

Regulatory Reform Subcommittee

Wednesday, January 12, 2022
2:00 PM - 4:00 PM
Webster Hall (212 Knott)

Meeting Packet

Chris Sprowls
Speaker

Bob Rommel
Chair

The Florida House of Representatives

Commerce Committee

Regulatory Reform Subcommittee

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Meeting Agenda

Wednesday, January 12, 2022
2:00 PM – 4:00 PM
Webster Hall (212 Knott)

I. Call to Order
II. Roll Call
III. Welcome and Opening Remarks
IV. Consideration of the following bill(s):

HB 263 Notice of Commencement Requirements by Bell

HB 559 Occupational Licensure of Military Spouses by Hunschofsky, Smith, D.

HB 635 Building Plan Changes by Maggard

HB 669 Alarm Systems by Maggard

HB 723 Medical Treatment of Animals by Buchanan

V. Closing Remarks
VI. Adjournment

303 House Office Building, 402 South Monroe Street, Tallahassee, FL 32399-1300
Phone Numbers

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 263 Notice of Commencement Requirements
SPONSOR(S): Bell
TIED BILLS: **IDEN./SIM. BILLS:** SB 352

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice & Property Rights Subcommittee	17 Y, 0 N	Mawn	Jones
2) Regulatory Reform Subcommittee		Brackett	Anstead
3) Judiciary Committee			

SUMMARY ANALYSIS

The notice of commencement, which must be substantially similar to a statutorily-authorized form and contain specified information, signifies that a construction project is beginning. It also determines construction lien priority, provides details necessary for those not in direct contract ("privity") with the property owner to secure their lien rights by serving a notice to owner, and helps protect property owners who make proper payments from having to pay twice for the same work or materials.

Current law exempts from the notice of commencement requirement a direct contract valued at $2,500 or less and a direct contract for the repair or replacement of an existing heating or air-conditioning system ("HVAC system") in an amount less than $7,500. The HVAC system exception was first adopted in 1999 and applied to contracts valued at less than $5,000. In 2006, the HVAC exception's limit was increased to $7,500, but it has not been modified since.

HB 263 increases the HVAC exception limit from $7,500 to $15,000, meaning that a notice of commencement would not be required for a direct contract for HVAC system repair or replacement for less than $15,000. The exception would not apply where an HVAC contractor is acting as a subcontractor on a larger project that includes HVAC system repair or replacement or where the project involves the installation of a new HVAC system.

The bill does not appear to have a fiscal impact on state government but may have an indeterminate fiscal impact on local governments.

The bill provides an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Florida law ensures that people working on construction projects are paid for their work. Any person who provides services, labor, or materials for improving, repairing, or maintaining real property (except public property) may place a construction lien[1] on the property, provided the person complies with statutory procedures.[2] These procedures require sending various written notices, demands, and other instruments to the homeowner, contractor, subcontractor, lender, and building officials, including a:[3]

- **Notice of Commencement**;
- Notice to Owner;
- Claim of Lien;
- Notice of Termination;
- Waiver or Release of Lien;
- Notice of Contest of Lien;
- Contractor's Final Payment Affidavit; and
- Demands of Written Statement of Account.

Notice of Commencement

Before a construction project begins, a property owner or his or her authorized agent typically must file a signed notice of commencement with the clerk of court for the county where the property is located.[4] The notice of commencement must also be posted on the property and, where a building permit is required,[5] filed with the issuing authority before the first inspection. If a building permit applicant does not properly file the notice of commencement, the issuing authority cannot perform or approve any inspections until the notice is filed.[6]

The notice of commencement signifies that a construction project is beginning. It also determines construction lien priority, provides details necessary for those not in direct contract ("privity") with the property owner to secure their lien rights by serving a notice to owner,[7] and helps protect property owners who make proper payments[8] from having to pay twice for the same work or materials.[9] To accomplish this, the notice of commencement must be substantially similar to the statutorily-provided form and contain specified information, including:[10]

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[1] A lien is a claim against property that evidences a debt, obligation, or duty. Fla. Jur. 2d Liens § 37:1.
[2] Ch. 713, F.S.
[3] *See generally* ch. 713, part I, F.S.
[4] S. 713.13(1)(a) and (g), F.S.
[5] The Florida Building Code requires building permits for most construction-related work, but does not require permits for certain projects, typically of a cosmetic nature, such as painting or carpeting. Ss. 105.1 and 105.2, Fla. Building Code (7th ed. 2020), available at https://codes.iccsafe.org/content/FLBC2020P1 (last visited Nov. 22, 2021).
[6] Ss. 713.13(1)(a) and (g) and 713.135(1)(d), F.S.
[7] A notice to owner informs a property owner that someone with whom he or she is not in privity has or will provide services or materials for the owner's construction project and expects to be paid for such services or materials; and that absent such payment, he or she may claim a construction lien on the property. Persons not in privity with the property owner must serve the property owner with a notice to owner after the filing of a notice of commencement to secure their lien rights. S. 713.06(2), F.S.; *Stocking Bldg. Supply of Florida, Inc. v. Soares Da Costa Constr. Servs., LLC*, 76 So. 3d 313 (Fla 3d DCA 2011).
[8] A payment is "proper" if the owner, after filing a notice of commencement, pays the contractor and collects lien releases from all subcontractors, laborers, or material suppliers who served the owner with a notice to owner. However, a payment is "improper" if a lien release is not collected from such persons or if payment is made after the notice of commencement expires. Where a property owner makes "proper" payments, the property owner is protected against all lien claims related to the labor, services, or materials for which proper payment was made. Ss. 713.06(3), 713.13(1)(c), and 713.20, F.S.
[9] Construction liens attach and relate back to the notice of commencement recording date, taking priority over liens not recorded before that date. S. 713.07(2) and (3), F.S.; *Stocking Bldg.,* 76 So. 3d at 319; The Florida Senate Committee on Regulated Industries, *Review of the Florida Construction Lien Law*, November 2007, http://archive.flsenate.gov/data/Publications/2008/Senate/reports/interim_reports/pdf/2008-149ri.pdf (last visited Nov. 22, 2021).
[10] S. 713.13(1)(d), F.S.

- A description of the real property to be improved;
- A general description of the improvement;
- The name and address of the property owner;
- The name and address of the fee simple title holder if not the owner;
- The name and address of the contractor, any person lending money for the improvements, and any person the property owner designated for the service of notices or claims of lien;
- A statement of the owner's or fee simple title holder's interest in the property;
- The name and address of the surety on the payment bond, if any, and the bond amount;[11] and
- The notice's expiration date.

Generally, a notice of commencement expires one year after it is filed with the clerk of the court. However, if the construction contract expresses a time period for project completion that is greater than one year, the notice of commencement must state that it is effective for a period of one year plus any additional time required under the contract.[12]

Current law exempts from the notice of commencement requirement a direct contract valued at $2,500 or less and a direct contract for the repair or replacement of an existing heating or air-conditioning system ("HVAC system") in an amount less than $7,500.[13] The HVAC system exception was first adopted in 1999 for contracts valued under $5,000.[14] In 2006, the HVAC exception's limit was increased to $7,500, but it has not been modified since.[15]

According to the sponsor, the purpose of increasing the amount is to keep up with inflation.[16] According to the U.S. Bureau of Labor Statistics' Consumer Price Index Inflation Calculator, $7,500 in July of 2006 has the same buying power as $10,243.78 as of November 2021 (which is the latest date for the calculator).[17]

Effect of Proposed Changes

The bill increases the HVAC exception limit from $7,500 to $15,000, meaning that a notice of commencement would not be required for a direct contract for HVAC system repair or replacement for less than $15,000. The exception would not apply where an HVAC contractor is acting as a subcontractor on a larger project that includes HVAC system repair or replacement or where the project involves the installation of a new HVAC system.

B. SECTION DIRECTORY:

Section 1: Amends s. 713.135, F.S., relating to notice of commencement and applicability of lien.
Section 2: Provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

[11] A surety bond is a promise to be liable for another's debt, default, or failure. It is a three-party contract by which one party (the surety) guarantees the performance or obligations of a second party (the principal) to a third party (the obligee). National Association of Security Bond Providers, *What are Surety Bonds*, https://www.nasbp.org/getabond/about-surety#:~:text=A%20surety%20bond%20is%20a,third%20party%20(the%20obligee) (last visited Nov. 22, 2021).
[12] S. 713.13(1)(a), (c), and (d), F.S.
[13] Ss. 713.02(5) and 713.135, F.S.
[14] Ch. 99-386, s. 5, Laws of Fla.
[15] Ch. 2006-187, s. 1, Laws of Fla.
[16] Testimony from Representative Melony Bell, *12/1/21 House Civil Justice & Property Rights Subcommittee*, https://thefloridachannel.org/videos/12-1-21-house-civil-justice-property-rights-subcommittee/ (last visited Jan. 6, 2022).
[17] U.S. Bureau of Labor Statistics, *CPI Inflation Calculator*, https://www.bls.gov/data/inflation_calculator.htm (last visited Jan. 6, 2022).

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill may reduce the number of HVAC system repair or replacement projects for which a notice of commencement must be filed with the clerk's office, thereby reducing filing fees collected by clerks of the court by an indeterminate amount.

2. Expenditures:

The bill may reduce the number of HVAC system repair or replacement projects for which a notice of commencement must be filed with the clerk's office, thereby reducing the workload and, consequently, expenditures, for clerks of the court by an indeterminate amount.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may reduce costs for persons contracting for HVAC system repair or replacement who have a direct contract for such work for less than $15,000 by saving the cost of notarizing and filing a notice of commencement for the project.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to notice of commencement requirements; amending s. 713.135, F.S.; exempting specified direct contracts from certain notice of commencement requirements; making technical changes; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (d) of subsection (1) of section 713.135, Florida Statutes, is amended to read:

713.135 Notice of commencement and applicability of lien.—

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

(d) Furnish to the applicant two or more copies of a form of notice of commencement conforming with s. 713.13. If the direct contract is greater than $2,500, the applicant must ~~shall~~ file with the issuing authority before ~~prior to~~ the first inspection either a certified copy of the recorded notice of commencement or a notarized statement that the notice of commencement has been filed for recording, along with a copy thereof. In the absence of the filing of a certified copy of the recorded notice of commencement, the issuing authority or a private provider performing inspection services may not perform or approve subsequent inspections until the applicant files by

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

mail, facsimile, hand delivery, or any other means such certified copy with the issuing authority. The certified copy of the notice of commencement must contain the name and address of the owner, the name and address of the contractor, and the location or address of the property being improved. The issuing authority shall verify that the name and address of the owner, the name and address of the contractor, and the location or address of the property being improved which is contained in the certified copy of the notice of commencement is consistent with the information in the building permit application. The issuing authority shall provide the recording information on the certified copy of the recorded notice of commencement to any person upon request. This subsection does not require the recording of a notice of commencement before ~~prior to~~ the issuance of a building permit. If a local government requires a separate permit or inspection for installation of temporary electrical service or other temporary utility service, land clearing, or other preliminary site work, such permits may be issued and such inspections may be conducted without providing the issuing authority with a certified copy of a recorded notice of commencement or a notarized statement regarding a recorded notice of commencement. This subsection does not apply to a direct contract to repair or replace an existing heating or air-conditioning system in an amount less than $15,000 ~~$7,500~~.

Section 2. This act shall take effect July 1, 2022.

REGULATORY REFORM SUBCOMMITTEE

HB 263 by Rep. Bell
Notice of Commencement Requirements

AMENDMENT SUMMARY
January 12, 2021

Amendment 1 by Rep. Bell (line 49):

- Adjusts the dollar amount for the HVAC notice of commencement exception limit from $15,000 to $12,500 to more closely reflect the rate of inflation.

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	_____	

Committee/Subcommittee hearing bill: Regulatory Reform Subcommittee

Representative Bell offered the following:

Amendment

Remove line 49 and insert:

conditioning system in an amount less than $12,500 ~~$7,500~~.

HB 559

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 559 Occupational Licensure of Military Spouses
SPONSOR(S): Hunschofsky and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 562

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Regulatory Reform Subcommittee		Thompson	Anstead
2) Professions & Public Health Subcommittee			
3) Appropriations Committee			
4) Commerce Committee			

SUMMARY ANALYSIS

To help military families ease their transition into Florida, many licensing agencies in Florida have a special licensing process for spouses and surviving spouses of United States military members.

The Department of Business and Professional Regulation (DBPR) provides certain licensure applicants who are a spouse or surviving spouse of an active duty member of the U.S. Armed Forces with licensing fee waivers and other licensing benefits.

The Department of Health (DOH) offers expedited licensure to applicants who are a spouse or surviving spouse of a person serving on active duty with the U.S. Armed Forces. DOH provides these services through the Florida Veterans Application for Licensure Online Response (VALOR) system. Such spouses are authorized to receive a temporary license to practice certain health care professions in Florida. In addition, the application fee, licensure fee, and unlicensed activity fee are waived for such applicants.

The bill requires DBPR and DOH or the applicable board or program to:

- Expedite applications submitted by a spouse of an active duty member of the U.S. Armed Forces; and
- Issue a temporary professional license valid for the duration of the application review process.

The bill revises the DOH temporary professional licensure requirements for military spouses who hold a license to practice in another state as follows:

- Requires the immediate issuance of a full professional license, instead of a temporary license, to such applicants that submit certain information with their application.
- Requires DOH to waive the $65 application fee for such licenses.
- Removes the 12-month timeframe for such licenses.
- Specifies that such applicants are still required to follow license renewal requirements.

The bill appears to have an insignificant fiscal impact on state government and no fiscal impact on local governments.

The bill provides an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Department of Business and Professional Regulation

Professional Licensure

The Department of Business and Professional Regulation (DBPR), through several divisions, regulates and licenses various businesses and professions in Florida.[1]

DBPR has authority over the following professional boards and programs:

- Board of Architecture and Interior Design;
- Board of Auctioneers;
- Barbers' Board;
- Building Code Administrators and Inspectors Board;
- Construction Industry Licensing Board;
- Board of Cosmetology;
- Electrical Contractors' Licensing Board;
- Board of Employee Leasing Companies;
- Board of Landscape Architecture;
- Board of Pilot Commissioners;
- Board of Professional Geologists;
- Board of Veterinary Medicine;
- Home inspection services licensing program;
- Mold-related services licensing program;
- Florida Board of Professional Engineers;
- Board of Accountancy;
- Florida Real Estate Commission; and
- Florida Real Estate Appraisal Board.[2]

Each profession is regulated by an individual practice act and by ch. 455, F.S., which provides general regulatory and licensure authority. Generally, to act as a regulated professional, a person must hold an appropriate license. Applicants for licensure for each profession must meet specific statutory requirements, including education and/or experience requirements, and must pay all applicable licensing and application fees.[3] Licensees who wish to renew their license must pay a license renewal fee[4] and may be subject to continuing education requirements[5] and other conditions in the various practice acts.

Military Spouse Licensure

Under certain circumstances, DBPR is required to issue professional licenses to applicants who are a spouse or surviving spouse of active duty members of the U.S. Armed Forces.[6] To be eligible for such licensure, the spouse must provide the following to the department:[7]

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[1] S. 20.165, F.S.
[2] S. 20.165(1)-(4), F.S.
[3] S. 455.201, F.S.
[4] S. 455.203, F.S.
[5] S. 455.2123, F.S.
[6] According the Florida Department of Military Affairs most recent data, there are 149,076 active duty members of the U.S. Armed Forces and 32,151 spouses of such members residing in the state of Florida. Email from Mark Oglesby, Director of Legislative Affairs, Department of Military Affairs, Re: [URL Verdict: Neutral][Non-DoD Source] RE: Active Duty military, (Jan. 6, 2022).
[7] S. 455.02(3)(a), F.S.

- Proof that the applicant is or was married to a member of the U.S. Armed Forces serving on active duty.
- Proof that the applicant holds a valid license for the profession issued by another state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction.
- Proof that the applicant, where required by the specific practice act, has complied with insurance or bonding requirements.
- A complete set of the applicant's fingerprints to the Department of Law Enforcement (FDLE) for a statewide criminal history check.[8]

An active duty U.S. Armed Forces member's spouse or surviving spouse who holds a DBPR license will have their license kept in good standing if the licensee is absent from the state related to the member's active duty service.[9]

The initial license application fee is waived if the applicant is:
- the spouse of a member of the U.S. Armed Forces who was married to the member during a period of active duty; or
- the surviving spouse of a member of the U.S. Armed Forces who at the time of death was serving on active duty.[10]

The license renewal fee is waived if the applicant is:
- the spouse of an active duty U.S. Armed Forces member who is present in this state because of such member's active duty; or
- a surviving spouse of a member of the U.S. Armed Forces, if such member was serving on active duty at the time of death and died within the 2 years preceding the surviving spouse's renewal due date.

