



Regulatory Affairs Committee

Tuesday, April 14, 2015
1:00 PM
Sumner Hall (404 HOB)

AMENDMENT PACKET

REGULATORY AFFAIRS COMMITTEE

CS/CS/HB 107 by Rep. Steube Alcoholic Beverages

AMENDMENT SUMMARY April 14, 2015

Amendment 1 by Rep. Steube (strike-all): Withdrawn prior to consideration.

Amendment to Amendment a1 by Rep. J. Diaz (line 6): Withdrawn prior to consideration.

Amendment to Amendment a2 by Rep. J. Diaz (line 29): Withdrawn prior to consideration.

Amendment 2 by Rep. Steube (strike-all): Deletes the prohibition for manufacturers and distributors to hold malt beverage tastings on a vendor's licensed premises and authorizes a manufacturer, distributor, or importer of malt beverages to conduct and pay for malt beverage tastings on a vendor's licensed premises, and provides requirements and limitations. Clarifies how to calculate excise taxes for alcoholic beverages sold on cruise ships. Creates an alcoholic beverages license for museums. Deletes restrictions on the sale of individual containers of distilled spirits to consumers in a face-to-face transaction at craft distilleries. Requires the Department of Transportation to install signs at specified locations upon the request of a craft distillery. Requires the requesting craft distillery to pay specified costs. Permits liquor package stores to sell merchandise other than specifically authorized types of merchandise and removes restrictions on direct access to liquor package stores upon payment of an additional license fee.



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WITHDRAWN	___	(Y/N)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: Regulatory Affairs

2 Committee

3 Representative Steube offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (14) of section 561.42, Florida
8 Statutes, is amended to read:

9 561.42 Tied house evil; financial aid and assistance to
10 vendor by manufacturer, distributor, importer, primary American
11 source of supply, brand owner or registrant, or any broker,
12 sales agent, or sales person thereof, prohibited; procedure for
13 enforcement; exception.—

14 (14) The division shall adopt reasonable rules governing
15 promotional displays and advertising, which rules shall not
16 conflict with or be more stringent than the federal regulations
17 pertaining to such promotional displays and advertising



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18 furnished to vendors by distributors, manufacturers, importers,
19 primary American sources of supply, or brand owners or
20 registrants, or any ~~broker~~, sales agent, or sales person
21 thereof; however:

22 (a) If a manufacturer, distributor, importer, brand owner,
23 or brand registrant of malt beverage, or any ~~broker~~, sales
24 agent, or sales person thereof, provides a vendor with
25 expendable retailer advertising specialties such as trays,
26 coasters, mats, menu cards, napkins, cups, glasses,
27 thermometers, and the like, such items may ~~shall~~ be sold only at
28 a price not less than the actual cost to the industry member who
29 initially purchased them, without limitation in total dollar
30 value of such items sold to a vendor.

31 (b) Without limitation in total dollar value of such items
32 provided to a vendor, a manufacturer, distributor, importer,
33 brand owner, or brand registrant of malt beverage, or any
34 ~~broker~~, sales agent, or sales person thereof, may rent, loan
35 without charge for an indefinite duration, or sell durable
36 retailer advertising specialties such as clocks, pool table
37 lights, and the like, which bear advertising matter.

38 (c) If a manufacturer, distributor, importer, brand owner,
39 or brand registrant of malt beverage, or any ~~broker~~, sales
40 agent, or sales person thereof, provides a vendor with consumer
41 advertising specialties such as ashtrays, T-shirts, bottle
42 openers, shopping bags, and the like, such items may ~~shall~~ be
43 sold only at a price not less than the actual cost to the



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44 industry member who initially purchased them, and ~~but~~ may be
45 sold without limitation in total value of such items sold to a
46 vendor.

47 (d) A manufacturer, distributor, importer, brand owner, or
48 brand registrant of malt beverage, or any ~~broker~~, sales agent,
49 or sales person thereof, may provide consumer advertising
50 specialties described in paragraph (c) to consumers on any
51 vendor's licensed premises.

52 ~~(e) Manufacturers, distributors, importers, brand owners,~~
53 ~~or brand registrants of beer, and any broker, sales agent, or~~
54 ~~sales person thereof, shall not conduct any sampling activities~~
55 ~~that include tasting of their product at a vendor's premises~~
56 ~~licensed for off-premises sales only.~~

57 (e)(f) A manufacturer ~~Manufacturers, distributor~~
58 ~~distributors, importer~~ importers, brand owner ~~owners, or brand~~
59 ~~registrant registrants of malt beverages beer, and any broker,~~
60 ~~sales agent, or sales person thereof~~ or contracted third-party,
61 ~~may shall~~ not engage in cooperative advertising with a vendor
62 and may not name a vendor in any advertising for a malt beverage
63 tasting authorized under s. 563.09 vendors.

64 (f)(g) A distributor ~~Distributors of malt beverages beer~~
65 may sell to a vendor ~~vendors~~ draft equipment and tapping
66 accessories at a price not less than the cost to the industry
67 member who initially purchased them, except there is no required
68 charge, and the ~~a~~ distributor may exchange any parts that ~~which~~
69 are not compatible with a competitor's system and are necessary



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70 to dispense the distributor's brands. A distributor of malt
71 beverages ~~beer~~ may furnish to a vendor at no charge replacement
72 parts of nominal intrinsic value, including, but not limited to,
73 washers, gaskets, tail pieces, hoses, hose connections, clamps,
74 plungers, and tap markers.

75 Section 2. Subsection (1) of section 562.111, Florida
76 Statutes, is amended to read:

77 562.111 Possession of alcoholic beverages by persons under
78 age 21 prohibited.-

79 (1) It is unlawful for any person under the age of 21
80 years, except a person employed under the provisions of s.
81 562.13 acting in the scope of her or his employment, to have in
82 her or his possession alcoholic beverages, except that nothing
83 contained in this subsection shall preclude the employment of
84 any person 18 years of age or older in the sale, preparation, or
85 service of alcoholic beverages in licensed premises in any
86 establishment licensed by the Division of Alcoholic Beverages
87 and Tobacco or the Division of Hotels and Restaurants except as
88 otherwise provided in s. 565.04. Notwithstanding the provisions
89 of s. 562.45, any person under the age of 21 who is convicted of
90 a violation of this subsection is guilty of a misdemeanor of the
91 second degree, punishable as provided in s. 775.082 or s.
92 775.083; however, any person under the age of 21 who has been
93 convicted of a violation of this subsection and who is
94 thereafter convicted of a further violation of this subsection
95 is, upon conviction of the further offense, guilty of a

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96 misdemeanor of the first degree, punishable as provided in s.
97 775.082 or s. 775.083.

98 Section 3. Section 563.09, Florida Statutes, is created to
99 read:

100 563.09 Malt beverage tastings by distributors and
101 manufacturers.-

102 (1) A manufacturer, distributor, or importer of malt
103 beverages, or any contracted third-party agent thereof, may
104 conduct sampling activities that include the tasting of malt
105 beverage products on:

106 (a) The licensed premises of a vendor authorized to sell
107 alcoholic beverages by the drink for consumption on premises; or

108 (b) The licensed premises of a vendor authorized to sell
109 alcoholic beverages only in sealed containers for consumption
110 off premises if:

111 1. The licensed premises is at an establishment with at
112 least 10,000 square feet of interior floor space exclusive of
113 storage space not open to the general public; or

114 2. The licensed premises is a package store licensed under
115 s. 565.02(1)(a).

116 (2) A malt beverage tasting conducted under this section
117 must be limited to and directed toward the general public of the
118 age of legal consumption.

119 (3) For a malt beverage tasting conducted under this
120 section on the licensed premises of a vendor authorized to sell
121 alcoholic beverages for consumption on premises, each serving of



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122 a malt beverage to be tasted must be provided to the consumer by
123 the drink in a tasting cup, glass, or other open container and
124 may not be provided by the package in an unopened can or bottle
125 or in any other sealed container.

126 (4) For a malt beverage tasting conducted under this
127 section on the licensed premises of a vendor authorized to sell
128 alcoholic beverages only in sealed containers for consumption
129 off premises, the tasting must be conducted in the interior of
130 the building constituting the vendor's licensed premises and
131 each serving of a malt beverage to be tasted must be provided to
132 the consumer in a tasting cup having a capacity of 3.5 ounces or
133 less.

134 (5) A manufacturer, distributor, or importer, or any
135 contracted third-party agent thereof, may not pay a vendor, and
136 a vendor may not accept, a fee or compensation of any kind,
137 including the provision of a malt beverage at no cost or at a
138 reduced cost, to authorize the conduct of a malt beverage
139 tasting under this section.

140 (6) (a) A manufacturer, distributor, or importer, or any
141 contracted third-party agent thereof, conducting a malt beverage
142 tasting under this section, must provide all of the beverages to
143 be tasted; must have paid all excise taxes on those beverages
144 which are required of the manufacturer or distributor; and must
145 return to the manufacturer's or distributor's inventory all of
146 the malt beverages provided for the tasting that remain
147 unconsumed after the tasting. More than one tasting may be held



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148 on the licensed premises each day, but only one manufacturer,
149 distributor, importer, or contracted third-party agent thereof,
150 may conduct a tasting on the premises at any one time.

151 (b) This subsection does not preclude a manufacturer,
152 distributor, or importer, or any contracted third-party agent
153 thereof, from buying the malt beverages that it provides for the
154 tasting from a vendor at no more than the retail price, but all
155 of the malt beverages so purchased and provided for the tasting
156 which remain unconsumed after the tasting must be removed from
157 the premises of the tasting and properly disposed of.

158 (7) A manufacturer, distributor, or importer of malt
159 beverages that contracts with a third-party agent to conduct a
160 malt beverage tasting under this section on its behalf is
161 responsible for any violation of this section by such agent.

162 (8) This section does not preclude a vendor from conducting
163 a malt beverage tasting on its licensed premises using malt
164 beverages from its own inventory.

165 (9) This section is supplemental to and does not supersede
166 any special act or ordinance.

167 (10) The division may, pursuant to ss. 561.08 and 561.11,
168 adopt rules to implement, administer, and enforce this section.

169 Section 4. Subsections (9) and (11) of section 565.02,
170 Florida Statutes, is amended to read:

171 565.02 License fees; vendors; clubs; caterers; and
172 others.—



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173 (9) It is the finding of the Legislature that passenger
174 vessels engaged exclusively in foreign commerce are susceptible
175 to a distinct and separate classification for purposes of the
176 sale of alcoholic beverages under the Beverage Law. Upon the
177 filing of an application and payment of an annual fee of \$1,100,
178 the director is authorized to issue a permit authorizing the
179 operator, or, if applicable, his or her concessionaire, of a
180 passenger vessel which has cabin-berth capacity for at least 75
181 passengers, and which is engaged exclusively in foreign
182 commerce, to sell alcoholic beverages on the vessel for
183 consumption on board only:

184 (a) During a period not in excess of 24 hours prior to
185 departure while the vessel is moored at a dock or wharf in a
186 port of this state; or

187 (b) At any time while the vessel is located in Florida
188 territorial waters and is in transit to or from international
189 waters.

190
191 One such permit shall be required for each such vessel and shall
192 name the vessel for which it is issued. No license shall be
193 required or tax levied by any municipality or county for the
194 privilege of selling beverages for consumption on board such
195 vessels. The beverages so sold may be purchased outside the
196 state by the permittee, and the same shall not be considered as
197 imported for the purposes of s. 561.14(3) solely because of such
198 sale. The permittee is not required to obtain its beverages from



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199 licensees under the Beverage Law, but it shall keep a strict
200 account of all such beverages sold within this state and shall
201 make monthly reports to the division on forms prepared and
202 furnished by the division. A permittee who sells on board the
203 vessel beverages withdrawn from United States Bureau of Customs
204 and Border Protection bonded storage on board the vessel may
205 satisfy such accounting requirement by supplying the division
206 with copies of the appropriate United States Bureau of Customs
207 and Border Protection forms evidencing such withdrawals as
208 importations under United States customs laws. Such permittee
209 shall pay to the state an excise tax for beverages sold pursuant
210 to this section, if such excise tax has not previously been
211 paid, in an amount equal to the tax which would be required to
212 be paid on such sales by a licensed manufacturer or distributor.
213 The calculation of excise tax due under this subsection must be
214 based on the advertised volume per drink. A vendor holding such
215 permit shall pay the tax monthly to the division at the same
216 time he or she furnishes the required report. Such report shall
217 be filed on or before the 15th day of each month for the sales
218 occurring during the previous calendar month.

219 (11) The John and Mable Ringling Museum of Art direct-
220 support organization or a museum that has been in continuous
221 existence for at least 10 years may obtain a license upon the
222 payment of an annual license tax of \$400. For the purposes of
223 this subsection, the term "museum" means an incorporated public
224 or private not-for-profit agency or institution located in



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225 Florida and organized on a permanent basis for primarily
226 educational, scientific, or aesthetic purposes, which owns or
227 utilizes tangible objects, cares for them, and exhibits them to
228 the public on a regular basis. Such license shall permit sales
229 for consumption on the premises of the museum in conjunction
230 with artistic, educational, cultural, civic, or charitable
231 events held on the premises of the museum under the auspices or
232 authorization of the licensee. The issuing of a license under
233 this subsection is not subject to any quota or limitation,
234 except that the license shall be issued only to the museum
235 corporation or its direct-support organization of the museum or
236 its designee. Except as otherwise provided in this subsection,
237 the entity licensed hereunder shall be treated as a vendor
238 licensed to sell by the drink the beverages mentioned herein and
239 shall be subject to all provisions relating to such vendors.

240 Section 5. Subsections (1) and (2) of section 565.03,
241 Florida Statutes, are amended, and subsection (6) is added to
242 that section, to read:

243 565.03 License fees; manufacturers, distributors, brokers,
244 sales agents, and importers of alcoholic beverages; vendor
245 licenses and fees; craft distilleries.—

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

247 (a) "Craft distillery" means a licensed distillery that
248 produces 75,000 or fewer gallons per calendar year of distilled
249 spirits on its premises and has notified the division in writing
250 of its decision to qualify as a craft distillery.



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251 (b) "Distillery" means a manufacturer that distills ethyl
252 alcohol or ethanol to create ~~of~~ distilled spirits.

253 (2) (a) A distillery authorized to do business under the
254 Beverage Law shall pay an annual state license tax for each
255 plant or branch operating in the state, as follows:

256 1. If engaged in the business of manufacturing distilled
257 spirits, a state license tax of \$4,000.

258 2. If engaged in the business of rectifying and blending
259 spirituous liquors and nothing else, a state license tax of
260 \$4,000.

261 (b) Persons licensed under this section who are in the
262 business of distilling spirituous liquors may also engage in the
263 business of rectifying and blending spirituous liquors without
264 the payment of an additional license tax.

265 (c) A craft distillery licensed under this section may
266 sell to consumers, at its souvenir gift shop, spirits distilled
267 on its premises in this state in factory-sealed containers that
268 are filled at the distillery for off-premises consumption. Such
269 sales are authorized only on private property contiguous to the
270 licensed distillery premises in this state and included on the
271 sketch or diagram defining the licensed premises submitted with
272 the distillery's license application. All sketch or diagram
273 revisions by the distillery shall require the division's
274 approval verifying that the souvenir gift shop location operated
275 by the licensed distillery is owned or leased by the distillery
276 and on property contiguous to the distillery's production

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277 building in this state. A craft distillery or licensed
278 distillery may not sell any factory-sealed individual containers
279 of spirits except in face-to-face sales transactions with
280 consumers who are making a purchase of ~~two or fewer~~ individual
281 containers, that comply with the container limits in s. 565.10,
282 ~~per calendar year~~ for the consumer's personal use and not for
283 resale and who are present at the distillery's licensed premises
284 in this state.

285 1. A craft distillery must report to the division within 5
286 days after it reaches the production limitations provided in
287 paragraph (1)(a). Any retail sales to consumers at the craft
288 distillery's licensed premises are prohibited beginning the day
289 after it reaches the production limitation.

290 2. A craft distillery may not ~~only~~ ship or, ~~arrange to~~
291 ship, ~~or deliver~~ any of its distilled spirits to consumers and
292 may sell and deliver only to consumers within the state in a
293 face-to-face transaction at the distillery property. However, a
294 craft distiller licensed under this section may ship, arrange to
295 ship, or deliver such spirits to manufacturers of distilled
296 spirits, wholesale distributors of distilled spirits, state or
297 federal bonded warehouses, and exporters.

298 3. Except as provided in subparagraph 4., it is unlawful
299 to transfer a distillery license for a distillery that produces
300 75,000 or fewer gallons per calendar year of distilled spirits
301 on its premises or any ownership interest in such license to an
302 individual or entity that has a direct or indirect ownership

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303 interest in any distillery licensed in this state; another
304 state, territory, or country; or by the United States government
305 to manufacture, blend, or rectify distilled spirits for beverage
306 purposes.

307 4. A craft distillery shall not have its ownership
308 affiliated with another distillery, unless such distillery
309 produces 75,000 or fewer gallons per calendar year of distilled
310 spirits on of its premises.

311 (6) Upon the request of a craft distillery licensed in this
312 state, the Department of Transportation shall install
313 directional signs for the craft distillery on the rights-of-way
314 of interstate highways and primary and secondary roads in
315 accordance with Florida's Highway Guide Sign Program as provided
316 in chapter 14-51, Florida Administrative Code. A craft
317 distillery licensed in this state that requests placement of a
318 directional sign through the department's permit process shall
319 pay all associated costs.

320 Section 6. Section 565.04, Florida Statutes, is amended to
321 read:

322 565.04 Package store regulations and fees restrictions.-

323 (1) The term "liquor package store," as used in this
324 section, means any vendor licensed under s. 565.02(1)(a).

325 (2) The division is authorized to issue a liquor package
326 store license to as follows:

327 (a) A Type A liquor package store license may be issued to
328 a vendor with premises that has no openings permitting direct



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329 access to any other building or room, except to a private office
330 or storage room of the place of business from which patrons are
331 excluded. Such liquor package stores Vendors licensed under s.
332 565.02(1)(a) shall not in the licensed premises said place of
333 business sell, offer, or expose for sale any merchandise other
334 than such beverages, and such liquor package stores places of
335 business shall be devoted exclusively to such sales; provided,
336 however, that such vendors shall be permitted to sell bitters,
337 grenadine, nonalcoholic mixer-type beverages (not to include
338 fruit juices produced outside this state), fruit juices produced
339 in this state, home bar, and party supplies and equipment
340 (including but not limited to glassware and party-type foods),
341 miniatures of no alcoholic content, and tobacco products. Such
342 places of business shall have no openings permitting direct
343 access to any other building or room, except to a private office
344 or storage room of the place of business from which patrons are
345 excluded.

346 (b) A Type B liquor package store license may be issued to
347 a vendor that is permitted to sell, offer, or expose for sale
348 non-alcoholic merchandise and is not subject to limitation on
349 access to any other attached building or room, subject to the
350 following conditions:

351 1. The liquor package store shall have a separate area in
352 which distilled spirits are sold, offered, or exposed for sale
353 separate from all other non-alcoholic merchandise except
354 alcoholic mixer-type beverages intended for sale to patrons.



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355 The licensed premises shall include the entire place of
356 business, including the separate area in which distilled spirits
357 are sold, offered, or exposed for sale. The separate area shall
358 be included in any sketch provided with the application for
359 licensure and shall be approved by the division prior to the
360 license being issued.

361 2. The separate area must have one entry-exit opening or
362 doorway through which the patrons may travel in order to gain
363 access to or to exit the separate area. The entry-exit must pass
364 directly by a cashier and be physically monitored at all times
365 by an employee either using electronic video monitoring cameras
366 or positioned physically within the line of sight of the
367 separate area's entry-exit.

368 3. The separate area may consist of three walls, three
369 shelves that are completely enclosed from the back and sides to
370 prevent access to distilled spirits by patrons not physically
371 inside the separate area, or any combination of walls and
372 shelves which ensures the separate area is completely enclosed
373 from the back and side to prevent unintended access. Patrons
374 must not have access to distilled spirits from outside of the
375 separate area. The fourth side of the separate area shall
376 consist of the entry-exit and checkout station between the
377 separate area and the remainder of the vendor's licensed
378 premises.

379 4. The manner in which the distilled spirits are sold,
380 offered, or exposed for sale in the separate area must ensure



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381 that patrons cannot access the product without entering the
382 separate area within the line of sight of the employee.

383 5. Checkout stations in the licensed premises shall be
384 included in the separate area as well as elsewhere in the
385 licensed premises, and shall be included on the licensed
386 premises sketch. The sale of any distilled spirits must be
387 completed at a checkout station located in the separate area.
388 The distilled spirits may not be carried outside of the separate
389 area through the remainder of the licensed premises prior to
390 purchase or paid for at any other checkout station outside of
391 the separate area on the licensed premises. Any distilled
392 spirits purchased in the separate area must be packaged upon
393 sale in a manner that indicates it was paid for prior to the
394 patron leaving the separate area.

395 6. Patrons may purchase any merchandise from elsewhere
396 within the licensed premises at the checkout station in the
397 separate area.

398 7. Any liquor package store that meets the requirements of
399 this section shall not be prohibited from having distilled
400 spirits stored or transported in any area of the licensed
401 premises where such beverages are secured.

402 8. During any period of time that distilled spirits may not
403 be sold pursuant to a statute, or local or municipal ordinance,
404 the liquor package store shall close off or otherwise make the
405 separate area inaccessible to patrons.



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406 9. The employment exception in s. 562.13(2)(c) shall apply
407 to any place of business selling prescription medications or
408 groceries which has been issued a Type B liquor package store
409 license provided no person under 21 years of age shall sell any
410 distilled spirits directly to any patron.

411 (3) All liquor package stores shall:

412 (a) Meet all of the standards in the state's Responsible
413 Vendor Act related to reducing access of alcoholic beverages to
414 persons under 21 years of age.

415 (b) Prohibit sales of distilled spirits beverages from any
416 type of patron self-checkout station.

417 (c) Verify the age of all patrons before completing any
418 sale of alcoholic beverages.

419 (d) Ensure the sale of any distilled spirits at a checkout
420 station is completed by a cashier or other employee 21 years of
421 age or older. No person under 21 years of age shall sell any
422 distilled spirits directly to any patron in any liquor package
423 store.

424 (4) Any licensee may change its liquor package store's
425 licensed premises diagram by filing an amended sketch or
426 permanent extension application with the division and approval
427 by the division of such premises modifications.

428 (5) A Type A liquor package store license shall pay an
429 annual license fee pursuant to s. 565.02. A Type B liquor
430 package store license shall pay a fee equal to the sum of the



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431 annual license fee pursuant to s. 565.02 and an additional
432 amount as follows:

433 (a) Vendors operating places of business in counties having
434 a population of over 100,000, according to the latest population
435 estimate prepared pursuant to s. 186.901, for such county, shall
436 pay \$392 in addition to the annual license fee.

437 (b) Vendors operating places of business in counties having
438 a population of over 75,000 and not over 100,000, according to
439 the latest population estimate prepared pursuant to s. 186.901,
440 for such county, shall pay \$336 in addition to the annual
441 license fee.

442 (c) Vendors operating places of business in counties having
443 a population of over 50,000 and less than 75,000, according to
444 the latest population estimate prepared pursuant to s. 186.901,
445 for such county, shall pay \$280 in addition to the annual
446 license fee.

447 (d) Vendors operating places of business in counties having
448 a population of over 25,000 and less than 50,000, according to
449 the latest population estimate prepared pursuant to s. 186.901,
450 for such county, shall pay \$224 in addition to the annual
451 license fee.

452 (e) Vendors operating places of business in counties having
453 a population of less than 25,000, according to the latest
454 population estimate prepared pursuant to s. 186.901, for such
455 county, shall pay \$168 in addition to the annual license fee.

456 Section 7. This act shall take effect July 1, 2015.



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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to alcoholic beverages; amending s. 561.42, F.S.; deleting a prohibition against certain entities conducting tastings; revising requirements for promotional displays and advertising; amending s. 562.111, F.S.; conforming provisions; creating s. 563.09, F.S.; authorizing a licensed manufacturer, distributor, or importer of malt beverages to conduct a malt beverage tasting; providing requirements and limitations; amending s. 565.02, F.S.; clarifying the calculation of excise taxes on cruise ships; creating an alcoholic beverages license for museums; amending s. 565.03, F.S.; revising the definition of the term "distillery"; deleting restrictions on the sale of individual containers to consumers in a face-to-face transaction; requiring the Department of Transportation to install certain directional signs at specified locations upon the request of a craft distillery licensed in this state; requiring the requesting craft distillery to pay 15 specified costs; amending s. 565.04, F.S.; allowing the sale by certain licensed alcoholic beverage vendors of merchandise other than specifically authorized types of merchandise and removing restrictions on direct access to such a vendor's place of



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 107 (2015)

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483 business upon payment of an additional license fee; providing an
484 effective date.

REGULATORY AFFAIRS COMMITTEE

CS/CS/HB 391 by Rep. Ingram Location of Utilities

AMENDMENT SUMMARY April 14, 2015

Amendment 1 by Rep. Ingram (Strike-All): This strike-all amendment changes the bill by:

- Providing that a county may grant a license to certain utilities to place lines *under, on, over, or across* the right-of-way limits of county roads or highways, in addition to lines within the right-of-way.
- Specifying the type of communications services subject to a county's authority to grant a license to use the right-of-way.
- Providing that an authority may prescribe and enforce reasonable rules or regulations concerning placement and maintenance of certain utility facilities *across or on* the right-of-way limits of any road or publicly owned rail corridor, in addition to facilities within the right-of-way.
- Prohibiting a municipality or county from requiring a utility or a provider of communications services to resubmit proprietary maps of previously permitted facilities.
- Specifying that if an authority requires relocation of a utility for purposes not described in the statute, the authority is responsible for paying relocation costs *if the utility is authorized by law or agreement to place facilities in the public rights-of-way*.
- Specifying that if relocation is required by as a condition or result of a project by an entity other than an authority, that entity is responsible for paying relocation costs *unless relocation would otherwise be required in connection with a transportation improvement identified in the authority's capital improvement schedule and scheduled for construction within five years*.
- Provides that the bill will not impair any rights of the holder of a private railroad right-of-way or obligate the holder of a private railroad right-of-way to bear the cost of relocation in the railroad right-of-way, subject to any agreement between the holder of the private railroad right-of-way and a utility.
- Provides a legislative finding that the bill serves a legitimate state purpose.

Amendment a1 to Amendment 1 by Rep. Wood (Line 152): This amendment provides that permits issued and contracts entered into between an authority and a utility prior to the effective date of the bill will not be affected by the bill.

Amendment a2 to Amendment 1 by Rep. Wood (Line 152): This amendment provides that when an authority is required to bear the cost of utility relocation, it will only be responsible for the expense attributable to the relocation work less any increase in the value of the utility associated with an upgrade made solely for the benefit of and at the election of the utility, including any salvage value from old facilities.

Amendment a3 to Amendment 1 by Rep. Wood (Line 260): This amendment provides that when an authority requires a utility to relocate out of an existing utility easement but provides an alternative location in a new easement of in a right-of-way, the authority and the utility shall evenly share the relocation costs.



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COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Regulatory Affairs
 2 Committee

3 Representative Ingram offered the following:

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

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 125.42, Florida Statutes, is amended to
 8 read:

9 125.42 Water, sewage, gas, power, telephone, other utility,
 10 and television lines within the right-of-way limits of along
 11 county roads and highways.-

12 (1) The board of county commissioners, with respect to
 13 property located without the corporate limits of any
 14 municipality, is authorized to grant a license to any person or
 15 private corporation to construct, maintain, repair, operate, and
 16 remove lines for the transmission of water, sewage, gas, power,
 17 telephone, other public utilities, and television, or other



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18 communications services as defined in s.202.11 under, on, over,
19 across or within the right-of-way limits of and along any county
20 highway or any public road or highway acquired by the county or
21 public by purchase, gift, devise, dedication, or prescription.
22 However, the board of county commissioners shall include in any
23 instrument granting such license adequate provisions:

24 (a) To prevent the creation of any obstructions or
25 conditions which are or may become dangerous to the traveling
26 public;

27 (b) To require the licensee to repair any damage or injury
28 to the road or highway by reason of the exercise of the
29 privileges granted in any instrument creating such license and
30 to repair the road or highway promptly, restoring it to a
31 condition at least equal to that which existed immediately prior
32 to the infliction of such damage or injury;

33 (c) Whereby the licensee shall hold the board of county
34 commissioners and members thereof harmless from the payment of
35 any compensation or damages resulting from the exercise of the
36 privileges granted in any instrument creating the license; and

37 (d) As may be reasonably necessary, for the protection of
38 the county and the public.

