

By Senator Thrasher

8-01777-11

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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,
 4 283.30, 283.33, 283.43, 285.710, 288.0659, 288.106,
 5 288.9604, 316.008, 319.30, 320.03, 321.05, 327.73,
 6 339.135, 341.302, 373.036, 376.011, 380.0552, 380.503,
 7 381.0065, 401.465, 402.7305, 403.7032, 403.891,
 8 411.01, 435.03, 443.091, 443.131, 479.01, 494.00331,
 9 550.334, 550.3345, 553.77, 624.310, 627.4605, 627.711,
 10 633.081, 677.105, 893.055, 893.0551, 1002.69,
 11 1003.428, 1003.429, and 1008.34, F.S.; and reenacting
 12 ss. 61.30, 163.3202, 369.317, 443.141, 497.372, and
 13 718.111, F.S.; providing an effective date.

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

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

19 16.0155 Contingency fee agreements.—

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

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

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

35 Section 2. Paragraph (b) of subsection (10) of section
36 28.36, Florida Statutes, is amended to read:

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

40 (10)

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

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

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

61 61.30 Child support guidelines; retroactive child 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
75 1100.00	258	400	489	495	500	505
76 1150.00	269	417	522	541	547	553

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77	1200.00	280	435	544	588	594	600
78	1250.00	290	451	565	634	641	648
79	1300.00	300	467	584	659	688	695
80	1350.00	310	482	603	681	735	743
81	1400.00	320	498	623	702	765	790
82	1450.00	330	513	642	724	789	838
83	1500.00	340	529	662	746	813	869
84	1550.00	350	544	681	768	836	895
85	1600.00	360	560	701	790	860	920
86	1650.00	370	575	720	812	884	945
87	1700.00	380	591	740	833	907	971
88	1750.00	390	606	759	855	931	996
89	1800.00	400	622	779	877	955	1022
90	1850.00	410	638	798	900	979	1048
	1900.00	421	654	818	923	1004	1074

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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
103	2550.00	557	864	1081	1219	1329	1420
104	2600.00	568	880	1101	1242	1354	1447
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106	2650.00	578	896	1121	1265	1379	1473
107	2700.00	588	912	1141	1287	1403	1500
108	2750.00	597	927	1160	1308	1426	1524
109	2800.00	607	941	1178	1328	1448	1549
110	2850.00	616	956	1197	1349	1471	1573
111	2900.00	626	971	1215	1370	1494	1598
112	2950.00	635	986	1234	1391	1517	1622
113	3000.00	644	1001	1252	1412	1540	1647
114	3050.00	654	1016	1271	1433	1563	1671
115	3100.00	663	1031	1289	1453	1586	1695
116	3150.00	673	1045	1308	1474	1608	1720
117	3200.00	682	1060	1327	1495	1631	1744
118	3250.00	691	1075	1345	1516	1654	1769
119	3300.00	701	1090	1364	1537	1677	1793
	3350.00	710	1105	1382	1558	1700	1818

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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
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
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135	4100.00	846	1315	1637	1854	2023	2163
136	4150.00	854	1329	1654	1873	2044	2185
137	4200.00	863	1342	1670	1892	2064	2207
138	4250.00	872	1355	1687	1911	2085	2229
139	4300.00	881	1369	1704	1930	2106	2251
140	4350.00	889	1382	1721	1949	2127	2273
141	4400.00	898	1396	1737	1968	2147	2295
142	4450.00	907	1409	1754	1987	2168	2317
143	4500.00	916	1423	1771	2006	2189	2339
144	4550.00	924	1436	1788	2024	2209	2361
145	4600.00	933	1450	1804	2043	2230	2384
146	4650.00	942	1463	1821	2062	2251	2406
147	4700.00	951	1477	1838	2081	2271	2428
148	4750.00	959	1490	1855	2100	2292	2450
	4800.00	968	1503	1871	2119	2313	2472

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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
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
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164	5550.00	1070	1657	2073	2338	2552	2727
165	5600.00	1077	1667	2085	2352	2567	2743
166	5650.00	1083	1676	2097	2365	2582	2759
167	5700.00	1089	1686	2109	2379	2597	2775
168	5750.00	1096	1695	2122	2393	2612	2791
169	5800.00	1102	1705	2134	2406	2627	2807
170	5850.00	1107	1713	2144	2418	2639	2820
171	5900.00	1111	1721	2155	2429	2651	2833
172	5950.00	1116	1729	2165	2440	2663	2847
173	6000.00	1121	1737	2175	2451	2676	2860
174	6050.00	1126	1746	2185	2462	2688	2874
175	6100.00	1131	1754	2196	2473	2700	2887
176	6150.00	1136	1762	2206	2484	2712	2900
177	6200.00	1141	1770	2216	2495	2724	2914
	6250.00	1145	1778	2227	2506	2737	2927

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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
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
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193	7000.00	1212	1885	2362	2656	2900	3103
194	7050.00	1216	1891	2370	2664	2909	3113
195	7100.00	1220	1897	2378	2673	2919	3123
196	7150.00	1224	1903	2385	2681	2928	3133
197	7200.00	1228	1909	2393	2690	2937	3142
198	7250.00	1232	1915	2400	2698	2946	3152
199	7300.00	1235	1921	2408	2707	2956	3162
200	7350.00	1239	1927	2415	2716	2965	3172
201	7400.00	1243	1933	2423	2724	2974	3181
202	7450.00	1247	1939	2430	2733	2983	3191
203	7500.00	1251	1945	2438	2741	2993	3201
204	7550.00	1255	1951	2446	2750	3002	3211
205	7600.00	1259	1957	2453	2758	3011	3220
206	7650.00	1263	1963	2461	2767	3020	3230
	7700.00	1267	1969	2468	2775	3030	3240

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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
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
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222	8450.00	1325	2058	2581	2904	3168	3386
223	8500.00	1329	2064	2589	2912	3178	3396
224	8550.00	1333	2070	2597	2921	3187	3406
225	8600.00	1337	2076	2604	2929	3196	3415
226	8650.00	1341	2082	2612	2938	3205	3425
227	8700.00	1345	2088	2619	2946	3215	3435
228	8750.00	1349	2094	2627	2955	3224	3445
229	8800.00	1352	2100	2634	2963	3233	3454
230	8850.00	1356	2106	2642	2972	3242	3464
231	8900.00	1360	2111	2649	2981	3252	3474
232	8950.00	1364	2117	2657	2989	3261	3484
233	9000.00	1368	2123	2664	2998	3270	3493
234	9050.00	1372	2129	2672	3006	3279	3503
235	9100.00	1376	2135	2680	3015	3289	3513
	9150.00	1380	2141	2687	3023	3298	3523

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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
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
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251	9900.00	1432	2221	2786	3137	3420	3653
252	9950.00	1435	2225	2791	3143	3426	3659
253	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 lesser of the obligor parent's actual dollar share of the total minimum child support amount, as determined in subparagraph 1., and 90 percent of the difference between the obligor parent's monthly net income and the current poverty guidelines as periodically updated in the Federal Register by the United States Department of Health and Human Services pursuant to 42 U.S.C. s. 9902(2) for a single individual living alone.

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

	Child or Children					
	One	Two	Three	Four	Five	Six

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5.0% 7.5% 9.5% 11.0% 12.0% 12.5%

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

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

102.012 Inspectors and clerks to conduct elections.—

(1)

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

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

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

112.534 Failure to comply; official misconduct.—

(1) If any law enforcement agency or correctional agency, including investigators in its internal affairs or professional standards division, or an assigned investigating supervisor, intentionally fails to comply with the requirements of this

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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
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.

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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
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 properties
350 or recreational vehicle parks if the properties are intended for
351 residential use and are located in the unincorporated areas that
352 have sufficient infrastructure, as determined by a local
353 governing authority, and are not located within a coastal high-
354 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.

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

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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
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.

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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,
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 image
433 or images from an original to a final substrate through the
434 electrophotographic, xerographic, laser, or offset process or
435 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 the
438 use of ink or similar substance from an original image to the
439 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

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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.—

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 to
461 read:

462 283.43 Public information printing services.—Any agency the
463 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:

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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;
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.

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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
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.

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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
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

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564 word "a" by the editors.

565 Section 17. Paragraph (f) of subsection (8) of section
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 use
589 by authorized electronic filing system agents to electronically
590 title or register motor vehicles, vessels, mobile homes, or off-
591 highway vehicles; issue or transfer registration license plates
592 or decals; electronically transfer fees due for the title and

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593 registration process; and perform inquiries for title,
594 registration, and lienholder verification and certification of
595 service providers is expressly preempted to the state, and the
596 department shall have regulatory authority over the system. The
597 electronic filing system shall be available for use statewide
598 and applied uniformly throughout the state. An entity that, in
599 the normal course of its business, sells products that must be
600 titled or registered, provides title and registration services
601 on behalf of its consumers and meets all established
602 requirements may be an authorized electronic filing system agent
603 and shall not be precluded from participating in the electronic
604 filing system in any county. Upon request from a qualified
605 entity, the tax collector shall appoint the entity as an
606 authorized electronic filing system agent for that county. The
607 department shall adopt rules in accordance with chapter 120 to
608 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

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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).

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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
678 authorities pursuant to s. 327.46.

679 2. Speed limits established pursuant to s. 379.2431(2).

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- 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.
 - 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

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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~~
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.~~

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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 subsection
743 (7) of section 339.135, Florida Statutes, are amended to read:

744 339.135 Work program; legislative budget request;
745 definitions; preparation, adoption, execution, and amendment.—

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

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

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

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

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

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

760

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

763 (e) The department may amend the adopted work program to
764 transfer fixed capital outlay appropriations for projects within
765 the same appropriations category or between appropriations
766 categories, including the following amendments which shall be

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767 subject to the procedures in paragraph (f) ~~(d)~~:

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

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

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

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

783 (f)1. Whenever the department proposes any amendment to the
784 adopted work program, as defined in subparagraph (e)1. ~~(e)1.~~ or
785 subparagraph (e)3. ~~(e)3.~~, which deletes or defers a construction
786 phase on a capacity project, it shall notify each county
787 affected by the amendment and each municipality within the
788 county. The notification shall be issued in writing to the chief
789 elected official of each affected county, each municipality
790 within the county, and the chair of each affected metropolitan
791 planning organization. Each affected county and each
792 municipality in the county is encouraged to coordinate with each
793 other in order to determine how the amendment affects local
794 concurrency management and regional transportation planning
795 efforts. Each affected county, and each municipality within the

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796 county, shall have 14 days to provide written comments to the
797 department regarding how the amendment will affect its
798 respective concurrency management systems, including whether any
799 development permits were issued contingent upon the capacity
800 improvement, if applicable. After receipt of written comments
801 from the affected local governments, the department shall
802 include any written comments submitted by such local governments
803 in its preparation of the proposed amendment.

