



ECONOMIC AFFAIRS COMMITTEE

Action Packet

Thursday, January 19, 2012

8:30 AM

Reed Hall (102 HOB)

**Dean Cannon
Speaker**

**Dorothy L. Hukill
Chair**

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

Summary:

Economic Affairs Committee

Thursday January 19, 2012 08:30 am

CS/HB 59	Favorable	Yeas: 16	Nays: 0
HB 517	Favorable With Committee Substitute	Yeas: 14	Nays: 0
	Amendment 740789 Adopted Without Objection		
HB 693	Favorable	Yeas: 14	Nays: 0
HB 975	Favorable	Yeas: 15	Nays: 0
HB 999	Favorable With Committee Substitute	Yeas: 14	Nays: 1
	Amendment 368905 Adopted Without Objection		
HB 4101	Favorable	Yeas: 15	Nays: 0
HB 4141	Favorable	Yeas: 14	Nays: 0
HB 4143	Favorable	Yeas: 15	Nays: 0
HB 4145	Favorable	Yeas: 13	Nays: 0
HB 4149	Favorable	Yeas: 15	Nays: 0
HB 7027	Favorable With Committee Substitute	Yeas: 15	Nays: 0
	Amendment 180051 Adopted Without Objection		
	Amendment 306869 Adopted Without Objection		
	Amendment 513879 Adopted Without Objection		
	Amendment 144303 Withdrawn		
	Amendment 710507 Adopted Without Objection		
PCB EAC 12-02	Favorable	Yeas: 15	Nays: 0

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Dorothy Hukill (Chair)	X		
Frank Artiles	X		
Jim Boyd	X		
Brad Drake	X		
Joseph Gibbons	X		
Doug Holder	X		
Mike Horner	X		
Evan Jenne	X		
Peter Nehr	X		
Bryan Nelson	X		
Jeanette Nuñez	X		
Steven Perman	X		
Ronald Renuart	X		
Kenneth Roberson	X		
Irving Slosberg	X		
Geraldine Thompson			X
James Waldman	X		
Ritch Workman	X		
Totals:	17	0	1

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

CS/HB 59 : Spaceport Territory

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Artiles	X				
Jim Boyd	X				
Brad Drake	X				
Joseph Gibbons	X				
Doug Holder	X				
Mike Horner	X				
Evan Jenne	X				
Peter Nehr	X				
Bryan Nelson	X				
Jeanette Nuñez	X				
Steven Perman	X				
Ronald Renuart			X		
Kenneth Roberson	X				
Irving Slosberg	X				
Geraldine Thompson			X		
James Waldman	X				
Ritch Workman	X				
Dorothy Hukill (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Appearances:

Spaceport Territory

Peterson, Corey (Lobbyist) - Waive In Support

Space X

106 E College Avenue

Tallahassee FL 32311

Phone: 850-224-1660

Spaceport Territory

Cory, Keyna (Lobbyist) - Waive In Support

Associated Industries of Florida

P. O. Box 1347

Tallahassee FL 32302

Phone: 850-681-1065

Spaceport Territory

Blakely, Ward (Lobbyist) - Waive In Support

Jacksonville Aviation Authority

Jacksonville FL 32210

Phone: 904-910-6847

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

CS/HB 59 : Spaceport Territory (continued)

Appearances: (continued)

Spaceport Territory

Snow, Chris (Lobbyist) - Waive In Support

Director of Government Relations, Space Florida

1580 Waldo Palmer Lane

Tallahassee FL 32301

Phone: 321-474-9754

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

HB 517 : Reducing and Streamlining Regulations

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Artiles	X				
Jim Boyd	X				
Brad Drake			X		
Joseph Gibbons	X				
Doug Holder	X				
Mike Horner	X				
Evan Jenne	X				
Peter Nehr	X				
Bryan Nelson	X				
Jeanette Nuñez	X				
Steven Perman	X				
Ronald Renuart			X		
Kenneth Roberson	X				
Irving Slosberg			X		
Geraldine Thompson			X		
James Waldman	X				
Ritch Workman	X				
Dorothy Hukill (Chair)	X				
Total Yeas: 14		Total Nays: 0			

HB 517 Amendments

Amendment 740789

Adopted Without Objection

Appearances:

Reducing and Streamlining Regulations

Daniel, David (Lobbyist) - Waive In Support

Florida Association of Professional Employer Organizations

311 E. Park Avenue

Tallahassee FL 32301

Phone: 850-224-5081

Reducing and Streamlining Regulations

Calhoun, Dale (Lobbyist) - Waive In Support

Florida Natural Gas Association

2145 S Monroe Street

Tallahassee FL 32301

Phone: 850-681-0496

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

HB 517 : Reducing and Streamlining Regulations (continued)

Appearances: (continued)

Reducing and Streamlining Regulations

Lawson, Ken (Lobbyist) (State Employee) - Proponent

Secretary, Department of Business and Professional Regulation

1940 N. Monroe Street

Tallahassee Florida 32399

Phone: 850-487-4827

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

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 Grant offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (10) of section 455.271, Florida
7 Statutes, is amended to read:

8 455.271 Inactive and delinquent status.—

9 (10) The board, or the department when there is no board,
10 may not require Before reactivation, an inactive or delinquent
11 licensee, except for a licensee under chapter 473 or chapter
12 475, to complete more than one renewal cycle of shall meet the
13 same continuing education to reactivate a license. requirements,
14 if any, imposed on an active status licensee for all biennial
15 licensure periods in which the licensee was inactive or
16 delinquent. This subsection does not apply to persons regulated
17 under chapter 473.

18 Section 2. Section 468.4338, Florida Statutes, is amended
19 to read:

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Bill No. HB 517 (2012)

Amendment No. 1

20 468.4338 Reactivation; continuing education.—The council
21 shall prescribe by rule continuing education requirements for
22 reactivating a license. The continuing education requirements
23 for reactivating a license may not exceed more than one renewal
24 cycle of continuing education ~~10 classroom hours for each year~~
25 ~~the license was inactive.~~

26 Section 3. Paragraph (h) is added to subsection (3) of
27 section 468.525, Florida Statutes, to read:

28 468.525 License requirements.—

29 (3) Each employee leasing company licensed by the
30 department shall have a registered agent for service of process
31 in this state and at least one licensed controlling person. In
32 addition, each licensed employee leasing company shall comply
33 with the following requirements:

34 (h) Following initial licensure, each employee leasing
35 company and each employee leasing company group shall be
36 considered an applicant for renewal of its license and all of
37 the financial information of such licensees submitted to the
38 board pursuant to part XI of chapter 468 and the rules enacted
39 thereunder shall be considered supplied in furtherance of the
40 renewal application process.

41 Section 4. Subsection (2) of section 468.8317, Florida
42 Statutes, is amended to read:

43 468.8317 Inactive license.—

44 (2) A license that becomes ~~has become~~ inactive may be
45 reactivated upon application to the department. The department
46 may prescribe by rule continuing education requirements as a
47 condition of reactivating a license. The rules may not require

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Bill No. HB 517 (2012)

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48 more than one renewal cycle of continuing education to
49 reactivate requirements for reactivating a license may not
50 exceed 14 hours for each year the license was inactive.

51 Section 5. Subsection (2) of section 468.8417, Florida
52 Statutes, is amended to read:

53 468.8417 Inactive license.—

54 (2) A license that becomes ~~has become~~ inactive may be
55 reactivated upon application to the department. The department
56 may prescribe by rule continuing education requirements as a
57 condition of reactivating a license. The rules may not require
58 more than one renewal cycle of continuing education to
59 reactivate requirements for reactivating a license may not
60 exceed 14 hours for each year the license was inactive.

61 Section 6. Subsection (4) of section 469.002, Florida
62 Statutes, is amended to read:

63 469.002 Exemptions.—

64 (4) Licensure as an asbestos consultant or contractor is
65 not required for the repair, maintenance, removal, or disposal
66 of asbestos-containing pipe or conduit, if:

67 (a) The pipe or conduit is used for electrical,
68 electronic, communications, sewer, gas, or water service;

69 (b) The pipe or conduit is not located in a building;

70 (c) The pipe or conduit is made of Category I or Category
71 II nonfriable material as defined in NESHP; and

72 (d) All such activities are performed according to all
73 applicable regulations, including work practices and training,
74 of the United States Occupational Safety and Health
75 Administration under 29 C.F.R. part 1926.

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Bill No. HB 517 (2012)

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76 Section 7. Subsection (5) of section 475.615, Florida
77 Statutes, is amended to read:

78 475.615 Qualifications for registration or certification.—

79 (5) At the time of filing an application for registration
80 or certification, the applicant must sign a pledge indicating
81 that upon becoming registered or certified, she or he will
82 comply with the standards of professional practice established
83 by rule of the board, including standards for the development or
84 communication of a real estate appraisal, ~~to comply with the~~
85 ~~Uniform Standards of Professional Appraisal Practice upon~~
86 ~~registration or certification~~ and must indicate in writing that
87 she or he understands the types of misconduct for which
88 disciplinary proceedings may be initiated. The application shall
89 expire 1 year after the date received by the department.

90 Section 8. Subsection (1), paragraph (b) of subsection
91 (2), and paragraph (b) of subsection (3) of section 475.617,
92 Florida Statutes, is amended to read:

93 475.617 Education and experience requirements.—

94 (1) To be registered as a trainee appraiser, an applicant
95 must present evidence satisfactory to the board that she or he
96 has successfully completed at least 100 hours of approved
97 academic courses in subjects related to real estate appraisal,
98 which shall include coverage of the Uniform Standards of
99 Professional Appraisal Practice, or its equivalent, as
100 established by rule of the board, from a nationally recognized
101 or state-recognized appraisal organization, career center,
102 accredited community college, college, or university, state or
103 federal agency or commission, or proprietary real estate school

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Bill No. HB 517 (2012)

Amendment No. 1

104 that holds a permit pursuant to s. 475.451. The board may
105 increase the required number of hours to not more than 125
106 hours. A classroom hour is defined as 50 minutes out of each 60-
107 minute segment. Past courses may be approved on an hour-for-hour
108 basis.

109 (2) To be certified as a residential appraiser, an
110 applicant must present satisfactory evidence to the board that
111 she or he has met the minimum education and experience
112 requirements prescribed by rule of the board. The board shall
113 prescribe by rule education and experience requirements that
114 meet or exceed the following real property appraiser
115 qualification criteria adopted on February 20, 2004, by the
116 Appraisal Qualifications Board of the Appraisal Foundation:

117 (b) Has successfully completed at least 200 classroom
118 hours, inclusive of examination, of approved academic courses in
119 subjects related to real estate appraisal, which shall include a
120 15-hour National Uniform Standards of Professional Appraisal
121 Practice course, or its equivalent, as established by rule of
122 the board, from a nationally recognized or state-recognized
123 appraisal organization, career center, accredited community
124 college, college, or university, state or federal agency or
125 commission, or proprietary real estate school that holds a
126 permit pursuant to s. 475.451. A classroom hour is defined as 50
127 minutes out of each 60-minute segment. Past courses may be
128 approved by the board and substituted on an hour-for-hour basis.

129 (3) To be certified as a general appraiser, an applicant
130 must present evidence satisfactory to the board that she or he
131 has met the minimum education and experience requirements

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132 prescribed by rule of the board. The board shall prescribe
133 education and experience requirements that meet or exceed the
134 following real property appraiser qualification criteria adopted
135 on February 20, 2004, by the Appraisal Qualifications Board of
136 the Appraisal Foundation:

137 (b) Has successfully completed at least 300 classroom
138 hours, inclusive of examination, of approved academic courses in
139 subjects related to real estate appraisal, which shall include a
140 15-hour National Uniform Standards of Professional Appraisal
141 Practice course, or its equivalent, as established by rule of
142 the board, from a nationally recognized or state-recognized
143 appraisal organization, career center, accredited community
144 college, college, or university, state or federal agency or
145 commission, or proprietary real estate school that holds a
146 permit pursuant to s. 475.451. A classroom hour is defined as 50
147 minutes out of each 60-minute segment. Past courses may be
148 approved by the board and substituted on an hour-for-hour basis.