39 (2) A license may be granted in perpetuity or for a term of
40 years, subject, however, to termination by the licensor, in the
41 event the road or highway is closed, abandoned, vacated,
42 discontinued, or reconstructed.



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43 (3) The board of county commissioners is authorized to
44 grant exclusive or nonexclusive licenses for the purposes stated
45 herein for television.

46 (4) This law is intended to provide an additional method
47 for the granting of licenses and shall not be construed to
48 repeal any law now in effect relating to the same subject.

49 (5) In the event of widening, repair, or reconstruction of
50 any such road, the licensee shall move or remove such water,
51 sewage, gas, power, telephone, and other utility lines and
52 television lines at no cost to the county should they be found
53 by the county to be unreasonably interfering, except as provided
54 in s. 337.403(1)(d)-(j) s. 337.403(1)(d)-(i).

55 Section 2. Paragraph (a) of subsection (1), subsection (2)
56 and paragraph (b) of subsection (3) of section 337.401, Florida
57 Statutes, are amended to read:

58 337.401 Use of right-of-way for utilities subject to
59 regulation; permit; fees.—

60 (1) (a) The department and local governmental entities,
61 referred to in this section and in ss. 337.402, 337.403 and
62 337.404 ss. 337.401-337.404 as the "authority," that have
63 jurisdiction and control of public roads or publicly owned rail
64 corridors are authorized to prescribe and enforce reasonable
65 rules or regulations with reference to the placing and
66 maintaining along, across, or on, or within the right-of-way
67 limits of any road or publicly owned rail corridors under their
68 respective jurisdictions any electric transmission, telephone,

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69 telegraph, or other communications services lines; pole lines;
70 poles; railways; ditches; sewers; water, heat, or gas mains;
71 pipelines; fences; gasoline tanks and pumps; or other structures
72 referred to in this section and in ss. 337.402, 337.403 and
73 337.404 this section as the "utility." The department may enter
74 into a permit-delegation agreement with a governmental entity if
75 issuance of a permit is based on requirements that the
76 department finds will ensure the safety and integrity of
77 facilities of the Department of Transportation; however, the
78 permit-delegation agreement does not apply to facilities of
79 electric utilities as defined in s. 366.02(2).

80 (2) The authority may grant to any person who is a resident
81 of this state, or to any corporation which is organized under
82 the laws of this state or licensed to do business within this
83 state, the use of a right-of-way for the utility in accordance
84 with such rules or regulations as the authority may adopt. No
85 utility shall be installed, located, or relocated unless
86 authorized by a written permit issued by the authority. However,
87 for public roads or publicly owned rail corridors under the
88 jurisdiction of the department, a utility relocation schedule
89 and relocation agreement may be executed in lieu of a written
90 permit. The permit shall require the permitholder to be
91 responsible for any damage resulting from the issuance of such
92 permit. In exercising its authority over a utility under this
93 section, a municipality or county may not require a utility to



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94 provide proprietary maps of facilities where such facilities
95 have been previously subject to a permit from the authority.

96 The authority may initiate injunctive proceedings as provided in
97 s. 120.69 to enforce provisions of this subsection or any rule
98 or order issued or entered into pursuant thereto.

99 (3)

100 (b) Registration described in paragraph (a) does not
101 establish a right to place or maintain, or priority for the
102 placement or maintenance of, a communications facility in roads
103 or rights-of-way of a municipality or county. Each municipality
104 and county retains the authority to regulate and manage
105 municipal and county roads or rights-of-way in exercising its
106 police power. Any rules or regulations adopted by a municipality
107 or county which govern the occupation of its roads or rights-of-
108 way by providers of communications services must be related to
109 the placement or maintenance of facilities in such roads or
110 rights-of-way, must be reasonable and nondiscriminatory, and may
111 include only those matters necessary to manage the roads or
112 rights-of-way of the municipality or county. In exercising its
113 authority over providers of communications services under this
114 section, a municipality or county may not require a provider of
115 communications services to provide proprietary maps of
116 facilities where such facilities have been previously subject to
117 a permit from the authority.

118



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119 Section 3. Subsection (1) of section 337.403, Florida
120 Statutes, is amended to read:

121 337.403 Interference caused by utility; expenses.—

122 (1) If a utility that is placed upon, under, over, or
123 within the right-of-way limits of along any public road or
124 publicly owned rail corridor is found by the authority to be
125 unreasonably interfering in any way with the convenient, safe,
126 or continuous use, or the maintenance, improvement, extension,
127 or expansion, of such public road or publicly owned rail
128 corridor, the utility owner shall, upon 30 days' written notice
129 to the utility or its agent by the authority, initiate the work
130 necessary to alleviate the interference at its own expense
131 except as provided in paragraphs (a)-(j) (a)-(i). The work must
132 be completed within such reasonable time as stated in the notice
133 or such time as agreed to by the authority and the utility
134 owner. If an authority requires the relocation of a utility for
135 purposes not described in this subsection, and the utility owner
136 is authorized by state law or common law or state or local
137 agreement to place facilities in the public rights-of-way, the
138 authority shall bear the cost of relocating the utility. If the
139 relocation is required as a condition or result of a project by
140 an entity other than an authority, then and except to the extent
141 such relocation would otherwise be required in connection with a
142 transportation improvement identified in the authority's capital
143 improvement schedule and scheduled for construction within five
144 years, the entity other than the authority shall bear the costs

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145 of relocating the utility. Nothing in this subsection shall
146 impair any rights of the holder of any private railroad right-
147 of-way or obligate such holder of any private railroad right-of-
148 way to bear the cost of relocation in such railroad right-of-
149 way, subject to any agreement between the holder of the private
150 railroad right-of-way and a utility that otherwise allocates
151 such relocation cost.

152 (a) If the relocation of utility facilities, as referred to
153 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
154 84-627, is necessitated by the construction of a project on the
155 federal-aid interstate system, including extensions thereof
156 within urban areas, and the cost of the project is eligible and
157 approved for reimbursement by the Federal Government to the
158 extent of 90 percent or more under the Federal Aid Highway Act,
159 or any amendment thereof, then in that event the utility owning
160 or operating such facilities shall perform any necessary work
161 upon notice from the department, and the state shall pay the
162 entire expense properly attributable to such work after
163 deducting therefrom any increase in the value of a new facility
164 and any salvage value derived from an old facility.

165 (b) When a joint agreement between the department and the
166 utility is executed for utility work to be accomplished as part
167 of a contract for construction of a transportation facility, the
168 department may participate in those utility work costs that
169 exceed the department's official estimate of the cost of the
170 work by more than 10 percent. The amount of such participation

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171 is limited to the difference between the official estimate of
172 all the work in the joint agreement plus 10 percent and the
173 amount awarded for this work in the construction contract for
174 such work. The department may not participate in any utility
175 work costs that occur as a result of changes or additions during
176 the course of the contract.

177 (c) When an agreement between the department and utility is
178 executed for utility work to be accomplished in advance of a
179 contract for construction of a transportation facility, the
180 department may participate in the cost of clearing and grubbing
181 necessary to perform such work.

182 (d) If the utility facility was initially installed to
183 exclusively serve the authority or its tenants, or both, the
184 authority shall bear the costs of the utility work. However, the
185 authority is not responsible for the cost of utility work
186 related to any subsequent additions to that facility for the
187 purpose of serving others. For a county or municipality, if such
188 utility facility was installed in the right-of-way as a means to
189 serve a county or municipal facility on a parcel of property
190 adjacent to the right-of-way and if the intended use of the
191 county or municipal facility is for a use other than
192 transportation purposes, the obligation of the county or
193 municipality to bear the costs of the utility work shall extend
194 only to utility work on the parcel of property on which the
195 facility of the county or municipality originally served by the
196 utility facility is located.



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197 (e) If, under an agreement between a utility and the
198 authority entered into after July 1, 2009, the utility conveys,
199 subordinates, or relinquishes a compensable property right to
200 the authority for the purpose of accommodating the acquisition
201 or use of the right-of-way by the authority, without the
202 agreement expressly addressing future responsibility for the
203 cost of necessary utility work, the authority shall bear the
204 cost of removal or relocation. This paragraph does not impair or
205 restrict, and may not be used to interpret, the terms of any
206 such agreement entered into before July 1, 2009.

207 (f) If the utility is an electric facility being relocated
208 underground in order to enhance vehicular, bicycle, and
209 pedestrian safety and in which ownership of the electric
210 facility to be placed underground has been transferred from a
211 private to a public utility within the past 5 years, the
212 department shall incur all costs of the necessary utility work.

213 (g) An authority may bear the costs of utility work
214 required to eliminate an unreasonable interference when the
215 utility is not able to establish that it has a compensable
216 property right in the particular property where the utility is
217 located if:

218 1. The utility was physically located on the particular
219 property before the authority acquired rights in the property;

220 2. The utility demonstrates that it has a compensable
221 property right in adjacent properties along the alignment of the
222 utility or, after due diligence, certifies that the utility does



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223 not have evidence to prove or disprove that it has a compensable
224 property right in the particular property where the utility is
225 located; and

226 3. The information available to the authority does not
227 establish the relative priorities of the authority's and the
228 utility's interests in the particular property.

229 (h) If a municipally owned utility or county-owned utility
230 is located in a rural area of critical economic concern, as
231 defined in s. 288.0656(2), and the department determines that
232 the utility is unable, and will not be able within the next 10
233 years, to pay for the cost of utility work necessitated by a
234 department project on the State Highway System, the department
235 may pay, in whole or in part, the cost of such utility work
236 performed by the department or its contractor.

237 (i) If the relocation of utility facilities is necessitated
238 by the construction of a commuter rail service project or an
239 intercity passenger rail service project and the cost of the
240 project is eligible and approved for reimbursement by the
241 Federal Government, then in that event the utility owning or
242 operating such facilities located by permit on a department-
243 owned rail corridor shall perform any necessary utility
244 relocation work upon notice from the department, and the
245 department shall pay the expense properly attributable to such
246 utility relocation work in the same proportion as federal funds
247 are expended on the commuter rail service project or an
248 intercity passenger rail service project after deducting

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249 therefrom any increase in the value of a new facility and any
250 salvage value derived from an old facility. In no event shall
251 the state be required to use state dollars for such utility
252 relocation work. This paragraph does not apply to any phase of
253 the Central Florida Commuter Rail project, known as SunRail.

254 (j) If a utility is lawfully located within an existing and
255 valid utility easement granted by recorded plat, regardless of
256 whether such land was subsequently acquired by the authority by
257 dedication, transfer of fee, or otherwise, the authority shall
258 bear the cost of the utility work required to eliminate an
259 unreasonable interference.

260 Section 4. The Legislature finds that a proper and
261 legitimate state purpose is served by clarifying a utility's
262 responsibility for relocating its facilities within the right of
263 way or within a utility easement granted by recorded plat.
264 Therefore, the Legislature determines and declares that this act
265 fulfills an important state interest.

266 Section 5. This act shall take effect upon becoming a law.
267
268

269 -----
270 T I T L E A M E N D M E N T

271 Remove everything before the enacting clause and insert:

272 A bill to be entitled
273 An act relating to the location of utilities; amending s.
274 125.42, F.S.; authorizing a board of county commissioners to



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275 | grant a license to work on or operate specified communications
276 | services lines within the right-of-way limits of certain county
277 | or public highways or roads; conforming a cross-reference;
278 | amending s. 337.401, F.S.; specifying that the Department of
279 | Transportation and certain local governmental entities may
280 | prescribe and enforce rules or regulations regarding the
281 | placement and maintenance of specified structures and lines
282 | within the right-of-ways of roads or publicly owned rail
283 | corridors under their respective jurisdictions; prohibiting a
284 | municipality or county from requiring a utility or a provider of
285 | communications services to resubmit proprietary maps of
286 | previously permitted facilities; amending s. 337.403, F.S.;
287 | specifying that a utility located within certain right-of-way
288 | limits must initiate and pay for the work necessary to alleviate
289 | any interference to the use of certain public roads or rail
290 | corridors; requiring an authority to pay the cost of requiring
291 | the relocation of a utility, under certain circumstances;
292 | requiring an entity other than the authority to pay the cost of
293 | certain relocations of utilities under certain circumstances;
294 | requiring an authority to pay the cost of utility work required
295 | to eliminate unreasonable interference within certain existing
296 | utility easements; providing a finding that the act fulfills an
297 | important state interest; providing an effective date.



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 391 (2015)

Amendment No. a1

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: Regulatory Affairs
 2 Committee

3 Representative Wood offered the following:

5 **Amendment to Amendment (713505) by Representative Ingram**

6 Remove line 152 of the amendment and insert:

7 such relocation cost. Further, nothing in this subsection shall
 8 affect any permit issued or any contract entered into between an
 9 authority and a utility prior to the effective date of this act.



Amendment No. a2

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: Regulatory Affairs
 2 Committee

3 Representative Wood offered the following:

4
 5 **Amendment to Amendment (713505) by Representative Ingram**

6 Remove line 152 of the amendment and insert:

7 such relocation cost. To the extent that an authority or an
 8 entity other than the authority is required by this subsection
 9 to bear the cost of relocating a utility, the authority or other
 10 entity shall be responsible only for the expense properly
 11 attributable to the relocation work after deducting any increase
 12 in the value of the utility associated with an upgrade made
 13 solely for the benefit of and at the election of the utility,
 14 including any salvage value derived from an old facility.



Amendment No. a3

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: Regulatory Affairs
2 Committee

3 Representative Wood offered the following:

5 **Amendment to Amendment (713505) by Representative Ingram**

6 Remove line 260 of the amendment and insert:

7 unreasonable interference; however, if the authority provides at
8 its own expense an alternative location for the utility to
9 locate its facilities, either in a new easement or in a right-
10 of-way, the utility and the authority shall each bear one half
11 of the cost of the utility relocation.

REGULATORY AFFAIRS COMMITTEE

CS/HB 463 by Rep. Ingolia Ticket Sales

AMENDMENT SUMMARY April 14, 2015

Strike-All Amendment by Rep. Ingolia: This amendment:

- Clarifies that an “online marketplace” provides a forum for the buying and selling of tickets in transactions between resellers who are independent from the marketplace and purchasers.
- Clarifies that a resale website or online marketplace must provide a refund when a ticketed event is cancelled if the purchaser requests a refund.
- Requires that resale websites and online marketplaces disclose that they are not the issuer or original ticket seller, and the prices of tickets often exceed face value.
- Clarifies the language of the “bots” and “disguising identity” provisions to prevent unintended consequences and reduces the penalty for both the “bots” and “disguising of identity” prohibitions from third degree felonies to second degree misdemeanors.
- Modifies the ticket disclosures for resale websites or online marketplaces when the ticket is in the actual possession of the reseller to require the general location of the ticket instead of the specific location and to remove the requirement to disclose the ticket face value.
- Provides that a resale website or online marketplace is not responsible for representations and disclosures made by resellers using their platforms; however, the resale website or online marketplace may not allow a reseller to offer a ticket for resale unless the reseller provides the required disclosures and information.
- Clarifies that express consent for a resale website or online marketplace to make a representation of affiliation or endorsement does not have to be written. The penalty for “fraudulent websites” is reduced from a third degree felony to a second degree misdemeanor and, a habitual offender who is convicted two times previously commits a first degree misdemeanor for subsequent violations.



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COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Regulatory Affairs
2 Committee

3 Representative Ingoglia offered the following:

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 817.36, Florida Statutes, is amended to
8 read:

9 817.36 Ticket sales ~~Resale of tickets.~~-

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

11 (a) "Department" means the Department of Agriculture and
12 Consumer Services.

13 (b) "Face value" means the face price of a ticket, as
14 determined by the event presenter and printed or displayed on
15 the ticket when originally offered for sale.

16 (c) "Online marketplace" means a website, software
17 application for a mobile device, or any other digital platform



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18 that provides an online forum for the buying and selling of
19 tickets in transactions between ticket resellers and purchasers.

20 (d) "Place of entertainment" means a privately owned and
21 operated entertainment facility or publicly owned and operated
22 entertainment facility in this state, such as a theater,
23 stadium, museum, arena, racetrack, or other place where
24 performances, concerts, exhibits, games, athletic events, or
25 contests are held and for which an entry fee is charged. A
26 facility owned by a school, college, university, or house of
27 worship is a place of entertainment only when an event is held
28 for which an entry fee is charged.

29 (e) "Resale website" means a website, software application
30 for a mobile device, any other digital platform, or portion
31 thereof, whose primary purpose is to facilitate the resale of
32 tickets to consumers, but excludes an online marketplace.

33 (f) "Ticket" means a printed, electronic, or other type of
34 evidence of the right, option, or opportunity to occupy space at
35 or to enter or attend an entertainment event even if not
36 evidenced by any physical manifestation of such right.

37 (2)(1) A person or entity that offers for resale or
38 resells any ticket may charge only \$1 above the face value
39 ~~admission price~~ charged therefor by the original ticket seller
40 of the ticket for the following transactions:

41 (a) Passage or accommodations on any common carrier in
42 this state. However, this paragraph does not apply to travel
43 agencies that have an established place of business in this



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44 state and are required to pay state, county, and city
45 occupational license taxes.

46 (b) Multiday or multievent tickets to a park or
47 entertainment complex or to a concert, entertainment event,
48 permanent exhibition, or recreational activity within such a
49 park or complex, including an entertainment/resort complex as
50 defined in s. 561.01(18).

51 (c) Event tickets originally issued by a charitable
52 organization exempt from taxation under s. 501(c)(3) of the
53 Internal Revenue Code for which no more than 3,000 tickets are
54 issued per performance. The charitable organization must issue
55 event tickets with the following statement conspicuously printed
56 or displayed on the face or back of the ticket: "Pursuant to s.
57 817.36, Florida Statutes, this ticket may not be resold for more
58 than \$1 over the face value ~~original admission price~~." This
59 paragraph does not apply to tickets issued or sold by a third
60 party contractor ticketing services provider on behalf of a
61 charitable organization otherwise included in this paragraph
62 unless the required disclosure is printed or displayed on the
63 ticket.

64 (d) Any tickets, other than the tickets in paragraph (a),
65 paragraph (b), or paragraph (c), that are resold or offered
66 through a resale ~~an Internet website~~ or online marketplace,
67 unless such resale website or online marketplace is authorized
68 by the original ticket seller to sell such tickets or makes and
69 posts the following guarantees and disclosures on ~~through~~

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70 | ~~Internet~~ web pages on which are visibly posted, or links to web
71 | pages on which are posted, text to which a prospective purchaser
72 | is directed before completion of the resale transaction:

73 | 1. The resale website or online marketplace operator
74 | guarantees a full refund of the amount paid for the ticket
75 | including any servicing, handling, or processing fees, if such
76 | fees are not disclosed, when:

77 | a. The ticketed event is canceled and the purchaser
78 | requests a refund;

79 | b. The purchaser is denied admission to the ticketed
80 | event, unless such denial is due to the action or omission of
81 | the purchaser; or

82 | c. The ticket is not delivered to the purchaser ~~in the~~
83 | ~~manner requested and~~ pursuant to any delivery guarantees made by
84 | the reseller and such failure results in the purchaser's
85 | inability to attend the ticketed event.

86 | 2. The resale website or online marketplace operator
87 | discloses that it is not the issuer, or original seller, ~~or~~
88 | ~~reseller of the ticket or items and does not control the pricing~~
89 | ~~of the ticket or items and, the prices of tickets which may be~~
90 | ~~resold for more than their~~ often exceed face original value.

91 | (3)(2) This section does not authorize any individual or
92 | entity to sell or purchase tickets at any price on property or
93 | place of entertainment where an event is being held without the
94 | prior express written consent of the owner of the property or
95 | place of entertainment.



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96 (4) ~~(3)~~ Any sales tax due for resales under this section
97 shall be remitted to the Department of Revenue in accordance
98 with s. 212.04.

99 (5) (a) A person may not sell, use, or cause to be used by
100 any technology, devices, or software that is designed, intended,
101 or functions to bypass portions of the ticket-buying process or
102 circumvent a security measure, an access control system, or
103 other control, authorization, or measure on a ticket issuer's or
104 resale ticket agent's website, software application for a mobile
105 device, or digital platform for the purpose of purchasing
106 tickets for commercial resale.

107 (b) A person may not use or cause to be used any
108 technology that is designed or intended to disguise the identity
109 of the purchaser with the purpose of purchasing tickets for
110 resale or attempting to purchase tickets for resale via online
111 sale a quantity of tickets to a place of entertainment in excess
112 of authorized limits established by the owner or operator of a
113 place of entertainment or of the entertainment event or an agent
114 of any such person.

115 (c) A person who knowingly violates this subsection
116 commits a misdemeanor of the second degree, punishable as
117 provided in s. 775.082 or s. 775.083. Each ticket purchase,
118 sale, or violation of this subsection constitutes a separate
119 offense.

120 (d) A party that has been injured by wrongful conduct in
121 violation of this subsection may bring an action to recover all



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122 actual damages suffered as a result of any of such wrongful
123 conduct. The court in its discretion may award damages up to
124 three times the amount of actual damages.

125 ~~(4) A person who knowingly resells a ticket or tickets in~~
126 ~~violation of this section is liable to the state for a civil~~
127 ~~penalty equal to treble the amount of the price for which the~~
128 ~~ticket or tickets were resold.~~

129 (6) A reseller selling tickets on a resale website or
130 online marketplace must clearly and conspicuously disclose to a
131 prospective ticket resale purchaser on the resale website or
132 online marketplace, before a resale:

133 (a) The refund policy of the reseller, resale website, or
134 online marketplace in connection with the cancellation or
135 postponement of an entertainment event.

136 (b) That the ticket is being sold on a resale website or
137 online marketplace and that the price of tickets can often
138 exceed face value.

139 (c)1. If the ticket is in the actual physical possession
140 of the reseller, the general location of the seat offered for
141 sale, including the section and a range of not greater than 5
142 rows, or an area specifically designated as accessible seating;
143 or

144 2. If the ticket is not in the actual physical possession
145 of the reseller:

146 a. That the ticket offered for sale is not in the actual
147 physical possession of the reseller.



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148 b. The period of time when the reseller reasonably expects
149 to have the ticket in actual physical possession and available
150 for delivery.

151 c. Whether the reseller is actively making an offer to
152 procure the ticket.

153 3. A resale website or online marketplace is not liable
154 for any representations made by a reseller using their platform
155 to offer a ticket for sale; however, a resale website or online
156 marketplace may not permit a reseller to use the resale website
157 or online marketplace to offer a ticket for sale if the above
158 disclosures are not provided by the reseller.

159 (7) (a) A resale website or online marketplace shall not
160 make any representation of affiliation or endorsement with a
161 venue or artist without the express consent of the venue or
162 artist, except when it constitutes fair use or is consistent
163 with applicable laws.

164 (b) A person who knowingly violates this subsection
165 commits a misdemeanor of the second degree, punishable as
166 provided in s. 775.082 or s. 775.083.

167 (c) A person who has previously been convicted two or more
168 times of a violation of this subsection, and who subsequently
169 violates this subsection, commits a misdemeanor of the first
170 degree, punishable as provided in s. 775.082 or s. 775.083.

171 (8) (a) A person aggrieved by a violation of this section
172 may, without regard to any other remedy or relief to which the
173 person is entitled, bring an action to obtain a declaratory



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174 judgment that an act or practice violates this section and to
175 enjoin a person who has violated, is violating, or is otherwise
176 likely to violate this section.

177 (b) In any action brought by a person who has suffered a
178 loss as a result of a violation of this section, such person may
179 recover actual damages, plus attorney fees and court costs.

180 (9) If the department, by its own inquiry or as a result
181 of complaints, has reason to believe that a violation of this
182 section has occurred or is occurring, the department may conduct
183 an investigation, conduct hearings, subpoena witnesses and
184 evidence, and administer oaths and affirmations. If, as a result
185 of the investigation, the department has reason to believe a
186 violation of this section has occurred, the department with the
187 coordination of the Department of Legal Affairs and any state
188 attorney, if the violation has occurred or is occurring within
189 her or his judicial circuit, may bring a civil or criminal
190 action and seek other relief, including injunctive relief, as
191 the court deems appropriate. This subsection does not prohibit
192 the department from providing information to any law enforcement
193 agency or to any other regulatory agency and the department may
194 report to the appropriate law enforcement officers any
195 information concerning a violation of this section.

196 (10) Except as otherwise provided in this section, a
197 person who knowingly resells a ticket or tickets in violation of
198 this section commits a misdemeanor of the second degree,
199 punishable as provided in s. 775.082 or s. 775.083. Each



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200 | violation of this section constitutes a separate offense.

201 | (11) The department may adopt rules to implement and
202 | enforce this section.

203 | ~~(5) A person who intentionally uses or sells software to~~
204 | ~~circumvent on a ticket seller's Internet website a security~~
205 | ~~measure, an access control system, or any other control or~~
206 | ~~measure that is used to ensure an equitable ticket buying~~
207 | ~~process is liable to the state for a civil penalty equal to~~
208 | ~~treble the amount for which the ticket or tickets were sold.~~

209 | ~~(6) As used in this section, the term "software" means~~
210 | ~~computer programs that are primarily designed or produced for~~
211 | ~~the purpose of interfering with the operation of any person or~~
212 | ~~entity that sells, over the Internet, tickets of admission to a~~
213 | ~~sporting event, theater, musical performance, or place of public~~
214 | ~~entertainment or amusement of any kind.~~

215 | Section 2. This act shall take effect October 1, 2015.

216 |
217 | -----
218 | **T I T L E A M E N D M E N T**

219 | Remove everything before the enacting clause and insert:

220 | An act relating to ticket sales; amending s. 817.36, F.S.;

221 | defining terms; revising provisions to include digital

222 | platforms; revising certain presale requirements related to

223 | ticket refunds; revising ticket resale disclosure requirements;

224 | providing ticket transferability guidelines; revising provisions

225 | relating to prohibitions on bypassing portions of the ticket



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226 buying process, disguising the identity of a buyer, or
227 circumventing security measures; providing for recovery of
228 damages up to treble the amount of actual damages for such
229 violations; requiring specified disclosures before resale of a
230 ticket; providing indemnity for resale websites and online
231 marketplaces from the representations of resellers; prohibiting
232 misrepresentations of affiliation or endorsement by resellers
233 without consent; providing exceptions; authorizing declaratory
234 judgments; authorizing the Department of Agriculture and
235 Consumer Services to enforce the ticket resale provisions;
236 providing criminal penalties for certain violations; requiring
237 rulemaking; deleting provisions imposing penalties for
238 intentionally using or selling software to circumvent certain
239 ticket seller security measures; providing an effective date.

REGULATORY AFFAIRS COMMITTEE

CS/CS/HB 491 by Rep. Artiles Property Insurance Appraisal Umpires and Property Insurance Appraisers

AMENDMENT SUMMARY April 14, 2015

Amendment 1 by Rep. Artiles (Strike-all amendment): The amendment:

- Revises the definitions of “appraisal,” “independent,” “property insurance appraisal umpire,” and “property insurance appraiser” and removes the definition of “uniform application.”
- Removes the fee for the certificate of authorization.
- Removes eligibility for licensure based on separate licensure as a geologist or certified professional accountant; graduation from a 4-year college in engineering, architecture, or building construction; completion of 8 semester hours/12 quarter hour in accounting, geology, engineering, architecture, or building construction; and 40 hours of approved coursework.
- Lengthens the time an adjuster must have been licensed before becoming eligible for licensure as a property insurance appraisal umpire or property insurance appraiser.
- Prohibits unlicensed practice as a property insurance appraisal umpire or property insurance appraiser, or use of those titles after October 1, 2016.
- Delays implementation of the licensure, prohibitions, and disciplinary provisions until October 1, 2016.

