**The Florida Bar: Real Property, Probate and Trust Law Section**

**Construction Law Committee**

***Construction Regulation Subcommittee Monthly Report***

Month of: February 2012

**Appellate Decisions:**

 *Panjikaran v. State Farm Florida Insurance Company*, 37 Fla. L. Weekly D273a, Case No. 2D10-5841, filed February 1, 2012: Trial court’s summary judgment for insurer was reversed based on disputed issue of coverage for policy’s Building Ordinance or Law endorsement, which required insured to provide an appraisal of damages.

 *Wendy Sheree Miller v. Florida Department of Health*, 37 Fla. L. Weekly D312a, Case No. 1D11-5166, filed February 2, 2012. Agency’s final order revoking nursing license was reversed and remanded based on lack of proper notice to licensee of hearing at which her license was revoked.

*Omar Haber v. Deutsche Bank National Trust Company, as Trustee*, 37 Fla. L. Weekly D464a, Case No. 4D10-4458, filed February 22, 2012. Trial court’s summary judgment for lender in mortgage foreclosure was reversed based on lack of evidence that lender had given notice and opportunity to cure as required by the mortgage agreement.

*Repor Brothers, Inc., v. Donald Moore*, 37 Fla. L. Weekly D454b, Case No. 3D10-2251, filed February 22, 2012. Trial court’s summary judgment was reversed and remanded based on a contract indemnity clause that had been construed so as to indemnity the indemnitee against losses resulting from him own negligent acts, absence such intention being expressed in clear and unequivocal terms.

*Griffis v. Florida Department of Business and Professional Regulation*, 37 Fla. L. Weekly D488a, Case No. 1D10-5645, filed February 23, 2012. Appeal of final order revoking construction license was dismissed as untimely where licensee breached his statutory duty to keep the department advised of his current mailing address (a state correctional facility to which the licensee had been incarcerated).

**DOAH Orders:**

 (Nothing new to report)

**Agency Actions:**

**Important Note: House Bill 7055 was passed this month, effective July 1, 2012, overturning *Whiley v. Scott***  by confirming the Governor’s authority to require agencies and boards to “freeze” rule making, affirming that Executive Orders 11-72 & 11-211 are consistent with law & public policy of this state, and providing for removal of duplicative, redundant, or unused rulemaking authority.