149 Section 9. Subsection (1) of section 475.6175, Florida
150 Statutes, is amended to read:

151 475.6175 Registered trainee appraiser; postlicensure
152 education required.—

153 (1) The board shall prescribe postlicensure educational
154 requirements in order for a person to maintain a valid
155 registration as a registered trainee appraiser. If prescribed,
156 the postlicensure educational requirements consist of one or
157 more courses which total no more than the total educational
158 hours required to qualify as a state certified residential
159 appraiser. Such courses must be in subjects related to real

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160 estate appraisal and shall include coverage of the Uniform
161 Standards of Professional Appraisal Practice or its equivalent,
162 as established by rule of the board. Such courses are provided
163 by a nationally or state-recognized appraisal organization,
164 career center, accredited community college, college, or
165 university, state or federal agency or commission, or
166 proprietary real estate school that holds a permit pursuant to
167 s. 475.451.

168 Section 10. Subsection (2) of section 477.0212, Florida
169 Statutes, is amended to read:

170 477.0212 Inactive status.—

171 (2) The board shall adopt ~~promulgate~~ rules relating to
172 licenses that ~~which have~~ become inactive and for the renewal of
173 inactive licenses. The rules may not require more than one
174 renewal cycle of continuing education to reactivate a license.

175 The board shall prescribe by rule a fee not to exceed \$50 for
176 the reactivation of an inactive license and a fee not to exceed
177 \$50 for the renewal of an inactive license.

178 Section 11. Subsection (1) of section 481.209, Florida
179 Statutes, is amended to read:

180 481.209 Examinations.—

181 (1) A person desiring to be licensed as a registered
182 architect by initial examination shall apply to the department,
183 ~~complete to take the licensure examination. The department shall~~
184 ~~administer the licensure examination for architects to each~~
185 ~~applicant who the board certifies:~~

186 ~~(a) Has completed the application form, and~~ remit ~~remitted~~
187 a nonrefundable application fee. The department shall license

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188 any applicant who the board certifies: ~~and an examination fee~~
189 ~~which is refundable if the applicant is found to be ineligible~~
190 ~~to take the examination;~~

191 (a) Has passed the licensure examination prescribed by
192 board rule; and

193 (b)~~1.~~ Is a graduate of a school or college of architecture
194 with a program accredited by the National Architectural
195 Accreditation Board. ~~or~~

196 ~~2. Is a graduate of an approved architectural curriculum,~~
197 ~~evidenced by a degree from an unaccredited school or college of~~
198 ~~architecture approved by the board. The board shall adopt rules~~
199 ~~providing for the review and approval of unaccredited schools~~
200 ~~and colleges of architecture and courses of architectural study~~
201 ~~based on a review and inspection by the board of the curriculum~~
202 ~~of accredited schools and colleges of architecture in the United~~
203 ~~States; and~~

204 ~~(c) Has completed, prior to examination, 1 year of the~~
205 ~~internship experience required by s. 481.211(1).~~

206 Section 12. Section 481.211, Florida Statutes, is amended
207 to read:

208 481.211 Architecture internship required.—

209 ~~(1)~~ An applicant for licensure as a registered architect
210 shall complete, prior to licensure, an internship of diversified
211 architectural experience approved by the board, meeting
212 requirements set forth by rule. ~~in the design and construction~~
213 ~~of structures which have as their principal purpose human~~
214 ~~habitation or use. The internship shall be for a period of:~~

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215 ~~(a) Three years for an applicant holding the degree of~~
216 ~~Bachelor of Architecture; or~~

217 ~~(b) Two years for an applicant holding the professional~~
218 ~~degree of Master of Architecture.~~

219 ~~(2) Each applicant for licensure shall complete 1 year of~~
220 ~~the internship experience required by this section subsequent to~~
221 ~~graduation from a school or college of architecture as defined~~
222 ~~in s. 481.209(1).~~

223 Section 13. Paragraph (c) of subsection (3) of section
224 481.213, Florida Statutes, is amended to read:

225 481.213 Licensure.—

226 (3) The board shall certify as qualified for a license by
227 endorsement as an architect or as an interior designer an
228 applicant who:

229 (c) Has passed the prescribed licensure examination and
230 holds a valid certificate issued by the National Council of
231 Architectural Registration Boards, and holds a valid license to
232 practice architecture issued by another state or jurisdiction of
233 the United States. For the purposes of this paragraph, any
234 applicant licensed in another state or jurisdiction after June
235 30, 2000 ~~1984~~, must also hold a degree in architecture ~~and such~~
236 ~~degree must be~~ equivalent to that required in s. 481.209(1)(b)
237 ~~and. Also for the purposes of this paragraph, any applicant~~
238 ~~licensed in another state or jurisdiction after June 30, 1985,~~
239 ~~must~~ have completed an internship equivalent to that required by
240 s. 481.211 and any rules adopted with respect thereto.

241 Section 14. Subsection (1) of section 481.217, Florida
242 Statutes, is amended to read:

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Bill No. HB 517 (2012)

Amendment No. 1

243 481.217 Inactive status.—

244 (1) The board may prescribe by rule continuing education
245 requirements as a condition of reactivating a license. The rules
246 may not require more than one renewal cycle of continuing
247 education to reactivate requirements for reactivating a license
248 for a registered architect or interior designer may not exceed
249 12 contact hours for each year the license was inactive. The
250 minimum continuing education requirement for reactivating a
251 license for a registered interior designer shall be those of the
252 most recent biennium plus one half of the requirements in s.
253 481.215 for each year or part thereof during which the license
254 was inactive. The board may shall only approve continuing
255 education for an interior designer which that builds upon the
256 basic knowledge of interior design.

257 Section 15. Subsection (1) of section 481.315, Florida
258 Statutes, is amended to read:

259 481.315 Inactive status.—

260 (1) A license that has become inactive or delinquent may
261 be reactivated under this section upon application to the
262 department and payment of any applicable biennial renewal or
263 delinquency fee, or both, and a reactivation fee. The board may
264 not require a licensee to complete more than one renewal cycle
265 of continuing education requirements ~~The board may prescribe by~~
266 ~~rule continuing education requirements as a condition of~~
267 ~~reactivating the license. The continuing education requirements~~
268 ~~for reactivating a license may not exceed 12 classroom hours for~~
269 ~~each year the license was inactive.~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

270 Section 16. Subsections (3) and (6) of section 489.116,
271 Florida Statutes, are amended to read:

272 489.116 Inactive and delinquent status; renewal and
273 cancellation notices.—

274 (3) An inactive status certificateholder or registrant may
275 change to active status at any time, if provided the
276 certificateholder or registrant meets all requirements for
277 active status, pays any additional licensure fees necessary to
278 equal those imposed on an active status certificateholder or
279 registrant, and pays any applicable late fees, and meets all
280 continuing education requirements prescribed by the board.

281 (6) The board may not require an inactive
282 certificateholder or registrant to complete more than one
283 renewal cycle of ~~shall comply with the same~~ continuing education
284 for reactivating a certificate or registration requirements, if
285 ~~any, that are imposed on an active status certificateholder or~~
286 ~~registrant.~~

287 Section 17. Subsection (1) of section 489.519, Florida
288 Statutes, is amended to read:

289 489.519 Inactive status.—

290 (1) A certificate or registration that becomes ~~has become~~
291 inactive may be reactivated under s. 489.517 upon application to
292 the department. The board may not require a licensee to complete
293 more than one renewal cycle of ~~prescribe, by rule,~~ continuing
294 education to reactivate requirements as a condition of
295 ~~reactivating~~ a certificate or registration. ~~The continuing~~
296 ~~education requirements for reactivating a certificate or~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

297 ~~registration may not exceed 12 classroom hours for each year the~~
298 ~~certificate or registration was inactive.~~

299 Section 18. Subsection (4) of section 475.6235, Florida
300 Statutes, is amended to read:

301 475.6235 Registration of appraisal management companies
302 required.-

303 (4) At the time of filing an application for registration
304 of an appraisal management company, each person listed in
305 paragraph (2)(f) must sign a pledge to comply with the standards
306 of professional practice established by rule of the board,
307 including standards for the development or communication of a
308 real estate appraisal, ~~Uniform Standards of Professional~~
309 ~~Appraisal Practice upon registration~~ and must indicate in
310 writing that she or he understands the types of misconduct for
311 which disciplinary proceedings may be initiated. The application
312 shall expire 1 year after the date received by the department.

313 Section 19. Section 468.391, Florida Statutes, is amended
314 to read:

315 468.391 Penalty.-Any auctioneer, apprentice, or auction
316 business or any owner or manager thereof, or, in the case of
317 corporate ownership, any substantial stockholder of the
318 corporation owning the auction business, who operates without an
319 active license or violates any of the provisions ~~provision~~ of
320 the prohibited acts listed under s. 468.389(1)(c), (e), (f),
321 (h), and (i) commits a felony of the third degree, punishable as
322 provided in s. 775.082 or s. 775.083.

323 Section 20. Paragraph (t) of subsection (1) of section
324 475.25, Florida Statutes, is amended to read:

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

325 475.25 Discipline.-

326 (1) The commission may deny an application for licensure,
327 registration, or permit, or renewal thereof; may place a
328 licensee, registrant, or permittee on probation; may suspend a
329 license, registration, or permit for a period not exceeding 10
330 years; may revoke a license, registration, or permit; may impose
331 an administrative fine not to exceed \$5,000 for each count or
332 separate offense; and may issue a reprimand, and any or all of
333 the foregoing, if it finds that the licensee, registrant,
334 permittee, or applicant:

335 (t) Has violated any standard of professional practice
336 established by rule of the Florida Real Estate Appraisal Board,
337 including standards for the development or communication of a
338 real estate appraisal ~~or other provision of the Uniform~~
339 ~~Standards of Professional Appraisal Practice, as defined in s.~~
340 ~~475.611,~~ as approved and adopted by the Appraisal Standards
341 Board of the Appraisal Foundation, as defined in s. 475.611.
342 This paragraph does not apply to a real estate broker or sales
343 associate who, in the ordinary course of business, performs a
344 comparative market analysis, gives a broker price opinion, or
345 gives an opinion of value of real estate. However, in no event
346 may this comparative market analysis, broker price opinion, or
347 opinion of value of real estate be referred to as an appraisal,
348 as defined in s. 475.611.

349 Section 21. Paragraphs (f) through (o) of subsection (1)
350 of section 475.42, Florida Statutes, are redesignated as
351 paragraphs (e) through (n), respectively, and present paragraph
352 (e) of that subsection is amended to read:

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Amendment No. 1

353 475.42 Violations and penalties.-

354 (1) VIOLATIONS.-

355 ~~(c) A person may not violate any lawful order or rule of~~
356 ~~the commission which is binding upon her or him.~~

357 Section 22. Subsection (14) of section 475.624, Florida
358 Statutes, is amended to read:

359 475.624 Discipline of appraisers.-

360 The board may deny an application for registration or
361 certification of an appraiser; may investigate the actions of
362 any appraiser registered, licensed, or certified under this
363 part; may reprimand or impose an administrative fine not to
364 exceed \$5,000 for each count or separate offense against any
365 such appraiser; and may revoke or suspend, for a period not to
366 exceed 10 years, the registration, license, or certification of
367 any such appraiser, or place any such appraiser on probation, if
368 the board finds that the registered trainee, licensee, or
369 certificateholder:

370 (14) Has violated any standard of professional practice,
371 including standards for the development or communication of a
372 real estate appraisal, as established by rule of the board or
373 ~~other provision of the Uniform Standards of Professional~~
374 ~~Appraisal Practice.~~

375 Section 23. Paragraph (n) of subsection (1) of section
376 475.6245, Florida Statutes, is amended to read:

377 475.6245 Discipline of appraisal management companies.-

378 (1) The board may deny an application for registration of
379 an appraisal management company; may investigate the actions of
380 any appraisal management company registered under this part; may

COMMITTEE/SUBCOMMITTEE AMENDMENT

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381 reprimand or impose an administrative fine not to exceed \$5,000
382 for each count or separate offense against any such appraisal
383 management company; and may revoke or suspend, for a period not
384 to exceed 10 years, the registration of any such appraisal
385 management company, or place any such appraisal management
386 company on probation, if the board finds that the appraisal
387 management company or any person listed in s. 475.6235(2)(f):

388 (n) Has instructed an appraiser to violate any standard of
389 professional practice established by rule of the board,
390 including standards for the development or communication of a
391 real estate appraisal or other provision of the Uniform
392 Standards of Professional Appraisal Practice.

