

1                   A reviser's bill to be entitled  
 2           An act relating to the Florida Statutes; amending ss.  
 3           16.0155, 28.36, 102.012, 112.534, 206.608, 213.67, 283.30,  
 4           283.33, 283.43, 285.710, 288.0659, 288.106, 288.9604,  
 5           316.008, 319.30, 320.03, 321.05, 327.73, 339.135, 341.302,  
 6           373.036, 376.011, 380.0552, 380.503, 381.0065, 401.465,  
 7           402.7305, 403.7032, 403.891, 411.01, 435.03, 443.091,  
 8           443.131, 479.01, 494.00331, 550.334, 550.3345, 553.77,  
 9           624.310, 627.4605, 627.711, 633.081, 677.105, 893.055,  
 10          893.0551, 1002.69, 1003.428, 1003.429, and 1008.34, F.S.;  
 11          and reenacting ss. 61.30, 163.3202, 369.317, 443.141,  
 12          497.372, and 718.111, F.S.; providing an effective date.

13  
 14   Be It Enacted by the Legislature of the State of Florida:

15  
 16           Section 1. Subsection (3) of section 16.0155, Florida  
 17   Statutes, is amended to read:

18           16.0155 Contingency fee agreements.—

19           (3) If the Attorney General makes the determination  
 20   described in subsection (2), notwithstanding the exemption  
 21   provided in s. 287.057(3)(f) ~~287.057(5)(f)~~, the Attorney General  
 22   shall request proposals from private attorneys to represent the  
 23   department on a contingency-fee basis, unless the Attorney  
 24   General determines in writing that requesting proposals is not  
 25   feasible under the circumstances. The written determination does  
 26   not constitute a final agency action subject to review pursuant  
 27   to ss. 120.569 and 120.57. For purposes of this subsection only,  
 28   the department is exempt from the requirements of s. 120.57(3),

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29 and neither the request for proposals nor the contract award is  
30 subject to challenge pursuant to ss. 120.569 and 120.57.

31 Reviser's note.—Amended to conform to the renumbering  
32 of subunits of s. 287.057 by s. 19, ch. 2010-151, Laws  
33 of Florida.

34 Section 2. Paragraph (b) of subsection (10) of section  
35 28.36, Florida Statutes, is amended to read:

36 28.36 Budget procedure.—There is established a budget  
37 procedure for preparing budget requests for funding for the  
38 court-related functions of the clerks of the court.

39 (10)

40 (b) The corporation shall estimate the fourth quarter's  
41 number of units to be performed by each clerk. The amount of the  
42 fourth-quarter release shall be based on the approved unit cost  
43 times the estimated number of units of the fourth quarter with  
44 the following adjustment: the fourth-quarter release shall be  
45 adjusted based on the first three quarter's actual number of  
46 service units provided as reported to the corporation by each  
47 clerk. If the clerk has performed fewer service units in the  
48 first three quarters of the year compared to three quarters of  
49 the estimated number of service units in the General  
50 Appropriations Act, the corporation shall decrease the fourth-  
51 quarter release. The amount of the decrease shall equal the  
52 amount of the difference between the estimated number of service  
53 units for the first three quarters and the actual number of  
54 service units provided in the first three quarters times the  
55 approved unit cost.

56 Reviser's note.—Amended to confirm insertion of the

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57 word "the" by the editors.

58 Section 3. Subsection (6) of section 61.30, Florida  
 59 Statutes, is reenacted to read:

60 61.30 Child support guidelines; retroactive child  
 61 support.—

62 (6) The following guidelines schedule shall be applied to  
 63 the combined net income to determine the minimum child support  
 64 need:

65 Combined

66 Monthly Net	67 Child or Children					
68 Income	One	Two	Three	Four	Five	Six
69 800.00	190	211	213	216	218	220
70 850.00	202	257	259	262	265	268
71 900.00	213	302	305	309	312	315
72 950.00	224	347	351	355	359	363
73 1000.00	235	365	397	402	406	410
74 1050.00	246	382	443	448	453	458
1100.00	258	400	489	495	500	505

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75	1150.00	269	417	522	541	547	553
76	1200.00	280	435	544	588	594	600
77	1250.00	290	451	565	634	641	648
78	1300.00	300	467	584	659	688	695
79	1350.00	310	482	603	681	735	743
80	1400.00	320	498	623	702	765	790
81	1450.00	330	513	642	724	789	838
82	1500.00	340	529	662	746	813	869
83	1550.00	350	544	681	768	836	895
84	1600.00	360	560	701	790	860	920
85	1650.00	370	575	720	812	884	945
86	1700.00	380	591	740	833	907	971
87	1750.00	390	606	759	855	931	996
88	1800.00	400	622	779	877	955	1022

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89	1850.00	410	638	798	900	979	1048
90	1900.00	421	654	818	923	1004	1074
91	1950.00	431	670	839	946	1029	1101
92	2000.00	442	686	859	968	1054	1128
93	2050.00	452	702	879	991	1079	1154
94	2100.00	463	718	899	1014	1104	1181
95	2150.00	473	734	919	1037	1129	1207
96	2200.00	484	751	940	1060	1154	1234
97	2250.00	494	767	960	1082	1179	1261
98	2300.00	505	783	980	1105	1204	1287
99	2350.00	515	799	1000	1128	1229	1314
100	2400.00	526	815	1020	1151	1254	1340
101	2450.00	536	831	1041	1174	1279	1367
102	2500.00	547	847	1061	1196	1304	1394

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103	2550.00	557	864	1081	1219	1329	1420
104	2600.00	568	880	1101	1242	1354	1447
105	2650.00	578	896	1121	1265	1379	1473
106	2700.00	588	912	1141	1287	1403	1500
107	2750.00	597	927	1160	1308	1426	1524
108	2800.00	607	941	1178	1328	1448	1549
109	2850.00	616	956	1197	1349	1471	1573
110	2900.00	626	971	1215	1370	1494	1598
111	2950.00	635	986	1234	1391	1517	1622
112	3000.00	644	1001	1252	1412	1540	1647
113	3050.00	654	1016	1271	1433	1563	1671
114	3100.00	663	1031	1289	1453	1586	1695
115	3150.00	673	1045	1308	1474	1608	1720
116	3200.00	682	1060	1327	1495	1631	1744

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117	3250.00	691	1075	1345	1516	1654	1769
118	3300.00	701	1090	1364	1537	1677	1793
119	3350.00	710	1105	1382	1558	1700	1818
120	3400.00	720	1120	1401	1579	1723	1842
121	3450.00	729	1135	1419	1599	1745	1867
122	3500.00	738	1149	1438	1620	1768	1891
123	3550.00	748	1164	1456	1641	1791	1915
124	3600.00	757	1179	1475	1662	1814	1940
125	3650.00	767	1194	1493	1683	1837	1964
126	3700.00	776	1208	1503	1702	1857	1987
127	3750.00	784	1221	1520	1721	1878	2009
128	3800.00	793	1234	1536	1740	1899	2031
129	3850.00	802	1248	1553	1759	1920	2053
130	3900.00	811	1261	1570	1778	1940	2075

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131	3950.00	819	1275	1587	1797	1961	2097
132	4000.00	828	1288	1603	1816	1982	2119
133	4050.00	837	1302	1620	1835	2002	2141
134	4100.00	846	1315	1637	1854	2023	2163
135	4150.00	854	1329	1654	1873	2044	2185
136	4200.00	863	1342	1670	1892	2064	2207
137	4250.00	872	1355	1687	1911	2085	2229
138	4300.00	881	1369	1704	1930	2106	2251
139	4350.00	889	1382	1721	1949	2127	2273
140	4400.00	898	1396	1737	1968	2147	2295
141	4450.00	907	1409	1754	1987	2168	2317
142	4500.00	916	1423	1771	2006	2189	2339
143	4550.00	924	1436	1788	2024	2209	2361
144	4600.00	933	1450	1804	2043	2230	2384



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145	4650.00	942	1463	1821	2062	2251	2406
146	4700.00	951	1477	1838	2081	2271	2428
147	4750.00	959	1490	1855	2100	2292	2450
148	4800.00	968	1503	1871	2119	2313	2472
149	4850.00	977	1517	1888	2138	2334	2494
150	4900.00	986	1530	1905	2157	2354	2516
151	4950.00	993	1542	1927	2174	2372	2535
152	5000.00	1000	1551	1939	2188	2387	2551
153	5050.00	1006	1561	1952	2202	2402	2567
154	5100.00	1013	1571	1964	2215	2417	2583
155	5150.00	1019	1580	1976	2229	2432	2599
156	5200.00	1025	1590	1988	2243	2447	2615
157	5250.00	1032	1599	2000	2256	2462	2631
158	5300.00	1038	1609	2012	2270	2477	2647

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159	5350.00	1045	1619	2024	2283	2492	2663
160	5400.00	1051	1628	2037	2297	2507	2679
161	5450.00	1057	1638	2049	2311	2522	2695
162	5500.00	1064	1647	2061	2324	2537	2711
163	5550.00	1070	1657	2073	2338	2552	2727
164	5600.00	1077	1667	2085	2352	2567	2743
165	5650.00	1083	1676	2097	2365	2582	2759
166	5700.00	1089	1686	2109	2379	2597	2775
167	5750.00	1096	1695	2122	2393	2612	2791
168	5800.00	1102	1705	2134	2406	2627	2807
169	5850.00	1107	1713	2144	2418	2639	2820
170	5900.00	1111	1721	2155	2429	2651	2833
171	5950.00	1116	1729	2165	2440	2663	2847
172	6000.00	1121	1737	2175	2451	2676	2860

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173	6050.00	1126	1746	2185	2462	2688	2874
174	6100.00	1131	1754	2196	2473	2700	2887
175	6150.00	1136	1762	2206	2484	2712	2900
176	6200.00	1141	1770	2216	2495	2724	2914
177	6250.00	1145	1778	2227	2506	2737	2927
178	6300.00	1150	1786	2237	2517	2749	2941
179	6350.00	1155	1795	2247	2529	2761	2954
180	6400.00	1160	1803	2258	2540	2773	2967
181	6450.00	1165	1811	2268	2551	2785	2981
182	6500.00	1170	1819	2278	2562	2798	2994
183	6550.00	1175	1827	2288	2573	2810	3008
184	6600.00	1179	1835	2299	2584	2822	3021
185	6650.00	1184	1843	2309	2595	2834	3034
186	6700.00	1189	1850	2317	2604	2845	3045

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187	6750.00	1193	1856	2325	2613	2854	3055
188	6800.00	1196	1862	2332	2621	2863	3064
189	6850.00	1200	1868	2340	2630	2872	3074
190	6900.00	1204	1873	2347	2639	2882	3084
191	6950.00	1208	1879	2355	2647	2891	3094
192	7000.00	1212	1885	2362	2656	2900	3103
193	7050.00	1216	1891	2370	2664	2909	3113
194	7100.00	1220	1897	2378	2673	2919	3123
195	7150.00	1224	1903	2385	2681	2928	3133
196	7200.00	1228	1909	2393	2690	2937	3142
197	7250.00	1232	1915	2400	2698	2946	3152
198	7300.00	1235	1921	2408	2707	2956	3162
199	7350.00	1239	1927	2415	2716	2965	3172
200	7400.00	1243	1933	2423	2724	2974	3181

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201	7450.00	1247	1939	2430	2733	2983	3191
202	7500.00	1251	1945	2438	2741	2993	3201
203	7550.00	1255	1951	2446	2750	3002	3211
204	7600.00	1259	1957	2453	2758	3011	3220
205	7650.00	1263	1963	2461	2767	3020	3230
206	7700.00	1267	1969	2468	2775	3030	3240
207	7750.00	1271	1975	2476	2784	3039	3250
208	7800.00	1274	1981	2483	2792	3048	3259
209	7850.00	1278	1987	2491	2801	3057	3269
210	7900.00	1282	1992	2498	2810	3067	3279
211	7950.00	1286	1998	2506	2818	3076	3289
212	8000.00	1290	2004	2513	2827	3085	3298
213	8050.00	1294	2010	2521	2835	3094	3308
214	8100.00	1298	2016	2529	2844	3104	3318

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215	8150.00	1302	2022	2536	2852	3113	3328
216	8200.00	1306	2028	2544	2861	3122	3337
217	8250.00	1310	2034	2551	2869	3131	3347
218	8300.00	1313	2040	2559	2878	3141	3357
219	8350.00	1317	2046	2566	2887	3150	3367
220	8400.00	1321	2052	2574	2895	3159	3376
221	8450.00	1325	2058	2581	2904	3168	3386
222	8500.00	1329	2064	2589	2912	3178	3396
223	8550.00	1333	2070	2597	2921	3187	3406
224	8600.00	1337	2076	2604	2929	3196	3415
225	8650.00	1341	2082	2612	2938	3205	3425
226	8700.00	1345	2088	2619	2946	3215	3435
227	8750.00	1349	2094	2627	2955	3224	3445
228	8800.00	1352	2100	2634	2963	3233	3454

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229	8850.00	1356	2106	2642	2972	3242	3464
230	8900.00	1360	2111	2649	2981	3252	3474
231	8950.00	1364	2117	2657	2989	3261	3484
232	9000.00	1368	2123	2664	2998	3270	3493
233	9050.00	1372	2129	2672	3006	3279	3503
234	9100.00	1376	2135	2680	3015	3289	3513
235	9150.00	1380	2141	2687	3023	3298	3523
236	9200.00	1384	2147	2695	3032	3307	3532
237	9250.00	1388	2153	2702	3040	3316	3542
238	9300.00	1391	2159	2710	3049	3326	3552
239	9350.00	1395	2165	2717	3058	3335	3562
240	9400.00	1399	2171	2725	3066	3344	3571
241	9450.00	1403	2177	2732	3075	3353	3581
242	9500.00	1407	2183	2740	3083	3363	3591

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243	9550.00	1411	2189	2748	3092	3372	3601
244	9600.00	1415	2195	2755	3100	3381	3610
245	9650.00	1419	2201	2763	3109	3390	3620
246	9700.00	1422	2206	2767	3115	3396	3628
247	9750.00	1425	2210	2772	3121	3402	3634
248	9800.00	1427	2213	2776	3126	3408	3641
249	9850.00	1430	2217	2781	3132	3414	3647
250	9900.00	1432	2221	2786	3137	3420	3653
251	9950.00	1435	2225	2791	3143	3426	3659
252	10000.00	1437	2228	2795	3148	3432	3666

(a) If the obligor parent's net income is less than the amount in the guidelines schedule:

1. The parent should be ordered to pay a child support amount, determined on a case-by-case basis, to establish the principle of payment and lay the basis for increased support orders should the parent's income increase.

2. The obligor parent's child support payment shall be the



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261 lesser of the obligor parent's actual dollar share of the total  
 262 minimum child support amount, as determined in subparagraph 1.,  
 263 and 90 percent of the difference between the obligor parent's  
 264 monthly net income and the current poverty guidelines as  
 265 periodically updated in the Federal Register by the United  
 266 States Department of Health and Human Services pursuant to 42  
 267 U.S.C. s. 9902(2) for a single individual living alone.

268 (b) For combined monthly net income greater than the  
 269 amount in the guidelines schedule, the obligation is the minimum  
 270 amount of support provided by the guidelines schedule plus the  
 271 following percentages multiplied by the amount of income over  
 272 \$10,000:

Child or Children

274	One	Two	Three	Four	Five	Six
275	5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

276  
 277 Reviser's note.—Section 5, ch. 2010-199, Laws of  
 278 Florida, amended subsection (6) without publishing the  
 279 line in the child support guidelines schedule  
 280 beginning with "800.00." Absent affirmative evidence  
 281 of legislative intent to repeal the line in the  
 282 schedule, subsection (6) is reenacted to confirm the  
 283 omission was not intended.