However, such applicants who receive a license are authorized to renew such license upon completion of the conditions for renewal required of licenseholders under the applicable practice act, including, without limitation, continuing education requirements. This does not limit the waiver of initial licensure requirements.[11]

Department of Health

Licensure of Health Care Practitioners

The Division of Medical Quality Assurance (MQA), within the Department of Health (DOH), has general regulatory authority over health care practitioners in Florida.[12] The MQA works in conjunction with 22 boards and four councils to license and regulate ten types of health care facilities and more than 200 licenses in over 40 health care professions.[13] Each profession is regulated by an individual practice act and by ch. 456, F.S., which provides general regulatory and licensure authority for the MQA.

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[8] S. 455.02(3)(a)4.b., F.S., requires FDLE to forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The department must, and the board may, review the results of the criminal history checks according to the level 2 screening standards in s. 435.04, F.S., and determine whether the applicant meets the licensure requirements. The costs of fingerprint processing are borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor shall collect the required processing fees and remit the fees to the Department of Law Enforcement.

[9] S. 455.02(2), F.S.

[10] S. 455.219(7)(a), F.S.; and Form # DBPR MVL 002, incorporated by Rule 61-35.029, F.A.C.

[11] S. 455.02(3)(c), F.S.

[12] Pursuant to s. 456.001(4), F.S., health care practitioners are defined to include acupuncturists, physicians, physician assistants, chiropractors, podiatrists, naturopaths, dentists, dental hygienists, optometrists, nurses, nursing assistants, pharmacists, midwives, speech language pathologists, nursing home administrators, occupational therapists, respiratory therapists, dieticians, athletic trainers, orthotists, prosthetists, electrologists, massage therapists, clinical laboratory personnel, medical physicists, dispensers of optical devices or hearing aids, physical therapists, psychologists, social workers, counselors, and psychotherapists, among others.

[13] Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long-Range Plan, Fiscal Year 2020-2021*, http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/_documents/annual-report-1617.pdf (last visited Jan. 3, 2022).

Military Spouse Licensure

Florida offers expedited licensing and fee waivers to the spouse of a person serving on active duty[14] with the U.S. Armed Forces[15] who holds an active license to practice a health care profession in another state or jurisdiction.[16] To qualify for the expedited licensure and fee waivers, the spouse must:[17]

- Submit a complete application;
- Submit evidence of training or experience substantially equivalent to the requirements for licensure in this state for that health care profession and evidence that he or she has obtained a passing score on the appropriate examination of a national or regional standards organization if required for licensure in this state;
- Attest that he or she is not, at the time of submission of the application, the subject of a disciplinary proceeding in a jurisdiction in which he or she holds a license or by the U.S. Department of Defense for reasons related to the practice of the profession for which he or she is applying;
- Have actively practiced the profession for which he or she is applying for the 3 years preceding the date of submitting the application; and
- Submit a set of fingerprints for a background screening, if required for the profession for which he or she is applying, and does not have any disqualifying offenses.

DOH is required to develop an application form,[18] and each board, or the department if there is no board, is required to waive the application fee, licensure fee, and unlicensed activity fee for such applicants.[19]

Military Spouse Temporary Licensure

Each board, or the department if there is no board, is also authorized to issue temporary licenses to the spouse of a member of the U.S. Armed Forces to practice his or her health care profession in Florida.[20] A temporary license is valid for one year and is not renewable.[21] To be eligible for a temporary license, a military spouse must:[22]

- Submit a completed application and application fee of $65;[23]
- Provide proof that he or she is married to a member of the U.S. Armed Forces serving on active duty in this state pursuant to official military orders;
- Provide proof of a valid license from another state or jurisdiction to practice the health profession for which he or she is applying and that such license is not subject to any disciplinary proceeding;
- Provide proof that he or she would otherwise be entitled to full licensure and is eligible to take the respective licensure examination as required in this state; and
- Pass a criminal background screening.

DOH offers the Florida Veterans Application for Licensure Online Response System (VALOR), which provides expedited licensing for honorably discharged veterans and their spouses seeking licensure in

[14] Full-time duty in the active military service of the United States. 10 U.S.C. § 101(d)(1).
[15] Includes the United States Army, Navy, Air Force, Marine Corps, and Coast Guard. 10 U.S.C. § 101(a)(4).
[16] S. 456.024(3), F.S. The application fee, licensure fee, and unlicensed activity fee is waived for such applicants.
[17] S. 456.024(3)(b), F.S.
[18] R. 64B-9.003, F.A.C.
[19] S. 456.024(3)(a), F.S.
[20] S. 456.024(4), F.S.
[21] S. 456.024(4)(f), F.S.
[22] S. 456.024(4)(a)-(d), F.S.
[23] R. 64B-4.007, F.A.C.

all health care professions.[24] Veterans and spouses who apply through the VALOR process receive a waiver of most licensing fees.[25]

Since its inception in 2016, there have been approximately 1,669 health care licensure applications submitted by and approved for active duty service members, military veterans, and their spouses through the VALOR expedited licensing process. There were 352 applications approved for health care licensure of military spouses and honorably discharged veterans from July 1, 2020 through June 30, 2021, approximately 1.38% of all licenses issued by the Department during the last fiscal year.[26]

Effect of Proposed Changes

Department of Business and Professional Regulation

The bill requires DBPR or the applicable board or program to provide the following:

- Expedite all applications submitted by a spouse of an active duty member of the U.S. Armed Forces; and
- Issue a temporary professional license that is valid for the duration of the application review process to such spouse once the department, board, or program verifies that the information provided by the spouse is accurate.

Department of Health

The bill revises the DOH temporary license requirements for spouses of active duty members of the U.S. Armed Forces as follows:

- Requires the issuance of a full professional license, instead of allowing the issuance of a temporary license, to such applicants who fulfill the proper submission requirements.
- Requires DOH to waive the $65 application fee for such licensure.
- Removes the 12-month timeframe for such licensure.
- Requires such applicants to complete conditions for renewal required of all other licenseholders, including, without limitation, continuing education requirements.
- Requires the board, or the department if there is no board, to:
    - Expedite all applications submitted by a spouse of an active duty member of the U.S. Armed Forces; and
    - Issue a temporary professional license that is valid for the duration of the application review process to such spouse once the board or department verifies that the information provided by the spouse is accurate.

B. SECTION DIRECTORY:

Section 1: amends s. 455.02, F.S., requiring DBPR or the applicable board or program to expedite professional license applications submitted by spouses of active duty members of the U.S. Armed Forces; requiring DBPR to issue temporary professional licenses under certain circumstances.

Section 2: amends s. 456.024, F.S., requiring DOH or the applicable board to issue a professional license to spouses of active duty members of the U.S. Armed Forces if certain requirements are met; requiring DOH to waive the application fee for such license applications; authorizing applicants issued such licenses to renew their licenses if certain requirements are met; providing construction; requiring DOH or the applicable board to expedite applications for such licenses; requiring DOH or the applicable board to issue a

[24] DOH operates the Veterans Application for Licensure Online Response System (VALOR) to provide expedited licensing for active duty military members, honorably discharged veterans, and spouses of active duty military members with an active license in another state. *See* http://www.flhealthsource.gov/valor (last visited Jan. 4, 2021).
[25] Florida Department of Health, Agency Analysis of 2022 HB 559, p. 2 (12/14/2021).
[26] *Id.*

temporary professional license under certain circumstances; conforming provisions to changes made by the act.

Section 3: provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Department of Business and Professional Regulation

None.

Department of Health

Insignificant. According to DOH:[27]

> The Division of Medical Quality Assurance will experience a recurring loss of revenue due to the provisions of this bill. From July 1, 2020 through June 30, 2021, 352 applications were approved for health care licensure of military spouses, this includes approximately 1.38% of all licenses issued by the Department during the last fiscal year. It is anticipated that the bill will have an insignificant impact on the Division of Medical Quality Assurance trust fund related to the reduction in licensing fees.

2. Expenditures:

Department of Business and Professional Regulation

None. According to DBPR:[28]

> The bill will require the Division of Service Operations to identify the application of military spouses so that the application may be expedited for review. Once the application of the military spouse is reviewed and determined to meet the minimum requirements as set forth in the bill, a temporary license will be issued and identified by a modifier that will be created in Versa. The license modifier indicating that the license is temporary will be removed from the license once the permanent license is issued once the application is complete and determined to meet all license requirements.
>
> This bill will require modification to the department's licensing system and online portal to create a modifier for a temporary license.
>
> These modifications can be made by existing resources.
>
> The impact to the division is minimal and can be accommodated with existing resources.

Department of Health

None. According to DOH:[29]

> The Division of Medical Quality Assurance will experience a non-recurring increase in workload and costs associated with updating the Licensing and Enforcement Information Database

[27] Florida Department of Health, Agency Analysis of 2022 HB 559, p. 4 (12/14/2021).
[28] Florida Department of Business and Professional Regulation, Agency Analysis of 2022 SB 562 (identical to 2022 HB 559), p. 5 (10/19/2021).
[29] Florida Department of Health, Agency Analysis of 2022 HB 559, p. 5 (12/14/2021).

System, Online Service Portal, Cognitive Virtual Agent, and armed services website to reflect changes to the licensing fees and requirements for a spouse of an active duty member of the Armed Forces of the United States. Current resources and budget authority are adequate to absorb.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill removes the $65 DOH licensure fee for a spouse of a member of the U.S. Armed Forces who is on active duty.[30]

D. FISCAL COMMENTS:

The bill will have an indeterminate, negative fiscal impact on the affected agencies. The bill will reduce licensing revenues to DOH but the exact amount is indeterminate. The bill will also create a cost to DBPR and DOH to implement the provisions requiring expedited processing of licensure applications. The fiscal impacts to the state will depend on the number of people who take advantage of these provisions, although the agencies have provided preliminary fiscal analysis indicating indeterminate yet insignificant impacts.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill removes the requirement for military spouse applicants for licensure by DOH to submit the required application fee. To implement, DOH provides that it "would be required to update the Military Spouse Temporary License application and associated rule to make nomenclature updates and remove the $65 temporary licensure fee."[31] Current law appears to provide sufficient rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

Based on the fact that DBPR already expeditiously issues licenses for military spouses, sometimes within 24 hours, the sponsor may not need to include DBPR in this bill because HB 29 (2018) made sufficient changes.

According to DOH:

[30] *Id*.

[31] Florida Department of Health, Agency Analysis of 2022 HB 559, p. 3 (12/14/2021).

To implement, the Military Spouse Temporary License application… would be transitioned from a temporary license application to a full licensure application. It is the practice of DOH to expedite licensure for military spouses, as such, this component of the bill would not impact current operations.[32]

The bill is unclear regarding incomplete applications and situations where supplemental documentation (e.g. transcripts, criminal history, prior license verification) is not yet received by the Department. It is the Department's practice to prioritize the processing of veterans and their spouses, and if the completed application and all supplemental information is received by the department, applications are processed in one day or less. As a result, the issuance of a temporary license would only occur if the applicant's application is deemed incomplete.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

[32] *Id.*

A bill to be entitled

An act relating to occupational licensure of military spouses; amending s. 455.02, F.S.; requiring the Department of Business and Professional Regulation or the applicable board or program to expedite professional license applications submitted by spouses of active duty members of the Armed Forces of the United States; requiring the department to issue temporary professional licenses under certain circumstances; amending s. 456.024, F.S.; requiring the Department of Health or the applicable board to issue a professional license to spouses of active duty members of the Armed Forces of the United States if certain requirements are met; requiring the department to waive the application fee for such license applications; authorizing applicants issued such licenses to renew their licenses if certain requirements are met; providing construction; requiring the department or applicable board to expedite applications for such licenses; requiring the department or applicable board to issue a temporary professional license under certain circumstances; conforming provisions to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (d) is added to subsection (3) of section 455.02, Florida Statutes, and paragraph (a) of that subsection is republished, to read:

455.02 Licensure of members of the Armed Forces in good standing and their spouses or surviving spouses with administrative boards or programs.—

(3)(a) The department shall issue a professional license to an applicant who is or was an active duty member of the Armed Forces of the United States, or who is a spouse or surviving spouse of such member, upon application to the department in a format prescribed by the department. An application must include proof that:

1. The applicant is or was an active duty member of the Armed Forces of the United States or is married to a member of the Armed Forces of the United States and was married to the member during any period of active duty or was married to such a member who at the time of the member's death was serving on active duty. An applicant who was an active duty member of the Armed Forces of the United States must have received an honorable discharge upon separation or discharge from the Armed Forces of the United States.

2. The applicant holds a valid license for the profession issued by another state, the District of Columbia, any

possession or territory of the United States, or any foreign jurisdiction.

3. The applicant, where required by the specific practice act, has complied with insurance or bonding requirements.

4.a. A complete set of the applicant's fingerprints is submitted to the Department of Law Enforcement for a statewide criminal history check.

b. The Department of Law Enforcement shall forward the fingerprints submitted pursuant to sub-subparagraph a. to the Federal Bureau of Investigation for a national criminal history check. The department shall, and the board may, review the results of the criminal history checks according to the level 2 screening standards in s. 435.04 and determine whether the applicant meets the licensure requirements. The costs of fingerprint processing shall be borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor shall collect the required processing fees and remit the fees to the Department of Law Enforcement.

(d) The department or the applicable board or program shall:

1. Expedite all applications submitted by a spouse of an active duty member of the Armed Forces of the United States pursuant to this subsection; and

2. Issue a temporary professional license valid for the

duration of the application review process to such spouse once the department, board, or program verifies the information provided by the spouse pursuant to subparagraphs (a)1., 2., and 3. is accurate.

Section 2. Paragraphs (a), (c), (e), (f), (g), (h), and (i) of subsection (4) of section 456.024, Florida Statutes, are amended, and paragraph (j) is added to that subsection, to read:

456.024 Members of Armed Forces in good standing with administrative boards or the department; spouses; licensure.—

(4)(a) The board, or the department if there is no board, shall ~~may~~ issue a ~~temporary~~ professional license to the spouse of an active duty member of the Armed Forces of the United States who submits to the department:

1. A completed application upon a form prepared and furnished by the department in accordance with the board's rules;

2. ~~The required application fee;~~

~~3.~~ Proof that the applicant is married to a member of the Armed Forces of the United States who is on active duty;

3.~~4.~~ Proof that the applicant holds a valid license for the profession issued by another state, the District of Columbia, or a possession or territory of the United States, and is not the subject of any disciplinary proceeding in any jurisdiction in which the applicant holds a license to practice a profession regulated by this chapter;

4.~~5.~~ Proof that the applicant's spouse is assigned to a duty station in this state pursuant to the member's official active duty military orders; and

5.~~6.~~ Proof that the applicant would otherwise be entitled to full licensure under the appropriate practice act, and is eligible to take the respective licensure examination as required in Florida.

(c) Each board, or the department if there is no board, shall review the results of the state and federal criminal history checks according to the level 2 screening standards in s. 435.04 when granting an exemption and when granting or denying the ~~temporary~~ license.

(e) The department shall waive the applicant's licensure ~~set an~~ application fee~~, which may not exceed the cost of issuing the license~~.

(f) An applicant issued a license under this subsection may renew such license upon completion of the conditions for renewal required of licenseholders under the applicable practice act, including, without limitation, continuing education requirements. This paragraph does not limit waiver of initial licensure requirements under this subsection ~~A temporary license expires 12 months after the date of issuance and is not renewable~~.

(g) An applicant for a ~~temporary~~ license under this subsection is subject to the requirements under s. 456.013(3)(a)

and (c).

(h) An applicant shall be deemed ineligible for a ~~temporary~~ license pursuant to this section if the applicant:

1. Has been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession;

2. Has had a health care provider license revoked or suspended from another of the United States, the District of Columbia, or a United States territory;

3. Has been reported to the National Practitioner Data Bank, unless the applicant has successfully appealed to have his or her name removed from the data bank; or

4. Has previously failed the Florida examination required to receive a license to practice the profession for which the applicant is seeking a license.

(i) The board, or the department if there is no board, may revoke a ~~temporary~~ license upon finding that the individual violated the profession's governing practice act.

(j) The board, or the department if there is no board, shall:

1. Expedite all applications submitted by a spouse of an active duty member of the Armed Forces of the United States pursuant to this section; and

2. Issue a temporary professional license valid for the duration of the application review process to such spouse once

the board or department verifies the information provided by the spouse pursuant to paragraph (a) is accurate.

Section 3. This act shall take effect July 1, 2022.

CODING: Words stricken are deletions; words underlined are additions.