393 Section 24. Paragraphs (d) through (h) of subsection (1)
394 of section 475.626, Florida Statutes, are redesignated as
395 paragraphs (b) through (f), respectively, and present paragraphs
396 (b) and (c) of that subsection are amended to read:

397 475.626 Violations and penalties.-

398 (1) A person may not:

399 ~~(b) Violate any lawful order or rule of the board which is~~
400 ~~binding upon her or him.~~

401 ~~(c) If a registered trainee appraiser or a licensed or~~
402 ~~certified appraiser, commit any conduct or practice set forth in~~
403 ~~s. 475.624.~~

404 Section 25. Paragraphs (c) through (f) of subsection (1)
405 of section 476.194, Florida Statutes, are redesignated as
406 paragraphs (b) through (e), respectively, and present paragraph
407 (b) of that subsection is amended to read:

408 476.194 Prohibited acts.-

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409 (1) It is unlawful for any person to:

410 ~~(b) Engage in willful or repeated violations of this act~~
411 ~~or of any of the rules adopted by the board.~~

412 Section 26. Paragraphs (d) through (h) of subsection (1)
413 of section 477.0265, Florida Statutes, are redesignated as
414 paragraphs (c) through (g), respectively, and present paragraph
415 (c) of that subsection is amended to read:

416 477.0265 Prohibited acts.—

417 (1) It is unlawful for any person to:

418 ~~(c) Engage in willful or repeated violations of this~~
419 ~~chapter or of any rule adopted by the board.~~

420 Section 27. Section 475.628, Florida Statutes, is amended
421 to read:

422 475.628 Professional standards for appraisers registered,
423 licensed, or certified under this part.—The board shall adopt
424 rules establishing standards of professional practice that meet
425 or exceed nationally recognized standards of appraisal practice,
426 including standards adopted by the Appraisal Standards Board of
427 the Appraisal Foundation. Each appraiser registered, licensed,
428 or certified under this part must shall comply with the rules
429 Uniform Standards of Professional Appraisal Practice. Statements
430 on appraisal standards which may be issued for the purpose of
431 clarification, interpretation, explanation, or elaboration
432 through the Appraisal Foundation shall also be binding on any
433 appraiser registered, licensed, or certified under this part,
434 upon adoption by rule of the board.

435 Section 28. Paragraph (c) of subsection (5) of section
436 373.461, Florida Statutes, is amended to read:

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Amendment No. 1

437 373.461 Lake Apopka improvement and management.—

438 (5) PURCHASE OF AGRICULTURAL LANDS.—

439 (c) The district shall explore the availability of funding
440 from all sources, including any federal, state, regional, and
441 local land acquisition funding programs, to purchase the
442 agricultural lands described in paragraph (a). It is the
443 Legislature's intent that, if such funding sources can be
444 identified, acquisition of the lands described in paragraph (a)
445 may be undertaken by the district to purchase these properties
446 from willing sellers. However, the purchase price paid for
447 acquisition of such lands that were in active cultivation during
448 1996 ~~may shall~~ not exceed the highest appraisal obtained by the
449 district for these lands from a state-certified general
450 appraiser following the standards of professional practice
451 established by rule of the Florida Real Estate Appraisal Board,
452 including standards for the development or communication of a
453 real estate appraisal ~~Uniform Standards of Professional~~
454 ~~Appraisal Practice~~. This maximum purchase price limitation may
455 ~~shall~~ not include, nor be applicable to, that portion of the
456 purchase price attributable to consideration of income described
457 in paragraph (b), or that portion attributable to related
458 facilities, or closing costs.

459 Section 29. This act shall take effect July 1, 2012.

460

461

462

463

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

464

Remove the entire title and insert:

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

465 A bill to be entitled
466 An act relating to reducing and streamlining
467 regulations; amending ss. 455.271, 468.4338, 468.525,
468 468.8317, 468.8417, 475.615, 475.617, 475.6175,
469 477.0212, 481.209, 481.211, 481.213, 481.217, 481.315,
470 489.116, and 489.519, F.S.; revising initial licensure
471 and continuing education requirements for reactivating
472 a license, certificate, or registration to practice
473 certain professions and occupations regulated by the
474 Department of Business and Professional Regulation or
475 a board or council within the department, including
476 community association management, employee leasing,
477 home inspection, mold-related services, real estate
478 appraisal, cosmetology, architecture and interior
479 design, landscape architecture, construction
480 contracting, and electrical and alarm system
481 contracting; amending s. 469.002, F.S.; providing an
482 exemption from licensure as an asbestos consultant or
483 contractor for activities involving pipe or conduit
484 used for gas service; amending s. 475.6235, F.S.;
485 revising registration requirements for appraisal
486 management companies; amending ss. 468.391, 475.25,
487 475.42, 475.624, 475.6245, 475.626, 476.194, and
488 477.0265, F.S., relating to auctioneering, real estate
489 brokering and appraisal, barbering, and cosmetology;
490 revising language with respect to certain penalties;
491 revising grounds for discipline to which penalties
492 apply; amending s. 475.628, F.S.; requiring the

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

493 Florida Real Estate Appraisal Board to adopt rules
494 establishing professional practice standards; amending
495 s. 373.461, F.S.; requiring certain appraisers to
496 follow specific standards of professional practice in
497 appraisals involving the restoration of the Lake
498 Apopka Basin; providing an effective date.

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

HB 693 : Business and Professional Regulation

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Artiles	X				
Jim Boyd	X				
Brad Drake			X		
Joseph Gibbons	X				
Doug Holder	X				
Mike Horner	X				
Evan Jenne				X	
Peter Nehr	X				
Bryan Nelson	X				
Jeanette Nuñez	X				
Steven Perman	X				
Ronald Renuart			X		
Kenneth Roberson	X				
Irving Slosberg	X				
Geraldine Thompson			X		
James Waldman	X				
Ritch Workman	X				
Dorothy Hukill (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

Reducing and Streamlining Regulations
 Lawson, Ken (Lobbyist) (State Employee) - Proponent
 Department of Business and Professional Regulation
 1940 N. Monroe Street
 Tallahassee Florida 32399
 Phone: 850-487-4827

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

HB 975 : Pasco County Housing Authority, Pasco County

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Artiles	X				
Jim Boyd	X				
Brad Drake	X				
Joseph Gibbons	X				
Doug Holder	X				
Mike Horner	X				
Evan Jenne	X				
Peter Nehr	X				
Bryan Nelson	X				
Jeanette Nuñez	X				
Steven Perman	X				
Ronald Renuart			X		
Kenneth Roberson	X				
Irving Slosberg			X		
Geraldine Thompson			X		
James Waldman	X				
Ritch Workman	X				
Dorothy Hukill (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

HB 999 : Onsite Sewage Treatment and Disposal Systems

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Artiles	X				
Jim Boyd	X				
Brad Drake	X				
Joseph Gibbons	X				
Doug Holder	X				
Mike Horner	X				
Evan Jenne	X				
Peter Nehr	X				
Bryan Nelson	X				
Jeanette Nuñez	X				
Steven Perman	X				
Ronald Renuart			X		
Kenneth Roberson	X				
Irving Slosberg	X				
Geraldine Thompson			X		
James Waldman		X			
Ritch Workman			X		
Dorothy Hukill (Chair)	X				
Total Yeas: 14		Total Nays: 1			

HB 999 Amendments

Amendment 368905

Adopted Without Objection

Appearances:

Onsite Sewage Treatment and Disposal Systems

Forrest, Mathew (Lobbyist) - Waive In Support

Florida Association of Destination Marketers

403 E Park Avenue

Tallahassee FL

Phone: 850-577-0444

Onsite Sewage Treatment and Disposal Systems

Bowman, Janet (Lobbyist) - Information Only

Nature Conservancy, The

625 N Adams St

Tallahassee FL 32301

Phone: 850-251-9406

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

HB 999 : Onsite Sewage Treatment and Disposal Systems (continued)

Appearances: (continued)

Onsite Sewage Treatment and Disposal Systems
Doolin, Christian (Lobbyist) - Proponent
Small County Coalition
314 Cortez Street
Tallahassee FL
Phone: 850-224-3180

Onsite Sewage Treatment and Disposal Systems
Hetrick, Keith (Lobbyist) - Proponent
Florida Home Builders Association
201 E Park Ave
Tallahassee FL 32301
Phone: 850-251-1838

Onsite Sewage Treatment and Disposal Systems
Draper, Eric (Lobbyist) - Proponent
Audubon of Florida
308 N Monroe Street
Tallahassee FL
Phone: (850-222-2473

Onsite Sewage Treatment and Disposal Systems
James, Stephen (Lobbyist) - Opponent
Legislative Staff Attorney, Florida Association of Counties
100 S Monroe Street
Tallahassee FL 32301
Phone: 850-922-4300

Onsite Sewage Treatment and Disposal Systems
Himschott, Bob - Proponent
Florida Onsite Wastewater Association
P. O. Box 27
Fort Myers FL 33902
Phone: 239-478-0759

Onsite Sewage Treatment and Disposal Systems
Matthews, Ryan (Lobbyist) - Opponent
Legislative Advocate, Florida League of Cities
301 S Bronough Street, Suite 300
Tallahassee FL 32302
Phone: 850-222-9684

Onsite Sewage Treatment and Disposal Systems
Zeiler, Leonard (Lobbyist) (State Employee) - Information Only
Legislative Planning Director, Department of Health
4052 Bald Cypress Way, Bin A-100
Tallahassee Florida 32399
Phone: 850-245-4343

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

HB 999 : Onsite Sewage Treatment and Disposal Systems (continued)

Appearances: (continued)

Onsite Sewage Treatment and Disposal Systems

Cullen, David (Lobbyist) - Opponent

Sierra Club

1674 University Parkway #296

Sarasota FL 34243

Phone: 941-323-2404

Onsite Sewage Treatment and Disposal Systems

Peterson, Dan (Lobbyist) - Proponent

Coalition for Property Rights

2289 S Osceola Avenue

Orlando FL 32771

Phone: 407-758-2491

Onsite Sewage Treatment and Disposal Systems

Rothell, John (Lobbyist) - Proponent

Florida Association of Realtors

200 S Monroe St

Tallahassee FL 32301

Phone: (850)224-1400

Onsite Sewage Treatment and Disposal Systems

Cory, Keyna (Lobbyist) - Proponent

Associated Industries of Florida

P. O. Box 1347

Tallahassee FL 32302

Phone: 850-681-1065

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Dorworth offered the following:

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsections (1), (5), (6), and (7) of section
7 381.0065, Florida Statutes, are amended, paragraphs (b) through
8 (p) of subsection (2) of that section are redesignated as
9 paragraphs (c) through (q), respectively, a new paragraph (b) is
10 added to that subsection, paragraph (j) of subsection (3) and
11 paragraph (n) of subsection (4) of that section are amended, and
12 paragraphs (w) through (z) are added to subsection (4) of that
13 section, to read:

14 381.0065 Onsite sewage treatment and disposal systems;
15 regulation.—

16 (1) LEGISLATIVE INTENT.—

17 ~~(a) It is the intent of the Legislature that proper~~
18 ~~management of onsite sewage treatment and disposal systems is~~
19 ~~paramount to the health, safety, and welfare of the public. It~~

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20 ~~is further the intent of the Legislature that the department~~
21 ~~shall administer an evaluation program to ensure the operational~~
22 ~~condition of the system and identify any failure with the~~
23 ~~system.~~

24 (b) It is the intent of the Legislature that where a
25 publicly owned or investor-owned sewerage system is not
26 available, the department shall issue permits for the
27 construction, installation, modification, abandonment, or repair
28 of onsite sewage treatment and disposal systems under conditions
29 as described in this section and rules adopted under this
30 section. It is further the intent of the Legislature that the
31 installation and use of onsite sewage treatment and disposal
32 systems not adversely affect the public health or significantly
33 degrade the groundwater or surface water.

34 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the
35 term:

36 (b)1. "Bedroom" means a room that can be used for sleeping
37 and that:

38 a. For site-built dwellings, has a minimum of 70 square
39 feet of conditioned space;

40 b. For manufactured homes, is constructed according to
41 standards of the United States Department of Housing and Urban
42 Development and has a minimum of 50 square feet of floor area;

43 c. Is located along an exterior wall;

44 d. Has a closet and a door or an entrance where a door
45 could be reasonably installed; and

46 e. Has an emergency means of escape and rescue opening to
47 the outside.

