

By the Committee on Health Care Services and  
Representative Peadar

1                                   A bill to be entitled  
2           An act relating to individuals with brain and  
3           spinal cord injuries; amending s. 381.739,  
4           F.S.; correcting a cross reference; renumbering  
5           and amending s. 413.46, F.S.; revising  
6           legislative intent; creating s. 381.745, F.S.;  
7           providing definitions; amending s. 381.75,  
8           F.S.; modifying the duties and responsibilities  
9           of the Department of Health; creating s.  
10          381.755, F.S.; specifying the nonassignability  
11          of benefits; amending s. 381.76, F.S.; revising  
12          provisions relating to eligibility for the  
13          brain and spinal cord injury program; creating  
14          s. 381.765, F.S.; providing for the retention  
15          of title to and disposal of equipment by the  
16          department; amending s. 381.78, F.S.; deleting  
17          obsolete language relating to the advisory  
18          council on brain and spinal cord injuries;  
19          providing for removal of council members for  
20          cause by appointing authority; providing  
21          reimbursement for travel and related expenses  
22          for council members; prohibiting council  
23          members from voting on matters of direct  
24          financial interest or conflict of interest;  
25          creating s. 381.785, F.S.; providing for the  
26          recovery of third-party payments for services;  
27          providing for liens; amending s. 381.79, F.S.;  
28          authorizing trust fund expenditures for  
29          matching funds; specifying deposit of certain  
30          revenue into the trust fund; authorizing the  
31          department to accept and use gifts made by will

1 or otherwise; amending s. 120.80, F.S.;

2 prohibiting certain hearings by the department

3 relating to the brain and spinal cord injury

4 program; providing for contract with the

5 Department of Children and Family Services;

6 amending ss. 318.21, 320.131, 327.35, and

7 938.07, F.S.; correcting references and cross

8 references; providing planning for long-term

9 community-based supports for individuals with

10 specified brain and spinal cord injuries;

11 providing for a study; providing purpose;

12 requiring a report; providing for establishment

13 of a program; providing for compliance with s.

14 381.775, F.S.; providing limitation on use of

15 funding; providing priority for services;

16 providing a residency requirement; providing

17 the department with certain rulemaking

18 authority; providing severability; providing an

19 effective date.

20

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

22

23 Section 1. Section 381.739, Florida Statutes, is

24 amended to read:

25 381.739 Short title; Charlie Mack Overstreet Brain or

26 Spinal Cord Injuries Act.--Sections 381.739-381.79

27 ~~381.73-381.79~~ may be cited as the "Charlie Mack Overstreet

28 Brain or Spinal Cord Injuries Act."

29 Section 2. Section 413.46, Florida Statutes, is

30 renumbered as section 381.735, Florida Statutes, and amended

31 to read:

1           381.735 ~~413.46~~ Legislative intent.--It is the intent  
2 of the Legislature to ensure the referral of individuals  
3 ~~persons~~ who have moderate-to-severe brain or spinal cord  
4 injuries to the brain and spinal cord injury program, a  
5 coordinated rehabilitation program ~~developed and~~ administered  
6 by the department ~~division~~. The program shall provide eligible  
7 individuals ~~persons~~, as defined in s. 381.76 ~~413.507~~, the  
8 opportunity to obtain the necessary rehabilitative services  
9 enabling them to be referred to a vocational rehabilitation  
10 program or to return to an appropriate level of functioning in  
11 their community. Further, it is intended that permanent  
12 disability be avoided, whenever possible, through prevention,  
13 early identification, ~~skilled~~ emergency medical services and  
14 transport ~~evacuation procedures~~, and proper medical and  
15 rehabilitative treatment.

16           Section 3. Section 381.745, Florida Statutes, is  
17 created to read:

18           381.745 Definitions.--As used in ss. 381.739-381.79,  
19 the term:

20           (1) "Activity of daily living" means an activity  
21 required on a frequent basis that permits an individual to  
22 secure or maintain independence. Such activities include, but  
23 are not limited to, personal home care, transportation,  
24 personal assistance services, housekeeping, shopping,  
25 attending school, communication, and employment.