284 Section 4. Paragraph (b) of subsection (1) of section  
 285 102.012, Florida Statutes, is amended to read:

286 102.012 Inspectors and clerks to conduct elections.-

287 (1)

288 (b) If two or more precincts share the same building and  
 289 voting place, the supervisor of elections may appoint one  
 290 election board for the collocated precincts. The supervisor  
 291 shall provide that a sufficient number of poll workers are  
 292 appointed to adequately handle the processing of the voters in  
 293 the collocated precincts.

294 Reviser's note.-Amended to confirm insertion of the  
 295 word "that" by the editors.

296 Section 5. Paragraph (b) of subsection (1) of section  
 297 112.534, Florida Statutes, is amended to read:

298 112.534 Failure to comply; official misconduct.-

299 (1) If any law enforcement agency or correctional agency,  
 300 including investigators in its internal affairs or professional  
 301 standards division, or an assigned investigating supervisor,  
 302 intentionally fails to comply with the requirements of this  
 303 part, the following procedures apply. For purposes of this  
 304 section, the term "law enforcement officer" or "correctional  
 305 officer" includes the officer's representative or legal counsel,  
 306 except in application of paragraph (d).

307 (b) If the investigator fails to cure the violation or  
 308 continues the violation after being notified by the law  
 309 enforcement officer or correctional officer, the officer shall  
 310 request the agency head or his or her designee be informed of  
 311 the alleged intentional violation. Once this request is made,  
 312 the interview of the officer shall cease, and the officer's  
 313 refusal to respond to further investigative questions does not

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314 constitute insubordination or any similar type of policy  
315 violation.

316 Reviser's note.—Amended pursuant to the directive of  
317 the Legislature in s. 1, ch. 93-199, Laws of Florida,  
318 to remove gender-specific references applicable to  
319 human beings from the Florida Statutes without  
320 substantive change in legal effect.

321 Section 6. Subsection (2) of section 163.3202, Florida  
322 Statutes, is reenacted to read:

323 163.3202 Land development regulations.—

324 (2) Local land development regulations shall contain  
325 specific and detailed provisions necessary or desirable to  
326 implement the adopted comprehensive plan and shall at a minimum:

327 (a) Regulate the subdivision of land.

328 (b) Regulate the use of land and water for those land use  
329 categories included in the land use element and ensure the  
330 compatibility of adjacent uses and provide for open space.

331 (c) Provide for protection of potable water wellfields.

332 (d) Regulate areas subject to seasonal and periodic  
333 flooding and provide for drainage and stormwater management.

334 (e) Ensure the protection of environmentally sensitive  
335 lands designated in the comprehensive plan.

336 (f) Regulate signage.

337 (g) Provide that public facilities and services meet or  
338 exceed the standards established in the capital improvements  
339 element required by s. 163.3177 and are available when needed  
340 for the development, or that development orders and permits are  
341 conditioned on the availability of these public facilities and

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342 services necessary to serve the proposed development. A local  
 343 government may not issue a development order or permit that  
 344 results in a reduction in the level of services for the affected  
 345 public facilities below the level of services provided in the  
 346 local government's comprehensive plan.

347 (h) Ensure safe and convenient onsite traffic flow,  
 348 considering needed vehicle parking.

349 (i) Maintain the existing density of residential  
 350 properties or recreational vehicle parks if the properties are  
 351 intended for residential use and are located in the  
 352 unincorporated areas that have sufficient infrastructure, as  
 353 determined by a local governing authority, and are not located  
 354 within a coastal high-hazard area under s. 163.3178.

355 Reviser's note.—Section 188, ch. 2010-102, Laws of  
 356 Florida, amended subsection (2) without publishing  
 357 paragraph (i). Absent affirmative evidence of  
 358 legislative intent to repeal paragraph (i), subsection  
 359 (2) is reenacted to confirm the omission was not  
 360 intended.

361 Section 7. Subsection (3) of section 206.608, Florida  
 362 Statutes, is amended to read:

363 206.608 State Comprehensive Enhanced Transportation System  
 364 Tax; deposit of proceeds; distribution.—Moneys received pursuant  
 365 to ss. 206.41(1)(f) and 206.87(1)(d) shall be deposited in the  
 366 Fuel Tax Collection Trust Fund, and, after deducting the service  
 367 charge imposed in chapter 215 and administrative costs incurred  
 368 by the department in collecting, administering, enforcing, and  
 369 distributing the tax, which administrative costs may not exceed

370 2 percent of collections, shall be distributed as follows:

371 (3) For the 2010-2011 fiscal year only, and  
 372 notwithstanding the provisions of subsection (2), the remaining  
 373 proceeds of the tax levied pursuant to s. 206.41(1)(f) and all  
 374 of the proceeds from the tax imposed by s. 206.87(1)(d) shall be  
 375 transferred into the State Transportation Trust Fund and shall  
 376 be used for the purposes stated in s. 339.08. This subsection  
 377 ~~paragraph~~ expires July 1, 2011.

378 Reviser's note.—Amended to confirm substitution by the  
 379 editors of the word "subsection" for the word  
 380 "paragraph" to conform to the structure of the  
 381 section.

382 Section 8. Subsection (1) of section 213.67, Florida  
 383 Statutes, is amended to read:

384 213.67 Garnishment.—

385 (1) If a person is delinquent in the payment of any taxes,  
 386 penalties, and interest owed to the department, the executive  
 387 director or his or her designee may give notice of the amount of  
 388 such delinquency by registered mail, by personal service, or by  
 389 electronic means, including, but not limited to, facsimile  
 390 transmissions, electronic data interchange, or use of the  
 391 Internet, to all persons having in their possession or under  
 392 their control any credits or personal property, exclusive of  
 393 wages, belonging to the delinquent taxpayer, or owing any debts  
 394 to such delinquent taxpayer at the time of receipt by them of  
 395 such notice. Thereafter, any person who has been notified may  
 396 not transfer or make any other disposition of such credits,  
 397 other personal property, or debts until the executive director

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398 or his or her designee consents to a transfer or disposition or  
399 until 60 days after the receipt of such notice. However, the  
400 credits, other personal property, or debts that exceed the  
401 delinquent amount stipulated in the notice are not subject to  
402 this section, wherever held, if the taxpayer does not have a  
403 prior history of tax delinquencies. If during the effective  
404 period of the notice to withhold, any person so notified makes  
405 any transfer or disposition of the property or debts required to  
406 be withheld under this section, he or she is liable to the state  
407 for any indebtedness owed to the department by the person with  
408 respect to whose obligation the notice was given to the extent  
409 of the value of the property or the amount of the debts thus  
410 transferred or paid if, solely by reason of such transfer or  
411 disposition, the state is unable to recover the indebtedness of  
412 the person with respect to whose obligation the notice was  
413 given. If the delinquent taxpayer contests the intended levy in  
414 circuit court or under chapter 120, the notice under this  
415 section remains effective until that final resolution of the  
416 contest. Any financial institution receiving such notice will  
417 maintain a right of setoff for any transaction involving a debit  
418 card occurring on or before the date of receipt of such notice.

419 Reviser's note.—Amended to confirm insertion of the  
420 word "by" by the editors.

421 Section 9. Section 283.30, Florida Statutes, is amended to  
422 read:

423 283.30 Definitions.—As used in this chapter ~~part~~, unless  
424 the context clearly requires otherwise, the term:

425 (1) "Agency" means any official, officer, department,

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426 board, commission, division, bureau, section, district, office,  
427 authority, committee, or council, or any other unit of  
428 organization, however designated, of the executive branch of  
429 state government, and the Public Service Commission.

430 (2) "Department" means the Department of Management  
431 Services.

432 (3) "Duplicating" means the process of reproducing an  
433 image or images from an original to a final substrate through  
434 the electrophotographic, xerographic, laser, or offset process  
435 or any combination of these processes, by which an operator can  
436 make more than one copy without rehandling the original.

437 (4) "Printing" is the transfer of an image or images by  
438 the use of ink or similar substance from an original image to  
439 the final substrate through the process of letterpress, offset  
440 lithography, gravure, screen printing, or engraving. Printing  
441 shall include the process of and the materials used in binding.  
442 Printing shall also include duplicating when used to produce  
443 publications.

444 (5) "Public" means those entities and persons other than  
445 subordinate and functionally related or connected federal,  
446 state, or local governmental agencies.

447 (6) "Publication" means any document, whether produced for  
448 public or internal distribution.

449 Reviser's note.—Amended to conform to the fact that  
450 chapter 283 is not divided into parts.

451 Section 10. Subsection (3) of section 283.33, Florida  
452 Statutes, is amended to read:

453 283.33 Printing of publications; lowest bidder awards.—

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454 (3) Except as otherwise provided for in this chapter part,  
 455 a contract for printing of a publication shall be subject to,  
 456 when applicable, the definitions in s. 287.012, and shall be  
 457 considered a commodity for that purpose.

458 Reviser's note.—Amended to conform to the fact that  
 459 chapter 283 is not divided into parts.

460 Section 11. Section 283.43, Florida Statutes, is amended  
 461 to read:

462 283.43 Public information printing services.—Any agency  
 463 the authorized functions of which include public information  
 464 programs is authorized to purchase, pursuant to this chapter  
 465 ~~part~~ and subject to its appropriation and any other limitations  
 466 imposed by law, typesetting, printing, and media distribution  
 467 services, when the purchase of such services would be less  
 468 costly than the performance of the same services directly by the  
 469 agency or when such services are beyond the production  
 470 limitations established by agency guidelines.

471 Reviser's note.—Amended to conform to the fact that  
 472 chapter 283 is not divided into parts.

473 Section 12. Paragraph (g) of subsection (1) of section  
 474 285.710, Florida Statutes, is amended to read:

475 285.710 Compact authorization.—

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

477 (g) "Tribe" means the Seminole Tribe of Florida or any  
 478 affiliate thereof conducting activities pursuant to the compact  
 479 under the authority of the Seminole Tribe of Florida ~~have the~~  
 480 ~~same meaning as provided in s. 285.711.~~

481 Reviser's note.—Amended to delete extraneous language;



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482 s. 285.711 was repealed by s. 2, ch. 2010-29, Laws of  
 483 Florida.

484 Section 13. Subsection (10) of section 288.0659, Florida  
 485 Statutes, is amended to read:

486 288.0659 Local Government Distressed Area Matching Grant  
 487 Program.—

488 (10) Up to 2 percent of the funds appropriated annually by  
 489 ~~be~~ the Legislature for the program may be used by the office for  
 490 direct administrative costs associated with implementing this  
 491 section.

492 Reviser's note.—Amended to confirm substitution by the  
 493 editors of the word "by" for the word "be" to conform  
 494 to context.

495 Section 14. Paragraph (b) of subsection (3) of section  
 496 288.106, Florida Statutes, is amended to read:

497 288.106 Tax refund program for qualified target industry  
 498 businesses.—

499 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

500 (b)1. Upon approval by the office, a qualified target  
 501 industry business shall be allowed tax refund payments equal to  
 502 \$3,000 multiplied by the number of jobs specified in the tax  
 503 refund agreement under subparagraph (5) (a)1., or equal to \$6,000  
 504 multiplied by the number of jobs if the project is located in a  
 505 rural community or an enterprise zone.

506 2. A qualified target industry business shall be allowed  
 507 additional tax refund payments equal to \$1,000 multiplied by the  
 508 number of jobs specified in the tax refund agreement under  
 509 subparagraph (5) (a)1. if such jobs pay an annual average wage of

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510 at least 150 percent of the average private sector wage in the  
511 area, or equal to \$2,000 multiplied by the number of jobs if  
512 such jobs pay an annual average wage of at least 200 percent of  
513 the average private sector wage in the area.

514 3. A qualified target industry business shall be allowed  
515 tax refund payments in addition to the other payments authorized  
516 in this paragraph equal to \$1,000 multiplied by the number of  
517 jobs specified in the tax refund agreement under subparagraph  
518 (5) (a) 1. ~~(4) (a) 1.~~ if the local financial support is equal to  
519 that of the state's incentive award under subparagraph 1.

520 4. In addition to the other tax refund payments authorized  
521 in this paragraph, a qualified target industry business shall be  
522 allowed a tax refund payment equal to \$2,000 multiplied by the  
523 number of jobs specified in the tax refund agreement under  
524 subparagraph (5) (a) 1. ~~(4) (a) 1.~~ if the business:

525 a. Falls within one of the high-impact sectors designated  
526 under s. 288.108; or

527 b. Increases exports of its goods through a seaport or  
528 airport in the state by at least 10 percent in value or tonnage  
529 in each of the years that the business receives a tax refund  
530 under this section. For purposes of this sub-subparagraph,  
531 seaports in the state are limited to the ports of Jacksonville,  
532 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm  
533 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,  
534 Pensacola, Fernandina, and Key West.

535 Reviser's note.—Amended to confirm substitution by the  
536 editors of references to subparagraph (5) (a) 1. for  
537 references to subparagraph (4) (a) 1. to conform to the

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538 redesignation of subsections in s. 288.106 by s. 1,  
 539 ch. 2010-136, Laws of Florida.

540 Section 15. Subsection (4) of section 288.9604, Florida  
 541 Statutes, is amended to read:

542 288.9604 Creation of the authority.—

543 (4) The board may remove a director for inefficiency,  
 544 neglect of duty, or misconduct in office only after a hearing  
 545 and only if he or she has been given a copy of the charges at  
 546 least 10 days before such hearing and has had an opportunity to  
 547 be heard in person or by counsel. The removal of a director  
 548 shall create a vacancy on the board which shall be filled  
 549 pursuant to subsection (2) ~~(4)~~.

550 Reviser's note.—Amended to conform to the location of  
 551 material relating to the procedure for filling  
 552 vacancies.

553 Section 16. Paragraph (c) of subsection (8) of section  
 554 316.008, Florida Statutes, is amended to read:

555 316.008 Powers of local authorities.—

556 (8)

557 (c) Pursuant to s. 316.0083, a county or municipality may  
 558 use traffic infraction detectors to enforce ~~a~~ s. 316.074(1) or  
 559 s. 316.075(1)(c)1. when a driver fails to stop at a traffic  
 560 signal on state roads under the original jurisdiction of the  
 561 Department of Transportation when permitted by the Department of  
 562 Transportation.

563 Reviser's note.—Amended to confirm deletion of the  
 564 word "a" by the editors.

565 Section 17. Paragraph (f) of subsection (8) of section

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566 | 319.30, Florida Statutes, is amended to read:

567 |       319.30 Definitions; dismantling, destruction, change of  
568 | identity of motor vehicle or mobile home; salvage.—

569 |       (8)

570 |       (f) This section does not authorize any person who is  
571 | engaged in the business of recovering, towing, or storing  
572 | vehicles pursuant to s. 713.78, and who is claiming a lien for  
573 | performing labor or services on a motor vehicle or mobile home  
574 | pursuant to s. 713.58, or is claiming that a motor vehicle or  
575 | mobile home has remained on any premises after tenancy has  
576 | terminated pursuant to s. 715.104, to use a derelict motor  
577 | vehicle certificate application for the purpose of transporting,  
578 | selling, disposing of, or delivering a motor vehicle to a  
579 | salvage motor vehicle dealer or secondary metals recycler  
580 | without obtaining the title or certificate of destruction  
581 | required under s. 713.58, s. 713.78, or s. 715.104.

582 |       Reviser's note.—Amended to confirm insertion of the  
583 | word "of" by the editors.

