

2011944er

1  
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

Child or Children

67

Income	One	Two	Three	Four	Five	Six
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68

800.00	190	211	213	216	218	220
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69

850.00	202	257	259	262	265	268
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70

900.00	213	302	305	309	312	315
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71

950.00	224	347	351	355	359	363
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72

1000.00	235	365	397	402	406	410
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73

1050.00	246	382	443	448	453	458
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74

1100.00	258	400	489	495	500	505
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75

1150.00	269	417	522	541	547	553
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76

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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
105							

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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
134							

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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
163							

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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
192							

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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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9900.00	1432	2221	2786	3137	3420	3653
9950.00	1435	2225	2791	3143	3426	3659
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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275

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

276

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

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

286            102.012 Inspectors and clerks to conduct elections.—

287            (1)

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

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

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

298            112.534 Failure to comply; official misconduct.—

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

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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)(e)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 e.~~; 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)(c)2.b. and e.~~; 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.