Amendment a1 by Rep. Wood (Line 212): The amendment exempts licensed attorneys and licensed adjusters from the requirements of the act.



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COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Regulatory Affairs
2 Committee

3 Representative Artiles offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (a) of subsection (4) of section
8 20.165, Florida Statutes, is amended to read:

9 20.165 Department of Business and Professional
10 Regulation.—There is created a Department of Business and
11 Professional Regulation.

12 (4) (a) The following boards and programs are established
13 within the Division of Professions:

14 1. Board of Architecture and Interior Design, created
15 under part I of chapter 481.

16 2. Florida Board of Auctioneers, created under part VI of
17 chapter 468.



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- 18 3. Barbers' Board, created under chapter 476.
- 19 4. Florida Building Code Administrators and Inspectors
20 Board, created under part XII of chapter 468.
- 21 5. Construction Industry Licensing Board, created under
22 part I of chapter 489.
- 23 6. Board of Cosmetology, created under chapter 477.
- 24 7. Electrical Contractors' Licensing Board, created under
25 part II of chapter 489.
- 26 8. Board of Employee Leasing Companies, created under part
27 XI of chapter 468.
- 28 9. Board of Landscape Architecture, created under part II
29 of chapter 481.
- 30 10. Board of Pilot Commissioners, created under chapter
31 310.
- 32 11. Board of Professional Engineers, created under chapter
33 471.
- 34 12. Board of Professional Geologists, created under
35 chapter 492.
- 36 13. Board of Veterinary Medicine, created under chapter
37 474.
- 38 14. Home inspection services licensing program, created
39 under part XV of chapter 468.
- 40 15. Mold-related services licensing program, created under
41 part XVI of chapter 468.
- 42 16. Property insurance appraisal umpires licensing
43 program, created under part XVII of chapter 468.



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44 17. Property insurance appraisers licensing program,
45 created under part XVIII of chapter 468.

46 Section 2. Part XVII of chapter 468, Florida Statutes,
47 consisting of sections 468.85 through 468.8521, is created to
48 read:

49 PART XVII

50 PROPERTY INSURANCE APPRAISAL UMPIRES

51 468.85 Property insurance appraisal umpire licensing
52 program; legislative purpose; scope of part.-

53 (1) The property insurance appraisal umpire licensing
54 program is created within the Department of Business and
55 Professional Regulation.

56 (2) The Legislature finds it necessary in the interest of
57 the public safety and welfare to prevent damage to real and
58 personal property, to avert economic injury to the residents of
59 this state, and to regulate persons and companies that hold
60 themselves out to the public as qualified to perform as property
61 insurance appraisal umpires.

62 (3) This part applies to residential and commercial
63 residential property insurance contracts and to the umpires and
64 appraisers who participate in the appraisal process.

65 468.851 Definitions.-As used in this part, the term:

66 (1) "Appraisal" means the process of dispute resolution,
67 as defined in the property insurance contract, for determining
68 the amount of loss after coverage is established and the insurer
69 and insured are unable to agree on the amount of the loss, or



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70 for determining the scope of repairs if the insurer has elected
71 to repair the property and the insurer and insured are unable to
72 agree on the scope of repairs.

73 (2) "Competent" means sufficiently qualified and capable
74 of performing an appraisal.

75 (3) "Department" means the Department of Business and
76 Professional Regulation.

77 (4) "Independent" means not subject to control,
78 restriction, modification, and limitation by the appointing
79 party. To be independent, an umpire must conduct his or her
80 investigation, evaluation, and estimation without instruction by
81 an appointing party and may not accept an appointment as an
82 umpire if the appointment is contingent upon the umpire
83 reporting a predetermined result, analysis, or opinion, or if
84 the fee to be paid for the services of the umpire is contingent
85 upon the opinion, conclusion, or valuation reached by the
86 umpire.

87 (5) "Property insurance appraisal umpire" or "umpire"
88 means a third party selected by the licensed appraisers for the
89 insurer and the insured to resolve issues that the licensed
90 appraisers are unable to reach an agreement during the course of
91 the appraisal process pursuant to a residential or commercial
92 property insurance contract that is required to provide for
93 resolution of a claim dispute by appraisal as defined in the
94 property insurance contract.



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95 (6) "Property insurance appraiser" or "appraiser" means a
96 person who is licensed pursuant to part XVIII of chapter 468.

97 468.8511 Fees.-

98 (1) The department, by rule, may establish fees to be paid
99 for application, examination, reexamination, licensing and
100 renewal, inactive status application, reactivation of inactive
101 licenses, and application for providers of continuing education.
102 The department may also establish by rule a delinquency fee.
103 Fees shall be based on department estimates of the revenue
104 required to implement the provisions of this part. Fees shall be
105 remitted with the application, examination, reexamination,
106 licensing and renewal, inactive status application, and
107 reactivation of inactive licenses, and application for providers
108 of continuing education.

109 (2) The application fee shall not exceed \$200 and is
110 nonrefundable. The examination fee shall not exceed \$200 plus
111 the actual per applicant cost to the department to purchase the
112 examination, if the department chooses to purchase the
113 examination. The examination fee shall be in an amount that
114 covers the cost of obtaining and administering the examination
115 and shall be refunded if the applicant is found ineligible to
116 sit for the examination.

117 (3) The fee for an initial license shall not exceed \$250.

118 (4) The fee for a biennial license renewal shall not
119 exceed \$500.



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120 (5) The fee for application for inactive status shall not
121 exceed \$125.

122 (6) The fee for reactivation of an inactive license shall
123 not exceed \$250.

124 (7) The fee for applications from providers of continuing
125 education may not exceed \$600.

126 (8) All fees shall be deposited into the Professional
127 Regulation Trust Fund of the Department of Business and
128 Professional Regulation.

129 468.85115 Application for license as a property insurance
130 appraisal umpire.-

131 (1) The department shall not issue a license as a property
132 insurance appraisal umpire to any person except upon
133 application previously filed with the department. Any such
134 application shall be made under oath or affirmation and signed
135 by the applicant.

136 (2) In the application, the applicant shall set forth:

137 (a) His or her full name, age, social security number,
138 residence address, business address, mailing address, contact
139 telephone numbers, including a business telephone number, and e-
140 mail address.

141 (b) Whether he or she has been refused or has voluntarily
142 surrendered or has had suspended or revoked a professional
143 license by the supervising officials of any state.



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144 (c) Proof that the applicant meets the requirements for
145 licensure as a property insurance appraisal umpire as set forth
146 in this part .

147 (d) The applicant's gender.

148 (e) The applicant's native language.

149 (f) The applicant's highest achieved level of education.

150 (g) All education requirements that the applicant has
151 completed to qualify as a property insurance appraisal umpire,
152 including the name of the course, the course provider, and the
153 course completion dates.

154 (3) Each application shall be accompanied by payment of
155 any applicable fee.

156 (4) An applicant must submit a full set of fingerprints to
157 the department or to a vendor, entity, or agency authorized by
158 s. 943.053(13). The department, vendor, entity, or agency must
159 forward the fingerprints to the Department of Law Enforcement
160 for state processing, and the Department of Law Enforcement
161 shall forward the fingerprints to the Federal Bureau of
162 Investigation for national processing. Fees for state and
163 federal fingerprint processing shall be borne by the applicant.
164 The state cost for fingerprint processing is that authorized in
165 s. 943.053(3)(b) for records provided to persons or entities
166 other than those specified as exceptions therein.

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168 (5) The department shall develop and maintain as a public
169 record a current list of licensed property insurance appraisal
170 umpires.

171 468.8512 Examinations.-

172 (1) A person desiring to be licensed as a property
173 insurance appraisal umpire must apply to the department after
174 satisfying the examination requirements of this part. The
175 following persons are exempt from the examination requirements
176 of this part:

177 (a) Retired county, circuit, and appellate judges.

178 (b) Circuit court civil certified mediators approved by
179 the Florida Supreme Court pursuant to the Florida Rules for
180 Certified and Court-Appointed Mediators.

181 (c) Mediators who are on the list of approved mediators
182 pursuant to rule 69J-166.031, Florida Administrative Code.

183 (2) An applicant may practice in this state as a property
184 insurance appraisal umpire if he or she passes the required
185 examination, is of good moral character, and meets one of the
186 following requirements:

187 (a) The applicant is currently licensed as an engineer
188 pursuant to chapter 471 or is a retired professional engineer
189 as defined in s. 471.005, and has taught or successfully
190 completed 4 hours of coursework, approved by the department,
191 specifically related to construction, building codes, appraisal
192 procedures, appraisal preparation, and any other related
193 material deemed appropriate by the department.



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194 (b) The applicant is currently or, within the 5 years
195 immediately preceding the date on which the application is filed
196 with the department, has been licensed as a general contractor,
197 building contractor, or residential contractor pursuant to part
198 I of chapter 489 and has taught or successfully completed 4
199 hours of coursework, approved by the department, specifically
200 related to construction, building codes, appraisal procedure,
201 appraisal preparation, and any other related material deemed
202 appropriate by the department.

203 (c) The applicant is currently or, within the 5 years
204 immediately preceding the date on which the application is filed
205 with the department, has been licensed or registered as an
206 architect to engage in the practice of architecture pursuant to
207 part I of chapter 481 and has taught or successfully completed 4
208 hours of coursework, approved by the department, specifically
209 related to construction, building codes, appraisal procedure,
210 appraisal preparation, and any other related material deemed
211 appropriate by the department.

212 (d) The applicant is currently or, within the 5 years
213 immediately preceding the date on which the application is filed
214 with the department, has been a licensed attorney in this state
215 and has taught or successfully completed 4 hours of coursework,
216 approved by the department, specifically related to
217 construction, building codes, appraisal procedure, appraisal
218 preparation, and any other related material deemed appropriate
219 by the department.



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220 (e) The applicant is currently licensed as an adjuster
221 pursuant to part VI of chapter 626 whose license includes the
222 property and casualty class of insurance. The currently licensed
223 adjuster must be licensed for at least 5 years to qualify for a
224 property insurance appraisal umpire's license.

225 (3) The department shall review and approve courses of
226 study for the continuing education of property insurance
227 appraisal umpires.

228 (4) The department may not issue a license as a property
229 insurance appraisal umpire to any individual found by it to be
230 untrustworthy or incompetent or who:

231 (a) Has not filed an application with the department in
232 accordance with s. 485.85115.

233 (b) Is not a natural person who is at least 18 years of
234 age.

235 (c) Is not a United States citizen or legal alien who
236 possesses work authorization from the United States Citizenship
237 and Immigration Services.

238 (d) Has not completed the education, experience, or
239 licensing requirements of this section.

240 (5) An incomplete application expires 6 months after the
241 date it is received by the department.

242 (6) An applicant seeking to become licensed under this
243 part may not be rejected solely by virtue of membership or lack
244 of membership in any particular appraisal organization.

245 468.8513 Licensure.-



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246 (1) The department shall license any applicant who the
247 department certifies is qualified to practice as a property
248 insurance appraisal umpire.

249 (2) The department shall not issue a license by
250 endorsement to any applicant for a property insurance appraisal
251 umpire license who is under investigation in another state for
252 any act that would constitute a violation of this part until
253 such time that the investigation is complete and disciplinary
254 proceedings have been terminated.

255 468.8514 Renewal of license.-

256 (1) The department shall renew a license upon receipt of
257 the renewal application and fee and upon certification by the
258 department that the licensee has satisfactorily completed the
259 continuing education requirements of s. 468.8515.

260 (2) The department shall adopt rules establishing a
261 procedure for the biennial renewal of licenses.

262 468.8515 Continuing education.-

263 (1) The department may not renew a license until the
264 licensee submits satisfactory proof to the department that,
265 during the 2 years before his or her application for renewal,
266 the licensee completed at least 25 hours of continuing education
267 in addition to 5 hours of ethics. Criteria and course content
268 shall be appraisal specific and approved by the department by
269 rule.

270 (2) The department may prescribe by rule additional
271 continuing professional education hours, not to exceed 25



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272 percent of the total required hours, for failure to complete the
273 required hours by the end of the renewal period.

274 (3) Each umpire course provider, instructor, and classroom
275 course must be approved by and registered with the department
276 before prelicensure courses for property insurance appraisal
277 umpires may be offered. Each classroom course must include a
278 written examination at the conclusion of the course and must
279 cover all of the material contained in the course. A student may
280 not receive credit for the course unless the student achieves a
281 grade of at least 75 on the examination.

282 (4) The department shall adopt rules establishing
283 standards for the approval, registration, discipline, or removal
284 from registration of course providers, instructors, and courses.
285 The standards must be designed to ensure that instructors have
286 the knowledge, competence, and integrity to fulfill the
287 educational objectives of the prelicensure requirements of this
288 part.

289 (5) Approval to teach prescribed or approved appraisal
290 courses does not entitle the instructor to teach any courses
291 outside the scope of this part.

292 468.8516 Inactive license.-

293 (1) A licensee may request that his or her license be
294 placed on inactive status by filing an application with the
295 department.

296 (2) A license that has become inactive may be reactivated
297 upon application to the department. The department may prescribe



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298 by rule continuing education requirements as a condition for
299 reactivation of an inactive license. The continuing education
300 requirements for reactivating a license may not exceed 14 hours
301 for each year the license was inactive.

302 (3) The department shall adopt rules relating to licenses
303 that have become inactive and for the renewal of inactive
304 licenses. The department shall prescribe by rule a fee not to
305 exceed \$250 for the reactivation of an inactive license and a
306 fee not to exceed \$250 for the renewal of an inactive license.

307 468.8517 Partnerships, corporations, and other business
308 entities.-The practice of or the offer to practice as a property
309 insurance appraisal umpire by licensees through a partnership,
310 corporation, or other business entity offering property
311 insurance appraisal umpire services to the public, or by a
312 partnership, corporation, or other business entities through
313 licensees under this part as agents, employees, officers, or
314 partners is permitted, subject to the provisions of this part.
315 This section does not allow a corporation or other business
316 entities to hold a license to practice property insurance
317 appraisal umpire services. A partnership, corporation, or other
318 business entity is not relieved of responsibility for the
319 conduct or acts of its agents, employees, or officers by reason
320 of its compliance with this section. An individual practicing as
321 a property insurance appraisal umpire is not relieved of
322 responsibility for professional services performed by reason of



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323 his or her employment or relationship with a partnership,
324 corporation, or other business entity.

325 468.8518 Grounds for compulsory refusal, suspension, or
326 revocation of an umpire's license.-The department shall deny an
327 application for, suspend, revoke, or refuse to renew or continue
328 the license or appointment of any applicant, property insurance
329 appraisal umpire or licensee and shall suspend or revoke the
330 eligibility to hold a license or appointment of any such person
331 if it finds that any one or more of the following applicable
332 grounds exist:

333 (1) Lack of one or more of the qualifications for the
334 license as specified in this part.

335 (2) Material misstatement, misrepresentation, or fraud in
336 obtaining the license or in attempting to obtain the license or
337 appointment.

338 (3) Failure to pass to the satisfaction of the department
339 any examination required under this chapter.

340 (4) That the license or appointment was willfully used to
341 circumvent any of the requirements or prohibitions of this
342 chapter.

343 (5) Demonstrated a lack of fitness or trustworthiness to
344 engage as a property insurance appraisal umpire.

345 (6) Demonstrated a lack of reasonably adequate knowledge
346 and technical competence to engage in the transactions
347 authorized by the license.



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348 (7) Fraudulent or dishonest practices in the conduct of
349 business under the license.

350 (8) Willful failure to comply with, or willful violation
351 of, any proper order or rule of the department or willful
352 violation of any provision of this part.

353 (9) Having been found guilty of or having pled guilty or
354 nolo contendere to a felony or a crime punishable by
355 imprisonment of 1 year or more under the law of the United
356 States or of any state thereof or under the law of any other
357 country which involves moral turpitude, without regard to
358 whether a judgment of conviction has been entered by the court
359 having jurisdiction of such cases.

360 (10) (a) Violated a duty imposed upon her or him by law or
361 by the terms of a contract, whether written, oral, expressed, or
362 implied, in an appraisal;

363 (b) Has aided, assisted, or conspired with any other
364 person engaged in any such misconduct and in furtherance
365 thereof; or

366 (c) Has formed an intent, design, or scheme to engage in
367 such misconduct and committed an overt act in furtherance of
368 such intent, design, or scheme.

369
370 It is immaterial to a finding that a licensee has committed a
371 violation of this subsection that the victim or intended victim
372 of the misconduct has sustained no damage or loss, that the
373 damage or loss has been settled and paid after the discovery of



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374 misconduct, or that such victim or intended victim was a
375 customer or a person in a confidential relationship with the
376 licensee or was an identified member of the general public.

377 (11) (a) Had a registration, license, or certification as
378 an umpire revoked, suspended, or otherwise acted against;

379 (b) Has had his or her registration, license, or
380 certificate to practice or conduct any regulated profession,
381 business, or vocation revoked or suspended by this or any other
382 state, any nation, or any possession or district of the United
383 States; or

384 (c) Has had an application for such registration,
385 licensure, or certification to practice or conduct any regulated
386 profession, business, or vocation denied by this or any other
387 state, any nation, or any possession or district of the United
388 States.

389 (12) (a) Made or filed a report or record, written or oral,
390 which the licensee knows to be false;

391 (b) Has willfully failed to file a report or record
392 required by state or federal law;

393 (c) Has willfully impeded or obstructed such filing; or

394 (d) Has induced another person to impede or obstruct such
395 filing.

396 (13) Accepted an appointment as an umpire if the
397 appointment is contingent upon the umpire reporting a
398 predetermined result, analysis, or opinion, or if the fee to be



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399 paid for the services of the umpire is contingent upon the
400 opinion, conclusion, or valuation reached by the umpire.

401 468.85185 Grounds for discretionary denial, suspension, or
402 revocation of an umpire's license.—The department may deny an
403 application for and suspend, revoke, or refuse to renew or
404 continue a license as a property insurance appraisal umpire if
405 the applicant or licensee has:

406 (1) Failed to timely communicate with the appraisers
407 without good cause.

408 (2) Failed or refused to exercise reasonable diligence in
409 submitting recommendations to the appraisers.

410 (3) Violated any ethical standard for property insurance
411 appraisal umpires set forth in s. 468.8519.

412 (4) Failed to inform the department in writing within 30
413 days after pleading guilty or nolo contendere to, or being
414 convicted or found guilty of, a felony.

415 (5) Failed to timely notify the department of any change
416 in business location, or has failed to fully disclose all
417 business locations from which he or she operates as a property
418 insurance appraisal umpire.

419 468.8519 Ethical standards for property insurance
420 appraisal umpires.—

421 (1) CONFIDENTIALITY.—An umpire shall maintain
422 confidentiality of all information revealed during an appraisal
423 except where disclosure is required by law.



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424 (2) RECORDKEEPING.—An umpire shall maintain
425 confidentiality in the storage and disposal of records and may
426 not disclose any identifying information when materials are used
427 for research, training, or statistical compilations.

428 (3) FEES AND EXPENSES.—Fees charged for appraisal services
429 shall be reasonable and consistent with the nature of the case.
430 An umpire shall be guided by the following in determining fees:

431 (a) All charges for services as an umpire based on time
432 may not exceed actual time spent or allocated.

433 (b) Charges for costs shall be for those actually
434 incurred.

435 (c) An umpire may not charge, agree to, or accept as
436 compensation or reimbursement any payment, commission, or fee
437 that is based on a percentage basis, or that is contingent upon
438 arriving at a particular value or any future happening or
439 outcome of the assignment.

440 (4) MAINTENANCE OF RECORDS.—An umpire shall maintain
441 records necessary to support charges for services and expenses,
442 and upon request shall provide an accounting of all applicable
443 charges to the parties. An umpire licensed under this part shall
444 retain original or true copies of any contracts engaging the
445 umpire's services, appraisal reports, and supporting data
446 assembled and formulated by the umpire in preparing appraisal
447 reports for at least 5 years. The period for retaining the
448 records applicable to each engagement starts on the date of the
449 submission of the appraisal report to the client. The records



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450 must be made available by the umpire for inspection and copying
451 by the department upon reasonable notice to the umpire. If an
452 appraisal has been the subject of, or has been admitted as
453 evidence in, a lawsuit, reports, and records, the appraisal must
454 be retained for at least 2 years after the date that the trial
455 ends.

456 (5) ADVERTISING.—An umpire may not engage in marketing
457 practices that contain false or misleading information. An
458 umpire shall ensure that any advertisements of the umpire's
459 qualifications, services to be rendered, or the appraisal
460 process are accurate and honest. An umpire may not make claims
461 of achieving specific outcomes or promises implying favoritism
462 for the purpose of obtaining business.

463 (6) INTEGRITY AND IMPARTIALITY.—An umpire may not engage
464 in any business, provide any service, or perform any act that
465 would compromise the umpire's integrity or impartiality.

466 (7) SKILL AND EXPERIENCE.—An umpire shall decline an
467 appointment or selection, withdraw, or request appropriate
468 assistance when the facts and circumstances of the appraisal are
469 beyond the umpire's skill or experience.

470 (8) GIFTS AND SOLICITATION.—An umpire may not give or
471 accept any gift, favor, loan, or other item of value in an
472 appraisal process except for the umpire's reasonable fee. During
473 the appraisal process, an umpire may not solicit or otherwise
474 attempt to procure future professional services.

475 468.8520 Prohibitions; penalties.



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476 (1) Effective October 1, 2016, a person may not:
477 (a) Act or offer to act as a property insurance appraisal
478 umpire unless the person is licensed pursuant to this part.

479 (b) Use the name or title "property insurance appraisal
480 umpire" or "umpire" unless the person is licensed pursuant to
481 this part.

482 (2) A person who is found to be in violation of any
483 provision of this section commits a misdemeanor of the first
484 degree, punishable as provided in s. 775.082 or s. 775.083.

485 468.8521 Rulemaking authority.—The department may adopt
486 rules to administer this part, including rules:

487 (a) Establishing a process for determining compliance with
488 the prelicensure requirements.

489 (b) Prescribing necessary forms.

490 (c) Implementing specific rulemaking authority as set
491 forth herein.

492 Section 3. Part XVIII of chapter 468, Florida Statutes,
493 consisting of sections 468.86 through 468.8621, is created to
494 read:

495 PART XVIII

496 PROPERTY INSURANCE APPRAISERS

497 468.86 Property insurance appraiser licensing program;
498 legislative purpose; scope of part.—

499 (1) The property insurance appraiser licensing program is
500 created within the Department of Business and Professional
501 Regulation.



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502 (2) The Legislature finds it necessary and in the interest
503 of the public safety and welfare, to prevent damage to real and
504 personal property, to avert economic injury to the residents of
505 this state, and to regulate persons and companies that hold
506 themselves out to the public as qualified to perform as a
507 property insurance appraiser.

508 (3) This part applies to residential and commercial
509 residential property insurance contracts and to the umpires and
510 appraisers who participate in the appraisal process.

511 468.861 Definitions.—As used in this part, the term:

512 (1) "Appraisal" means the process of dispute resolution,
513 as defined in the property insurance contract, for determining
514 the amount of loss after coverage is established and the insurer
515 and insured are unable to agree on the amount of the loss, or
516 for determining the scope of repairs if the insurer has elected
517 to repair the property and the insurer and insured are unable to
518 agree on the scope of repairs.

519 (2) "Competent" means sufficiently qualified and capable
520 to performing an appraisal.

521 (3) "Department" means the Department of Business and
522 Professional Regulation.

523 (4) "Independent" means not subject to control,
524 restriction, modification, and limitation by the appointing
525 party. To be independent, a person may not accept an appointment
526 as an appraiser if the appointment is contingent upon the
527 appraiser reporting a predetermined result, analysis, or



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528 opinion, or if the fee to be paid for the services of the
529 appraiser is contingent upon the opinion, conclusion, or
530 valuation reached by the appraiser.

531 (5) "Property insurance appraisal umpire" or "umpire"
532 means a person who is licensed pursuant to part XVII of chapter
533 468.

534 (6) "Property insurance appraiser" or "appraiser" means a
535 third party selected by an insurer or an insured to develop an
536 appraisal for purposes of the appraisal process under a
537 residential or commercial property insurance contract that
538 provides for resolution of a claim dispute by appraisal.

539 468.8611 Fees.-

540 (1) The department, by rule, may establish fees to be paid
541 for application, examination, reexamination, licensing and
542 renewal, inactive status application, reactivation of inactive
543 licenses, and application for providers of continuing education.
544 The department may also establish by rule a delinquency fee.
545 Fees shall be based on department estimates of the revenue
546 required to implement the provisions of this part. Fees shall be
547 remitted with the application, examination, reexamination,
548 licensing and renewal, inactive status application, and
549 reactivation of inactive licenses, and application for providers
550 of continuing education.

551 (2) The application fee shall not exceed \$200 and is
552 nonrefundable. The examination fee shall not exceed \$200 plus
553 the actual per applicant cost to the department to purchase the



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554 examination, if the department chooses to purchase the
555 examination. The examination fee shall be in an amount that
556 covers the cost of obtaining and administering the examination
557 and shall be refunded if the applicant is found ineligible to
558 sit for the examination.

559 (3) The fee for an initial license shall not exceed \$250.

560 (4)

561 The fee for a biennial license renewal shall not exceed
562 \$500.

563 (5) The fee for application for inactive status shall not
564 exceed \$125.

565 (6) The fee for reactivation of an inactive license shall
566 not exceed \$250.

567 (7) The fee for applications from providers of continuing
568 education may not exceed \$600.

569 (8) All fees shall be deposited into the Professional
570 Regulation Trust Fund of the Department of Business and
571 Professional Regulation.

572 468.86115 Application for license as a property insurance
573 appraiser.-

574 (1) The department shall not issue a license as a property
575 insurance appraiser to any person except upon application
576 previously filed with the department. Any such application shall
577 be made under oath or affirmation of and signed by the
578 applicant.

579 (2) In the application, the applicant shall set forth:



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580 (a) His or her full name, age, social security number,
581 residence address, business address, mailing address, contact
582 telephone numbers, including a business telephone number, and e-
583 mail address.

584 (b) Whether he or she has been refused or has voluntarily
585 surrendered or has had suspended or revoked a professional
586 license by the supervising officials of any state.

587 (c) Proof that the applicant meets the requirements of
588 licensure as a property insurance appraiser as set forth in this
589 part.

590 (d) The applicant's gender.

591 (e) The applicant's native language.

592 (f) The applicant's highest achieved level of education.

593 (g) All education requirements that the applicant has
594 completed to qualify as a property insurance appraiser,
595 including the name of the course, the course provider, and the
596 course completion dates.

597 (3) Each application shall be accompanied by payment of
598 any applicable fee.

599 (4) An applicant must submit a full set of fingerprints to
600 the department or to a vendor, entity, or agency authorized by
601 s. 943.053(13). The department, vendor, entity, or agency must
602 forward the fingerprints to the Department of Law Enforcement
603 for state processing, and the Department of Law Enforcement
604 shall forward the fingerprints to the Federal Bureau of
605 Investigation for national processing. Fees for state and



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606 federal fingerprint processing shall be borne by the applicant.
607 The state cost for fingerprint processing is that authorized in
608 s. 943.053(3)(b) for records provided to persons or entities
609 other than those specified as exceptions therein.

610 (5) The department shall develop and maintain as a public
611 record a current list of licensed property insurance appraisers.

612 468.8612 Examinations.-

613 (1) A person desiring to be licensed as a property
614 insurance appraiser must apply to the department after
615 satisfying the examination requirements of this part. The
616 following persons are exempt from the examination requirements
617 of this part:

618 (a) Retired county, circuit, and appellate judges.

619 (b) Circuit court civil certified mediators approved by
620 the Florida Supreme Court pursuant to the Florida Rules for
621 Certified and Court-Appointed Mediators.

622 (c) Mediators who are on the list of approved mediators
623 pursuant to rule 69J-166.031, Florida Administrative Code.

624 (2) An applicant may practice in this state as a property
625 insurance appraiser if he or she passes the required
626 examination, is of good moral character, and meets one of the
627 following requirements:

628 (a) The applicant is currently licensed as an engineer
629 pursuant to chapter 471 or is a retired professional engineer as
630 defined in s. 471.005, and has taught or successfully completed
631 4 hours of coursework, approved by the department, specifically



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632 related to construction, building codes, appraisal procedures,
633 appraisal preparation, and any other related material deemed
634 appropriate by the department.