REGULATORY REFORM SUBCOMMITTEE

HB 559 by Rep. Hunschofsky
Occupational Licensure of Military Spouses

AMENDMENT SUMMARY
January 12, 2022

Amendment 1 by Rep. Hunschofsky (lines 28-79):

- Removes provisions related to the Department of Business and Professional Regulation from the bill.

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	_____	

Committee/Subcommittee hearing bill: Regulatory Reform Subcommittee

Representative Hunschofsky offered the following:

Amendment (with title amendment)

Remove lines 28-79

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

Remove lines 3-10 and insert:

spouses; amending s. 456.024, F.S.; requiring

HB 635

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 635 Building Plan Changes
SPONSOR(S): Maggard
TIED BILLS: **IDEN./SIM. BILLS:** SB 1020

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Regulatory Reform Subcommittee		Brackett	Anstead
2) Local Administration & Veterans Affairs Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

The Florida Building Codes Act provides a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Florida Building Code (Building Code) must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.

Florida's fire prevention and control law, ch. 633, F.S., designates the state's Chief Financial Officer as the State Fire Marshal, and requires the State Fire Marshal to adopt the Florida Fire Prevention Code (Fire Prevention Code). The Fire Prevention Code sets forth fire safety standards (including certain national codes) for property, and is enforced by local fire safety officials within each local government in the state.

Current law requires local governments to enforce the Building Code and issue building permits. It is unlawful to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit. Any construction work that requires a building permit also requires plan reviews and inspections by the building official to ensure the work complies with the Building Code. If a building is subject to the Fire Prevention Code, a building permit also requires plan reviews and inspections by the local fire safety official.

If a building official or plans reviewer denies a permit application or revokes a building permit, the building official or plans reviewer must give the permit applicant a reason for denying or revoking the permit. The reason must be based on compliance with the Building Code or a local ordinance.

The bill provides that:

- A building official or plans reviewer, who revokes a permit or denies a permit application, may give the applicant a reason for denying or revoking the permit that is based on compliance with the Fire Prevention Code, in addition to the Building Code or a local ordinance.
- A local inspector or fire safety marshal or fire safety inspector who denies a permit application or revokes a building permit, must also give the permit applicant a reason for denying or revoking the permit, which is based on compliance the Building Code, Fire Prevention Code, or local ordinance.
- If a fire safety marshal or fire safety inspector is required to approve the plans of a commercial building or structure, and such plans have already been approved and sealed by the local building department, the local building official or inspector and the fire safety marshal or fire safety inspector do not have the discretionary authority to change the plans.
- If a fire safety marshal or fire safety inspector is not required to approve the plans of a building or structure, and such plans have already been approved and sealed by the local building department, the local building official or inspector does not have the discretionary authority to change the plans.

The bill does not appear to have a fiscal impact on state and local governments.

The bill provides for an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes as they desired.[1]

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.[2] The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.[3]

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[4]

The Florida Building Commission (Building Commission) was statutorily created to implement the Building Code. The Building Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council, the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.[5]

Building Code Administrators, Inspectors, and Plans Examiners

Building code administrators, inspectors, and plans examiners are regulated by the Building Code Administrators and Inspectors Board (BCAIB) within DBPR. The BCAIB consists of nine members appointed by the Governor and subjected to confirmation by the Senate. The BCAIB meets to approve or deny applications for licensure, review disciplinary cases, and conduct informal hearings relating to discipline.[6]

A building code administrator, otherwise known as a building official, is a local government employee or a person contracted by a local government who supervises Building Code activities, including plans review, enforcement, and inspection.[7]

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[1] The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs,* p. 4, http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Jan. 4, 2022).
[2] *Id.*
[3] Florida Building Commission Homepage, https://floridabuilding.org/c/default.aspx (last visited Jan. 4, 2022).
[4] *See* s. 553.72(1), F.S.
[5] Ss. 553.73, and 553.74, F.S.
[6] *See* Ss. 120.569, 120.57(1)-(2), 468.605, 468.606, and 468.621, F.S.
[7] S. 468.603(2), F.S.

A building code inspector (inspector) is a local government employee or a person contracted by a local government who inspects construction that requires permits to determine compliance with the Building C ode and state accessibility laws. Inspectors are divided into several different categories. An inspector's ability to practice is limited to the category or categories for which the inspector has been licensed. The inspector categories are:[8]

- Building inspector;
- Coastal construction inspector;
- Commercial electrical inspector;
- Residential electrical inspector;
- Mechanical inspector;
- Plumbing inspector;
- Residential inspector; and
- Electrical inspector.

A plans examiner reviews plans submitted for building permits to determine design compliance with the Building Code. The term includes a residential plans examiner who is qualified to determine that plans submitted for building permits comply with the applicable residential building, plumbing, mechanical, electrical, gas, energy, accessibility, and other applicable construction codes. A plans examiner's ability to practice is limited to the category or categories for which the examiner is licensed. The plans examiner categories are:[9]

- Building plans examiner;
- Plumbing plans examiner;
- Mechanical plans examiner; and
- Electrical plans examiner.

Florida Fire Prevention Code

Florida's fire prevention and control law, ch. 633, F.S., designates the state's Chief Financial Officer as the State Fire Marshal. The State Fire Marshal, through the Division of State Fire Marshal within the Department of Financial Services (DFS), is charged with enforcing the provisions of ch. 633, F.S., and all other applicable laws relating to fire safety, and has the responsibility to minimize the loss of life and property in this state due to fire.[10] Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel and fire safety inspectors; investigates the causes of fires; enforces arson laws; regulates the installation of fire equipment; conducts fire safety inspections of state property; and operates the Florida State Fire College.

The State Fire Marshal also adopts by rule the Florida Fire Prevention Code (Fire Prevention Code), which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities, and the enforcement of such fire safety laws and rules, at ch. 69A-60, F.A.C.

The State Fire Marshal adopts a new edition of the Fire Prevention Code every three years.[11] When adopting the Fire Prevention Code the Fire Marshal is required to adopt the most current version of the national fire and life safety standards set forth by the National Fire Protection Association (NFPA) including the:[12]

- NFPA's Fire Code (1);
- Life Safety Code (101); and

[8] S. 468.603(4) and (5), F.S.
[9] S. 468.603(8), F.S.
[10] S. 633.104, F.S.
[11] S. 633.202, F.S.
[12] S. 633.202(2), F.S. Founded in 1896, the National Fire Protection Association delivers information and knowledge through more than 300 consensus codes and standards, research, training, education, outreach and advocacy; and by

- Guide on Alternative Approaches to Life Safety (101A).

The State Fire Marshal may modify the national fire safety and life safety standards as needed to accommodate the specific needs of the state.[13]

The most recent Fire Prevention Code is the 7th edition, which is referred to as the 2020 Florida Fire Prevention Code. The 7th edition of the Fire Prevention Code took effect on December 31, 2020.[14]

The Building Code and the Fire Prevention Code

The Building Code and the Fire Prevention Code work parallel, but are independent of each other. The Building Commission updates and adopts the Building Code, which must reference the Fire Prevention Code. However, the Fire Prevention Code is adopted, modified, interpreted, and maintained by DFS. The Building Commission may not adopt a fire prevention or life safety code, and nothing in the Building Code may affect the statutory powers, duties, and responsibilities of any local fire safety official or DFS.[15]

Conflicting requirements between the Building Code and the Fire Prevention Code must be resolved by agreement between the Building Commission and the State Fire Marshal. The agreement must be in favor of the requirement that offers the greatest degree of life safety or alternatives that would provide an equivalent degree of life safety and an equivalent method of construction.[16]

If the Building Commission and State Fire Marshal are unable to agree on a resolution, the question must be referred to a mediator, mutually agreeable to both parties, to resolve the conflict in favor of the provision that offers the greatest life safety, or alternatives that would provide an equivalent degree of life safety and an equivalent method of construction.[17]

Fire Safety Enforcement by Local Governments

State law requires all municipalities, counties, and special districts with fire safety responsibilities to enforce the Fire Prevention Code as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Building Code.[18] These local enforcing authorities may adopt more stringent fire safety standards, subject to certain requirements in s. 633.208, F.S., but may not enact fire safety ordinances that conflict with ch. 633, F.S., or any other state law.[19]

The chiefs of local government fire service providers (or their designees) are authorized to enforce ch. 633, F.S., and rules within their respective jurisdictions as agents of those jurisdictions, not agents of the State Fire Marshal.[20]

Each county, municipality, and special district with fire safety enforcement responsibilities is also required to employ or contract with a fire safety inspector to conduct all fire safety inspections required by law.[21]

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partnering with others who share an interest in furthering the mission. NFPA, *About NFPA*, http://www.nfpa.org/about-nfpa (last visited on Jan. 4, 2022).

[13] *Id.*

[14] Division of State Fire Marshal, *Florida Fire Prevention Code (FFPC)*, https://www.myfloridacfo.com/division/sfm/bfp/floridafirepreventioncodepage.htm (last visited Jan. 4, 2022).

[15] S. 553.73(1), F.S.; Florida Department of Financial Services, Agency Analysis of 2022 House Bill 635, p.3 (Jan. 4, 2022).

[16] S. 553.73(1), F.S. Similar provisions apply if a local building official and local fire safety official cannot agree. *See* s. 553.73(11), F.S.

[17] *Id.*

[18] Ss. 633.108 and 633.208, F.S.

[19] Ss. 633.208 and 633.214(4), F.S.

[20] S. 633.118, F.S.

[21] S. 633.216(1), F.S.

A fire safety inspector is a person who is officially assigned the duties of conducting fire safety inspections of buildings and facilities on a recurring or regular basis on behalf of the state or any county, municipality, or special district with fire safety responsibilities. Fire safety inspectors are certified and regulated by the State Fire Marshal and are separate from building officials, inspectors, and plans examiners who are regulated by the BCAIB.[22]

Building Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.[23] Every local government must enforce the Building Code and issue building permits.[24]

It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit from the local government or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.[25] A building permit is not valid until the fees for the permit have been paid.[26]

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.[27] Any construction work that requires a building permit also requires plan reviews and inspections by the building official to ensure the work complies with the Building Code.[28]

Building Plans

To obtain a permit an applicant must complete an application for the proposed work on the form furnished by the local enforcing agency.[29] A local enforcement agency that issues building permits must post each type of building permit application on its website.[30]

An application for a permit must include building plans. A local enforcing agency may not issue a permit until the building official or plans examiner has reviewed the building plans and determined that they comply with the Building Code.[31]

A building official or plans examiner does not review building plans to determine if they comply with the Fire Prevention Code. If the building or structure is subject to the Fire Prevention Code, the local fire safety official must also review the building plans to ensure they comply with the Fire Prevention Code.[32]

A local enforcing agency may not issue the permit until the local fire safety official has approved the plans. However, if the building or structure is not subject to the Fire Prevention Code, the local enforcing agency may not require the local fire safety inspector to review the plans.[33]

When the building official issues the permit, the building official must also approve the plans by writing or stamping, "Reviewed for Code Compliance" on the plans. The local building official must keep one

[22] Ss. 633.102(12) and 633.216, F.S.
[23] S. 553.72, F.S.
[24] Ss. 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.
[25] *See* ss. 125.56(4)(a) and 553.79(1), F.S.
[26] S. 109.1 of the Seventh edition of the Florida Building Code (Building).
[27] S. 468.603(2), F.S; S. 202 of the Seventh edition of the Florida Building Code (Building).
[28] Ss. 107, 110.1, and 110.3 of the Seventh edition of the Florida Building (Building).
[29] S. 713.135(5) and (6), F.S.
[30] Ss. 125.56(4)(b) and 553.79(1), F.S.
[31] S. 553.79(2), F.S.
[32] *Id.*
[33] *Id.*

set of plans and another set must be returned to the applicant, who must keep the set at the work site.[34]

Construction work must be in accordance with the approved plans, and any changes made during construction that are not in compliance with the approved plans must be resubmitted for approval as an amended set of construction documents.[35]

If the local building official or plans examiner finds that building plans do not comply with the Building Code, the local building official or inspector must identify the specific plan features that do not comply with the Building Code, identify the specific chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency must provide this information to the permit applicant.[36]

If a building official or plans reviewer denies a permit application or revokes a building permit, the building official or plans reviewer must give the permit applicant a reason for denying or revoking the permit. The reason must be based on compliance with the Building Code or a local ordinance. Failing to provide a reason for denying or revoking a building permit, which is based on compliance with the Building Code or a local ordinance, is grounds for discipline against the building official or plans reviewer's license.[37]

Current law does not require a building inspector or local fire safety inspector, who denies a permit application or revokes a permit, to give the permit applicant a reason for denying or revoking the permit. However, building inspectors and local fire safety inspectors generally do not deny building permit applications or revoke building permits because that is generally done by the building official.[38]

A building inspector inspects the various stages of construction to ensure the work complies with the building plans and the Building Code. However, this is usually done after a permit is issued and work has started.[39]

A local fire safety inspector inspects the various stages of construction, but this is to ensure the work complies with the building plans and the Fire Prevention Code. A local fire safety inspector also reviews buildings plans, but this is to ensure they comply with the Fire Prevention Code. A local fire safety inspector is usually, but not always, separate from a local building department and generally does not deny building permit applications or revoke building permits.[40]

Effect of the Bill

The bill provides that a building official or plans reviewer, who revokes a permit or denies a permit application, may give the applicant a reason for denying or revoking the permit that is based on compliance with the Fire Prevention Code, in addition to the Building Code or a local ordinance.

The bill provides that, in addition to a building official or plans reviewer, a local inspector or fire safety marshal or fire safety inspector who denies a permit application or revokes a building permit, must give the permit applicant a reason for denying or revoking the permit.

The reason must be based on compliance with the Building Code, a local ordinance, or the Fire Prevention Code. Failing to provide a reason for denying or revoking a building permit, which is based

[34] S. 107.3.1 of the Seventh edition of the Florida Building Code (Building).
[35] S. 107.4 of the Seventh edition of the Florida Building Code (Building).
[36] S. 553.79(2), F.S.
[37] S. 553.79(1), F.S.
[38] *See generally* s. 468.603(2), F.S.; s. 105.3 of the Seventh edition of the Florida Building Code (Building).
[39] *See* s. 110 of the Seventh edition of the Florida Building Code (Building).
[40] City of New Port Richey, *Fire Inspection Division*, https://www.cityofnewportrichey.org/city-departments/fire-services/fire-inspection-division/ (last visited Jan. 5, 2021); Winter Park, *Office of the Fire Marshal*, https://wpfd.org/office-of-the-fire-marshal/ (last visited Jan. 5, 2022); City of Altamonte Springs, *Building and Fire Safety*, https://www.altamonte.org/406/Building-and-Fire-Safety (last visited Jan. 5, 2022).

on compliance with the Building Code or a local ordinance, is grounds for discipline against the local inspector or fire safety marshal or fire safety inspector's license.

The bill also provides that if a fire safety marshal or inspector is required to approve the plans of a commercial building or structure, and such plans have already been approved and sealed by the local building department, the local building code official or inspector and the fire safety marshal or inspector do not have the discretionary authority to change the plans. In addition, if a fire safety marshal or inspector is not required to approve the plans of a commercial or residential building or structure, and such plans have already been approved and sealed by the local building department, the local building official or inspector does not have the discretionary authority to change the plans.

B. SECTION DIRECTORY:

Section 1. Amends s. 553.79, F.S., relating to permits; applications; issuance; inspections.

Section 2. Provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The impact is unknown because it is unclear how often building plans are changed by building officials and local fire safety officials after the plans are approved by the local building department.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The term “fire safety marshal” is not used or defined in the Building Code. It is recommended that in order to prevent confusion, the bill be amended to clarify the meaning of “fire marshal.”

Because a fire safety inspector typically does not deny a building permit, the sponsor may want to clarify the language in the bill.

According to DFS,[41]

> “There are potential safety issues related to the inability of a fire authority to make changes to the plans after the building officials have approved the plans. Construction issues cannot always be identified or addressed during the design and permitting phase of a project through a single reviewer, (the local building department) who potentially is not certified to enforce the Florida Fire Prevention Code. Limiting access for the fire authority to review the plans may cause more modifications or change orders after the issuance of a permit to ensure code compliance with the Florida Fire Prevention Code. The lack of review by a fire authority could potentially jeopardize the safety of those individuals associated with the building and be in contradiction with Chapter 633, FS.”

Based on these concerns, the sponsor may want to clarify when a fire safety inspector should review building plans and clarify the language used in the bill to express the sponsor’s true intent.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

[41] Florida Department of Financial Services, Agency Analysis of 2022 House Bill 635, p.3 (Jan. 4, 2022).