584 |       Section 18. Subsection (10) of section 320.03, Florida  
585 | Statutes, is amended to read:

586 |       320.03 Registration; duties of tax collectors;  
587 | International Registration Plan.—

588 |       (10) Jurisdiction over the electronic filing system for  
589 | use by authorized electronic filing system agents to  
590 | electronically title or register motor vehicles, vessels, mobile  
591 | homes, or off-highway vehicles; issue or transfer registration  
592 | license plates or decals; electronically transfer fees due for  
593 | the title and registration process; and perform inquiries for

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594 title, registration, and lienholder verification and  
595 certification of service providers is expressly preempted to the  
596 state, and the department shall have regulatory authority over  
597 the system. The electronic filing system shall be available for  
598 use statewide and applied uniformly throughout the state. An  
599 entity that, in the normal course of its business, sells  
600 products that must be titled or registered, provides title and  
601 registration services on behalf of its consumers and meets all  
602 established requirements may be an authorized electronic filing  
603 system agent and shall not be precluded from participating in  
604 the electronic filing system in any county. Upon request from a  
605 qualified entity, the tax collector shall appoint the entity as  
606 an authorized electronic filing system agent for that county.  
607 The department shall adopt rules in accordance with chapter 120  
608 to replace the December 10, 2009, program standards and to  
609 administer the provisions of this section, including, but not  
610 limited to, establishing participation requirements,  
611 certification of service providers, electronic filing system  
612 requirements, and enforcement authority for noncompliance. The  
613 December 10, 2009, program standards, excluding any standards  
614 which conflict with this subsection ~~paragraph~~, shall remain in  
615 effect until the rules are adopted. An authorized electronic  
616 filing agent may charge a fee to the customer for use of the  
617 electronic filing system.

618 Reviser's note.—Amended to confirm substitution by the  
619 editors of the word "subsection" for the word  
620 "paragraph" to conform to context.  
621 Section 19. Paragraph (b) of subsection (4) of section

622 321.05, Florida Statutes, is amended to read:

623       321.05 Duties, functions, and powers of patrol officers.—  
 624 The members of the Florida Highway Patrol are hereby declared to  
 625 be conservators of the peace and law enforcement officers of the  
 626 state, with the common-law right to arrest a person who, in the  
 627 presence of the arresting officer, commits a felony or commits  
 628 an affray or breach of the peace constituting a misdemeanor,  
 629 with full power to bear arms; and they shall apprehend, without  
 630 warrant, any person in the unlawful commission of any of the  
 631 acts over which the members of the Florida Highway Patrol are  
 632 given jurisdiction as hereinafter set out and deliver him or her  
 633 to the sheriff of the county that further proceedings may be had  
 634 against him or her according to law. In the performance of any  
 635 of the powers, duties, and functions authorized by law, members  
 636 of the Florida Highway Patrol have the same protections and  
 637 immunities afforded other peace officers, which shall be  
 638 recognized by all courts having jurisdiction over offenses  
 639 against the laws of this state, and have authority to apply for,  
 640 serve, and execute search warrants, arrest warrants, capias, and  
 641 other process of the court. The patrol officers under the  
 642 direction and supervision of the Department of Highway Safety  
 643 and Motor Vehicles shall perform and exercise throughout the  
 644 state the following duties, functions, and powers:

645       (4)

646       (b) Any person so arrested and released on his or her own  
 647 recognizance by an officer and who fails to appear or respond to  
 648 a notice to appear ~~shall~~, in addition to the traffic violation  
 649 charge, commits a noncriminal traffic infraction subject to the

650 penalty provided in s. 318.18(2).

651 Reviser's note.—Amended to confirm deletion of the  
652 word "shall" by the editors.

653 Section 20. Subsection (1) of section 327.73, Florida  
654 Statutes, is amended to read:

655 327.73 Noncriminal infractions.—

656 (1) Violations of the following provisions of the vessel  
657 laws of this state are noncriminal infractions:

658 (a) Section 328.46, relating to operation of unregistered  
659 and unnumbered vessels.

660 (b) Section 328.48(4), relating to display of number and  
661 possession of registration certificate.

662 (c) Section 328.48(5), relating to display of decal.

663 (d) Section 328.52(2), relating to display of number.

664 (e) Section 328.54, relating to spacing of digits and  
665 letters of identification number.

666 (f) Section 328.60, relating to military personnel and  
667 registration of vessels.

668 (g) Section 328.72(13), relating to operation with an  
669 expired registration.

670 (h) Section 327.33(2), relating to careless operation.

671 (i) Section 327.37, relating to water skiing, aquaplaning,  
672 parasailing, and similar activities.

673 (j) Section 327.44, relating to interference with  
674 navigation.

675 (k) Violations relating to boating-restricted areas and  
676 speed limits:

677 1. Established by the commission or by local governmental

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678 | authorities pursuant to s. 327.46.  
 679 |       2. Speed limits established pursuant to s. 379.2431(2).  
 680 |       (l) Section 327.48, relating to regattas and races.  
 681 |       (m) Section 327.50(1) and (2), relating to required safety  
 682 | equipment, lights, and shapes.  
 683 |       (n) Section 327.65, relating to muffling devices.  
 684 |       (o) Section 327.33(3)(b), relating to navigation rules.  
 685 |       (p) Section 327.39(1), (2), (3), and (5), relating to  
 686 | personal watercraft.  
 687 |       (q) Section 327.53(1), (2), and (3), relating to marine  
 688 | sanitation.  
 689 |       (r) Section 327.53(4), (5), and (7), relating to marine  
 690 | sanitation, for which the civil penalty is \$250.  
 691 |       (s) Section 327.395, relating to boater safety education.  
 692 |       (t) Section 327.52(3), relating to operation of overloaded  
 693 | or overpowered vessels.  
 694 |       (u) Section 327.331, relating to divers-down flags, except  
 695 | for violations meeting the requirements of s. 327.33.  
 696 |       (v) Section 327.391(1), relating to the requirement for an  
 697 | adequate muffler on an airboat.  
 698 |       (w) Section 327.391(3), relating to the display of a flag  
 699 | on an airboat.  
 700 |       (x) Section 253.04(3)(a), relating to carelessly causing  
 701 | seagrass scarring, for which the civil penalty upon conviction  
 702 | is:  
 703 |       1. For a first offense, \$50.  
 704 |       2. For a second offense occurring within 12 months after a  
 705 | prior conviction, \$250.



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706 3. For a third offense occurring within 36 months after a  
707 prior conviction, \$500.

708 4. For a fourth or subsequent offense occurring within 72  
709 months after a prior conviction, \$1,000.

710

711 Any person cited for a violation of any such provision shall be  
712 deemed to be charged with a noncriminal infraction, shall be  
713 cited for such an infraction, and shall be cited to appear  
714 before the county court. The civil penalty for any such  
715 infraction is \$50, except as otherwise provided in this section.  
716 Any person who fails to appear or otherwise properly respond to  
717 a uniform boating citation shall, in addition to the charge  
718 relating to the violation of the boating laws of this state, be  
719 charged with the offense of failing to respond to such citation  
720 and, upon conviction, be guilty of a misdemeanor of the second  
721 degree, punishable as provided in s. 775.082 or s. 775.083. A  
722 written warning to this effect shall be provided at the time  
723 such uniform boating citation is issued.

724

725 ~~Any person cited for a violation of any such provision shall be~~  
726 ~~deemed to be charged with a noncriminal infraction, shall be~~  
727 ~~cited for such an infraction, and shall be cited to appear~~  
728 ~~before the county court. The civil penalty for any such~~  
729 ~~infraction is \$50, except as otherwise provided in this section.~~  
730 ~~Any person who fails to appear or otherwise properly respond to~~  
731 ~~a uniform boating citation shall, in addition to the charge~~  
732 ~~relating to the violation of the boating laws of this state, be~~  
733 ~~charged with the offense of failing to respond to such citation~~

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734 ~~and, upon conviction, be guilty of a misdemeanor of the second~~  
735 ~~degree, punishable as provided in s. 775.082 or s. 775.083. A~~  
736 ~~written warning to this effect shall be provided at the time~~  
737 ~~such uniform boating citation is issued.~~

738 Reviser's note.—Amended to delete repetition of flush  
739 left language resulting from an input error in  
740 compilation of the section for the 2010 Florida  
741 Statutes.

742 Section 21. Paragraphs (d), (e), (f), and (g) of  
743 subsection (7) of section 339.135, Florida Statutes, are amended  
744 to read:

745 339.135 Work program; legislative budget request;  
746 definitions; preparation, adoption, execution, and amendment.—

747 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

748 (d) The department may not transfer any funds for any  
749 project or project phase between department districts. However,  
750 a district secretary may agree to a loan of funds to another  
751 district, if:

752 1. The funds are used solely to maximize the use or amount  
753 of funds available to the state;

754 2. The loan agreement is executed in writing and is signed  
755 by the district secretaries of the respective districts;

756 3. Repayment of the loan is to be made within 3 years  
757 after the date on which the agreement was entered into; and

758 4. The adopted work program of the district loaning the  
759 funds would not be substantially impaired if the loan were made,  
760 according to the district secretary.

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762 The loan constitutes an amendment to the adopted work program  
763 and is subject to the procedures specified in paragraph (e) ~~(b)~~.

764 (e) The department may amend the adopted work program to  
765 transfer fixed capital outlay appropriations for projects within  
766 the same appropriations category or between appropriations  
767 categories, including the following amendments which shall be  
768 subject to the procedures in paragraph (f) ~~(d)~~:

769 1. Any amendment which deletes any project or project  
770 phase;

771 2. Any amendment which adds a project estimated to cost  
772 over \$150,000 in funds appropriated by the Legislature;

773 3. Any amendment which advances or defers to another  
774 fiscal year, a right-of-way phase, a construction phase, or a  
775 public transportation project phase estimated to cost over  
776 \$500,000 in funds appropriated by the Legislature, except an  
777 amendment advancing or deferring a phase for a period of 90 days  
778 or less; or

779 4. Any amendment which advances or defers to another  
780 fiscal year, any preliminary engineering phase or design phase  
781 estimated to cost over \$150,000 in funds appropriated by the  
782 Legislature, except an amendment advancing or deferring a phase  
783 for a period of 90 days or less.

784 (f)1. Whenever the department proposes any amendment to  
785 the adopted work program, as defined in subparagraph (e)1. ~~(e)1.~~  
786 or subparagraph (e)3. ~~(e)3.~~, which deletes or defers a  
787 construction phase on a capacity project, it shall notify each  
788 county affected by the amendment and each municipality within  
789 the county. The notification shall be issued in writing to the

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790 chief elected official of each affected county, each  
791 municipality within the county, and the chair of each affected  
792 metropolitan planning organization. Each affected county and  
793 each municipality in the county is encouraged to coordinate with  
794 each other in order to determine how the amendment affects local  
795 concurrency management and regional transportation planning  
796 efforts. Each affected county, and each municipality within the  
797 county, shall have 14 days to provide written comments to the  
798 department regarding how the amendment will affect its  
799 respective concurrency management systems, including whether any  
800 development permits were issued contingent upon the capacity  
801 improvement, if applicable. After receipt of written comments  
802 from the affected local governments, the department shall  
803 include any written comments submitted by such local governments  
804 in its preparation of the proposed amendment.

805 2. Following the 14-day comment period in subparagraph 1.,  
806 if applicable, whenever the department proposes any amendment to  
807 the adopted work program, which amendment is defined in  
808 subparagraph (e)1. ~~(e)1.~~, subparagraph (e)2. ~~(e)2.~~, subparagraph  
809 (e)3. ~~(e)3.~~, or subparagraph (e)4. ~~(e)4.~~, it shall submit the  
810 proposed amendment to the Governor for approval and shall  
811 immediately notify the chairs of the legislative appropriations  
812 committees, the chairs of the legislative transportation  
813 committees, and each member of the Legislature who represents a  
814 district affected by the proposed amendment. It shall also  
815 notify each metropolitan planning organization affected by the  
816 proposed amendment, and each unit of local government affected  
817 by the proposed amendment, unless it provided to each the

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818 notification required by subparagraph 1. Such proposed amendment  
819 shall provide a complete justification of the need for the  
820 proposed amendment.

821 3. The Governor may not approve a proposed amendment until  
822 14 days following the notification required in subparagraph 2.

823 4. If either of the chairs of the legislative  
824 appropriations committees or the President of the Senate or the  
825 Speaker of the House of Representatives objects in writing to a  
826 proposed amendment within 14 days following notification and  
827 specifies the reasons for such objection, the Governor shall  
828 disapprove the proposed amendment.

829 (g) Notwithstanding the requirements in paragraphs (f) ~~(d)~~  
830 and (i) ~~(g)~~ and ss. 216.177(2) and 216.351, the secretary may  
831 request the Executive Office of the Governor to amend the  
832 adopted work program when an emergency exists, as defined in s.  
833 252.34(3), and the emergency relates to the repair or  
834 rehabilitation of any state transportation facility. The  
835 Executive Office of the Governor may approve the amendment to  
836 the adopted work program and amend that portion of the  
837 department's approved budget in the event that the delay  
838 incident to the notification requirements in paragraph (f) ~~(d)~~  
839 would be detrimental to the interests of the state. However, the  
840 department shall immediately notify the parties specified in  
841 paragraph (f) ~~(d)~~ and shall provide such parties written  
842 justification for the emergency action within 7 days of the  
843 approval by the Executive Office of the Governor of the  
844 amendment to the adopted work program and the department's  
845 budget. In no event may the adopted work program be amended

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846 | under the provisions of this subsection without the  
847 | certification by the comptroller of the department that there  
848 | are sufficient funds available pursuant to the 36-month cash  
849 | forecast and applicable statutes.

850 |       Reviser's note.—Amended to conform cross-references to  
851 | the addition of new paragraphs (7) (a) and (b) by s.  
852 | 51, ch. 2010-153, Laws of Florida. Paragraph (d) is  
853 | also amended to correct an apparent error; the  
854 | reference to paragraph (b) was substituted for a  
855 | reference to paragraph (c) by s. 47, ch. 2005-152,  
856 | Laws of Florida. The s. 47, ch. 2005-152, substitution  
857 | was erroneous, added as a cross-reference correction  
858 | to conform to a deletion of subsection (a) by an  
859 | earlier version of Senate Bill 2610, which was not in  
860 | the version of the bill that became ch. 2005-152; the  
861 | cross-reference was not updated to conform to that  
862 | change.

863 |       Section 22. Paragraph (a) of subsection (17) of section  
864 | 341.302, Florida Statutes, is amended to read:

865 |       341.302 Rail program; duties and responsibilities of the  
866 | department.—The department, in conjunction with other  
867 | governmental entities, including the rail enterprise and the  
868 | private sector, shall develop and implement a rail program of  
869 | statewide application designed to ensure the proper maintenance,  
870 | safety, revitalization, and expansion of the rail system to  
871 | assure its continued and increased availability to respond to  
872 | statewide mobility needs. Within the resources provided pursuant  
873 | to chapter 216, and as authorized under federal law, the

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874 department shall:

875 (17) In conjunction with the acquisition, ownership,  
876 construction, operation, maintenance, and management of a rail  
877 corridor, have the authority to:

878 (a) Assume the obligation by contract to forever protect,  
879 defend, indemnify, and hold harmless the freight rail operator,  
880 or its successors, from whom the department has acquired a real  
881 property interest in the rail corridor, and that freight rail  
882 operator's officers, agents, and employees, from and against any  
883 liability, cost, and expense, including, but not limited to,  
884 commuter rail passengers and rail corridor invitees in the rail  
885 corridor, regardless of whether the loss, damage, destruction,  
886 injury, or death giving rise to any such liability, cost, or  
887 expense is caused in whole or in part, and to whatever nature or  
888 degree, by the fault, failure, negligence, misconduct,  
889 nonfeasance, or misfeasance of such freight rail operator, its  
890 successors, or its officers, agents, and employees, or any other  
891 person or persons whomsoever, provided that such assumption of  
892 liability of the department by contract shall not in any  
893 instance exceed the following parameters of allocation of risk:

894 1. The department may be solely responsible for any loss,  
895 injury, or damage to commuter rail passengers, or rail corridor  
896 invitees, or trespassers, regardless of circumstances or cause,  
897 subject to subparagraphs 2., 3., 4., 5., and 6.