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48 2. A room may not be considered a bedroom if it is used to
49 access another room except a bathroom or closet.

50 3. "Bedroom" does not include a hallway, bathroom,
51 kitchen, living room, family room, dining room, den, breakfast
52 nook, pantry, laundry room, sunroom, recreation room,
53 media/video room, or exercise room.

54 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The
55 department shall:

56 (j) Supervise research on, demonstration of, and training
57 on the performance, environmental impact, and public health
58 impact of onsite sewage treatment and disposal systems within
59 this state. Research fees collected under s. 381.0066(2)(k)
60 ~~381.0066(2)(l)~~ must be used to develop and fund hands-on
61 training centers designed to provide practical information about
62 onsite sewage treatment and disposal systems to septic tank
63 contractors, master septic tank contractors, contractors,
64 inspectors, engineers, and the public and must also be used to
65 fund research projects which focus on improvements of onsite
66 sewage treatment and disposal systems, including use of
67 performance-based standards and reduction of environmental
68 impact. Research projects shall be initially approved by the
69 technical review and advisory panel and shall be applicable to
70 and reflect the soil conditions specific to Florida. Such
71 projects shall be awarded through competitive negotiation, using
72 the procedures provided in s. 287.055, to public or private
73 entities that have experience in onsite sewage treatment and
74 disposal systems in Florida and that are principally located in
75 Florida. Research projects shall not be awarded to firms or

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76 entities that employ or are associated with persons who serve on
77 either the technical review and advisory panel or the research
78 review and advisory committee.

79 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
80 not construct, repair, modify, abandon, or operate an onsite
81 sewage treatment and disposal system without first obtaining a
82 permit approved by the department. The department may issue
83 permits to carry out this section, but shall not make the
84 issuance of such permits contingent upon prior approval by the
85 Department of Environmental Protection, except that the issuance
86 of a permit for work seaward of the coastal construction control
87 line established under s. 161.053 shall be contingent upon
88 receipt of any required coastal construction control line permit
89 from the Department of Environmental Protection. A construction
90 permit is valid for 18 months from the issuance date and may be
91 extended by the department for one 90-day period under rules
92 adopted by the department. A repair permit is valid for 90 days
93 from the date of issuance. An operating permit must be obtained
94 prior to the use of any aerobic treatment unit or if the
95 establishment generates commercial waste. Buildings or
96 establishments that use an aerobic treatment unit or generate
97 commercial waste shall be inspected by the department at least
98 annually to assure compliance with the terms of the operating
99 permit. The operating permit for a commercial wastewater system
100 is valid for 1 year from the date of issuance and must be
101 renewed annually. The operating permit for an aerobic treatment
102 unit is valid for 2 years from the date of issuance and must be
103 renewed every 2 years. If all information pertaining to the

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104 siting, location, and installation conditions or repair of an
105 onsite sewage treatment and disposal system remains the same, a
106 construction or repair permit for the onsite sewage treatment
107 and disposal system may be transferred to another person, if the
108 transferee files, within 60 days after the transfer of
109 ownership, an amended application providing all corrected
110 information and proof of ownership of the property. There is no
111 fee associated with the processing of this supplemental
112 information. A person may not contract to construct, modify,
113 alter, repair, service, abandon, or maintain any portion of an
114 onsite sewage treatment and disposal system without being
115 registered under part III of chapter 489. A property owner who
116 personally performs construction, maintenance, or repairs to a
117 system serving his or her own owner-occupied single-family
118 residence is exempt from registration requirements for
119 performing such construction, maintenance, or repairs on that
120 residence, but is subject to all permitting requirements. A
121 municipality or political subdivision of the state may not issue
122 a building or plumbing permit for any building that requires the
123 use of an onsite sewage treatment and disposal system unless the
124 owner or builder has received a construction permit for such
125 system from the department. A building or structure may not be
126 occupied and a municipality, political subdivision, or any state
127 or federal agency may not authorize occupancy until the
128 department approves the final installation of the onsite sewage
129 treatment and disposal system. A municipality or political
130 subdivision of the state may not approve any change in occupancy
131 or tenancy of a building that uses an onsite sewage treatment

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132 and disposal system until the department has reviewed the use of
133 the system with the proposed change, approved the change, and
134 amended the operating permit.

135 (n) Evaluations for determining the seasonal high-water
136 table elevations or the suitability of soils for the use of a
137 new onsite sewage treatment and disposal system shall be
138 performed by department personnel, professional engineers
139 registered in the state, or such other persons with expertise,
140 as defined by rule, in making such evaluations. Evaluations for
141 determining mean annual flood lines shall be performed by those
142 persons identified in paragraph (2) (j) ~~(2) (i)~~. The department
143 shall accept evaluations submitted by professional engineers and
144 such other persons as meet the expertise established by this
145 section or by rule unless the department has a reasonable
146 scientific basis for questioning the accuracy or completeness of
147 the evaluation.

148 (w) Any permit issued and approved by the department for
149 the installation, modification, or repair of an onsite sewage
150 treatment and disposal system shall transfer with the title to
151 the property in a real estate transaction. A title shall not be
152 encumbered at the time of transfer by new permit requirements by
153 a governmental entity for an onsite sewage treatment and
154 disposal system that differ from the permitting requirements in
155 effect at the time the system was permitted, modified, or
156 repaired. No inspection of a system shall be mandated by any
157 governmental entity at the point of sale in a real estate
158 transaction.

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159 (x)1. An onsite sewage treatment and disposal system is
160 not considered abandoned if the system is disconnected from a
161 structure that was made unusable or destroyed following a
162 disaster and was properly functioning at the time of
163 disconnection and not adversely affected by the disaster. The
164 onsite sewage treatment and disposal system may be reconnected
165 to a rebuilt structure if:

166 a. The reconnection of the system is to the same type and
167 approximate size of structure that existed prior to the
168 disaster;

169 b. The system is not a sanitary nuisance; and

170 c. The system has not been altered without prior
171 authorization.

172 2. An onsite sewage treatment and disposal system that
173 serves a property that is foreclosed upon is not considered
174 abandoned.

175 (y) If an onsite sewage treatment and disposal system
176 permittee receives, relies upon, and undertakes construction of
177 a system based upon a validly issued construction permit under
178 rules applicable at the time of construction but a change to a
179 rule occurs after the approval of the system for construction
180 but before the final approval of the system, the rules
181 applicable and in effect at the time of construction approval
182 apply at the time of final approval if fundamental site
183 conditions have not changed between the time of construction
184 approval and final approval.

185 (z) A modification, replacement, or upgrade of an onsite
186 sewage treatment and disposal system is not required for a

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187 remodeling addition to a single-family home if a bedroom is not
188 added.

189 ~~(5) EVALUATION AND ASSESSMENT.—~~

190 ~~(a) Beginning July 1, 2011, the department shall~~
191 ~~administer an onsite sewage treatment and disposal system~~
192 ~~evaluation program for the purpose of assessing the fundamental~~
193 ~~operational condition of systems and identifying any failures~~
194 ~~within the systems. The department shall adopt rules~~
195 ~~implementing the program standards, procedures, and~~
196 ~~requirements, including, but not limited to, a schedule for a 5-~~
197 ~~year evaluation cycle, requirements for the pump out of a system~~
198 ~~or repair of a failing system, enforcement procedures for~~
199 ~~failure of a system owner to obtain an evaluation of the system,~~
200 ~~and failure of a contractor to timely submit evaluation results~~
201 ~~to the department and the system owner. The department shall~~
202 ~~ensure statewide implementation of the evaluation and assessment~~
203 ~~program by January 1, 2016.~~

204 ~~(b) Owners of an onsite sewage treatment and disposal~~
205 ~~system, excluding a system that is required to obtain an~~
206 ~~operating permit, shall have the system evaluated at least once~~
207 ~~every 5 years to assess the fundamental operational condition of~~
208 ~~the system, and identify any failure within the system.~~

209 ~~(c) All evaluation procedures must be documented and~~
210 ~~nothing in this subsection limits the amount of detail an~~
211 ~~evaluator may provide at his or her professional discretion. The~~
212 ~~evaluation must include a tank and drainfield evaluation, a~~
213 ~~written assessment of the condition of the system, and, if~~

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214 ~~necessary, a disclosure statement pursuant to the department's~~
215 ~~procedure.~~

216 ~~(d) 1. Systems being evaluated that were installed prior to~~
217 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~
218 ~~bottom of the drainfield to the wettest season water table~~
219 ~~elevation as defined by department rule. All drainfield repairs,~~
220 ~~replacements or modifications to systems installed prior to~~
221 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
222 ~~the bottom of the drainfield to the wettest season water table~~
223 ~~elevation as defined by department rule.~~

224 ~~2. Systems being evaluated that were installed on or after~~
225 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
226 ~~the bottom of the drainfield to the wettest season water table~~
227 ~~elevation as defined by department rule. All drainfield repairs,~~
228 ~~replacements or modification to systems developed on or after~~
229 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~
230 ~~the bottom of the drainfield to the wettest season water table~~
231 ~~elevation.~~

232 ~~(e) If documentation of a tank pump out or a permitted new~~
233 ~~installation, repair, or modification of the system within the~~
234 ~~previous 5 years is provided, and states the capacity of the~~
235 ~~tank and indicates that the condition of the tank is not a~~
236 ~~sanitary or public health nuisance pursuant to department rule,~~
237 ~~a pump out of the system is not required.~~

238 ~~(f) Owners are responsible for paying the cost of any~~
239 ~~required pump out, repair, or replacement pursuant to department~~
240 ~~rule, and may not request partial evaluation or the omission of~~
241 ~~portions of the evaluation.~~

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242 ~~(g) Each evaluation or pump-out required under this~~
243 ~~subsection must be performed by a septic tank contractor or~~
244 ~~master septic tank contractor registered under part III of~~
245 ~~chapter 489, a professional engineer with wastewater treatment~~
246 ~~system experience licensed pursuant to chapter 471, or an~~
247 ~~environmental health professional certified under chapter 381 in~~
248 ~~the area of onsite sewage treatment and disposal system~~
249 ~~evaluation.~~

250 ~~(h) The evaluation report fee collected pursuant to s.~~
251 ~~381.0066(2)(b) shall be remitted to the department by the~~
252 ~~evaluator at the time the report is submitted.~~

253 ~~(i) Prior to any evaluation deadline, the department must~~
254 ~~provide a minimum of 60 days' notice to owners that their~~
255 ~~systems must be evaluated by that deadline. The department may~~
256 ~~include a copy of any homeowner educational materials developed~~
257 ~~pursuant to this section which provides information on the~~
258 ~~proper maintenance of onsite sewage treatment and disposal~~
259 ~~systems.~~

260 ~~(5)(6) ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-~~

261 (a) Department personnel who have reason to believe
262 noncompliance exists, may at any reasonable time, enter the
263 premises permitted under ss. 381.0065-381.0066, or the business
264 premises of any septic tank contractor or master septic tank
265 contractor registered under part III of chapter 489, or any
266 premises that the department has reason to believe is being
267 operated or maintained not in compliance, to determine
268 compliance with the provisions of this section, part I of
269 chapter 386, or part III of chapter 489 or rules or standards

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270 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
271 part III of chapter 489. As used in this paragraph, the term
272 "premises" does not include a residence or private building. To
273 gain entry to a residence or private building, the department
274 must obtain permission from the owner or occupant or secure an
275 inspection warrant from a court of competent jurisdiction.

276 (b)1. The department may issue citations that may contain
277 an order of correction or an order to pay a fine, or both, for
278 violations of ss. 381.0065-381.0067, part I of chapter 386, or
279 part III of chapter 489 or the rules adopted by the department,
280 when a violation of these sections or rules is enforceable by an
281 administrative or civil remedy, or when a violation of these
282 sections or rules is a misdemeanor of the second degree. A
283 citation issued under ss. 381.0065-381.0067, part I of chapter
284 386, or part III of chapter 489 constitutes a notice of proposed
285 agency action.