635 (b) The applicant is currently or, within the 5 years
636 immediately preceding the date on which the application is filed
637 with the department, has been licensed as a general contractor,
638 building contractor, or residential contractor pursuant to part
639 I of chapter 489 and has taught or successfully completed 4
640 hours of coursework, approved by the department, specifically
641 related to construction, building codes, appraisal procedure,
642 appraisal preparation, and any other related material deemed
643 appropriate by the department.

644 (c) The applicant is currently or, within the 5 years
645 immediately preceding the date on which the application is filed
646 with the department, has been licensed or registered as an
647 architect to engage in the practice of architecture pursuant to
648 part I of chapter 481 and has taught or successfully completed 4
649 hours of coursework, approved by the department, specifically
650 related to construction, building codes, appraisal procedure,
651 appraisal preparation, and any other related material deemed
652 appropriate by the department.

653 (d) The applicant is currently or, within the 5 years
654 immediately preceding the date on which the application is filed
655 with the department, has been a licensed attorney in this state
656 and has taught or successfully completed 4 hours of coursework,
657 approved by the department, specifically related to



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658 construction, building codes, appraisal procedure, appraisal
659 preparation, and any other related material deemed appropriate
660 by the department.

661 (e) The applicant is currently licensed as an adjuster
662 pursuant to part VI of chapter 626 whose license includes the
663 property and casualty class of insurance. The currently licensed
664 adjuster must be licensed for at least 3 years to qualify for a
665 property insurance appraiser's license.

666 (3) The department shall review and approve courses of
667 study for the continuing education of property insurance
668 appraisers.

669 (4) The department may not issue a license as a property
670 insurance appraiser to any individual found by it to be
671 untrustworthy or incompetent or who:

672 (a) Has not filed an application with the department in
673 accordance with s. 485.86115.

674 (b) Is not a natural person who is at least 18 years of
675 age.

676 (c) Is not a United States citizen or legal alien who
677 possesses work authorization from the United States Citizenship
678 and Immigration Services.

679 (d) Has not completed the education, experience, or
680 licensing requirements in this section.

681 (5) An incomplete application expires 6 months after the
682 date it is received by the department.



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683 (6) An applicant seeking to become licensed under this
684 part may not be rejected solely by virtue of membership or lack
685 of membership in any particular appraisal organization.

686 468.8613 Licensure.—

687 (1) The department shall license any applicant who the
688 department certifies is qualified to practice as a property
689 insurance appraiser.

690 (2) The department shall not issue a license by
691 endorsement to any applicant for a property insurance appraiser
692 license who is under investigation in another state for any act
693 that would constitute a violation of this part until such time
694 that the investigation is complete and disciplinary proceedings
695 have been terminated.

696 468.8614 Renewal of license.—

697 (1) The department shall renew a license upon receipt of
698 the renewal application and fee and upon certification by the
699 department that the licensee has satisfactorily completed the
700 continuing education requirements of s. 468.8615.

701 (2) The department shall adopt rules establishing a
702 procedure for the biennial renewal of licenses.

703 468.8615 Continuing education.—

704 (1) The department may not renew a license until the
705 licensee submits satisfactory proof to the department that,
706 during the 2 years before his or her application for renewal,
707 the licensee completed at least 25 hours of continuing education
708 in addition to 5 hours of ethics. Criteria and course content



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709 shall be appraisal specific and approved by the department by
710 rule.

711 (2) The department may prescribe by rule additional
712 continuing professional education hours, not to exceed 25
713 percent of the total required hours, for failure to complete the
714 required hours for renewal by the end of the renewal period.

715 (3) Each appraiser course provider, instructor, and
716 classroom course must be approved by and registered with the
717 department before prelicensure courses for property insurance
718 appraisers may be offered. Each classroom course must include a
719 written examination at the conclusion of the course and must
720 cover all of the material contained in the course. A student may
721 not receive credit for the course unless the student achieves a
722 grade of at least 75 on the examination.

723 (4) The department shall adopt rules establishing
724 standards for the approval, registration, discipline, or removal
725 from registration of course providers, instructors, and courses.
726 The standards must be designed to ensure that instructors have
727 the knowledge, competence, and integrity to fulfill the
728 educational objectives of the prelicensure requirements of this
729 part.

730 (5) Approval to teach prescribed or approved appraisal
731 courses does not entitle the instructor to teach any courses
732 outside the scope of this part.

733 468.8616 Inactive license.-



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734 (1) A licensee may request that his or her license be
735 placed on inactive status by filing an application with the
736 department.

737 (2) A license that has become inactive may be reactivated
738 upon application to the department. The department may prescribe
739 by rule continuing education requirements as a condition for
740 reactivation of an inactive license. The continuing education
741 requirements for reactivating a license may not exceed 14 hours
742 for each year the license was inactive.

743 (3) The department shall adopt rules relating to licenses
744 that have become inactive and for the renewal of inactive
745 licenses. The department shall prescribe by rule a fee not to
746 exceed \$250 for the reactivation of an inactive license and a
747 fee not to exceed \$250 for the renewal of an inactive license.

748 468.8617 Partnerships, corporations, and other business
749 entities.--The practice of or the offer to practice as a property
750 insurance appraiser by licensees through a partnership,
751 corporation, or other business entity offering property
752 insurance appraiser services to the public, or by a partnership,
753 corporation, or other business entity through licensees under
754 this part as agents, employees, officers, or partners is
755 permitted subject to the provisions of this part. This section
756 does not allow a corporation or other business entity to hold a
757 license to practice property insurance appraiser services. A
758 partnership, corporation, or other business entity is not
759 relieved of responsibility for the conduct or acts of its



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760 agents, employees, or officers by reason of its compliance with
761 this section. An individual practicing as a property insurance
762 appraiser is not relieved of responsibility for professional
763 services performed by reason of his or her employment or
764 relationship with a partnership, corporation, or other business
765 entity.

766 468.8618 Grounds for compulsory refusal, suspension, or
767 revocation of an appraiser's license.--The department shall deny
768 an application for, suspend, revoke, or refuse to renew or
769 continue the license or appointment of any applicant, property
770 insurance appraiser or licensee and shall suspend or revoke the
771 eligibility to hold a license or appointment of any such person
772 if it finds that any one or more of the following applicable
773 grounds exist:

774 (1) Lack of one or more of the qualifications for the
775 license as specified in this part.

776 (2) Material misstatement, misrepresentation, or fraud in
777 obtaining the license or in attempting to obtain the license or
778 appointment.

779 (3) Failure to pass to the satisfaction of the department
780 any examination required under this act.

781 (4) That the license or appointment was willfully used to
782 circumvent any of the requirements or prohibitions of this code.

783 (5) Demonstrated a lack of fitness or trustworthiness to
784 engage as a property insurance appraiser.



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785 (6) Demonstrated a lack of reasonably adequate knowledge
786 and technical competence to engage in the transactions
787 authorized by the license.

788 (7) Fraudulent or dishonest practices in the conduct of
789 business under the license.

790 (8) Willful failure to comply with, or willful violation
791 of, any proper order or rule of the department or willful
792 violation of any provision of this part.

793 (9) Having been found guilty of or having pled guilty or
794 nolo contendere to a felony or a crime punishable by
795 imprisonment of 1 year or more under the law of the United
796 States or of any state thereof or under the law of any other
797 country which involves moral turpitude, without regard to
798 whether a judgment of conviction has been entered by the court
799 having jurisdiction of such cases.

800 (10) (a) Violated a duty imposed upon her or him by law or
801 by the terms of a contract, whether written, oral, expressed, or
802 implied, in an appraisal;

803 (b) Has aided, assisted, or conspired with any other
804 person engaged in any such misconduct and in furtherance
805 thereof; or

806 (c) Has formed an intent, design, or scheme to engage in
807 such misconduct and committed an overt act in furtherance of
808 such intent, design, or scheme.

809



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810 It is immaterial to a finding that a licensee has committed a
811 violation of this subsection that the victim or intended victim
812 of the misconduct has sustained no damage or loss, that the
813 damage or loss has been settled and paid after the discovery of
814 misconduct, or that such victim or intended victim was a
815 customer or a person in a confidential relationship with the
816 licensee or was an identified member of the general public.

817 (11) (a) Had a registration, license, or certification as
818 an appraiser revoked, suspended, or otherwise acted against;

819 (b) Has had his or her registration, license, or
820 certificate to practice or conduct any regulated profession,
821 business, or vocation revoked or suspended by this or any other
822 state, any nation, or any possession or district of the United
823 States; or

824 (c) Has had an application for such registration,
825 licensure, or certification to practice or conduct any regulated
826 profession, business, or vocation denied by this or any other
827 state, any nation, or any possession or district of the United
828 States.

829 (12) (a) Made or filed a report or record, written or oral,
830 which the licensee knows to be false;

831 (b) Has willfully failed to file a report or record
832 required by state or federal law;

833 (c) Has willfully impeded or obstructed such filing; or

834 (d) Has induced another person to impede or obstruct such
835 filing.



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836 (13) Accepted an appointment as an appraiser if the
837 appointment is contingent upon the appraiser reporting a
838 predetermined result, analysis, or opinion, or if the fee to be
839 paid for the services of the appraiser is contingent upon the
840 opinion, conclusion, or valuation reached by the appraiser.

841 468.86185 Grounds for discretionary denial, suspension, or
842 revocation of an appraiser's license.-The department may deny an
843 application for and suspend, revoke, or refuse to renew or
844 continue a license as a property insurance appraiser if the
845 applicant or licensee has:

846 (1) Failed to timely communicate with the opposing party's
847 appraiser without good cause.

848 (2) Failed or refused to exercise reasonable diligence in
849 submitting recommendations to the opposing party's appraiser.

850 (3) Violated any ethical standard for property insurance
851 appraisers set forth in s. 468.8619.

852 (4) Failed to inform the department in writing within 30
853 days after pleading guilty or nolo contendere to, or being
854 convicted or found guilty of, a felony.

855 (5) Failed to timely notify the department of any change
856 in business location, or has failed to fully disclose all
857 business locations from which he or she operates as a property
858 insurance appraiser.

859 468.8619 Ethical standards for property insurance
860 appraisers.-



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861 (1) CONFIDENTIALITY.—An appraiser shall maintain
862 confidentiality of all information revealed during an appraisal
863 except to the party that hired the appraiser and except where
864 disclosure is required by law.

865 (2) RECORDKEEPING.—An appraiser shall maintain
866 confidentiality in the storage and disposal of records and may
867 not disclose any identifying information when materials are used
868 for research, training, or statistical compilations.

869 (3) FEES AND EXPENSES.—Fees charged for appraisal services
870 shall be reasonable and consistent with the nature of the case.
871 An appraiser shall be guided by the following in determining
872 fees:

873 (a) All charges for services as an appraiser based on time
874 may not exceed actual time spent or allocated.

875 (b) Charges for costs shall be for those actually
876 incurred.

877 (4) MAINTENANCE OF RECORDS.—An appraiser shall maintain
878 records necessary to support charges for services and expenses,
879 and upon request shall provide an accounting of all applicable
880 charges to the parties. An appraiser licensed under this part
881 shall retain for at least 5 years original or true copies of any
882 contracts engaging the appraiser's services, appraisal reports,
883 and supporting data assembled and formulated by the appraiser in
884 preparing appraisal reports. The period for retaining the
885 records applicable to each engagement starts on the date of the
886 submission of the appraisal report to the client. The records

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887 must be made available by the appraiser for inspection and
888 copying by the department upon reasonable notice to the
889 appraiser. If an appraisal has been the subject of, or has been
890 admitted as evidence in, a lawsuit, reports, and records, the
891 appraisal must be retained for at least 2 years after the date
892 that the trial ends.

893 (5) ADVERTISING.—An appraiser may not engage in marketing
894 practices that contain false or misleading information. An
895 appraiser shall ensure that any advertisements of the
896 appraiser's qualifications, services to be rendered, or the
897 appraisal process are accurate and honest. An appraiser may not
898 make claims of achieving specific outcomes or promises implying
899 favoritism for the purpose of obtaining business.

900 (6) INTEGRITY.—An appraiser may not accept any engagement,
901 provide any service, or perform any act that would compromise
902 the appraiser's integrity.

903 (a) An appraiser may not accept an appointment unless he
904 or she can:

905 1. Serve independently from the party appointing him or
906 her;

907 2. Serve competently; and

908 3. Be available to promptly commence the appraisal, and
909 thereafter devote the time and attention to its completion in a
910 manner expected by all involved parties.

911 (b) An appraiser shall conduct the appraisal process in a
912 manner that advances the fair and efficient resolution of the



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913 matters submitted for decision. A licensed appraiser shall make
914 all reasonable efforts to prevent delays in the appraisal
915 process, the harassment of parties or other participants, or
916 other abuse or disruption of the appraisal process.

917 (c) Once a licensed appraiser has accepted an appointment,
918 the appraiser may not withdraw or abandon the appointment unless
919 compelled to do so by unanticipated circumstances that would
920 render it impossible or impracticable to continue.

921 (d) The licensed appraiser shall, after careful
922 deliberation, decide all issues submitted for determination and
923 no other issues. A licensed appraiser shall decide all matters
924 justly, exercising independent judgment, and may not allow
925 outside pressure to affect the decision. An appraiser may not
926 delegate the duty to decide to any other person.

927 (7) SKILL AND EXPERIENCE.—An appraiser shall decline an
928 appointment or selection, withdraw, or request appropriate
929 assistance when the facts and circumstances of the appraisal are
930 beyond the appraiser's skill or experience.

931 (8) GIFTS AND SOLICITATION.—An appraiser may not give or
932 accept any gift, favor, loan, or other item of value in an
933 appraisal process except for the appraiser's reasonable fee.
934 During the appraisal process, an appraiser may not solicit or
935 otherwise attempt to procure future professional services.

936 (9) COMMUNICATIONS WITH PARTIES.—

937 (a) If an agreement of the parties establishes the manner
938 or content of the communications between the appraisers, the



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939 parties and the umpire, the appraisers shall abide by such
940 agreement. In the absence of agreement, an appraiser may not
941 discuss a proceeding with any party or with the umpire in the
942 absence of any other party, except in the following
943 circumstances:

944 1. If the appointment of the appraiser or umpire is being
945 considered, the prospective appraiser or umpire may ask about
946 the identities of the parties, counsel, and the general nature
947 of the case, and may respond to inquiries from a party, its
948 counsel or an umpire designed to determine his or her
949 suitability and availability for the appointment;

950 2. To consult with the party who appointed the appraiser
951 concerning the selection of a neutral umpire;

952 3. To make arrangements for any compensation to be paid by
953 the party who appointed the appraiser; or

954 4. To make arrangements for obtaining materials and
955 inspection of the property with the party who appointed the
956 appraiser. Such communication is limited to scheduling and the
957 exchange of materials.

958 (b) There may be no communications whereby a party
959 dictates to an appraiser what the result of the proceedings must
960 be, what matters or elements may be included or considered by
961 the appraiser, or what actions the appraiser may take.

962 468.8620 Prohibitions; penalties.

963 (1) Effective October 1, 2016, a person may not:



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964 (a) Act or offer to act as a property insurance appraiser
965 unless the person is licensed pursuant to this part.

966 (b) Use the name or title "property insurance appraiser"
967 or "appraiser" unless the person is licensed pursuant to this
968 part.

969 (2) A person who is found to be in violation of any
970 provision of this section commits a misdemeanor of the first
971 degree, punishable as provided in s. 775.082 or s. 775.083.

972 468.8521 Rulemaking authority.—The department may adopt
973 rules to administer this part, including rules:

974 (a) Establishing a process for determining compliance with
975 the prelicensure requirements.

976 (b) Prescribing necessary forms.

977 (c) Implementing specific rulemaking authority as set
978 forth herein.

979 Section 4. Effective July 1, 2015, for the 2015-2016
980 fiscal year, the sums of \$605,874 in recurring funds and \$59,053
981 in nonrecurring funds from the Professional Regulation Trust
982 Fund are appropriated to the Department of Business and
983 Professional Regulation, and four full-time equivalent positions
984 and associated salary rate of 212,315 are authorized, for the
985 purpose of implementing this act.

986 Section 5. This act shall take effect July 1, 2015.
987 However, the licensure, prohibitions, and disciplinary
988 provisions of this act shall not be implemented until October 1,
989 2016.



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T I T L E A M E N D M E N T
Remove everything before the enacting clause and insert:
A bill to be entitled
An act relating to property insurance appraisal
umpires and property insurance appraisers; amending s.
20.165, F.S.; establishing specified programs within
the Division of Professions of the Department of
Business and Professional Regulation; creating part
XVII of chapter 468, F.S., relating to property
insurance appraisal umpires; creating the property
insurance appraisal umpire licensing program within
the department; providing legislative findings;
providing applicability; providing definitions;
authorizing the department to establish fees;
providing for the deposit of fees; providing licensing
application requirements; providing authority and
procedures regarding submission and processing of
fingerprints; providing examination requirements;
providing application requirements for licensure as a
property insurance appraisal umpire; providing
licensure renewal requirements; authorizing the
department to adopt rules; providing continuing
education requirements; providing requirements for the
inactivation of a license by a licensee; providing



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1016 requirements for renewing an inactive license;
1017 establishing license reactivation fees; providing for
1018 certification of partnerships and corporations
1019 offering property insurance appraisal umpire services;
1020 providing grounds for compulsory refusal, suspension,
1021 or revocation of an umpire's license; providing
1022 grounds for discretionary denial, suspension, or
1023 revocation of an umpire's license; providing ethical
1024 standards for property insurance appraisal umpires;
1025 providing prohibitions and penalties; authorizing the
1026 department to adopt rules; creating part XVIII of
1027 chapter 468, F.S., relating to property insurance
1028 appraisers; creating the property insurance appraiser
1029 licensing program within the department; providing
1030 legislative findings; providing applicability;
1031 providing definitions; authorizing the department to
1032 establish fees; limiting fee amounts; providing
1033 licensing application requirements; providing
1034 authority and procedures regarding submission and
1035 processing of fingerprints; providing examination
1036 requirements; providing application requirements for
1037 licensure as a property insurance appraiser; providing
1038 licensure renewal requirements; authorizing the
1039 department to adopt rules; providing for the deposit
1040 of fees; providing continuing education requirements;
1041 providing requirements for the inactivation of a

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1042 license by a licensee; providing requirements for
1043 renewing an inactive license; establishing license
1044 reactivation fees; providing for certification of
1045 partnerships and corporations offering property
1046 insurance appraiser services; providing grounds for
1047 compulsory refusal, suspension, or revocation of an
1048 appraiser's license; providing grounds for
1049 discretionary denial, suspension, or revocation of an
1050 appraiser's license; providing ethical standards;
1051 providing prohibitions and penalties; authorizing the
1052 department to adopt rules; providing an appropriation
1053 and authorizing positions; providing effective dates.



Amendment No. a1

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: Regulatory Affairs
2 Committee

3 Representative Wood offered the following:

4
5 **Amendment to Amendment (907469) by Representative Artiles**
6 **(with directory and title amendments)**

7 Remove lines 212-224 of the amendment

8
9 Between lines 491 and 492 of the amendment, insert:

10 468.8522 Exemptions.--The following persons are not
11 required to comply with any provisions of this part:

12 (1) An adjuster licensed pursuant to part VI of chapter
13 626.

14 (2) An attorney at law duly licensed to practice law in the
15 courts of this state, and in good standing with the Florida Bar.

16 Remove lines 653-665 of the amendment
17



Amendment No. a1

18 Between lines 978 and 979 of the amendment, insert:

19 468.8622 Exemptions.—The following persons are not
20 required to comply with any provisions of this part:

21 (1) An adjuster licensed pursuant to part VI of chapter
22 626.

23 (2) An attorney at law duly licensed to practice law in the
24 courts of this state, and in good standing with the Florida Bar.

25 -----
26

27 D I R E C T O R Y A M E N D M E N T

28 Remove lines 46-48 of the amendment and insert:

29 Section 2. Part XVII of chapter 468, Florida Statutes,
30 consisting of sections 468.85 through 468.8522, is created to
31 read:

32 Remove lines 492-494 of the amendment and insert:

33 Section 2. Part XVIII of chapter 468, Florida Statutes,
34 consisting of sections 468.86 through 468.8622, is created to
35 read:

36 -----
37

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

39 Remove line 1026 of the amendment and insert:

40 department to adopt rules; providing exemptions; creating part
41 XVIII of

42 Remove line 1052 of the amendment and insert:



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 491 (2015)

Amendment No. a1

43 | **department to adopt rules;** providing exemptions; providing an
44 | appropriation

REGULATORY AFFAIRS COMMITTEE

CS/HB 765, by Rep. Goodson Household Moving Services

AMENDMENT SUMMARY April 14, 2015

Amendment 1 by Rep. Goodson: The amendment removes language:

- Specifying the amount of payment that a mover could collect upon delivery of partially lost or destroyed household goods;
- Requiring a mover to determine the proportion of lost or destroyed household goods; and
- Prohibiting a mover from collecting or requiring a shipper to pay any charges other than specific valuation rate charges if household goods are totally lost or destroyed in transit.



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: Regulatory Affairs
2 Committee
3 Representative Goodson offered the following:

Amendment (with title amendment)

Remove lines 479-522

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

Remove lines 63-71 and insert:
amending s. 507.07, F.S.; providing that

Regulatory Affairs Committee

CS/HB 895 by Rep. Ahern Flood Insurance

AMENDMENT SUMMARY April 14, 2015

Amendment 1 by Rep. Ahern (Strike-All): Includes the provisions of the bill with the following changes:

- Adds a provision to require components for inclusion in the coastal management element of local government comprehensive plans.
- Adds a provision to require licensed surveyors and mappers to complete elevation certificates in accordance with procedures developed by the Division of Emergency Management.
- Adds a provision to allow insurers to offer flexible flood coverage only for the outstanding mortgage on the property.
- Adds a provision to allow dwelling loss to be adjusted only on the basis of the actual cash value of the property.
- Amends a provision for OIR to require insurers to return premium to affected former insureds but permits credits to current policyholders if the office determines that a rate was excessive or unfairly discriminatory.
- Removes a requirement that flexible flood insurance must be acceptable to the mortgage lender if such policy is intended to satisfy a mortgage requirement.



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: Regulatory Affairs
2 Committee

3 Representative Ahern offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (f) of subsection (2) of section
8 163.3178, Florida Statutes, is amended to read:

9 163.3178 Coastal management.—

10 (2) Each coastal management element required by s.
11 163.3177(6)(g) shall be based on studies, surveys, and data; be
12 consistent with coastal resource plans prepared and adopted
13 pursuant to general or special law; and contain:

14 (f) A redevelopment component that ~~which~~ outlines the
15 principles that must ~~which shall~~ be used to eliminate
16 inappropriate and unsafe development in the coastal areas when
17 opportunities arise. The component must:



Amendment No. 1

18 1. Include development and redevelopment principles,
19 strategies, and engineering solutions that reduce the flood risk
20 in coastal areas which results from high-tide events, storm
21 surge, flash floods, stormwater runoff, and the related impacts
22 of sea-level rise.

23 2. Encourage the use of best practices development and
24 redevelopment principles, strategies, and engineering solutions
25 that will result in the removal of coastal real property from
26 flood zone destinations established by the Federal Emergency
27 Management Agency.

28 3. Identity site development techniques and best practices
29 that may reduce losses due to flooding and claims made under
30 flood insurance policies issued in this state.

31 4. Be consistent with, or more stringent than, the flood-
32 resistant construction requirements in the Florida Building Code
33 and applicable flood plain management regulations set forth in
34 44 C.F.R. part 60.

35 5. Require that any construction activities seaward of the
36 coastal construction control lines established pursuant to s.
37 161.053 be consistent with chapter 161.

38 6. Encourage local governments to participate in the
39 National Flood Insurance Program Community Rating System
40 administered by the Federal Emergency Management Agency to
41 achieve flood insurance premium discounts for their residents.

42 Section 2. Section 472.0366, Florida Statutes, is created
43 to read:



Amendment No. 1

44 472.0366 Elevation certificates; requirements for
45 surveyors and mappers.-

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

47 (a) "Division" means the Division of Emergency Management
48 established within the Executive Office of the Governor under s.
49 14.2016.

50 (b) "Elevation certificate" means the certificate used to
51 demonstrate the elevation of property which has been developed
52 by the Federal Emergency Management Agency pursuant to federal
53 floodplain management regulation and which is completed by a
54 surveyor and mapper.

55 (2) An elevation certificate must be completed by a
56 surveyor and mapper in accordance with the checklist developed
57 by the division. Within 30 days after the completion of an
58 elevation certificate, a surveyor and mapper must submit a copy
59 of the certificate to the division. The copy must be unaltered,
60 except that the surveyor and mapper may redact the name of the
61 property owner.

62 Section 3. Section 627.715, Florida Statutes, is amended
63 to read:

64 627.715 Flood insurance.—An authorized insurer may issue
65 an insurance policy, contract, or endorsement providing personal
66 lines residential coverage for the peril of flood on any
67 structure or the contents of personal property contained
68 therein, subject to this section. This section does not apply to
69 commercial lines residential or commercial lines nonresidential



Amendment No. 1

70 coverage for the peril of flood. This section also does not
71 apply to coverage for the peril of flood that is excess coverage
72 over any other insurance covering the peril of flood. An insurer
73 may issue flood insurance policies, contracts, or endorsements
74 on a standard, preferred, customized, or supplemental basis.

75 (1)(a)1. Standard flood insurance must cover only losses
76 from the peril of flood, as defined in paragraph (b), equivalent
77 to that provided under a standard flood insurance policy under
78 the National Flood Insurance Program. Standard flood insurance
79 issued under this section must provide the same coverage,
80 including deductibles and adjustment of losses, as that provided
81 under a standard flood insurance policy under the National Flood
82 Insurance Program.

83 2. Preferred flood insurance must include the same
84 coverage as standard flood insurance but:

85 a. Include, within the definition of "flood," losses from
86 water intrusion originating from outside the structure that are
87 not otherwise covered under the definition of "flood" provided
88 in paragraph (b).

89 b. Include coverage for additional living expenses.

90 c. Require that any loss under personal property or
91 contents coverage that is repaired or replaced be adjusted only
92 on the basis of replacement costs up to the policy limits.

93 3. Customized flood insurance must include coverage that
94 is broader than the coverage provided under standard flood
95 insurance.



Amendment No. 1

96 4. Flexible flood insurance must cover losses from the
97 peril of flood, as defined in paragraph (b), and may also
98 include coverage for losses from water intrusion originating
99 from outside the structure which is not otherwise covered by the
100 definition of flood. Flexible flood insurance must include one
101 or more of the following provisions:

102 a. An agreement between the insurer and the insured that
103 the flood coverage is in a specified amount, such as coverage
104 that is limited to the total amount of each outstanding mortgage
105 applicable to the covered property.

106 b. A requirement for a deductible in an amount authorized
107 under s. 627.701, including a deductible in an amount authorized
108 for hurricanes.

109 c. A requirement that flood loss to a dwelling be adjusted
110 in accordance with s. 627.7011(3) or adjusted on the basis of
111 the actual cash value of the property.

112 d. A restriction limiting flood coverage to the principal
113 building, as defined in the policy.

114 e. A provision including or excluding coverage for
115 additional living expenses.

116 f. A provision excluding coverage for personal property or
117 contents as to the peril of flood.

118 5.4- Supplemental flood insurance may provide coverage
119 designed to supplement a flood policy obtained from the National
120 Flood Insurance Program or from an insurer issuing standard or
121 preferred flood insurance pursuant to this section. Supplemental



Amendment No. 1

122 flood insurance may provide, but need not be limited to,
123 coverage for jewelry, art, deductibles, and additional living
124 expenses. ~~Supplemental flood insurance does not include coverage~~
125 ~~for the peril of flood that is excess coverage over any other~~
126 ~~insurance covering the peril of flood.~~

127 (b) "Flood" means a general and temporary condition of
128 partial or complete inundation of two or more acres of normally
129 dry land area or of two or more properties, at least one of
130 which is the policyholder's property, from:

- 131 1. Overflow of inland or tidal waters;
- 132 2. Unusual and rapid accumulation or runoff of surface
133 waters from any source;
- 134 3. Mudflow; or
- 135 4. Collapse or subsidence of land along the shore of a
136 lake or similar body of water as a result of erosion or
137 undermining caused by waves or currents of water exceeding
138 anticipated cyclical levels that result in a flood as defined in
139 this paragraph.