A bill to be entitled

An act relating to building plan changes; amending s. 553.79, F.S.; prohibiting local building code administrators or inspectors and firesafety marshals or inspectors from making changes to certain building plans under specified circumstances; conforming provisions to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (1) and subsection (2) of section 553.79, Florida Statutes, are amended to read:

553.79 Permits; applications; issuance; inspections.—

(1)(a) After the effective date of the Florida Building Code adopted as herein provided, it is ~~shall be~~ unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building within the ~~this~~ state without first obtaining a permit therefor from the appropriate enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the

construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or does not conform ~~not in conformity~~ with, the ~~provisions of the~~ Florida Building Code. If ~~Whenever~~ a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to not comply ~~be not in compliance~~ with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. A plans reviewer, local ~~or~~ building code administrator or inspector, or firesafety marshal or inspector who is responsible for issuing a denial, revocation, or modification request but fails to provide to the permit applicant a reason for denying, revoking, or requesting a modification, based on compliance with the Florida Building Code, the Florida Fire Prevention Code and the Life Safety Code, or local ordinance, is subject to disciplinary action against his or her license pursuant to s. 468.621(1)(i). Installation, replacement, removal, or metering of any load management control device is exempt from and is ~~shall~~ not ~~be~~ subject to the permit process and fees otherwise required by this section.

(2)(a) Except as provided in subsection (8), an enforcing

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building or structure until the local building code administrator or inspector has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such proposal and found that the plans comply ~~to be in compliance~~ with the Florida Building Code. If the local building code administrator or inspector finds that the plans do not comply ~~are not in compliance~~ with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

(b) ~~In addition,~~ An enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building or structure until the appropriate firesafety marshal or inspector certified under ~~pursuant to~~ s. 633.216 has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such proposal and found that the plans comply with the Florida Fire Prevention Code and the Life Safety Code. If a firesafety marshal or inspector is required to approve the plans of a commercial building or structure, and such plans have

already been approved and sealed by the local building department, the local building code administrator or inspector and the firesafety marshal or inspector do not have the discretionary authority to change the plans. Any building or structure that ~~which~~ is not subject to a firesafety code is ~~shall~~ not ~~be~~ required to have its plans reviewed by the firesafety marshal or inspector. If a firesafety marshal or inspector is not required to approve the plans of a commercial or residential building or structure, and such plans have already been approved and sealed by the local building department, the local building code administrator or inspector does not have the discretionary authority to change the plans. Any building or structure that is exempt from the local building permit process may not be required to have its plans reviewed by the local building code administrator or inspector.

(c) Industrial construction on sites where design, construction, and firesafety are supervised by appropriate design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to local government option, from review of plans and inspections, providing owners certify that applicable codes and standards have been met and supply appropriate approved drawings to local building code administrators or inspectors and firesafety marshals or inspectors.

(d) The enforcing agency shall issue a permit to

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

construct, erect, alter, modify, repair, or demolish any building or structure when the plans and specifications for such proposal comply with the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as determined by the local authority in accordance with this chapter and chapter 633.

Section 2. This act shall take effect July 1, 2022.

REGULATORY REFORM SUBCOMMITTEE

HB 635 by Rep. Maggard
Building Plan Changes

AMENDMENT SUMMARY
January 12, 2021

Amendment 1 by Rep. Maggard (strike):

- Requires building officials to notify the building department if any designated reviewer determines that building plans do not comply with certain codes.
- Provides that a building department may not make substantive changes to building plans after a building permit has been issued, unless the changes are required by certain codes.
- Requires a building department to provide a permitholder with the specific code provisions that require changes to building plans.
- Allows certain licensees to be disciplined for failing to provide a reason to a permit applicant or permitholder for changing building plans.
- Requires the local fire safety official to provide reasons and specific code provisions to applicants, if the permit application does not meet certain code requirements.

Amendment to amendment 1 by Rep. Maggard (line 81):

- Prohibits a local government from restricting a property owner from obtaining a permit to demolish a single-family structure that is located in a coastal high hazard area, moderate flood zone, or special flood hazard area with a floor elevation at or below the base flood elevation.
- Prohibits local governments from requiring a public hearing or additional regulations to obtain a permit for such demolition, if the demolition complies with applicable codes.
- Prohibits local governments from penalizing property owners who comply with a demolition permit.
- Requires local governments to treat new single-family permit construction after such demolition the same as similarly situated vacant parcels.
- Exempts properties designated as historic from these provisions under certain circumstances.

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	_____

Committee/Subcommittee hearing bill: Regulatory Reform Subcommittee

Representative Maggard offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(2)(a)

1. Except as provided in subsection (8), an enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building or structure until the local building code administrator or inspector has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such

proposal and found the plans to be in compliance with the Florida Building Code. If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. If such building code administrator or inspector requests review of such plans by any other person and such person identifies plan features that do not comply with the applicable codes, the building code administrator or inspector must provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant. ~~In addition,~~

2. An enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building until the appropriate firesafety inspector certified pursuant to s. 633.216 has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such proposal and found that the plans comply with the Florida Fire Prevention Code and the Life Safety Code. Any building or structure which is not subject to a firesafety code shall not be required to have its plans reviewed by the firesafety inspector.

3. Any building or structure that is exempt from the local building permit process may not be required to have its plans reviewed by the local building code administrator. Industrial construction on sites where design, construction, and firesafety are supervised by appropriate design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to local government option, from review of plans and inspections, providing owners certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and firesafety inspectors.

4. The enforcing agency shall issue a permit to construct, erect, alter, modify, repair, or demolish any building or structure when the plans and specifications for such proposal comply with the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as determined by the local authority in accordance with this chapter and chapter 633.

(b) After the local enforcing agency issues a permit, the local enforcing agency may not make or require any substantive change to the plans or specifications except those required for compliance with the Florida Building Code, or local amendment thereto, or the Florida Fire Prevention Code or the Life Safety Code. Whenever a local enforcement authority makes or requires a substantive change to the plans or specifications after a permit

is issued, the local enforcement agency must identify the specific plan or specifications that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide the information to the permitholder.

(c)1. A plans reviewer or inspector who fails to provide to the building code administrator with a reason or reasons for making or requiring substantive changes to plans or specifications is subject to disciplinary action against his or her license pursuant to s. 468.621(1)(i).

2. A building code administrator who fails to provide a permit applicant or permitholder with the reason or reasons for making or requiring substantive changes to plans or specifications is subject to disciplinary action against his or her license pursuant to s. 468.621(1)(i).

Section 2. Subsection (2) of section 633.208, Florida Statutes, is amended to read:

633.208 Minimum firesafety standards.—

(2)(a) Pursuant to subsection (1), each municipality, county, and special district with firesafety responsibilities shall enforce the Florida Fire Prevention Code as the minimum firesafety code required by this section.

(b) If a municipality, county, or special district determines that building plans for a building permit application do not comply with the Florida Fire Prevention Code or Life

Safety Code, or local amendment thereto, the local fire official must identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the determination is based, and provide this information to the permit applicant.

(c) After a municipality, county, or special district issues a building permit, it may not make or require any substantive change to the building plans except those required for compliance with the Florida Fire Prevention Code or Life Safety Code, or local amendment thereto. Whenever a municipality, county, or special district makes or requires substantive change to building plans after a permit is issued, the local fire official must identify the specific plan or specifications that do not comply with the Florida Fire Prevention Code or Life Safety Code, or local amendment thereto, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permitholder.

(d) A local fire official, who is a certified firesafety inspector, who fails to comply with paragraphs (b) or (c) is subject to disciplinary action against his or her certificate pursuant to s. 633.216(6)(f).

Section 3. This act shall take effect July 1, 2022.

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

Remove everything before the enacting clause and insert:

An act relating to building plan changes; amending s. 533.79, F.S.; requiring local building code administrators or inspectors to provide certain information to the local enforcing agency; requiring local enforcement agencies that require substantive changes to building plans to provide certain information to the permitholder; providing that a building code administrator, inspector, or plans reviewer is subject to disciplinary action in certain circumstances; amending s. 633.208, F.S.; requiring local fire officials to provide certain information to a permit applicant if building plans do not comply with the Florida Fire Prevention Code or Life Safety Code; requiring a local fire official to provide certain information to the permitholder if a municipality, county, or special district requires substantive changes to building plans to provide certain information to the permitholder; providing that a certified firesafety inspector is subject to disciplinary action in certain circumstances; providing an effective date.

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	_____

Committee/Subcommittee hearing bill: Regulatory Reform Subcommittee

Representative Maggard offered the following:

Amendment to Amendment (603615) by Representative Maggard (with title amendment)

Between lines 81 and 82 of the amendment, insert:

Section 1. Subsection (25) is added to section 553.79, Florida Statutes, to read:

553.79 Permits; applications; issuance; inspections.—

(25)(a) A local law, ordinance, or regulation may not prohibit or otherwise restrict the ability of a private property owner to obtain a building permit to demolish any single-family residential structure located in a coastal high hazard area, moderate flood zone, or special flood hazard area according to Flood Insurance Rate Maps produced by the Federal Emergency

Management Agency in support of the National Flood Insurance Program if the lowest finished floor elevation of such structure is at or below base flood elevation as established by the Florida Building Code, as amended, or a higher base flood elevation as may be required by local ordinance, whichever is higher, provided that such permit otherwise complies with all applicable Florida Building Code and Florida Fire Prevention Code and Life Safety Code requirements, including applicable local amendments to such codes.

(b) An application for a demolition permit sought pursuant to this subsection may only be reviewed administratively for compliance with the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code, including local amendments, and any regulations applicable to a similarly situated parcel; such applications may not be subject to any additional local land development regulations or a public hearing. A local government may not penalize an owner for a demolition that is in compliance with the demolition permit.

(c) In the event of a demolition, pursuant to a demolition permit, a local government may not impose additional regulatory or building requirements on the new single-family residential structure constructed on the site of the demolished structure that would not otherwise be applicable to a similarly situated, vacant parcel.

(d) This subsection does not apply to any:

1. Structure designated on the National Register of Historic Places.

2. Privately owned single-family residential structure designated historic by a local, state, or federal governmental agency on or before January 1, 2022.

3. Privately owned single-family residential structure designated historic by a local, state, or federal governmental agency designated historic with the consent of its owner after January 1, 2022.

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

Remove lines 119-128 of the amendment and insert:
An act relating to building permits; amending s. 533.79, F.S.; requiring local building code administrators or inspectors to provide certain information to the local enforcing agency; requiring local enforcement agencies that require substantive changes to building plans to provide certain information to the permitholder; providing that a building code administrator, inspector, or plans reviewer is subject to disciplinary action in certain circumstances; prohibiting a local government from prohibiting or restricting certain permits; providing that local governments may only review certain

regulations for certain permits; providing exemptions;
amending s. 633.208, F.S.; requiring

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 669 Alarm Systems
SPONSOR(S): Maggard
TIED BILLS: **IDEN./SIM. BILLS:** SB 1140

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Regulatory Reform Subcommittee		Brackett	Anstead
2) State Administration & Technology Appropriations Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

Electrical contractors and alarm system contractors are certified by or registered with the Electrical Contractors' Licensing Board (ECLB) housed within the Department of Business and Professional Regulation.

An "alarm system" is defined as "any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency."

A fire alarm system agent is a person who is employed by a licensed fire alarm contractor or certified electrical contractor, and performs duties that requires licensure as a fire alarm system contractor or certified electrical contractor. A fire alarm system agent must have an identification card that must be renewed every two years.

A "low-voltage alarm system project" is a project related to work on a new or existing alarm system that is hardwired and operating at low voltage or a new or existing low-voltage electric fence, and ancillary components or equipment attached to such system or fence. Instead of needing a permit to work on a low-voltage alarm system project, licensed electrical contractors and alarm system contractors need a permit label, which does not require building plans and can be purchased in bulk.

The bill:

- Reduces the training to become a fire alarm system agent and the training to renew a identification card, if the person or agent has a certain fire alarm system certification from the National Institute of Certification in Engineering Technologies or the Electronic Security Association.
- Provides that permits for the alteration of a fire alarm system with 20 or fewer initiating and notification devices and permits for the installation or repair of a fire communicator to certain existing fire alarm control panels, must be issued over the counter or online:
  - A person who receives a permit for such work must keep shop drawings or other required documentation on site at the time of the inspection.
- Clarifies that low-voltage alarm system project includes closed-circuit television systems used to signal or detect a burglary, fire, robbery, or medical emergency.

The bill does not appear to have a fiscal impact on state and local governments.

The bill provides for an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Electrical and Alarm System Contractors – Current Situation

Contractors are regulated by ch. 489, F.S., which outlines the law pertaining to contractors in the state of Florida. Part I of ch. 489, F.S., covers contracting regulated by the Construction Industry Licensing Board (CILB) and pt. II of ch. 489, F.S., covers contracting regulated by the Electrical Contractors' Licensing Board (ECLB). Both boards are housed in the Department of Business and Professional Regulation (DBPR).

Electrical contractors, alarm system contractors, and electrical specialty contractors are certified by or registered with the ECLB. Certified contractors can practice statewide and are licensed and regulated by ECLB. Registered contractors are licensed and regulated by a local jurisdiction and may practice within that locality.[1]

Electrical contractors may work on electrical wiring, fixtures, appliances, apparatus, raceways, and conduits which generate, transmit, transform, or utilize electrical energy in any form.[2]

Alarm system contractors may lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems. An "alarm system" is defined as "any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, **fire**, robbery, or medical emergency."[3]

There are two types of alarm system contractors:[4]

- Alarm system contractor I:
  - An alarm system contractor I is a contractor whose business includes all types of alarm systems for all purposes, **including fire alarms**.
- Alarm system contractor II:
  - An alarm system contractor II is a contractor whose business includes all types of alarm systems for all purposes, **except fire alarms**.

Electrical certified specialty contractors are contractors whose scope of work is limited to a particular phase of electrical contracting, such as electrical signs. Certified electrical specialty contractors can practice statewide. The ECLB creates electrical certified specialty contractor licenses through rulemaking, and has created the following certified specialty contractor licenses:[5]

- Lighting maintenance specialty contractor;
- Sign specialty electrical contractor;
- Residential electrical contractor;
- Limited energy systems specialty contractor; and
- Utility line electrical contractor.

The scope of work for **certified electrical contractors** includes any work that an alarm system contractor is able to perform.[6]

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[1] *See generally* s. 489.505, F.S.
[2] Ss. 489.505(12) & 489.537(7), F.S.
[3] S. 489.505(1)-(2), F.S.
[4] S. 489.505(2)(a) and (b), F.S.; Email from Conner Mann, Legislative Affairs Coordinator, Department of Business and Professional Regulation, RE: Alarm System Contractors (Jan. 4, 2021).
[5] S. 489.505(19), & 489.511(4), F.S; Rule 61G6-7.001, F.A.C.
[6] S. 489.537(7), F.S.

Registered electrical contractors may install raceways for alarm systems.[7] They may also bid on electrical contracts, which include alarm systems as part of the contract, but they must subcontract the work on such alarm systems to an alarm system contractor.[8]

Fire Alarm System Agents

A "fire alarm system agent" is a person:[9]

- Who is employed by a licensed fire alarm contractor or certified electrical contractor;
- Who is performing duties which are an element of an activity that constitutes fire alarm system contracting requiring licensure as an alarm contractor or certified electrical contractor; and
- Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling, or monitoring a fire alarm system for compensation.

In order to be a fire alarm system agent, a person must:[10]

- Be at least 18 years of age or have evidence of a court-approved declaration of emancipation;
- Have not been convicted within the last 3 years of a crime that directly relates to the business for which employment is being sought.
    - A certified electrical contractor or licensed fire alarm contractor must obtain a completed fingerprint and criminal background check from the Department of Law Enforcement (DLE) for each applicant for employment as a fire alarm system agent.
- Have not been committed for controlled substance abuse or been found guilty of a crime related to controlled substances within the 3-year period immediately preceding the date of application for employment, unless the person establishes that he or she is not currently abusing any controlled substance and has successfully completed a rehabilitation course.
- Have **completed a minimum of 14 hours** of training from an ECLB approved provider.
    - The training must include basic fire alarm system technology in addition to related training in National Fire Protection Association (NFPA) codes and standards and access control training, with **at least 2 hours** of training in the prevention of false alarms.

A person is not required to complete the required training to be a fire alarm system agent if they are:

- A certified electrical contractor;
- A registered electrical contractor who is doing electrical work up to the alarm panel;
- A certified or registered fire alarm system contractor;
- A journeyman electrician licensed by a local government;
- An alarm technician licensed by a local government that requires an examination and experience/training as a qualification for licensure;
- A non-supervising employee working as a helper or apprentice under direct, onsite, supervision by one of the above licensed individuals;
- A burglar alarm system agent employed by a fire alarm system contractor or certified electrical contractor; or
- Only monitoring a fire alarm.