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

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

822 4. If either of the chairs of the legislative
823 appropriations committees or the President of the Senate or the
824 Speaker of the House of Representatives objects in writing to a

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825 proposed amendment within 14 days following notification and
826 specifies the reasons for such objection, the Governor shall
827 disapprove the proposed amendment.

828 (g) Notwithstanding the requirements in paragraphs (f) ~~(d)~~
829 and (i) ~~(g)~~ and ss. 216.177(2) and 216.351, the secretary may
830 request the Executive Office of the Governor to amend the
831 adopted work program when an emergency exists, as defined in s.
832 252.34(3), and the emergency relates to the repair or
833 rehabilitation of any state transportation facility. The
834 Executive Office of the Governor may approve the amendment to
835 the adopted work program and amend that portion of the
836 department's approved budget in the event that the delay
837 incident to the notification requirements in paragraph (f) ~~(d)~~
838 would be detrimental to the interests of the state. However, the
839 department shall immediately notify the parties specified in
840 paragraph (f) ~~(d)~~ and shall provide such parties written
841 justification for the emergency action within 7 days of the
842 approval by the Executive Office of the Governor of the
843 amendment to the adopted work program and the department's
844 budget. In no event may the adopted work program be amended
845 under the provisions of this subsection without the
846 certification by the comptroller of the department that there
847 are sufficient funds available pursuant to the 36-month cash
848 forecast and applicable statutes.

849 Reviser's note.—Amended to conform cross-references to
850 the addition of new paragraphs (7) (a) and (b) by s.
851 51, ch. 2010-153, Laws of Florida. Paragraph (d) is
852 also amended to correct an apparent error; the
853 reference to paragraph (b) was substituted for a

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854 reference to paragraph (c) by s. 47, ch. 2005-152,
855 Laws of Florida. The s. 47, ch. 2005-152, substitution
856 was erroneous, added as a cross-reference correction
857 to conform to a deletion of subsection (a) by an
858 earlier version of Senate Bill 2610, which was not in
859 the version of the bill that became ch. 2005-152; the
860 cross-reference was not updated to conform to that
861 change.

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

864 341.302 Rail program; duties and responsibilities of the
865 department.—The department, in conjunction with other
866 governmental entities, including the rail enterprise and the
867 private sector, shall develop and implement a rail program of
868 statewide application designed to ensure the proper maintenance,
869 safety, revitalization, and expansion of the rail system to
870 assure its continued and increased availability to respond to
871 statewide mobility needs. Within the resources provided pursuant
872 to chapter 216, and as authorized under federal law, the
873 department shall:

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

877 (a) Assume the obligation by contract to forever protect,
878 defend, indemnify, and hold harmless the freight rail operator,
879 or its successors, from whom the department has acquired a real
880 property interest in the rail corridor, and that freight rail
881 operator's officers, agents, and employees, from and against any
882 liability, cost, and expense, including, but not limited to,

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883 commuter rail passengers and rail corridor invitees in the rail
884 corridor, regardless of whether the loss, damage, destruction,
885 injury, or death giving rise to any such liability, cost, or
886 expense is caused in whole or in part, and to whatever nature or
887 degree, by the fault, failure, negligence, misconduct,
888 nonfeasance, or misfeasance of such freight rail operator, its
889 successors, or its officers, agents, and employees, or any other
890 person or persons whomsoever, provided that such assumption of
891 liability of the department by contract shall not in any
892 instance exceed the following parameters of allocation of risk:

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

897 2. In the event of a limited covered accident, the
898 authority of the department to protect, defend, and indemnify
899 the freight operator for all liability, cost, and expense,
900 including punitive or exemplary damages, in excess of the
901 deductible or self-insurance retention fund established under
902 paragraph (b) and actually in force at the time of the limited
903 covered accident exists only if the freight operator agrees,
904 with respect to the limited covered accident, to protect,
905 defend, and indemnify the department for the amount of the
906 deductible or self-insurance retention fund established under
907 paragraph (b) and actually in force at the time of the limited
908 covered accident.

909 3. When only one train is involved in an incident, the
910 department may be solely responsible for any loss, injury, or
911 damage if the train is a department train or other train

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

917 4. For the purposes of this subsection, any train involved
918 in an incident that is neither the department's train nor the
919 freight rail operator's train, hereinafter referred to in this
920 subsection as an "other train," may be treated as a department
921 train, solely for purposes of any allocation of liability
922 between the department and the freight rail operator only, but
923 only if the department and the freight rail operator share
924 responsibility equally as to third parties outside the rail
925 corridor who incur loss, injury, or damage as a result of any
926 incident involving both a department train and a freight rail
927 operator train, and the allocation as between the department and
928 the freight rail operator, regardless of whether the other train
929 is treated as a department train, shall remain one-half each as
930 to third parties outside the rail corridor who incur loss,
931 injury, or damage as a result of the incident. The involvement
932 of any other train shall not alter the sharing of equal
933 responsibility as to third parties outside the rail corridor who
934 incur loss, injury, or damage as a result of the incident.

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

936 a. If only a department train and freight rail operator's
937 train, or only an other train as described in subparagraph 4.
938 and a freight rail operator's train, are involved in an
939 incident, the department may be responsible for its property and
940 all of its people, all commuter rail passengers, and rail

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941 corridor invitees, but only if the freight rail operator is
942 responsible for its property and all of its people, and the
943 department and the freight rail operator each share one-half
944 responsibility as to trespassers or third parties outside the
945 rail corridor who incur loss, injury, or damage as a result of
946 the incident.

947 b. If a department train, a freight rail operator train,
948 and any other train are involved in an incident, the allocation
949 of liability between the department and the freight rail
950 operator, regardless of whether the other train is treated as a
951 department train, shall remain one-half each as to third parties
952 outside the rail corridor who incur loss, injury, or damage as a
953 result of the incident; the involvement of any other train shall
954 not alter the sharing of equal responsibility as to third
955 parties outside the rail corridor who incur loss, injury, or
956 damage as a result of the incident; and, if the owner, operator,
957 or insurer of the other train makes any payment to injured third
958 parties outside the rail corridor who incur loss, injury, or
959 damage as a result of the incident, the allocation of credit
960 between the department and the freight rail operator as to such
961 payment shall not in any case reduce the freight rail operator's
962 third-party-sharing allocation of one-half under this paragraph
963 to less than one-third of the total third party liability.

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

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970 amount of the specific cap established under this subparagraph,
971 provided that:

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

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

982

983 Neither the assumption by contract to protect, defend,
984 indemnify, and hold harmless; the purchase of insurance; nor the
985 establishment of a self-insurance retention fund shall be deemed
986 to be a waiver of any defense of sovereign immunity for torts
987 nor deemed to increase the limits of the department's or the
988 governmental entity's liability for torts as provided in s.
989 768.28. The requirements of s. 287.022(1) shall not apply to the
990 purchase of any insurance under this subsection. The provisions
991 of this subsection shall apply and inure fully as to any other
992 governmental entity providing commuter rail service and
993 constructing, operating, maintaining, or managing a rail
994 corridor on publicly owned right-of-way under contract by the
995 governmental entity with the department or a governmental entity
996 designated by the department. Notwithstanding any law to the
997 contrary, procurement for the construction, operation,
998 maintenance, and management of any rail corridor described in

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999 this subsection, whether by the department, a governmental
1000 entity under contract with the department, or a governmental
1001 entity designated by the department, shall be pursuant to s.
1002 287.057 and shall include, but not be limited to, criteria for
1003 the consideration of qualifications, technical aspects of the
1004 proposal, and price. Further, any such contract for design-build
1005 shall be procured pursuant to the criteria in s. 337.11(7).

1006 Reviser's note.—Amended to confirm insertion of the
1007 word "and" by the editors.

1008 Section 23. Subsection (6) of section 369.317, Florida
1009 Statutes, is reenacted to read:

1010 369.317 Wekiva Parkway.—

1011 (6) The Orlando-Orange County Expressway Authority is
1012 hereby granted the authority to act as a third-party acquisition
1013 agent, pursuant to s. 259.041 on behalf of the Board of Trustees
1014 or chapter 373 on behalf of the governing board of the St. Johns
1015 River Water Management District, for the acquisition of all
1016 necessary lands, property and all interests in property
1017 identified herein, including fee simple or less-than-fee simple
1018 interests. The lands subject to this authority are identified in
1019 paragraph 10.a., State of Florida, Office of the Governor,
1020 Executive Order 03-112 of July 1, 2003, and in Recommendation 16
1021 of the Wekiva Basin Area Task Force created by Executive Order
1022 2002-259, such lands otherwise known as Neighborhood Lakes, a
1023 1,587+/-acre parcel located in Orange and Lake Counties within
1024 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
1025 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
1026 Seminole Woods/Swamp, a 5,353+/-acre parcel located in Lake
1027 County within Section 37, Township 19 South, Range 28 East; New

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1028 Garden Coal; a 1,605+/-acre parcel in Lake County within
1029 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
1030 East; Pine Plantation, a 617+/-acre tract consisting of eight
1031 individual parcels within the Apopka City limits. The Department
1032 of Transportation, the Department of Environmental Protection,
1033 the St. Johns River Water Management District, and other land
1034 acquisition entities shall participate and cooperate in
1035 providing information and support to the third-party acquisition
1036 agent. The land acquisition process authorized by this paragraph
1037 shall begin no later than December 31, 2004. Acquisition of the
1038 properties identified as Neighborhood Lakes, Pine Plantation,
1039 and New Garden Coal, or approval as a mitigation bank shall be
1040 concluded no later than December 31, 2010. Department of
1041 Transportation and Orlando-Orange County Expressway Authority
1042 funds expended to purchase an interest in those lands identified
1043 in this subsection shall be eligible as environmental mitigation
1044 for road construction related impacts in the Wekiva Study Area.
1045 If any of the lands identified in this subsection are used as
1046 environmental mitigation for road-construction-related impacts
1047 incurred by the Department of Transportation or Orlando-Orange
1048 County Expressway Authority, or for other impacts incurred by
1049 other entities, within the Wekiva Study Area or within the
1050 Wekiva parkway alignment corridor, and if the mitigation offsets
1051 these impacts, the St. Johns River Water Management District and
1052 the Department of Environmental Protection shall consider the
1053 activity regulated under part IV of chapter 373 to meet the
1054 cumulative impact requirements of s. 373.414(8) (a).

1055 (a) Acquisition of the land described in this section is
1056 required to provide right of way for the Wekiva Parkway, a

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1057 limited access roadway linking State Road 429 to Interstate 4,
1058 an essential component in meeting regional transportation needs
1059 to provide regional connectivity, improve safety, accommodate
1060 projected population and economic growth, and satisfy critical
1061 transportation requirements caused by increased traffic volume
1062 growth and travel demands.

