

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

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

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

18 16.0155 Contingency fee agreements.—

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

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

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

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

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

39 | (10)

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

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

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57 word "the" by the editors.

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

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

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

65 Combined

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Child or Children

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

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

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

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286 102.012 Inspectors and clerks to conduct elections.-

287 (1)

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

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

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

298 112.534 Failure to comply; official misconduct.-

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

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

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

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

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

323 163.3202 Land development regulations.—

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

327 (a) Regulate the subdivision of land.

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

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

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

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

336 (f) Regulate signage.

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

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

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

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

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

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

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

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

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

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

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

384 213.67 Garnishment.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

453 283.33 Printing of publications; lowest bidder awards.—

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

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

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

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

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

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

475 285.710 Compact authorization.—

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

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

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

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

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

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

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

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

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

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

499 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

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

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

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

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

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

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

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

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

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

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

542 288.9604 Creation of the authority.—

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

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

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

555 316.008 Powers of local authorities.—

556 (8)

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

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

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

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566 319.30, Florida Statutes, is amended to read:

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

569 (8)

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

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

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

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

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

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

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

622 321.05, Florida Statutes, is amended to read:

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

645 (4)

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

650 penalty provided in s. 318.18(2).

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

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

655 327.73 Noncriminal infractions.—

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

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

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

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

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

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

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

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

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

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

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

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

677 1. Established by the commission or by local governmental

678 | authorities pursuant to s. 327.46.

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

680 | (l) Section 327.48, relating to regattas and races.

681 | (m) Section 327.50(1) and (2), relating to required safety

682 | equipment, lights, and shapes.

683 | (n) Section 327.65, relating to muffling devices.

684 | (o) Section 327.33(3)(b), relating to navigation rules.

685 | (p) Section 327.39(1), (2), (3), and (5), relating to

686 | personal watercraft.

687 | (q) Section 327.53(1), (2), and (3), relating to marine

688 | sanitation.

689 | (r) Section 327.53(4), (5), and (7), relating to marine

690 | sanitation, for which the civil penalty is \$250.

691 | (s) Section 327.395, relating to boater safety education.

692 | (t) Section 327.52(3), relating to operation of overloaded

693 | or overpowered vessels.

694 | (u) Section 327.331, relating to divers-down flags, except

695 | for violations meeting the requirements of s. 327.33.

696 | (v) Section 327.391(1), relating to the requirement for an

697 | adequate muffler on an airboat.

698 | (w) Section 327.391(3), relating to the display of a flag

699 | on an airboat.

700 | (x) Section 253.04(3)(a), relating to carelessly causing

701 | seagrass scarring, for which the civil penalty upon conviction

702 | is:

703 | 1. For a first offense, \$50.

704 | 2. For a second offense occurring within 12 months after a

705 | prior conviction, \$250.

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

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

710
711 Any person cited for a violation of any such provision shall be
712 deemed to be charged with a noncriminal infraction, shall be
713 cited for such an infraction, and shall be cited to appear
714 before the county court. The civil penalty for any such
715 infraction is \$50, except as otherwise provided in this section.
716 Any person who fails to appear or otherwise properly respond to
717 a uniform boating citation shall, in addition to the charge
718 relating to the violation of the boating laws of this state, be
719 charged with the offense of failing to respond to such citation
720 and, upon conviction, be guilty of a misdemeanor of the second
721 degree, punishable as provided in s. 775.082 or s. 775.083. A
722 written warning to this effect shall be provided at the time
723 such uniform boating citation is issued.

724
725 ~~Any person cited for a violation of any such provision shall be~~
726 ~~deemed to be charged with a noncriminal infraction, shall be~~
727 ~~cited for such an infraction, and shall be cited to appear~~
728 ~~before the county court. The civil penalty for any such~~
729 ~~infraction is \$50, except as otherwise provided in this section.~~
730 ~~Any person who fails to appear or otherwise properly respond to~~
731 ~~a uniform boating citation shall, in addition to the charge~~
732 ~~relating to the violation of the boating laws of this state, be~~
733 ~~charged with the offense of failing to respond to such citation~~

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

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

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

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

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

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

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

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

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

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

761

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

874 department shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

983
 984 Neither the assumption by contract to protect, defend,
 985 indemnify, and hold harmless; the purchase of insurance; nor the

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

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

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

1011 369.317 Wekiva Parkway.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1121 (4) REMOVAL OF DESIGNATION.—

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

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

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

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

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

1141 (18) "Working waterfront" means:

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

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

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

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

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

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

1182 review and advisory committee.