[7] A "raceway" is an enclosed channel designed to hold wires, cables, or busbars. Mike Holt, Understanding Raceways, EC&M (Feb. 13, 2018) https://www.ecmweb.com/national-electrical-code/code-basics/article/20903368/understanding-raceways#:~:text=The%20NEC%20defines%20a%20raceway,permitted%20in%20this%20Code%20%5BArt. (last visited Jan. 4, 2021).
[8] S. 489.537(2)(b), F.S.
[9] S. 489.505(28), F.S.
[10] S. 489.5185(1), F.S.

A certified electrical contractor or licensed fire alarm contractor must furnish each of his or her fire alarm system agents with an identification card. A fire alarm system agent must have their identification card in their possession while engaged in fire alarm system agent duties.[11]

The card shall must be in a format approved by the ECLB, and must include:[12]

- a picture of the agent;
- the name of the agent;
- the name and license number of the certified unlimited electrical contractor or licensed fire alarm contractor;
- name and address of the business organization; and
- the signature of the contractor and the agent.

Each identification card is valid for 2 years after the date of issuance, and must be renewed every 2 years. In order to renew an identification card a fire alarm system agent must:[13]

- Have an updated criminal background check from DLE.
- Complete **6 hours of continuing education** on fire alarm system installation and repair and false alarm prevention every 2 years from an ECLB approved sponsor and training course.

National Institute of Certification in Engineering Technologies (NICET)

NICET is an organization that was established in 1961 to create certification for engineering technicians and technologists. According to NICET's website, over 148,000 technicians and technologists have received NICET certification.[14]

Currently, NICET offers engineering technician certification in the following fire protections areas:[15]

- **Fire alarm systems**;
- **Inspection and testing of fire alarm systems;**
- Inspection and testing of water-based systems;
- Special hazards systems; and
- Water-based systems layout.

Currently, there are four levels of fire alarm system certification with Level I being the lowest and Level IV being the highest, and there are two levels of inspection and testing of fire alarm systems with Level I being the lowest and Level II being the highest.

In order to obtain a Level II fire alarm certification, a person must:[16]

- Pass an exam; and
- Have at least 2 years of fire detection and signaling systems experience, which must include at least 12 months of fire alarm systems experience, including alarm and detection, notification, sprinkler monitoring, and interfaces and controls for agent releasing.

[11] S. 489.5185(4), F.S.
[12] S. 489.5185(4), F.S.; R. 61G6-12.003, F.A.C.
[13] S. 489.5185(4) and (5), F.S.
[14] NICET, *About Us*, https://www.nicet.org/about-us/ (last visited Dec. 30, 2021).
[15] NICET, *Certification Programs*, https://www.nicet.org/certification-programs/ (last visited Dec. 30, 2021).
[16] NICET, *Certification Requirements*, https://www.nicet.org/certification-programs/electrical-and-mechanical-systems/fire-alarm-systems/certification-requirements/ (last visited on Dec. 30, 2021).

In order to obtain a Level II inspection and testing of fire alarm systems certification, a person must:[17]

- Pass an exam; and
- Have at least 18 months of experience in the inspection and testing of fire alarm and suppression systems.

NICET certifications must be recertified every three years. Recertification is completed by upgrading a certification or completing at least two of the following:[18]

- Performing the associated technical tasks of the certification practice area as part of a person's main job;
- Completing additional education;
- Performing activities that advance the profession such as being a course instructor or serving on a committee;
- Working towards upgrading a certification or obtaining an additional NICET certification in a related area; or
- Passing a special recertification exam.

Electronic Security Association (ESA)

ESA is an organization that was established in 1948 to represent the electronic security and life safety industry. According to ESA's website, they are the largest trade association in the U.S., with more than 500,000 industry professionals employed by ESA member companies.[19]

Currently, ESA offers certification in the following fire protection areas:[20]

- Certified Alarm Technician Level I;
- **Certified Fire Alarm Technician Level II Fire**;
- **Certified Fire Alarm Designer Level III Fire**; and
- Certified Residential Fire Alarm Inspector.

In order to obtain certification as a Fire Alarm Technician Level II, a person must:[21]

- Be certified as an ESA Alarm Technician Level I;
- Have 24 months of work history or have been certified as an ESA Alarm Technician Level I for 24 months or more; and
- Have completed the following two courses within the previous five years:
  - Fire Alarm Installation Methods course and pass the examination.
  - Life Safety Code course or International Building Code course and pass examination.

In order to obtain certification as a Fire Alarm Designer Technician Level III, a person must:[22]

- Be certified as an ESA Fire Alarm Technician Level II;
- Have 60 months of work history in the field of fire alarms;
- Have a personal recommendation; and
- Have completed the Fire Alarm Designer course and pass the examination.

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[17] NICET, *Certification Requirements*, https://www.nicet.org/certification-programs/electrical-and-mechanical-systems/inspection-and-testing-of-fire-alarm-systems/certification-requirements/ (last visited Dec. 30, 2021).
[18] NICET, *Recertify*, https://www.nicet.org/recertify/ (last visited Dec. 30, 2021).
[19] ESA, *About Us*, https://esaweb.org/about/ (last visited Jan. 3, 2021).
[20] ESA, *ESA Certifications for Security, Sales and Fire*, https://esaweb.org/training/certifications/certification-types/ (last visited Jan. 3, 2022).
[21] ESA, *ESA Certified Fire Alarm Technician Level 2 (CFAT)*, https://esaweb.org/training/certifications/cfat/ (last visited Jan. 3, 2022).
[22] ESA, *Certified Fire Alarm Designer (CFAD) Level III Fire Certification*, https://esaweb.org/training/certifications/cfad/ (last visited Jan. 3, 2021).

ESA certifications must be renewed every two years. Renewal is completed by completing 24 ESA approved continuing education hours.[23]

Electrical and Alarm System Contractors – Effect of the Bill

The bill reduces the number of hours an applicant for employment as **a fire alarm system agent** is required to complete to 2 hours of training in the prevention of false alarms, from 14 hours of training, if the person holds a:

- Current Level II or higher NICET certification in Fire Alarm Systems or Inspection and Testing in Fire Alarm Systems; or
- Current ESA Fire Alarm Technician or Fire Alarm Designer certification.

The bill also reduces the number of hours a fire alarm system agent is required to complete, in order to renew their identification card, to 2 hours of training in the prevention of false alarms from 6 hours of training, if the agent holds one of the above certifications.

Alarm System Building Permits – Current Situation

State Fire Marshal

Florida's fire prevention and control law, ch. 633, F.S., designates the state's Chief Financial Officer as the State Fire Marshal. The State Fire Marshal, through the Division of State Fire Marshal (Division) located within the Department of Financial Services (DFS), is charged with enforcing the provisions of ch. 633, F.S., and all other applicable laws relating to fire safety, and has the responsibility to minimize the loss of life and property in this state due to fire.[24] Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel and fire safety inspectors; investigates the causes of fires; enforces arson laws; regulates the installation of fire equipment; conducts fire safety inspections of state property; and operates the Florida State Fire College.

The State Fire Marshal also adopts by rule the Florida Fire Prevention Code (Fire Prevention Code), which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities, and the enforcement of such fire safety laws and rules.[25]

The State Fire Marshall adopts a new edition of the Fire Prevention Code every three years. When adopting a new edition of the Fire Prevention Code, the State Fire Marshal must adopt the most recent version of the National Fire Protection Association (NFPA) Standard 1, Fire Prevention Code, and the NFPA 101 Life Safety Code.[26]

[23] ESA, *How to Renew Your ESA Certification*, https://esaweb.org/training/certification-renewal/#qualifying (last visited Dec. 31, 2021).
[24] S. 633.104, F.S.
[25] S. 633.202(1) and (2), F.S.
[26] *Id.* The NFPA is the National Fire Protection Association. Founded in 1896, the NFPA delivers information and knowledge through no more than 300 consensus codes and standards, research, training, education, outreach and advocacy. NFPA, *About NFPA*, https://www.nfpa.org/about-nfpa (last visited Jan. 4, 2022).

State law requires all municipalities, counties, and special districts with fire safety responsibilities to enforce the Fire Prevention Code as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Florida Building Code.[27] Each county, municipality, and special district with fire safety enforcement responsibilities must employ or contract with a fire safety inspector (certified by the State Fire Marshal) to conduct all fire safety inspections required by law.

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.[28]

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.[29] The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.[30]

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[31]

The Florida Building Commission (Commission) was statutorily created to implement the Building Code. The Commission, which is housed within DBPR, is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,[32] the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.[33]

Enforcement of the Florida Building Code

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.[34] Every local government must enforce the Building Code and issue building permits.[35]

It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit from the local government or from such persons as

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[27] The Florida Building Code is the statewide building code for all construction in the state. Every local government must enforce the Florida Building Code and issue building permits. *See generally* ch. 553, F.S.
[28] The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs,* p. 4, http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Jan. 4, 2022).
[29] *Id.*
[30] Florida Building Commission Homepage, https://floridabuilding.org/c/default.aspx (last visited Jan. 4, 2022).
[31] *See* s. 553.72(1), F.S.
[32] The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." International Code Council, *About the ICC*, https://www.iccsafe.org/about/who-we-are/ (last visited Jan. 4, 2022).
[33] Ss. 553.73, and 553.74, F.S.
[34] S. 553.72, F.S.
[35] Ss. 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.[36]

To obtain a building permit an applicant must complete an application for the proposed work on the form furnished by the government entity.[37] A local government that issues building permits must post each type of building permit application on its website.[38]

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.[39] A building official is a local government employee or a person contracted by a government entity who supervises building code activities, including plans review, enforcement, and inspection.[40]

Any construction work that requires a building permit also requires building plans and inspections by the building official to ensure the work complies with the Building Code.[41] Generally speaking, a permitted project that passes the required inspections is considered completed or closed.[42]

Uniform Fire Alarm Permit

Fire protection systems, including fire alarms, must be installed, repaired, operated, and maintained in accordance with the Fire Prevention Code and the Building Code.[43]

An electrical or alarm system contractor must file a uniform fire alarm permit application with a local government in order to obtain a fire alarm permit.[44]

The Uniform Fire Alarm Permit Application must include the following information:[45]

- The name and address of the owner of the property;
- The name, address, and license number of the contractor;
- A description sufficient to identify the property to be improved, including the property's address and legal description;
- A description of the work being performed; and
- The owner and the contractor's signature.

An electrical or alarm system contractor cannot install or replace a fire alarm until they obtain a fire alarm permit. However, an electrical or alarm system contractor may make repairs on a fire alarm **without a fire alarm permit**, as long as they have applied for the permit.[46]

Time-Period to Review Building Permit Applications

Current law requires local governments to review the following building permit applications within a specific time-period of receiving the applications:[47]

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[36] *See* ss. 125.56(4)(a) and 553.79(1), F.S.
[37] S. 713.135(5) and (6), F.S.
[38] Ss. 125.56(4)(b) and 553.79(1), F.S.
[39] S. 468.603(2), F.S; Section 202 of the Seventh edition of the Florida Building Code (Building).
[40] S. 468.603(2), F.S.; Section 202 of the Seventh edition of the Florida Building Code (Building).
[41] Sections 107, 110.1, and 110.3 of the Seventh edition of the Florida Building (Building).
[42] Doug Wise, *Closing Inactive & Excluded Building Permits*, Palm Beach County Planning, Zoning & Building Department, Building Division, http://discover.pbcgov.org/pzb/building/BuildingCodes/PBO-126%20%E2%80%93%20Closing%20Inactive%20and%20Excluded%20Building%20Permits.pdf (last visited Jan. 4, 2022).
[43] Sections 202 and 901.2 of the Seventh edition of the Florida Building Code (Building).
[44] S. 553.7921(1); Ch. 19-140, Laws of Fla.
[45] S. 553.7921(3), F.S.
[46] S. 553.7921(1) and (2), F.S.
[47] S. 553.792(2), F.S.

- accessory structure;
- **alarm permit**;
- nonresidential buildings less than 25,000 square feet;
- electric;
- irrigation permit;
- landscaping;
- mechanical;
- plumbing;
- residential units other than a single family unit;
- multifamily residential not exceeding 50 units;
- roofing;
- signs;
- site-plan approvals and subdivision plats not requiring public hearings or public notice; and
- lot grading and site alteration associated with a permit application.

When a local government receives an application for one of the above building permits, it must:[48]

- Inform the applicant within **10 days** of receiving the application, what information, if any, is needed to complete the application.
    - If the local government fails to provide written notice to the applicant within the 10-day window, the application is deemed to be properly completed.
- Notify the applicant within **45 days** of the application being deemed complete, if additional information is necessary to determine the sufficiency of the application;
    - If additional information is needed the local government must specify what additional information is necessary.
    - The applicant may submit the additional information to the local government or request that the local government act on the application without the additional information.
- Approve, approve with conditions, or deny the application within **120 days** following receipt of the completed application.
    - This period is tolled during the time an applicant is responding to a request for additional information and may be extended by mutual consent of the parties.

Over-the-Counter Permits

Generally, over-the-counter permits are building permits that need minimal or no plans reviewed by the local building official. However, an applicant must still fill out an application, and inspections are still required to close or complete the permit. Local government officials typically determine what types of permits qualify as over-the-counter permits for their jurisdictions. Over-the-counter permits can issued in person or online depending on the jurisdiction.[49]

Typically, an application for a permit must include building plans. A local enforcing agency may not issue a permit until the building official or plans examiner has reviewed the building plans and determined that they comply with the Building Code, unless the project is not required to have plans reviewed by the local building official.[50]

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[48] S. 553.792(1), F.S.

[49] City of Boca Raton, *Building Permits and Inspections*, https://www.myboca.us/157/Building-Permits-and-Inspections (last visited Jan. 4, 2022); Charlotte County, *Permits*, https://www.charlottecountyfl.gov/departments/community-development/building-construction/permits/ (last visited Jan. 4, 2022); Nassau County, *Over the Counter Building Permit Application*, https://www.nassaucountyfl.com/DocumentCenter/View/13935/Over-the-Counter-Permit (last visited Jan. 4 2022); City of Sarasota, *Building and Permitting Online Services*, https://ftgportal.sarasotafl.gov/Permits/Home.aspx?microapp=c (last visited on Jan. 4, 2022).

[50] S. 553.79(2), F.S.

Permits for the following projects are not required to have plans reviewed by the local building official:[51]

- Replacing existing equipment such as mechanical units, water heaters, etc.
- Reroofs.
- Minor electrical, plumbing and mechanical repairs.
- Annual maintenance permits.
- Prototype plans:
  - Except for local site adaptions, siding, foundations and/or modifications, and structures that require a waiver.
- Manufactured buildings plan except for foundations and modifications of buildings on site.

Alarm System Building Permits – Effect of the Bill

The bill provides that all permits for the following work **must** be issued **over-the-counter** or online:

- A fire alarm system alteration of a total of 20 or fewer initiating devices and notification devices.
- The installation or replacement of a fire communicator[52] connected to an existing fire alarm control panel[53] in an existing commercial building, apartment, or condominium.

A person who receives an electrical or fire permit for must keep shop drawings or other required documentation on site at the time of the inspection.