140 (2) ~~Any limitations on Flood coverage deductibles and ex~~
141 ~~policy limits pursuant to this section, including, but not~~
142 ~~limited to, deductibles,~~ must be prominently noted on the policy
143 declarations page or face page.

144 (3) (a) An insurer may establish and use flood coverage
145 rates in accordance with the rate standards provided in s.
146 627.062.

147 (b) For flood coverage rates filed with the office before



Amendment No. 1

148 October 1, 2019, the insurer may also establish and use such
149 rates in accordance with the rates, rating schedules, or rating
150 manuals filed by the insurer with the office which allow the
151 insurer a reasonable rate of return on flood coverage written in
152 this state. Flood coverage rates established pursuant to this
153 paragraph are not subject to s. 627.062(2)(a) and (f). An
154 insurer shall notify the office of any change to such rates
155 within 30 days after the effective date of the change. The
156 notice must include the name of the insurer and the average
157 statewide percentage change in rates. Actuarial data with regard
158 to such rates for flood coverage must be maintained by the
159 insurer for 2 years after the effective date of such rate change
160 and is subject to examination by the office. The office may
161 require the insurer to incur the costs associated with an
162 examination. Upon examination, the office, in accordance with
163 generally accepted and reasonable actuarial techniques, shall
164 consider the rate factors in s. 627.062(2)(b), (c), and (d), and
165 the standards in s. 627.062(2)(e), to determine if the rate is
166 excessive, inadequate, or unfairly discriminatory. If the office
167 determines that a rate is excessive or unfairly discriminatory,
168 the office shall require the insurer to provide appropriate
169 credit to affected insureds or a refund to those policyholders
170 that no longer receive flood coverage from the insurer.

171 (4) A surplus lines agent may export a contract or
172 endorsement providing flood coverage to an eligible surplus
173 lines insurer without making a diligent effort to seek such



Amendment No. 1

174 coverage from three or more authorized insurers under s.
175 626.916(1)(a). This subsection expires July 1, 2017.

176 (5) In addition to any other applicable requirements, an
177 insurer providing flood coverage in this state must:

178 (a) Notify the office at least 30 days before writing
179 flood insurance in this state; and

180 (b) File a plan of operation and financial projections or
181 revisions to such plan, as applicable, with the office.

182 (6) Citizens Property Insurance Corporation may not
183 provide insurance for the peril of flood.

184 (7) The Florida Hurricane Catastrophe Fund may not provide
185 reimbursement for losses proximately caused by the peril of
186 flood, including losses that occur during a covered event as
187 defined in s. 215.555(2)(b).

188 (8) An agent must, upon receiving ~~obtaining~~ an application
189 for flood coverage from an authorized or surplus lines insurer
190 for a property receiving flood insurance under the National
191 Flood Insurance Program, ~~must~~ obtain an acknowledgment signed by
192 the applicant before placing the coverage with the authorized or
193 surplus lines insurer. The acknowledgment must notify the
194 applicant that, if the applicant discontinues coverage under the
195 National Flood Insurance Program which is provided at a
196 subsidized rate, the full risk rate for flood insurance may
197 apply to the property if the applicant ~~such insurance is~~ later
198 seeks to reinstate coverage ~~obtained~~ under the ~~National Flood~~
199 ~~Insurance~~ program.



Amendment No. 1

200 (9) With respect to the regulation of flood coverage
201 written in this state by authorized insurers, this section
202 supersedes any other provision in the Florida Insurance Code in
203 the event of a conflict.

204 (10) If federal law or rule requires a certification by a
205 state insurance regulatory official as a condition of qualifying
206 for private flood insurance or disaster assistance, the
207 Commissioner of Insurance Regulation may provide the
208 certification, and such certification is not subject to review
209 under chapter 120.

210 (11) (a) An authorized insurer offering flood insurance may
211 request the office to certify that a policy, contract, or
212 endorsement provides coverage for the peril of flood which
213 equals or exceeds the flood coverage offered by the National
214 Flood Insurance Program. To be eligible for certification, such
215 policy, contract, or endorsement must state, and the office must
216 confirm, that it meets the private flood insurance requirements
217 specified in 42 U.S.C. s. 4012a(b) and may not contain any
218 provision that is not in compliance with 42 U.S.C. s. 4012a(b).

219 (b) The authorized insurer or its agent may reference or
220 include a certification under paragraph (a) in advertising or
221 communications with an agent, a lending institution, an insured,
222 or a potential insured only for a policy, contract, or
223 endorsement that is certified under this subsection. The
224 authorized insurer may include a statement that notifies an
225 insured of the certification on the declarations page or other



Amendment No. 1

226 policy documentation related to flood coverage certified under
227 this subsection.

228 (c) An insurer or agent who knowingly misrepresents that a
229 flood policy, contract, or endorsement is certified under this
230 subsection commits an unfair or deceptive act under s. 626.9541.

231 Section 4. This act shall take effect July 1, 2015.

232 -----
233 -----

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

235 Remove everything before the enacting clause and insert:

236 A bill to be entitled

237 An act relating to the peril of flood; amending s. 163.3178,
238 F.S.; specifying requirements for the coastal management element
239 required for a local government comprehensive plan; creating s.
240 472.0366, F.S.; defining terms; requiring a surveyor and mapper
241 to complete an elevation certificate in accordance with a
242 checklist developed by the Division of Emergency Management and
243 to submit a copy of the elevation certificate to the division
244 within a certain time after its completion; authorizing the
245 redaction of certain personal information from the copy;
246 amending s. 627.715, F.S.; authorizing flexible flood insurance;
247 specifying coverage requirements; requiring such insurance to be
248 acceptable to the mortgage lender if intended to satisfy a
249 mortgage requirement; deleting a provision that prohibited
250 supplemental flood insurance from including excess coverage over
251 any other insurance covering the peril of flood; revising the



Amendment No. 1

252 information that must be prominently noted on a policy
253 declaration page; requiring the Office of Insurance Regulation
254 to require a credit or the return of certain premiums to
255 affected insurers if the office determines that a rate is
256 excessive or unfairly discriminatory; revising the notice
257 required to be acknowledged by an applicant for flood coverage
258 from certain insurers if the applicant's property is receiving
259 flood insurance under the National Flood Insurance Program;
260 allowing an authorized insurer to request a certification from
261 the Office of Insurance Regulation which indicates that a
262 policy, contract, or endorsement issued by the insurer provides
263 coverage for the peril of flood which equals or exceeds the
264 flood coverage offered by the National Flood Insurance Program;
265 specifying requirements for such certification; authorizing such
266 insurer or its agent to reference or include the certification
267 in specified advertising, communications, and documentation;
268 providing that misrepresenting the certification of a flood
269 policy, contract, or endorsement is an unfair or deceptive act;
270 providing an effective date.

REGULATORY AFFAIRS COMMITTEE
CS/CS/HB 915, by Rep. Eagle
Building Codes

AMENDMENT SUMMARY
April 14, 2015

Strike-all by Rep. Eagle: The strike-all makes the following main changes to the bill:

- Removes a provision that would have added a firesafety inspector to the list of occupations that may satisfy the experience requirement to become a building code administrator and returns required hours and years of experience necessary for certification of building code administrators to those required in statute;
- Replaces a defunct organization on the Accessibility Advisory Council;
- Provides the State Fire Marshal with rule-making authority to address changes made concerning Florida Fire Prevention Code informal interpretations;
- Allows the creation of local boards to address conflicts between the Florida Building Code and the Florida Fire Prevention Code;
- Removes a provision that would have required a water-level detection device with an alarm to be attached to the drain pan on water heaters;
- Restricts the code from requiring more than one fire service access elevator in residential buildings of a certain height and requires other residential buildings of a certain height to meet specific requirements related to fire service access elevator lobbies and exit access corridors;
- Adds two members (an architect and an engineer) to the panel that hears requests to review decisions of local building officials;
- Authorizes the department to develop code-related training and education, rather requiring the development of advanced modules;
- Exempts wi-fi smoke alarms and those that contain multiple sensors, such as those combined with carbon monoxide alarms, from the 10-year, nonremovable, nonreplaceable battery provision;
- Provides that duct and air infiltration testing requirements in the newest edition of the Florida Building Code shall not be adopted as part of the code and prohibits local enforcement agencies from requiring certain tests or installation of certain ventilation devices as a condition of a permit or compliance with the code;
- Clarifies who may require the State Fire Marshal to issue a declaratory statement relating to the Florida Fire Prevention Code and clarifies that such statements are not intended to be an appeal of a decision made by a local fire official or local board;
- Requires new high-rise buildings to comply with minimum radio signal strength for fire department communications set by the local authority with jurisdiction and provides that existing high-rise buildings must comply by 2022 and existing apartment buildings must comply by 2025;
- Requires areas of refuge to be provided when required by the Florida Building Code-Accessibility;
- Gives assisted living facilities the option to use the new home environment provisions in current editions of the fire code;
- Provides a performance-based fire safety evaluation system aiding code officials in identifying reasonable and cost effective code requirements for existing buildings;
- Allows a licensed fire protection contractor to subcontract for advanced technical services related to fire pump control panels and fire pump drivers in lieu of employing such experts full-time; and
- Creates the Calder Sloan Swimming Pool Electrical-Safety Task Force to study and report by November 1, 2015, on standards for grounding, bonding, lighting, wiring, and all electrical aspects for safety in and around public and private swimming pools, especially with regard to especially with regard to minimizing risks of electrocutions linked to swimming pools.

Amendment A1 to the Strike-All, by Rep. Eagle (line 191) - Exempts employees of apartment communities with 100 or more apartments from contractor licensing requirements when they make minor repairs to existing electric water heaters or existing electric HVAC systems, if they meet certain training and experience criteria and the repair involves parts costing under \$1,000.



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: Regulatory Affairs
2 Committee

3 Representative Eagle offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (2), (3), and (7) of section
8 468.609, Florida Statutes, are amended to read:

9 468.609 Administration of this part; standards for
10 certification; additional categories of certification.-

11 (2) A person may take the examination for certification as
12 a building code inspector or plans examiner pursuant to this
13 part if the person:

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

15 (b) Is of good moral character.

16 (c) Meets eligibility requirements according to one of the
17 following criteria:



Amendment No. 1

18 1. Demonstrates 5 years' combined experience in the field
19 of construction or a related field, building code inspection, or
20 plans review corresponding to the certification category sought;

21 2. Demonstrates a combination of postsecondary education
22 in the field of construction or a related field and experience
23 which totals 4 years, with at least 1 year of such total being
24 experience in construction, building code inspection, or plans
25 review;

26 3. Demonstrates a combination of technical education in
27 the field of construction or a related field and experience
28 which totals 4 years, with at least 1 year of such total being
29 experience in construction, building code inspection, or plans
30 review;

31 4. Currently holds a standard certificate as issued by the
32 board, or a firesafety ~~fire safety~~ inspector license issued
33 pursuant to chapter 633, has a minimum of 3 ~~5~~ years' verifiable
34 full-time experience in inspection or plan review, and
35 satisfactorily completes a building code inspector or plans
36 examiner training program that provides at least 100 hours but
37 not more of not less than 200 hours of cross-training in the
38 certification category sought. The board shall establish by rule
39 criteria for the development and implementation of the training
40 programs. The board shall accept all classroom training offered
41 by an approved provider if the content substantially meets the
42 intent of the classroom component of the training program; ~~or~~

43 5. Demonstrates a combination of the completion of an



Amendment No. 1

44 approved training program in the field of building code
45 inspection or plan review and a minimum of 2 years' experience
46 in the field of building code inspection, plan review, fire code
47 inspections, and fire plans review of new buildings as a
48 firesafety inspector certified under s. 633.216, or
49 construction. The approved training portion of this requirement
50 shall include proof of satisfactory completion of a training
51 program that provides at least 200 hours but not more ~~of not~~
52 ~~less~~ than 300 hours of cross-training which is approved by the
53 board in the chosen category of building code inspection or plan
54 review in the certification category sought with at least ~~not~~
55 ~~less than~~ 20 hours but not more than 30 hours of instruction in
56 state laws, rules, and ethics relating to professional standards
57 of practice, duties, and responsibilities of a
58 certificateholder. The board shall coordinate with the Building
59 Officials Association of Florida, Inc., to establish by rule the
60 development and implementation of the training program. However,
61 the board shall accept all classroom training offered by an
62 approved provider if the content substantially meets the intent
63 of the classroom component of the training program; or
64 6. Currently holds a standard certificate issued by the
65 board or a firesafety inspector license issued pursuant to
66 chapter 633 and:
67 a. Has at least 5 years' verifiable full-time experience
68 as an inspector or plans examiner in a standard certification
69 category currently held or has a minimum of 5 years' verifiable

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Amendment No. 1

70 full-time experience as a firesafety inspector licensed pursuant
71 to chapter 633; and

72 b. Satisfactorily completes a building code inspector or
73 plans examiner classroom training course or program that
74 provides at least 200 but not more than 300 hours in the
75 certification category sought, except for one-family and two-
76 family dwelling training programs that are required to provide
77 at least 500 but not more than 800 hours of training as
78 prescribed by the board. The board shall establish by rule
79 criteria for the development and implementation of classroom
80 training courses and programs in each certification category.

81 (3) A person may take the examination for certification as
82 a building code administrator pursuant to this part if the
83 person:

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

85 (b) Is of good moral character.

86 (c) Meets eligibility requirements according to one of the
87 following criteria:

88 1. Demonstrates 10 years' combined experience as an
89 architect, engineer, plans examiner, building code inspector,
90 registered or certified contractor, or construction
91 superintendent, with at least 5 years of such experience in
92 supervisory positions; or

93 2. Demonstrates a combination of postsecondary education
94 in the field of construction or related field, no more than 5
95 years of which may be applied, and experience as an architect,



Amendment No. 1

96 engineer, plans examiner, building code inspector, registered or
97 certified contractor, or construction superintendent which
98 totals 10 years, with at least 5 years of such total being
99 experience in supervisory positions. In addition, the applicant
100 must have completed training consisting of at least 20 hours but
101 not more than 30 hours of instruction in state laws, rules, and
102 ethics relating to professional standards of practice, duties,
103 and responsibilities of a certificateholder.

104 (7) (a) The board shall ~~may~~ provide for the issuance of
105 provisional certificates valid for 1 year, as specified by board
106 rule, to any newly employed or promoted building code inspector
107 or plans examiner who meets the eligibility requirements
108 described in subsection (2) and any newly employed or promoted
109 building code administrator who meets the eligibility
110 requirements described in subsection (3). The provisional
111 license may be renewed by the board for just cause; however, a
112 provisional license is not valid for a period longer than 3
113 years.

114 (b) A ~~No~~ building code administrator, plans examiner, or
115 building code inspector may not have a provisional certificate
116 extended beyond the specified period by renewal or otherwise.

117 (c) The board shall ~~may~~ provide for appropriate levels of
118 provisional certificates and may issue these certificates with
119 such special conditions or requirements relating to the place of
120 employment of the person holding the certificate, the
121 supervision of such person on a consulting or advisory basis, or



Amendment No. 1

122 other matters as the board may deem necessary to protect the
123 public safety and health.

124 (d) A newly employed or hired person may perform the
125 duties of a plans examiner or building code inspector for 120
126 days if a provisional certificate application has been submitted
127 if such person is under the direct supervision of a certified
128 building code administrator who holds a standard certification
129 and who has found such person qualified for a provisional
130 certificate. Direct supervision and the determination of
131 qualifications may also be provided by a building code
132 administrator who holds a limited or provisional certificate in
133 a county having a population of fewer than 75,000 and in a
134 municipality located within such county.

135 Section 2. Subsection (5) of section 468.627, Florida
136 Statutes, is amended to read:

137 468.627 Application; examination; renewal; fees.—

138 (5) The certificateholder shall provide proof, in a form
139 established by board rule, that the certificateholder has
140 completed at least 14 classroom hours of at least 50 minutes
141 each of continuing education courses during each biennium since
142 the issuance or renewal of the certificate, including code-
143 related training ~~the specialized or advanced coursework approved~~
144 ~~by the Florida Building Commission,~~ as part of the building code
145 training program established pursuant to s. 553.841, appropriate
146 to the licensing category sought. A minimum of 3 of the required
147 14 classroom hours must be on state law, rules, and ethics



Amendment No. 1

148 relating to professional standards of practice, duties, and
149 responsibilities of the certificateholder. The board shall by
150 rule establish criteria for approval of continuing education
151 courses and providers, and may by rule establish criteria for
152 accepting alternative nonclassroom continuing education on an
153 hour-for-hour basis.

154 Section 3. Section 471.0195, Florida Statutes, is amended
155 to read:

156 471.0195 Florida Building Code training for engineers.—All
157 licensees actively participating in the design of engineering
158 works or systems in connection with buildings, structures, or
159 facilities and systems covered by the Florida Building Code
160 shall take continuing education courses and submit proof to the
161 board, at such times and in such manner as established by the
162 board by rule, that the licensee has completed any specialized
163 or code-related training ~~advanced~~ courses on any portion of the
164 Florida Building Code applicable to the licensee's area of
165 practice. The board shall record reported continuing education
166 courses on a system easily accessed by code enforcement
167 jurisdictions for evaluation when determining license status for
168 purposes of processing design documents. Local jurisdictions
169 shall be responsible for notifying the board when design
170 documents are submitted for building construction permits by
171 persons who are not in compliance with this section. The board
172 shall take appropriate action as provided by its rules when such
173 noncompliance is determined to exist.

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174 Section 4. Subsection (5) of section 481.215, Florida
175 Statutes, is amended to read:

176 481.215 Renewal of license.—

177 (5) The board shall require, by rule adopted pursuant to
178 ss. 120.536(1) and 120.54, a specified number of hours in
179 specialized or code-related training ~~advanced courses, approved~~
180 ~~by the Florida Building Commission,~~ on any portion of the
181 Florida Building Code, adopted pursuant to part IV of chapter
182 553, relating to the licensee's respective area of practice.

183 Section 5. Subsection (5) of section 481.313, Florida
184 Statutes, is amended to read:

185 481.313 Renewal of license.—

186 (5) The board shall require, by rule adopted pursuant to
187 ss. 120.536(1) and 120.54, a specified number of hours in
188 specialized or code-related training ~~advanced courses, approved~~
189 ~~by the Florida Building Commission,~~ on any portion of the
190 Florida Building Code, adopted pursuant to part IV of chapter
191 553, relating to the licensee's respective area of practice.

192 Section 6. Paragraph (m) of subsection (3) of section
193 489.105, Florida Statutes, is amended to read:

194 489.105 Definitions.—As used in this part:

195 (3) "Contractor" means the person who is qualified for,
196 and is only responsible for, the project contracted for and
197 means, except as exempted in this part, the person who, for
198 compensation, undertakes to, submits a bid to, or does himself
199 or herself or by others construct, repair, alter, remodel, add



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200 to, demolish, subtract from, or improve any building or
201 structure, including related improvements to real estate, for
202 others or for resale to others; and whose job scope is
203 substantially similar to the job scope described in one of the
204 paragraphs of this subsection. For the purposes of regulation
205 under this part, the term "demolish" applies only to demolition
206 of steel tanks more than 50 feet in height; towers more than 50
207 feet in height; other structures more than 50 feet in height;
208 and all buildings or residences. Contractors are subdivided into
209 two divisions, Division I, consisting of those contractors
210 defined in paragraphs (a)-(c), and Division II, consisting of
211 those contractors defined in paragraphs (d)-(q):

212 (m) "Plumbing contractor" means a contractor whose
213 services are unlimited in the plumbing trade and includes
214 contracting business consisting of the execution of contracts
215 requiring the experience, financial means, knowledge, and skill
216 to install, maintain, repair, alter, extend, or, if not
217 prohibited by law, design plumbing. A plumbing contractor may
218 install, maintain, repair, alter, extend, or, if not prohibited
219 by law, design the following without obtaining an additional
220 local regulatory license, certificate, or registration: sanitary
221 drainage or storm drainage facilities, water and sewer plants
222 and substations, venting systems, public or private water supply
223 systems, septic tanks, drainage and supply wells, swimming pool
224 piping, irrigation systems, and solar heating water systems and
225 all appurtenances, apparatus, or equipment used in connection

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226 therewith, including boilers and pressure process piping and
227 including the installation of water, natural gas, liquefied
228 petroleum gas and related venting, and storm and sanitary sewer
229 lines. The scope of work of the plumbing contractor also
230 includes the design, if not prohibited by law, and installation,
231 maintenance, repair, alteration, or extension of air-piping,
232 vacuum line piping, oxygen line piping, nitrous oxide piping,
233 and all related medical gas systems; fire line standpipes and
234 fire sprinklers if authorized by law; ink and chemical lines;
235 fuel oil and gasoline piping and tank and pump installation,
236 except bulk storage plants; and pneumatic control piping
237 systems, all in a manner that complies with all plans,
238 specifications, codes, laws, and regulations applicable. The
239 scope of work of the plumbing contractor applies to private
240 property and public property, including any excavation work
241 incidental thereto, and includes the work of the specialty
242 plumbing contractor. Such contractor shall subcontract, with a
243 qualified contractor in the field concerned, all other work
244 incidental to the work but which is specified as being the work
245 of a trade other than that of a plumbing contractor. This
246 definition does not limit the scope of work of any specialty
247 contractor certified pursuant to s. 489.113(6), and does not
248 require certification or registration under this part for a
249 category I liquefied petroleum gas dealer, LP gas installer, or
250 specialty installer who is licensed under chapter 527 or an ~~of~~
251 any authorized employee of a public natural gas utility or of a

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252 private natural gas utility regulated by the Public Service
253 Commission when disconnecting and reconnecting water lines in
254 the servicing or replacement of an existing water heater. A
255 plumbing contractor may perform drain cleaning and clearing and
256 install or repair rainwater catchment systems; however, a
257 mandatory licensing requirement is not established for the
258 performance of these specific services.

259 Section 7. Paragraph (b) of subsection (4) of section
260 489.115, Florida Statutes, is amended to read:

261 489.115 Certification and registration; endorsement;
262 reciprocity; renewals; continuing education.—

263 (4)

264 (b)1. Each certificateholder or registrant shall provide
265 proof, in a form established by rule of the board, that the
266 certificateholder or registrant has completed at least 14
267 classroom hours of at least 50 minutes each of continuing
268 education courses during each biennium since the issuance or
269 renewal of the certificate or registration. The board shall
270 establish by rule that a portion of the required 14 hours must
271 deal with the subject of workers' compensation, business
272 practices, workplace safety, and, for applicable licensure
273 categories, wind mitigation methodologies, and 1 hour of which
274 must deal with laws and rules. The board shall by rule establish
275 criteria for the approval of continuing education courses and
276 providers, including requirements relating to the content of
277 courses and standards for approval of providers, and may by rule



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278 establish criteria for accepting alternative nonclassroom
279 continuing education on an hour-for-hour basis. The board shall
280 prescribe by rule the continuing education, if any, which is
281 required during the first biennium of initial licensure. A
282 person who has been licensed for less than an entire biennium
283 must not be required to complete the full 14 hours of continuing
284 education.

285 2. In addition, the board may approve specialized
286 continuing education courses on compliance with the wind
287 resistance provisions for one and two family dwellings contained
288 in the Florida Building Code and any alternate methodologies for
289 providing such wind resistance which have been approved for use
290 by the Florida Building Commission. Division I
291 certificateholders or registrants who demonstrate proficiency
292 upon completion of such specialized courses may certify plans
293 and specifications for one and two family dwellings to be in
294 compliance with the code or alternate methodologies, as
295 appropriate, except for dwellings located in floodways or
296 coastal hazard areas as defined in ss. 60.3D and E of the
297 National Flood Insurance Program.

298 3. The board shall require, by rule adopted pursuant to
299 ss. 120.536(1) and 120.54, a specified number of hours in
300 specialized or code-related training ~~advanced module courses,~~
301 ~~approved by the Florida Building Commission,~~ on any portion of
302 the Florida Building Code, adopted pursuant to part IV of
303 chapter 553, relating to the contractor's respective discipline.

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304 Section 8. Subsections (2) and (3) of section 489.1401,
305 Florida Statutes, are amended to read:

306 489.1401 Legislative intent.—

307 (2) It is the intent of the Legislature that the sole
308 purpose of the Florida Homeowners' Construction Recovery Fund is
309 to compensate an any aggrieved claimant who contracted for the
310 construction or improvement of the homeowner's residence located
311 within this state and who has obtained a final judgment in a any
312 court of competent jurisdiction, was awarded restitution by the
313 Construction Industry Licensing Board, or received an award in
314 arbitration against a licensee on grounds of financial
315 mismanagement or misconduct, abandoning a construction project,
316 or making a false statement with respect to a project. Such
317 grievance must arise ~~and arising~~ directly out of a any
318 transaction conducted when the judgment debtor was licensed and
319 must involve an act performed ~~any of the activities~~ enumerated
320 under s. 489.129(1)(g), (j) or (k) ~~on the homeowner's residence~~.

321 (3) It is the intent of the Legislature that Division I
322 and Division II contractors set apart funds for the specific
323 objective of participating in the fund.

324 Section 9. Paragraphs (d), (i), (k), and (l) of subsection
325 (1) of section 489.1402, Florida Statutes, are amended to read:

326 489.1402 Homeowners' Construction Recovery Fund;
327 definitions.—

328 (1) The following definitions apply to ss. 489.140-
329 489.144:

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330 (d) "Contractor" means a Division I or Division II
331 contractor performing his or her respective services described
332 in s. 489.105(3)(a) - (q) ~~s. 489.105(3)(a) - (e)~~.

333 (i) "Residence" means a single-family residence, an
334 individual residential condominium or cooperative unit, or a
335 residential building containing not more than two residential
336 units in which the owner contracting for the improvement is
337 residing or will reside 6 months or more each calendar year upon
338 completion of the improvement.

339 (k) "Same transaction" means a contract, or a any series
340 of contracts, between a claimant and a contractor or qualified
341 business, when such contract or contracts involve the same
342 property or contiguous properties and are entered into either at
343 one time or serially.

344 (l) "Valid and current license," for the purpose of s.
345 489.141(2)(d), means a any license issued pursuant to this part
346 to a licensee, including a license in an active, inactive,
347 delinquent, or suspended status.

348 Section 10. Subsections (1) and (2) of section 489.141,
349 Florida Statutes, are amended to read:

350 489.141 Conditions for recovery; eligibility.-

351 (1) A Any claimant is eligible to seek recovery from the
352 recovery fund after making ~~having made~~ a claim and exhausting
353 the limits of any available bond, cash bond, surety, guarantee,
354 warranty, letter of credit, or policy of insurance if, ~~provided~~
355 ~~that~~ each of the following conditions is satisfied:

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356 (a) The claimant has received a final judgment in a court
357 of competent jurisdiction in this state or has received an award
358 in arbitration or the Construction Industry Licensing Board has
359 issued a final order directing the licensee to pay restitution
360 to the claimant. The board may waive this requirement if:

361 1. The claimant is unable to secure a final judgment
362 against the licensee due to the death of the licensee; or

363 2. The claimant has sought to have assets involving the
364 transaction that gave rise to the claim removed from the
365 bankruptcy proceedings so that the matter might be heard in a
366 court of competent jurisdiction in this state and, after due
367 diligence, the claimant is precluded by action of the bankruptcy
368 court from securing a final judgment against the licensee.

369 (b) The judgment, award, or restitution is based upon a
370 violation of s. 489.129(1)(g), (j), or (k) or s. 713.35.

371 (c) The violation was committed by a licensee.

372 (d) The judgment, award, or restitution order specifies
373 the actual damages suffered as a consequence of such violation.