1063 (b) Acquisition of the lands described in this section is
1064 also required to protect the surface water and groundwater
1065 resources of Lake, Orange, and Seminole counties, otherwise
1066 known as the Wekiva Study Area, including recharge within the
1067 springshed that provides for the Wekiva River system. Protection
1068 of this area is crucial to the long term viability of the Wekiva
1069 River and springs and the central Florida region's water supply.
1070 Acquisition of the lands described in this section is also
1071 necessary to alleviate pressure from growth and development
1072 affecting the surface and groundwater resources within the
1073 recharge area.

1074 (c) Lands acquired pursuant to this section that are needed
1075 for transportation facilities for the Wekiva Parkway shall be
1076 determined not necessary for conservation purposes pursuant to
1077 ss. 253.034(6) and 373.089(5) and shall be transferred to or
1078 retained by the Orlando-Orange County Expressway Authority or
1079 the Department of Transportation upon reimbursement of the full
1080 purchase price and acquisition costs.

1081 Reviser's note.—Section 44, ch. 2010-205, Laws of
1082 Florida, and s. 35, ch. 2010-225, Laws of Florida,
1083 amended subsection (6) without publishing paragraphs
1084 (a)-(c). Absent affirmative evidence of legislative
1085 intent to repeal paragraphs (a)-(c), subsection (6) is

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1086 reenacted to confirm the omission was not intended.

1087 Section 24. Paragraph (e) of subsection (7) of section

1088 373.036, Florida Statutes, is amended to read:

1089 373.036 Florida water plan; district water management

1090 plans.—

1091 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

1092 (e) In addition to the elements specified in paragraph (b),

1093 the South Florida Water Management District shall include in the

1094 consolidated annual report the following elements:

1095 1. The Lake Okeechobee Protection Program annual progress

1096 report required by s. 373.4595(6) ~~373.4595(3)(g)~~.

1097 2. The Everglades annual progress reports specified in s.

1098 373.4592(4)(d)5., (13), and (14).

1099 3. The Everglades restoration annual report required by s.

1100 373.470(7).

1101 4. The Everglades Forever Act annual implementation report

1102 required by s. 11.80(4).

1103 5. The Everglades Trust Fund annual expenditure report

1104 required by s. 373.45926(3).

1105 Reviser's note.—Amended to conform to the location of

1106 material requiring annual progress reports in s.

1107 373.4595(6).

1108 Section 25. Section 376.011, Florida Statutes, is amended

1109 to read:

1110 376.011 Pollutant Discharge Prevention and Control Act;

1111 short title.—Sections 376.011-376.165 ~~376.011-376.17~~, 376.19-

1112 376.21 shall be known as the "Pollutant Discharge Prevention and

1113 Control Act."

1114 Reviser's note.—Amended to conform to the repeal of s.

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1115 376.17 by s. 85, ch. 2010-102, Laws of Florida.

1116 Section 26. Paragraph (c) of subsection (4) of section
1117 380.0552, Florida Statutes, is amended to read:

1118 380.0552 Florida Keys Area; protection and designation as
1119 area of critical state concern.—

1120 (4) REMOVAL OF DESIGNATION.—

1121 (c) After receipt of the state land planning agency report
1122 and recommendation, the Administration Commission shall
1123 determine whether the requirements have been fulfilled and may
1124 remove the designation of the Florida Keys as an area of
1125 critical state concern. If the commission removes the
1126 designation, it shall initiate rulemaking to repeal any rules
1127 relating to such designation within 60 days. If, after receipt
1128 of the state land planning agency's report and recommendation,
1129 the commission finds that the requirements for recommending
1130 removal of designation have not been met, the commission shall
1131 provide a written report to the local governments within 30 days
1132 after making such a finding detailing the tasks that must be
1133 completed by the local government.

1134 Reviser's note.—Amended to confirm insertion of the
1135 word "to" by the editors.

1136 Section 27. Paragraph (a) of subsection (18) of section
1137 380.503, Florida Statutes, is amended to read:

1138 380.503 Definitions.—As used in ss. 380.501-380.515, unless
1139 the context indicates a different meaning or intent:

1140 (18) "Working waterfront" means:

1141 (a) A parcel or parcels of land directly used for the
1142 purposes of the commercial harvest of marine organisms or
1143 saltwater products by state-licensed commercial fishers

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1144 ~~fishermen~~, aquaculturists, or business entities, including
1145 piers, wharves, docks, or other facilities operated to provide
1146 waterfront access to licensed commercial fishers ~~fishermen~~,
1147 aquaculturists, or business entities; or

1148 Reviser's note.—Amended pursuant to the directive of
1149 the Legislature in s. 1, ch. 93-199, Laws of Florida,
1150 to remove gender-specific references applicable to
1151 human beings from the Florida Statutes without
1152 substantive change in legal effect.

1153 Section 28. Paragraph (j) of subsection (3) of section
1154 381.0065, Florida Statutes, is amended to read:

1155 381.0065 Onsite sewage treatment and disposal systems;
1156 regulation.—

1157 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The
1158 department shall:

1159 (j) Supervise research on, demonstration of, and training
1160 on the performance, environmental impact, and public health
1161 impact of onsite sewage treatment and disposal systems within
1162 this state. Research fees collected under s. 381.0066(2)(l)
1163 ~~381.0066(2)(k)~~ must be used to develop and fund hands-on
1164 training centers designed to provide practical information about
1165 onsite sewage treatment and disposal systems to septic tank
1166 contractors, master septic tank contractors, contractors,
1167 inspectors, engineers, and the public and must also be used to
1168 fund research projects which focus on improvements of onsite
1169 sewage treatment and disposal systems, including use of
1170 performance-based standards and reduction of environmental
1171 impact. Research projects shall be initially approved by the
1172 technical review and advisory panel and shall be applicable to

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1173 and reflect the soil conditions specific to Florida. Such
1174 projects shall be awarded through competitive negotiation, using
1175 the procedures provided in s. 287.055, to public or private
1176 entities that have experience in onsite sewage treatment and
1177 disposal systems in Florida and that are principally located in
1178 Florida. Research projects shall not be awarded to firms or
1179 entities that employ or are associated with persons who serve on
1180 either the technical review and advisory panel or the research
1181 review and advisory committee.

1182 Reviser's note.—Amended to conform to the
1183 redesignation of s. 381.0066(2)(k) as s.
1184 381.0066(2)(l) by s. 37, ch. 2010-205, Laws of
1185 Florida.

1186 Section 29. Paragraphs (a), (b), and (j) of subsection (2)
1187 of section 401.465, Florida Statutes, are amended to read:

1188 401.465 911 public safety telecommunicator certification.—

1189 (2) PERSONNEL; STANDARDS AND CERTIFICATION.—

1190 (a) Effective October 1, 2012, any person employed as a 911
1191 public safety telecommunicator at a public safety answering
1192 point, as defined in s. 365.172(3)(a), must be certified by the
1193 department.

1194 (b) A public safety agency, as defined in s. 365.171(3)(d),
1195 may employ a 911 public safety telecommunicator trainee for a
1196 period not to exceed 12 months if the trainee works under the
1197 direct supervision of a certified 911 public safety
1198 telecommunicator, as determined by rule of the department, and
1199 is enrolled in a public safety telecommunication training
1200 program.

1201 (j) If a person was employed as a 911 public safety

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

1210 Reviser's note.—Amended to confirm insertion of the
1211 word "in" by the editors.

1212 Section 30. Subsection (4) of section 402.7305, Florida
1213 Statutes, is amended to read:

1214 402.7305 Department of Children and Family Services;
1215 procurement of contractual services; contract management.—

1216 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The
1217 department shall establish contract monitoring units staffed by
1218 career service employees who report to a member of the Selected
1219 Exempt Service or Senior Management Service and who have been
1220 properly trained to perform contract monitoring. At least one
1221 member of the contract monitoring unit must possess specific
1222 knowledge and experience in the contract's program area. The
1223 department shall establish a contract monitoring process that
1224 includes, but is not ~~be~~ limited to, the following requirements:

1225 (a) Performing a risk assessment at the start of each
1226 fiscal year and preparing an annual contract monitoring schedule
1227 that considers the level of risk assigned. The department may
1228 monitor any contract at any time regardless of whether such
1229 monitoring was originally included in the annual contract
1230 monitoring schedule.

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1231 (b) Preparing a contract monitoring plan, including
1232 sampling procedures, before performing onsite monitoring at
1233 external locations of a service provider. The plan must include
1234 a description of the programmatic, fiscal, and administrative
1235 components that will be monitored on site. If appropriate,
1236 clinical and therapeutic components may be included.

1237 (c) Conducting analyses of the performance and compliance
1238 of an external service provider by means of desk reviews if the
1239 external service provider will not be monitored on site during a
1240 fiscal year.

1241 (d) Unless the department sets forth in writing the need
1242 for an extension, providing a written report presenting the
1243 results of the monitoring within 30 days after the completion of
1244 the onsite monitoring or desk review.

1245 (e) Developing and maintaining a set of procedures
1246 describing the contract monitoring process.

1247
1248 Notwithstanding any other provision of this section, the
1249 department shall limit monitoring of a child-caring or child-
1250 placing services provider under this subsection to only once per
1251 year. Such monitoring may not duplicate administrative
1252 monitoring that is included in the survey of a child welfare
1253 provider conducted by a national accreditation organization
1254 specified under s. 402.7306(1).

1255 Reviser's note.—Amended to confirm deletion of the
1256 word "be" by the editors.

1257 Section 31. Subsection (3) of section 403.7032, Florida
1258 Statutes, is amended to read:

1259 403.7032 Recycling.—

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1260 (3) Each state agency, K-12 public school, public
1261 institution of higher learning, community college, and state
1262 university, including all buildings that are occupied by
1263 municipal, county, or state employees and entities occupying
1264 buildings managed by the Department of Management Services,
1265 must, at a minimum, annually report all recycled materials to
1266 the county using the department's designated reporting format.
1267 Private businesses, other than certified recovered materials
1268 dealers, that recycle paper, metals, glass, plastics, textiles,
1269 rubber materials, and mulch, are encouraged to report the amount
1270 of materials they recycle to the county annually beginning
1271 January 1, 2011, using the department's designated reporting
1272 format. Using the information provided, the department shall
1273 recognize those private businesses that demonstrate outstanding
1274 recycling efforts. Notwithstanding any other provision of state
1275 or county law, private businesses, other than certified
1276 recovered materials dealers, shall not be required to report
1277 recycling rates. Cities with less than a population of 2,500 and
1278 per capita taxable value less than \$48,000 and cities with a per
1279 capita taxable value less than \$30,000 are exempt from the
1280 reporting requirement specified in this subsection ~~paragraph~~.

1281 Reviser's note.—Amended to confirm substitution by the
1282 editors of the word "subsection" for the word
1283 "paragraph" to conform to the structure of the text.