26           (2) "Brain and spinal cord injury" and "brain or  
27 spinal cord injury" mean:

28           (a) A lesion to the spinal cord or cauda equina,  
29 resulting from external trauma, with evidence of significant  
30 involvement of two of the following deficits or dysfunctions:

31           1. Motor deficit;

- 1           2. Sensory deficit;  
2           3. Bowel and bladder dysfunction; or  
3           (b) An insult to the skull, or the brain or its  
4 covering, resulting from external trauma which produces an  
5 altered state of consciousness or anatomic motor, sensory,  
6 cognitive, or behavioral deficits.  
7           (3) "Emergency medical service system" means a  
8 transportation system licensed by the department under part  
9 III of chapter 401 that provides timely skilled emergency care  
10 and transport of individuals believed to have sustained a  
11 brain or spinal cord injury.  
12           (4) "Designated facility" means a brain and spinal  
13 cord injury program-approved facility meeting brain and spinal  
14 cord injury program criteria and standards of care for  
15 individuals who have sustained a brain or spinal cord injury.  
16           (5) "Funded services" means services paid for through  
17 the brain and spinal cord injury program.  
18           (6) "Personal assistance services" means a range of  
19 services, provided by one or more individuals, designed to  
20 assist an individual who has a disability to perform  
21 activities of daily living.  
22           (7) "Third-party coverage" means any claim for, right  
23 to receive payment for, or coverage for the payment of any  
24 brain and spinal cord injury program services.  
25           (8) "Third-party payment" means any and all payments  
26 received or due as a result of any third-party obligation  
27 created by gift, coverage, or other contract, settlement, or  
28 judicial decision, or action of law.  
29           (9) "Transitional living facility" means a  
30 state-approved facility as defined and licensed under part  
31

1 VIII of chapter 400 and brain and spinal cord injury  
2 program-approved in accordance with this chapter.

3 (10) "Trauma center" means an acute care facility,  
4 verified by the department under part II of chapter 395, that  
5 provides diagnosis and treatment of individuals who have  
6 sustained a brain or spinal cord injury.

7 Section 4. Section 381.75, Florida Statutes, is  
8 amended to read:

9 381.75 Duties and responsibilities of the department,  
10 of transitional living facilities, and of  
11 residents.--Consistent with the mandate of s. 381.735 ~~413.46~~,  
12 the department shall develop and administer a multilevel  
13 treatment program for individuals ~~persons~~ who sustain ~~have~~  
14 brain or spinal cord injuries and who are referred to the  
15 brain and spinal cord injury program.

16 (1) Within 15 days after any report of an individual ~~a~~  
17 ~~person~~ who has sustained a brain or spinal cord injury, the  
18 department shall notify the individual or the most immediate  
19 available family members of the individual's ~~their~~ right to  
20 assistance from the state, the services available, and the  
21 eligibility requirements.

22 (2) The department shall refer individuals ~~persons~~ who  
23 have brain or spinal cord injuries to other state agencies to  
24 assure that rehabilitative services, if desired, are obtained  
25 by that individual ~~person~~.

26 (3) The department, ~~in consultation with emergency~~  
27 ~~medical service,~~ shall develop standards for an emergency  
28 medical services ~~evacuation~~ system that will ensure that all  
29 individuals ~~persons~~ who sustain traumatic brain or spinal cord  
30 injuries are transported to a ~~department-approved~~ trauma  
31 center that meets the ~~standards and criteria established by~~

1 ~~the emergency medical service and the~~ acute-care standards of  
2 the brain and spinal cord injury program.

3 (4) The department shall develop standards for  
4 designation of rehabilitation centers to provide  
5 rehabilitation services for individuals ~~persons~~ who have brain  
6 or spinal cord injuries.

7 (5) The department shall determine the appropriate  
8 number of designated acute-care facilities, inpatient  
9 rehabilitation centers, and outpatient rehabilitation centers,  
10 needed based on incidence, volume of admissions, and other  
11 appropriate criteria.

12 (6) The department shall develop standards for  
13 designation of transitional living facilities to provide  
14 individuals the opportunity to adjust to their disabilities  
15 and to develop physical and functional skills in a supported  
16 living environment.

17 (a) The Agency for Health Care Administration, in  
18 consultation with the department, shall develop rules for the  
19 licensure of transitional living facilities for individuals  
20 ~~persons~~ who have brain or spinal cord injuries.

21 (b) The goal of a transitional living program for  
22 individuals ~~persons~~ who have brain or spinal cord injuries is  
23 to assist each individual ~~person~~ who has such a disability to  
24 achieve a higher level of independent functioning and to  
25 enable that individual ~~person~~ to reenter the community. The  
26 program shall be focused on preparing participants to return  
27 to community living.