286 2. A citation must be in writing and must describe the
287 particular nature of the violation, including specific reference
288 to the provisions of law or rule allegedly violated.

289 3. The fines imposed by a citation issued by the
290 department may not exceed \$500 for each violation. Each day the
291 violation exists constitutes a separate violation for which a
292 citation may be issued.

293 4. The department shall inform the recipient, by written
294 notice pursuant to ss. 120.569 and 120.57, of the right to an
295 administrative hearing to contest the citation within 21 days
296 after the date the citation is received. The citation must
297 contain a conspicuous statement that if the recipient fails to

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298 pay the fine within the time allowed, or fails to appear to
299 contest the citation after having requested a hearing, the
300 recipient has waived the recipient's right to contest the
301 citation and must pay an amount up to the maximum fine.

302 5. The department may reduce or waive the fine imposed by
303 the citation. In determining whether to reduce or waive the
304 fine, the department must consider the gravity of the violation,
305 the person's attempts at correcting the violation, and the
306 person's history of previous violations including violations for
307 which enforcement actions were taken under ss. 381.0065-
308 381.0067, part I of chapter 386, part III of chapter 489, or
309 other provisions of law or rule.

310 6. Any person who willfully refuses to sign and accept a
311 citation issued by the department commits a misdemeanor of the
312 second degree, punishable as provided in s. 775.082 or s.
313 775.083.

314 7. The department, pursuant to ss. 381.0065-381.0067, part
315 I of chapter 386, or part III of chapter 489, shall deposit any
316 fines it collects in the county health department trust fund for
317 use in providing services specified in those sections.

318 8. This section provides an alternative means of enforcing
319 ss. 381.0065-381.0067, part I of chapter 386, and part III of
320 chapter 489. This section does not prohibit the department from
321 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
322 III of chapter 489, or its rules, by any other means. However,
323 the department must elect to use only a single method of
324 enforcement for each violation.

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325 ~~(6)-(7)~~ LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective
326 January 1, 2016, the land application of septage from onsite
327 sewage treatment and disposal systems is prohibited. ~~By February~~
328 ~~1, 2011, the department, in consultation with the Department of~~
329 ~~Environmental Protection, shall provide a report to the~~
330 ~~Governor, the President of the Senate, and the Speaker of the~~
331 ~~House of Representatives, recommending alternative methods to~~
332 ~~establish enhanced treatment levels for the land application of~~
333 ~~septage from onsite sewage and disposal systems. The report~~
334 ~~shall include, but is not limited to, a schedule for the~~
335 ~~reduction in land application, appropriate treatment levels,~~
336 ~~alternative methods for treatment and disposal, enhanced~~
337 ~~application site permitting requirements including any~~
338 ~~requirements for nutrient management plans, and the range of~~
339 ~~costs to local governments, affected businesses, and individuals~~
340 ~~for alternative treatment and disposal methods. The report shall~~
341 ~~also include any recommendations for legislation or rule~~
342 ~~authority needed to reduce land application of septage.~~

343 Section 2. Section 381.00651, Florida Statutes, is created
344 to read:

345 381.00651 Periodic evaluation and assessment of onsite
346 sewage treatment and disposal systems.—

347 (1) For the purposes of this section, the term "first
348 magnitude spring" means a spring that has a median water
349 discharge of greater than or equal to 100 cubic feet per second
350 for the period of record, as determined by the Department of
351 Environmental Protection.

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352 (2)A county or municipality containing a first magnitude
353 spring that has not adopted an onsite sewage treatment and
354 disposal system evaluation and assessment program, or that does
355 not opt out of this section, shall develop and adopt by
356 ordinance a local onsite sewage treatment and disposal system
357 evaluation and assessment program that meets the requirements of
358 this section within all or part of its geographic area. A county
359 or municipality that does not contain a first magnitude spring
360 may develop and adopt by ordinance a local onsite sewage
361 treatment and disposal system evaluation and assessment program
362 that meets the requirements of this section within all or part
363 of its geographic area. By a majority vote of the local
364 governing body, a county or municipality containing a first
365 magnitude spring may opt out of the requirements of this section
366 at any time before January 1, 2013, by adopting a separate
367 resolution. A county or municipality that has adopted such a
368 program before July 1, 2011, may continue to enforce its
369 program, provided such program does not require an evaluation at
370 the point of sale in a real estate transaction. A county or
371 municipality that does not opt out of this section shall notify
372 the Secretary of State by letter of the adoption of the
373 ordinance pursuant to this section. The resolution shall be
374 directed to and filed with the Secretary of State and shall
375 state the intent of the county or municipality not to adopt an
376 onsite sewage treatment and disposal system evaluation and
377 assessment program. Absent an interlocal agreement or county
378 charter provision to the contrary, a municipality may elect to
379 opt out of the requirements of this section notwithstanding the

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380 decision of the governing body of the county in which the
381 municipality is located. A county or municipality may
382 subsequently adopt an ordinance imposing an onsite sewage
383 treatment and disposal system evaluation and assessment program
384 if the program meets the requirements of this section. A county
385 or municipality may repeal an ordinance adopted pursuant to this
386 section if the county or municipality notifies the Secretary of
387 State by letter of the repeal. No county or municipality may
388 adopt an onsite sewer treatment and disposal system evaluation
389 and assessment program except pursuant to this section and shall
390 provide for the following:

391 (a) Evaluations.—An evaluation of each onsite sewage
392 treatment and disposal system within all or part of the county's
393 or municipality's jurisdiction must take place once every 5
394 years to assess the fundamental operational condition of the
395 system and to identify system failures. The ordinance may not
396 mandate an evaluation at the point of sale in a real estate
397 transaction and may not require a soil examination. The location
398 of the system shall be identified. A tank and drainfield
399 evaluation and a written assessment of the overall condition of
400 the system pursuant to the assessment procedure prescribed in
401 paragraph (2)(d) are required.

402 (b) Qualified contractors.—Each evaluation required under
403 this subsection must be performed by a qualified contractor, who
404 may be a septic tank contractor or master septic tank contractor
405 registered under part III of chapter 489, a professional
406 engineer having wastewater treatment system experience and
407 licensed under chapter 471, or an environmental health

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408 professional certified under this chapter in the area of onsite
409 sewage treatment and disposal system evaluation. Evaluations and
410 pump-outs may also be performed by an authorized employee
411 working under the supervision of an individual listed in this
412 paragraph; however, all evaluation forms must be signed by a
413 qualified contractor in writing or by electronic signature.

414 (c) Repair of systems.—The local ordinance may not require
415 a repair, modification, or replacement of a system as a result
416 of an evaluation unless the evaluation identifies a system
417 failure. For purposes of this subsection, the term "system
418 failure" means a condition existing within an onsite sewage
419 treatment and disposal system that results in the discharge of
420 untreated or partially treated wastewater onto the ground
421 surface or into surface water or that results in the failure of
422 building plumbing to discharge properly and presents a sanitary
423 nuisance. A system is not in failure if the system does not have
424 a minimum separation distance between the drainfield and the
425 wettest season water table or if an obstruction in a sanitary
426 line or an effluent screen or filter prevents effluent from
427 flowing into a drainfield. If a system failure is identified and
428 several allowable remedial measures are available to resolve the
429 failure, the system owner may choose the least costly allowable
430 remedial measure to fix the system. There may be instances in
431 which a pump-out is sufficient to resolve a system failure.
432 Allowable remedial measures to resolve a system failure are
433 limited to what is necessary to resolve the failure and must
434 meet, to the maximum extent practicable, the requirements of the
435 repair code in effect when the repair is made, subject to the

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436 exceptions specified in s. 381.0065(4)(g). An engineer-designed
437 performance-based treatment system to reduce nutrients may not
438 be required as an alternative remediation measure to resolve the
439 failure of a conventional system.

440 (d) Exemptions:

441 1. The local ordinance shall exempt from the evaluation
442 requirements any system that is required to obtain an operating
443 permit pursuant to state law or that is inspected by the
444 department pursuant to the annual permit inspection requirements
445 of chapter 513.

446 2. The local ordinance may provide for an exemption or an
447 extension of time to obtain an evaluation and assessment if
448 connection to a sewer system is available, connection to the
449 sewer system is imminent, and written arrangements for payment
450 of any utility assessments or connection fees have been made by
451 the system owner.

452 3. A septic tank system serving residential dwelling units
453 on lots with a ratio of one bedroom per acre or greater is
454 exempt from the requirements of this section and may not be
455 included in any septic tank inspection program.

456 (2) The following procedures shall be used for conducting
457 evaluations:

458 (a) Tank evaluation.—The tank evaluation shall assess the
459 apparent structural condition and watertightness of the tank and
460 shall estimate the size of the tank. The evaluation must include
461 a pump-out. However, an ordinance may not require a pump-out if
462 there is documentation indicating that a tank pump-out or a
463 permitted new installation, repair, or modification of the

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464 system has occurred within the previous 5 years, identifying the
465 capacity of the tank, and indicating that the condition of the
466 tank is structurally sound and watertight. Visual inspection of
467 the tank must be made when the tank is empty to detect cracks,
468 leaks, or other defects. Baffles or tees must be checked to
469 ensure that they are intact and secure. The evaluation shall
470 note the presence and condition of outlet devices, effluent
471 filters, and compartment walls; any structural defect in the
472 tank; the condition and fit of the tank lid, including manholes;
473 whether surface water can infiltrate the tank; and whether the
474 tank was pumped out. If the tank, in the opinion of the
475 qualified contractor, is in danger of being damaged by leaving
476 the tank empty after inspection, the tank shall be refilled
477 before concluding the inspection. Broken or damaged lids or
478 manholes shall be replaced without obtaining a repair permit.

479 (b) Drainfield evaluation.—The drainfield evaluation must
480 include a determination of the approximate size and location of
481 the drainfield. The evaluation shall state whether there is any
482 sewage or effluent visible on the ground or discharging to a
483 ditch or other water body and the location of any downspout or
484 other source of water near or in the vicinity of the drainfield.

485 (c) Special circumstances.—If the system contains pumps,
486 siphons, or alarms, the following information may be provided at
487 the request of the homeowner:

488 1. An assessment of dosing tank integrity, including the
489 approximate volume and the type of material used in the tank's
490 construction;

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491 2. Whether the pump is elevated off the bottom of the
492 chamber and its operational status;

493 3. Whether the system has a check valve and purge hole;
494 and

495 4. Whether the system has a high-water alarm, and if so
496 whether the alarm is audio or visual or both, the location and
497 operational condition of the alarm, and whether the electrical
498 connections to the alarm appear satisfactory.

499 5. If the homeowner does not request this information,
500 the qualified contractor and its employee shall not be liable
501 for any damages directly relating from a failure of the system's
502 pumps, siphons, or alarms. This exclusion of liability shall be
503 stated on the front cover of the report required under paragraph
504 (d).

505 (d) Assessment procedure.—All evaluation procedures used
506 by a qualified contractor shall be documented in the
507 Environmental Health Database. The qualified contractor shall
508 provide a copy of a written, signed evaluation report to the
509 property owner upon completion of the evaluation and to the
510 county health department within 30 days after the evaluation.
511 The report shall contain the name and license number of the
512 company providing the report. A copy of the evaluation report
513 shall be retained by the local county health department for a
514 minimum of 5 years and until a subsequent inspection report is
515 filed. The front cover of the report must identify any system
516 failure and include a clear and conspicuous notice to the owner
517 that the owner has a right to have any remediation of the
518 failure performed by a qualified contractor other than the

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519 contractor performing the evaluation. The report must further
520 identify any crack, leak, improper fit, or other defect in the
521 tank, manhole, or lid, and any other damaged or missing
522 component; any sewage or effluent visible on the ground or
523 discharging to a ditch or other surface water body; any
524 downspout, stormwater, or other source of water directed onto or
525 toward the system; and any other maintenance need or condition
526 of the system at the time of the evaluation that, in the opinion
527 of the qualified contractor, would possibly interfere with or
528 restrict any future repair or modification to the existing
529 system. The report shall conclude with an overall assessment of
530 the fundamental operational condition of the system.