1. **Department of Business and Professional Regulation.**
2. Construction Industry Licensing Board – Chapter 489, Part I, FS and Chapter 61G4 FAC:
	1. This board proposed to adopt or amend the following new rules (if any):
		1. Rule 61G4-15.0024 (new), setting forth the documentation required to determine control of the means and methods of construction work (supervision) to be performed by an additional business entity (employment, ownership, etc.).
		2. Rule 61G4-15.018, to review the existing language for the certification of Glass and Glazing specialty contractors for possible changes.[[1]](#footnote-1)
		3. Rule 61G4-15.032, to modify language clarifying certification of swimming pool specialty contractors.
		4. Rule 61G4-15.001(5)(c), regarding instruction hours required for certification of swimming pool contractors.
	2. This Board proposes to repeal the following rules (if any):
		1. 61G4-15.008 regarding false statements.
		2. 61G4-17.006 regarding notice of mitigation and aggravation.
		3. 61G4-17.009 regarding violations provisions.
		4. 61G4-21.001 regarding Homeowners’ Construction Recovery Fund.
	3. This board has received the following Petitions for Declaratory Statement (if any):
		1. Poole & Kent Company of Florida, Inc., filed on February 7, 2012, regarding the applicability of ss. 489.105(3)(a), (i), (m) and (n) and Rule 61G4-12.011 to any requirement that a mechanical contractor’s license is required to perform the mechanical work on wastewater treatment facilities, or whether the mechanical work on such projects can be self-performed by a general contractor if they do not also possess a mechanical contractor’s license.[[2]](#footnote-2)
		2. Pete Quintella, Chief Mechanical Inspector, City of Miami Beach Building Department, filed on February 21, 2012, seeking an interpretation of s. 489.105(3)(g), as to whether it is within the scope of a Class B air conditioning contractor to replace or repair a broken shut-off value feeding a water cooled 12 ton unit that is connected to a 500 ton water cooling tower.
		3. A final order was issued to Pete Quintella, City of Miami Beach Building Department, on February 7, 2012, interpreting s. 489.105(3)(g), that a Class B air conditioning contractor may replace water cooled 2-ton unit which is connected to a 500 ton water cooling tower.
		4. A final order was issued to Arnold M. Verway, Okeechobee County Construction Industry Licensing Board, on February 7, 2012, interpreting paragraph 61G4-15.015(2)(b) to permit a specialty contractor to be the primary contractor when the subcontracted work involves the installation or replacement of window and door assemblies.
		5. A final order was issued to Homesure of American, d/b/a Cross County Home Services, on February 7, 2012, interpreting s. 489.103(9) and 489.105(3), that a home warranty association and service warranty association must obtain a contractor’s license in order to market and sell a program to provide minor (less than $1,000) routine air conditioning or maintenance services utilizing a network of licensed contractors to perform any such work.
		6. A final order was issued to Jim Phelps, Phelps Engineering Company, on February 7, 2012, interpreting s. 489.105(3), that a contractor’s license is required for the installation of plastic baffle materials to an existing cooling tower.
	4. This board has received the following Petitions for Variance or Waiver (if any):
		1. Scott D. Brace on February 2, 2012, regarding Rule 61G4-15.001(2)(a) and (b), dealing with certification and verification of active experience by affidavit of designated licensees.
3. Electrical Contracting Licensing Board (includes both electricians and alarm contractors) – Chapter 489, Part II, FS and 61G6, FAC:
	1. This board proposed to adopt or amend the following rules (if any):
	2. This Board proposes to repeal the following rules (if any):
	3. This board has received the following Petitions for Declaratory Statement (if any):
		1. Paul Avila, filed on December 1, 2011, regarding Rule 61G6-5.002 requiring an applicant for re-taking the Technical/Safety examination to do so on a form provided by the department.
	4. This board has received the following Petitions for Variance or Waiver (if any):
		1. Your Security Connection, filed on February 13, 2012, regarding Rule 61G6-6.017 providing that a passing score is valid for a period of 2 years.
4. Board of Architecture and Interior Design – Chapter 481, Part I, FS and 61G1 FAC:
	1. This board proposed to adopt or amend the following rules (if any):
		1. 61G1-16.005 to update the procedures for signing and sealing electronically transmitted plans, specifications, reports or other documents.
		2. Rule 61G1-17.002 to update language regarding examination and application fees.
		3. Rule 61G1-12.004 to update disciplinary guidelines to reflect changes in CPE hours required.
		4. Rule 61G1-21.002 and 21.008 to clarify language concerning the requirement to monitor CPE records, and to remove inapplicable text.
		5. Rule 61G1-24.003 to remove inapplicable text from the definition of “complete application.”
	2. This board proposed the repeal of the following rules (if any):
	3. This board has received the following Petitions for Declaratory Statement (if any):
	4. This board has received the following Petitions for Variance or Waiver (if any):
5. Board of Landscape Architecture – Chapter 481, Part II, FS and 61G10 FAC:

(Nothing to report)

1. Board of Professional Engineers – Chapter 471, FS and 61G15 FAC:
	1. This board proposed to adopt or amend the following rules (f any):
	2. This board proposed to repeal the following rules:
	3. This board has received the following Petitions for Declaratory Statement (if any):
	4. This board has received the following Petitions for Variance or Waiver (if any):

Mukesh Joshi, P. E., filed on December 21, 2011, regarding Rule 61G15-20.007(1)(b), dealing with the requirement that each applicant must demonstrate the completion of a substantial equivalency for the general education requirement.