374 (e) The contract was executed and the violation occurred
375 on or after July 1, 1993, and provided that:

376 1. The claimant has caused to be issued a writ of
377 execution upon such judgment, and the officer executing the writ
378 has made a return showing that no personal or real property of
379 the judgment debtor or licensee liable to be levied upon in
380 satisfaction of the judgment can be found or that the amount
381 realized on the sale of the judgment debtor's or licensee's



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382 property pursuant to such execution was insufficient to satisfy
383 the judgment;

384 2. If the claimant is unable to comply with subparagraph
385 1. for a valid reason to be determined by the board, the
386 claimant has made all reasonable searches and inquiries to
387 ascertain whether the judgment debtor or licensee is possessed
388 of real or personal property or other assets subject to being
389 sold or applied in satisfaction of the judgment and by his or
390 her search has discovered no property or assets or has
391 discovered property and assets and has taken all necessary
392 action and proceedings for the application thereof to the
393 judgment but the amount thereby realized was insufficient to
394 satisfy the judgment; and

395 3. The claimant has made a diligent attempt, as defined by
396 board rule, to collect the restitution awarded by the board.

397 (f) A claim for recovery is made within 1 year after the
398 conclusion of any civil, criminal, or administrative action or
399 award in arbitration based on the act. This paragraph applies to
400 any claim filed with the board after October 1, 1998.

401 (g) Any amounts recovered by the claimant from the
402 judgment debtor or licensee, or from any other source, have been
403 applied to the damages awarded by the court or the amount of
404 restitution ordered by the board.

405 (h) The claimant is not a person who is precluded by this
406 act from making a claim for recovery.

407 (2) A claimant is not qualified to make a claim for



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408 recovery from the recovery fund, if:

409 (a) The claimant is the spouse of the judgment debtor or
410 licensee or a personal representative of such spouse;

411 (b) The claimant is a licensee who acted as the contractor
412 in the transaction that ~~which~~ is the subject of the claim;

413 (c) The claim is based upon a construction contract in
414 which the licensee was acting with respect to the property owned
415 or controlled by the licensee;

416 (d) The claim is based upon a construction contract in
417 which the contractor did not hold a valid and current license at
418 the time of the construction contract;

419 (e) The claimant was associated in a business relationship
420 with the licensee other than the contract at issue; or

421 ~~(f) The claimant has suffered damages as the result of~~
422 ~~making improper payments to a contractor as defined in part I of~~
423 ~~chapter 713; or~~

424 ~~(f)(g)~~ The claimant has entered into a contract ~~contracted~~
425 with a licensee to perform a scope of work described in s.
426 489.105(3)(d)-(g) before July 1, 2015 ~~s. 489.105(3)(d)-(p).~~

427 Section 11. Subsection (1) of section 489.1425, Florida
428 Statutes, is amended to read:

429 489.1425 Duty of contractor to notify residential property
430 owner of recovery fund.—

431 (1) Each ~~Any~~ agreement or contract for repair,
432 restoration, improvement, or construction to residential real
433 property must contain a written statement explaining the



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434 consumer's rights under the recovery fund, except where the
435 value of all labor and materials does not exceed \$2,500. The
436 written statement must be substantially in the following form:

437

438 FLORIDA HOMEOWNERS' CONSTRUCTION

439 RECOVERY FUND

440

441 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE
442 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY
443 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS
444 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED
445 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A
446 CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD
447 AT THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

448

449 The statement must ~~shall~~ be immediately followed by the board's
450 address and telephone number as established by board rule.

451 Section 12. Section 489.143, Florida Statutes, is amended
452 to read:

453 489.143 Payment from the fund.—

454 (1) The fund shall be disbursed as provided in s. 489.141
455 on a final order of the board.

456 (2) A ~~Any~~ claimant who meets all of the conditions
457 prescribed in s. 489.141 may apply to the board to cause payment
458 to be made to a claimant from the recovery fund in an amount
459 equal to the judgment, award, or restitution order or \$25,000,



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460 whichever is less, or an amount equal to the unsatisfied portion
461 of such person's judgment, award, or restitution order, but only
462 to the extent and amount of actual damages suffered by the
463 claimant, and only up to the maximum payment allowed for each
464 respective Division I and Division II claim. Payment from the
465 fund for other costs related to or pursuant to civil proceedings
466 such as postjudgment interest, attorney ~~attorney's~~ fees, court
467 costs, medical damages, and punitive damages is prohibited. The
468 recovery fund is not obligated to pay a ~~any~~ judgment, an award,
469 or a restitution order, or any portion thereof, which is not
470 expressly based on one of the grounds for recovery set forth in
471 s. 489.141.

472 (3) Beginning January 1, 2005, for each Division I
473 contract entered into after July 1, 2004, payment from the
474 recovery fund shall be subject to a \$50,000 maximum payment for
475 each Division I claim. Beginning January 1, 2016, for each
476 Division II contract entered into on or after July 1, 2015,
477 payment from the recovery fund is subject to a \$15,000 maximum
478 payment for each Division II claim.

479 (4)~~(3)~~ Upon receipt by a claimant under subsection (2) of
480 payment from the recovery fund, the claimant shall assign his or
481 her additional right, title, and interest in the judgment,
482 award, or restitution order, to the extent of such payment, to
483 the board, and thereupon the board shall be subrogated to the
484 right, title, and interest of the claimant; and any amount
485 subsequently recovered on the judgment, award, or restitution

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486 order, to the extent of the right, title, and interest of the
487 board therein, shall be for the purpose of reimbursing the
488 recovery fund.

489 (5)~~(4)~~ Payments for claims arising out of the same
490 transaction shall be limited, in the aggregate, to the lesser of
491 the judgment, award, or restitution order or the maximum payment
492 allowed for a Division I or Division II claim, regardless of the
493 number of claimants involved in the transaction.

494 (6)~~(5)~~ For contracts entered into before July 1, 2004,
495 payments for claims against any one licensee may shall not
496 exceed, in the aggregate, \$100,000 annually, up to a total
497 aggregate of \$250,000. For any claim approved by the board which
498 is in excess of the annual cap, the amount in excess of \$100,000
499 up to the total aggregate cap of \$250,000 is eligible for
500 payment in the next and succeeding fiscal years, but only after
501 all claims for the then-current calendar year have been paid.
502 Payments may not exceed the aggregate annual or per claimant
503 limits under law. Beginning January 1, 2005, for each Division I
504 contract entered into after July 1, 2004, payment from the
505 recovery fund is subject only to a total aggregate cap of
506 \$500,000 for each Division I licensee. Beginning January 1,
507 2016, for each Division II contract entered into on or after
508 July 1, 2015, payment from the recovery fund is subject only to
509 a total aggregate cap of \$150,000 for each Division II licensee.

510 (7)~~(6)~~ Claims shall be paid in the order filed, up to the
511 aggregate limits for each transaction and licensee and to the



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512 limits of the amount appropriated to pay claims against the fund
513 ~~for the fiscal year in which the claims were filed.~~ Payments may
514 not exceed the total aggregate cap per license or per claimant
515 limits under this section.

516 (8)(7) If the annual appropriation is exhausted with
517 claims pending, such claims shall be carried forward to the next
518 fiscal year. Any moneys in excess of pending claims remaining in
519 the recovery fund at the end of the fiscal year shall be paid as
520 provided in s. 468.631.

521 (9)(8) Upon the payment of any amount from the recovery
522 fund in settlement of a claim in satisfaction of a judgment,
523 award, or restitution order against a licensee as described in
524 s. 489.141, the license of such licensee shall be automatically
525 suspended, without further administrative action, upon the date
526 of payment from the fund. The license of such licensee may shall
527 not be reinstated until he or she has repaid in full, plus
528 interest, the amount paid from the fund. A discharge of
529 bankruptcy does not relieve a person from the penalties and
530 disabilities provided in this section.

531 (10)(9) A ~~Any~~ firm, a corporation, a partnership, or an
532 association, or a ~~any~~ person acting in his or her individual
533 capacity, who aids, abets, solicits, or conspires with another
534 ~~any~~ person to knowingly present or cause to be presented a ~~any~~
535 false or fraudulent claim for the payment of a loss under this
536 act commits ~~is guilty of~~ a third-degree felony, punishable as
537 provided in s. 775.082 or s. 775.084 and by a fine of up to net

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538 ~~exceeding~~ \$30,000, unless the value of the fraud exceeds that
539 amount, \$30,000 in which event the fine may not exceed double
540 the value of the fraud.

541 ~~(11)(10)~~ Each payment ~~All payments~~ and disbursement
542 ~~disbursements~~ from the recovery fund shall be made by the Chief
543 Financial Officer upon a voucher signed by the secretary of the
544 department or the secretary's designee.

545 Section 13. Subsection (24) is added to section 489.503,
546 Florida Statutes, to read:

547 489.503 Exemptions.—This part does not apply to:

548 (24) A person who installs low-voltage landscape lighting
549 that contains a factory-installed electrical cord with plug and
550 does not require installation, wiring, or other modification to
551 the electrical wiring of a structure.

552 Section 14. Subsection (6) of section 489.517, Florida
553 Statutes, is amended to read:

554 489.517 Renewal of certificate or registration; continuing
555 education.—

556 (6) The board shall require, by rule adopted pursuant to
557 ss. 120.536(1) and 120.54, a specialized number of hours in
558 specialized or code-related training ~~advanced module courses,~~
559 ~~approved by the Florida Building Commission,~~ on any portion of
560 the Florida Building Code, adopted pursuant to part IV of
561 chapter 553, relating to the contractor's respective discipline.

562 Section 15. Subsection (3) of section 514.011, Florida
563 Statutes, is amended to read:



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564 514.011 Definitions.—As used in this chapter:

565 (3) "Private pool" means a facility used only by an
566 individual, family, or living unit members and their guests
567 which does not serve any type of cooperative housing or joint
568 tenancy of five or more living units. The term includes a
569 portable pool used exclusively for providing swimming lessons or
570 related instruction in support of an established educational
571 program sponsored or provided by a county school district for
572 the purposes of the exemptions provided under s. 514.0115.

573 Section 16. Subsection (3) of section 514.0115, Florida
574 Statutes, is amended to read:

575 514.0115 Exemptions from supervision or regulation;
576 variances.—

577 (3) A private pool used for instructional purposes in
578 swimming ~~may shall~~ not be regulated as a public pool. A portable
579 pool used for instructional purposes or in furtherance of an
580 approved educational program may not be regulated as a public
581 pool.

582 Section 17. Subsection (5) of 514.031, Florida Statutes,
583 is amended, to read:

584 (5) An owner or operator of a public swimming pool,
585 including, but not limited to, a spa, wading, or special purpose
586 pool, to which admittance is obtained by membership for a fee
587 shall post in a prominent location within the facility the most
588 recent pool inspection report issued by the department
589 pertaining to the health and safety conditions of such facility.



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590 The report shall be legible and readily accessible to members or
591 potential members. The department shall adopt rules to enforce
592 this subsection. A portable pool may not be used as a public
593 pool, unless it is exempt under s. 514.0115.

594 Section 18. Subsection (2) of section 553.512, Florida
595 Statutes, is amended to read:

596 553.512 Modifications and waivers; advisory council.—

597 (2) The Accessibility Advisory Council shall consist of
598 the following seven members, who shall be knowledgeable in the
599 area of accessibility for persons with disabilities. The
600 Secretary of Business and Professional Regulation shall appoint
601 the following: a representative from the Advocacy Center for
602 Persons with Disabilities, Inc.; a representative from the
603 Division of Blind Services; a representative from the Division
604 of Vocational Rehabilitation; a representative from a statewide
605 organization representing the physically handicapped; a
606 representative from the hearing impaired; a representative from
607 the Pensacola Pen Wheels Inc. Employ the Handicapped Council
608 ~~President, Florida Council of Handicapped Organizations~~; and a
609 representative of the Paralyzed Veterans of America. The terms
610 for the first three council members appointed subsequent to
611 October 1, 1991, shall be for 4 years, the terms for the next
612 two council members appointed shall be for 3 years, and the
613 terms for the next two members shall be for 2 years. Thereafter,
614 all council member appointments shall be for terms of 4 years.
615 No council member shall serve more than two 4-year terms

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616 subsequent to October 1, 1991. Any member of the council may be
617 replaced by the secretary upon three unexcused absences. Upon
618 application made in the form provided, an individual waiver or
619 modification may be granted by the commission so long as such
620 modification or waiver is not in conflict with more stringent
621 standards provided in another chapter.

622 Section 19. Section 553.721, Florida Statutes, is amended
623 to read:

624 553.721 Surcharge.—In order for the Department of Business
625 and Professional Regulation to administer and carry out the
626 purposes of this part and related activities, there is created a
627 surcharge, to be assessed at the rate of 1.5 percent of the
628 permit fees associated with enforcement of the Florida Building
629 Code as defined by the uniform account criteria and specifically
630 the uniform account code for building permits adopted for local
631 government financial reporting pursuant to s. 218.32. The
632 minimum amount collected on any permit issued shall be \$2. The
633 unit of government responsible for collecting a permit fee
634 pursuant to s. 125.56(4) or s. 166.201 shall collect the
635 surcharge and electronically remit the funds collected to the
636 department on a quarterly calendar basis for the preceding
637 quarter and continuing each third month thereafter. The unit of
638 government shall retain 10 percent of the surcharge collected to
639 fund the participation of building departments in the national
640 and state building code adoption processes and to provide
641 education related to enforcement of the Florida Building Code.

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642 All funds remitted to the department pursuant to this section
643 shall be deposited in the Professional Regulation Trust Fund.
644 Funds collected from the surcharge shall be allocated to fund
645 the Florida Building Commission and the Florida Building Code
646 Compliance and Mitigation Program under s. 553.841. Funds
647 allocated to the Florida Building Code Compliance and Mitigation
648 Program shall be \$925,000 each fiscal year. The Florida Building
649 Code Compliance and Mitigation Program shall fund the
650 recommendations made by the Building Code System Uniform
651 Implementation Evaluation Workgroup, dated April 8, 2013, from
652 existing resources, not to exceed \$30,000 in the 2015-2016
653 fiscal year. Funds collected from the surcharge shall also be
654 used to fund Florida Fire Prevention Code informal
655 interpretations managed by the State Fire Marshal and shall be
656 limited to \$15,000 each fiscal year. The State Fire Marshal
657 shall adopt rules to address the implementation and expenditure
658 of the funds allocated to fund the Florida Fire Prevention Code
659 informal interpretations under this section. The funds collected
660 from the surcharge may not be used to fund research on
661 techniques for mitigation of radon in existing buildings. Funds
662 used by the department as well as funds to be transferred to the
663 Department of Health and the State Fire Marshal shall be as
664 prescribed in the annual General Appropriations Act. The
665 department shall adopt rules governing the collection and
666 remittance of surcharges pursuant to chapter 120.

667 Section 20. Subsections (11) and (15) of section 553.73,

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668 Florida Statutes, are amended, and subsection (19) is added to
669 that section, to read:

670 553.73 Florida Building Code.—

671 (11) (a) In the event of a conflict between the Florida
672 Building Code and the Florida Fire Prevention Code and the Life
673 Safety Code as applied to a specific project, the conflict shall
674 be resolved by agreement between the local building code
675 enforcement official and the local fire code enforcement
676 official in favor of the requirement of the code which offers
677 the greatest degree of lifesafety or alternatives which would
678 provide an equivalent degree of lifesafety and an equivalent
679 method of construction. Local boards created to address issues
680 arising under the Florida Building Code and the Florida Fire
681 Prevention Code may combine the appeals boards to create a
682 single, local board having jurisdiction over matters arising
683 under either or both codes. The combined local board of appeals
684 has the authority to grant alternatives or modifications through
685 procedures outlined in NFPA 1, Section 1.4, but does not have
686 the authority to waive the requirements of the Florida Fire
687 Prevention Code. In order to meet the quorum requirement to
688 convene the combined appeals board there must be at least one
689 member of the board who is a fire protection contractor, a fire
690 protection design professional, a fire department operations
691 professional, or a fire code enforcement professional.

692 (b) Any decision made by the local fire official regarding
693 application, interpretation, or enforcement of the Florida Fire



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694 Prevention Code, and the local building official regarding
695 application, interpretation, or enforcement of the Florida
696 Building Code, or the appropriate application of either or both
697 codes in the case of a conflict between the codes, may be
698 appealed to a local administrative board designated by the
699 municipality, county, or special district having firesafety
700 responsibilities. If the decision of the local fire official and
701 the local building official is to apply the provisions of either
702 the Florida Building Code or the Florida Fire Prevention Code
703 and the Life Safety Code, the board may not alter the decision
704 unless the board determines that the application of such code is
705 not reasonable. If the decision of the local fire official and
706 the local building official is to adopt an alternative to the
707 codes, the local administrative board shall give due regard to
708 the decision rendered by the local officials and may modify that
709 decision if the administrative board adopts a better
710 alternative, taking into consideration all relevant
711 circumstances. In any case in which the local administrative
712 board adopts alternatives to the decision rendered by the local
713 fire official and the local building official, such alternatives
714 shall provide an equivalent degree of lifesafety and an
715 equivalent method of construction as the decision rendered by
716 the local officials.

717 (c) If the local building official and the local fire
718 official are unable to agree on a resolution of the conflict
719 between the Florida Building Code and the Florida Fire

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720 Prevention Code and the Life Safety Code, the local
721 administrative board shall resolve the conflict in favor of the
722 code which offers the greatest degree of lifesafety or
723 alternatives which would provide an equivalent degree of
724 lifesafety and an equivalent method of construction.

725 (d) All decisions of the local administrative board, or if
726 none exists, the decisions of the local building official and
727 the local fire official in regard to the application,
728 enforcement, or interpretation of the Florida Fire Prevention
729 Code, or conflicts between the Florida Fire Prevention Code and
730 the Florida Building Code, are subject to review by a joint
731 committee composed of members of the Florida Building Commission
732 and the Fire Code Advisory Council. If the joint committee is
733 unable to resolve conflicts between the codes as applied to a
734 specific project, the matter shall be resolved pursuant to the
735 provisions of paragraph (1)(d). Decisions of the local
736 administrative board solely in regard to the provisions of the
737 Florida Building Code are subject to review as set forth in s.
738 553.775.

739 (e) The local administrative board shall, to the greatest
740 extent possible, be composed of members with expertise in
741 building construction and firesafety standards.

742 (f) All decisions of the local building official and local
743 fire official and all decisions of the administrative board
744 shall be in writing and shall be binding upon a person but do
745 not limit the authority of the State Fire Marshal or the Florida



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746 Building Commission pursuant to paragraph (1)(d) and ss. 633.104
747 and 633.228. Decisions of general application shall be indexed
748 by building and fire code sections and shall be available for
749 inspection during normal business hours.

750 (15) An agency or local government may not require that
751 existing mechanical equipment located on or above the surface of
752 a roof be installed in compliance with the requirements of the
753 Florida Building Code except during reroofing when the equipment
754 is being replaced or moved ~~during reroofing~~ and is not in
755 compliance with the provisions of the Florida Building Code
756 relating to roof-mounted mechanical units.

757 (20) The Florida Building Code may not require more than
758 one fire service access elevator in residential occupancies
759 where the highest occupiable floor is less than 420 feet above
760 the level of fire service access and all remaining elevators are
761 provided with Phase I and II emergency operations. Where fire
762 service access elevators are required, a one hour fire-rated
763 fire service access elevator lobby with direct access from the
764 fire service access elevators shall not be required when the
765 fire service access elevators open into an exit access corridor
766 which can be no less than six feet wide for its entire length
767 that is a minimum of 150 square feet with the exception of door
768 openings, and has a minimum one-hour fire rating with three
769 quarter hour fire and smoke rated openings; and during a fire
770 event the fire service access elevators are pressurized and
771 floor-to-floor smoke control is provided. However, where

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772 transient residential occupancies occur at floor levels above
773 420 feet above the level of fire service access, a one hour
774 fire-rated fire service access elevator lobby with direct access
775 from the fire service access elevators shall be required. The
776 requirement for a second fire service access elevator shall not
777 considered to be a part of the Florida Building Code, and
778 therefore, shall not take effect, until July 1, 2016.

779 Section 21. Paragraph (c) of subsection (3) of section
780 553.775, Florida Statutes, is amended to read:

781 553.775 Interpretations.—

782 (3) The following procedures may be invoked regarding
783 interpretations of the Florida Building Code or the Florida
784 Accessibility Code for Building Construction:

785 (c) The commission shall review decisions of local
786 building officials and local enforcement agencies regarding
787 interpretations of the Florida Building Code or the Florida
788 Accessibility Code for Building Construction after the local
789 board of appeals has considered the decision, if such board
790 exists, and if such appeals process is concluded within 25
791 business days.

792 1. The commission shall coordinate with the Building
793 Officials Association of Florida, Inc., to designate a panel
794 panels composed of seven ~~five~~ members to hear requests to review
795 decisions of local building officials. Five ~~The~~ members must be
796 licensed as building code administrators under part XII of
797 chapter 468, one member must be licensed as an architect under



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798 chapter 481, and one member must be licensed as an engineer
799 under chapter 471. Each member and must have experience
800 interpreting or ~~and~~ enforcing provisions of the Florida Building
801 Code and the Florida Accessibility Code for Building
802 Construction.

803 2. Requests to review a decision of a local building
804 official interpreting provisions of the Florida Building Code or
805 the Florida Accessibility Code for Building Construction may be
806 initiated by any substantially affected person, including an
807 owner or builder subject to a decision of a local building
808 official or an association of owners or builders having members
809 who are subject to a decision of a local building official. In
810 order to initiate review, the substantially affected person must
811 file a petition with the commission. The commission shall adopt
812 a form for the petition, which shall be published on the
813 Building Code Information System. The form shall, at a minimum,
814 require the following:

815 a. The name and address of the county or municipality in
816 which provisions of the Florida Building Code or the Florida
817 Accessibility Code for Building Construction are being
818 interpreted.

819 b. The name and address of the local building official who
820 has made the interpretation being appealed.

821 c. The name, address, and telephone number of the
822 petitioner; the name, address, and telephone number of the
823 petitioner's representative, if any; and an explanation of how



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824 the petitioner's substantial interests are being affected by the
825 local interpretation of the Florida Building Code or the Florida
826 Accessibility Code for Building Construction.

827 d. A statement of the provisions of the Florida Building
828 Code or the Florida Accessibility Code for Building Construction
829 which are being interpreted by the local building official.

830 e. A statement of the interpretation given to provisions
831 of the Florida Building Code or the Florida Accessibility Code
832 for Building Construction by the local building official and the
833 manner in which the interpretation was rendered.

834 f. A statement of the interpretation that the petitioner
835 contends should be given to the provisions of the Florida
836 Building Code or the Florida Accessibility Code for Building
837 Construction and a statement supporting the petitioner's
838 interpretation.

839 g. Space for the local building official to respond in
840 writing. The space shall, at a minimum, require the local
841 building official to respond by providing a statement admitting
842 or denying the statements contained in the petition and a
843 statement of the interpretation of the provisions of the Florida
844 Building Code or the Florida Accessibility Code for Building
845 Construction which the local jurisdiction or the local building
846 official contends is correct, including the basis for the
847 interpretation.

848 3. The petitioner shall submit the petition to the local
849 building official, who shall place the date of receipt on the



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850 petition. The local building official shall respond to the
851 petition in accordance with the form and shall return the
852 petition along with his or her response to the petitioner within
853 5 days after receipt, exclusive of Saturdays, Sundays, and legal
854 holidays. The petitioner may file the petition with the
855 commission at any time after the local building official
856 provides a response. If no response is provided by the local
857 building official, the petitioner may file the petition with the
858 commission 10 days after submission of the petition to the local
859 building official and shall note that the local building
860 official did not respond.

861 4. Upon receipt of a petition that meets the requirements
862 of subparagraph 2., the commission shall immediately provide
863 copies of the petition to the a panel, and the commission shall
864 publish the petition, including any response submitted by the
865 local building official, on the Building Code Information System
866 in a manner that allows interested persons to address the issues
867 by posting comments.

868 5. The panel shall conduct proceedings as necessary to
869 resolve the issues; shall give due regard to the petitions, the
870 response, and to comments posed on the Building Code Information
871 System; and shall issue an interpretation regarding the
872 provisions of the Florida Building Code or the Florida
873 Accessibility Code for Building Construction within 21 days
874 after the filing of the petition. The panel shall render a
875 determination based upon the Florida Building Code or the



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876 Florida Accessibility Code for Building Construction or, if the
877 code is ambiguous, the intent of the code. The panel's
878 interpretation shall be provided to the commission, which shall
879 publish the interpretation on the Building Code Information
880 System and in the Florida Administrative Register. The
881 interpretation shall be considered an interpretation entered by
882 the commission, and shall be binding upon the parties and upon
883 all jurisdictions subject to the Florida Building Code or the
884 Florida Accessibility Code for Building Construction, unless it
885 is superseded by a declaratory statement issued by the Florida
886 Building Commission or by a final order entered after an appeal
887 proceeding conducted in accordance with subparagraph 7.

888 6. It is the intent of the Legislature that review
889 proceedings be completed within 21 days after the date that a
890 petition seeking review is filed with the commission, and the
891 time periods set forth in this paragraph may be waived only upon
892 consent of all parties.

893 7. Any substantially affected person may appeal an
894 interpretation rendered by the ~~a hearing officer~~ panel by filing
895 a petition with the commission. Such appeals shall be initiated
896 in accordance with chapter 120 and the uniform rules of
897 procedure and must be filed within 30 days after publication of
898 the interpretation on the Building Code Information System or in
899 the Florida Administrative Register. Hearings shall be conducted
900 pursuant to chapter 120 and the uniform rules of procedure.
901 Decisions of the commission are subject to judicial review



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902 pursuant to s. 120.68. The final order of the commission is
903 binding upon the parties and upon all jurisdictions subject to
904 the Florida Building Code or the Florida Accessibility Code for
905 Building Construction.

906 8. The burden of proof in any proceeding initiated in
907 accordance with subparagraph 7. is on the party who initiated
908 the appeal.

909 9. In any review proceeding initiated in accordance with
910 this paragraph, including any proceeding initiated in accordance
911 with subparagraph 7., the fact that an owner or builder has
912 proceeded with construction may not be grounds for determining
913 an issue to be moot if the issue is one that is likely to arise
914 in the future.

915

916 This paragraph provides the exclusive remedy for addressing
917 requests to review local interpretations of the Florida Building
918 Code or the Florida Accessibility Code for Building Construction
919 and appeals from review proceedings.

920 Section 22. Subsection (6) of section 553.79, Florida
921 Statutes, is amended to read:

922 553.79 Permits; applications; issuance; inspections.—

923 (6) A permit may not be issued for any building
924 construction, erection, alteration, modification, repair, or
925 addition unless the applicant for such permit complies with the
926 requirements for plan review established by the Florida Building
927 Commission within the Florida Building Code. However, the code

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928 shall set standards and criteria to authorize preliminary
929 construction before completion of all building plans review,
930 including, but not limited to, special permits for the
931 foundation only, and such standards shall take effect concurrent
932 with the first effective date of the Florida Building Code.
933 After submittal of the appropriate construction documents, the
934 building official is authorized to issue a permit for the
935 construction of foundations or any other part of a building or
936 structure before the construction documents for the whole
937 building or structure have been submitted. The holder of such
938 permit for the foundation or other parts of a building or
939 structure shall proceed at the holder's own risk with the
940 building operation and without assurance that a permit for the
941 entire structure will be granted. Corrections may be required to
942 meet the requirements of the technical codes.

943 Section 23. Subsections (4) and (7) of section 553.841,
944 Florida Statutes, are amended, to read:

945 553.841 Building code compliance and mitigation program.—

946 (4) In administering the Florida Building Code Compliance
947 and Mitigation Program, the department may shall maintain,
948 update, develop, or cause to be developed code-related training
949 and education advanced modules designed for use by each
950 profession.