1284 Section 32. Subsection (1) of section 403.891, Florida
1285 Statutes, is amended to read:

1286 403.891 Water Protection and Sustainability Program Trust
1287 Fund of the Department of Environmental Protection.—

1288 (1) The Water Protection and Sustainability Program Trust

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

1293 Reviser's note.—Amended to conform to the name of the
1294 program as referenced in s. 403.890.

1295 Section 33. Paragraph (c) of subsection (5) of section
1296 411.01, Florida Statutes, is amended to read:

1297 411.01 School readiness programs; early learning
1298 coalitions.—

1299 (5) CREATION OF EARLY LEARNING COALITIONS.—

1300 (c) Program expectations.—

1301 1. The school readiness program must meet the following
1302 expectations:

1303 a. The program must, at a minimum, enhance the age-
1304 appropriate progress of each child in attaining the performance
1305 standards and outcome measures adopted by the Agency for
1306 Workforce Innovation.

1307 b. The program must provide extended-day and extended-year
1308 services to the maximum extent possible without compromising the
1309 quality of the program to meet the needs of parents who work.

1310 c. The program must provide a coordinated professional
1311 development system that supports the achievement and maintenance
1312 of core competencies by school readiness instructors in helping
1313 children attain the performance standards and outcome measures
1314 adopted by the Agency for Workforce Innovation.

1315 d. There must be expanded access to community services and
1316 resources for families to help achieve economic self-
1317 sufficiency.

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1318 e. There must be a single point of entry and unified
1319 waiting list. As used in this sub-subparagraph, the term "single
1320 point of entry" means an integrated information system that
1321 allows a parent to enroll his or her child in the school
1322 readiness program at various locations throughout a county, that
1323 may allow a parent to enroll his or her child by telephone or
1324 through an Internet website, and that uses a unified waiting
1325 list to track eligible children waiting for enrollment in the
1326 school readiness program. The Agency for Workforce Innovation
1327 shall establish through technology a single statewide
1328 information system that each coalition must use for the purposes
1329 of managing the single point of entry, tracking children's
1330 progress, coordinating services among stakeholders, determining
1331 eligibility, tracking child attendance, and streamlining
1332 administrative processes for providers and early learning
1333 coalitions.

1334 f. The Agency for Workforce Innovation must consider the
1335 access of eligible children to the school readiness program, as
1336 demonstrated in part by waiting lists, before approving a
1337 proposed increase in payment rates submitted by an early
1338 learning coalition. In addition, early learning coalitions shall
1339 use school readiness funds made available due to enrollment
1340 shifts from school readiness programs to the Voluntary
1341 Prekindergarten Education Program for increasing the number of
1342 children served in school readiness programs before increasing
1343 payment rates.

1344 g. The program must meet all state licensing guidelines,
1345 where applicable.

1346 h. The program must ensure that minimum standards for child

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1347 discipline practices are age-appropriate. Such standards must
1348 provide that children not be subjected to discipline that is
1349 severe, humiliating, or frightening or discipline that is
1350 associated with food, rest, or toileting. Spanking or any other
1351 form of physical punishment is prohibited.

1352 2. Each early learning coalition must implement a
1353 comprehensive program of school readiness services in accordance
1354 with the rules adopted by the agency which enhance the
1355 cognitive, social, and physical development of children to
1356 achieve the performance standards and outcome measures. At a
1357 minimum, these programs must contain the following system
1358 support service elements:

1359 a. Developmentally appropriate curriculum designed to
1360 enhance the age-appropriate progress of children in attaining
1361 the performance standards adopted by the Agency for Workforce
1362 Innovation under subparagraph (4)(d)8.

1363 b. A character development program to develop basic values.

1364 c. An age-appropriate screening of each child's
1365 development.

1366 d. An age-appropriate assessment administered to children
1367 when they enter a program and an age-appropriate assessment
1368 administered to children when they leave the program.

1369 e. An appropriate staff-to-children ratio, pursuant to s.
1370 402.305(4) or s. 402.302(8) or (9) ~~402.302(7) or (8)~~, as
1371 applicable, and as verified pursuant to s. 402.311.

1372 f. A healthy and safe environment pursuant to s.
1373 401.305(5), (6), and (7), as applicable, and as verified
1374 pursuant to s. 402.311.

1375 g. A resource and referral network established under s.

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1376 411.0101 to assist parents in making an informed choice and a
1377 regional Warm-Line under s. 411.01015.

1378

1379 The Agency for Workforce Innovation, the Department of
1380 Education, and early learning coalitions shall coordinate with
1381 the Child Care Services Program Office of the Department of
1382 Children and Family Services to minimize duplicating interagency
1383 activities pertaining to acquiring and composing data for child
1384 care training and credentialing.

1385 Reviser's note.—Amended to conform to the
1386 redesignation of subsections within s. 402.302 by s.
1387 1, ch. 2010-158, Laws of Florida.

1388 Section 34. Subsection (1) of section 435.03, Florida
1389 Statutes, is amended to read:

1390 435.03 Level 1 screening standards.—

1391 (1) All employees required by law to be screened pursuant
1392 to this section must undergo background screening as a condition
1393 of employment and continued employment which includes, but need
1394 not be limited to, employment history checks and statewide
1395 criminal correspondence checks through the Department of Law
1396 Enforcement, and a check of the Dru Sjodin National Sex Offender
1397 Public Website, and may include local criminal records checks
1398 through local law enforcement agencies.

1399 Reviser's note.—Amended to confirm insertion of the
1400 word "and" by the editors.

1401 Section 35. Paragraph (b) of subsection (1) of section
1402 443.091, Florida Statutes, is amended to read:

1403 443.091 Benefit eligibility conditions.—

1404 (1) An unemployed individual is eligible to receive

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1405 benefits for any week only if the Agency for Workforce
1406 Innovation finds that:

1407 (b) She or he has registered with the agency for work and
1408 subsequently reports to the one-stop career center as directed
1409 by the regional workforce board for reemployment services. This
1410 requirement does not apply to persons who are:

- 1411 1. Non-Florida residents;
- 1412 2. On a temporary layoff, as defined in s. 443.036(42);
- 1413 3. Union members who customarily obtain employment through
1414 ~~though~~ a union hiring hall; or
- 1415 4. Claiming benefits under an approved short-time
1416 compensation plan as provided in s. 443.1116.

1417 Reviser's note.—Amended to confirm substitution by the
1418 editors of the word "through" for the word "though" to
1419 conform to context.

1420 Section 36. Subsection (6) of section 443.131, Florida
1421 Statutes, is amended to read:

1422 443.131 Contributions.—

1423 (6) INVALIDITY OF CERTAIN PROVISIONS.—If any provision of
1424 this section prevents the state from qualifying for any federal
1425 interest relief provisions provided under s. 1202 of the Social
1426 Security Act, 42 U.S.C. s. 1322, or prevents employers in this
1427 state from qualifying for the limitation on credit reduction as
1428 provided under s. 3302(f) of the Federal Unemployment Tax Act,
1429 chapter 23 of Title 26 U.S.C. s. 3302(f), that provision is
1430 invalid to the extent necessary to maintain qualification for
1431 the interest relief provisions and federal unemployment tax
1432 credits.

1433 Reviser's note.—Amended to conform to the full cite

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1434 for the Federal Unemployment Tax Act; the act is
1435 chapter 23 of Title 26 U.S.C.

1436 Section 37. Subsection (1) of section 443.141, Florida
1437 Statutes, is reenacted to read:

1438 443.141 Collection of contributions and reimbursements.—

1439 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
1440 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

1441 (a) Interest.—Contributions or reimbursements unpaid on the
1442 date due bear interest at the rate of 1 percent per month from
1443 and after that date until payment plus accrued interest is
1444 received by the tax collection service provider, unless the
1445 service provider finds that the employing unit has good reason
1446 for failing to pay the contributions or reimbursements when due.
1447 Interest collected under this subsection must be paid into the
1448 Special Employment Security Administration Trust Fund.

1449 (b) Penalty for delinquent, erroneous, incomplete, or
1450 insufficient reports.—

1451 1. An employing unit that fails to file any report required
1452 by the Agency for Workforce Innovation or its tax collection
1453 service provider, in accordance with rules for administering
1454 this chapter, shall pay to the service provider for each
1455 delinquent report the sum of \$25 for each 30 days or fraction
1456 thereof that the employing unit is delinquent, unless the agency
1457 or its service provider, whichever required the report, finds
1458 that the employing unit has good reason for failing to file the
1459 report. The agency or its service provider may assess penalties
1460 only through the date of the issuance of the final assessment
1461 notice. However, additional penalties accrue if the delinquent
1462 report is subsequently filed.

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1463 2.a. An employing unit that files an erroneous, incomplete,
1464 or insufficient report with the Agency for Workforce Innovation
1465 or its tax collection service provider shall pay a penalty. The
1466 amount of the penalty is \$50 or 10 percent of any tax due,
1467 whichever is greater, but no more than \$300 per report. The
1468 penalty shall be added to any tax, penalty, or interest
1469 otherwise due.

1470 b. The agency or its tax collection service provider shall
1471 waive the penalty if the employing unit files an accurate,
1472 complete, and sufficient report within 30 days after a penalty
1473 notice is issued to the employing unit. The penalty may not be
1474 waived pursuant to this subparagraph more than one time during a
1475 12-month period.

1476 c. As used in this subsection, the term "erroneous,
1477 incomplete, or insufficient report" means a report so lacking in
1478 information, completeness, or arrangement that the report cannot
1479 be readily understood, verified, or reviewed. Such reports
1480 include, but are not limited to, reports having missing wage or
1481 employee information, missing or incorrect social security
1482 numbers, or illegible entries; reports submitted in a format
1483 that is not approved by the agency or its tax collection service
1484 provider; and reports showing gross wages that do not equal the
1485 total of the wages of each employee. However, the term does not
1486 include a report that merely contains inaccurate data that was
1487 supplied to the employer by the employee, if the employer was
1488 unaware of the inaccuracy.

1489 3. Penalties imposed pursuant to this paragraph shall be
1490 deposited in the Special Employment Security Administration
1491 Trust Fund.

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1492 4. The penalty and interest for a delinquent, erroneous,
1493 incomplete, or insufficient report may be waived if the penalty
1494 or interest is inequitable. The provisions of s. 213.24(1) apply
1495 to any penalty or interest that is imposed under this section.

1496 (c) Application of partial payments.—If a delinquency
1497 exists in the employment record of an employer not in
1498 bankruptcy, a partial payment less than the total delinquency
1499 amount shall be applied to the employment record as the payor
1500 directs. In the absence of specific direction, the partial
1501 payment shall be applied to the payor's employment record as
1502 prescribed in the rules of the Agency for Workforce Innovation
1503 or the state agency providing tax collection services.