531 (3) The county health department shall administer any
532 evaluation program on behalf of a county, or a municipality
533 within the county, that has adopted an evaluation program
534 pursuant to this section. In order to administer the evaluation
535 program, the county or municipality, in consultation with the
536 county health department, may develop a reasonable fee schedule
537 to be used solely to pay for the costs of administering the
538 evaluation program. Such a fee schedule shall be identified in
539 the ordinance that adopts the evaluation program. When arriving
540 at a reasonable fee schedule, the estimated annual revenues to
541 be derived from fees may not exceed reasonable estimated annual
542 costs of the program. Fees shall be assessed to the system owner
543 during an inspection and separately identified on the invoice of
544 the qualified contractor. Fees shall be remitted by the
545 qualified contractor to the county health department. The county

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546 health department's administrative responsibilities include the
547 following:

548 (a) Providing a notice to the system owner at least 60
549 days before the system is due for an evaluation. The notice may
550 include information on the proper maintenance of onsite sewage
551 treatment and disposal systems.

552 (b) In consultation with the Department of Health,
553 providing uniform disciplinary procedures and penalties for
554 qualified contractors who do not comply with the requirements of
555 the adopted ordinance, including, but not limited to, failure to
556 provide the evaluation report as required in this subsection to
557 the system owner and the county health department. Only the
558 county health department may assess penalties against system
559 owners for failure to comply with the adopted ordinance,
560 consistent with existing requirements of law.

561 (4) (a) A county or municipality that adopts an onsite
562 sewage treatment and disposal system evaluation and assessment
563 program pursuant to this section shall notify the Secretary of
564 Environmental Protection, the Department of Health, and the
565 applicable county health department upon the adoption of its
566 ordinance establishing the program.

567 (b) Upon receipt of the notice under paragraph (a), the
568 Department of Environmental Protection shall, within existing
569 resources, notify the county or municipality of the potential
570 use of, and access to, program funds under the Clean Water State
571 Revolving Fund or s. 319 of the Clean Water Act, provide
572 guidance in the application process to receive such moneys, and
573 provide advice and technical assistance to the county or

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574 municipality on how to establish a low-interest revolving loan
575 program or how to model a revolving loan program after the low-
576 interest loan program of the Clean Water State Revolving Fund.
577 This paragraph does not obligate the Department of Environmental
578 Protection to provide any county or municipality with money to
579 fund such programs.

580 (c) The Department of Health may not adopt any rule that
581 alters the provisions of this section.

582 (d) The Department of Health must provide access to the
583 Environmental Health Database to county Health Departments and
584 qualified contractors for use in the requirement of this section
585 for the assimilation of data to track relevant information
586 resulting from an assessment and evaluation of the overall
587 condition of onsite sewage treatment and disposal systems. The
588 Environmental Health Database shall be used by contractors to
589 report all service and evaluation events and by the county
590 health department to notify owners of onsite sewage treatment
591 and disposal systems when evaluations are due. Data and
592 information shall be recorded and updated as service and
593 evaluations are conducted and reported.

594 (5) This section does not:

595 (a) Derogate or limit county and municipal home rule
596 authority to act outside the scope of the evaluation and
597 assessment program set forth in this section.

598 (b) Repeal or affect any other law relating to the subject
599 matter of this section.

600 (c) Prohibit a county or municipality that has adopted an
601 evaluation and assessment program pursuant to this section from:

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602 1. Enforcing existing ordinances or adopting new
603 ordinances relating to onsite sewage treatment facilities to
604 address public health and safety if such ordinances do not
605 repeal, suspend, or alter the requirements or limitations of
606 this section.

607 2. Adopting local environmental and pollution abatement
608 measures for water quality improvement as provided for by law if
609 such measures do not repeal, suspend, or alter the requirements
610 or limitations of this section.

611 3. Exercising its independent and existing authority to
612 use and meet the requirements of s. 381.00655.

613 Section 3. Section 381.00656, Florida Statutes, is
614 repealed.

615 Section 4. Subsection (2) of section 381.0066, Florida
616 Statutes, is amended to read:

617 381.0066 Onsite sewage treatment and disposal systems;
618 fees.—

619 (2) The minimum fees in the following fee schedule apply
620 until changed by rule by the department within the following
621 limits:

622 (a) Application review, permit issuance, or system
623 inspection, including repair of a subsurface, mound, filled, or
624 other alternative system or permitting of an abandoned system: a
625 fee of not less than \$25, or more than \$125.

626 ~~(b) A 5-year evaluation report submitted pursuant to s.~~
627 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~
628 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~

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629 ~~shall be used to fund a grant program established under s.~~

630 ~~381.00656.~~

631 ~~(b)(e)~~ Site evaluation, site reevaluation, evaluation of a
632 system previously in use, or a per annum septage disposal site
633 evaluation: a fee of not less than \$40, or more than \$115.

634 ~~(c)(d)~~ Biennial Operating permit for aerobic treatment
635 units or performance-based treatment systems: a fee of not more
636 than \$100.

637 ~~(d)(e)~~ Annual operating permit for systems located in
638 areas zoned for industrial manufacturing or equivalent uses or
639 where the system is expected to receive wastewater which is not
640 domestic in nature: a fee of not less than \$150, or more than
641 \$300.

642 ~~(e)(f)~~ Innovative technology: a fee not to exceed \$25,000.

643 ~~(f)(g)~~ Septage disposal service, septage stabilization
644 facility, portable or temporary toilet service, tank
645 manufacturer inspection: a fee of not less than \$25, or more
646 than \$200, per year.

647 ~~(g)(h)~~ Application for variance: a fee of not less than
648 \$150, or more than \$300.

649 ~~(h)(i)~~ Annual operating permit for waterless,
650 incinerating, or organic waste composting toilets: a fee of not
651 less than ~~\$15~~ \$50, or more than ~~\$30~~ \$150.

652 ~~(i)(j)~~ Aerobic treatment unit or performance-based
653 treatment system maintenance entity permit: a fee of not less
654 than \$25, or more than \$150, per year.

655 ~~(j)(k)~~ Reinspection fee per visit for site inspection
656 after system construction approval or for noncompliant system

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657 installation per site visit: a fee of not less than \$25, or more
658 than \$100.

659 (k)~~(l)~~ Research: An additional \$5 fee shall be added to
660 each new system construction permit issued to be used to fund
661 onsite sewage treatment and disposal system research,
662 demonstration, and training projects. Five dollars from any
663 repair permit fee collected under this section shall be used for
664 funding the hands-on training centers described in s.
665 381.0065(3)(j).

666 (l)~~(m)~~ Annual operating permit, including annual
667 inspection and any required sampling and laboratory analysis of
668 effluent, for an engineer-designed performance-based system: a
669 fee of not less than \$150, or more than \$300.

670
671 ~~On or before January 1, 2011, the Surgeon General, after~~
672 ~~consultation with the Revenue Estimating Conference, shall~~
673 ~~determine a revenue neutral fee schedule for services provided~~
674 ~~pursuant to s. 381.0065(5) within the parameters set in~~
675 ~~paragraph (b). Such determination is not subject to the~~
676 ~~provisions of chapter 120. The funds collected pursuant to this~~
677 ~~subsection must be deposited in a trust fund administered by the~~
678 ~~department, to be used for the purposes stated in this section~~
679 ~~and ss. 381.0065 and 381.00655.~~

680 Section 5. This act shall take effect upon becoming a law

681

682

683

684

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

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685 Remove the entire title and insert:
686 An act relating to onsite sewage treatment and disposal systems;
687 amending s. 381.0065, F.S.; deleting legislative intent;
688 defining the term "bedroom"; conforming cross-references;
689 providing for any permit issued and approved by the Department
690 of Health for the installation, modification, or repair of an
691 onsite sewage treatment and disposal system to transfer with the
692 title of the property; providing circumstances in which an
693 onsite sewage treatment and disposal system is not considered
694 abandoned; providing for the validity of an onsite sewage
695 treatment and disposal system permit if rules change before
696 final approval of the constructed system; providing that a
697 system modification, replacement, or upgrade is not required
698 unless a bedroom is added to a single-family home; deleting
699 provisions requiring the department to administer an evaluation
700 and assessment program of onsite sewage treatment and disposal
701 systems and requiring property owners to have such systems
702 evaluated at least once every 5 years; deleting obsolete
703 provisions; creating s. 381.00651, F.S.; requiring a county or
704 municipality containing a first magnitude spring to adopt by
705 ordinance, under certain circumstances, the program for the
706 periodic evaluation and assessment of onsite sewage treatment
707 and disposal systems; requiring the county or municipality to
708 notify the Secretary of State of the ordinance; authorizing a
709 county or municipality, in specified circumstances, to opt out
710 of certain requirements by a specified date; authorizing a
711 county or municipality to adopt or repeal, after a specified
712 date, an ordinance creating an evaluation and assessment

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713 program; subject to notification of the Secretary of State;
714 providing criteria for evaluations, qualified contractors,
715 repair of systems; providing for certain procedures and
716 exemptions in special circumstances; defining the term "system
717 failure"; requiring that certain procedures be used for
718 conducting tank and drainfield evaluations; providing for
719 certain procedures in special circumstances; providing for
720 assessment procedures; providing requirements for county health
721 departments; requiring the county or municipality to develop a
722 system for tracking the evaluations; providing criteria;
723 requiring counties and municipalities to notify the Secretary of
724 Environmental Protection and the Department of Health that an
725 evaluation program ordinance is adopted; requiring the
26 Department of Environmental Protection to notify those counties
727 or municipalities of the use of, and access to, certain state
728 and federal program funds and to provide certain guidance and
729 technical assistance upon request; prohibiting the adoption of
730 certain rules by the Department of Health; providing
731 applicability; repealing s. 381.00656, F.S., relating to a grant
732 program for the repair of onsite sewage treatment and disposal
733 systems; amending s. 381.0066, F.S.; lowering the fees imposed
734 by the department for certain permits; conforming cross-
735 references; providing an effective date.

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

HB 4101 : Department of Transportation

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Artiles	X				
Jim Boyd	X				
Brad Drake			X		
Joseph Gibbons	X				
Doug Holder	X				
Mike Horner	X				
Evan Jenne	X				
Peter Nehr	X				
Bryan Nelson	X				
Jeanette Nuñez	X				
Steven Perman	X				
Ronald Renuart			X		
Kenneth Roberson	X				
Irving Slosberg	X				
Geraldine Thompson			X		
James Waldman	X				
Ritch Workman	X				
Dorothy Hukill (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

Department of Transportaion
Philpot, Toby (Lobbyist) - Waive In Support
Deputy Legislative Affairs Director, FL Department of Transportation
707 Truett Drive
Tallahassee FL 32303
Phone: 352-318-2008

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

HB 4141 : Strategic Intermodal System

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Artiles	X				
Jim Boyd	X				
Brad Drake			X		
Joseph Gibbons	X				
Doug Holder	X				
Mike Horner	X				
Evan Jenne	X				
Peter Nehr	X				
Bryan Nelson	X				
Jeanette Nuñez	X				
Steven Perman	X				
Ronald Renuart			X		
Kenneth Roberson	X				
Irving Slosberg	X				
Geraldine Thompson			X		
James Waldman	X				
Ritch Workman			X		
Dorothy Hukill (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

HB 4143 : Transportation Corridors

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Artiles	X				
Jim Boyd	X				
Brad Drake			X		
Joseph Gibbons	X				
Doug Holder	X				
Mike Horner	X				
Evan Jenne	X				
Peter Nehr	X				
Bryan Nelson	X				
Jeanette Nufiez	X				
Steven Perman	X				
Ronald Renuart			X		
Kenneth Roberson	X				
Irving Slosberg	X				
Geraldine Thompson			X		
James Waldman	X				
Ritch Workman	X				
Dorothy Hukill (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

HB 4145 : Continuing Education Advisory Board

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Artiles	X				
Jim Boyd	X				
Brad Drake			X		
Joseph Gibbons	X				
Doug Holder			X		
Mike Horner	X				
Evan Jenne	X				
Peter Nehr	X				
Bryan Nelson	X				
Jeanette Nuñez	X				
Steven Perman	X				
Ronald Renuart	X				
Kenneth Roberson				X	
Irving Slosberg	X				
Geraldine Thompson			X		
James Waldman	X				
Ritch Workman			X		
Dorothy Hukill (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