Low-Voltage Alarm Systems – Current Situation

A "low-voltage alarm system project" is a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, and attached ancillary components, that is hardwired and operating at low voltage, or a new or existing low-voltage electric fence, and ancillary components or equipment attached to such a system or fence, **including, but not limited to**, home-automation equipment, thermostats, **closed-circuit television systems**, access controls, battery recharging devices, and video cameras.[54]

Current law streamlines the permitting process for the installation of low-voltage alarm system projects that require a building permit. Instead of being required to obtain a building permit, licensed electrical and alarm system contractors may purchase uniform basic permit labels from local governments without providing detailed information about a project.[55]

A contractor may purchase labels in bulk for one or more unspecified current or future projects. Permit labels are valid for one year and may only be used in the jurisdiction of the local government that issued the permit label.[56]

Local governments may not charge more than $40 per permit label per project, and may not request any information in order to obtain permit labels except a contractor's identification information and proof of licensure. A local government may not require any other charge associated with the installation or replacement of a new or existing hardwired, low-voltage alarm system project.[57]

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[51] S. 107.3.5 of the Seventh edition of the Florida Building Code (Building).
[52] A "fire alarm communicator" is a device that automatically contacts first responders, if a fire is detected. Norris Inc., https://norrisinc.com/2016/08/12/alarm-system-communicators/ (last visited Jan. 5, 2022).
[53] A "fire alarm control unit" serves as the brain of the fire alarm system. It is a component of a fire alarm system that receives signals from initiating devices or other fire alarm control units, and processes these signals to determine part or all of the required fire alarm system output. National Fire Protection Association, *A Guide to Fire Alarm Basics*, https://www.nfpa.org/News-and-Research/Publications-and-media/Blogs-Landing-Page/NFPA-Today/Blog-Posts/2021/03/03/A-Guide-to-Fire-Alarm-Basics (last visited Jan. 3, 2022).
[54] S. 553.793(1), F.S.
[55] S. 553.793(5), F.S.
[56] *Id.*
[57] *Id.*

Licensed electrical and alarm system contractors do not have to notify a local government about a low-voltage alarm system project prior to commencing work on the project. However, a contractor must post an unused permit label in a conspicuous place on the premises before commencing work on the project.[58]

After completion of a low-voltage alarm system project, a contractor must submit a Uniform Notice of a Low Voltage Alarm System Project to the local government. A local enforcement government may take disciplinary action against a contractor who fails to timely submit the required notice.[59]

A local enforcement agency may coordinate directly with the property owner or customer for inspection of a low-voltage alarm system project. If a project fails an inspection, the contractor must take corrective action in order to pass the inspection.[60]

A permit label is not required for any subsequent maintenance, inspection, or service of a low-voltage alarm system project that has a permit label.[61]

Low-Voltage Alarm Systems – Effect of the Bill

The bill clarifies that a low-voltage alarm system project includes closed-circuit television systems used to signal or detect a burglary, fire, robbery, or medical emergency.

B. SECTION DIRECTORY:

Section 1. Amends s. 489.5185, F.S., relating to fire alarm system agents.

Section 2. Amends s. 553.793, F.S., relating to streamlined low-voltage alarm system installation permitting.

Section 3. Creates s. 553.7932, F.S., relating to simplified permitting process for fire alarm system alterations.

Section 4. Providing an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

[58] S. 553.793(6) & (7), F.S.
[59] *Id.*
[60] S. 553.793(9), F.S.
[61] S. 553.793(11), F.S.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have a positive economic impact on persons applying to be employed as a fire alarm agents, and fire alarm agents, who have a current Level II or higher NICET certification in Fire Alarm Systems or Inspection and Testing in Fire Alarm Systems or a current ESA Fire Alarm Technician or Fire Alarm Designer certification. Such persons or fire alarm agents will not have to pay for more than 2 training hours in order to be employed as a fire alarm agent or to renew a fire alarm agent identification card.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

"Over the counter" is not used or defined in the Florida Building Codes Act. It is recommended that in order to prevent confusion, the bill be amended to clarify the meaning of "over the counter."

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to alarm systems; amending s. 489.5185, F.S.; authorizing individuals with certain fire alarm certifications to complete a reduced number of training and continuing education hours for the prevention of false alarms; requiring the training and continuing education sponsors and courses to be approved by the Electrical Contractors' Licensing Board; amending s. 553.793, F.S.; revising the definition of the term "low-voltage alarm system project" to include certain closed-circuit television systems; creating s. 553.7932, F.S.; requiring that electrical or fire permits for certain fire alarm system alterations be issued over the counter or online; requiring a permittee who receives a permit under the simplified process to keep shop drawings or other required documentation on site for inspection; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (5) of section 489.5185, Florida Statutes, is amended, and paragraph (f) is added to subsection (2) of that section, to read:

489.5185 Fire alarm system agents.—

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(2)

(f) If a person holds a current National Institute of Certification in Engineering Technologies (NICET) Level II certification or higher in Fire Alarm Systems or Inspection and Testing of Fire Alarm Systems, a current certification as an Electronic Security Association (ESA) Certified Fire Alarm Technician, or a current certification as an ESA Certified Fire Alarm Designer, he or she is required to complete only the 2 hours of training in the prevention of false alarms required by paragraph (1)(b) from a board-approved sponsor of training and through a board-approved training course.

(5)(a) Except as provided in paragraph (b), each fire alarm system agent must receive 6 hours of continuing education on fire alarm system installation and repair and false alarm prevention every 2 years from a board-approved sponsor of training and through a board-approved training course.

(b) A person holding a current NICET Level II certification or higher in Fire Alarm Systems or Inspection and Testing of Fire Alarm Systems, certification as an ESA Certified Fire Alarm Technician, or certification as an ESA Certified Fire Alarm Designer is required to complete only 2 hours of continuing education training in the prevention of false alarms every 2 years from a board-approved sponsor of training and through a board-approved training course.

Section 2. Paragraph (b) of subsection (1) of section

CODING: Words stricken are deletions; words underlined are additions.

553.793, Florida Statutes, is amended to read:

553.793 Streamlined low-voltage alarm system installation permitting.—

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

(b) "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in s. 489.505, including closed-circuit television systems used to signal or detect a burglary, fire, robbery, or medical emergency, that is hardwired and operating at low voltage, as defined in the National Electrical Code Standard 70, Current Edition, or a new or existing low-voltage electric fence, and ancillary components or equipment attached to such a system or fence, including, but not limited to, home-automation equipment, thermostats, closed-circuit television systems, access controls, battery recharging devices, and video cameras.

Section 3. Section 553.7932, Florida Statutes, is created to read:

553.7932 Simplified permitting process for fire alarm system alterations.—

(1) Electrical or fire permits for all of the following must be issued over the counter or online:

(a) A fire alarm system alteration of a total of 20 or fewer initiating devices and notification devices.

(b) The installation or replacement of a fire communicator

connected to an existing fire alarm control panel in an existing commercial building, apartment, or condominium.

(2) A permittee who receives an electrical or fire permit pursuant to this section shall keep shop drawings or other required documentation on site at the time of inspection.

Section 4. This act shall take effect July 1, 2022.

REGULATORY REFORM SUBCOMMITTEE

HB 669 by Rep. Maggard
Alarm Systems

AMENDMENT SUMMARY
January 12, 2021

Amendment 1 by Rep. Maggard (line 50):

- Clarifies that a low-voltage closed-circuit television system used to signal or detect a fire, robbery, or medical emergency is a low-voltage alarm system project.
- Provides that a local building department may not require a licensed electrical or alarm system contractor to provide plans in order to obtain a building permit for a "fire alarm system project."
    - A local building department may require a licensed electrical or alarm system contractor to submit a completed permit application and payment.
- Defines "fire alarm system project" as:
    - A fire alarm system alteration of a total of 20 or fewer initiating devices and notification devices; or
    - The installation or replacement of a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or condominium building.
- Requires a local government that issues a building permit for a fire alarm system project to require at least one inspection to ensure the work complies with the applicable building and fire prevention codes.
- Requires an electrical contractor or alarm system contractor to keep plans for a fire alarm system project at the worksite and available for the inspector.

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	_____

Committee/Subcommittee hearing bill: Regulatory Reform Subcommittee

Representative Maggard offered the following:

Amendment (with title amendment)

Remove lines 50-80 and insert:

Section 2. Paragraph (b) of subsection (1) of section 553.793, Florida Statutes, is amended to read:

553.793 Streamlined low-voltage alarm system installation permitting.—

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

(b) "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in s. 489.505, including closed-circuit television systems used to signal or detect a burglary, fire, robbery, or

medical emergency, that is hardwired and operating at low voltage, as defined in the National Electrical Code Standard 70, Current Edition, or a new or existing low-voltage electric fence.~~, and~~ The term also includes ancillary components or equipment attached to ~~such~~ a low-voltage alarm system or low-voltage electric fence, including, but not limited to, home-automation equipment, thermostats, closed-circuit television systems, access controls, battery recharging devices, and video cameras.

Section 3. Section 553.7932, Florida Statutes, is created to read:

553.7932 Simplified permitting process for fire alarm system projects.—

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

(a) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of chapter 489.

(b) "Fire alarm system project" means a fire alarm system alteration of a total of 20 or fewer initiating devices and notification devices, or the installation or replacement of a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or condominium building.

(2)(a) A local enforcement agency may require a contractor, as a condition of obtaining a permit for a fire alarm system project, to submit a completed application and payment.

(b) A local enforcement agency may not require a contractor to submit plans or specifications as a condition of obtaining a permit for a fire alarm system project.

(3) A local enforcement agency may issue a permit for a fire alarm system project in person or electronically.

(4) A local enforcement agency must require at least one inspection of a fire alarm system project to ensure compliance with applicable codes and standards. If a fire alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.

(5) A contractor must keep a copy of the plans and specifications at a fire alarm system project worksite and make such plans and specifications available to the inspector at each inspection.

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

Remove lines 12-17 and insert:

systems; creating s. 553.7932, F.S.; providing a definition for "contractor" and "fire alarm system project"; providing that a local enforcement agency

may not require plans or specifications for certain permits; providing that a local enforcement agency may issue certain permits in person or electronically; requiring local enforcement agencies to perform at least one inspection for certain projects; requiring a contractor to keep certain documents at a worksite for certain projects;

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 723 Medical Treatment of Animals
SPONSOR(S): Buchanan
TIED BILLS: **IDEN./SIM. BILLS:** SB 448

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Regulatory Reform Subcommittee		Thompson	Anstead
2) Commerce Committee			

SUMMARY ANALYSIS

In Florida, the practice of "veterinary medicine" means the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease. Veterinarians are regulated by the Board of Veterinary Medicine (Board) in the Department of Business and Professional Regulation (DBPR) pursuant to ch. 474, F.S., relating to veterinary medical practice (practice act). The purpose of the practice act is to ensure that every veterinarian practicing in this state meets minimum requirements for safe practice to protect public health and safety.

Current law defines a "veterinarian/client/patient relationship" (VCPR) as one in which a veterinarian has assumed responsibility for making medical judgments about the health of an animal and its need for medical treatment. Veterinarians are permitted to prescribe drugs in the course of veterinary practice; however, the veterinarian must be either personally acquainted with the keeping and caring of the animal and have recently seen the animal, or have made medically appropriate and timely visits to the premises where the animal is kept before prescribing drugs in the course of practice.

The use of electronic communications to facilitate patient health care (telemedicine) is not addressed in the practice act and is not specifically prohibited or authorized in Florida. However, medical doctors may practice telemedicine in Florida and may establish a patient relationship with a patient evaluation via telemedicine under certain circumstances.

The bill:

- Establishes a framework for the practice of veterinary telemedicine.
- Limits a veterinarian's ability to prescribe controlled substances while practicing telemedicine to situations where:
  - The veterinarian has previously performed an in-person physical examination or made medically appropriate and timely visits to the premises where the animal is kept; or
  - The veterinarian is treating a terminal patient transferred to the veterinarian for hospice care by a veterinarian who previously performed an in-person physical examination of the patient and such veterinarian has reviewed the patient's medical records.
- Specifies that only Florida licensed veterinarians may practice veterinary telemedicine, and grants the Board jurisdiction over the practice of veterinary telemedicine.
- Allows an animal control authority under the "indirect supervision" of a veterinarian to administer rabies vaccinations.

The bill is not expected to have a fiscal impact on state or local government, and may have a positive fiscal impact on the private sector.

The bill provides an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Practice of Veterinary Medicine

The Board of Veterinary Medicine (Board) in the Department of Business and Professional Regulation (DBPR) implements the provisions of ch. 474, F.S., relating to veterinary medical practice (practice act). The purpose of the practice act is to ensure that every veterinarian practicing in this state meets minimum requirements for safe practice to protect public health and safety.[1]

A "veterinarian" is a health care practitioner licensed by the Board to engage in the practice of veterinary medicine in Florida[2] and subject to disciplinary action from the Board for various violations of the practice act.[3]

The practice of "veterinary medicine" is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.[4]

Veterinary medicine includes, with respect to animals:[5]

- Surgery;
- Acupuncture;
- Obstetrics;
- Dentistry;
- Physical therapy;
- Radiology;
- Theriogenology (reproductive medicine);[6] and
- Other branches or specialties of veterinary medicine.

The practice act does not apply to the following categories of persons:

- Veterinary aides, nurses, laboratory technicians, preceptors,[7] or other employees of a licensed veterinarian, who administer medication or provide help or support under the responsible supervision[8] of a licensed veterinarian;
- Certain non-Florida licensed veterinarians who are consulting upon request of a Florida-licensed veterinarian on the treatment of a specific animal or on the treatment on a specific case of the animals of a single owner.
- Faculty veterinarians when they have assigned teaching duties at accredited[9] institutions;
- Certain graduated intern/resident veterinarians of accredited institutions;

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[1] S. 474.201, F.S.
[2] S. 474.202(11), F.S.
[3] Ss. 474.213 & 474.214, F.S.
[4] *See* s. 474.202(9), F.S. Also included is the determination of the health, fitness, or soundness of an animal, and the performance of any manual procedure for the diagnosis or treatment of pregnancy or fertility or infertility of animals.
[5] *See* s. 474.202(13), F.S. Section 474.202(1), F.S., which defines "animal" as "any mammal other than a human being or any bird, amphibian, fish, or reptile, wild or domestic, living or dead."
[6] The Society for Theriogenology, established in 1954, is composed of veterinarians dedicated to standards of excellence in animal reproduction. *See* https://www.therio.org/ (last visited Jan. 5, 2022).
[7] A preceptor is a skilled practitioner or faculty member who directs, teaches, supervises, and evaluates students in a clinical setting to allow practical experience with patients. *See also* https://www.merriam-webster.com/dictionary/preceptor#medicalDictionary (last visited Jan. 5, 2022).
[8] The term "responsible supervision" is defined in s. 474.202(10), F.S., as the "control, direction, and regulation by a licensed doctor of veterinary medicine of the duties involving veterinary services" delegated to unlicensed personnel.
[9] Ss. 474.203(1) and (2), F.S., provide that accreditation of a school or college must be granted by the American Veterinary Medical Association (AVMA) Council on Education, or the AVMA Commission for Foreign Veterinary Graduates.

- Certain students in a school or college of veterinary medicine who perform assigned duties by an instructor or work as preceptors;
- Certain doctors of veterinary medicine employed by a state agency or the United States Government;
- Persons or their employees caring for the persons' own animals, as well as certain part-time or temporary employees, or independent contractors, who are hired by an owner to help with herd management and animal husbandry tasks; and
- Certain entities or persons[10] that conduct experiments and scientific research on animals as part of the development of pharmaceuticals, biologicals, serums, or treatment methods of treatment or techniques to diagnose or treatment of human ailments, or in the study and development of methods and techniques applicable to the practice of veterinary medicine.[11]

Any permanent or mobile establishment where a licensed veterinarian practices must have a premises permit issued by DBPR.[12] Each person to whom a veterinary license or premises permit is issued must conspicuously display such document in her or his office, place of business, or place of employment in a permanent or mobile veterinary establishment or clinic.[13]

By virtue of accepting a license to practice veterinary medicine in Florida, a veterinarian consents to:

- Render a handwriting sample to an agent of the department and, further, to have waived any objections to its use as evidence against her or him.
- Waive the confidentiality and authorize the preparation and release of medical reports pertaining to the mental or physical condition of the licensee when the department has reason to believe that a violation of this chapter has occurred and when the department issues an order, based on the need for additional information, to produce such medical reports for the time period relevant to the complaint.[14]

For Fiscal Year 2020-2021, there were 12,156 actively licensed veterinarians in Florida. DBPR received 472 complaints, which resulted in 17 disciplinary actions.[15]

Veterinarian/Client/Patient Relationship

The practice act defines a "patient" as any animal for which the veterinarian practices veterinary medicine.[16]

The practice act defines a "veterinarian/client/patient relationship" (VCPR) as one in which a veterinarian has assumed responsibility for making medical judgments about the health of an animal and its need for medical treatment.[17]

Veterinarians are permitted to prescribe drugs in the course of veterinary practice, but may be disciplined by the Board for certain related violations, including ordering, prescribing, or making available medicinal drugs or drugs[18] or controlled substances[19] for use other than for the specific treatment of animal patients for which there is a documented VCPR and without:

- Having sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, which means that the veterinarian is personally

[10] *See* s. 474.203(6), F.S., which states that the exemption applies to "[s]tate agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof. . . ."
[11] *See* s. 474.203, F.S.
[12] S. 474.215(1), F.S.
[13] S. 474.216, F.S.
[14] S. 474.2185, F.S.
[15] Department of Business and Professional Regulation, *Division of Professions Annual Report Fiscal Year 2020-2021*, http://www.myfloridalicense.com/DBPR/os/documents/DivisionAnnualReport_FY2021.pdf (last visited Jan. 5, 2022).
[16] S. 474.202(8), F.S.
[17] S. 474.202(12), F.S.
[18] S. 465.003(8), F.S.
[19] S. 893.02(4), F.S.