1504 (d) Payments for 2010 Contributions.—For an annual
1505 administrative fee not to exceed \$5, a contributing employer may
1506 pay its quarterly contributions due for wages paid in the first
1507 three quarters of 2010 in equal installments if those
1508 contributions are paid as follows:

1509 1. For contributions due for wages paid in the first
1510 quarter of 2010, one-fourth of the contributions due must be
1511 paid on or before April 30, 2010, one-fourth must be paid on or
1512 before July 31, 2010, one-fourth must be paid on or before
1513 October 31, 2010, and the remaining one-fourth must be paid on
1514 or before December 31, 2010.

1515 2. In addition to the payments specified in subparagraph
1516 1., for contributions due for wages paid in the second quarter
1517 of 2010, one-third of the contributions due must be paid on or
1518 before July 31, 2010, one-third must be paid on or before
1519 October 31, 2010, and the remaining one-third must be paid on or
1520 before December 31, 2010.

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1521 3. In addition to the payments specified in subparagraphs
1522 1. and 2., for contributions due for wages paid in the third
1523 quarter of 2010, one-half of the contributions due must be paid
1524 on or before October 31, 2010, and the remaining one-half must
1525 be paid on or before December 31, 2010.

1526 4. The annual administrative fee not to exceed \$5 for the
1527 election to pay under the installment method shall be collected
1528 at the time the employer makes the first installment payment.
1529 The \$5 fee shall be segregated from the payment and shall be
1530 deposited in the Operating Trust Fund within the Department of
1531 Revenue.

1532 5. Interest does not accrue on any contribution that
1533 becomes due for wages paid in the first three quarters of 2010
1534 if the employer pays the contribution in accordance with
1535 subparagraphs 1.-4. Interest and fees continue to accrue on
1536 prior delinquent contributions and commence accruing on all
1537 contributions due for wages paid in the first three quarters of
1538 2010 which are not paid in accordance with subparagraphs 1.-3.
1539 Penalties may be assessed in accordance with this chapter. The
1540 contributions due for wages paid in the fourth quarter of 2010
1541 are not affected by this paragraph and are due and payable in
1542 accordance with this chapter.

1543 (e) Payments for 2011 Contributions.—For an annual
1544 administrative fee not to exceed \$5, a contributing employer may
1545 pay its quarterly contributions due for wages paid in the first
1546 three quarters of 2011 in equal installments if those
1547 contributions are paid as follows:

1548 1. For contributions due for wages paid in the first
1549 quarter of 2011, one-fourth of the contributions due must be

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1550 paid on or before April 30, 2011, one-fourth must be paid on or
1551 before July 31, 2011, one-fourth must be paid on or before
1552 October 31, 2011, and the remaining one-fourth must be paid on
1553 or before December 31, 2011.

1554 2. In addition to the payments specified in subparagraph
1555 1., for contributions due for wages paid in the second quarter
1556 of 2011, one-third of the contributions due must be paid on or
1557 before July 31, 2011, one-third must be paid on or before
1558 October 31, 2011, and the remaining one-third must be paid on or
1559 before December 31, 2011.

1560 3. In addition to the payments specified in subparagraphs
1561 1. and 2., for contributions due for wages paid in the third
1562 quarter of 2011, one-half of the contributions due must be paid
1563 on or before October 31, 2011, and the remaining one-half must
1564 be paid on or before December 31, 2011.

1565 4. The annual administrative fee not to exceed \$5 for the
1566 election to pay under the installment method shall be collected
1567 at the time the employer makes the first installment payment.
1568 The \$5 fee shall be segregated from the payment and shall be
1569 deposited in the Operating Trust Fund within the Department of
1570 Revenue.

1571 5. Interest does not accrue on any contribution that
1572 becomes due for wages paid in the first three quarters of 2011
1573 if the employer pays the contribution in accordance with
1574 subparagraphs 1.-4. Interest and fees continue to accrue on
1575 prior delinquent contributions and commence accruing on all
1576 contributions due for wages paid in the first three quarters of
1577 2011 which are not paid in accordance with subparagraphs 1.-3.
1578 Penalties may be assessed in accordance with this chapter. The

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1579 contributions due for wages paid in the fourth quarter of 2011
 1580 are not affected by this paragraph and are due and payable in
 1581 accordance with this chapter.

1582 (f) Adoption of rules.—The Agency for Workforce Innovation
 1583 and the state agency providing unemployment tax collection
 1584 services may adopt rules to administer this subsection.

1585 Reviser's note.—Section 10, ch. 2010-90, Laws of
 1586 Florida, and s. 20, ch. 2010-138, Laws of Florida,
 1587 amended subsection (1) without publishing paragraphs
 1588 (d) and (e), which were added to subsection (1) by s.
 1589 5, ch. 2010-1, Laws of Florida. Absent affirmative
 1590 evidence of legislative intent to repeal paragraphs
 1591 (d) and (e), subsection (1) is reenacted to confirm
 1592 the omission was not intended.

1593 Section 38. Subsection (27) of section 479.01, Florida
 1594 Statutes, is amended to read:

1595 479.01 Definitions.—As used in this chapter, the term:
 1596 (27) "Urban area" has the same meaning as defined in s.
 1597 334.03(32) ~~334.03(29)~~.

1598 Reviser's note.—Amended to conform to the fact that
 1599 the term "urban area" is defined in s. 334.03(32); s.
 1600 334.03(29) defines "sufficiency rating."

1601 Section 39. Subsection (4) of section 494.00331, Florida
 1602 Statutes, is amended to read:

1603 494.00331 Loan originator employment.—

1604 (4) A loan originator that currently has a declaration of
 1605 intent to engage solely in loan processing on file with the
 1606 office may withdraw his or her declaration of intent to engage
 1607 solely in loan processing. The withdrawal of declaration of

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1608 intent must be on such form as prescribed by commission rule.

1609 Reviser's note.—Amended to confirm insertion of the
1610 word "be" by the editors.

1611 Section 40. Subsection (1) of section 497.372, Florida
1612 Statutes, is reenacted to read:

1613 497.372 Funeral directing; conduct constituting practice of
1614 funeral directing.—

1615 (1) The practice of funeral directing shall be construed to
1616 consist of the following functions, which may be performed only
1617 by a licensed funeral director:

1618 (a) Selling or offering to sell funeral services,
1619 embalming, cremation, or other services relating to the final
1620 disposition of human remains, including the removal of such
1621 remains from the state, on an at-need basis.

1622 (b) Planning or arranging, on an at-need basis, the details
1623 of funeral services, embalming, cremation, or other services
1624 relating to the final disposition of human remains, including
1625 the removal of such remains from the state, with the family or
1626 friends of the decedent or any other person responsible for such
1627 services; setting the time of the services; establishing the
1628 type of services to be rendered; acquiring the services of the
1629 clergy; and obtaining vital information for the filing of death
1630 certificates and obtaining of burial transit permits.

1631 (c) Making, negotiating, or completing the financial
1632 arrangements for funeral services, embalming, cremation, or
1633 other services relating to the final disposition of human
1634 remains, including the removal of such remains from the state,
1635 on an at-need basis, except that nonlicensed personnel may
1636 assist the funeral director in performing such tasks.

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1637 (d) Directing, being in charge or apparent charge of, or
1638 supervising, directly or indirectly, a visitation or viewing.
1639 Such functions shall not require that a licensed funeral
1640 director be physically present throughout the visitation or
1641 viewing, provided that the funeral director is readily available
1642 by telephone for consultation.

1643 (e) Directing, being in charge or apparent charge of, or
1644 supervising, directly or indirectly, any funeral service held in
1645 a funeral establishment, cemetery, or elsewhere.

1646 (f) Directing, being in charge or apparent charge of, or
1647 supervising, directly or indirectly, any memorial service held
1648 prior to or within 72 hours of the burial or cremation, if such
1649 memorial service is sold or arranged by a licensee.

1650 (g) Using in connection with one's name or employment the
1651 words or terms "funeral director," "funeral establishment,"
1652 "undertaker," "mortician," or any other word, term, title, or
1653 picture, or combination of any of the above, that when
1654 considered in the context in which used would imply that such
1655 person is engaged in the practice of funeral directing or that
1656 such person is holding herself or himself out to the public as
1657 being engaged in the practice of funeral directing; provided,
1658 however, that nothing in this paragraph shall prevent using the
1659 name of any owner, officer, or corporate director of a funeral
1660 establishment, who is not a licensee, in connection with the
1661 name of the funeral establishment with which such individual is
1662 affiliated, so long as such individual's affiliation is properly
1663 specified.

1664 (h) Managing or supervising the operation of a funeral
1665 establishment, except for administrative matters such as

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1666 budgeting, accounting and personnel, maintenance of buildings,
1667 equipment and grounds, and routine clerical and recordkeeping
1668 functions.

1669 Reviser's note.—Section 16, ch. 2010-125, Laws of
1670 Florida, amended s. 497.372 without publishing
1671 paragraphs (d)-(h) of subsection (1). Absent
1672 affirmative evidence of legislative intent to repeal
1673 paragraphs (d)-(h), subsection (1) is reenacted to
1674 confirm the omission was not intended.

1675 Section 41. Subsection (1) of section 550.334, Florida
1676 Statutes, is amended to read:

1677 550.334 Quarter horse racing; substitutions.—

1678 (1) The operator of any licensed racetrack is authorized to
1679 lease such track to any quarter horse racing permitholder
1680 located within 35 miles of such track for the conduct of quarter
1681 horse racing under this chapter. However, a quarter horse
1682 facility located in a county where a referendum was conducted to
1683 authorize slot machines pursuant to s. 23, Art. X of the State
1684 Constitution is not subject to the mileage restriction if they
1685 lease from a licensed racetrack located within a county where a
1686 referendum was conducted to authorize slot machines pursuant to
1687 s. 23, Art. X of the State Constitution.

1688 Reviser's note.—Amended to confirm insertion of the
1689 words "was conducted" by the editors to improve
1690 clarity.