28 (c) A transitional living facility for an individual ~~a~~  
29 ~~person~~ who has a brain or spinal cord injury shall provide to  
30 such individual ~~person~~, in a residential setting, a  
31 goal-oriented treatment program designed to improve the

1 individual's ~~person's~~ physical, cognitive, communicative,  
2 behavioral, psychological, and social functioning, as well as  
3 to provide necessary support and supervision. A transitional  
4 living facility shall offer at least the following therapies:  
5 physical, occupational, speech, neuropsychology, independent  
6 living skills training, behavior analysis for programs serving  
7 brain-injured individuals ~~persons~~, health education, and  
8 recreation.

9 (d) All residents shall use the transitional living  
10 facility as a temporary measure and not as a permanent home or  
11 domicile. The transitional living facility shall develop an  
12 initial treatment plan for each resident within 3 days after  
13 the resident's admission. The transitional living facility  
14 shall develop a comprehensive plan of treatment and a  
15 discharge plan for each resident as soon as practical, but no  
16 later than 30 days after the resident's admission. Each  
17 comprehensive treatment plan and discharge plan must be  
18 reviewed and updated as necessary, but no less often than  
19 quarterly. This subsection does not require the discharge of  
20 an individual who continues to require any of the specialized  
21 services described in paragraph (c) or who is making  
22 measurable progress in accordance with that individual's  
23 comprehensive treatment plan. The transitional living facility  
24 shall discharge any individual who has an appropriate  
25 discharge site and who has achieved the goals of his or her  
26 discharge plan or who is no longer making progress toward the  
27 goals established in the comprehensive treatment plan and the  
28 discharge plan. The discharge location must be the least  
29 restrictive environment in which an individual's health,  
30 well-being, and safety is preserved.

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1 (7) Recipients of services, under this section, from  
2 any of the facilities referred to in this section shall pay a  
3 fee based on ability to pay.

4 Section 5. Section 381.755, Florida Statutes, is  
5 created to read:

6 381.755 Benefits not assignable.--The right of an  
7 eligible individual to any of the brain and spinal cord injury  
8 program services is not transferable or assignable, and any  
9 benefits, including money, goods, or chattels received as  
10 brain and spinal cord injury program services, are exempt from  
11 all state, county, and municipal taxes and from sale under the  
12 process of any court, except for obligations contracted for  
13 the purchase of such property.

14 Section 6. Section 381.76, Florida Statutes, is  
15 amended to read:

16 381.76 Eligibility for the brain and spinal cord  
17 injury program.--

18 (1) An individual shall be accepted as eligible for  
19 the brain and spinal cord injury program following  
20 certification by the department that the individual:

21 (a) Has been referred to the central registry pursuant  
22 to s. 381.74; ~~413.48~~.

23 (b) Is a legal resident of this state at the time of  
24 application for services; ~~;~~

25 (c) Has sustained ~~suffered~~ a brain or spinal cord  
26 traumatic injury; ~~as defined in s. 413.20~~.

27 (d) Is medically stable; and ~~as defined by rules of~~  
28 ~~the department~~.

29 (e) Is reasonably expected to achieve reintegration  
30 into the community through brain and spinal cord injury  
31 program ~~rehabilitative~~ services.



1           (2) In the event the department is unable to provide  
2 services to all eligible individuals, the department may  
3 establish an order of selection.

4           Section 7. Section 381.765, Florida Statutes, is  
5 created to read:

6           381.765 Retention of title to and disposal of  
7 equipment.--

8           (1) The department is authorized to retain title to  
9 any property, tools, instruments, training supplies,  
10 equipment, or other items of value acquired as brain and  
11 spinal cord injury program services or for personnel employed  
12 in the operation of the brain and spinal cord injury program,  
13 and to repossess and transfer same as brain and spinal cord  
14 injury program services or for personnel employed in the  
15 operation of the brain and spinal cord injury program.

16           (2) The department is authorized to offer for sale any  
17 surplus items acquired in the operation of the brain and  
18 spinal cord injury program when such items are no longer  
19 necessary or to exchange such items for necessary items which  
20 may be used to greater advantage. When any such surplus  
21 equipment is sold or exchanged, a receipt shall be taken from  
22 the purchaser showing the consideration given for such  
23 equipment and forwarded to the treasurer, and any funds  
24 received by the brain and spinal cord injury program pursuant  
25 to any such transactions shall be deposited in the Brain and  
26 Spinal Cord Injury Program Trust Fund and shall be available  
27 for expenditure for any purpose consistent with s. 381.79.