898 2. In the event of a limited covered accident, the  
899 authority of the department to protect, defend, and indemnify  
900 the freight operator for all liability, cost, and expense,  
901 including punitive or exemplary damages, in excess of the

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902 deductible or self-insurance retention fund established under  
903 paragraph (b) and actually in force at the time of the limited  
904 covered accident exists only if the freight operator agrees,  
905 with respect to the limited covered accident, to protect,  
906 defend, and indemnify the department for the amount of the  
907 deductible or self-insurance retention fund established under  
908 paragraph (b) and actually in force at the time of the limited  
909 covered accident.

910 3. When only one train is involved in an incident, the  
911 department may be solely responsible for any loss, injury, or  
912 damage if the train is a department train or other train  
913 pursuant to subparagraph 4., but only if when an incident occurs  
914 with only a freight train involved, including incidents with  
915 trespassers or at grade crossings, the freight rail operator is  
916 solely responsible for any loss, injury, or damage, except for  
917 commuter rail passengers and rail corridor invitees.

918 4. For the purposes of this subsection, any train involved  
919 in an incident that is neither the department's train nor the  
920 freight rail operator's train, hereinafter referred to in this  
921 subsection as an "other train," may be treated as a department  
922 train, solely for purposes of any allocation of liability  
923 between the department and the freight rail operator only, but  
924 only if the department and the freight rail operator share  
925 responsibility equally as to third parties outside the rail  
926 corridor who incur loss, injury, or damage as a result of any  
927 incident involving both a department train and a freight rail  
928 operator train, and the allocation as between the department and  
929 the freight rail operator, regardless of whether the other train



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930 is treated as a department train, shall remain one-half each as  
931 to third parties outside the rail corridor who incur loss,  
932 injury, or damage as a result of the incident. The involvement  
933 of any other train shall not alter the sharing of equal  
934 responsibility as to third parties outside the rail corridor who  
935 incur loss, injury, or damage as a result of the incident.

936 5. When more than one train is involved in an incident:

937 a. If only a department train and freight rail operator's  
938 train, or only an other train as described in subparagraph 4.  
939 and a freight rail operator's train, are involved in an  
940 incident, the department may be responsible for its property and  
941 all of its people, all commuter rail passengers, and rail  
942 corridor invitees, but only if the freight rail operator is  
943 responsible for its property and all of its people, and the  
944 department and the freight rail operator each share one-half  
945 responsibility as to trespassers or third parties outside the  
946 rail corridor who incur loss, injury, or damage as a result of  
947 the incident.

948 b. If a department train, a freight rail operator train,  
949 and any other train are involved in an incident, the allocation  
950 of liability between the department and the freight rail  
951 operator, regardless of whether the other train is treated as a  
952 department train, shall remain one-half each as to third parties  
953 outside the rail corridor who incur loss, injury, or damage as a  
954 result of the incident; the involvement of any other train shall  
955 not alter the sharing of equal responsibility as to third  
956 parties outside the rail corridor who incur loss, injury, or  
957 damage as a result of the incident; and, if the owner, operator,

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958 or insurer of the other train makes any payment to injured third  
959 parties outside the rail corridor who incur loss, injury, or  
960 damage as a result of the incident, the allocation of credit  
961 between the department and the freight rail operator as to such  
962 payment shall not in any case reduce the freight rail operator's  
963 third-party-sharing allocation of one-half under this paragraph  
964 to less than one-third of the total third party liability.

965 6. Any such contractual duty to protect, defend,  
966 indemnify, and hold harmless such a freight rail operator shall  
967 expressly include a specific cap on the amount of the  
968 contractual duty, which amount shall not exceed \$200 million  
969 without prior legislative approval, and the department to  
970 purchase liability insurance and establish a self-insurance  
971 retention fund in the amount of the specific cap established  
972 under this subparagraph, provided that:

973 a. No such contractual duty shall in any case be effective  
974 nor otherwise extend the department's liability in scope and  
975 effect beyond the contractual liability insurance and self-  
976 insurance retention fund required pursuant to this paragraph;  
977 and

978 b. The freight rail operator's compensation to the  
979 department for future use of the department's rail corridor  
980 shall include a monetary contribution to the cost of such  
981 liability coverage for the sole benefit of the freight rail  
982 operator.

983

984 Neither the assumption by contract to protect, defend,  
985 indemnify, and hold harmless; the purchase of insurance; nor the

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986 establishment of a self-insurance retention fund shall be deemed  
987 to be a waiver of any defense of sovereign immunity for torts  
988 nor deemed to increase the limits of the department's or the  
989 governmental entity's liability for torts as provided in s.  
990 768.28. The requirements of s. 287.022(1) shall not apply to the  
991 purchase of any insurance under this subsection. The provisions  
992 of this subsection shall apply and inure fully as to any other  
993 governmental entity providing commuter rail service and  
994 constructing, operating, maintaining, or managing a rail  
995 corridor on publicly owned right-of-way under contract by the  
996 governmental entity with the department or a governmental entity  
997 designated by the department. Notwithstanding any law to the  
998 contrary, procurement for the construction, operation,  
999 maintenance, and management of any rail corridor described in  
1000 this subsection, whether by the department, a governmental  
1001 entity under contract with the department, or a governmental  
1002 entity designated by the department, shall be pursuant to s.  
1003 287.057 and shall include, but not be limited to, criteria for  
1004 the consideration of qualifications, technical aspects of the  
1005 proposal, and price. Further, any such contract for design-build  
1006 shall be procured pursuant to the criteria in s. 337.11(7).

1007 Reviser's note.—Amended to confirm insertion of the  
1008 word "and" by the editors.

1009 Section 23. Subsection (6) of section 369.317, Florida  
1010 Statutes, is reenacted to read:

1011 369.317 Wekiva Parkway.—

1012 (6) The Orlando-Orange County Expressway Authority is  
1013 hereby granted the authority to act as a third-party acquisition

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1014 agent, pursuant to s. 259.041 on behalf of the Board of Trustees  
1015 or chapter 373 on behalf of the governing board of the St. Johns  
1016 River Water Management District, for the acquisition of all  
1017 necessary lands, property and all interests in property  
1018 identified herein, including fee simple or less-than-fee simple  
1019 interests. The lands subject to this authority are identified in  
1020 paragraph 10.a., State of Florida, Office of the Governor,  
1021 Executive Order 03-112 of July 1, 2003, and in Recommendation 16  
1022 of the Wekiva Basin Area Task Force created by Executive Order  
1023 2002-259, such lands otherwise known as Neighborhood Lakes, a  
1024 1,587+/-acre parcel located in Orange and Lake Counties within  
1025 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,  
1026 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;  
1027 Seminole Woods/Swamp, a 5,353+/-acre parcel located in Lake  
1028 County within Section 37, Township 19 South, Range 28 East; New  
1029 Garden Coal; a 1,605+/-acre parcel in Lake County within  
1030 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28  
1031 East; Pine Plantation, a 617+/-acre tract consisting of eight  
1032 individual parcels within the Apopka City limits. The Department  
1033 of Transportation, the Department of Environmental Protection,  
1034 the St. Johns River Water Management District, and other land  
1035 acquisition entities shall participate and cooperate in  
1036 providing information and support to the third-party acquisition  
1037 agent. The land acquisition process authorized by this paragraph  
1038 shall begin no later than December 31, 2004. Acquisition of the  
1039 properties identified as Neighborhood Lakes, Pine Plantation,  
1040 and New Garden Coal, or approval as a mitigation bank shall be  
1041 concluded no later than December 31, 2010. Department of

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1042 Transportation and Orlando-Orange County Expressway Authority  
 1043 funds expended to purchase an interest in those lands identified  
 1044 in this subsection shall be eligible as environmental mitigation  
 1045 for road construction related impacts in the Wekiva Study Area.  
 1046 If any of the lands identified in this subsection are used as  
 1047 environmental mitigation for road-construction-related impacts  
 1048 incurred by the Department of Transportation or Orlando-Orange  
 1049 County Expressway Authority, or for other impacts incurred by  
 1050 other entities, within the Wekiva Study Area or within the  
 1051 Wekiva parkway alignment corridor, and if the mitigation offsets  
 1052 these impacts, the St. Johns River Water Management District and  
 1053 the Department of Environmental Protection shall consider the  
 1054 activity regulated under part IV of chapter 373 to meet the  
 1055 cumulative impact requirements of s. 373.414(8) (a).

1056 (a) Acquisition of the land described in this section is  
 1057 required to provide right of way for the Wekiva Parkway, a  
 1058 limited access roadway linking State Road 429 to Interstate 4,  
 1059 an essential component in meeting regional transportation needs  
 1060 to provide regional connectivity, improve safety, accommodate  
 1061 projected population and economic growth, and satisfy critical  
 1062 transportation requirements caused by increased traffic volume  
 1063 growth and travel demands.

1064 (b) Acquisition of the lands described in this section is  
 1065 also required to protect the surface water and groundwater  
 1066 resources of Lake, Orange, and Seminole counties, otherwise  
 1067 known as the Wekiva Study Area, including recharge within the  
 1068 springshed that provides for the Wekiva River system. Protection  
 1069 of this area is crucial to the long term viability of the Wekiva

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1070 River and springs and the central Florida region's water supply.  
 1071 Acquisition of the lands described in this section is also  
 1072 necessary to alleviate pressure from growth and development  
 1073 affecting the surface and groundwater resources within the  
 1074 recharge area.

1075 (c) Lands acquired pursuant to this section that are  
 1076 needed for transportation facilities for the Wekiva Parkway  
 1077 shall be determined not necessary for conservation purposes  
 1078 pursuant to ss. 253.034(6) and 373.089(5) and shall be  
 1079 transferred to or retained by the Orlando-Orange County  
 1080 Expressway Authority or the Department of Transportation upon  
 1081 reimbursement of the full purchase price and acquisition costs.

1082 Reviser's note.—Section 44, ch. 2010-205, Laws of  
 1083 Florida, and s. 35, ch. 2010-225, Laws of Florida,  
 1084 amended subsection (6) without publishing paragraphs

1085 (a)-(c). Absent affirmative evidence of legislative  
 1086 intent to repeal paragraphs (a)-(c), subsection (6) is  
 1087 reenacted to confirm the omission was not intended.

1088 Section 24. Paragraph (e) of subsection (7) of section  
 1089 373.036, Florida Statutes, is amended to read:

1090 373.036 Florida water plan; district water management  
 1091 plans.—

1092 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

1093 (e) In addition to the elements specified in paragraph  
 1094 (b), the South Florida Water Management District shall include  
 1095 in the consolidated annual report the following elements:

1096 1. The Lake Okeechobee Protection Program annual progress  
 1097 report required by s. 373.4595(6) ~~373.4595(3)(g)~~.

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1098 2. The Everglades annual progress reports specified in s.  
1099 373.4592(4)(d)5., (13), and (14).

1100 3. The Everglades restoration annual report required by s.  
1101 373.470(7).

1102 4. The Everglades Forever Act annual implementation report  
1103 required by s. 11.80(4).

1104 5. The Everglades Trust Fund annual expenditure report  
1105 required by s. 373.45926(3).

1106 Reviser's note.—Amended to conform to the location of  
1107 material requiring annual progress reports in s.  
1108 373.4595(6).

1109 Section 25. Section 376.011, Florida Statutes, is amended  
1110 to read:

1111 376.011 Pollutant Discharge Prevention and Control Act;  
1112 short title.—Sections 376.011-376.165 ~~376.011-376.17~~, 376.19-  
1113 376.21 shall be known as the "Pollutant Discharge Prevention and  
1114 Control Act."

1115 Reviser's note.—Amended to conform to the repeal of s.  
1116 376.17 by s. 85, ch. 2010-102, Laws of Florida.

1117 Section 26. Paragraph (c) of subsection (4) of section  
1118 380.0552, Florida Statutes, is amended to read:

1119 380.0552 Florida Keys Area; protection and designation as  
1120 area of critical state concern.—

1121 (4) REMOVAL OF DESIGNATION.—

1122 (c) After receipt of the state land planning agency report  
1123 and recommendation, the Administration Commission shall  
1124 determine whether the requirements have been fulfilled and may  
1125 remove the designation of the Florida Keys as an area of

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1126 critical state concern. If the commission removes the  
 1127 designation, it shall initiate rulemaking to repeal any rules  
 1128 relating to such designation within 60 days. If, after receipt  
 1129 of the state land planning agency's report and recommendation,  
 1130 the commission finds that the requirements for recommending  
 1131 removal of designation have not been met, the commission shall  
 1132 provide a written report to the local governments within 30 days  
 1133 after making such a finding detailing the tasks that must be  
 1134 completed by the local government.

1135 Reviser's note.—Amended to confirm insertion of the  
 1136 word "to" by the editors.

1137 Section 27. Paragraph (a) of subsection (18) of section  
 1138 380.503, Florida Statutes, is amended to read:

1139 380.503 Definitions.—As used in ss. 380.501-380.515,  
 1140 unless the context indicates a different meaning or intent:

1141 (18) "Working waterfront" means:

1142 (a) A parcel or parcels of land directly used for the  
 1143 purposes of the commercial harvest of marine organisms or  
 1144 saltwater products by state-licensed commercial fishers  
 1145 ~~fishermen~~, aquaculturists, or business entities, including  
 1146 piers, wharves, docks, or other facilities operated to provide  
 1147 waterfront access to licensed commercial fishers ~~fishermen~~,  
 1148 aquaculturists, or business entities; or

1149 Reviser's note.—Amended pursuant to the directive of  
 1150 the Legislature in s. 1, ch. 93-199, Laws of Florida,  
 1151 to remove gender-specific references applicable to  
 1152 human beings from the Florida Statutes without  
 1153 substantive change in legal effect.



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1154 Section 28. Paragraph (j) of subsection (3) of section  
 1155 381.0065, Florida Statutes, is amended to read:

1156 381.0065 Onsite sewage treatment and disposal systems;  
 1157 regulation.—

1158 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The  
 1159 department shall:

1160 (j) Supervise research on, demonstration of, and training  
 1161 on the performance, environmental impact, and public health  
 1162 impact of onsite sewage treatment and disposal systems within  
 1163 this state. Research fees collected under s. 381.0066(2)(1)  
 1164 ~~381.0066(2)(k)~~ must be used to develop and fund hands-on  
 1165 training centers designed to provide practical information about  
 1166 onsite sewage treatment and disposal systems to septic tank  
 1167 contractors, master septic tank contractors, contractors,  
 1168 inspectors, engineers, and the public and must also be used to  
 1169 fund research projects which focus on improvements of onsite  
 1170 sewage treatment and disposal systems, including use of  
 1171 performance-based standards and reduction of environmental  
 1172 impact. Research projects shall be initially approved by the  
 1173 technical review and advisory panel and shall be applicable to  
 1174 and reflect the soil conditions specific to Florida. Such  
 1175 projects shall be awarded through competitive negotiation, using  
 1176 the procedures provided in s. 287.055, to public or private  
 1177 entities that have experience in onsite sewage treatment and  
 1178 disposal systems in Florida and that are principally located in  
 1179 Florida. Research projects shall not be awarded to firms or  
 1180 entities that employ or are associated with persons who serve on  
 1181 either the technical review and advisory panel or the research

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1182 review and advisory committee.

1183 Reviser's note.—Amended to conform to the  
1184 redesignation of s. 381.0066(2)(k) as s.  
1185 381.0066(2)(l) by s. 37, ch. 2010-205, Laws of  
1186 Florida.