1. Building Code Administrators and Inspectors Board – Chapter 468, Part XII and 61G19 FAC:
	1. This board proposed to adopt or amend the following rules (if any): 61G19-5.002, regarding disciplinary guidelines.
	2. This board proposed to repeal the following rules (if any):
		1. Rule 61G19-6.004, regarding abandonment of applications.
		2. Rule 61G19-6.007, regarding standard certificates.
		3. Rule 61G19-6.011, regarding limited certificates.
		4. Rule 61G19-12.001, regarding delinquent status.
	3. This board has received the following Petitions for Declaratory Statement (if any):
		1. Robert J. Koning, seeking the agency’s opinion as to whether ss 468.831 and 468.8311, regarding standard one and two family dwelling inspections, entitles a licensee to contract with non-governmental parties to provide Home Inspection Services.
	4. This board has received the following Petitions for Variance or Waiver (if any):
2. Florida Building Commission[[3]](#footnote-3) – Chapter 553, Part IV and 9N FAC (now Chapter 61G20):
	1. **As part of the TRANSFER of this commission from the now-defunct Department of Community Affairs to the Department of Business and Professional Regulation, all rules from Chapter 9N have been TRANSFERRED to Chapter 61G20, FAC.**
	2. The commission has received the following Petitions for Declaratory Statement (if any):
	3. The commission has received the following Petitions for Variance or Waiver (if any):
3. **Environmental Protection: To be determined.**
4. **Health**: **Water Quality/Septic Tanks – Chapter 381 and 64E FAC: Pursuant to House Bill 1262, effective upon becoming law, which was passed on March 9, 2012, subject to action by the Governor, the following changes will be made:**
	1. The Department of Health’s authority for plan review and approval of swimming pools and bathing pools is repealed and given to local government in accordance with the Florida Building Code.
	2. The 2011 enactment of section 381.0065(5), requiring periodic inspections of on-site sewerage disposal systems (“septic tanks”) is repealed, and authority to impose such requirements is authorized by local governments whose boundaries include a “first magnitude spring,” as defined in the bill.
5. **Financial Services**: Workers’ Compensation Insurance – Chapter 440 and 69L FAC:

**Warning:** Insurance carriers and their representative joint underwriter association appear to be now checking for policies or exemptions issued to recently qualified businesses, and filing complaints with DBPR for those who do not have either. While the current licensure application forms purport to require such insurance coverage within thirty (30) days of licensure, there does not appear to be any statutory requirement for WC coverage until a business has a payroll.

**Important Note:** You can check compliance with worker’s compensation insurance requirements (coverage or exemptions) by name of company, federal employer ID number, employer policy number, and exemption holder name or exemption holder SS number at *https//:secure.fldfs.com/WCAPPA/Compliance*.

**Legislative Action:** The following 18 construction-related bills were passed during the 2012 regular legislative session that just concluded on March 9, 2012:

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| **2012  Construction-related bills that PASSED during the regular session (March 9, 2012)** |  |