HB 4149 : Preferred Worker Program

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Artiles	X				
Jim Boyd	X				
Brad Drake	X				
Joseph Gibbons	X				
Doug Holder	X				
Mike Horner	X				
Evan Jenne	X				
Peter Nehr	X				
Bryan Nelson	X				
Jeanette Nuñez	X				
Steven Perman	X				
Ronald Renuart			X		
Kenneth Roberson	X				
Irving Slosberg			X		
Geraldine Thompson			X		
James Waldman	X				
Ritch Workman	X				
Dorothy Hukill (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

HB 7027 : Unemployment Compensation

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Artiles	X				
Jim Boyd	X				
Brad Drake	X				
Joseph Gibbons	X				
Doug Holder	X				
Mike Horner	X				
Evan Jenne	X				
Peter Nehr	X				
Bryan Nelson	X				
Jeanette Nuñez	X				
Steven Perman	X				
Ronald Renuart			X		
Kenneth Roberson	X				
Irving Slosberg			X		
Geraldine Thompson			X		
James Waldman	X				
Ritch Workman	X				
Dorothy Hukill (Chair)	X				
Total Yeas: 15		Total Nays: 0			

HB 7027 Amendments

Amendment 180051

Adopted Without Objection

Amendment 306869

Adopted Without Objection

Amendment 513879

Adopted Without Objection

Amendment 144303

Withdrawn

Amendment 710507

Adopted Without Objection

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

HB 7027 : Unemployment Compensation (continued)

Appearances:

Unemployment Compensation

Clendenning, Tom (Lobbyist) (State Employee) - Waive In Support

Department of Economic Opportunity

103 W Madison Street

Tallahassee FL 32399

Phone: 850-245-7499

Unemployment Compensation

Daniel, David (Lobbyist) - Waive In Support

Florida Association of Professional Employer Organizations

311 E. Park Avenue

Tallahassee FL 32301

Phone: 850-224-5081

Unemployment Compensation

Templin, Rich (Lobbyist) - Proponent

Florida AFL-CIO

135 S. Monroe

Tallahassee FL 32301

Phone: 850-224-6926

Unemployment Compensation

Woodall, Karen (Lobbyist) - Information Only

Florida Center for Fiscal & Economic Policy

579 E Call Street

Tallahassee FL 32301

Phone: 850-321-9386

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE MEETING REPORT

Economic Affairs Committee

1/19/2012 8:30:00AM

Location: Reed Hall (102 HOB)

PCB EAC 12-02 : DEO Glitch Bill

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Artiles	X				
Jim Boyd	X				
Brad Drake	X				
Joseph Gibbons	X				
Doug Holder	X				
Mike Horner	X				
Evan Jenne	X				
Peter Nehr	X				
Bryan Nelson	X				
Jeanette Nuñez	X				
Steven Perman	X				
Ronald Renuart			X		
Kenneth Roberson	X				
Irving Slosberg			X		
Geraldine Thompson			X		
James Waldman	X				
Ritch Workman	X				
Dorothy Hukill (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

DEO Glitch Bill

Snow, Chris (Lobbyist) - Waive In Support

Director of Government Relations, Space Florida

1580 Waldo Palmer Lane

Tallahassee FL 32301

Phone: 321-474-9754

DEO Glitch Bill

McGhee, Darrick (Lobbyist) (State Employee) - Waive In Support

Director, Office of Legislative/Cabinet Affairs, Department of Economic Opportunity

103 W Madison Street

Tallahassee FL 32399

Phone: 850-245-7370

Committee meeting was reported out: Thursday, January 19, 2012 1:59:29PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3
4 **Amendment**

5 Remove lines 232-250 and insert:
6 individuals to training and employment opportunities. The
7 failure of the individual to comply with this requirement will
8 result in the individual being determined ineligible for
9 benefits for the week in which the noncompliance occurred and
10 for any subsequent week of unemployment until the requirement is
11 satisfied. However, this requirement does not apply if the
12 individual is able to affirmatively attest to being unable to
13 complete such review due to illiteracy or a language impediment
14 or is exempt from the work registration requirement as set forth
15 in paragraph (b).

16 3. Any individual that falls below the minimal proficiency
17 score prescribed by the department in (c)2. on the initial
18 skills review shall be offered training opportunities and
19 encouraged to participate in such training, at no cost to the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 1

20 individual in order to improve his or her workforce skills to
21 the minimal proficiency level.

22 4. The department shall coordinate with Workforce Florida,
23 Inc., the workforce boards and the one-stop career centers to
24 identify, develop, and utilize best practices for improving the
25 skills of individuals who chose to participate in training
26 opportunities with a minimal proficiency score below the
27 prescribed score prescribed in (c)2.

28 5. The department, in coordination with Workforce Florida,
29 Inc., the workforce boards and the one-stop career centers,
30 shall evaluate the use, effectiveness and costs associated with
31 the training prescribed in (c)3 and report its findings and
32 recommendations for training and the use of best practices to
33 the Governor, the President of the Senate, and the Speaker of
34 the House by January 1, 2013.

35

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

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 Holder offered the following:

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

5 Remove lines 189-194 and insert:
6 generated by a personal identification number, password, or
7 other identifying code used by the Department in establishing
8 that a certification or claim for one or more weeks of benefits
9 was made against the benefit account of the individual, together
10 with documentation that payment was paid by a state warrant made
11 to the order of the person, ~~or by~~ direct deposit via electronic
12 means, or Department issued debit card, constitutes prima facie
13 evidence that the person claimed

14
15
16
17 -----
18 **T I T L E A M E N D M E N T**

19 Remove line 10 and insert:

306869 - HB 7027 - Holder Amendment 2.docx

Published On: 1/17/2012 5:02:09 PM

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 2

20 conform to changes made by the act; amending s. 443.071, F.S.;

21 providing evidence of transaction history and payment; amending

22 s.

23

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

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 Holder offered the following:

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

5 Between lines 1600 and 1601, insert:

6 Section 28. Notwithstanding the expiration date contained
7 in section 13 of chapter 2011-235, Laws of Florida, operating
8 retroactive to January 4, 2012, and expiring March 11, 2012,
9 section 443.1117, Florida Statutes, is revived, readopted, and
10 amended to read:

11 443.1117 Temporary extended benefits.--

12 (1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.--Except if
13 the result is inconsistent with other provisions of this
14 section, s. 443.1115(2), (3), (4), (6), and (7) apply to all
15 claims covered by this section.

16 (2) DEFINITIONS.--As used in this section, the term:

17 (a) "Regular benefits" and "extended benefits" have the
18 same meaning as in s. 443.1115.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 3

19 (b) "Eligibility period" means the weeks in an
20 individual's benefit year or emergency benefit period which
21 begin in an extended benefit period and, if the benefit year or
22 emergency benefit period ends within that extended benefit
23 period, any subsequent weeks beginning in that period.

24 (c) "Emergency benefits" means benefits ~~Emergency~~
25 ~~Unemployment Compensation~~ paid pursuant to Pub. L. No. 110-252,
26 and any subsequent federal law that provides for the payment of
27 Emergency Unemployment Compensation ~~Pub. L. No. 110-449, Pub. L.~~
28 ~~No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-118, Pub. L. No.~~
29 ~~111-144, Pub. L. No. 111-157, Pub. L. No. 111-205, and Pub. L.~~
30 ~~No. 111-312.~~

31 (d) "Extended benefit period" means a period that:
32 1. Begins with the third week after a week for which there
33 is a state "on" indicator; and
34 2. Ends with any of the following weeks, whichever occurs
35 later:
36 a. The third week after the first week for which there is
37 a state "off" indicator; or
38 b. The 13th consecutive week of that period.

39 However, an extended benefit period may not begin by reason of a
40 state "on" indicator before the 14th week after the end of a
41 prior extended benefit period that was in effect for this state.

42 (e) "Emergency benefit period" means the period during
43 which an individual receives emergency benefits.

44 (f) "Exhaustee" means an individual who, for any week of
45 unemployment in her or his eligibility period:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 3

46 1. Has received, before that week, all of the regular
47 benefits and emergency benefits, if any, available under this
48 chapter or any other law, including dependents' allowances and
49 benefits payable to federal civilian employees and ex-
50 servicemembers under 5 U.S.C. ss. 8501-8525, in the current
51 benefit year or emergency benefit period that includes that
52 week. For the purposes of this subparagraph, an individual has
53 received all of the regular benefits and emergency benefits, if
54 any, available even if, as a result of a pending appeal for
55 wages paid for insured work which were not considered in the
56 original monetary determination in the benefit year, she or he
57 may subsequently be determined to be entitled to added regular
58 benefits;

59 2. Had a benefit year that expired before that week, and
60 was paid no, or insufficient, wages for insured work on the
61 basis of which she or he could establish a new benefit year that
62 includes that week; and

63 3.a. Has no right to unemployment benefits or allowances
64 under the Railroad Unemployment Insurance Act or other federal
65 laws as specified in regulations issued by the United States
66 Secretary of Labor; and

67 b. Has not received and is not seeking unemployment
68 benefits under the unemployment compensation law of Canada; but
69 if an individual is seeking those benefits and the appropriate
70 agency finally determines that she or he is not entitled to
71 benefits under that law, she or he is considered an exhaustee.

72 (g) "State 'on' indicator" means, with respect to weeks of
73 unemployment ending on or before February 11, 2012 ~~December 10,~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 3

74 2011, the occurrence of a week in which the average total
75 unemployment rate, seasonally adjusted, as determined by the
76 United States Secretary of Labor, for the most recent 3 months
77 for which data for all states are published by the United States
78 Department of Labor:

79 1. Equals or exceeds 110 percent of the average of those
80 rates for the corresponding 3-month period ending in any or all
81 of the preceding 3 calendar years; and

82 2. Equals or exceeds 6.5 percent.

83 (h) "High unemployment period" means, with respect to
84 weeks of unemployment ending on or before February 11, 2012
85 ~~December 10, 2011~~, any week in which the average total
86 unemployment rate, seasonally adjusted, as determined by the
87 United States Secretary of Labor, for the most recent 3 months
88 for which data for all states are published by the United States
89 Department of Labor:

90 1. Equals or exceeds 110 percent of the average of those
91 rates for the corresponding 3-month period ending in any or all
92 of the preceding 3 calendar years; and

93 2. Equals or exceeds 8 percent.

94 (i) "State 'off' indicator" means the occurrence of a week
95 in which there is no state "on" indicator or which does not
96 constitute a high unemployment period.

97 (3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in
98 subsection (4):

99 (a) For any week for which there is an "on" indicator
100 pursuant to paragraph (2)(g), the total extended benefit amount

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 3

101 payable to an eligible individual for her or his applicable
102 benefit year is the lesser of:

103 1. Fifty percent of the total regular benefits payable
104 under this chapter in the applicable benefit year; or

105 2. Thirteen times the weekly benefit amount payable under
106 this chapter for a week of total unemployment in the applicable
107 benefit year.

108 (b) For any high unemployment period, the total extended
109 benefit amount payable to an eligible individual for her or his
110 applicable benefit year is the lesser of:

111 1. Eighty percent of the total regular benefits payable
112 under this chapter in the applicable benefit year; or

113 2. Twenty times the weekly benefit amount payable under
114 this chapter for a week of total unemployment in the applicable
115 benefit year.

116 (4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any
117 other provision of this chapter, if the benefit year of an
118 individual ends within an extended benefit period, the number of
119 weeks of extended benefits the individual is entitled to receive
120 in that extended benefit period for weeks of unemployment
121 beginning after the end of the benefit year, except as provided
122 in this section, is reduced, but not to below zero, by the
123 number of weeks for which the individual received, within that
124 benefit year, trade readjustment allowances under the Trade Act
125 of 1974, as amended.

126 Section 29. The provisions of s. 443.1117, Florida
127 Statutes, as revived, readopted, and amended by this act, apply
128 only to claims for weeks of unemployment in which an exhaustee

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 3

129 establishes entitlement to extended benefits pursuant to that
130 section which are established for the period between January 4,
131 2012, and March 11, 2012.

132 Section 30. If any provision of this act or its
133 application to any person or circumstance is held invalid, the
134 invalidity does not affect other provisions or applications of
135 the act which can be given effect without the invalid provision
136 or application, and to this end the provision of the act are
137 severable.

138 Section 31. The Legislature finds that this act fulfills
139 an important state interest.

140

141

142

143

144

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

145

146

Remove line 36 and insert:

147

changes made by this act; reviving, readopting, and amending s.