1187 Section 29. Paragraphs (a), (b), and (j) of subsection (2)  
1188 of section 401.465, Florida Statutes, are amended to read:

1189 401.465 911 public safety telecommunicator certification.—

1190 (2) PERSONNEL; STANDARDS AND CERTIFICATION.—

1191 (a) Effective October 1, 2012, any person employed as a  
1192 911 public safety telecommunicator at a public safety answering  
1193 point, as defined in s. 365.172(3)(a), must be certified by the  
1194 department.

1195 (b) A public safety agency, as defined in s.  
1196 365.171(3)(d), may employ a 911 public safety telecommunicator  
1197 trainee for a period not to exceed 12 months if the trainee  
1198 works under the direct supervision of a certified 911 public  
1199 safety telecommunicator, as determined by rule of the  
1200 department, and is enrolled in a public safety telecommunication  
1201 training program.

1202 (j) If a person was employed as a 911 public safety  
1203 telecommunicator, a sworn state-certified law enforcement  
1204 officer, or a state-certified firefighter before April 1, 2012,  
1205 he or she must pass the examination administered by the  
1206 department which measures the competency and proficiency in the  
1207 subject material of the public safety telecommunication program,  
1208 as defined in paragraph (1)(c). Upon passage of the examination,  
1209 the completion of the public safety telecommunication training

1210 program shall be waived.

1211 Reviser's note.—Amended to confirm insertion of the  
 1212 word "in" by the editors.

1213 Section 30. Subsection (4) of section 402.7305, Florida  
 1214 Statutes, is amended to read:

1215 402.7305 Department of Children and Family Services;  
 1216 procurement of contractual services; contract management.—

1217 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The  
 1218 department shall establish contract monitoring units staffed by  
 1219 career service employees who report to a member of the Selected  
 1220 Exempt Service or Senior Management Service and who have been  
 1221 properly trained to perform contract monitoring. At least one  
 1222 member of the contract monitoring unit must possess specific  
 1223 knowledge and experience in the contract's program area. The  
 1224 department shall establish a contract monitoring process that  
 1225 includes, but is not ~~be~~ limited to, the following requirements:

1226 (a) Performing a risk assessment at the start of each  
 1227 fiscal year and preparing an annual contract monitoring schedule  
 1228 that considers the level of risk assigned. The department may  
 1229 monitor any contract at any time regardless of whether such  
 1230 monitoring was originally included in the annual contract  
 1231 monitoring schedule.

1232 (b) Preparing a contract monitoring plan, including  
 1233 sampling procedures, before performing onsite monitoring at  
 1234 external locations of a service provider. The plan must include  
 1235 a description of the programmatic, fiscal, and administrative  
 1236 components that will be monitored on site. If appropriate,  
 1237 clinical and therapeutic components may be included.

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1238 (c) Conducting analyses of the performance and compliance  
 1239 of an external service provider by means of desk reviews if the  
 1240 external service provider will not be monitored on site during a  
 1241 fiscal year.

1242 (d) Unless the department sets forth in writing the need  
 1243 for an extension, providing a written report presenting the  
 1244 results of the monitoring within 30 days after the completion of  
 1245 the onsite monitoring or desk review.

1246 (e) Developing and maintaining a set of procedures  
 1247 describing the contract monitoring process.

1248

1249 Notwithstanding any other provision of this section, the  
 1250 department shall limit monitoring of a child-caring or child-  
 1251 placing services provider under this subsection to only once per  
 1252 year. Such monitoring may not duplicate administrative  
 1253 monitoring that is included in the survey of a child welfare  
 1254 provider conducted by a national accreditation organization  
 1255 specified under s. 402.7306(1).

1256 Reviser's note.—Amended to confirm deletion of the  
 1257 word "be" by the editors.

1258 Section 31. Subsection (3) of section 403.7032, Florida  
 1259 Statutes, is amended to read:

1260 403.7032 Recycling.—

1261 (3) Each state agency, K-12 public school, public  
 1262 institution of higher learning, community college, and state  
 1263 university, including all buildings that are occupied by  
 1264 municipal, county, or state employees and entities occupying  
 1265 buildings managed by the Department of Management Services,

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1266 must, at a minimum, annually report all recycled materials to  
 1267 the county using the department's designated reporting format.  
 1268 Private businesses, other than certified recovered materials  
 1269 dealers, that recycle paper, metals, glass, plastics, textiles,  
 1270 rubber materials, and mulch, are encouraged to report the amount  
 1271 of materials they recycle to the county annually beginning  
 1272 January 1, 2011, using the department's designated reporting  
 1273 format. Using the information provided, the department shall  
 1274 recognize those private businesses that demonstrate outstanding  
 1275 recycling efforts. Notwithstanding any other provision of state  
 1276 or county law, private businesses, other than certified  
 1277 recovered materials dealers, shall not be required to report  
 1278 recycling rates. Cities with less than a population of 2,500 and  
 1279 per capita taxable value less than \$48,000 and cities with a per  
 1280 capita taxable value less than \$30,000 are exempt from the  
 1281 reporting requirement specified in this subsection ~~paragraph~~.

1282 Reviser's note.—Amended to confirm substitution by the  
 1283 editors of the word "subsection" for the word  
 1284 "paragraph" to conform to the structure of the text.

1285 Section 32. Subsection (1) of section 403.891, Florida  
 1286 Statutes, is amended to read:

1287 403.891 Water Protection and Sustainability Program Trust  
 1288 Fund of the Department of Environmental Protection.—

1289 (1) The Water Protection and Sustainability Program Trust  
 1290 Fund is created within the Department of Environmental  
 1291 Protection. The purpose of the trust fund is to implement the  
 1292 Water Protection and Sustainability ~~and Protection~~ Program  
 1293 created in s. 403.890.

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1294 Reviser's note.—Amended to conform to the name of the  
 1295 program as referenced in s. 403.890.

1296 Section 33. Paragraph (c) of subsection (5) of section  
 1297 411.01, Florida Statutes, is amended to read:

1298 411.01 School readiness programs; early learning  
 1299 coalitions.—

1300 (5) CREATION OF EARLY LEARNING COALITIONS.—

1301 (c) Program expectations.—

1302 1. The school readiness program must meet the following  
 1303 expectations:

1304 a. The program must, at a minimum, enhance the age-  
 1305 appropriate progress of each child in attaining the performance  
 1306 standards and outcome measures adopted by the Agency for  
 1307 Workforce Innovation.

1308 b. The program must provide extended-day and extended-year  
 1309 services to the maximum extent possible without compromising the  
 1310 quality of the program to meet the needs of parents who work.

1311 c. The program must provide a coordinated professional  
 1312 development system that supports the achievement and maintenance  
 1313 of core competencies by school readiness instructors in helping  
 1314 children attain the performance standards and outcome measures  
 1315 adopted by the Agency for Workforce Innovation.

1316 d. There must be expanded access to community services and  
 1317 resources for families to help achieve economic self-  
 1318 sufficiency.

1319 e. There must be a single point of entry and unified  
 1320 waiting list. As used in this sub-subparagraph, the term "single  
 1321 point of entry" means an integrated information system that

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1322 allows a parent to enroll his or her child in the school  
1323 readiness program at various locations throughout a county, that  
1324 may allow a parent to enroll his or her child by telephone or  
1325 through an Internet website, and that uses a unified waiting  
1326 list to track eligible children waiting for enrollment in the  
1327 school readiness program. The Agency for Workforce Innovation  
1328 shall establish through technology a single statewide  
1329 information system that each coalition must use for the purposes  
1330 of managing the single point of entry, tracking children's  
1331 progress, coordinating services among stakeholders, determining  
1332 eligibility, tracking child attendance, and streamlining  
1333 administrative processes for providers and early learning  
1334 coalitions.

1335 f. The Agency for Workforce Innovation must consider the  
1336 access of eligible children to the school readiness program, as  
1337 demonstrated in part by waiting lists, before approving a  
1338 proposed increase in payment rates submitted by an early  
1339 learning coalition. In addition, early learning coalitions shall  
1340 use school readiness funds made available due to enrollment  
1341 shifts from school readiness programs to the Voluntary  
1342 Prekindergarten Education Program for increasing the number of  
1343 children served in school readiness programs before increasing  
1344 payment rates.

1345 g. The program must meet all state licensing guidelines,  
1346 where applicable.

1347 h. The program must ensure that minimum standards for  
1348 child discipline practices are age-appropriate. Such standards  
1349 must provide that children not be subjected to discipline that

1350 is severe, humiliating, or frightening or discipline that is  
 1351 associated with food, rest, or toileting. Spanking or any other  
 1352 form of physical punishment is prohibited.

1353 2. Each early learning coalition must implement a  
 1354 comprehensive program of school readiness services in accordance  
 1355 with the rules adopted by the agency which enhance the  
 1356 cognitive, social, and physical development of children to  
 1357 achieve the performance standards and outcome measures. At a  
 1358 minimum, these programs must contain the following system  
 1359 support service elements:

1360 a. Developmentally appropriate curriculum designed to  
 1361 enhance the age-appropriate progress of children in attaining  
 1362 the performance standards adopted by the Agency for Workforce  
 1363 Innovation under subparagraph (4)(d)8.

1364 b. A character development program to develop basic  
 1365 values.

1366 c. An age-appropriate screening of each child's  
 1367 development.

1368 d. An age-appropriate assessment administered to children  
 1369 when they enter a program and an age-appropriate assessment  
 1370 administered to children when they leave the program.

1371 e. An appropriate staff-to-children ratio, pursuant to s.  
 1372 402.305(4) or s. 402.302(8) or (9) ~~402.302(7) or (8)~~, as  
 1373 applicable, and as verified pursuant to s. 402.311.

1374 f. A healthy and safe environment pursuant to s.  
 1375 401.305(5), (6), and (7), as applicable, and as verified  
 1376 pursuant to s. 402.311.

1377 g. A resource and referral network established under s.



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1378 411.0101 to assist parents in making an informed choice and a  
 1379 regional Warm-Line under s. 411.01015.

1380

1381 The Agency for Workforce Innovation, the Department of  
 1382 Education, and early learning coalitions shall coordinate with  
 1383 the Child Care Services Program Office of the Department of  
 1384 Children and Family Services to minimize duplicating interagency  
 1385 activities pertaining to acquiring and composing data for child  
 1386 care training and credentialing.

1387 Reviser's note.—Amended to conform to the  
 1388 redesignation of subsections within s. 402.302 by s.  
 1389 1, ch. 2010-158, Laws of Florida.

1390 Section 34. Subsection (1) of section 435.03, Florida  
 1391 Statutes, is amended to read:

1392 435.03 Level 1 screening standards.—

1393 (1) All employees required by law to be screened pursuant  
 1394 to this section must undergo background screening as a condition  
 1395 of employment and continued employment which includes, but need  
 1396 not be limited to, employment history checks and statewide  
 1397 criminal correspondence checks through the Department of Law  
 1398 Enforcement, and a check of the Dru Sjodin National Sex Offender  
 1399 Public Website, and may include local criminal records checks  
 1400 through local law enforcement agencies.

1401 Reviser's note.—Amended to confirm insertion of the  
 1402 word "and" by the editors.

1403 Section 35. Paragraph (b) of subsection (1) of section  
 1404 443.091, Florida Statutes, is amended to read:

1405 443.091 Benefit eligibility conditions.—

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1406 (1) An unemployed individual is eligible to receive  
 1407 benefits for any week only if the Agency for Workforce  
 1408 Innovation finds that:

1409 (b) She or he has registered with the agency for work and  
 1410 subsequently reports to the one-stop career center as directed  
 1411 by the regional workforce board for reemployment services. This  
 1412 requirement does not apply to persons who are:

- 1413 1. Non-Florida residents;
- 1414 2. On a temporary layoff, as defined in s. 443.036(42);
- 1415 3. Union members who customarily obtain employment through  
 1416 ~~though~~ a union hiring hall; or
- 1417 4. Claiming benefits under an approved short-time  
 1418 compensation plan as provided in s. 443.1116.

1419 Reviser's note.—Amended to confirm substitution by the  
 1420 editors of the word "through" for the word "though" to  
 1421 conform to context.

1422 Section 36. Subsection (6) of section 443.131, Florida  
 1423 Statutes, is amended to read:

1424 443.131 Contributions.—

1425 (6) INVALIDITY OF CERTAIN PROVISIONS.—If any provision of  
 1426 this section prevents the state from qualifying for any federal  
 1427 interest relief provisions provided under s. 1202 of the Social  
 1428 Security Act, 42 U.S.C. s. 1322, or prevents employers in this  
 1429 state from qualifying for the limitation on credit reduction as  
 1430 provided under s. 3302(f) of the Federal Unemployment Tax Act,  
 1431 chapter 23 of Title 26 U.S.C. s. 3302(f), that provision is  
 1432 invalid to the extent necessary to maintain qualification for  
 1433 the interest relief provisions and federal unemployment tax

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1434 credits.

1435 Reviser's note.—Amended to conform to the full cite  
 1436 for the Federal Unemployment Tax Act; the act is  
 1437 chapter 23 of Title 26 U.S.C.

1438 Section 37. Subsection (1) of section 443.141, Florida  
 1439 Statutes, is reenacted to read:

1440 443.141 Collection of contributions and reimbursements.—

1441 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,  
 1442 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

1443 (a) Interest.—Contributions or reimbursements unpaid on  
 1444 the date due bear interest at the rate of 1 percent per month  
 1445 from and after that date until payment plus accrued interest is  
 1446 received by the tax collection service provider, unless the  
 1447 service provider finds that the employing unit has good reason  
 1448 for failing to pay the contributions or reimbursements when due.  
 1449 Interest collected under this subsection must be paid into the  
 1450 Special Employment Security Administration Trust Fund.

1451 (b) Penalty for delinquent, erroneous, incomplete, or  
 1452 insufficient reports.—

1453 1. An employing unit that fails to file any report  
 1454 required by the Agency for Workforce Innovation or its tax  
 1455 collection service provider, in accordance with rules for  
 1456 administering this chapter, shall pay to the service provider  
 1457 for each delinquent report the sum of \$25 for each 30 days or  
 1458 fraction thereof that the employing unit is delinquent, unless  
 1459 the agency or its service provider, whichever required the  
 1460 report, finds that the employing unit has good reason for  
 1461 failing to file the report. The agency or its service provider

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1462 may assess penalties only through the date of the issuance of  
1463 the final assessment notice. However, additional penalties  
1464 accrue if the delinquent report is subsequently filed.

1465 2.a. An employing unit that files an erroneous,  
1466 incomplete, or insufficient report with the Agency for Workforce  
1467 Innovation or its tax collection service provider shall pay a  
1468 penalty. The amount of the penalty is \$50 or 10 percent of any  
1469 tax due, whichever is greater, but no more than \$300 per report.  
1470 The penalty shall be added to any tax, penalty, or interest  
1471 otherwise due.

1472 b. The agency or its tax collection service provider shall  
1473 waive the penalty if the employing unit files an accurate,  
1474 complete, and sufficient report within 30 days after a penalty  
1475 notice is issued to the employing unit. The penalty may not be  
1476 waived pursuant to this subparagraph more than one time during a  
1477 12-month period.

1478 c. As used in this subsection, the term "erroneous,  
1479 incomplete, or insufficient report" means a report so lacking in  
1480 information, completeness, or arrangement that the report cannot  
1481 be readily understood, verified, or reviewed. Such reports  
1482 include, but are not limited to, reports having missing wage or  
1483 employee information, missing or incorrect social security  
1484 numbers, or illegible entries; reports submitted in a format  
1485 that is not approved by the agency or its tax collection service  
1486 provider; and reports showing gross wages that do not equal the  
1487 total of the wages of each employee. However, the term does not  
1488 include a report that merely contains inaccurate data that was  
1489 supplied to the employer by the employee, if the employer was

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1490 unaware of the inaccuracy.