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| **Num** | **Title** | **Sponsor** |  |
| [HB 0013](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=32656) | **Relating to Sovereignty Submerged Lands** | [Frishe](http://apps.lobbytools.com/tools/t.cfm?a=legislators&b=viewlegislator&incumbentid=389)  | 03/08/12 |
|  | Sovereignty Submerged Lands; Provides for lease of sovereignty submerged lands for private residential single-family docks & piers, private residential multifamily docks & piers, & private residential multislip docks; provides for term of lease & lease fees; provides for inspection of such docks, piers, & related structures by DEP; clarifies authority of Board of Trustees of the Internal Improvement Trust Fund & DEP to impose additional fees & requirements; provides appropriation. APPROPRIATION: $1,000,000 Effective Date: July 1, 2012 |
| [HB 0387](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=33172) | **Relating to Electronic Filing of Construction Plans** | [Ahern](http://apps.lobbytools.com/tools/t.cfm?a=legislators&b=viewlegislator&incumbentid=463)  | 03/06/12 |
|  | Electronic Filing of Construction Plans: Provides for certain documents to be electronically signed & sealed by licensee & electronically transmitted to building code administrator or building official for approval. Effective Date: July 1, 2012 |
| [HB 0503](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=33330) | **Relating to Environmental Regulation** | [Patronis](http://apps.lobbytools.com/tools/t.cfm?a=legislators&b=viewlegislator&incumbentid=370)  | 03/08/12 |
|  | Environmental Regulation: Creates, amends, & revises numerous provisions relating to: development, construction, operating, & building permits; permit application requirements & procedures, including waivers, variances, & revocation; local government comprehensive plans & plan amendments; programmatic general permits & regional general permits; permits for projects relating to stormwater management systems, coastal construction, dredge & fill activities, intermodal logistics centers & commercial & industrial development; sanitary program surveys of certain water systems; innocent victim petroleum storage system restoration, ambient air quality & water quality standards, & solid waste disposal; sale of unblended gasoline for certain uses; exemption from payment to authorizing agencies for use of certain extensions; provides 2-year permit extension. Effective Date: July 1, 2012 |
| [HB 0517](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=33344) | **Relating to Reducing and Streamlining Regulations** | [Grant](http://apps.lobbytools.com/tools/t.cfm?a=legislators&b=viewlegislator&incumbentid=462)  | 03/08/12 |
|  | Reducing and Streamlining Regulations: Requires certain appraisers to follow specific standards of professional practice in appraisals involving restoration of Lake Apopka Basin; waives initial licensing, application, & unlicensed activity fees for certain military veterans; revises certain licensure requirements & continuing education requirements for reactivating license, certificate, or registration to practice certain professions & occupations regulated by DBPR or board or council within DBPR, including community association management, employee leasing, home inspection, mold-related services, real estate appraisal, cosmetology, architecture & interior design, landscape architecture, construction contracting, & electrical & alarm system contracting; provides exemption from licensure as asbestos consultant or contractor for activities involving pipe or conduit used for gas service, etc. Effective Date: July 1, 2012 |
| [HB 0521](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=33354) | **Relating to State Preemption of the Regulation of Hoisting Equipment** | [Artiles](http://apps.lobbytools.com/tools/t.cfm?a=legislators&b=viewlegislator&incumbentid=488)  | 03/08/12 |
|  | State Preemption of the Regulation of Hoisting Equipment: Preempts to state regulation of certain hoisting equipment; provides that act does not apply to regulation of elevators or to airspace height restrictions. Effective Date: upon becoming a law |
| [HB 0639](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=33497) | **Relating to Reclaimed Water** | [Young](http://apps.lobbytools.com/tools/t.cfm?a=legislators&b=viewlegislator&incumbentid=465)  | 03/09/12 |
|  | Reclaimed Water: Provides legislative findings relating to use of reclaimed water; provides that reclaimed water is eligible for alternative water supply funding; authorizes specified contract provisions for development of reclaimed water as alternative water supply; prohibits exclusion of reclaimed water use in regional water supply planning; prohibits water management districts from requiring permits for use of reclaimed water & from requiring or restricting services provided by reuse utilities; requires DEP & each water management district to initiate rulemaking to adopt specified revisions to water resource implementation rule. Effective Date: July 1, 2012 |