951 ~~(7) The Florida Building Commission shall provide by rule~~
952 ~~for the accreditation of courses related to the Florida Building~~
953 ~~Code by accreditors approved by the commission. The commission~~



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954 ~~shall establish qualifications of accreditors and criteria for~~
955 ~~the accreditation of courses by rule. The commission may revoke~~
956 ~~the accreditation of a course by an accreditor if the~~
957 ~~accreditation is demonstrated to violate this part or the rules~~
958 ~~of the commission.~~

959 Section 24. Paragraph (a) of subsection (8) of section
960 553.842, Florida Statutes, is amended to read:

961 553.842 Product evaluation and approval.—

962 (8) The commission may adopt rules to approve the
963 following types of entities that produce information on which
964 product approvals are based. All of the following entities,
965 including engineers and architects, must comply with a
966 nationally recognized standard demonstrating independence or no
967 conflict of interest:

968 (a) Evaluation entities approved pursuant to this
969 paragraph. The commission shall specifically approve the
970 National Evaluation Service, the International Association of
971 Plumbing and Mechanical Officials Evaluation Service, the
972 International Code Council Evaluation Services, Underwriters
973 Laboratories, LLC, and the Miami-Dade County Building Code
974 Compliance Office Product Control Division. Architects and
975 engineers licensed in this state are also approved to conduct
976 product evaluations as provided in subsection (5).

977 Section 25. Section 553.883, Florida Statutes, is amended
978 to read:

979 553.883 Smoke alarms in one-family and two-family



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980 dwellings and townhomes.—One-family and two-family dwellings and
981 townhomes undergoing a repair, or a level 1 alteration as
982 defined in the Florida Building Code, may use smoke alarms
983 powered by 10-year nonremovable, nonreplaceable batteries in
984 lieu of retrofitting such dwelling with smoke alarms powered by
985 the dwelling's electrical system. Effective January 1, 2015, a
986 battery-powered smoke alarm that is newly installed or replaces
987 an existing battery-powered smoke alarm must be powered by a
988 nonremovable, nonreplaceable battery that powers the alarm for
989 at least 10 years. The battery requirements of this section do
990 not apply to a fire alarm, smoke detector, smoke alarm, or
991 ancillary component that is electronically connected as a part
992 of a centrally monitored or supervised alarm system; that uses a
993 low-power, radio frequency wireless communication signal; or
994 that contains multiple sensors, such as a smoke alarm combined
995 with a carbon monoxide alarm or other devices as the State Fire
996 Marshal designates through its regulatory process.

997 Section 26. Section 553.908, Florida Statutes, is amended
998 to read:

999 553.908 Inspection.—Before construction or renovation is
1000 completed, the local enforcement agency shall inspect buildings
1001 for compliance with the standards of this part. Notwithstanding
1002 any other provision of the code or law, specific section
1003 R402.4.1 of the new 5th Edition (2014) of the Florida Building
1004 Code, Energy Conservation, which is scheduled to become
1005 effective on June 30, 2015, shall not be adopted or become



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1006 effective in Florida. Instead, section 402-4.2 of the 2010
1007 Florida Building Code, Energy Conservation, relating to air
1008 sealing and insulation, in effect prior to June 30, 2015, shall
1009 govern and remain applicable and in effect in Florida after June
1010 30, 2015. Additionally, no state or local enforcement agency or
1011 code official, shall require any type of mandatory blower door
1012 test or air infiltration test to determine specific air
1013 infiltration levels or air leakage rates in a residential
1014 building or dwelling unit and no state or local enforcement
1015 agency or code official shall require the installation of any
1016 mechanical ventilation devices designed to filter outside air
1017 through an HVAC system as a condition of a permit or to
1018 determine compliance with the code.

1019 Section 27. Subsections (17) and (18) are added to section
1020 633.202, Florida Statutes, to read:

1021 633.202 Florida Fire Prevention Code.—

1022 (17) In all new high-rise and existing high-rise
1023 buildings, minimum radio signal strength for fire department
1024 communications shall be maintained at a level determined by the
1025 authority having jurisdiction. Existing buildings may not be
1026 required to comply with minimum radio strength for fire
1027 department communications and two-way radio system enhancement
1028 communications as required by the Florida Fire Prevention Code
1029 until January 1, 2022. However, by December 31, 2019, an
1030 existing building that is not in compliance with the
1031 requirements for minimum radio strength for fire department

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1032 communications must initiate an application for an appropriate
1033 permit for the required installation with the local government
1034 agency having jurisdiction and must demonstrate that the
1035 building will become compliant by January 1, 2022. Existing
1036 apartment buildings may not be required to comply until January
1037 1, 2025. However, existing apartment buildings are required to
1038 initiate the appropriate permit for the required communications
1039 installation by December 31, 2022.

1040 (18) Areas of refuge shall be provided when required by
1041 the Florida Building Code-Accessibility. Required portions of an
1042 area of refuge shall be accessible from the space they serve by
1043 an accessible means of egress.

1044 Section 28. Subsection (5) is added to section 633.206,
1045 Florida Statutes, to read:

1046 633.206 Uniform firesafety standards—The Legislature
1047 hereby determines that to protect the public health, safety, and
1048 welfare it is necessary to provide for firesafety standards
1049 governing the construction and utilization of certain buildings
1050 and structures. The Legislature further determines that certain
1051 buildings or structures, due to their specialized use or to the
1052 special characteristics of the person utilizing or occupying
1053 these buildings or structures, should be subject to firesafety
1054 standards reflecting these special needs as may be appropriate.

1055 (5) The home environment provisions enumerated in the most
1056 current edition of the codes adopted by the division may be
1057 applied to existing assisted living facilities notwithstanding

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1058 the edition of the codes applied at the time of construction.

1059 Section 29. Subsection (5) of section 633.208, Florida
1060 Statutes, is amended to read:

1061 633.208 Minimum firesafety standards.—

1062 (5) With regard to existing buildings, the Legislature
1063 recognizes that it is not always practical to apply any or all
1064 of the provisions of the Florida Fire Prevention Code and that
1065 physical limitations may require disproportionate effort or
1066 expense with little increase in fire or life safety. Prior to
1067 applying the minimum firesafety code to an existing building,
1068 the local fire official shall determine that a threat to
1069 lifesafety or property exists. If a threat to lifesafety or
1070 property exists, the fire official shall apply the applicable
1071 firesafety code for existing buildings to the extent practical
1072 to assure a reasonable degree of lifesafety and safety of
1073 property or the fire official shall fashion a reasonable
1074 alternative which affords an equivalent degree of lifesafety and
1075 safety of property. The fire official may consider the Fire
1076 Safety Evaluation System found in NFPA 101A, Alternative
1077 Solutions to Life Safety, current edition adopted by the State
1078 Fire Marshal, as an acceptable tool to identify low cost
1079 alternatives. It is acceptable to use the Fire Safety Evaluation
1080 System for Board and Care Facilities using "prompt" evacuation
1081 capabilities parameter values on existing residential high-rise
1082 buildings. The decision of the local fire official may be
1083 appealed to the local administrative board described in s.

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1084 553.73.

1085 Section 30. Section 633.336, Florida Statutes, is amended
1086 to read:

1087 633.336 Contracting without certificate prohibited;
1088 violations; penalty.—

1089 (1) It is unlawful for any organization or individual to
1090 engage in the business of layout, fabrication, installation,
1091 inspection, alteration, repair, or service of a fire protection
1092 system, other than a preengineered system, act in the capacity
1093 of a fire protection contractor, or advertise itself as being a
1094 fire protection contractor without having been duly certified
1095 and holding a valid and existing certificate, except as
1096 hereinafter provided. The holder of a certificate used to
1097 qualify an organization must be a full-time employee of the
1098 qualified organization or business. A certificateholder who is
1099 employed by more than one fire protection contractor during the
1100 same time is deemed not to be a full-time employee of either
1101 contractor. The State Fire Marshal shall revoke, for a period
1102 determined by the State Fire Marshal, the certificate of a
1103 certificateholder who allows the use of the certificate to
1104 qualify a company of which the certificateholder is not a full-
1105 time employee. A contractor who maintains more than one place of
1106 business must employ a certificateholder at each location. This
1107 subsection does not prohibit an employee acting on behalf of
1108 governmental entities from inspecting and enforcing firesafety
1109 codes, provided such employee is certified under s. 633.216.

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1110 (2) A fire protection contractor certified under this
1111 chapter may not:

1112 (a) Enter into a written or oral agreement to authorize,
1113 or otherwise knowingly allow, a contractor who is not certified
1114 under this chapter to engage in the business of, or act in the
1115 capacity of, a fire protection contractor.

1116 (b) Apply for or obtain a construction permit for fire
1117 protection work unless the fire protection contractor or the
1118 business organization qualified by the fire protection
1119 contractor has contracted to conduct the work specified in the
1120 application for the permit.

1121 (3) The Legislature recognizes that special expertise is
1122 required for fire pump control panels and maintenance of
1123 electric and diesel pump drivers and that it is not economically
1124 feasible for all contractors to employ these experts full-time
1125 whose work may be limited. It is therefore deemed acceptable for
1126 a fire protection contractor properly licensed under Chapter 633
1127 to subcontract to companies providing advanced technical
1128 services for installing, servicing and maintaining fire pump
1129 control panels and fire pump drivers. To ensure that integrity
1130 of the system and protecting the interests of the property
1131 owner, those providing technical support services for fire pump
1132 control panels and drivers must be under contract with a
1133 properly licensed fire protection contractor.

1134 ~~(4)~~(3) A person who violates any provision of this act or
1135 commits any of the acts constituting cause for disciplinary



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1136 action as herein set forth commits a misdemeanor of the second
1137 degree, punishable as provided in s. 775.082 or s. 775.083.

1138 (5)(4) In addition to the penalties provided in subsection
1139 (3), a fire protection contractor certified under this chapter
1140 who violates any provision of this section or who commits any
1141 act constituting cause for disciplinary action is subject to
1142 suspension or revocation of the certificate and administrative
1143 fines pursuant to s. 633.338.

1144 Section 31. The Calder Sloan Swimming Pool Electrical-
1145 Safety Task Force.—There is established within the Florida
1146 Building Commission the Calder Sloan Swimming Pool Electrical-
1147 Safety Task Force.

1148 (1) The purpose of the task force is to study standards on
1149 grounding, bonding, lighting, wiring, and all electrical aspects
1150 for safety in and around public and private swimming pools,
1151 especially with regard to minimizing risks of electrocutions
1152 linked to swimming pools. The task force shall submit a report
1153 on its findings, including recommended revisions to the Florida
1154 Statutes, if any, to the Governor, the President of the Senate,
1155 and the Speaker of the House of Representatives by November 1,
1156 2015.

1157 (2) The task force shall consist of the Swimming Pool and
1158 Electrical Technical Advisory Committees of the Florida Building
1159 Commission.

1160 (3) The task force shall be chaired by the Swimming Pool
1161 Contractor appointed to the Florida Building Commission pursuant

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1162 to s. 553.74, Florida Statutes.

1163 (4) The Florida Building Commission shall provide such
1164 staff, information, and other assistance as is reasonably
1165 necessary to assist the task force in carrying out its
1166 responsibilities.

1167 (5) Members of the task force shall serve without
1168 compensation.

1169 (6) The task force shall meet as often as necessary to
1170 fulfill its responsibilities and meetings may be conducted by
1171 conference call, teleconferencing, or similar technology.

1172 (7) This section expires December 31, 2015.

1173 Section 32. This act shall take effect July 1, 2015.

1174

1175

1176

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

1177

Remove everything before the enacting clause and insert:

1178

A bill to be entitled

1179

An act relating to building codes; amending s.

1180

468.609, F.S.; revising the certification examination

1181

requirements for building code inspectors, plans

1182

examiners, and building code administrators; requiring

1183

the Florida Building Code Administrators and

1184

Inspectors Board to provide for issuance of certain

1185

provisional certificates; amending ss. 468.627,

1186

471.0195, 481.215, and 481.313, F.S.; requiring a

1187

licensee or certificateholder to undergo code-related



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1188 training as part of his or her continuing education
1189 courses; amending s. 489.105, F.S.; revising the term
1190 "plumbing contractor"; amending s. 489.115, F.S.;
1191 requiring a certificateholder or registrant to undergo
1192 code-related training as part of his or her continuing
1193 education requirements; amending s. 489.1401, F.S.;
1194 revising legislative intent with respect to the
1195 purpose of the Florida Homeowners' Construction
1196 Recovery Fund; providing legislative intent that
1197 Division II contractors set apart funds to participate
1198 in the fund; amending s. 489.1402, F.S.; revising
1199 terms; amending s. 489.141, F.S.; authorizing certain
1200 claimants to make a claim against the recovery fund
1201 for certain contracts entered into before a specified
1202 date; amending s. 489.1425, F.S.; revising a
1203 notification provided by contractors to certain
1204 residential property owners to state that payment from
1205 the recovery fund is limited; amending s. 489.143,
1206 F.S.; revising provisions concerning payments from the
1207 recovery fund; specifying claim amounts for certain
1208 contracts entered into before or after specified
1209 dates; providing aggregate caps for payments; amending
1210 s. 489.503, F.S.; exempting certain low-voltage
1211 landscape lighting from licensed electrical contractor
1212 installation requirements; amending s. 489.517, F.S.;
1213 requiring a certificateholder or registrant to undergo

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1214 code-related training as part of his or her continuing
1215 education requirements; amending s. 514.011, F.S.;
1216 revising the term "private pool"; amending s.
1217 514.0115, F.S.; prohibiting a portable pool from being
1218 regulated as a public pool in certain circumstances;
1219 amending s. 514.031, F.S.; providing that a portable
1220 pool may not be used as a public pool, unless it is
1221 exempt under s. 514.0115; amending s. 553.512, F.S.;
1222 replacing a representative on the Accessibility
1223 Advisory Council; amending s. 553.721, F.S.; amending
1224 s. 553.721, F.S.; directing the Florida Building Code
1225 Compliance and Mitigation Program to fund, from
1226 existing resources, the recommendations made by the
1227 Building Code System Uniform Implementation Evaluation
1228 Workgroup; providing a limitation; requiring that a
1229 specified amount of funds from the surcharge be used
1230 to fund certain Florida Fire Prevention Code informal
1231 interpretations; requiring the State Fire Marshal to
1232 adopt specified rules; amending s. 553.73, F.S.;
1233 authorizing local boards created to address specified
1234 issues to combine the appeals boards to create a
1235 single, local board; authorizing the local board to
1236 grant alternatives or modifications through specified
1237 procedures; requiring at least one member of a board
1238 to be a fire protection contractor, a fire protection
1239 design professional, a fire department operations

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1240 professional, or a fire code enforcement professional
1241 in order to meet a specified quorum requirement;
1242 authorizing the appeal to a local administrative board
1243 of specified decisions made by a local fire official;
1244 specifying the decisions of the local building
1245 official and the local fire official which are subject
1246 to review; providing that an agency or local
1247 government may not require that existing mechanical
1248 equipment located on or above the surface of a roof be
1249 installed in compliance with the Florida Building Code
1250 under certain circumstances; prohibiting the Florida
1251 Building Code from requiring more than one fire access
1252 elevator in certain buildings; prohibiting a 1-hour
1253 fire-rated fire service access elevator lobby from
1254 being required in certain circumstances; requiring a
1255 1-hour fire-related fire service access elevator lobby
1256 in certain circumstances; providing that the
1257 requirement for a second fire service access elevator
1258 is not considered to be part of the Florida Building
1259 Code; amending s. 553.775, F.S.; revising a panel that
1260 hears requests to review decisions of local building
1261 officials; amending s. 553.79, F.S.; authorizing a
1262 building official to issue a permit for the
1263 construction of the foundation or any other part of a
1264 building or structure before the construction
1265 documents for the whole building or structure have

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Amendment No. 1

1266 | been submitted; providing that the holder of such
1267 | permit shall begin building at the holder's own risk
1268 | with the building operation and without assurance that
1269 | a permit for the entire structure will be granted;
1270 | amending s. 553.841, F.S.; authorizing the department
1271 | to maintain, update, develop, or cause to be developed
1272 | code-related training and education; removing
1273 | provisions related to the development of advanced
1274 | courses with respect to the Florida Building Code
1275 | Compliance and Mitigation Program and the
1276 | accreditation of courses related to the Florida
1277 | Building Code; amending s. 553.842, F.S.; providing
1278 | that Underwriters Laboratories, LLC, is an approved
1279 | evaluation entity; amending s. 553.883, F.S. ;
1280 | exempting certain devices from certain smoke alarm
1281 | battery requirements; amending s. 553.908, F.S. ;
1282 | amends blower door requirement; amending s. 633.202,
1283 | F.S. ; requiring all new high-rise and existing high-
1284 | rise buildings to maintain a minimum radio signal
1285 | strength for fire department communications; providing
1286 | a transitory period for compliance; requiring existing
1287 | buildings and existing apartment buildings that are
1288 | not in compliance with the requirements for minimum
1289 | radio strength for fire department communications to
1290 | initiate an application for an appropriate permit by a
1291 | specified date; requiring areas of refuge to be

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Amendment No. 1

1292 required as determined by the Florida Building Code-
1293 Accessibility; amending s. 633.206, F.S.; providing
1294 that certain provisions may be applied to existing
1295 assisted living facilities notwithstanding the edition
1296 of the codes applied at the time of construction;
1297 amending s. 633.208, F.S.; authorizing fire officials
1298 to consider certain systems as an acceptable tool when
1299 identifying low cost alternatives; amending s.
1300 633.336, F.S.; providing a licensed fire protection
1301 contractor to subcontract for advanced technical
1302 services under certain circumstances; creating the
1303 Calder Sloan Swimming Pool Electrical-Safety Task
1304 Force within the Florida Building Commission;
1305 specifying the purpose of the task force; requiring a
1306 report to the Governor and the Legislature by a
1307 specified date; providing for membership; requiring
1308 the Florida Building Commission to provide staff,
1309 information, and other assistance to the task force;
1310 providing that members of the task force serve without
1311 compensation; authorizing the task force to meet as
1312 often as necessary; providing for future repeal of the
1313 task force; providing an effective date.



Amendment No. a1

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: Regulatory Affairs
2 Committee

3 Representative Eagle offered the following:

5 **Amendment to Amendment (071431) by Representative Eagle**
6 **(with title amendment)**

7 Between lines 191 and 192 of the amendment, insert:

8 Section 6. Subsection (23) is added to section 489.103,
9 Florida Statutes, to read:

10 489.103 Exemptions.—This part does not apply to:

11 (23) An employee of an apartment community or apartment
12 community management company who makes minor repairs to existing
13 electric water heaters or to existing electric heating, venting,
14 and air-conditioning systems, if:

15 (a) The employee:

16 1. Does not hold himself or herself or his or her employer
17 out to be licensed or qualified by a licensee;



Amendment No. a1

- 18 2. Does not perform any acts outside the scope of this
19 exemption which constitute contracting;
- 20 3. Receives compensation from and is under the supervision
21 and control of an employer who regularly deducts the FICA and
22 withholding tax and who provides workers' compensation, as
23 prescribed by law; and
- 24 4. Holds a current certificate for apartment maintenance
25 technicians issued by the National Apartment Association and
26 accredited by the American National Standards Institute.
27 Requirements for obtaining such certificate must include at
28 least:
- 29 a. One year of apartment or rental housing maintenance
30 experience;
- 31 b. Successful completion of at least 90 hours of courses
32 or online content that covers electrical maintenance and repair;
33 plumbing maintenance and repair; heating, venting, or air-
34 conditioning system maintenance and repair; appliance
35 maintenance and repair; and interior and exterior maintenance
36 and repair; and
- 37 c. Completion of all examination requirements.
- 38 (b) The equipment:
- 39 1. Is already installed on the property owned by the
40 apartment community or managed by the apartment community
41 management company;
- 42 2. Is not being modified except to replace components
43 necessary to return the equipment to its original condition, and



Amendment No. a1

44 the partial disassembly associated therewith;

45 3. Must be a type of equipment commonly installed in
46 similar locations; and

47 4. Must be repaired with new parts that are functionally
48 identical to the parts being replaced.

49 (c) An individual repair does not involve replacement
50 parts that cost more than \$1,000. An individual repair may not
51 be so extensive as to be a functional replacement of the
52 electric water heater or the existing electric heating, venting,
53 or air-conditioning system being repaired.

54 (d) The property owned by the apartment community or
55 managed by the apartment community management company includes
56 at least 100 apartments.

57

58 -----

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

60 Remove line 1189 of the amendment and insert:
61 courses; amending s. 489.103, F.S.; providing an exemption for a
62 specified employee who makes minor repairs existing electric
63 water heaters and to existing electric heating, venting, and
64 air-conditioning systems in certain circumstances; amending s.
65 489.105, F.S.; revising the term

REGULATORY AFFAIRS COMMITTEE

CS/HB 1025 by Rep. Raburn Firesafety for Agricultural Buildings

AMENDMENT SUMMARY April 14, 2015

Amendment 1 by Rep. Raburn (strike-all): Makes the bill similar to the Senate companion bill (CS/SB 1148):

- Removes the notification requirement to local fire officials of events being held in nonresidential farm buildings.
- Decreases the maximum exempt occupancy load from 150 persons to less than 100.
- Removes the annual maximum number of secondary use events allowed for nonresidential farm buildings to retain exemption from the fire code.
- Removes the requirement that exits open in the direction of exit travel.
- Requires the State Fire Marshal to convene a workgroup, conduct a study, and initiate rulemaking for alternative standards to the fire code for secondary uses of nonresidential farm buildings with 100 persons or more in attendance.
- Revises the exemption of tents from the fire code from up to 30 feet by 30 feet, to up to 900 square feet.



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: Regulatory Affairs
2 Committee

3 Representative Raburn offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (16) of section 633.202, Florida
8 Statutes, is amended to read:

9 633.202 Florida Fire Prevention Code.—

10 (16) (a) As used in this subsection, the term:

11 1. "Agricultural pole barn" means a nonresidential farm
12 building in which 90 percent or more of the perimeter walls are
13 permanently open and allow free ingress and egress.

14 2. "Nonresidential farm building" has the same meaning
15 provided in s. 604.50.

16 (b) A nonresidential farm building structure, located on
17 property that is classified for ad valorem purposes as



Amendment No. 1

18 ~~agricultural, which is part of a farming or ranching operation,~~
19 in which the occupancy is limited by the property owner to no
20 more than 35 persons, and which is not used by the public for
21 ~~direct sales or~~ as an educational outreach facility, is exempt
22 from the Florida Fire Prevention Code, including the national
23 codes and Life Safety Code incorporated by reference. ~~This~~
24 ~~paragraph does not include structures used for residential or~~
25 ~~assembly occupancies, as defined in the Florida Fire Prevention~~
26 ~~Code.~~

27 (c) Notwithstanding any other provision of law, a
28 nonresidential farm building is exempt from the Florida Fire
29 Prevention Code, including the national codes and the Life
30 Safety Code incorporated by reference, if all of the following
31 conditions are met:

32 1. The nonresidential farm building is used by the owner
33 only for the secondary purposes of assembly, business, or
34 mercantile occupancy, as defined in the Florida Fire Prevention
35 Code, and is not used for lodging purposes.

36 2. Each event has less than 100 persons occupying the
37 building at one time.

38 3. There are at least two means of egress or openings of
39 at least 36 inches in width and 80 inches in height.

40 4. The nonresidential farm building provides at least 7
41 square feet per person in attendance if the building is not
42 concentrated with chairs, tables, or other obstacles, and 15
43 square feet per person in attendance if the building is



Amendment No. 1

44 concentrated with chairs, tables, or other obstacles.

45 5. The storage of combustible or flammable liquids inside
46 the nonresidential farm building during each event is not
47 permitted.

48 (d) Notwithstanding any other provision of law, an
49 agricultural pole barn is exempt from the Florida Fire
50 Prevention Code, including the national fire codes and the Life
51 Safety Code incorporated by reference.

52 (e) The State Fire Marshal shall conduct a study on the
53 secondary use of nonresidential farm buildings as assembly,
54 business, or mercantile occupancies with 100 persons or more in
55 attendance and on the development of a fire safety evaluation
56 system for nonresidential farm buildings used for those
57 occupancies.

58 1. The State Fire Marshal shall convene a workgroup on or
59 before September 1, 2015, to assist with the study. The
60 workgroup must include a representative of the Florida
61 Agritourism Association, the Florida Farm Bureau, the Department
62 of Agriculture and Consumer Services, the Florida Fire Chiefs
63 Association, the Florida Professional Firefighters Association,
64 the Florida Fire Marshals and Inspectors Association, and the
65 Florida Volunteer Firefighters Association. The workgroup may
66 include other interested parties.

67 2. Based on the study, if the State Fire Marshal
68 determines that the secondary use of nonresidential farm
69 buildings as described in this paragraph requires alternative



Amendment No. 1

70 life safety or fire prevention standards instead of those
71 currently specified in the Florida Fire Prevention Code, the
72 State Fire Marshal shall in coordination with the Department of
73 Agriculture and Consumer Services adopt the alternative
74 standards by rule. Such rulemaking shall be initiated on or
75 before December 1, 2015.

76 (17)(b) A tent up to 900 square 30 feet by 30 feet is
77 exempt from the Florida Fire Prevention Code, including the
78 national codes incorporated by reference.

79 Section 2. Subsection (5) of section 633.208, Florida
80 Statutes, is amended to read:

81 633.208 Minimum firesafety standards.—

82 (5) With regard to existing buildings, the Legislature
83 recognizes that it is not always practical to apply any or all
84 of the provisions of the Florida Fire Prevention Code and that
85 physical limitations may require disproportionate effort or
86 expense with little increase in fire or life safety. Before
87 ~~Prior to~~ applying the minimum firesafety code to an existing
88 building, the local fire official shall determine that a threat
89 to lifesafety or property exists. If a threat to lifesafety or
90 property exists, the fire official shall apply the applicable
91 firesafety code for existing buildings to the extent practical
92 to assure a reasonable degree of lifesafety and safety of
93 property or the fire official shall fashion a reasonable
94 alternative that ~~which~~ affords an equivalent degree of
95 lifesafety and safety of property. The local fire official may



Amendment No. 1

96 consider the Fire Safety Evaluation System found in NFPA 101A,
 97 Guide on Alternative Solutions to Life Safety, adopted by the
 98 State Fire Marshal, as an acceptable source for the
 99 identification of low-cost, reasonable alternatives. The
 100 decision of the local fire official may be appealed to the local
 101 administrative board described in s. 553.73.

102 Section 3. This act shall take effect July 1, 2015.

103 -----
104

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

106 Remove everything before the enacting clause and insert:

107 A bill to be entitled

108 An act relating to firesafety; amending s. 633.202, F.S.;

109 defining terms; exempting nonresidential farm buildings and

110 agricultural pole barns, rather than specified structures

111 located on agricultural property, from the Florida Fire

112 Prevention Code under specified circumstances; authorizing the

113 local fire official to request notification of certain events

114 held in a nonresidential farm building; requiring the State Fire

115 Marshal to conduct a study addressing certain secondary uses of

116 nonresidential farm buildings; requiring the State Fire Marshal

117 to convene a workgroup by a specified date to assist with the

118 study; requiring the State Fire Marshal to initiate rulemaking

119 by a specified date if the study determines that certain life

120 safety or fire prevention standards are required; revising the

121 maximum measurements of a tent that is exempt from the Florida



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1025 (2015)

Amendment No. 1

122 Fire Prevention Code; amending s. 633.208, F.S.; authorizing a
123 local fire official to consider a specified publication when
124 identifying an alternative to a firesafety code; providing an
125 effective date.

REGULATORY AFFAIRS COMMITTEE

**CS/CS/HB 1141, by Rep. Ray
Natural Gas Rebate Program**

**AMENDMENT SUMMARY
April 14, 2015**

Amendment 1 by Rep. Ray (line 107): The amendment changes DACS' rule-making authority from "may" to "shall" and removes the deadline for rule adoption.



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1141 (2015)

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: Regulatory Affairs
2 Committee

3 Representative Ray offered the following:

4
5 **Amendment**

6 Remove lines 107-108 and insert:

7 (5) RULES.-The department shall adopt rules to implement
8 and administer this section, including rules

REGULATORY AFFAIRS COMMITTEE

CS/HB 1247 by Rep. Avila Alcoholic Beverages

AMENDMENT SUMMARY April 14, 2015

Amendment 1 by Rep. Avila (Between Lines 24 and 25): This amendment:

- Provides that powdered alcohol may be used for research purposes by a health care provider, state institution, university or college, or a pharmaceutical company;
- Provides that the prohibition on the sale of powdered alcohol does not prevent a licensed manufacturer or common carrier on behalf of a licensed manufacturer from possessing powdered alcohol for transport through the state;
- Provides that this section does not prohibit a licensed manufacturer from manufacturing powdered alcohol for distribution and sale outside of the state.