1183 Reviser's note.—Amended to conform to the

1184 redesignation of s. 381.0066(2)(k) as s.

1185 381.0066(2)(l) by s. 37, ch. 2010-205, Laws of

1186 Florida.

1187 Section 29. Paragraphs (a), (b), and (j) of subsection (2)

1188 of section 401.465, Florida Statutes, are amended to read:

1189 401.465 911 public safety telecommunicator certification.—

1190 (2) PERSONNEL; STANDARDS AND CERTIFICATION.—

1191 (a) Effective October 1, 2012, any person employed as a

1192 911 public safety telecommunicator at a public safety answering

1193 point, as defined in s. 365.172(3)(a), must be certified by the

1194 department.

1195 (b) A public safety agency, as defined in s.

1196 365.171(3)(d), may employ a 911 public safety telecommunicator

1197 trainee for a period not to exceed 12 months if the trainee

1198 works under the direct supervision of a certified 911 public

1199 safety telecommunicator, as determined by rule of the

1200 department, and is enrolled in a public safety telecommunication

1201 training program.

1202 (j) If a person was employed as a 911 public safety

1203 telecommunicator, a sworn state-certified law enforcement

1204 officer, or a state-certified firefighter before April 1, 2012,

1205 he or she must pass the examination administered by the

1206 department which measures the competency and proficiency in the

1207 subject material of the public safety telecommunication program,

1208 as defined in paragraph (1)(c). Upon passage of the examination,

1209 the completion of the public safety telecommunication training

1210 program shall be waived.

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

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

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

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

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

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

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

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

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

1248
 1249 Notwithstanding any other provision of this section, the
 1250 department shall limit monitoring of a child-caring or child-
 1251 placing services provider under this subsection to only once per
 1252 year. Such monitoring may not duplicate administrative
 1253 monitoring that is included in the survey of a child welfare
 1254 provider conducted by a national accreditation organization
 1255 specified under s. 402.7306(1).

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

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

1260 403.7032 Recycling.—

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

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

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

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

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

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

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1294 Reviser's note.—Amended to conform to the name of the
 1295 program as referenced in s. 403.890.
 1296 Section 33. Paragraph (c) of subsection (5) of section
 1297 411.01, Florida Statutes, is amended to read:
 1298 411.01 School readiness programs; early learning
 1299 coalitions.—
 1300 (5) CREATION OF EARLY LEARNING COALITIONS.—
 1301 (c) Program expectations.—
 1302 1. The school readiness program must meet the following
 1303 expectations:
 1304 a. The program must, at a minimum, enhance the age-
 1305 appropriate progress of each child in attaining the performance
 1306 standards and outcome measures adopted by the Agency for
 1307 Workforce Innovation.
 1308 b. The program must provide extended-day and extended-year
 1309 services to the maximum extent possible without compromising the
 1310 quality of the program to meet the needs of parents who work.
 1311 c. The program must provide a coordinated professional
 1312 development system that supports the achievement and maintenance
 1313 of core competencies by school readiness instructors in helping
 1314 children attain the performance standards and outcome measures
 1315 adopted by the Agency for Workforce Innovation.
 1316 d. There must be expanded access to community services and
 1317 resources for families to help achieve economic self-
 1318 sufficiency.
 1319 e. There must be a single point of entry and unified
 1320 waiting list. As used in this sub-subparagraph, the term "single
 1321 point of entry" means an integrated information system that

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1380

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

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

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

1392 435.03 Level 1 screening standards.—

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

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

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

1405 443.091 Benefit eligibility conditions.—

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

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

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

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

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

1424 443.131 Contributions.—

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

1434 credits.