| [HB 0693](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=33557) | **Relating to Business and Professional Regulation** | [Ingram](http://apps.lobbytools.com/tools/t.cfm?a=legislators&b=viewlegislator&incumbentid=447)  | **03/10/12** |
|  | Business and Professional Regulation: Deletes provision requiring business & nonmedical professional licensees of DBPR to complete licensure cycle on active status before returning to inactive status. Effective Date: July 1, 2012 |
| [SB 0704](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=33303) | **Relating to Building Construction and Inspection** | [Bennett](http://apps.lobbytools.com/tools/t.cfm?a=legislators&b=viewlegislator&incumbentid=277)  | 03/08/12 |
|  | Building Construction and Inspection; Revising the authorized methods of sending notices to violators of local codes; requiring a county or municipality, a department or agency of the state, a county, or a municipality, or any other public body or institution to open a sealed bid and announce the name of each bidder and the price submitted in the bid at a public meeting and make such information available upon request; authorizing a building code administrator or building official to approve the electronic filing of building plans and related documents, etc. Effective Date: except as otherwise expressly provided in this act and except for section 20, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012 |
| [HB 0729](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=33620) | **Relating to Hiring, Leasing, or Obtaining Personal Property or Equipment with Intent to Defraud** | [Pilon](http://apps.lobbytools.com/tools/t.cfm?a=legislators&b=viewlegislator&incumbentid=470)  | 03/09/12 |
|  | Hiring, Leasing, or Obtaining Personal Property or Equipment with the Intent to Defraud: Provides that failure to redeliver property or equipment within specified time after receiving demand for return is prima facie evidence of abandonment or refusal to redeliver property or equipment; provides that notice mailed by delivery by courier with tracking capability to address given by renter at time of rental is sufficient & equivalent to notice having been received by renter, if notice is returned undelivered; provides that failure to redeliver property or equipment after rental period expires, & after demand for return is made, is prima facie evidence of abandonment or refusal to redeliver property or equipment; provides that demand for return of overdue property or equipment & for payment of amounts due may be sent by courier service with tracking capability; provides that possession of personal property or equipment by third party does not eliminate lessee's obligation to return such property or equipment according to contract; provides exception when personal property or equipment was obtained without lessee's consent; provides that lessor of vehicle that is not returned at conclusion of lease is entitled to report vehicle as stolen. Effective Date: July 1, 2012 |
| [HB 0887](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=33776) | **Relating to Business and Professional Regulation** | [Ingram](http://apps.lobbytools.com/tools/t.cfm?a=legislators&b=viewlegislator&incumbentid=447)  | 03/08/12 |  |
|  | Business and Professional Regulation: Authorizes credit for sale of tobacco products to be extended to retail dealer under specified conditions; provides for suspension of sale of tobacco products to retail dealers delinquent in their credit payments until certain conditions are met; waives initial licensing, application, & unlicensed activity fees for certain military veterans; revises continuing education provider & course approval procedures; limits to DBPR authority to reinstate license that has become void; provides for certain notices by e-mail; authorizes distance learning courses as acceptable alternative to classroom instruction for renewal of real estate instructor permit; provides that distance learning courses are under discretion of school offering real estate course; requires distance learning courses to adhere to certain requirements; revises definition of terms "appraisal management company" & "appraisal management services"; defines term "subsidiary"; revises requirements for issuance of registration or certification upon receipt of proper documentation; revises provisions relating to titles appraisal management company must be registered to use; provides exemptions from registration requirements; provides additional grounds for discipline of appraisal management companies, to which penalties apply; revises procedures for cosmetology licensure by endorsement; authorizes performance of cosmetology & specialty services in location other than licensed salon; deleting definition of "glass & glazing contractors"; reenacts & revives grandfathering provisions & establishes new deadline for applications for certification of certain registered contractors; deletes exemptions from certain restrictions on specified amateur matches & other events; repeals provisions relating to requirement that each person or club that holds or shows pugilistic matches on closed circuit telecast viewed within state must file certain reports;... Effective Date: October 1, 2012 |