acquainted with the keeping and caring of the animal and has recently seen the animal or has made medically appropriate and timely visits to the premises where the animal is kept;
- Being available to provide for follow-up care and treatment in case of adverse reactions or failure of the regimen of therapy; and
- Maintaining records which document patient visits, diagnosis, treatment, and other relevant information required under the practice act.[20]

Veterinary Telemedicine

The use of electronic communications to facilitate patient health care (telemedicine) is not addressed in the practice act and is not specifically prohibited or authorized for practitioners of veterinary medicine in Florida.[21]

Veterinary Telemedicine During the Pandemic

On March 24, 2020, the U.S. Food and Drug Administration (FDA) announced that it would temporarily suspend enforcement of certain prescription limitations in order to allow veterinarians to better utilize telemedicine to address animal health needs during the COVID-19 pandemic. Specifically, the FDA has provided guidance related to suspending the enforcement of the animal examination and premises visit VCPR requirements relevant to FDA regulations governing **Extralabel Drug Use in Animals**[22] and **Veterinary Feed Directive Drugs**.[23] This allows veterinarians to prescribe or authorize the use of drugs without direct examination or making visits to patients, which will limit human-to-human interaction and potential spread of COVID-19 in the community.[24]

According to the FDA, veterinarians are licensed by their state veterinary licensing board and must meet the requirements of the licensing board to practice in that state. FDA regulates the devices and drugs that veterinarians use, and the conditions under which veterinarians may **prescribe drugs for extra-label uses**. When an approved drug is used in a manner other than what is stated on the label, it is an extra-label use. This is commonly called an "off-label" use because the drug is used in a way that is "off the label."[25]

On March 27, 2020, DBPR issued emergency order EO 2020-04, which suspends any restriction of ch. 474, F.S., or ch. 61G-18, F.A.C., which would prohibit an active Florida-licensed veterinarian from practicing telemedicine on a patient. The order specifies that attending veterinarians must be comfortable assessing the patient remotely and feel able to exercise good clinical judgment to assist the patient.[26] The emergency order ended with the expiration of Florida's COVID-19 state of emergency (EO 20-52) on Saturday June 26, 2021.[27]

Veterinary Telemedicine in Other States

The use of telemedicine by veterinarians varies by state. Some states allow telemedicine to be used at the veterinarian's discretion, others allow it after the establishment of a VCPR, some do not allow it at

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[20] S. 474.214(1)(y)., F.S.
[21] R. 64B8-9.0141, F.A.C. Currently, medical doctors may practice telemedicine in Florida in a patient relationship with a patient evaluation, under certain circumstances.
[22] 21 C.F.R. part 530.
[23] 21 C.F.R. § 558.6.
[24] U.S. Food and Drug Administration, *Coronavirus (COVID-19) Update: FDA Helps Facilitate Veterinary Telemedicine During Pandemic*, https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-helps-facilitate-veterinary-telemedicine-during-pandemic (last visited Jan. 25, 2022).
[25] .S. Food and Drug Administration, *What FDA Does and Does Not Regulate*, https://www.fda.gov/animal-veterinary/animal-health-literacy/what-fda-does-and-does-not-regulate#top (last visited Jan. 5, 2022).
[26] Department of Business and Professional Regulation, *Emergency Order EO 2020-04*, Mar. 27, 2020, http://www.myfloridalicense.com/dbpr/os/documents/EO_2020-04.pdf (last visited Jan. 5, 2022).
[27] On March 9, 2020, Governor DeSantis issued Executive Order 20-52 which declared a state of emergency for the entire state due to COVID-19. The Executive Order was extended several times. Executive Order 21-94 extended the state of emergency for sixty days from April 27, 2021. The sixtieth day was Saturday June 26, 2021, and the order was not renewed by the Governor.

all, and others limit telemedicine for purposes of prescribing medication or controlled substances.

Virginia allows veterinarians to practice telemedicine. In addition, it allows a veterinarian who performs or has performed an appropriate examination of a patient to prescribe certain controlled substances to a patient via the practice of telemedicine. The Virginia Board of Veterinary Medicine adopted guidance effective September 17, 2020, for telehealth in the practice of veterinary medicine, which indicates that:

> "Using telehealth technologies in veterinary practice is considered a method of service delivery. The current, applicable regulations apply to all methods of service delivery, including telehealth. The licensee is responsible for using professional judgment to determine if the type of service can be delivered via telehealth at the same standard of care as in-person service."[28]

The Idaho Board of Veterinary Medicine provides the following guidance on telehealth:

> "The veterinarian must employ sound profession judgment to determine whether using Telehealth is appropriate in particular circumstances each and every time animal care is provided and only provide medical advice or treatment via Telehealth to the extent that it is possible without a hands on examination. A veterinarian using Telehealth must take appropriate steps to obtain Informed Consent, establish the VCPR and conduct all appropriate evaluations and history of the patient consistent with traditional standards of care for the particular patient presentation. As such, some situations and patient presentations are appropriate for the utilization of Telehealth as a component of, or in lieu of, hands on medical care, while others are not."[29]

The state of Oklahoma only allows a veterinarian to prescribe drugs via telemedicine under the following conditions:

> "The veterinarian accepts that he or she cannot prescribe drugs when practicing via telehealth alone, unless the veterinarian has sufficient knowledge of the animal or group of animals by virtue of a history and inquiry, and either physical examination or medically appropriate and timely visits to the premises where the animal or group of animals is kept."[30]

The state of Washington only allows telemedicine after a VCPR has been established:

> "The veterinarian shall not establish a veterinary-client-patient relationship solely by telephonic or other electronic means. However, once established, a veterinary-client-patient relationship may be maintained between medically necessary examinations via telephone or other types of consultations."[31]

Michigan recently repealed the need for an **in-person** exam prior to practicing telemedicine. Effective April 15, 2021, a veterinarian providing a "telehealth service" is required to have sufficient knowledge of the animal patient by having recently examined the animal patient in person or obtained current knowledge of the animal patient through the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically, or have conducted medically appropriate and timely visits to the premises where the group of animal patients is kept.[32]

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[28] Virginia Board of Veterinary Medicine, *Guidance for Telehealth in the Practice of Veterinary Medicine, Guidance Document: 150-25*, https://www.dhp.virginia.gov/media/dhpweb/docs/vet/guidance/150-25.pdf (last visited Jan. 5, 2022).
[29] Idaho Veterinary Medical Association, *State specific questions for Idaho – Essential services, taxes, telehealth, IDAHO BOARD OF VETERINARY MEDICINE – TELEMEDICINE STATEMENT*, https://www.ivma.org/2020/03/26/idaho-essential-services-extended-tax-filing-deadline/ (last visited Jan. 5, 2022).
[30] Oklahoma State Board of Veterinary Medical Examiners, Board Telemedicine/Telehealth Position Statement, https://www.okvetboard.com/veterinarian-faq/95-board-telemedicine-telehealth-position-statement (last visited Jan. 5, 2022).
[31] Wash. Rev. Code § 246-933-200(2).
[32] Mich. Gen. R. 338.4901a.

Florida Telehealth for Medical Doctors

Effective July 1, 2019,[33] Florida law authorizes Florida-licensed health care providers[34] to use "telehealth" to deliver health care services within their respective scopes of practice.[35] The law also authorizes out-of-state health care providers to use telehealth to deliver health care services to Florida patients if they register with the Department of Health (DOH) or the applicable board[36] and meet certain eligibility requirements.[37] A registered out-of-state telehealth provider may use telehealth, within the relevant scope of practice established by Florida law and rule, to provide health care services to Florida patients but is prohibited from opening an office in Florida and from providing in-person health care services to patients located in Florida.

On March 16, 2020, Surgeon General Scott Rivkees executed DOH Emergency Order 20-002 authorizing certain out-of-state physicians, osteopathic physicians, physician assistants, and advanced practice registered nurses to provide telehealth in Florida without the need to register as a telehealth provider under s. 456.47(4), F.S.[38] This emergency order ended with the expiration of Florida's COVID-19 state of emergency (EO 20-52) on June 26, 2021.[39]

The Surgeon General also executed DOH Emergency Order 20-003[40] authorizing certain out-of-state clinical social workers, marriage and family therapists, mental health counselors, and psychologists to provide telehealth in Florida without the need to register as a telehealth provider under s. 456.47(4), F.S. This emergency order also ended on June 26, 2021.[41]

Controlled Substances

Chapter 893, F.S., sets forth the Florida Comprehensive Drug Abuse Prevention and Control Act. This chapter classifies controlled substances into five schedules in order to regulate the manufacture, distribution, preparation, and dispensing of the substances. The scheduling of substances in Florida law is generally consistent with the federal scheduling of substances under 21 U.S.C. s. 812:

- A Schedule I substance has a high potential for abuse and no currently accepted medical use in treatment in the United States and its use under medical supervision does not meet accepted safety standards. Examples include heroin and lysergic acid diethylamide (LSD).
- A Schedule II substance has a high potential for abuse, a currently accepted but severely restricted medical use in treatment in the United States, and abuse may lead to severe psychological or physical dependence. Examples include cocaine and morphine.
- A Schedule III substance has a potential for abuse less than the substances contained in Schedules I and II, a currently accepted medical use in treatment in the United States, and abuse may lead to moderate or low physical dependence or high psychological dependence or, in the case of anabolic steroids, may lead to physical damage. Examples include lysergic acid; ketamine; and some anabolic steroids.

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[33] Chapter 2019-137, s. 6, Laws of Fla.

[34] S. 456.47(1)(b), F.S.

[35] *See also* s. 394.453(3), F.S. The Florida Mental Health Act (popularly known as "The Baker Act," s. 394.451, F.S.), contains a legislative finding that "the use of telemedicine for patient evaluation, case management, and ongoing care will improve management of patient care and reduce costs of transportation."

[36] Under s. 456.001(1), F.S., the term "board" is defined as any board, commission, or other statutorily created entity, to the extent such entity is authorized to exercise regulatory or rulemaking functions within the DOH or, in some cases, within the DOH's Division of Medical Quality Assurance.

[37] Section 456.47(4), F.S.

[38] Department of Health, State of Florida, *Emergency Order DOH No. 20-002* (Mar. 16, 2020) http://floridahealthcovid19.gov/wp-content/uploads/2020/03/filed-eo-doh-no.-20-002-medical-professionals-03.16.2020.pdf (last visited Jan. 5, 2022).

[39] On March 9, 2020, Governor DeSantis issued Executive Order 20-52 which declared a state of emergency for the entire state due to COVID-19. The Executive Order was extended several times. Executive Order 21-94 extended the state of emergency for sixty days from April 27, 2021. The sixtieth day was Saturday June 26, 2021, and the order was not renewed by the Governor.

[40] Department of Health, State of Florida, *Emergency Order DOH No. 20-003* (Mar. 21, 2020) https://s33330.pcdn.co/wp-content/uploads/2020/03/DOH-EO-20-003-3.21.2020.pdf (last visited Jan. 5, 2022).

[41] On March 9, 2020, Governor DeSantis issued Executive Order 20-52 which declared a state of emergency for the entire state due to COVID-19. The Executive Order was extended several times. Executive Order 21-94 extended the state of emergency for sixty days from April 27, 2021. The sixtieth day was Saturday June 26, 2021, and the order was not renewed by the Governor.

- A Schedule IV substance has a low potential for abuse relative to the substances in Schedule III, a currently accepted medical use in treatment in the United States, and abuse may lead to limited physical or psychological dependence relative to the substances in Schedule III. Examples include alprazolam, diazepam, and phenobarbital.
- A Schedule V substance has a low potential for abuse relative to the substances in Schedule IV, a currently accepted medical use in treatment in the United States, and abuse may lead to limited physical or psychological dependence relative to the substances in Schedule IV. Examples include low dosage levels of codeine, certain stimulants, and certain narcotic compounds.

Prescription Drug Law for Medical Doctors

Section 456.44, F.S., limits the authorization to prescribe only a three-day supply of a Schedule II opioid[42] or up to a seven-day supply if medically necessary. The prescribing limits on Schedule II opioids do not apply to prescriptions for acute pains related to: cancer, a terminal condition, pain treated with palliative care, or a traumatic injury with an Injury Severity Score of 9 or higher.[43] A prescriber and dispenser must also report to and review the Prescription Drug Monitoring Program database to review a patient's controlled substance dispensing history prior to prescribing or dispensing a Schedule II-IV controlled substance for patients 16 years older.[44] These limitations and requirements apply to practitioners providing services in-person and through telehealth.

Section 456.47(2)(c), F.S., prohibits telehealth providers from prescribing any controlled substance unless the controlled substance is prescribed for:
- The treatment of a psychiatric disorder;
- Inpatient treatment at a licensed hospital;
- The treatment of a patient receiving hospice services; or
- The treatment of a resident of a nursing home facility.

According to a study published by the University of Florida College of Pharmacy,[45] the "2018 Florida law restricting opioid prescriptions for acute pain has led to a drop in opioid use." Specifically, the study "found the number of new opioid users per month dropped 16 percent immediately after the law was implemented, and the number of new users continues to decrease each month. Additionally, the average days' supply fell from 5.4 days prior to the law to three days. The law was also associated with an immediate decrease in the use of hydrocodone, the most commonly used Schedule II opioid."[46]

Prescription Drug Law for Veterinarians

In order to purchase, prescribe, administer or dispense controlled substances in Florida, veterinarians must obtain a license from the U.S. Drug Enforcement Administration (DEA). Florida does not require any additional licensure for veterinarians to purchase and prescribe controlled drugs.[47]

The DEA is a division within the U.S. Department of Justice and reports to the U.S. Attorney General. In consultation with the U.S. Secretary of the federal Department of Health and Human Services (HHS) and others, the Attorney General oversees the listing of substances on five schedules (Classes I, II, III, IV or V) of controlled agents as described in Title 21 United States Code (USC) of the Controlled

[42] All opioids are controlled substances. Opioids range in classification between Schedule I and Schedule V.
[43] S. 456.44(1)(a), F.S.
[44] S. 893.055, F.S.
[45] Juan M. Hincapie-Castillo, *Changes in Opioid Use After Florida's Restriction Law for Acute Pain Prescriptions* (Feb. 28, 2020), https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2762015?utm_source=For_The_Media&utm_medium=referral&utm_campaign=ftm_links&utm_term=022820 (last visited Jan. 5, 2022).
[46] Matthew Splett, *UF College of Pharmacy, Department of Pharmaceutical Outcomes and Policy* (Feb. 27, 2020), https://ufhealth.org/news/2020/new-florida-law-leads-decline-opioid-use-according-uf-study (last visited Jan. 5, 2022).
[47] Thomas Vickory, PhD, DEA REGULATION OF CONTROLLED DRUGS, https://www.vetfolio.com/learn/article/florida-drug-laws-update-2013 (last visited Jan. 5, 2022).

Substances Act. The central mission of the DEA is to enforce controlled substances laws and regulations.[48]

With respect to veterinarians and other health professionals, the major focus of the DEA is to prevent illegal diversion of controlled prescription drugs for the purpose of illicit or non-medical uses. In order to legally purchase, dispense or prescribe controlled prescription drugs, a veterinarian must be licensed by the DEA. Prescription drugs that are regulated or controlled by the DEA include many important drugs that are used routinely by veterinarians. DEA-controlled drugs are tightly controlled at all aspects of manufacturing, distribution, ordering, storage, use and disposition.[49]

While veterinarians are allowed to write prescriptions for controlled drugs, they cannot order controlled drugs from their local pharmacy for "in-house" use nor for secondary re-sale. Like any other prescription, controlled drug prescriptions must be written for a specific patient and cannot be for general use. As a licensed DEA registrant, veterinarians are expected to create and maintain a system that provides strong safeguards against theft or diversion of controlled drugs in their practice.[50]

Two opioids are approved and marketed for use in animals, butorphanol and buprenorphine. Due to the limited number of approved and marketed veterinary opioids, veterinarians who need to use opioids to control pain in their patients generally use products approved for use in people.[51]

Federal Controlled Substance Law[52]

The Ryan Haight Online Pharmacy Consumer Protection Act of 2008[53] amended the federal Controlled Substances Act, to prohibit a practitioner from issuing a "valid prescription" for a controlled substance through the Internet without having first conducted at least one in-person medical evaluation, except in certain circumstances. Thereafter, the prescriber may prescribe controlled substances to that patient via Internet or a phone call. The Act offers seven exceptions to the in-person exam. One such exception occurs when the U.S. Secretary of HHS has declared a public health emergency.