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

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

1440 443.141 Collection of contributions and reimbursements.—

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

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

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

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

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

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

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

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

1490 | unaware of the inaccuracy.

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

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

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

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

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

1517 | 2. In addition to the payments specified in subparagraph

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

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

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

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

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

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

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

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

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

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

1573 5. Interest does not accrue on any contribution that

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

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

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

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

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

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

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1602 334.03(29) defines "sufficiency rating."

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

1605 494.00331 Loan originator employment.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1680 550.334 Quarter horse racing; substitutions.—

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

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

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

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

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

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

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

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

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

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

1737 553.77 Specific powers of the commission.—

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

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

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

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

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

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

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

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1770 is:

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

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

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

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

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

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

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

1778 628.461 or s. 628.4615;

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

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

1781 of the affairs of the licensee;

1782 4. An independent contractor who:

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

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

1785 licensee, which opinion is reasonably relied on by the

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

1787 b. Affirmatively and knowingly conceals facts, through a

1788 written misrepresentation to the department or office, with

1789 knowledge that such misrepresentation:

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

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

1792 and

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

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

1795

1796 For the purposes of this subparagraph, any representation of

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

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

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

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

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

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

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

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

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1826 by the office; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1889 677.105 Reissuance in alternative medium.—

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

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

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

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

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

1905 718.111 The association.—

1906 (12) OFFICIAL RECORDS.—

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

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

1938 condominiums operated by the association.

1939 9. A current copy of any management agreement, lease, or
 1940 other contract to which the association is a party or under
 1941 which the association or the unit owners have an obligation or
 1942 responsibility.

1943 10. Bills of sale or transfer for all property owned by
 1944 the association.

1945 11. Accounting records for the association and separate
 1946 accounting records for each condominium which the association
 1947 operates. All accounting records shall be maintained for at
 1948 least 7 years. Any person who knowingly or intentionally defaces
 1949 or destroys accounting records required to be created and
 1950 maintained by this chapter during the period for which such
 1951 records are required to be maintained, or who knowingly or
 1952 intentionally fails to create or maintain such records, with the
 1953 intent of causing harm to the association or one or more of its
 1954 members, is personally subject to a civil penalty pursuant to s.
 1955 718.501(1)(d). The accounting records must include, but are not
 1956 limited to:

1957 a. Accurate, itemized, and detailed records of all
 1958 receipts and expenditures.

1959 b. A current account and a monthly, bimonthly, or
 1960 quarterly statement of the account for each unit designating the
 1961 name of the unit owner, the due date and amount of each
 1962 assessment, the amount paid upon the account, and the balance
 1963 due.

1964 c. All audits, reviews, accounting statements, and
 1965 financial reports of the association or condominium.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2059 4. Medical records of unit owners.

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

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

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

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

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

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

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

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

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

2100 893.055 Prescription drug monitoring program.—

2101 (7)

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

2106 relevant information to the applicable law enforcement agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2190 Statutes, is amended to read:

2191 1003.429 Accelerated high school graduation options.—

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

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

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

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

2208 (3) DESIGNATION OF SCHOOL GRADES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2332
 2333 The State Board of Education shall adopt appropriate criteria
 2334 for each school grade. The criteria must also give added weight
 2335 to student achievement in reading. Schools designated with a
 2336 grade of "C," making satisfactory progress, shall be required to
 2337 demonstrate that adequate progress has been made by students in
 2338 the school who are in the lowest 25th percentile in reading and
 2339 mathematics on the FCAT and end-of-course assessments as
 2340 described in s. 1008.22(3)(c)2.a., unless these students are
 2341 exhibiting satisfactory performance. Beginning with the 2009-
 2342 2010 school year for schools comprised of high school grades 9,
 2343 10, 11, and 12, or grades 10, 11, and 12, the criteria for
 2344 school grades must also give added weight to the graduation rate
 2345 of all eligible at-risk students, as defined in this paragraph.
 2346 Beginning in the 2009-2010 school year, in order for a high
 2347 school to be designated as having a grade of "A," making
 2348 excellent progress, the school must demonstrate that at-risk
 2349 students, as defined in this paragraph, in the school are making
 2350 adequate progress.

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

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