1691 Section 42. Paragraph (c) of subsection (2) of section
1692 550.3345, Florida Statutes, is amended to read:

1693 550.3345 Conversion of quarter horse permit to a limited
1694 thoroughbred permit.—

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1695 (2) Notwithstanding any other provision of law, the holder
1696 of a quarter horse racing permit issued under s. 550.334 may,
1697 within 1 year after the effective date of this section, apply to
1698 the division for a transfer of the quarter horse racing permit
1699 to a not-for-profit corporation formed under state law to serve
1700 the purposes of the state as provided in subsection (1). The
1701 board of directors of the not-for-profit corporation must be
1702 comprised of 11 members, 4 of whom shall be designated by the
1703 applicant, 4 of whom shall be designated by the Florida
1704 Thoroughbred Breeders' Association, and 3 of whom shall be
1705 designated by the other 8 directors, with at least 1 of these 3
1706 members being an authorized representative of another
1707 thoroughbred permitholder in this state. The not-for-profit
1708 corporation shall submit an application to the division for
1709 review and approval of the transfer in accordance with s.
1710 550.054. Upon approval of the transfer by the division, and
1711 notwithstanding any other provision of law to the contrary, the
1712 not-for-profit corporation may, within 1 year after its receipt
1713 of the permit, request that the division convert the quarter
1714 horse racing permit to a permit authorizing the holder to
1715 conduct pari-mutuel wagering meets of thoroughbred racing.
1716 Neither the transfer of the quarter horse racing permit nor its
1717 conversion to a limited thoroughbred permit shall be subject to
1718 the mileage limitation or the ratification election as set forth
1719 under s. 550.054(2) or s. 550.0651. Upon receipt of the request
1720 for such conversion, the division shall timely issue a converted
1721 permit. The converted permit and the not-for-profit corporation
1722 shall be subject to the following requirements:

1723 (c) After the conversion of the quarter horse racing permit

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1724 and the issuance of its initial license to conduct pari-mutuel
1725 wagering meets of thoroughbred racing, the not-for-profit
1726 corporation shall annually apply to the division for a license
1727 pursuant to s. 550.5251 ~~550.5251(2)-(5)~~.

1728 Reviser's note.—Amended to conform to the amendment of
1729 s. 550.5251 by s. 18, ch. 2009-170, Laws of Florida;
1730 the current text of s. 550.5251 comprises material
1731 formerly in subsections (2), (4), and (5).

1732 Section 43. Subsection (6) of section 553.77, Florida
1733 Statutes, is amended to read:

1734 553.77 Specific powers of the commission.—

1735 (6) A member of the Florida Building Commission may abstain
1736 from voting in any matter before the commission which would
1737 inure to the commissioner's special private gain or loss, which
1738 the commissioner knows would inure to the special private gain
1739 or loss of any principal by whom he or she is retained or to the
1740 parent organization or subsidiary of a corporate principal by
1741 which he or she is retained, or which he or she knows would
1742 inure to the special private gain or loss of a relative or
1743 business associate of the commissioner. A commissioner shall
1744 abstain from voting under the foregoing circumstances if the
1745 matter is before the commission under ss. 120.569, 120.60, and
1746 120.80. The commissioner shall, before the vote is taken,
1747 publicly state to the assembly the nature of the commissioner's
1748 interest in the matter from which he or she is abstaining from
1749 voting and, within 15 days after the vote occurs, disclose the
1750 nature of his or her other interest as a public record in a
1751 memorandum filed with the person responsible for recording the
1752 minutes of the meeting, who shall incorporate the memorandum in

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1753 the minutes.

1754 Reviser's note.—Amended pursuant to the directive of
1755 the Legislature in s. 1, ch. 93-199, Laws of Florida,
1756 to remove gender-specific references applicable to
1757 human beings from the Florida Statutes without
1758 substantive change in legal effect.

1759 Section 44. Paragraph (a) of subsection (1) of section
1760 624.310, Florida Statutes, is amended to read:

1761 624.310 Enforcement; cease and desist orders; removal of
1762 certain persons; fines.—

1763 (1) DEFINITIONS.—For the purposes of this section, the
1764 term:

1765 (a) "Affiliated party" means any person who directs or
1766 participates in the conduct of the affairs of a licensee and who
1767 is:

1768 1. A director, officer, employee, trustee, committee
1769 member, or controlling stockholder of a licensee or a subsidiary
1770 or service corporation of the licensee, other than a controlling
1771 stockholder which is a holding company, or an agent of a
1772 licensee or a subsidiary or service corporation of the licensee;

1773 2. A person who has filed or is required to file a
1774 statement or any other information required to be filed under s.
1775 628.461 or s. 628.4615;

1776 3. A stockholder, other than a stockholder that is a
1777 holding company of the licensee, who participates in the conduct
1778 of the affairs of the licensee;

1779 4. An independent contractor who:

1780 a. Renders a written opinion required by the laws of this
1781 state under her or his professional credentials on behalf of the

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1782 licensee, which opinion is reasonably relied on by the
1783 department or office in the performance of its duties; or

1784 b. Affirmatively and knowingly conceals facts, through a
1785 written misrepresentation to the department or office, with
1786 knowledge that such misrepresentation:

1787 (I) Constitutes a violation of the insurance code or a
1788 lawful rule or order of the department, commission, or office;
1789 and

1790 (II) Directly and materially endangers the ability of the
1791 licensee to meet its obligations to policyholders. ~~;~~ ~~or~~

1792
1793 For the purposes of this subparagraph, any representation of
1794 fact made by an independent contractor on behalf of a licensee,
1795 affirmatively communicated as a representation of the licensee
1796 to the independent contractor, shall not be considered a
1797 misrepresentation by the independent contractor; or

1798 5. A third-party marketer who aids or abets a licensee in a
1799 violation of the insurance code relating to the sale of an
1800 annuity to a person 65 years of age or older.

1801
1802 ~~For the purposes of this subparagraph, any representation of~~
1803 ~~fact made by an independent contractor on behalf of a licensee,~~
1804 ~~affirmatively communicated as a representation of the licensee~~
1805 ~~to the independent contractor, shall not be considered a~~
1806 ~~misrepresentation by the independent contractor.~~

1807 Reviser's note.—Amended to improve clarity. Prior to
1808 the addition of subparagraph 5. by s. 42, ch. 2010-
1809 175, Laws of Florida, the flush left language followed
1810 subparagraph 4. The language in question still

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1811 references subject matter relevant to subparagraph 4.,
1812 not subparagraph 5. The reference to "this
1813 subparagraph" in the flush left material was in
1814 existence prior to the addition of subparagraph 5. and
1815 references subparagraph 4.

1816 Section 45. Subsections (2) and (3) of section 627.4605,
1817 Florida Statutes, are amended to read:

1818 627.4605 Replacement notice.—A notice to a current insurer
1819 of a replacement of a current life insurance policy is not
1820 required in a transaction involving:

1821 (2) A current policy or contract that is being replaced by
1822 the same insurer pursuant to a program filed with and approved
1823 by the office; or

1824 (3) A term conversion privilege that is being exercised
1825 among corporate affiliates.

1826 Reviser's note.—Amended to confirm insertion of the
1827 word "that" by the editors.

1828 Section 46. Paragraph (a) of subsection (2) of section
1829 627.711, Florida Statutes, is amended to read:

1830 627.711 Notice of premium discounts for hurricane loss
1831 mitigation; uniform mitigation verification inspection form.—

1832 (2) (a) The Financial Services Commission shall develop by
1833 rule a uniform mitigation verification inspection form that
1834 shall be used by all insurers when submitted by policyholders
1835 for the purpose of factoring discounts for wind insurance. In
1836 developing the form, the commission shall seek input from
1837 insurance, construction, and building code representatives.
1838 Further, the commission shall provide guidance as to the length
1839 of time the inspection results are valid. An insurer shall

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1840 accept as valid a uniform mitigation verification form ~~or~~ signed
1841 by the following authorized mitigation inspectors:

1842 1. A home inspector licensed under s. 468.8314 who has
1843 completed at least 3 hours of hurricane mitigation training
1844 which includes hurricane mitigation techniques and compliance
1845 with the uniform mitigation verification form and completion of
1846 a proficiency exam. Thereafter, home inspectors licensed under
1847 s. 468.8314 must complete at least 2 hours of continuing
1848 education, as part of the existing licensure renewal
1849 requirements each year, related to mitigation inspection and the
1850 uniform mitigation form;

1851 2. A building code inspector certified under s. 468.607;

1852 3. A general, building, or residential contractor licensed
1853 under s. 489.111;

1854 4. A professional engineer licensed under s. 471.015;

1855 5. A professional architect licensed under s. 481.213; or

1856 6. Any other individual or entity recognized by the insurer
1857 as possessing the necessary qualifications to properly complete
1858 a uniform mitigation verification form.

1859 Reviser's note.—Amended to confirm deletion of the
1860 word "or" by the editors.

1861 Section 47. Subsection (7) of section 633.081, Florida
1862 Statutes, is amended to read:

1863 633.081 Inspection of buildings and equipment; orders;
1864 firesafety inspection training requirements; certification;
1865 disciplinary action.—The State Fire Marshal and her or his
1866 agents shall, at any reasonable hour, when the State Fire
1867 Marshal has reasonable cause to believe that a violation of this
1868 chapter or s. 509.215, or a rule promulgated thereunder, or a

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1869 minimum firesafety code adopted by a local authority, may exist,
1870 inspect any and all buildings and structures which are subject
1871 to the requirements of this chapter or s. 509.215 and rules
1872 promulgated thereunder. The authority to inspect shall extend to
1873 all equipment, vehicles, and chemicals which are located within
1874 the premises of any such building or structure.

1875 (7) The Division of State Fire Marshal and the Florida
1876 Building Code Administrators and Inspectors Board, established
1877 pursuant to ~~under~~ s. 468.605, shall enter into a reciprocity
1878 agreement to facilitate joint recognition of continuing
1879 education recertification hours for certificateholders licensed
1880 under s. 468.609 and firesafety inspectors certified under
1881 subsection (2).

1882 Reviser's note.—Amended to confirm deletion of the
1883 word "under" by the editors.

1884 Section 48. Subsection (4) of section 677.105, Florida
1885 Statutes, is amended to read:

1886 677.105 Reissuance in alternative medium.—

1887 (4) Upon issuance of an electronic document of title in
1888 substitution for a tangible document of title in ~~is~~ accordance
1889 with subsection (3):

1890 (a) The tangible document ceases to have any effect or
1891 validity; and

1892 (b) The person that procured issuance of the electronic
1893 document warrants to all subsequent persons entitled under the
1894 electronic document that the warrantor was a person entitled
1895 under the tangible document when the warrantor surrendered
1896 possession of the tangible document to the issuer.

1897 Reviser's note.—Amended to confirm substitution by the

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1898 editors of the word "in" for the word "is" to improve
1899 clarity; the prototype uniform act uses "in."
1900 Section 49. Subsection (12) of section 718.111, Florida
1901 Statutes, is reenacted to read:
1902 718.111 The association.—
1903 (12) OFFICIAL RECORDS.—
1904 (a) From the inception of the association, the association
1905 shall maintain each of the following items, if applicable, which
1906 shall constitute the official records of the association:
1907 1. A copy of the plans, permits, warranties, and other
1908 items provided by the developer pursuant to s. 718.301(4).
1909 2. A photocopy of the recorded declaration of condominium
1910 of each condominium operated by the association and of each
1911 amendment to each declaration.
1912 3. A photocopy of the recorded bylaws of the association
1913 and of each amendment to the bylaws.
1914 4. A certified copy of the articles of incorporation of the
1915 association, or other documents creating the association, and of
1916 each amendment thereto.
1917 5. A copy of the current rules of the association.
1918 6. A book or books which contain the minutes of all
1919 meetings of the association, of the board of administration, and
1920 of unit owners, which minutes must be retained for at least 7
1921 years.
1922 7. A current roster of all unit owners and their mailing
1923 addresses, unit identifications, voting certifications, and, if
1924 known, telephone numbers. The association shall also maintain
1925 the electronic mailing addresses and the numbers designated by
1926 unit owners for receiving notice sent by electronic transmission

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1927 of those unit owners consenting to receive notice by electronic
1928 transmission. The electronic mailing addresses and telephone
1929 numbers must be removed from association records if consent to
1930 receive notice by electronic transmission is revoked. However,
1931 the association is not liable for an erroneous disclosure of the
1932 electronic mail address or the number for receiving electronic
1933 transmission of notices.