148

443.1117, F.S., relating to temporary extended benefits;

149

providing for retroactive application; establishing temporary

150

state extended benefits for weeks of unemployment; revising

151

definitions; providing for state extended benefits for certain

152

weeks and for periods of high unemployment; providing

153

applicability; providing severability; providing that the act

154

fulfills an important state interest; amending ss. 20.60, 27.52,

155

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3
4 **Amendment with Title Amendment**

5
6 Between lines 843 and 844 insert:

7
8 Section 13. Section 443.1216, Florida Statutes, is amended
9 to read:

10 443.1216 Employment.—Employment, as defined in s. 443.036,
11 is subject to this chapter under the following conditions:

12 (1)(a) The employment subject to this chapter includes a
13 service performed, including a service performed in interstate
14 commerce, by:

- 15 1. An officer of a corporation.
16 2. An individual who, under the usual common-law rules
17 applicable in determining the employer-employee relationship, is
18 an employee. However, whenever a client, as defined in s.
19 443.036(18), which would otherwise be designated as an employing

Amendment No. 4

20 unit has contracted with an employee leasing company to supply
21 it with workers, those workers are considered employees of the
22 employee leasing company.

23 a. However, except for the internal employees of an
24 employee leasing company, each employee leasing company may make
25 a separate one-time election to report and pay contributions
26 under the tax identification number and contribution rate for
27 each client of the employee leasing company. Under the client
28 method, an employee leasing company choosing this option must
29 assign leased employees to the client company that is leasing
30 the employees. The client method is solely a method to report
31 and pay unemployment contributions and whichever method is
32 chosen, such election shall not impact any other aspect of state
33 law. An employee leasing company that elects the client method
34 shall pay contributions at the rates assigned to each client
35 company.

36 (I) The election applies to all of the employee leasing
37 company's current and future clients.

38 (II) The employee leasing company must notify the
39 Department of Revenue of its election by July 1, 2012 and such
40 election applies to reports and contributions for the first
41 quarter of the following calendar year. The notification must
42 include:

43 (A) A list of each client company and the unemployment
44 account number or, if one has not yet been issued, the FEIN
45 number, as established by the employee leasing company upon the
46 election to file by client method;

47 (B) A list of each client company's current and previous
48 employees and their respective social security numbers for the
49 prior 3 state fiscal years or, if the client company has not
50 been a client for the prior 3 state fiscal years, such portion

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 4

51 of the prior 3 state fiscal years that the client company has
52 been a client shall be supplied;

53 (C) All wage data and benefit charges associated with
54 each client company for the prior 3 state fiscal years (or, if
55 the client company has not been a client for the prior 3 state
56 fiscal years, such portion of the prior 3 state fiscal years
57 that the client company has been a client shall be supplied).
58 If the client company's employment record is chargeable with
59 benefits for less than 8 calendar quarters while being a client
60 of the employee leasing company, the client company shall pay
61 contributions at the initial rate of 2.7 percent; and

62 (D) All wage data and benefit charges for the prior 3
63 state fiscal years that cannot be associated with a client
64 company must be reported and charged to the employee leasing
65 company.

66 (III) Subsequent to choosing the client method, the
67 employee leasing company may not change its reporting method.

68 (IV) The employee leasing company must file a Florida
69 Department of Revenue Employer's Quarterly Report (UCT-6) for
70 each client company by approved electronic means, and pay all
71 contributions by approved electronic means.

72 (V) For the purposes of calculating experience rates, the
73 election is treated as a total or partial succession, depending
74 on the percentage of employees leased. If the client company
75 leases only a portion of its employees from the employee leasing
76 company, the client company shall continue to report the
77 nonleased employees under its tax rate.

78 (VI) The election is binding on all clients of the
79 employee leasing company, for as long as a written agreement is
80 in effect between the client and the employee leasing company
81 pursuant to s. 468.525(3)(a). If the relationship between the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 4

82 employee leasing company and the client terminates, the client
83 retains the wage and benefit history experienced under the
84 employee leasing company.

85 (VII) No matter which election method has been chosen by
86 the employee leasing company, the applicable client company
87 shall be considered an employing unit for purposes of s.
88 443.071. The employee leasing company or any of its officers or
89 agents shall be liable for any violation of s. 443.071 engaged
90 in by such persons or entities. The applicable client company
91 or any of its officers or agents shall be liable for any
92 violation of s. 443.071 engaged in by such persons or entities.
93 Neither the employee leasing company nor its applicable client
94 company shall be liable for any violation of s. 443.071 engaged
95 in by the other party or by the other party's officers or
96 agents.

97 (VIII) The failure of an employee leasing company to select
98 the client method of reporting no later than July 1, 2012 shall
99 result in such entity being required to report under the
100 employee leasing company's tax identification number and
101 contribution rate.

102 (IX) Following licensure of an employee leasing company, as
103 set forth in s. 468.520 et seq., such newly licensed entity
104 shall have thirty (30) days from the date of their licensure to
105 notify the tax collection service provider in writing of their
106 selection of the client method. The failure of a newly licensed
107 employee leasing company to timely select reporting pursuant to
108 the client method of reporting shall result in such entity being
109 required to report under the employee leasing company's tax
110 identification number and contribution rate.

111 (X) Irrespective of the election, all transfers of trade
112 or business, including workforce, or a portion thereof, between

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 4

113 employee leasing companies are subject to the provisions of s.
114 443.131(3)(g) if, at the time of the transfer, there is common
115 ownership, management, or control between the entities.

116 Section 2. Subsection (3) of section 443.131, Florida
117 Statutes is amended to read:

118 443.131 Contributions.-

119 (3)

120 (f) 4. This paragraph does not apply to an employee
121 leasing company and client contractual agreement as defined in
122 s.443.036 except as provided in s. 443.1216(1)(a)2.a.The tax
123 collection service provider shall, if the contractual agreement
124 is terminated or the employee leasing company fails to submit
125 reports or pay contributions as required by the service
126 provider, treat the client as a new employer without previous
127 employment record unless the client is otherwise eligible for a
128 variation from the standard rate.

129

130 -----TITLE AMENDMENT-----

131

132 Remove line 20 and insert:

133 act; amending s. 443.1216, F.S.; providing that employee leasing
134 companies may make a one-time election to report leased
135 employees under the respective unemployment account of each
136 leasing company client; providing procedures and application for
137 such election; amending s. 443.151, F.S.; revising the statute

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

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 Holder offered the following:

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

5 Between lines 843 and 844, insert:

6 Section 13. Section 443.1216, Florida Statutes, is amended
7 to read:

8 443.1216 Employment.—Employment, as defined in s. 443.036,
9 is subject to this chapter under the following conditions:

10 (1)(a) The employment subject to this chapter includes a
11 service performed, including a service performed in interstate
12 commerce, by:

13 1. An officer of a corporation.

14 2. An individual who, under the usual common-law rules
15 applicable in determining the employer-employee relationship, is
16 an employee. However, whenever a client, as defined in s.
17 443.036(18), which would otherwise be designated as an employing
18 unit has contracted with an employee leasing company to supply

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No.5

19 it with workers, those workers are considered employees of the
20 employee leasing company.

21 a. However, except for the internal employees of an
22 employee leasing company, each employee leasing company may make
23 a separate one-time election to report and pay contributions
24 under the tax identification number and contribution rate for
25 each client of the employee leasing company. Under the client
26 method, an employee leasing company choosing this option must
27 assign leased employees to the client company that is leasing
28 the employees. The client method is solely a method to report
29 and pay unemployment contributions and whichever method is
30 chosen, such election shall not impact any other aspect of state
31 law. An employee leasing company that elects the client method
32 shall pay contributions at the rates assigned to each client
33 company.

34 (I) The election applies to all of the employee leasing
35 company's current and future clients.

36 (II) The employee leasing company must notify the
37 Department of Revenue of its election by July 1, 2012 and such
38 election applies to reports and contributions for the first
39 quarter of the following calendar year. The notification must
40 include:

41 (A) A list of each client company and the unemployment
42 account number or, if one has not yet been issued, the FEIN
43 number, as established by the employee leasing company upon the
44 election to file by client method;

45 (B) A list of each client company's current and previous
46 employees and their respective social security numbers for the

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47 prior 3 state fiscal years or, if the client company has not
48 been a client for the prior 3 state fiscal years, such portion
49 of the prior 3 state fiscal years that the client company has
50 been a client shall be supplied;

51 (C) All wage data and benefit charges associated with
52 each client company for the prior 3 state fiscal years (or, if
53 the client company has not been a client for the prior 3 state
54 fiscal years, such portion of the prior 3 state fiscal years
55 that the client company has been a client shall be supplied).
56 If the client company's employment record is chargeable with
57 benefits for less than 8 calendar quarters while being a client
58 of the employee leasing company, the client company shall pay
59 contributions at the initial rate of 2.7 percent; and

60 (D) All wage data and benefit charges for the prior 3
61 state fiscal years that cannot be associated with a client
62 company must be reported and charged to the employee leasing
63 company.

64 (III) Subsequent to choosing the client method, the
65 employee leasing company may not change its reporting method.

66 (IV) The employee leasing company must file a Florida
67 Department of Revenue Employer's Quarterly Report (UCT-6) for
68 each client company by approved electronic means, and pay all
69 contributions by approved electronic means.

70 (V) For the purposes of calculating experience rates when
71 the client method is chosen, each client's own benefit charges
72 and wage data experience while with the employee leasing company
73 shall determine each client's tax rate where the client has been
74 a client of the employee leasing company for at least 8 calendar

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75 quarters prior to the election. The client company shall
76 continue to report the nonleased employees under its tax rate.

77 (VI) The election is binding on all clients of the
78 employee leasing company, for as long as a written agreement is
79 in effect between the client and the employee leasing company
80 pursuant to s. 468.525(3)(a). If the relationship between the
81 employee leasing company and the client terminates, the client
82 retains the wage and benefit history experienced under the
83 employee leasing company.

84 (VII) No matter which election method has been chosen by
85 the employee leasing company, the applicable client company
86 shall be considered an employing unit for purposes of s.
87 443.071. The employee leasing company or any of its officers or
88 agents shall be liable for any violation of s. 443.071 engaged
89 in by such persons or entities. The applicable client company
90 or any of its officers or agents shall be liable for any
91 violation of s. 443.071 engaged in by such persons or entities.
92 Neither the employee leasing company nor its applicable client
93 company shall be liable for any violation of s. 443.071 engaged
94 in by the other party or by the other party's officers or
95 agents.

96 (VIII)The failure of an employee leasing company to select
97 the client method of reporting no later than July 1, 2012 shall
98 result in such entity being required to report under the
99 employee leasing company's tax identification number and
100 contribution rate.

101 (IX)Following licensure of an employee leasing company, as
102 set forth in s. 468.520 et seq., such newly licensed entity

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103 shall have thirty (30) days from the date of their licensure to
104 notify the tax collection service provider in writing of their
105 selection of the client method. The failure of a newly licensed
106 employee leasing company to timely select reporting pursuant to
107 the client method of reporting shall result in such entity being
108 required to report under the employee leasing company's tax
109 identification number and contribution rate.

110 (X) Irrespective of the election, all transfers of trade
111 or business, including workforce, or a portion thereof, between
112 employee leasing companies are subject to the provisions of s.
113 443.131(3)(g) if, at the time of the transfer, there is common
114 ownership, management, or control between the entities.

115 Section 2. Subsection (3) of section 443.131, Florida
116 Statutes is amended to read:

117 443.131 Contributions.-

118 (3)

119 (f) 4. This paragraph does not apply to an employee
120 leasing company and client contractual agreement as defined in
121 s.443.036 except as provided in s. 443.1216(1)(a)2.a.The tax
122 collection service provider shall, if the contractual agreement
123 is terminated or the employee leasing company fails to submit
124 reports or pay contributions as required by the service
125 provider, treat the client as a new employer without previous
126 employment record unless the client is otherwise eligible for a
127 variation from the standard rate.

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

134

Remove line 20 and insert:

135

act; amending s. 443.1216, F.S.; providing that employee leasing

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companies may make a one-time election to report leased

137

employees under the respective unemployment account of each

138

leasing company client; providing procedures and application for

139

such election; amending s. 443.151, F.S.; revising the statute

140