28           (3) The department shall have the exclusive right to  
29 develop rules relating to records and recordkeeping for  
30 department-owned property referenced in this section.

31

1           Section 8. Section 381.78, Florida Statutes, is  
2 amended to read:

3           381.78 Advisory council on brain and spinal cord  
4 injuries.--

5           (1) There is created within the department a 16-member  
6 advisory council on brain and spinal cord injuries. The  
7 council shall be composed of a minimum of four individuals  
8 ~~persons~~ who have brain injuries or are family members of  
9 individuals ~~persons~~ who have brain injuries, a minimum of four  
10 individuals ~~persons~~ who have spinal cord injuries or are  
11 family members of individuals ~~persons~~ who have spinal cord  
12 injuries, and a minimum of two individuals ~~persons~~ who  
13 represent the special needs of children who have brain or  
14 spinal cord injuries. The balance of the council members shall  
15 be physicians, other allied health professionals,  
16 administrators of brain and spinal cord injury programs, and  
17 representatives from support groups that have expertise in  
18 areas related to the rehabilitation of individuals ~~persons~~ who  
19 have brain or spinal cord injuries.

20           (2) Members of the council shall be appointed to serve  
21 by the secretary. All members' terms shall be for 4 years. An  
22 individual may not serve more than two terms.

23           ~~(a) Eight members of the first appointed council shall~~  
24 ~~serve an initial term of 2 years. This group shall include two~~  
25 ~~persons who have brain injuries or are family members of~~  
26 ~~persons who have brain injuries, two persons who have spinal~~  
27 ~~cord injuries or are family members of persons who have spinal~~  
28 ~~cord injuries, and four other persons from the previous~~  
29 ~~council.~~

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1           ~~(b) The remaining members of the first appointed~~  
2 ~~council shall serve an initial term of 4 years. Thereafter all~~  
3 ~~members' terms shall be for 4 years.~~

4           (a)~~(c)~~ Any council member who is unwilling or unable  
5 to properly fulfill the duties of the office shall be  
6 succeeded by an individual ~~a person~~ chosen by the secretary to  
7 serve out the unexpired balance of the replaced council  
8 member's term. If the unexpired balance of the replaced  
9 council member's term is less than 18 months, then,  
10 notwithstanding the provisions of this subsection, the  
11 succeeding council member may be reappointed by the secretary  
12 twice.

13           (b) A member of the council may be removed from office  
14 by the appointing authority for malfeasance, misfeasance,  
15 neglect of duty, incompetence, or permanent inability to  
16 perform official duties or for pleading nolo contendere to, or  
17 being found guilty of, a crime. Malfeasance shall include,  
18 but is not limited to, violation of any specific prohibitions  
19 within this part.

20           (3) The council shall meet at least two times  
21 annually.

22           (4) The council shall:

23           (a) Provide advice and expertise to the department  
24 through the brain and spinal cord injury program division in  
25 the preparation, implementation, and periodic review of the  
26 brain and spinal cord injury program ~~as referenced in s.~~  
27 ~~413.49.~~

28           (b) Annually appoint a five-member committee composed  
29 of one individual ~~person~~ who has a brain injury or has a  
30 family member with a brain injury, one individual ~~person~~ who  
31 has a spinal cord injury or has a family member with a spinal

1 cord injury, and three members who shall be chosen from among  
2 these representative groups: physicians, other allied health  
3 professionals, administrators of brain and spinal cord injury  
4 programs, and representatives from support groups with  
5 expertise in areas related to the rehabilitation of  
6 individuals ~~persons~~ who have brain or spinal cord injuries,  
7 except that one and only one member of the committee shall be  
8 an administrator of a transitional living facility. Membership  
9 on the council is not a prerequisite for membership on this  
10 committee.

11           1. The committee shall perform onsite visits to those  
12 transitional living facilities identified by the Agency for  
13 Health Care Administration as being in possible violation of  
14 the statutes and rules regulating such facilities. The  
15 committee members have the same rights of entry and inspection  
16 granted under s. 400.805(7) to designated representatives of  
17 the agency.

18           2. Factual findings of the committee resulting from an  
19 onsite investigation of a facility pursuant to subparagraph 1.  
20 shall be adopted by the agency in developing its  
21 administrative response regarding enforcement of statutes and  
22 rules regulating the operation of the facility.