1934 8. All current insurance policies of the association and
1935 condominiums operated by the association.

1936 9. A current copy of any management agreement, lease, or
1937 other contract to which the association is a party or under
1938 which the association or the unit owners have an obligation or
1939 responsibility.

1940 10. Bills of sale or transfer for all property owned by the
1941 association.

1942 11. Accounting records for the association and separate
1943 accounting records for each condominium which the association
1944 operates. All accounting records shall be maintained for at
1945 least 7 years. Any person who knowingly or intentionally defaces
1946 or destroys accounting records required to be created and
1947 maintained by this chapter during the period for which such
1948 records are required to be maintained, or who knowingly or
1949 intentionally fails to create or maintain such records, with the
1950 intent of causing harm to the association or one or more of its
1951 members, is personally subject to a civil penalty pursuant to s.
1952 718.501(1)(d). The accounting records must include, but are not
1953 limited to:

1954 a. Accurate, itemized, and detailed records of all receipts
1955 and expenditures.

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1956 b. A current account and a monthly, bimonthly, or quarterly
1957 statement of the account for each unit designating the name of
1958 the unit owner, the due date and amount of each assessment, the
1959 amount paid upon the account, and the balance due.

1960 c. All audits, reviews, accounting statements, and
1961 financial reports of the association or condominium.

1962 d. All contracts for work to be performed. Bids for work to
1963 be performed are also considered official records and must be
1964 maintained by the association.

1965 12. Ballots, sign-in sheets, voting proxies, and all other
1966 papers relating to voting by unit owners, which must be
1967 maintained for 1 year from the date of the election, vote, or
1968 meeting to which the document relates, notwithstanding paragraph
1969 (b).

1970 13. All rental records if the association is acting as
1971 agent for the rental of condominium units.

1972 14. A copy of the current question and answer sheet as
1973 described in s. 718.504.

1974 15. All other records of the association not specifically
1975 included in the foregoing which are related to the operation of
1976 the association.

1977 16. A copy of the inspection report as provided in s.
1978 718.301(4)(p).

1979 (b) The official records of the association must be
1980 maintained within the state for at least 7 years. The records of
1981 the association shall be made available to a unit owner within
1982 45 miles of the condominium property or within the county in
1983 which the condominium property is located within 5 working days
1984 after receipt of a written request by the board or its designee.

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1985 However, such distance requirement does not apply to an
1986 association governing a timeshare condominium. This paragraph
1987 may be complied with by having a copy of the official records of
1988 the association available for inspection or copying on the
1989 condominium property or association property, or the association
1990 may offer the option of making the records available to a unit
1991 owner electronically via the Internet or by allowing the records
1992 to be viewed in electronic format on a computer screen and
1993 printed upon request. The association is not responsible for the
1994 use or misuse of the information provided to an association
1995 member or his or her authorized representative pursuant to the
1996 compliance requirements of this chapter unless the association
1997 has an affirmative duty not to disclose such information
1998 pursuant to this chapter.

1999 (c) The official records of the association are open to
2000 inspection by any association member or the authorized
2001 representative of such member at all reasonable times. The right
2002 to inspect the records includes the right to make or obtain
2003 copies, at the reasonable expense, if any, of the member. The
2004 association may adopt reasonable rules regarding the frequency,
2005 time, location, notice, and manner of record inspections and
2006 copying. The failure of an association to provide the records
2007 within 10 working days after receipt of a written request
2008 creates a rebuttable presumption that the association willfully
2009 failed to comply with this paragraph. A unit owner who is denied
2010 access to official records is entitled to the actual damages or
2011 minimum damages for the association's willful failure to comply.
2012 Minimum damages shall be \$50 per calendar day up to 10 days, the
2013 calculation to begin on the 11th working day after receipt of

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2014 the written request. The failure to permit inspection of the
2015 association records as provided herein entitles any person
2016 prevailing in an enforcement action to recover reasonable
2017 attorney's fees from the person in control of the records who,
2018 directly or indirectly, knowingly denied access to the records.
2019 Any person who knowingly or intentionally defaces or destroys
2020 accounting records that are required by this chapter to be
2021 maintained during the period for which such records are required
2022 to be maintained, or who knowingly or intentionally fails to
2023 create or maintain accounting records that are required to be
2024 created or maintained, with the intent of causing harm to the
2025 association or one or more of its members, is personally subject
2026 to a civil penalty pursuant to s. 718.501(1)(d). The association
2027 shall maintain an adequate number of copies of the declaration,
2028 articles of incorporation, bylaws, and rules, and all amendments
2029 to each of the foregoing, as well as the question and answer
2030 sheet provided for in s. 718.504 and year-end financial
2031 information required in this section, on the condominium
2032 property to ensure their availability to unit owners and
2033 prospective purchasers, and may charge its actual costs for
2034 preparing and furnishing these documents to those requesting the
2035 documents. Notwithstanding the provisions of this paragraph, the
2036 following records are not accessible to unit owners:

2037 1. Any record protected by the lawyer-client privilege as
2038 described in s. 90.502; and any record protected by the work-
2039 product privilege, including any record prepared by an
2040 association attorney or prepared at the attorney's express
2041 direction; which reflects a mental impression, conclusion,
2042 litigation strategy, or legal theory of the attorney or the

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2043 association, and which was prepared exclusively for civil or
2044 criminal litigation or for adversarial administrative
2045 proceedings, or which was prepared in anticipation of imminent
2046 civil or criminal litigation or imminent adversarial
2047 administrative proceedings until the conclusion of the
2048 litigation or adversarial administrative proceedings.

2049 2. Information obtained by an association in connection
2050 with the approval of the lease, sale, or other transfer of a
2051 unit.

2052 3. Personnel records of association employees, including,
2053 but not limited to, disciplinary, payroll, health, and insurance
2054 records.

2055 4. Medical records of unit owners.

2056 5. Social security numbers, driver's license numbers,
2057 credit card numbers, e-mail addresses, telephone numbers,
2058 emergency contact information, any addresses of a unit owner
2059 other than as provided to fulfill the association's notice
2060 requirements, and other personal identifying information of any
2061 person, excluding the person's name, unit designation, mailing
2062 address, and property address.

2063 6. Any electronic security measure that is used by the
2064 association to safeguard data, including passwords.

2065 7. The software and operating system used by the
2066 association which allows manipulation of data, even if the owner
2067 owns a copy of the same software used by the association. The
2068 data is part of the official records of the association.

2069 (d) The association shall prepare a question and answer
2070 sheet as described in s. 718.504, and shall update it annually.

2071 (e)1. The association or its authorized agent is not

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2072 required to provide a prospective purchaser or lienholder with
 2073 information about the condominium or the association other than
 2074 information or documents required by this chapter to be made
 2075 available or disclosed. The association or its authorized agent
 2076 may charge a reasonable fee to the prospective purchaser,
 2077 lienholder, or the current unit owner for providing good faith
 2078 responses to requests for information by or on behalf of a
 2079 prospective purchaser or lienholder, other than that required by
 2080 law, if the fee does not exceed \$150 plus the reasonable cost of
 2081 photocopying and any attorney's fees incurred by the association
 2082 in connection with the response.

2083 2. An association and its authorized agent are not liable
 2084 for providing such information in good faith pursuant to a
 2085 written request if the person providing the information includes
 2086 a written statement in substantially the following form: "The
 2087 responses herein are made in good faith and to the best of my
 2088 ability as to their accuracy."

2089 Reviser's note.—Section 9, ch. 2010-174, amended
 2090 subsection (12) without publishing paragraphs (d) and
 2091 (e). Absent affirmative evidence of legislative intent
 2092 to repeal paragraphs (d) and (e), subsection (12) is
 2093 reenacted to confirm the omission was not intended.

2094 Section 50. Paragraph (f) of subsection (7) of section
 2095 893.055, Florida Statutes, is amended to read:

2096 893.055 Prescription drug monitoring program.—

2097 (7)

2098 (f) The program manager, upon determining a pattern
 2099 consistent with the rules established under paragraph (2) (d)
 2100 ~~(2) (e)~~ and having cause to believe a violation of s.

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2101 893.13(7)(a)8., (8)(a), or (8)(b) has occurred, may provide
2102 relevant information to the applicable law enforcement agency.

2103 Reviser's note.—Amended to confirm substitution by the
2104 editors of a reference to paragraph (2)(d) for a
2105 reference to paragraph (2)(c). Paragraph (2)(d)
2106 relates to development of rules; paragraph (2)(c)
2107 relates to notification of an implementation date for
2108 reporting requirements.

2109 Section 51. Subsection (4) of section 893.0551, Florida
2110 Statutes, is amended to read:

2111 893.0551 Public records exemption for the prescription drug
2112 monitoring program.—

2113 (4) The department shall disclose such confidential and
2114 exempt information to the applicable law enforcement agency in
2115 accordance with s. 893.055(7)(f) ~~893.055(7)(b)2.~~ The law
2116 enforcement agency may disclose the confidential and exempt
2117 information received from the department to a criminal justice
2118 agency as defined in s. 119.011 as part of an active
2119 investigation that is specific to a violation of s.
2120 893.13(7)(a)8., s. 893.13(8)(a), or s. 893.13(8)(b).

2121 Reviser's note.—Amended to confirm substitution by the
2122 editors of a reference to s. 893.055(7)(f) for a
2123 reference to s. 893.055(7)(b)2., which does not exist;
2124 paragraph (7)(f) relates to provision of information
2125 to law enforcement agencies.

2126 Section 52. Paragraph (d) of subsection (7) of section
2127 1002.69, Florida Statutes, is amended to read:

2128 1002.69 Statewide kindergarten screening; kindergarten
2129 readiness rates.—

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2130 (7)

2131 (d) A good cause exemption may not be granted to any
 2132 private prekindergarten provider that has any class I violations
 2133 or two or more class II violations within the 2 years preceding
 2134 the provider's or school's request for the exemption. For
 2135 purposes of this paragraph, class I and class II violations have
 2136 the same meaning as provided in s. 402.281(4) ~~402.281(3)~~.

2137 Reviser's note.—Amended to conform to the
 2138 redesignation of s. 402.281(3) as s. 402.281(4) by s.
 2139 7, ch. 2010-210, Laws of Florida.