Florida DOH Emergency Order No. 20-002

The U.S. Secretary of HHS authorized qualified prescribers to prescribe Schedule II-V controlled substances, and Surgeon General Rivkees issued DOH Emergency Order No. 20-002,[54] which suspended s. 456.47(2)(c), F.S., and authorized specified Florida-licensed prescribers[55] to issue a renewal prescription for a Schedule II-IV controlled substance only for an existing patient for the purpose of treating chronic nonmalignant pain without conducting another physical examination of the patient. This emergency order ended with the expiration of Florida's COVID-19 state of emergency (EO 20-52) on Saturday June 26, 2021.[56]

Federal Prescription Guidance During the COVID-19 Public Health Emergency

[48] Thomas, *supra* note 46.
[49] Thomas, *supra* note 46.
[50] Thomas, *supra* note 46.
[51] U.S. FDA, *The Opioid Epidemic: What Veterinarians Need to Know*, https://www.fda.gov/animal-veterinary/resources-you/opioid-epidemic-what-veterinarians-need-know (last visited Jan. 5, 2022).
[52] 21 U.S.C. s. 829.
[53] Public Law No. 110-435 (2008).
[54] Department of Health, State of Florida, *Emergency Order DOH No. 20-002* (Mar. 16, 2020) http://floridahealthcovid19.gov/wp-content/uploads/2020/03/filed-eo-doh-no.-20-002-medical-professionals-03.16.2020.pdf (last visited Feb. 14, 2021).
[55] Physicians, osteopathic physicians, physician assistants, or advanced practice registered nurses that have designated themselves as a controlled substance prescribing practitioner on their practitioner profiles pursuant to s. 456.44, F.S.
[56] On March 9, 2020, Governor DeSantis issued Executive Order 20-52 which declared a state of emergency for the entire state due to COVID-19. The Executive Order was extended several times. Executive Order 21-94 extended the state of emergency for sixty days from April 27, 2021. The sixtieth day was Saturday June 26, 2021, and the order was not renewed by the Governor.

On January 31, 2020, the U.S. Secretary of HHS issued a public health emergency.[57] On March 16, 2020, the DEA published a COVID-19 Information page on the Diversion Control Division website, authorizing DEA-registered practitioners to issue prescriptions for all Schedule II-V controlled substances to patients without first conducting an in-person medical evaluation, provided all of the following conditions are met:

- The prescription is issued for a legitimate medical purpose by a practitioner acting in the usual course of his/her professional practice.
- The evaluation is conducted using an audio-visual, real-time, two-way interactive communication system.
- The practitioner is acting in accordance with applicable federal and state law.[58]

Rabies Vaccinations

All dogs, cats, and ferrets four months of age or older must be vaccinated **by a licensed veterinarian** against rabies with a vaccine that is licensed by the U.S. Department of Agriculture (USDA) for use in those species. The owner must have the animal revaccinated 12 months after the initial vaccination, and subsequent vaccinations must conform to the vaccine manufacturer's directions. The cost of vaccination must be borne by the animal's owner. Violations of this requirement are a civil infraction, punishable as provided in s. 828.27(2), F.S.[59]

Currently, Florida law does not appear to allow anyone other than the veterinarian to administer the rabies vaccine. The law allows certain vaccines, anesthesia and tranquilization to be administered by a veterinary aide, nurse, laboratory technician, intern, or other employee of a licensed veterinarian while under the "immediate supervision" of a licensed veterinarian.[60] In addition, the following tasks may be performed without the licensed veterinarian on the premises:

- The administration of medication and treatment, **excluding vaccinations**, as directed by the licensed veterinarian; and
- The obtaining of samples and the performance of those diagnostic tests, including radiographs, directed by the licensed veterinarian.[61]

The Board has recognized that the following diseases are communicable to humans and are of public health significance, and as a result, **only a veterinarian** is authorized to immunize or treat an animal for these diseases. The diseases include:

- Brucellosis.
- Tuberculosis.
- Rabies.
- Equine Encephalomyelitis.[62]

Effect of the Bill

The bill allows licensed veterinarians to practice veterinary telemedicine, and indirectly supervise rabies vaccinations of impounded animals, as follows:

Veterinary Telemedicine

[57] Determination that a Public Health Emergency Exists, Alex M. Azar II, Secretary of U.S. Department of Health and Human Services (January 31, 2020) https://www.phe.gov/emergency/news/healthactions/phe/Pages/2019-nCoV.aspx (last visited Jan. 5, 2022).
[58] Diversion Control Division, U.S. Department of Justice Drug Enforcement Administration, *COVID-19 Information Page*, https://www.deadiversion.usdoj.gov/coronavirus.html (last visited Jan. 5, 2022). Letter from Thomas Prevoznik, Deputy Assistant Administrator, Diversion Control Division, U.S. Department of Justice Drug Enforcement Administration, to DEA Qualifying Practitioners and Other Practitioners, (Mar. 31, 2020) https://www.deadiversion.usdoj.gov/GDP/(DEA-DC-022)(DEA068)%20DEA%20SAMHSA%20buprenorphine%20telemedicine%20%20(Final)%20+Esign.pdf (last visited Jan. 5, 2022).
[59] S. 828.30(1), F.S.
[60] S. 474.202(5), F.S., defines "immediate supervision" or words of similar purport to mean a licensed doctor of veterinary medicine is on the premises whenever veterinary services are being provided.
[61] R. 61G18-17.005, F.A.C.
[62] R. 61G18-17.006, F.A.C.

- Defines “veterinary telemedicine” to means the use of synchronous telecommunication technology by a veterinarian who has access to and has reviewed the patient's relevant medical records to provide veterinary services, including, but not limited to, consultation, evaluation, diagnosis, and treatment of a patient; transfer of medical records; and exchange of information with a client.
- Requires a veterinarian practicing veterinary telemedicine to take appropriate steps to establish the VCPR, and provide quality of care, consistent with the prevailing professional standards of care for a veterinarian.
- Only allows a veterinarian practicing telemedicine to prescribe controlled substances if the veterinarian:
    - Has previously performed an in-person physical examination of the patient or made medically appropriate and timely visits to the premises where the animal is kept; or
    - For a terminal patient that is transferred to the veterinarian for hospice care by a veterinarian who has previously performed an in-person physical examination of the patient or made medically appropriate and timely visits to the premises where the animal is kept, has reviewed the patient's medical records.
- Revises the requirement that a veterinarian have “seen the animal” in order to prescribe medicinal drugs and controlled substances, to instead require the veterinarian to have recently performed an examination of the animal or group of animals:
    - Physically in person; or
    - By the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically or made medically appropriate and timely visits to the premises where the animal is kept.
- Requires veterinarians to hold a current license to practice veterinary medicine in Florida in order to practice veterinary telemedicine.
- Specifies that the practice of veterinary medicine is deemed to occur at the premises where the patient is located at the time the veterinarian practices veterinary telemedicine.
- Grants the Board jurisdiction over a veterinarian practicing veterinary telemedicine in Florida, regardless of where the veterinarian’s physical offices are located.
- Specifies that the practice of veterinary telemedicine is not a violation of the standard of care, and a veterinarian may not be disciplined solely for practicing veterinary telemedicine.

Rabies Vaccinations

- Allows an employee, agent, or contractor of an animal control authority acting under the indirect supervision of a veterinarian to administer rabies vaccinations to impounded animals that will be transferred, rescued, fostered, adopted, or reclaimed by the owner.
- Defines "indirect supervision," to mean the supervising veterinarian must be available for consultation through telecommunications but is not required to be on the premises during such consultation.
    - The supervising veterinarian assumes responsibility for the veterinary care given to the animal by any person working under or at his or her direction and supervision.
- Authorizes veterinarians who supervise an employee, agent, or contractor of an animal control authority administering the rabies vaccination to an animal to affix his or her signature stamp in lieu of an actual signature.

B. SECTION DIRECTORY:

Section 1: amends s. 474.202, F.S., providing a definition.

Section 2: creates s. 474.2021, F.S., authorizing the use of veterinary telemedicine; requiring a veterinarian to establish a VCPR to practice veterinary telemedicine; authorizing a veterinarian to prescribe controlled substances under specified circumstances; providing licensure requirements to practice veterinary telemedicine; providing jurisdiction of the Board of Veterinary Medicine.

Section 3: amends s. 474.203, F.S., providing an exception to who may immunize or treat an animal for certain diseases.

Section 4: amends s. 474.214, F.S., revising grounds for disciplinary action against a veterinarian.

Section 5: amends s. 828.30, F.S., authorizing certain employees, agents, or contractors to administer rabies vaccinations under certain circumstances; defining the term "indirect supervision"; providing that a supervising veterinarian assumes responsibility for any person working under or at his or her direction and supervision; authorizing a veterinarian who indirectly supervises the administration of the rabies vaccination to affix his or her signature stamp in lieu of an actual signature on the rabies vaccination certificate.

Section 6: provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. Animal control authorities will be able to administer rabies vaccinations of impounded animals without a veterinarian having to be physically present. This may create a savings for local animal control authorities to the extent they are incurring extra veterinary costs associated with veterinarians being required to be onsite to administer rabies vaccinations.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Licensed veterinarians will be permitted to practice veterinary telemedicine, including limited controlled substance prescription authority, thus giving them more flexibility in their practice. This will move them further toward equal footing with licensed health care providers in the state who are already allowed to practice telehealth.

Animal owners may have greater access to veterinarians and may feel more comfortable, especially during a state of emergency. Visitors and tourists with pets may be able to obtain veterinarian care while on vacation in Florida without the need for locating and transporting their animal to a veterinarian’s office.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes employees, agents, or contractors of animal control authorities to administer rabies vaccinations under "indirect supervision" of a veterinarian. According to DBPR, "an amendment to r. 61G18-17.006, F.A.C. will be required as the rule currently states that you must be a licensed veterinarian to provide rabies vaccinations."[63]

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

[63] Florida Department of Business and Professional Regulation, Agency Analysis of 2022 SB 448, p. 6 (Oct. 21, 2021).

A bill to be entitled

An act relating to medical treatment of animals; amending s. 474.202, F.S.; providing a definition; creating s. 474.2021, F.S.; authorizing the use of veterinary telemedicine; requiring a veterinarian to establish a veterinarian/client/patient relationship to practice veterinary telemedicine; authorizing a veterinarian to prescribe controlled substances under specified circumstances; providing licensure requirements to practice veterinary telemedicine; providing jurisdiction of the Board of Veterinary Medicine; amending s. 474.203, F.S.; providing an exception to who may immunize or treat an animal for certain diseases; amending s. 474.214, F.S.; revising grounds for disciplinary action against a veterinarian; amending s. 828.30, F.S.; authorizing certain employees, agents, or contractors to administer rabies vaccinations under certain circumstances; defining the term "indirect supervision"; providing that a supervising veterinarian assumes responsibility for any person working under or at his or her direction and supervision; authorizing a veterinarian who indirectly supervises the administration of the rabies vaccination to affix his or her signature stamp in

lieu of an actual signature on the rabies vaccination certificate; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (13) is added to section 474.202, Florida Statutes, to read:

474.202 Definitions.—As used in this chapter:

(13) "Veterinary telemedicine" means the use of synchronous telecommunication technology by a veterinarian who has access to and has reviewed the patient's relevant medical records to provide veterinary services, including, but not limited to, consultation, evaluation, diagnosis, and treatment of a patient; transfer of medical records; and exchange of information with a client.

Section 2. Section 474.2021, Florida Statutes, is created to read:

474.2021 Veterinary telemedicine.—

(1) A veterinarian may practice veterinary telemedicine.

(2) A veterinarian practicing veterinary telemedicine shall take appropriate steps to establish the veterinarian/client/patient relationship and provide quality of care consistent with the prevailing professional standards of care for a veterinarian.

(3) A veterinarian may prescribe controlled substances

only if the veterinarian:

(a) Has previously performed an in-person physical examination of the patient or made medically appropriate and timely visits to the premises where the animal is kept; or

(b) For a terminal patient that is transferred to the veterinarian for hospice care by a veterinarian who has previously performed an in-person physical examination of the patient or made medically appropriate and timely visits to the premises where the animal is kept, has reviewed the patient's medical records.

(4) A veterinarian must hold a current license to practice veterinary medicine in this state in order to practice veterinary telemedicine. The practice of veterinary medicine is deemed to occur at the premises where the patient is located at the time the veterinarian practices veterinary telemedicine.

(5) The board has jurisdiction over a veterinarian practicing veterinary telemedicine in this state, regardless of where the veterinarian's physical office is located. The practice of veterinary telemedicine in accordance with this section is not a standard of care violation, and a veterinarian may not be disciplined solely for practicing veterinary telemedicine.

Section 3. Paragraph (a) of subsection (5) of section 474.203, Florida Statutes, is amended to read:

474.203 Exemptions.—This chapter does not apply to:

(5)(a) Any person, or the person's regular employee, administering to the ills or injuries of her or his own animals, including, but not limited to, castration, spaying, and dehorning of herd animals, unless title is transferred or employment provided for the purpose of circumventing this law. This exemption does not apply to any person licensed as a veterinarian in another state or foreign jurisdiction and practicing temporarily in this state. However, except as provided in s. 828.30, only a veterinarian may immunize or treat an animal for diseases that are communicable to humans and that are of public health significance.

For the purposes of chapters 465 and 893, persons exempt pursuant to subsection (1), subsection (2), or subsection (4) are deemed to be duly licensed practitioners authorized by the laws of this state to prescribe drugs or medicinal supplies.

Section 4. Paragraph (y) of subsection (1) of section 474.214, Florida Statutes, is amended to read:

474.214 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(y) Using the privilege of ordering, prescribing, or making available medicinal drugs or drugs as defined in chapter 465, or controlled substances as defined in chapter 893, for use other than for the specific treatment of animal patients for

which there is a documented veterinarian/client/patient relationship. ~~Pursuant thereto,~~ The veterinarian shall:

1. Have sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, which means that the veterinarian is personally acquainted with the keeping and caring of the animal and has recently performed an examination of the animal or group of animals either physically in person or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically ~~seen the animal~~ or has made medically appropriate and timely visits to the premises where the animal is kept.

2. Be available or provide for followup care and treatment in case of adverse reactions or failure of the regimen of therapy.

3. Maintain records which document patient visits, diagnosis, treatment, and other relevant information required under this chapter.

Section 5. Subsections (1) and (3) of section 828.30, Florida Statutes, are amended to read:

828.30 Rabies vaccination of dogs, cats, and ferrets.—

(1)(a) Except as provided in paragraph (b), all dogs, cats, and ferrets 4 months of age or older must be vaccinated by a licensed veterinarian against rabies with a vaccine that is licensed by the United States Department of Agriculture for use

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

in those species.

(b) An employee, agent, or contractor of an animal control authority acting under the indirect supervision of a veterinarian may vaccinate impounded animals that will be transferred, rescued, fostered, adopted, or reclaimed by the owner. As used in this paragraph, the term "indirect supervision" means the supervising veterinarian must be available for consultation through telecommunications but is not required to be on the premises during such consultation. The supervising veterinarian assumes responsibility for the veterinary care provided to the animal by any person working under or at his or her direction and supervision.

(c) The owner of every dog, cat, and ferret shall have the animal revaccinated 12 months after the initial vaccination. Thereafter, the interval between vaccinations shall conform to the vaccine manufacturer's directions. The cost of vaccination must be borne by the animal's owner. Evidence of circulating rabies virus neutralizing antibodies may ~~shall~~ not be used as a substitute for current vaccination in managing rabies exposure or determining the need for booster vaccinations.

(3) Upon vaccination against rabies, the licensed veterinarian shall provide the animal's owner and the animal control authority with a rabies vaccination certificate. Each animal control authority and veterinarian shall use the "Rabies Vaccination Certificate" of the National Association of State

Public Health Veterinarians (NASPHV) or an equivalent form approved by the local government that contains all the information required by the NASPHV Rabies Vaccination Certificate. The veterinarian who administers the rabies vaccination, or who indirectly supervises an employee, agent, or contractor of an animal control authority who administers the rabies vaccination, ~~vaccine~~ to an animal as required under this section may affix his or her signature stamp in lieu of an actual signature on the rabies vaccination certificate.

Section 6. This act shall take effect July 1, 2022.

REGULATORY REFORM SUBCOMMITTEE

HB 723 by Rep. Buchanan
Medical Treatment of Animals

AMENDMENT SUMMARY
January 12, 2022

Amendment 1 by Rep. Buchanan (lines 106-111):

- Removes language that is better explained by cross-referencing the section that requires veterinarians to be in compliance with the controlled substance prescription limitations in the bill for veterinarians practicing telemedicine.

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	_____	

Committee/Subcommittee hearing bill: Regulatory Reform Subcommittee

Representative Buchanan offered the following:

Amendment

Remove lines 106-111 and insert:

personally acquainted with the keeping and caring of the animal, is in compliance with s. 474.2021(3), and has recently seen the animal or has made medically appropriate and timely visits to