the team for which

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1437 (2011)

Amendment No.

75 that professional is employed or designated ~~and to any animals~~
76 ~~used if the sporting event for which that professional is~~
77 ~~employed or designated involves animals. A professional~~
78 ~~practicing under authority of this section shall not have~~
79 ~~practice privileges in any licensed veterinary facility without~~
80 ~~the approval of that facility.~~

81 Section 4. Section 456.023, Florida Statutes, is amended
82 to read:

83 456.023 Exemption for certain out-of-state or foreign
84 professionals; limited practice permitted.-

85 (1) A professional of any other state or of any territory
86 or other jurisdiction of the United States or of any other
87 nation or foreign jurisdiction is exempt from the requirements
88 of licensure under this chapter and the applicable professional
89 practice act under the agency with regulatory jurisdiction over
90 the profession if that profession is regulated in this state
91 under the agency with regulatory jurisdiction over the
92 profession and if that person:

93 (a) Holds, if so required in the jurisdiction in which
94 that person practices, an active license to practice that
95 profession.

96 (b) Engages in the active practice of that profession
97 outside the state.

98 (c) Is employed or designated in that professional
99 capacity by a sports entity visiting the state for a specific
100 sporting event.

101 (2) A professional's practice under this section is
102 limited to the members, coaches, and staff of the team for which

Amendment No.

103 that professional is employed or designated and ~~to any animals~~
104 ~~used if the sporting event for which that professional is~~
105 ~~employed or designated involves animals.~~ A professional
106 practicing under authority of this section shall not have
107 practice privileges in any licensed health care facility ~~or~~
108 ~~veterinary facility without the approval of that facility.~~

109 Section 5. This act shall take effect July 1, 2011.
110
111

112 -----
113 **T I T L E A M E N D M E N T**

114 Remove the entire title and insert:

115 A bill to be entitled

116 An act relating to veterinary practice; amending s.
117 474.202, F.S.; defining the term "limited service
118 veterinary vaccination clinic"; amending s. 474.215,
119 F.S.; revising terminology; requiring that the Board
120 of Veterinary Medicine establish minimum standards for
121 limited service veterinary vaccination clinics rather
122 than limited service veterinary medical practices;
123 amending ss. 455.2185 and 456.023, F.S.; deleting
124 provisions that limit the practice privileges of out-
125 of-state or foreign health care professionals or
126 veterinarians who are in this state for a specific
127 sporting event; providing an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1489 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Albritton offered the following:

3
4 **Amendment**

5 Remove line 34 and insert:

6 ~~(including tire and automobile testing, and racing,)~~ and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1489 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Albritton offered the following:

3
4 **Amendment**

5 Remove lines 47-58 and insert:

6 Section 8. (1) No contract for the construction, repair,
7 or alteration of any facility or part of the same, or the
8 purchase of equipment, services, or supplies involving an
9 expenditure of more than \$10,000, shall be awarded by the
10 authority unless the authority advertises for sealed bids at
11 least once a week for 2 consecutive weeks and such contract is
12 awarded to the lowest responsible bidder. However, the authority
13 may reject all bids.

14 (2) The authority may purchase commodities or contractual
15 services from the purchasing agreements of other special
16 districts, municipalities, or counties as provided in s.
17 189.4221.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7089 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Snyder offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 574 and 575, insert:

6 Section 12. If any portion of this act is declared
7 unconstitutional or the application of any part of this act to
8 any person or circumstance is held invalid, the remaining
9 portions of the act and their applicability to any person or
10 circumstance shall remain valid and enforceable.

11 Section 13. The Legislature finds that ensuring that only
12 those who are authorized to work in the United States are
13 employed in this state is an overwhelming public necessity. The
14 Legislature finds that discouraging the presence of unauthorized
15 aliens in the state and enforcing immigration laws will promote
16 public safety and is an overwhelming public necessity.

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19 -----

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7089 (2011)

Amendment No. 1

20 | TITLE AMENDMENT

21 | Remove line 78 and insert:

22 | States; providing a severability clause; providing findings;

23 | providing effective dates.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7089 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Snyder offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 321-331 and insert:

6 (h)1. An employer registered with and participating in the
7 E-Verify system may not be held civilly liable in a cause of
8 action for the employer's:

9 a. Unlawful hiring of an unauthorized alien if the
10 information obtained in accordance with the E-Verify system
11 indicated that the employee's federal legal status allowed the
12 employer to hire the employee; or

13 b. Refusal to hire an individual if the information
14 obtained in accordance with the E-Verify system indicated that
15 the individual's federal legal status was that of an
16 unauthorized alien.