2140 Section 53. Paragraph (a) of subsection (4) of section
 2141 1003.428, Florida Statutes, is amended to read:

2142 1003.428 General requirements for high school graduation;
 2143 revised.—

2144 (4) Each district school board shall establish standards
 2145 for graduation from its schools, which must include:

2146 (a) Successful completion of the academic credit or
 2147 curriculum requirements of subsections (1) and (2). For courses
 2148 that require statewide, standardized end-of-course assessments
 2149 under s. 1008.22(3)(c)2.d. ~~1008.22(3)(c)2.e.~~, a minimum of 30
 2150 percent of a student's course grade shall be comprised of
 2151 performance on the statewide, standardized end-of-course
 2152 assessment.

2153
 2154 Each district school board shall adopt policies designed to
 2155 assist students in meeting the requirements of this subsection.
 2156 These policies may include, but are not limited to: forgiveness
 2157 policies, summer school or before or after school attendance,
 2158 special counseling, volunteers or peer tutors, school-sponsored

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2159 help sessions, homework hotlines, and study skills classes.
2160 Forgiveness policies for required courses shall be limited to
2161 replacing a grade of "D" or "F," or the equivalent of a grade of
2162 "D" or "F," with a grade of "C" or higher, or the equivalent of
2163 a grade of "C" or higher, earned subsequently in the same or
2164 comparable course. Forgiveness policies for elective courses
2165 shall be limited to replacing a grade of "D" or "F," or the
2166 equivalent of a grade of "D" or "F," with a grade of "C" or
2167 higher, or the equivalent of a grade of "C" or higher, earned
2168 subsequently in another course. The only exception to these
2169 forgiveness policies shall be made for a student in the middle
2170 grades who takes any high school course for high school credit
2171 and earns a grade of "C," "D," or "F" or the equivalent of a
2172 grade of "C," "D," or "F." In such case, the district
2173 forgiveness policy must allow the replacement of the grade with
2174 a grade of "C" or higher, or the equivalent of a grade of "C" or
2175 higher, earned subsequently in the same or comparable course. In
2176 all cases of grade forgiveness, only the new grade shall be used
2177 in the calculation of the student's grade point average. Any
2178 course grade not replaced according to a district school board
2179 forgiveness policy shall be included in the calculation of the
2180 cumulative grade point average required for graduation.

2181 Reviser's note.—Amended to conform to the
2182 redesignation of subunits in s. 1008.22 as a result of
2183 compilation of changes by s. 8, ch. 2010-22, Laws of
2184 Florida, and s. 4, ch. 2010-48, Laws of Florida.
2185 Section 54. Subsection (5) of section 1003.429, Florida
2186 Statutes, is amended to read:
2187 1003.429 Accelerated high school graduation options.—

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2188 (5) District school boards may not establish requirements
 2189 for accelerated 3-year high school graduation options in excess
 2190 of the requirements in paragraphs (1)(b) and (c). For courses
 2191 that require statewide, standardized end-of-course assessments
 2192 under s. 1008.22(3)(c)2.d. ~~1008.22(3)(c)2.e.~~, a minimum of 30
 2193 percent of a student's course grade shall be comprised of
 2194 performance on the statewide, standardized end-of-course
 2195 assessment.

2196 Reviser's note.—Amended to conform to the
 2197 redesignation of subunits in s. 1008.22 as a result of
 2198 compilation of changes by s. 8, ch. 2010-22, Laws of
 2199 Florida, and s. 4, ch. 2010-48, Laws of Florida.

2200 Section 55. Paragraphs (b) and (c) of subsection (3) of
 2201 section 1008.34, Florida Statutes, are amended to read:

2202 1008.34 School grading system; school report cards;
 2203 district grade.—

2204 (3) DESIGNATION OF SCHOOL GRADES.—

2205 (b)1. A school's grade shall be based on a combination of:

2206 a. Student achievement scores, including achievement on all
 2207 FCAT assessments administered under s. 1008.22(3)(c)1., end-of-
 2208 course assessments administered under s. 1008.22(3)(c)2.a., and
 2209 achievement scores for students seeking a special diploma.

2210 b. Student learning gains in reading and mathematics as
 2211 measured by FCAT and end-of-course assessments, as described in
 2212 s. 1008.22(3)(c)1. and 2.a. Learning gains for students seeking
 2213 a special diploma, as measured by an alternate assessment tool,
 2214 shall be included not later than the 2009-2010 school year.

2215 c. Improvement of the lowest 25th percentile of students in
 2216 the school in reading and mathematics on the FCAT or end-of-

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2217 course assessments described in s. 1008.22(3)(c)2.a., unless
2218 these students are exhibiting satisfactory performance.

2219 2. Beginning with the 2009-2010 school year for schools
2220 comprised of high school grades 9, 10, 11, and 12, or grades 10,
2221 11, and 12, 50 percent of the school grade shall be based on a
2222 combination of the factors listed in sub-subparagraphs 1.a.-c.
2223 and the remaining 50 percent on the following factors:

2224 a. The high school graduation rate of the school;

2225 b. As valid data becomes available, the performance and
2226 participation of the school's students in College Board Advanced
2227 Placement courses, International Baccalaureate courses, dual
2228 enrollment courses, and Advanced International Certificate of
2229 Education courses; and the students' achievement of national
2230 industry certification identified in the Industry Certification
2231 Funding List, pursuant to rules adopted by the State Board of
2232 Education;

2233 c. Postsecondary readiness of the school's students as
2234 measured by the SAT, ACT, or the common placement test;

2235 d. The high school graduation rate of at-risk students who
2236 scored at Level 2 or lower on the grade 8 FCAT Reading and
2237 Mathematics examinations;

2238 e. As valid data becomes available, the performance of the
2239 school's students on statewide standardized end-of-course
2240 assessments administered under s. 1008.22(3)(c)2.c. and d.
2241 ~~1008.22(3)(c)2.b. and c.~~; and

2242 f. The growth or decline in the components listed in sub-
2243 subparagraphs a.-e. from year to year.

2244 (c) Student assessment data used in determining school
2245 grades shall include:

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2246 1. The aggregate scores of all eligible students enrolled
2247 in the school who have been assessed on the FCAT and statewide,
2248 standardized end-of-course assessments in courses required for
2249 high school graduation, including, beginning with the 2010-2011
2250 school year, the end-of-course assessment in Algebra I; and
2251 beginning with the 2011-2012 school year, the end-of-course
2252 assessments in geometry and Biology; and beginning with the
2253 2013-2014 school year, on the statewide, standardized end-of-
2254 course assessment in civics education at the middle school
2255 level.

2256 2. The aggregate scores of all eligible students enrolled
2257 in the school who have been assessed on the FCAT and end-of-
2258 course assessments as described in s. 1008.22(3)(c)2.a., and who
2259 have scored at or in the lowest 25th percentile of students in
2260 the school in reading and mathematics, unless these students are
2261 exhibiting satisfactory performance.

2262 3. The achievement scores and learning gains of eligible
2263 students attending alternative schools that provide dropout
2264 prevention and academic intervention services pursuant to s.
2265 1003.53. The term "eligible students" in this subparagraph does
2266 not include students attending an alternative school who are
2267 subject to district school board policies for expulsion for
2268 repeated or serious offenses, who are in dropout retrieval
2269 programs serving students who have officially been designated as
2270 dropouts, or who are in programs operated or contracted by the
2271 Department of Juvenile Justice. The student performance data for
2272 eligible students identified in this subparagraph shall be
2273 included in the calculation of the home school's grade. As used
2274 in this section and s. 1008.341, the term "home school" means

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2275 the school to which the student would be assigned if the student
2276 were not assigned to an alternative school. If an alternative
2277 school chooses to be graded under this section, student
2278 performance data for eligible students identified in this
2279 subparagraph shall not be included in the home school's grade
2280 but shall be included only in the calculation of the alternative
2281 school's grade. A school district that fails to assign the FCAT
2282 and end-of-course assessment as described in s.

2283 1008.22(3)(c)2.a. scores of each of its students to his or her
2284 home school or to the alternative school that receives a grade
2285 shall forfeit Florida School Recognition Program funds for 1
2286 fiscal year. School districts must require collaboration between
2287 the home school and the alternative school in order to promote
2288 student success. This collaboration must include an annual
2289 discussion between the principal of the alternative school and
2290 the principal of each student's home school concerning the most
2291 appropriate school assignment of the student.

2292 4. For schools comprised of high school grades 9, 10, 11,
2293 and 12, or grades 10, 11, and 12, the data listed in
2294 subparagraphs 1.-3. and the following data as the Department of
2295 Education determines such data are valid and available:

2296 a. The high school graduation rate of the school as
2297 calculated by the Department of Education;

2298 b. The participation rate of all eligible students enrolled
2299 in the school and enrolled in College Board Advanced Placement
2300 courses; International Baccalaureate courses; dual enrollment
2301 courses; Advanced International Certificate of Education
2302 courses; and courses or sequence of courses leading to national
2303 industry certification identified in the Industry Certification

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2304 Funding List, pursuant to rules adopted by the State Board of
2305 Education;

2306 c. The aggregate scores of all eligible students enrolled
2307 in the school in College Board Advanced Placement courses,
2308 International Baccalaureate courses, and Advanced International
2309 Certificate of Education courses;

2310 d. Earning of college credit by all eligible students
2311 enrolled in the school in dual enrollment programs under s.
2312 1007.271;

2313 e. Earning of a national industry certification identified
2314 in the Industry Certification Funding List, pursuant to rules
2315 adopted by the State Board of Education;

2316 f. The aggregate scores of all eligible students enrolled
2317 in the school in reading, mathematics, and other subjects as
2318 measured by the SAT, the ACT, and the common placement test for
2319 postsecondary readiness;

2320 g. The high school graduation rate of all eligible at-risk
2321 students enrolled in the school who scored at Level 2 or lower
2322 on the grade 8 FCAT Reading and Mathematics examinations;

2323 h. The performance of the school's students on statewide
2324 standardized end-of-course assessments administered under s.
2325 1008.22(3)(c)2.c. and d. ~~1008.22(3)(e)2.b. and c.~~; and

2326 i. The growth or decline in the data components listed in
2327 sub-subparagraphs a.-h. from year to year.

2328

2329 The State Board of Education shall adopt appropriate criteria
2330 for each school grade. The criteria must also give added weight
2331 to student achievement in reading. Schools designated with a
2332 grade of "C," making satisfactory progress, shall be required to

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

2347 Reviser's note.—Amended to conform to the
2348 redesignation of subunits in s. 1008.22 as a result of
2349 compilation of changes by s. 8, ch. 2010-22, Laws of
2350 Florida, and s. 4, ch. 2010-48, Laws of Florida.

2351 Section 56. This act shall take effect on the 60th day
2352 after adjournment sine die of the session of the Legislature in
2353 which enacted.