1491 3. Penalties imposed pursuant to this paragraph shall be  
1492 deposited in the Special Employment Security Administration  
1493 Trust Fund.

1494 4. The penalty and interest for a delinquent, erroneous,  
1495 incomplete, or insufficient report may be waived if the penalty  
1496 or interest is inequitable. The provisions of s. 213.24(1) apply  
1497 to any penalty or interest that is imposed under this section.

1498 (c) Application of partial payments.—If a delinquency  
1499 exists in the employment record of an employer not in  
1500 bankruptcy, a partial payment less than the total delinquency  
1501 amount shall be applied to the employment record as the payor  
1502 directs. In the absence of specific direction, the partial  
1503 payment shall be applied to the payor's employment record as  
1504 prescribed in the rules of the Agency for Workforce Innovation  
1505 or the state agency providing tax collection services.

1506 (d) Payments for 2010 Contributions.—For an annual  
1507 administrative fee not to exceed \$5, a contributing employer may  
1508 pay its quarterly contributions due for wages paid in the first  
1509 three quarters of 2010 in equal installments if those  
1510 contributions are paid as follows:

1511 1. For contributions due for wages paid in the first  
1512 quarter of 2010, one-fourth of the contributions due must be  
1513 paid on or before April 30, 2010, one-fourth must be paid on or  
1514 before July 31, 2010, one-fourth must be paid on or before  
1515 October 31, 2010, and the remaining one-fourth must be paid on  
1516 or before December 31, 2010.

1517 2. In addition to the payments specified in subparagraph

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1518 1., for contributions due for wages paid in the second quarter  
1519 of 2010, one-third of the contributions due must be paid on or  
1520 before July 31, 2010, one-third must be paid on or before  
1521 October 31, 2010, and the remaining one-third must be paid on or  
1522 before December 31, 2010.

1523 3. In addition to the payments specified in subparagraphs  
1524 1. and 2., for contributions due for wages paid in the third  
1525 quarter of 2010, one-half of the contributions due must be paid  
1526 on or before October 31, 2010, and the remaining one-half must  
1527 be paid on or before December 31, 2010.

1528 4. The annual administrative fee not to exceed \$5 for the  
1529 election to pay under the installment method shall be collected  
1530 at the time the employer makes the first installment payment.  
1531 The \$5 fee shall be segregated from the payment and shall be  
1532 deposited in the Operating Trust Fund within the Department of  
1533 Revenue.

1534 5. Interest does not accrue on any contribution that  
1535 becomes due for wages paid in the first three quarters of 2010  
1536 if the employer pays the contribution in accordance with  
1537 subparagraphs 1.-4. Interest and fees continue to accrue on  
1538 prior delinquent contributions and commence accruing on all  
1539 contributions due for wages paid in the first three quarters of  
1540 2010 which are not paid in accordance with subparagraphs 1.-3.  
1541 Penalties may be assessed in accordance with this chapter. The  
1542 contributions due for wages paid in the fourth quarter of 2010  
1543 are not affected by this paragraph and are due and payable in  
1544 accordance with this chapter.

1545 (e) Payments for 2011 Contributions.—For an annual

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1546 administrative fee not to exceed \$5, a contributing employer may  
1547 pay its quarterly contributions due for wages paid in the first  
1548 three quarters of 2011 in equal installments if those  
1549 contributions are paid as follows:

1550 1. For contributions due for wages paid in the first  
1551 quarter of 2011, one-fourth of the contributions due must be  
1552 paid on or before April 30, 2011, one-fourth must be paid on or  
1553 before July 31, 2011, one-fourth must be paid on or before  
1554 October 31, 2011, and the remaining one-fourth must be paid on  
1555 or before December 31, 2011.

1556 2. In addition to the payments specified in subparagraph  
1557 1., for contributions due for wages paid in the second quarter  
1558 of 2011, one-third of the contributions due must be paid on or  
1559 before July 31, 2011, one-third must be paid on or before  
1560 October 31, 2011, and the remaining one-third must be paid on or  
1561 before December 31, 2011.

1562 3. In addition to the payments specified in subparagraphs  
1563 1. and 2., for contributions due for wages paid in the third  
1564 quarter of 2011, one-half of the contributions due must be paid  
1565 on or before October 31, 2011, and the remaining one-half must  
1566 be paid on or before December 31, 2011.

1567 4. The annual administrative fee not to exceed \$5 for the  
1568 election to pay under the installment method shall be collected  
1569 at the time the employer makes the first installment payment.  
1570 The \$5 fee shall be segregated from the payment and shall be  
1571 deposited in the Operating Trust Fund within the Department of  
1572 Revenue.

1573 5. Interest does not accrue on any contribution that

1574 becomes due for wages paid in the first three quarters of 2011  
 1575 if the employer pays the contribution in accordance with  
 1576 subparagraphs 1.-4. Interest and fees continue to accrue on  
 1577 prior delinquent contributions and commence accruing on all  
 1578 contributions due for wages paid in the first three quarters of  
 1579 2011 which are not paid in accordance with subparagraphs 1.-3.  
 1580 Penalties may be assessed in accordance with this chapter. The  
 1581 contributions due for wages paid in the fourth quarter of 2011  
 1582 are not affected by this paragraph and are due and payable in  
 1583 accordance with this chapter.

1584 (f) Adoption of rules.—The Agency for Workforce Innovation  
 1585 and the state agency providing unemployment tax collection  
 1586 services may adopt rules to administer this subsection.

1587 Reviser's note.—Section 10, ch. 2010-90, Laws of  
 1588 Florida, and s. 20, ch. 2010-138, Laws of Florida,  
 1589 amended subsection (1) without publishing paragraphs  
 1590 (d) and (e), which were added to subsection (1) by s.  
 1591 5, ch. 2010-1, Laws of Florida. Absent affirmative  
 1592 evidence of legislative intent to repeal paragraphs  
 1593 (d) and (e), subsection (1) is reenacted to confirm  
 1594 the omission was not intended.

1595 Section 38. Subsection (27) of section 479.01, Florida  
 1596 Statutes, is amended to read:

1597 479.01 Definitions.—As used in this chapter, the term:  
 1598 (27) "Urban area" has the same meaning as defined in s.  
 1599 334.03(32) ~~334.03(29)~~.

1600 Reviser's note.—Amended to conform to the fact that  
 1601 the term "urban area" is defined in s. 334.03(32); s.



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1602 334.03(29) defines "sufficiency rating."

1603 Section 39. Subsection (4) of section 494.00331, Florida  
1604 Statutes, is amended to read:

1605 494.00331 Loan originator employment.—

1606 (4) A loan originator that currently has a declaration of  
1607 intent to engage solely in loan processing on file with the  
1608 office may withdraw his or her declaration of intent to engage  
1609 solely in loan processing. The withdrawal of declaration of  
1610 intent must be on such form as prescribed by commission rule.

1611 Reviser's note.—Amended to confirm insertion of the  
1612 word "be" by the editors.

1613 Section 40. Subsection (1) of section 497.372, Florida  
1614 Statutes, is reenacted to read:

1615 497.372 Funeral directing; conduct constituting practice  
1616 of funeral directing.—

1617 (1) The practice of funeral directing shall be construed  
1618 to consist of the following functions, which may be performed  
1619 only by a licensed funeral director:

1620 (a) Selling or offering to sell funeral services,  
1621 embalming, cremation, or other services relating to the final  
1622 disposition of human remains, including the removal of such  
1623 remains from the state, on an at-need basis.

1624 (b) Planning or arranging, on an at-need basis, the  
1625 details of funeral services, embalming, cremation, or other  
1626 services relating to the final disposition of human remains,  
1627 including the removal of such remains from the state, with the  
1628 family or friends of the decedent or any other person  
1629 responsible for such services; setting the time of the services;

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1630 establishing the type of services to be rendered; acquiring the  
1631 services of the clergy; and obtaining vital information for the  
1632 filing of death certificates and obtaining of burial transit  
1633 permits.

1634 (c) Making, negotiating, or completing the financial  
1635 arrangements for funeral services, embalming, cremation, or  
1636 other services relating to the final disposition of human  
1637 remains, including the removal of such remains from the state,  
1638 on an at-need basis, except that nonlicensed personnel may  
1639 assist the funeral director in performing such tasks.

1640 (d) Directing, being in charge or apparent charge of, or  
1641 supervising, directly or indirectly, a visitation or viewing.  
1642 Such functions shall not require that a licensed funeral  
1643 director be physically present throughout the visitation or  
1644 viewing, provided that the funeral director is readily available  
1645 by telephone for consultation.

1646 (e) Directing, being in charge or apparent charge of, or  
1647 supervising, directly or indirectly, any funeral service held in  
1648 a funeral establishment, cemetery, or elsewhere.

1649 (f) Directing, being in charge or apparent charge of, or  
1650 supervising, directly or indirectly, any memorial service held  
1651 prior to or within 72 hours of the burial or cremation, if such  
1652 memorial service is sold or arranged by a licensee.

1653 (g) Using in connection with one's name or employment the  
1654 words or terms "funeral director," "funeral establishment,"  
1655 "undertaker," "mortician," or any other word, term, title, or  
1656 picture, or combination of any of the above, that when  
1657 considered in the context in which used would imply that such

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1658 person is engaged in the practice of funeral directing or that  
1659 such person is holding herself or himself out to the public as  
1660 being engaged in the practice of funeral directing; provided,  
1661 however, that nothing in this paragraph shall prevent using the  
1662 name of any owner, officer, or corporate director of a funeral  
1663 establishment, who is not a licensee, in connection with the  
1664 name of the funeral establishment with which such individual is  
1665 affiliated, so long as such individual's affiliation is properly  
1666 specified.

1667 (h) Managing or supervising the operation of a funeral  
1668 establishment, except for administrative matters such as  
1669 budgeting, accounting and personnel, maintenance of buildings,  
1670 equipment and grounds, and routine clerical and recordkeeping  
1671 functions.

1672 Reviser's note.—Section 16, ch. 2010-125, Laws of  
1673 Florida, amended s. 497.372 without publishing  
1674 paragraphs (d)-(h) of subsection (1). Absent  
1675 affirmative evidence of legislative intent to repeal  
1676 paragraphs (d)-(h), subsection (1) is reenacted to  
1677 confirm the omission was not intended.

1678 Section 41. Subsection (1) of section 550.334, Florida  
1679 Statutes, is amended to read:

1680 550.334 Quarter horse racing; substitutions.—

1681 (1) The operator of any licensed racetrack is authorized  
1682 to lease such track to any quarter horse racing permitholder  
1683 located within 35 miles of such track for the conduct of quarter  
1684 horse racing under this chapter. However, a quarter horse  
1685 facility located in a county where a referendum was conducted to

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1686 authorize slot machines pursuant to s. 23, Art. X of the State  
1687 Constitution is not subject to the mileage restriction if they  
1688 lease from a licensed racetrack located within a county where a  
1689 referendum was conducted to authorize slot machines pursuant to  
1690 s. 23, Art. X of the State Constitution.

1691 Reviser's note.—Amended to confirm insertion of the  
1692 words "was conducted" by the editors to improve  
1693 clarity.

1694 Section 42. Paragraph (c) of subsection (2) of section  
1695 550.3345, Florida Statutes, is amended to read:

1696 550.3345 Conversion of quarter horse permit to a limited  
1697 thoroughbred permit.—

1698 (2) Notwithstanding any other provision of law, the holder  
1699 of a quarter horse racing permit issued under s. 550.334 may,  
1700 within 1 year after the effective date of this section, apply to  
1701 the division for a transfer of the quarter horse racing permit  
1702 to a not-for-profit corporation formed under state law to serve  
1703 the purposes of the state as provided in subsection (1). The  
1704 board of directors of the not-for-profit corporation must be  
1705 comprised of 11 members, 4 of whom shall be designated by the  
1706 applicant, 4 of whom shall be designated by the Florida  
1707 Thoroughbred Breeders' Association, and 3 of whom shall be  
1708 designated by the other 8 directors, with at least 1 of these 3  
1709 members being an authorized representative of another  
1710 thoroughbred permitholder in this state. The not-for-profit  
1711 corporation shall submit an application to the division for  
1712 review and approval of the transfer in accordance with s.  
1713 550.054. Upon approval of the transfer by the division, and

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1714 notwithstanding any other provision of law to the contrary, the  
 1715 not-for-profit corporation may, within 1 year after its receipt  
 1716 of the permit, request that the division convert the quarter  
 1717 horse racing permit to a permit authorizing the holder to  
 1718 conduct pari-mutuel wagering meets of thoroughbred racing.  
 1719 Neither the transfer of the quarter horse racing permit nor its  
 1720 conversion to a limited thoroughbred permit shall be subject to  
 1721 the mileage limitation or the ratification election as set forth  
 1722 under s. 550.054(2) or s. 550.0651. Upon receipt of the request  
 1723 for such conversion, the division shall timely issue a converted  
 1724 permit. The converted permit and the not-for-profit corporation  
 1725 shall be subject to the following requirements:

1726 (c) After the conversion of the quarter horse racing  
 1727 permit and the issuance of its initial license to conduct pari-  
 1728 mutuel wagering meets of thoroughbred racing, the not-for-profit  
 1729 corporation shall annually apply to the division for a license  
 1730 pursuant to s. 550.5251 ~~550.5251(2)-(5)~~.

1731 Reviser's note.—Amended to conform to the amendment of  
 1732 s. 550.5251 by s. 18, ch. 2009-170, Laws of Florida;  
 1733 the current text of s. 550.5251 comprises material  
 1734 formerly in subsections (2), (4), and (5).

1735 Section 43. Subsection (6) of section 553.77, Florida  
 1736 Statutes, is amended to read:

1737 553.77 Specific powers of the commission.—

1738 (6) A member of the Florida Building Commission may  
 1739 abstain from voting in any matter before the commission which  
 1740 would inure to the commissioner's special private gain or loss,  
 1741 which the commissioner knows would inure to the special private

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1742 gain or loss of any principal by whom he or she is retained or  
 1743 to the parent organization or subsidiary of a corporate  
 1744 principal by which he or she is retained, or which he or she  
 1745 knows would inure to the special private gain or loss of a  
 1746 relative or business associate of the commissioner. A  
 1747 commissioner shall abstain from voting under the foregoing  
 1748 circumstances if the matter is before the commission under ss.  
 1749 120.569, 120.60, and 120.80. The commissioner shall, before the  
 1750 vote is taken, publicly state to the assembly the nature of the  
 1751 commissioner's interest in the matter from which he or she is  
 1752 abstaining from voting and, within 15 days after the vote  
 1753 occurs, disclose the nature of his or her other interest as a  
 1754 public record in a memorandum filed with the person responsible  
 1755 for recording the minutes of the meeting, who shall incorporate  
 1756 the memorandum in the minutes.

1757 Reviser's note.—Amended pursuant to the directive of  
 1758 the Legislature in s. 1, ch. 93-199, Laws of Florida,  
 1759 to remove gender-specific references applicable to  
 1760 human beings from the Florida Statutes without  
 1761 substantive change in legal effect.

1762 Section 44. Paragraph (a) of subsection (1) of section  
 1763 624.310, Florida Statutes, is amended to read:

1764 624.310 Enforcement; cease and desist orders; removal of  
 1765 certain persons; fines.—

1766 (1) DEFINITIONS.—For the purposes of this section, the  
 1767 term:

1768 (a) "Affiliated party" means any person who directs or  
 1769 participates in the conduct of the affairs of a licensee and who

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1770 is:

1771 1. A director, officer, employee, trustee, committee

1772 member, or controlling stockholder of a licensee or a subsidiary

1773 or service corporation of the licensee, other than a controlling

1774 stockholder which is a holding company, or an agent of a

1775 licensee or a subsidiary or service corporation of the licensee;

1776 2. A person who has filed or is required to file a

1777 statement or any other information required to be filed under s.