17 2. Any employer who properly complies with the E-Verify
18 system in good faith shall not be liable for any damages and
19 shall be immune from any legal cause of action brought by any

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7089 (2011)

Amendment No. 2

20 person or entity, including but not limited to former employees,
21 for use and reliance upon any incorrect information provided by
22 the E-Verify system when determining final action on an
23 employee's status.

24 3. An employer is considered to have complied with the
25 requirements of 8 U.S.C. s. 1324a(b), notwithstanding an
26 isolated, sporadic, or accidental technical or procedural
27 failure to meet the requirements, if there is a good faith
28 attempt to comply with the requirements.

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

32

Remove lines 29-31 and insert:

33

for enforcement and penalties; providing that an employer is not
34 liable for hiring an employee or terminating an employee under
35 certain conditions; authorizing an

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7089 (2011)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Snyder offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 391-401 and insert:

6 (b)1. A public employer registered with and participating
7 in the E-Verify system may not be held civilly liable in a cause
8 of action for the public employer' s:

9 a. Unlawful hiring of an unauthorized alien if the
10 information obtained in accordance with the E-Verify system
11 indicated that the employee's federal legal status allowed the
12 public employer to hire the employee; or

13 b. Refusal to hire an individual if the information
14 obtained in accordance with the E-Verify system indicated that
15 the individual's federal legal status was that of an
16 unauthorized alien.

17 2. Any public employer who properly complies with the E-
18 Verify system in good faith shall not be liable for any damages
19 and shall be immune from any legal cause of action brought by

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7089 (2011)

Amendment No. 3

20 any person or entity, including but not limited to former
21 employees, for use and reliance upon any incorrect information
22 provided by the E-Verify system when determining final action on
23 an employee's status.

24 3. An public employer is considered to have complied with
25 the requirements of 8 U.S.C. s. 1324a(b), notwithstanding an
26 isolated, sporadic, or accidental technical or procedural
27 failure to meet the requirements, if there is a good faith
28 attempt to comply with the requirements.

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

34

Remove lines 48-50 and insert:

35

providing that a public employer is not liable for hiring an

36

employee or terminating an employee under certain conditions;

37

prohibiting public employers

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7089 (2011)

Amendment No. 4

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Snyder offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 441-452 and insert:

6 (i)1. A contractor or subcontractor registered with and
7 participating in the E-Verify system may not be held civilly
8 liable in a cause of action for the contractor's or
9 subcontractor's:

10 a. Unlawful hiring of an unauthorized alien if the
11 information obtained in accordance with the E-Verify system
12 indicated that the employee's federal legal status allowed the
13 contractor or subcontractor to hire the employee; or

14 b. Refusal to hire an individual if the information
15 obtained in accordance with the E-Verify system indicated that
16 the individual's federal legal status was that of an
17 unauthorized alien.

18 2. Any contractor or subcontractor who properly complies
19 with the E-Verify system in good faith shall not be liable for

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7089 (2011)

Amendment No. 4

20 any damages and shall be immune from any legal cause of action
21 brought by any person or entity, including but not limited to
22 former employees, for use and reliance upon any incorrect
23 information provided by the E-Verify system when determining
24 final action on an employee's status.

25 3. An contractor or subcontractor is considered to have
26 complied with the requirements of 8 U.S.C. s. 1324a(b),
27 notwithstanding an isolated, sporadic, or accidental technical
28 or procedural failure to meet the requirements, if there is a
29 good faith attempt to comply with the requirements.

30

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

35

Remove lines 56-58 and insert:

36

providing that a certain contractors and subcontractors are not
37 liable for hiring an employee or terminating an employee under
38 certain conditions; providing for enforcement without

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7089 (2011)

Amendment No. 5

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative(s) Snyder offered the following:

3
4 **Amendment**

5 Remove lines 216-218 and insert:

6 homeowner entirely within a private residence;

7 3. That portion of labor and services provided to a person
8 or entity by a licensed independent contractor; or

9 4. An employee leasing company licensed pursuant to part
10 IX of chapter 468 which enters into a written agreement or
11 understanding with its client company which places the primary
12 obligation for compliance with this part upon its client
13 company. In the absence of a written agreement or understanding,
14 the contracting party, whether the licensed employee leasing
15 company or client company, which initially hires the leased
16 employee is responsible for the obligations set forth in this
17 part. Such employee leasing company shall, at all times, remain
18 an employer as otherwise specified by law.
19