| [HB 0897](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=33781) | **Relating to Construction Contracting**  | [Moraitis, Jr.](http://apps.lobbytools.com/tools/t.cfm?a=legislators&b=viewlegislator&incumbentid=455)  | 03/09/12 |
|  | Construction Contracting: Provides that public entity may not make payment to contractor unless entity has received certified copy of bond; provides that part of payment bond furnished for public works contract that limits or expands effective duration of bond or adds conditions precedent is unenforceable; revises bond form provisions & requirements; provides that payment to contractor who has furnished payment bond on public works project may not be conditioned upon production of certain documents if surety has given written consent; provides prerequisites for action against payment bond; requires that public body open sealed bids for competitive solicitation at public meeting; revives grandfathering provisions & sets new deadline by which certain registered contractors may apply for certification; provides that specified notice concerning lessor's liability for liens for improvements made by lessee prohibits liens in certain circumstances; revises provisions relating to service of specified items; specifies requirements for certain written instruments; clarifies applicability of certain provisions. Effective Date: October 1, 2012 |
| [HB 1089](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=33993) | **Relating to Pub. Rec./Agency Personnel Information**  | [Adkins](http://apps.lobbytools.com/tools/t.cfm?a=legislators&b=viewlegislator&incumbentid=406)  | 03/02/12 |
|  | Pub. Rec./Agency Personnel Information: Provides exemption from public records requirements for personal identifying & location information of current & former investigators & inspectors of DBPR & spouses & children of such investigators & inspectors; provides condition to exemption; provides for future review & repeal of exemption; provides exemption from public record requirements for personal identifying & location information of county tax collectors & spouses & children of such tax collectors; provides condition to exemption; provides for future review & repeal of exemption; provides statement of public necessity. Effective Date: upon becoming a law |
| [HB 0937](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=33826) | **Relating to Legal Notices** | [Workman](http://apps.lobbytools.com/tools/t.cfm?a=legislators&b=viewlegislator&incumbentid=438)  | 03/09/12 |
|  | Legal Notices: Requires that, after specified date, if legal notice is published in newspaper, newspaper shall also place notice on website at no additional charge; requires free online access; requires that legal notices published in newspapers also be published on specified statewide website; requires that, after specified date, newspapers that publish legal notice must provide e-mail notification of new notices; authorizes electronic proof of publication affidavits; limits rate that may be charged for certain government notices required to be published more than once; requires that website publication of certain legal notices include maps that appear in newspaper advertisements; deletes requirements that certain notices be published in Leon County; requires that notice to certain professional licensees be posted on website & provided to certain news outlets; deletes requirements relating to newspaper publication of certain notices relating to marketing orders & provides for Internet publication & for information to certain news outlets. Effective Date: July 1, 2012, and shall apply to legal notices that must be published on or after that date |
| [HB 1013](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=33897) | **Relating to Residential Construction Warranties** | [Artiles](http://apps.lobbytools.com/tools/t.cfm?a=legislators&b=viewlegislator&incumbentid=488)  | 03/08/12 |
|  | Residential Construction Warranties: Provides legislative findings; provides legislative intent to affirm limitations to doctrine of implied warranty of fitness & merchantability or habitability associated with construction & sale of new home; prohibits cause of action in law or equity based upon doctrine of implied warranty of fitness & merchantability or habitability for off-site improvements, except as otherwise provided by law; provides for applicability of act; provides for severability. Effective Date: July 1, 2012, and applies to all cases accruing before, pending on, or filed after that date |
| [HB 5501](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=34648) | **Relating to One-Stop Business Registration Portal** | [Government Operations Appropriations Subcommittee](http://apps.lobbytools.com/tools/t.cfm?a=committees&b=viewcommittee&CID=1281)  | 03/09/12 |