1778 628.461 or s. 628.4615;

1779 3. A stockholder, other than a stockholder that is a

1780 holding company of the licensee, who participates in the conduct

1781 of the affairs of the licensee;

1782 4. An independent contractor who:

1783 a. Renders a written opinion required by the laws of this

1784 state under her or his professional credentials on behalf of the

1785 licensee, which opinion is reasonably relied on by the

1786 department or office in the performance of its duties; or

1787 b. Affirmatively and knowingly conceals facts, through a

1788 written misrepresentation to the department or office, with

1789 knowledge that such misrepresentation:

1790 (I) Constitutes a violation of the insurance code or a

1791 lawful rule or order of the department, commission, or office;

1792 and

1793 (II) Directly and materially endangers the ability of the

1794 licensee to meet its obligations to policyholders. ~~;~~ ~~or~~

1795

1796 For the purposes of this subparagraph, any representation of

1797 fact made by an independent contractor on behalf of a licensee,

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1798 affirmatively communicated as a representation of the licensee  
 1799 to the independent contractor, shall not be considered a  
 1800 misrepresentation by the independent contractor; or

1801 5. A third-party marketer who aids or abets a licensee in  
 1802 a violation of the insurance code relating to the sale of an  
 1803 annuity to a person 65 years of age or older.

1804  
 1805 ~~For the purposes of this subparagraph, any representation of~~  
 1806 ~~fact made by an independent contractor on behalf of a licensee,~~  
 1807 ~~affirmatively communicated as a representation of the licensee~~  
 1808 ~~to the independent contractor, shall not be considered a~~  
 1809 ~~misrepresentation by the independent contractor.~~

1810 Reviser's note.—Amended to improve clarity. Prior to  
 1811 the addition of subparagraph 5. by s. 42, ch. 2010-  
 1812 175, Laws of Florida, the flush left language followed  
 1813 subparagraph 4. The language in question still  
 1814 references subject matter relevant to subparagraph 4.,  
 1815 not subparagraph 5. The reference to "this  
 1816 subparagraph" in the flush left material was in  
 1817 existence prior to the addition of subparagraph 5. and  
 1818 references subparagraph 4.

1819 Section 45. Subsections (2) and (3) of section 627.4605,  
 1820 Florida Statutes, are amended to read:

1821 627.4605 Replacement notice.—A notice to a current insurer  
 1822 of a replacement of a current life insurance policy is not  
 1823 required in a transaction involving:

1824 (2) A current policy or contract that is being replaced by  
 1825 the same insurer pursuant to a program filed with and approved



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1826 | by the office; or

1827 |       (3) A term conversion privilege that is being exercised  
1828 | among corporate affiliates.

1829 |       Reviser's note.—Amended to confirm insertion of the  
1830 | word "that" by the editors.

1831 |       Section 46. Paragraph (a) of subsection (2) of section  
1832 | 627.711, Florida Statutes, is amended to read:

1833 |       627.711 Notice of premium discounts for hurricane loss  
1834 | mitigation; uniform mitigation verification inspection form.—

1835 |       (2)(a) The Financial Services Commission shall develop by  
1836 | rule a uniform mitigation verification inspection form that  
1837 | shall be used by all insurers when submitted by policyholders  
1838 | for the purpose of factoring discounts for wind insurance. In  
1839 | developing the form, the commission shall seek input from  
1840 | insurance, construction, and building code representatives.  
1841 | Further, the commission shall provide guidance as to the length  
1842 | of time the inspection results are valid. An insurer shall  
1843 | accept as valid a uniform mitigation verification form ~~or~~ signed  
1844 | by the following authorized mitigation inspectors:

1845 |       1. A home inspector licensed under s. 468.8314 who has  
1846 | completed at least 3 hours of hurricane mitigation training  
1847 | which includes hurricane mitigation techniques and compliance  
1848 | with the uniform mitigation verification form and completion of  
1849 | a proficiency exam. Thereafter, home inspectors licensed under  
1850 | s. 468.8314 must complete at least 2 hours of continuing  
1851 | education, as part of the existing licensure renewal  
1852 | requirements each year, related to mitigation inspection and the  
1853 | uniform mitigation form;

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- 1854 2. A building code inspector certified under s. 468.607;  
 1855 3. A general, building, or residential contractor licensed  
 1856 under s. 489.111;  
 1857 4. A professional engineer licensed under s. 471.015;  
 1858 5. A professional architect licensed under s. 481.213; or  
 1859 6. Any other individual or entity recognized by the  
 1860 insurer as possessing the necessary qualifications to properly  
 1861 complete a uniform mitigation verification form.

1862 Reviser's note.—Amended to confirm deletion of the  
 1863 word "or" by the editors.

1864 Section 47. Subsection (7) of section 633.081, Florida  
 1865 Statutes, is amended to read:

1866 633.081 Inspection of buildings and equipment; orders;  
 1867 firesafety inspection training requirements; certification;  
 1868 disciplinary action.—The State Fire Marshal and her or his  
 1869 agents shall, at any reasonable hour, when the State Fire  
 1870 Marshal has reasonable cause to believe that a violation of this  
 1871 chapter or s. 509.215, or a rule promulgated thereunder, or a  
 1872 minimum firesafety code adopted by a local authority, may exist,  
 1873 inspect any and all buildings and structures which are subject  
 1874 to the requirements of this chapter or s. 509.215 and rules  
 1875 promulgated thereunder. The authority to inspect shall extend to  
 1876 all equipment, vehicles, and chemicals which are located within  
 1877 the premises of any such building or structure.

1878 (7) The Division of State Fire Marshal and the Florida  
 1879 Building Code Administrators and Inspectors Board, established  
 1880 pursuant to ~~under~~ s. 468.605, shall enter into a reciprocity  
 1881 agreement to facilitate joint recognition of continuing

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1882 education recertification hours for certificateholders licensed  
 1883 under s. 468.609 and firesafety inspectors certified under  
 1884 subsection (2).

1885 Reviser's note.—Amended to confirm deletion of the  
 1886 word "under" by the editors.

1887 Section 48. Subsection (4) of section 677.105, Florida  
 1888 Statutes, is amended to read:

1889 677.105 Reissuance in alternative medium.—

1890 (4) Upon issuance of an electronic document of title in  
 1891 substitution for a tangible document of title in ~~is~~ accordance  
 1892 with subsection (3):

1893 (a) The tangible document ceases to have any effect or  
 1894 validity; and

1895 (b) The person that procured issuance of the electronic  
 1896 document warrants to all subsequent persons entitled under the  
 1897 electronic document that the warrantor was a person entitled  
 1898 under the tangible document when the warrantor surrendered  
 1899 possession of the tangible document to the issuer.

1900 Reviser's note.—Amended to confirm substitution by the  
 1901 editors of the word "in" for the word "is" to improve  
 1902 clarity; the prototype uniform act uses "in."

1903 Section 49. Subsection (12) of section 718.111, Florida  
 1904 Statutes, is reenacted to read:

1905 718.111 The association.—

1906 (12) OFFICIAL RECORDS.—

1907 (a) From the inception of the association, the association  
 1908 shall maintain each of the following items, if applicable, which  
 1909 shall constitute the official records of the association:

- 1910           1. A copy of the plans, permits, warranties, and other  
 1911 items provided by the developer pursuant to s. 718.301(4).  
 1912           2. A photocopy of the recorded declaration of condominium  
 1913 of each condominium operated by the association and of each  
 1914 amendment to each declaration.  
 1915           3. A photocopy of the recorded bylaws of the association  
 1916 and of each amendment to the bylaws.  
 1917           4. A certified copy of the articles of incorporation of  
 1918 the association, or other documents creating the association,  
 1919 and of each amendment thereto.  
 1920           5. A copy of the current rules of the association.  
 1921           6. A book or books which contain the minutes of all  
 1922 meetings of the association, of the board of administration, and  
 1923 of unit owners, which minutes must be retained for at least 7  
 1924 years.  
 1925           7. A current roster of all unit owners and their mailing  
 1926 addresses, unit identifications, voting certifications, and, if  
 1927 known, telephone numbers. The association shall also maintain  
 1928 the electronic mailing addresses and the numbers designated by  
 1929 unit owners for receiving notice sent by electronic transmission  
 1930 of those unit owners consenting to receive notice by electronic  
 1931 transmission. The electronic mailing addresses and telephone  
 1932 numbers must be removed from association records if consent to  
 1933 receive notice by electronic transmission is revoked. However,  
 1934 the association is not liable for an erroneous disclosure of the  
 1935 electronic mail address or the number for receiving electronic  
 1936 transmission of notices.  
 1937           8. All current insurance policies of the association and

1938 | condominiums operated by the association.

1939 |         9. A current copy of any management agreement, lease, or

1940 | other contract to which the association is a party or under

1941 | which the association or the unit owners have an obligation or

1942 | responsibility.

1943 |         10. Bills of sale or transfer for all property owned by

1944 | the association.

1945 |         11. Accounting records for the association and separate

1946 | accounting records for each condominium which the association

1947 | operates. All accounting records shall be maintained for at

1948 | least 7 years. Any person who knowingly or intentionally defaces

1949 | or destroys accounting records required to be created and

1950 | maintained by this chapter during the period for which such

1951 | records are required to be maintained, or who knowingly or

1952 | intentionally fails to create or maintain such records, with the

1953 | intent of causing harm to the association or one or more of its

1954 | members, is personally subject to a civil penalty pursuant to s.

1955 | 718.501(1)(d). The accounting records must include, but are not

1956 | limited to:

1957 |         a. Accurate, itemized, and detailed records of all

1958 | receipts and expenditures.

1959 |         b. A current account and a monthly, bimonthly, or

1960 | quarterly statement of the account for each unit designating the

1961 | name of the unit owner, the due date and amount of each

1962 | assessment, the amount paid upon the account, and the balance

1963 | due.

1964 |         c. All audits, reviews, accounting statements, and

1965 | financial reports of the association or condominium.

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1966 d. All contracts for work to be performed. Bids for work  
 1967 to be performed are also considered official records and must be  
 1968 maintained by the association.

1969 12. Ballots, sign-in sheets, voting proxies, and all other  
 1970 papers relating to voting by unit owners, which must be  
 1971 maintained for 1 year from the date of the election, vote, or  
 1972 meeting to which the document relates, notwithstanding paragraph  
 1973 (b).

1974 13. All rental records if the association is acting as  
 1975 agent for the rental of condominium units.

1976 14. A copy of the current question and answer sheet as  
 1977 described in s. 718.504.

1978 15. All other records of the association not specifically  
 1979 included in the foregoing which are related to the operation of  
 1980 the association.

1981 16. A copy of the inspection report as provided in s.  
 1982 718.301(4)(p).

1983 (b) The official records of the association must be  
 1984 maintained within the state for at least 7 years. The records of  
 1985 the association shall be made available to a unit owner within  
 1986 45 miles of the condominium property or within the county in  
 1987 which the condominium property is located within 5 working days  
 1988 after receipt of a written request by the board or its designee.  
 1989 However, such distance requirement does not apply to an  
 1990 association governing a timeshare condominium. This paragraph  
 1991 may be complied with by having a copy of the official records of  
 1992 the association available for inspection or copying on the  
 1993 condominium property or association property, or the association

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1994 | may offer the option of making the records available to a unit  
 1995 | owner electronically via the Internet or by allowing the records  
 1996 | to be viewed in electronic format on a computer screen and  
 1997 | printed upon request. The association is not responsible for the  
 1998 | use or misuse of the information provided to an association  
 1999 | member or his or her authorized representative pursuant to the  
 2000 | compliance requirements of this chapter unless the association  
 2001 | has an affirmative duty not to disclose such information  
 2002 | pursuant to this chapter.

2003 |         (c) The official records of the association are open to  
 2004 | inspection by any association member or the authorized  
 2005 | representative of such member at all reasonable times. The right  
 2006 | to inspect the records includes the right to make or obtain  
 2007 | copies, at the reasonable expense, if any, of the member. The  
 2008 | association may adopt reasonable rules regarding the frequency,  
 2009 | time, location, notice, and manner of record inspections and  
 2010 | copying. The failure of an association to provide the records  
 2011 | within 10 working days after receipt of a written request  
 2012 | creates a rebuttable presumption that the association willfully  
 2013 | failed to comply with this paragraph. A unit owner who is denied  
 2014 | access to official records is entitled to the actual damages or  
 2015 | minimum damages for the association's willful failure to comply.  
 2016 | Minimum damages shall be \$50 per calendar day up to 10 days, the  
 2017 | calculation to begin on the 11th working day after receipt of  
 2018 | the written request. The failure to permit inspection of the  
 2019 | association records as provided herein entitles any person  
 2020 | prevailing in an enforcement action to recover reasonable  
 2021 | attorney's fees from the person in control of the records who,

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2022 directly or indirectly, knowingly denied access to the records.  
 2023 Any person who knowingly or intentionally defaces or destroys  
 2024 accounting records that are required by this chapter to be  
 2025 maintained during the period for which such records are required  
 2026 to be maintained, or who knowingly or intentionally fails to  
 2027 create or maintain accounting records that are required to be  
 2028 created or maintained, with the intent of causing harm to the  
 2029 association or one or more of its members, is personally subject  
 2030 to a civil penalty pursuant to s. 718.501(1)(d). The association  
 2031 shall maintain an adequate number of copies of the declaration,  
 2032 articles of incorporation, bylaws, and rules, and all amendments  
 2033 to each of the foregoing, as well as the question and answer  
 2034 sheet provided for in s. 718.504 and year-end financial  
 2035 information required in this section, on the condominium  
 2036 property to ensure their availability to unit owners and  
 2037 prospective purchasers, and may charge its actual costs for  
 2038 preparing and furnishing these documents to those requesting the  
 2039 documents. Notwithstanding the provisions of this paragraph, the  
 2040 following records are not accessible to unit owners:

- 2041 1. Any record protected by the lawyer-client privilege as  
 2042 described in s. 90.502; and any record protected by the work-  
 2043 product privilege, including any record prepared by an  
 2044 association attorney or prepared at the attorney's express  
 2045 direction; which reflects a mental impression, conclusion,  
 2046 litigation strategy, or legal theory of the attorney or the  
 2047 association, and which was prepared exclusively for civil or  
 2048 criminal litigation or for adversarial administrative  
 2049 proceedings, or which was prepared in anticipation of imminent



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2050 civil or criminal litigation or imminent adversarial  
 2051 administrative proceedings until the conclusion of the  
 2052 litigation or adversarial administrative proceedings.

2053 2. Information obtained by an association in connection  
 2054 with the approval of the lease, sale, or other transfer of a  
 2055 unit.

2056 3. Personnel records of association employees, including,  
 2057 but not limited to, disciplinary, payroll, health, and insurance  
 2058 records.

2059 4. Medical records of unit owners.

2060 5. Social security numbers, driver's license numbers,  
 2061 credit card numbers, e-mail addresses, telephone numbers,  
 2062 emergency contact information, any addresses of a unit owner  
 2063 other than as provided to fulfill the association's notice  
 2064 requirements, and other personal identifying information of any  
 2065 person, excluding the person's name, unit designation, mailing  
 2066 address, and property address.

2067 6. Any electronic security measure that is used by the  
 2068 association to safeguard data, including passwords.

2069 7. The software and operating system used by the  
 2070 association which allows manipulation of data, even if the owner  
 2071 owns a copy of the same software used by the association. The  
 2072 data is part of the official records of the association.

2073 (d) The association shall prepare a question and answer  
 2074 sheet as described in s. 718.504, and shall update it annually.