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: Regulatory Affairs
2 Committee

3 Representative Avila offered the following:

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

6 Between lines 24 and 25, insert:

7 (3) This section does not apply to the use of powdered
8 alcohol for research purposes by a:

9 (a) Health care provider that operates primarily for the
10 purpose of conducting scientific research;

11 (b) State institution;

12 (c) State university or private college or university; or

13 (d) Pharmaceutical or biotechnology company.

14 (4) This section does not apply to the possession of
15 powdered alcohol solely for the purpose of transportation
16 through this state by a licensed manufacturer or a common
17 carrier on behalf of a licensed manufacturer.

REGULATORY AFFAIRS COMMITTEE

**CS/CS/HB 1325 by Rep. Perry
Gainesville Regional Utilities Commission, Alachua County**

AMENDMENT SUMMARY

April 14, 2015

Amendment 1 by Rep. Perry (Strike-All): This strike-all amendment:

- Modifies, consolidates, and streamlines several provisions of the bill related to the powers of the proposed Gainesville Regional Utilities Commission (GRUC).
- Modifies the qualifications for appointment of voting members to GRUC, the terms of office for such members, compensation for such members, and provisions related to removal or suspension of such members.
- Removes provisions related to the appointment and role of non-voting members of GRUC.
- Modifies provisions related to the transfer of funds from GRUC to the City of Gainesville.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1325 (2015)

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: Regulatory Affairs

2 Committee

3 Representative Perry offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 3.06 of Article III of section 1 of
8 chapter 90-394, Laws of Florida, is repealed.

9 Section 2. Article VII is added to chapter 12760, Laws of
10 Florida (1927), as amended by chapter 90-394, Laws of Florida,
11 to read:

12
13 ARTICLE VII GAINESVILLE REGIONAL UTILITIES COMMISSION

14
15 7.01 Establishment.—There is hereby created a regional
16 utilities commission to be known and designated as the
17 "Gainesville Regional Utilities Commission." Gainesville

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1325 (2015)

Amendment No. 1

18 Regional Utilities shall remain a legal entity but after the
19 effective date of this act shall be governed by the utilities
20 commission. The utilities commission shall operate as a
21 political subdivision of the City of Gainesville ("the city")
22 with no ad valorem taxing authority. The utilities commission is
23 created for the express purpose of acquiring, constructing,
24 operating, providing utility-related products and services,
25 financing, and otherwise having broad authority with respect to
26 utilities. The utilities commission shall have the power to make
27 and adopt rules, policies, and regulations consistent with and
28 not in violation of this act and applicable law, for the
29 management, administration, operation, and regulation of the
30 fiduciary, business, and other affairs of the utilities
31 commission.

32 7.02 Definitions.—For the purposes of this act, unless
33 otherwise designated, or the context otherwise requires:

34 (1) The term "city commission" shall mean the Gainesville
35 City Commission.

36 (2) The term "GRU" shall mean Gainesville Regional
37 Utilities, a subdivision of the utilities commission.

38 (3) The term "member" shall mean a member of the utilities
39 commission.

40 (4) The term "utilities" shall mean, unless otherwise
41 specified, the electric utility system, water utility system,
42 wastewater utility system, reuse water utility system, natural

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1325 (2015)

Amendment No. 1

43 gas utility system, communications utility system, and such
44 other utility systems as may be acquired by GRU in the future.

45 (5) The term "utilities commission" shall mean the
46 Gainesville Regional Utilities Commission of the City of
47 Gainesville.

48 7.03 Commission voting members.-

49 (1) There shall be five voting members of the utilities
50 commission. Each member shall be a person of recognized ability
51 of good business judgment who, in the opinion of the city
52 commission, can and will perform his or her official duties to
53 the best interest of the citizens. Meeting the above definition:
54 one appointment of each of the following shall make the
55 composition of the authority:

56 (a) A residential user with substantial knowledge of GRU,
57 its operations, and its history.

58 (b) A private (nongovernment account), large customer user
59 averaging at least 10,000 kilowatt hours per month of electric
60 usage during the last 12 months. This member may be the
61 customer, the owner of the customer, or representative of the
62 customer who has worked for the large customer account for more
63 than 12 months.

64 (c) A certified public accountant licensed in this state.

65 (d) A person with a bachelor of science degree in
66 engineering from an accredited university or a person with
67 utility industry experience.

68 (e) A person with a bachelor of science degree in finance

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1325 (2015)

Amendment No. 1

69 or business administration from an accredited university or a
70 person who is a member in good standing of The Florida Bar.

71
72 Members shall be appointed by a simple majority vote of the city
73 commission to 4-year terms, with terms staggered as set forth in
74 this article.

75 (2) To qualify for appointment as a voting member, a
76 person must, at the time of appointment:

77 (a) Reside year-round within the electric service
78 territory of Gainesville Regional Utilities' electric utility
79 system.

80 (b) Receive service as a GRU customer at the time of the
81 appointment of the initial members, and, thereafter, be a
82 customer of GRU.

83 (c) Have not been convicted of a felony as defined by
84 applicable law.

85 (3) In addition to these qualifications, each voting
86 member must be, at the time of appointment and during the time
87 that person serves as a voting member, a qualified elector of
88 the City of Gainesville ("the city"), except that:

89 (a) At all times, a minimum of one voting member must be a
90 qualified elector of Alachua County ("the county"), residing in
91 the unincorporated area of the county or a municipality in the
92 county other than the City of Gainesville.

93 (b) The composition of the utilities commission shall be
94 adjusted upon the expiration of any utilities commissioner's

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1325 (2015)

Amendment No. 1

95 term, or upon any utilities commission vacancy, to reflect the
96 ratio of total electric meters serving customers in the
97 unincorporated area of Alachua County to total electric meters
98 serving all electric customers based on the most recent annual
99 information provided by the utilities commission to the city
100 commission. For example, at such time as the ratio of total
101 electric meters serving customers in the unincorporated area of
102 Alachua County to total electric meters serving all electric
103 customers reaches 40 percent, upon the expiration of any
104 utilities commissioner's term or upon any utilities commission
105 vacancy, the city commission must appoint a second voting member
106 from a municipality in the county other than the City of
107 Gainesville, or from the unincorporated area of the county to
108 serve the next term that would otherwise be served by a
109 qualified elector of the City of Gainesville. If the ratio
110 subsequently falls below 40 percent, the city commission, upon
111 the expiration of any utilities commissioner's term or upon any
112 utilities commission vacancy, must appoint a qualified elector
113 of the City of Gainesville to serve the next term that would
114 otherwise be served by a qualified elector from the
115 unincorporated area of the county or from a municipality in the
116 county other than the City of Gainesville.

117 (4) Until January 1, 2020, no current or previous elected
118 or appointed officer or official of the city or county having
119 held office after January 1, 2000, shall become a member, except
120 that a qualified voting member initially first appointed to the

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1325 (2015)

Amendment No. 1

121 utilities commission in 2016 as provided for in this act shall
122 be considered for subsequent reappointment provided that such
123 individual remains otherwise qualified and chooses to be
124 considered for reappointment.

125 (5) No voting member who has been appointed for three
126 full, consecutive 4-year terms shall succeed herself or himself.

127 7.04 Voting member terms.-

128 (1) The city commission shall make initial utilities
129 commission member appointments within 120 calendar days after
130 the approval of the referendum required by this act. The initial
131 terms of office for the five appointed members shall commence at
132 12:01 a.m. on October 1, 2016. The initial appointments called
133 for in this act and shall be as follows: one member will be
134 designated to serve until 12:01 a.m., October 1, 2017; one
135 member will be designated to serve until 12:01 a.m., October 1,
136 2018; one member will be designated to serve until 12:01 a.m.,
137 October 1, 2019; and two members will be designated to serve
138 until 12:01 a.m., October 1, 2020. Members subsequently
139 appointed will normally hold office for 4-year terms commencing
140 at 12:01 a.m. on October 1 in the year they are appointed, until
141 their successors in office are appointed, or as may be provided
142 elsewhere in this act.

143 (2) The city commission shall expeditiously schedule an
144 appointment session and fill any utilities commission voting
145 member vacancy within 2 months after a permanent vacancy occurs
146 or becomes known by virtue of resignation, death, or removal in

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1325 (2015)

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147 order to fill the remaining period of the vacant member term
148 provided that such remaining term exceeds 3 months.

149 7.05 Member compensation.—Beginning October 1, 2015, each
150 member shall be paid an annual salary of \$18,000 to be paid
151 monthly. Necessary individual expenses of members incurred
152 solely in carrying on and conducting the business of the
153 utilities commission shall be paid in accordance with utilities
154 commission policy and procedures and subject to the approval of
155 a majority of the utilities commission. No supplemental benefits
156 are provided for a member position.

157 7.06 Utilities commission; initial meeting, organization,
158 and oath.—

159 (1) The first appointed utilities commission shall
160 initially meet at the utilities commission's headquarters at
161 6:00 p.m. on Wednesday October 5, 2016. The utilities commission
162 shall meet at least once each month at the offices of the
163 utilities commission or as otherwise may be determined. All
164 meetings of the utilities commission shall be noticed and open
165 to the public and minutes shall be kept of all meetings, except
166 that meetings related to settlement of then-existing litigation
167 may be held in accordance with law. The initial meeting of the
168 first appointed utilities commission and at each subsequent
169 first regular meeting of the utilities commission after each
170 regularly scheduled annual appointment occurs as specified in
171 section 7.03 shall include an organizational agenda item during
172 this organizational meeting in which the new utilities member

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1325 (2015)

Amendment No. 1

173 shall be sworn by the Mayor of the City of Gainesville and the
174 voting members shall elect a chairperson and a vice chairperson
175 from among its voting membership.

176 (2) Before taking office for any term, each member shall
177 be given an oath or affirmation similar to the oath or
178 affirmation required of a member of the city commission.

179 7.07 Appointment of chief executive officer/general
180 manager.—

181 (1) The utilities commission shall appoint by a majority
182 vote of the utilities commission a chief executive
183 officer/general manager ("CEO/GM") to direct and administer
184 utilities functions under the policies and authority authorized
185 by the utilities commission.

186 (2) The utilities commission shall have full and exclusive
187 authority over the management, operation, and control over the
188 city's utilities, except that the utilities commission shall
189 employ and discharge all employees only with the concurrence of
190 the CEO/GM.

191 (3) A member shall not be selected as the first CEO/GM.

192 (4) The CEO/GM, through assigned staff, is responsible for
193 providing an orientation and training program for new members
194 which includes providing information designed to familiarize new
195 members with the utilities commission's business and general
196 industry; its strategic plans; its significant financial,
197 accounting, and risk management issues; its compliance programs;
198 its code of business conduct and ethics; its principal officers

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199 and executives; its internal and independent auditors; and its
200 key policies and practices. This orientation is to be conducted
201 within a reasonable period of time after the meeting at which
202 new members are sworn. In addition to the orientation program,
203 staff management also will periodically provide materials or
204 briefing sessions for all members on subjects that would assist
205 them in discharging their duties. Utilities commission members,
206 within 1 year after taking office, must complete each
207 installment of the American Public Power Association's Electric
208 Utility 101 Webinar Series and Public Utility Governance Webinar
209 Series.

210 7.08 Nonvoting members.—The utilities commission is
211 comprised of three nonvoting, noncompensated members.
212 Qualifications, duties, and rules applicable to nonvoting
213 members shall be established by the utilities commission.

214 7.09 Removal or suspension of members.—

215 (1) Voting members may only be removed or suspended from
216 office in accordance with chapter 112, Florida Statutes.

217 (2) A voting member may also be removed for failure to
218 maintain all voting-member qualifications as set forth in
219 section 7.03 or for violation of a provision of this act or
220 rules or policies as may be subsequently adopted and enforced by
221 the utilities commission.

222 (3) A voting member who is the subject of a proceeding to
223 request suspension or removal or a proceeding to consider
224 reinstatement under this section may not participate in the

COMMITTEE/SUBCOMMITTEE AMENDMENT

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225 utilities commission's deliberations, debate, or vote on the
226 matter.

227 7.10 General provisions.-

228 (1) All business of the utilities commission shall be
229 overseen by its members.

230 (2) The city commission is required to create such
231 instruments as are necessary for the utilities commission to
232 exercise its authority in accordance with this act. The city
233 commission shall not encumber or allow to be encumbered any
234 property, rights, or future interests of GRU by establishing
235 conditions precedent or administrative requirements before or
236 after the effective date of this article.

237 (3) The utilities commission shall develop policies and
238 procedures for meetings with the city commission and regarding
239 any reporting to the city commission.

240 (4) No member of the utilities commission shall be
241 individually responsible for commission debts.

242 7.11 Powers and duties.-

243 (1) Consistent with the provisions and effective date of
244 this act, such previous applicable utilities-related ordinances,
245 policies, rates, fees, rules, regulations, budgets, and other
246 provisions previously adopted under the Charter of the City of
247 Gainesville are hereby considered as adopted, reenacted, or
248 assumed by the utilities commission for transition purposes
249 until such time that the utilities commission shall make
250 changes.

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251 (2) The utilities commission is authorized to exercise the
252 power of eminent domain where permitted by law and in the manner
253 provided by law, but for utilities purposes only.

254 (3) The utilities commission has the exclusive power and
255 authority to prescribe, bill, and collect fees or charges for
256 all utilities and services under its control and, when
257 collected, to direct the flow of funds consistent with the
258 contracts, bond covenants, and other obligations of GRU under
259 existing and future law. The utilities commission also has the
260 obligation to transfer a percentage of revenue to the City of
261 Gainesville for the city's general fund use. The total amount of
262 such annual transfer shall be determined by the city commission
263 taking into account advice from the utilities commission. The
264 city commission shall, at its sole discretion, retain the power
265 to levy a transfer of funds to the city's general fund. Such
266 transfer shall not exceed 9 percent of the operating revenue of
267 the utility. The utilities commission shall place on each
268 monthly bill a percentage, set by the city commission annually,
269 a line item identified as "city transfer." The utilities
270 commission shall pass on the city transfer on a monthly basis
271 and no additional funds shall be transferred to the city's
272 general fund from the utility. Payments approved by the city
273 commission shall be transferred to the city's general fund
274 transferred monthly in an amount and manner specified by
275 utilities commission resolution and consistent with past
276 practice.

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277 (4) The utilities commission must submit to the city a
278 monthly statement showing sums or amounts received, operating
279 expenses, amount charged to depreciation and extensions, reserve
280 fund and amount appropriated to interest, and sinking funds.
281 The fiscal year of the utilities commission shall begin October
282 1 and end September 30 of each year.

283 (5) The utilities commission shall ensure independence of
284 GRU officers, executives, or employees in the performance of
285 their duties.

286 (6) The utilities commission may not enact rules relating
287 to the disposal or sale of any GRU property which are less
288 restrictive than the rules applicable to the city commission at
289 the time this act becomes a law.

290 (7) The city or the county may not grant, cause, consent
291 to, or allow the granting of any franchise or permit to any
292 person, firm, corporation, body, agency, or instrumentality for
293 the furnishing of services that will compete with those of the
294 utilities commission. No franchise, right-of-way, license,
295 permit, tax, or usage fee shall be levied upon the utilities
296 commission or its utilities by the city or by the county unless
297 provided by Florida general law, and no unreasonable franchise,
298 right-of-way, license, permit, tax, or usage fee shall be levied
299 upon the utilities commission or its utilities which amount to
300 an unreasonable burden.

301 (8) All existing City of Gainesville authority, laws,
302 ordinances, resolutions, and administrative regulations,

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303 interpretations, franchises, and controls directly and
304 indirectly affecting and controlling said utilities are hereby
305 conveyed to and exclusively vested within said commission and
306 its respective governance and authority as contained herein.
307 All rights, claims, actions, orders, and legal or administrative
308 proceedings involving the utilities commission immediately prior
309 to the effective date of this act shall continue, except as
310 modified by the utilities commission pursuant to the provisions
311 of and broad authority granted by this act.

312 (9) The utilities commission shall ensure the development
313 of an ethics policy and a code of business conduct policy
314 consistent with best practices for municipal utilities, which
315 shall be reviewed at least biennially. Such policy and code
316 shall be adhered to by the utilities commission.

317 (10) The utilities commission shall ensure, except as
318 otherwise specifically provided in this act, that the rights or
319 privileges, if any, of persons who were GRU employees
320 immediately before the effective date of this act are not
321 affected or impaired.

322 Section 3. (1) SEVERABILITY.—Headings and sections of
323 this act are not intended to be construed, limiting, or
324 interpreted in isolation from each other. If any word, phrase,
325 clause, paragraph, section, or provision of this act or the
326 application hereof to any person or circumstance is held invalid
327 or unconstitutional, such finding shall not affect the other
328 provisions or applications of this act which can be given effect

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Bill No. CS/CS/HB 1325 (2015)

Amendment No. 1

329 | without the invalid or unconstitutional provisions or
330 | application, and to this end the provisions of this act are
331 | declared severable.

332 | (2) TRANSITION.—In order to provide for the transitional
333 | administrative needs and orderly compliance with the provisions
334 | in this act, upon the effective date of this act, utilities
335 | commission functions shall continue until amended or repealed by
336 | the utilities commission. The chairperson or designee is
337 | authorized, upon appointment by the utilities commission, to
338 | execute documents required for the transition as may be
339 | appropriate or otherwise determined by the utilities commission
340 | and to provide required direction and administration of
341 | utilities functions for up to 60 calendar days during such time
342 | as the selection of the CEO/GM is in process as provided in
343 | section 7.07 of section 2.

344 | (3) CONFLICT WITH LAWS.—all laws or parts of laws in
345 | conflict with this act are repealed. City of Gainesville and
346 | Alachua County Charter provisions, ordinances, resolutions,
347 | decrees, or parts thereof, in conflict herewith are to the
348 | extent of such conflict hereby also repealed.

349 | Section 4. The referendum question shall be posed as
350 | follows:
351 | Shall the Charter of the City of Gainesville be amended by
352 | creating the Gainesville Regional Utilities Commission to be the
353 | governing board of Gainesville Regional Utilities?

354 | Yes

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Bill No. CS/CS/HB 1325 (2015)

Amendment No. 1

355 No

356 Section 5. This act shall take effect only upon its
357 approval by a majority vote of those qualified electors of the
358 City of Gainesville voting in a referendum to be held in
359 conjunction with the next presidential preference primary
360 election to be held in Alachua County, except that this section
361 and section 4 shall take effect upon becoming a law.

362
363 -----

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

365 Remove everything before the enacting clause and insert:

366 A bill to be entitled

367 An act relating to the City of Gainesville, Alachua
368 County; amending chapter 12760, Laws of Florida
369 (1927), as amended by chapter 90-394, Laws of Florida;
370 repealing section 3.06, relating to the general
371 manager for utilities of Gainesville Regional
372 Utilities; creating the Gainesville Regional Utilities
373 Commission and prescribing its authority over
374 Gainesville Regional Utilities; repealing applicable
375 existing and conflicting charter provisions and
376 ordinances; providing a ballot statement; requiring a
377 referendum; providing an effective date.

Regulatory Affairs Committee

**PCS for CS/CS/HB 165 by Rep. Santiago
Property and Casualty Insurance**

**AMENDMENT SUMMARY
April 14, 2015**

Amendment 1 by Rep. Boyd (Line 23): The amendment deletes the requirement to certify rate filings for commercial property insurance that is not subject to rate review and approval, and clarifies the current exemption for commercial nonresidential multiperil insurance from annual base rate filing.



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: Regulatory Affairs
2 Committee

3 Representative Boyd offered the following:

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

6 Between lines 23 and 24, insert:

7 Section 1. Paragraph (a) of subsection (8) of section
8 627.062, Florida Statutes, is amended to read:

9 627.062 Rate standards.—

10 (8) (a) The chief executive officer or chief financial
11 officer of a property insurer and the chief actuary of a
12 property insurer must certify under oath and subject to the
13 penalty of perjury, on a form approved by the commission, the
14 following information, which must accompany a property rate
15 filing subject to paragraph (2) (a):

16 1. The signing officer and actuary have reviewed the rate
17 filing;



Amendment No. 1

18 2. Based on the signing officer's and actuary's knowledge,
19 the rate filing does not contain any untrue statement of a
20 material fact or omit to state a material fact necessary to make
21 the statements made, in light of the circumstances under which
22 such statements were made, not misleading;

23 3. Based on the signing officer's and actuary's knowledge,
24 the information and other factors described in paragraph (2)(b),
25 including, but not limited to, investment income, fairly present
26 in all material respects the basis of the rate filing for the
27 periods presented in the filing; and

28 4. Based on the signing officer's and actuary's knowledge,
29 the rate filing reflects all premium savings that are reasonably
30 expected to result from legislative enactments and are in
31 accordance with generally accepted and reasonable actuarial
32 techniques.

33 Section 2. Paragraph (b) of subsection (1) of section
34 627.0645, Florida Statutes, is amended to read:

35 627.0645 Annual filings.—

36 (1) Each rating organization filing rates for, and each
37 insurer writing, any line of property or casualty insurance to
38 which this part applies, except:

39 (b) ~~Commercial property and casualty~~ Insurance as defined
40 in ss. 624.604 and 624.605, limited to coverage of commercial
41 risks ~~s. 627.0625(1)~~ other than commercial residential
42 multi-peril multiple line and commercial motor vehicle,

43



Amendment No. 1

44 shall make an annual base rate filing for each such line with
45 the office no later than 12 months after its previous base rate
46 filing, demonstrating that its rates are not inadequate.

47

48

49

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

50

Between lines 2 and 3, insert:

51

amending s. 627.062, F.S.; restricting to certain

52

property rate filings a requirement that the chief

53

executive officer or chief financial officer and chief

54

actuary of a property insurer certify the information

55

contained in a rate filing; amending s. 627.0645,

56

F.S.; exempting commercial nonresidential multiperil

57

insurance from annual base rate filing;

REGULATORY AFFAIRS COMMITTEE

PCS for HB 301 by Rep. Sprowls Alcoholic Beverages

AMENDMENT SUMMARY April 14, 2015

Amendment 1 by Rep. Sprowls (lines 57-149): Provides that EBT cards may not be made for purchases at bottle clubs. Provides that a manufacturer may obtain one vendor's license at no more than eight manufacturing premises. Clarifies that face-to-face transactions can include online ordering with in-person pickup. Removes the limitation on the amount of beer purchased in cans or bottles at a licensed manufacturing premises with a vendor's license.

Amendment 2 by Rep. Sprowls (line 379): Provides that a growler label must contain the approximate percentage of alcohol by volume.

Amendment 3 by Rep. Sprowls (between lines 464 and 465): Requires the Department of Transportation to install certain directional signs at specified locations upon the request of a craft brewery licensed in this state; requiring the requesting craft brewery to pay specified costs.



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: Regulatory Affairs
2 Committee

3 Representative Sprowls offered the following:

4
5 **Amendment**

6 Remove lines 57-149 and insert:

7 (a) The purchase of an alcoholic beverage as defined in s.
8 561.01 and sold pursuant to the Beverage Law and the purchase of
9 any items sold at An establishment licensed under the Beverage
10 Law to sell distilled spirits as a vendor and restricted as to
11 the types of products that can be sold under ss. 565.04 and
12 565.045 or a bottle club as defined in s. 561.01.

13 Section 2. Subsection (2) of section 561.221, Florida
14 Statutes, is amended to read:

15 (2) On or after July 1, 2015, the division may is
16 authorized to issue one vendor's license licenses to a
17 manufacturer of malt beverages at no more than eight licensed



Amendment No. 1

18 manufacturing premises for which the manufacturer has an
19 interest, directly or indirectly, in the license. The
20 manufacturer must meet the following requirements:

21 (a) The transactions must be face-to-face transactions,
22 which, notwithstanding s. 561.57(1), requires the consumer to
23 either be physically present on the licensed manufacturing
24 premises at the time of purchase or to make and pay for an
25 online order prior to pick up of the beverages, and to take
26 physical receipt of the beverages on the licensed manufacturing
27 premises.

28 (b) The vendor's license must be located on the licensed
29 manufacturing premises consisting of a single complex that
30 includes a brewery. Such premises may be divided by no more than
31 one public street or highway. The licensed vendor premises shall
32 be included on the sketch or diagram defining the licensed
33 premises submitted with the manufacturer's license application
34 pursuant to s. 561.01(11). All sketch or diagram revisions by
35 the manufacturer must be approved by the division, verifying
36 that the vendor premises operated by the licensed manufacturer
37 is owned or leased by the manufacturer and is located on the
38 licensed manufacturing premises.

39 (c) The manufacturer may sell alcoholic beverages under its
40 vendor's license as follows:

41 1. Malt beverages for:

42 a. On-premises consumption;

43 b. Off-premises consumption in authorized containers



Amendment No. 1

44 pursuant to s. 563.06(6);

45 c. Off-premises consumption in growlers pursuant to s.
46 563.06(7).

47 2. Any wine or liquor for on-premises or off-premises
48 consumption as authorized under its vendor's license.

49 (d) A manufacturer of malt beverages licensed pursuant to
50 this subsection is responsible for paying applicable excise
51 taxes to the division and submitting applicable reports pursuant
52 to ss. 561.50 and 561.55 with respect to the amount of malt
53 beverages manufactured and sold pursuant to its vendor's license
54 or given to consumers.

55 (e) This subsection does not preclude a licensed
56 manufacturer of malt beverages with a vendor's license from
57 holding a permanent public food service establishment license
58 under chapter 509 on the licensed manufacturing premises.

59 (f) Notwithstanding any other provision of the Beverage
60 Law, a manufacturer holding multiple manufacturing licenses may
61 transfer malt beverages to a licensed facility, as provided in
62 s. 563.022(14)(d), in an amount up to the yearly production
63 amount at the receiving facility.

64 (g) A manufacturer or a group of manufacturers that are
65 connected may not hold vendor's licenses under this subsection
66 at more than eight licensed manufacturing premises total or
67 combined, and a separate vendor's license is required for each
68 manufacturing premises. For purposes of this subsection, a
69 manufacturer is considered connected to another manufacturer if

PCS for HB 301 a1

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Amendment No. 1

70 it directly or indirectly through one or more intermediaries,
71 controls or is controlled by, or is under common control with,
72 the other manufacturer. A manufacturer is also considered
73 connected to another manufacturer if either has any direct or
74 indirect ownership interest in the other or another person or
75 entity has any direct or indirect ownership interest in both or
76 if both have any common officer, director, or manager, operate
77 under the direction of common management, or control any assets
78 related to a business for which a malt beverage manufacturer
79 license is issued. However, any ownership interest of less than
80 10 percent in a manufacturer, including the purchase of stock,
81 does not constitute an ownership interest sufficient to create a
82 connection to that manufacturer under this subsection, even if
83 ~~such manufacturer is also licensed as a distributor, for the~~
84 ~~sale of alcoholic beverages on property consisting of a single~~
85 ~~complex, which property shall include a brewery and such other~~
86 ~~structures which promote the brewery and the tourist industry of~~
87 ~~the state. However, such property may be divided by no more than~~
88 ~~one public street or highway~~



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: Regulatory Affairs
 2 Committee

3 Representative Sprowls offered the following:

4
 5 **Amendment**

6 Remove line 379 and insert:
 7 the brand, and the approximate percentage of alcohol by volume
 8 of the malt



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: Regulatory Affairs
2 Committee

3 Representative Sprowls offered the following:

Amendment (with title amendment)

6 Between lines 464 and 465, insert:

7 Section 11. Section 563.10, Florida Statutes, is created
8 to read:

9 563.10 Craft brewer signage - Upon the request of a craft
10 brewer licensed in this state, the Department of Transportation
11 shall install directional signs for the craft brewer on the
12 rights-of-way of interstate highways and primary and secondary
13 roads in accordance with Florida's Highway Guide Sign Program as
14 provided in chapter 14-51, Florida Administrative Code. A craft
15 brewer licensed in this state that requests placement of a
16 directional sign through the department's permit process shall
17 pay all associated costs.



Amendment No. 3

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19
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27

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

Remove line 33 and insert:
providing requirements and limitations; creating s. 563.10,
F.S.; requiring the Department of Transportation to install
certain directional signs at specified locations upon the
request of a craft brewery licensed in this state; requiring the
requesting craft brewery to pay specified costs; amending s.