|  | One-Stop Business Registration Portal; Directs DOR to establish One-Stop Business Registration Portal through which individuals & businesses may submit applications for various licenses, registrations, or permits, file various documents, or remit payment for various fees to state department or agency; authorizes DOR to contract for development & maintenance of portal's Internet website; requires certain state departments to cooperate with DOR in development & implementation of portal; requires DOR to submit annual report to Governor & Legislature on portal's implementation & expansion; authorizes DOR to provide certain information relative to portal to certain state departments & agencies & local governments; authorizes DOR to adopt rules; deletes provisions relating to One-Stop Permitting System of former STO; repeals provisions relating to One-Stop Permitting System Grant Program & Quick Permitting County Designation Program. Effective Date: July 1, 2012 |
| [HB 5505](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=34650) | **Relating to Department of Financial Services**  | [Government Operations Appropriations Subcommittee](http://apps.lobbytools.com/tools/t.cfm?a=committees&b=viewcommittee&CID=1281)  |
|  | Department of Financial Services: Redefines term "employee" for purposes of workers' compensation; revises requirements for submitting notice of election of exemption; revises duties of DFS relating to expiration of certificates of exemption; expands applicability of requirements relating to certificates of exemption; repeals provision relating to duty of DFS to make annual report on administration of ch. 440, F.S., Workers' Compensation Law, to specified officials. Effective Date: July 1, 2012 |
| [HB 5511](http://apps.lobbytools.com/tools/t.cfm?a=bills&b=summary&BillID=34647) | **Relating to Department of Business and Professional Regulation** | [Government Operations Appropriations Subcommittee](http://apps.lobbytools.com/tools/t.cfm?a=committees&b=viewcommittee&CID=1281)  | 03/09/12 |
|  | Department of Business and Professional Regulation; Creates Division of Drugs, Devices, & Cosmetics within DBPR; conforms provisions to transfer by s. 27, ch. 2010-161, L.O.F., of regulatory authority for ch. 499, F.S., from DOH to DBPR; repeals provisions relating to Florida Drug, Device, & Cosmetic Trust Fund; terminates trust fund & provides for disposition of balances in & revenues of trust fund; prescribes procedures for termination of trust fund. Effective Date: July 1, 2012 |
| [HB 1263](http://apps.lobbytools.com/tools/print.cfm?a=reports&b=folder_bills&c=&printit=1&ID=20535&PagePointer=t.cfm&folderaccountid=815&sessionid=32&viewtype=Long&showcomments=none&lstItemID=) | **Relating to Department of Health**  | [Hudson](http://apps.lobbytools.com/tools/print.cfm?a=reports&b=folder_bills&c=&printit=1&ID=20535&PagePointer=t.cfm&folderaccountid=815&sessionid=32&viewtype=Long&showcomments=none&lstItemID=)  | 03/09/12 |  |   |  |
|  | Department of Health; Revises purpose of DOH; revises duties of State Surgeon General; eliminates Officer of Women's Health Strategy; eliminates Florida Drug, Device, & Cosmetic Trust Fund & Nursing Student Loan Forgiveness Trust Fund as trust funds; provides that two or more counties may combine for operation of county health department when such counties establish an interlocal agreement; requires DOH to be responsible for state public health system; requires department to provide leadership for partnership involving federal, state, & local government & private sector to accomplish public health goals; allows counties to enact health regulations & ordinances consistent with state law; provides that certain actions that interfere, hinder, or oppose official duties of department employees constitute second-degree misdemeanor; requires department to establish rules for conditions & procedures for imposing & releasing quarantine; provides that rules established under this section supersede all rules enacted by other state agencies, boards, or political subdivisions; provides that violation of rules established under section, quarantine, or requirement adopted pursuant to declared public health emergency is second-degree misdemeanor. Effective Date: upon becoming a law |

Respectfully submitted,

March 10, 2012

-end of report-

1. While this additional Division II license category was added in 2011, it has been repealed by Section 15 of House Bill 887, effective October 1, 2012, subject to action by the Governor. [↑](#footnote-ref-1)
2. This petition was originally filed on December 15, 2011, and scheduled for public hearing on February 10, 2012, with intervention status and a continuation granted to Brasfield & Gorrie; however, the petition was withdrawn on January 23, 2012, and refilled as a “Revised” petition on February 7, 2012.Notice of the withdrawal was published on March 9, 2012. [↑](#footnote-ref-2)
3. In the case of all Petitions for Declaratory Statement filed with the Florida Building Commission, which normally meets every other month, the commission requires both a First Reading and a Second Reading at different meetings, with the results that any final action thereon requires at least 74-75 days, depending on the timing of the filing in relationship to the required publication dates for the Friday Florida Administrative Weekly (Wednesday noon deadline for publication 10 days later). [↑](#footnote-ref-3)