2075 (e)1. The association or its authorized agent is not  
 2076 required to provide a prospective purchaser or lienholder with  
 2077 information about the condominium or the association other than

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2078 information or documents required by this chapter to be made  
 2079 available or disclosed. The association or its authorized agent  
 2080 may charge a reasonable fee to the prospective purchaser,  
 2081 lienholder, or the current unit owner for providing good faith  
 2082 responses to requests for information by or on behalf of a  
 2083 prospective purchaser or lienholder, other than that required by  
 2084 law, if the fee does not exceed \$150 plus the reasonable cost of  
 2085 photocopying and any attorney's fees incurred by the association  
 2086 in connection with the response.

2087         2. An association and its authorized agent are not liable  
 2088 for providing such information in good faith pursuant to a  
 2089 written request if the person providing the information includes  
 2090 a written statement in substantially the following form: "The  
 2091 responses herein are made in good faith and to the best of my  
 2092 ability as to their accuracy."

2093         Reviser's note.—Section 9, ch. 2010-174, amended  
 2094 subsection (12) without publishing paragraphs (d) and  
 2095 (e). Absent affirmative evidence of legislative intent  
 2096 to repeal paragraphs (d) and (e), subsection (12) is  
 2097 reenacted to confirm the omission was not intended.

2098         Section 50. Paragraph (f) of subsection (7) of section  
 2099 893.055, Florida Statutes, is amended to read:

2100         893.055 Prescription drug monitoring program.—

2101         (7)

2102         (f) The program manager, upon determining a pattern  
 2103 consistent with the rules established under paragraph (2) (d)  
 2104 ~~(2) (e)~~ and having cause to believe a violation of s.  
 2105 893.13(7) (a)8., (8) (a), or (8) (b) has occurred, may provide

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2106 relevant information to the applicable law enforcement agency.

2107 Reviser's note.—Amended to confirm substitution by the  
 2108 editors of a reference to paragraph (2) (d) for a  
 2109 reference to paragraph (2) (c). Paragraph (2) (d)  
 2110 relates to development of rules; paragraph (2) (c)  
 2111 relates to notification of an implementation date for  
 2112 reporting requirements.

2113 Section 51. Subsection (4) of section 893.0551, Florida  
 2114 Statutes, is amended to read:

2115 893.0551 Public records exemption for the prescription  
 2116 drug monitoring program.—

2117 (4) The department shall disclose such confidential and  
 2118 exempt information to the applicable law enforcement agency in  
 2119 accordance with s. 893.055(7)(f) ~~893.055(7)(b)2~~. The law  
 2120 enforcement agency may disclose the confidential and exempt  
 2121 information received from the department to a criminal justice  
 2122 agency as defined in s. 119.011 as part of an active  
 2123 investigation that is specific to a violation of s.  
 2124 893.13(7)(a)8., s. 893.13(8)(a), or s. 893.13(8)(b).

2125 Reviser's note.—Amended to confirm substitution by the  
 2126 editors of a reference to s. 893.055(7)(f) for a  
 2127 reference to s. 893.055(7)(b)2., which does not exist;  
 2128 paragraph (7)(f) relates to provision of information  
 2129 to law enforcement agencies.

2130 Section 52. Paragraph (d) of subsection (7) of section  
 2131 1002.69, Florida Statutes, is amended to read:

2132 1002.69 Statewide kindergarten screening; kindergarten  
 2133 readiness rates.—

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2134 (7)  
 2135 (d) A good cause exemption may not be granted to any  
 2136 private prekindergarten provider that has any class I violations  
 2137 or two or more class II violations within the 2 years preceding  
 2138 the provider's or school's request for the exemption. For  
 2139 purposes of this paragraph, class I and class II violations have  
 2140 the same meaning as provided in s. 402.281(4) ~~402.281(3)~~.

2141 Reviser's note.—Amended to conform to the  
 2142 redesignation of s. 402.281(3) as s. 402.281(4) by s.  
 2143 7, ch. 2010-210, Laws of Florida.

2144 Section 53. Paragraph (a) of subsection (4) of section  
 2145 1003.428, Florida Statutes, is amended to read:

2146 1003.428 General requirements for high school graduation;  
 2147 revised.—

2148 (4) Each district school board shall establish standards  
 2149 for graduation from its schools, which must include:

2150 (a) Successful completion of the academic credit or  
 2151 curriculum requirements of subsections (1) and (2). For courses  
 2152 that require statewide, standardized end-of-course assessments  
 2153 under s. 1008.22(3)(c)2.d. ~~1008.22(3)(e)2.e.~~, a minimum of 30  
 2154 percent of a student's course grade shall be comprised of  
 2155 performance on the statewide, standardized end-of-course  
 2156 assessment.

2157  
 2158 Each district school board shall adopt policies designed to  
 2159 assist students in meeting the requirements of this subsection.  
 2160 These policies may include, but are not limited to: forgiveness  
 2161 policies, summer school or before or after school attendance,

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2162 special counseling, volunteers or peer tutors, school-sponsored  
2163 help sessions, homework hotlines, and study skills classes.  
2164 Forgiveness policies for required courses shall be limited to  
2165 replacing a grade of "D" or "F," or the equivalent of a grade of  
2166 "D" or "F," with a grade of "C" or higher, or the equivalent of  
2167 a grade of "C" or higher, earned subsequently in the same or  
2168 comparable course. Forgiveness policies for elective courses  
2169 shall be limited to replacing a grade of "D" or "F," or the  
2170 equivalent of a grade of "D" or "F," with a grade of "C" or  
2171 higher, or the equivalent of a grade of "C" or higher, earned  
2172 subsequently in another course. The only exception to these  
2173 forgiveness policies shall be made for a student in the middle  
2174 grades who takes any high school course for high school credit  
2175 and earns a grade of "C," "D," or "F" or the equivalent of a  
2176 grade of "C," "D," or "F." In such case, the district  
2177 forgiveness policy must allow the replacement of the grade with  
2178 a grade of "C" or higher, or the equivalent of a grade of "C" or  
2179 higher, earned subsequently in the same or comparable course. In  
2180 all cases of grade forgiveness, only the new grade shall be used  
2181 in the calculation of the student's grade point average. Any  
2182 course grade not replaced according to a district school board  
2183 forgiveness policy shall be included in the calculation of the  
2184 cumulative grade point average required for graduation.

2185 Reviser's note.—Amended to conform to the  
2186 redesignation of subunits in s. 1008.22 as a result of  
2187 compilation of changes by s. 8, ch. 2010-22, Laws of  
2188 Florida, and s. 4, ch. 2010-48, Laws of Florida.  
2189 Section 54. Subsection (5) of section 1003.429, Florida

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2190 Statutes, is amended to read:

2191 1003.429 Accelerated high school graduation options.—

2192 (5) District school boards may not establish requirements  
 2193 for accelerated 3-year high school graduation options in excess  
 2194 of the requirements in paragraphs (1)(b) and (c). For courses  
 2195 that require statewide, standardized end-of-course assessments  
 2196 under s. 1008.22(3)(c)2.d. ~~1008.22(3)(c)2.e.~~, a minimum of 30  
 2197 percent of a student's course grade shall be comprised of  
 2198 performance on the statewide, standardized end-of-course  
 2199 assessment.

2200 Reviser's note.—Amended to conform to the  
 2201 redesignation of subunits in s. 1008.22 as a result of  
 2202 compilation of changes by s. 8, ch. 2010-22, Laws of  
 2203 Florida, and s. 4, ch. 2010-48, Laws of Florida.

2204 Section 55. Paragraphs (b) and (c) of subsection (3) of  
 2205 section 1008.34, Florida Statutes, are amended to read:

2206 1008.34 School grading system; school report cards;  
 2207 district grade.—

2208 (3) DESIGNATION OF SCHOOL GRADES.—

2209 (b)1. A school's grade shall be based on a combination of:

2210 a. Student achievement scores, including achievement on  
 2211 all FCAT assessments administered under s. 1008.22(3)(c)1., end-  
 2212 of-course assessments administered under s. 1008.22(3)(c)2.a.,  
 2213 and achievement scores for students seeking a special diploma.

2214 b. Student learning gains in reading and mathematics as  
 2215 measured by FCAT and end-of-course assessments, as described in  
 2216 s. 1008.22(3)(c)1. and 2.a. Learning gains for students seeking  
 2217 a special diploma, as measured by an alternate assessment tool,

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2218 | shall be included not later than the 2009-2010 school year.

2219 |       c. Improvement of the lowest 25th percentile of students  
 2220 | in the school in reading and mathematics on the FCAT or end-of-  
 2221 | course assessments described in s. 1008.22(3)(c)2.a., unless  
 2222 | these students are exhibiting satisfactory performance.

2223 |       2. Beginning with the 2009-2010 school year for schools  
 2224 | comprised of high school grades 9, 10, 11, and 12, or grades 10,  
 2225 | 11, and 12, 50 percent of the school grade shall be based on a  
 2226 | combination of the factors listed in sub-subparagraphs 1.a.-c.  
 2227 | and the remaining 50 percent on the following factors:

2228 |       a. The high school graduation rate of the school;

2229 |       b. As valid data becomes available, the performance and  
 2230 | participation of the school's students in College Board Advanced  
 2231 | Placement courses, International Baccalaureate courses, dual  
 2232 | enrollment courses, and Advanced International Certificate of  
 2233 | Education courses; and the students' achievement of national  
 2234 | industry certification identified in the Industry Certification  
 2235 | Funding List, pursuant to rules adopted by the State Board of  
 2236 | Education;

2237 |       c. Postsecondary readiness of the school's students as  
 2238 | measured by the SAT, ACT, or the common placement test;

2239 |       d. The high school graduation rate of at-risk students who  
 2240 | scored at Level 2 or lower on the grade 8 FCAT Reading and  
 2241 | Mathematics examinations;

2242 |       e. As valid data becomes available, the performance of the  
 2243 | school's students on statewide standardized end-of-course  
 2244 | assessments administered under s. 1008.22(3)(c)2.c. and d.  
 2245 | ~~1008.22(3)(c)2.b. and e.~~; and

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2246 f. The growth or decline in the components listed in sub-  
2247 subparagraphs a.-e. from year to year.

2248 (c) Student assessment data used in determining school  
2249 grades shall include:

2250 1. The aggregate scores of all eligible students enrolled  
2251 in the school who have been assessed on the FCAT and statewide,  
2252 standardized end-of-course assessments in courses required for  
2253 high school graduation, including, beginning with the 2010-2011  
2254 school year, the end-of-course assessment in Algebra I; and  
2255 beginning with the 2011-2012 school year, the end-of-course  
2256 assessments in geometry and Biology; and beginning with the  
2257 2013-2014 school year, on the statewide, standardized end-of-  
2258 course assessment in civics education at the middle school  
2259 level.

2260 2. The aggregate scores of all eligible students enrolled  
2261 in the school who have been assessed on the FCAT and end-of-  
2262 course assessments as described in s. 1008.22(3)(c)2.a., and who  
2263 have scored at or in the lowest 25th percentile of students in  
2264 the school in reading and mathematics, unless these students are  
2265 exhibiting satisfactory performance.

2266 3. The achievement scores and learning gains of eligible  
2267 students attending alternative schools that provide dropout  
2268 prevention and academic intervention services pursuant to s.  
2269 1003.53. The term "eligible students" in this subparagraph does  
2270 not include students attending an alternative school who are  
2271 subject to district school board policies for expulsion for  
2272 repeated or serious offenses, who are in dropout retrieval  
2273 programs serving students who have officially been designated as



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2274 dropouts, or who are in programs operated or contracted by the  
2275 Department of Juvenile Justice. The student performance data for  
2276 eligible students identified in this subparagraph shall be  
2277 included in the calculation of the home school's grade. As used  
2278 in this section and s. 1008.341, the term "home school" means  
2279 the school to which the student would be assigned if the student  
2280 were not assigned to an alternative school. If an alternative  
2281 school chooses to be graded under this section, student  
2282 performance data for eligible students identified in this  
2283 subparagraph shall not be included in the home school's grade  
2284 but shall be included only in the calculation of the alternative  
2285 school's grade. A school district that fails to assign the FCAT  
2286 and end-of-course assessment as described in s.  
2287 1008.22(3)(c)2.a. scores of each of its students to his or her  
2288 home school or to the alternative school that receives a grade  
2289 shall forfeit Florida School Recognition Program funds for 1  
2290 fiscal year. School districts must require collaboration between  
2291 the home school and the alternative school in order to promote  
2292 student success. This collaboration must include an annual  
2293 discussion between the principal of the alternative school and  
2294 the principal of each student's home school concerning the most  
2295 appropriate school assignment of the student.

2296 4. For schools comprised of high school grades 9, 10, 11,  
2297 and 12, or grades 10, 11, and 12, the data listed in  
2298 subparagraphs 1.-3. and the following data as the Department of  
2299 Education determines such data are valid and available:

2300 a. The high school graduation rate of the school as  
2301 calculated by the Department of Education;

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2302           b. The participation rate of all eligible students  
 2303 enrolled in the school and enrolled in College Board Advanced  
 2304 Placement courses; International Baccalaureate courses; dual  
 2305 enrollment courses; Advanced International Certificate of  
 2306 Education courses; and courses or sequence of courses leading to  
 2307 national industry certification identified in the Industry  
 2308 Certification Funding List, pursuant to rules adopted by the  
 2309 State Board of Education;

2310           c. The aggregate scores of all eligible students enrolled  
 2311 in the school in College Board Advanced Placement courses,  
 2312 International Baccalaureate courses, and Advanced International  
 2313 Certificate of Education courses;

2314           d. Earning of college credit by all eligible students  
 2315 enrolled in the school in dual enrollment programs under s.  
 2316 1007.271;

2317           e. Earning of a national industry certification identified  
 2318 in the Industry Certification Funding List, pursuant to rules  
 2319 adopted by the State Board of Education;

2320           f. The aggregate scores of all eligible students enrolled  
 2321 in the school in reading, mathematics, and other subjects as  
 2322 measured by the SAT, the ACT, and the common placement test for  
 2323 postsecondary readiness;

2324           g. The high school graduation rate of all eligible at-risk  
 2325 students enrolled in the school who scored at Level 2 or lower  
 2326 on the grade 8 FCAT Reading and Mathematics examinations;

2327           h. The performance of the school's students on statewide  
 2328 standardized end-of-course assessments administered under s.  
 2329 1008.22(3)(c)2.c. and d. ~~1008.22(3)(e)2.b. and e.~~; and

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2330 i. The growth or decline in the data components listed in  
2331 sub-subparagraphs a.-h. from year to year.

2332

2333 The State Board of Education shall adopt appropriate criteria  
2334 for each school grade. The criteria must also give added weight  
2335 to student achievement in reading. Schools designated with a  
2336 grade of "C," making satisfactory progress, shall be required to  
2337 demonstrate that adequate progress has been made by students in  
2338 the school who are in the lowest 25th percentile in reading and  
2339 mathematics on the FCAT and end-of-course assessments as  
2340 described in s. 1008.22(3)(c)2.a., unless these students are  
2341 exhibiting satisfactory performance. Beginning with the 2009-  
2342 2010 school year for schools comprised of high school grades 9,  
2343 10, 11, and 12, or grades 10, 11, and 12, the criteria for  
2344 school grades must also give added weight to the graduation rate  
2345 of all eligible at-risk students, as defined in this paragraph.  
2346 Beginning in the 2009-2010 school year, in order for a high  
2347 school to be designated as having a grade of "A," making  
2348 excellent progress, the school must demonstrate that at-risk  
2349 students, as defined in this paragraph, in the school are making  
2350 adequate progress.

2351 Reviser's note.—Amended to conform to the  
2352 redesignation of subunits in s. 1008.22 as a result of  
2353 compilation of changes by s. 8, ch. 2010-22, Laws of  
2354 Florida, and s. 4, ch. 2010-48, Laws of Florida.

2355 Section 56. This act shall take effect on the 60th day  
2356 after adjournment sine die of the session of the Legislature in  
2357 which enacted.