23           3. Onsite investigations by the committee shall be  
24 funded by the Health Care Trust Fund.

25           4. Travel expenses for committee members shall be  
26 reimbursed in accordance with s. 112.061.

27           5. Members of the committee shall recuse themselves  
28 from participating in any investigation that would create a  
29 conflict of interest under state law, and the council shall  
30 replace the member, either temporarily or permanently.

31

1       (5) Members of the council are entitled to per diem  
2 and travel expenses for required attendance at council  
3 meetings in accordance with the provisions of s. 112.061.  
4 Reasonable expenses for personal assistance services and  
5 interpreters needed by members during required attendance at  
6 council meetings shall be reimbursed. No member shall receive  
7 any compensation for performance of duties specified in, or  
8 arising out of, her or his duties as a council member under  
9 this part except as otherwise specified in this part.

10       (6) No member of the council shall cast a vote on any  
11 matter that would provide direct financial benefit to the  
12 member or create a conflict of interest under state law.

13       Section 9. Section 381.785, Florida Statutes, is  
14 created to read:

15       381.785 Recovery of third-party payments for brain and  
16 spinal cord injury program services.--

17       (1) Third-party coverage for funded services is  
18 primary coverage.

19       (2) An applicant for or recipient of brain and spinal  
20 cord injury program services must inform the brain and spinal  
21 cord injury program of any rights he or she has to third-party  
22 payments for such services, and the brain and spinal cord  
23 injury program shall be subrogated to his or her rights to  
24 such third-party payments. The brain and spinal cord injury  
25 program may recover directly from:

26       (a) Any third party liable to make a benefit payment  
27 to the provider of the recipient's funded services or to the  
28 recipient under the terms of any contract, settlement, or  
29 award;

1       (b) The recipient, if he or she has received  
2 third-party payment for funded services provided to him or  
3 her; or

4       (c) The provider of the recipient's funded services if  
5 third-party payment for such services has been recovered by  
6 the provider.

7       (3) An applicant for or a recipient of funded services  
8 is deemed to have assigned to the brain and spinal cord injury  
9 program his or her rights to any payments for such services  
10 from a third party and to have authorized the brain and spinal  
11 cord injury program to release information with respect to  
12 such services for the sole purpose of obtaining reimbursement.

13       (4) The brain and spinal cord injury program may, in  
14 order to enforce its rights under this section, institute,  
15 intervene in, or join any legal proceeding against a third  
16 party against whom recovery rights arise. Action taken by the  
17 brain and spinal cord injury program does not preclude the  
18 recipient's recovery for that portion of his or her damages  
19 not subrogated to the brain and spinal cord injury program,  
20 and action taken by the recipient does not prejudice the  
21 rights of the brain and spinal cord injury program.

22       (5) When the brain and spinal cord injury program  
23 provides, pays for, or becomes liable for funded services, it  
24 has a lien for the amount of such services upon all causes of  
25 action which accrue to the recipient or to his or her legal  
26 representatives as a result of sickness, injury, disease,  
27 disability, or death, due to the liability of a third party  
28 which necessitated funded services. To perfect such lien, a  
29 notice of lien must be filed with the clerk of the circuit  
30 court in the recipient's county of residence. The notice of  
31 lien must contain the name and address of the individual to

1 whom vocational rehabilitation and related services were  
2 furnished and the name, address, and telephone number of a  
3 person at the brain and spinal cord injury program from whom  
4 information regarding the lien can be obtained. The brain and  
5 spinal cord injury program's failure to file a notice of lien  
6 shall not affect the brain and spinal cord injury program's  
7 other rights provided in this section. Any notice of lien  
8 filed as provided under this subsection shall be valid for a  
9 period of 5 years after filing, and may be extended for an  
10 additional period of 5 years by filing a new notice of lien at  
11 any time prior to the expiration of the original notice of  
12 lien.

13 (6) In recovering any payments in accordance with this  
14 section, the brain and spinal cord injury program may make  
15 appropriate settlements.

16 (7) Notwithstanding any other law to the contrary,  
17 payments made for funded services are neither collateral  
18 payments nor collateral sources within the meaning of chapter  
19 86-160, Laws of Florida, or chapter 88-1, Laws of Florida.

20 (8) Notwithstanding any other law to the contrary, the  
21 brain and spinal cord injury program retains all rights and  
22 remedies granted under this section as against moneys paid  
23 under chapter 440.

24 Section 10. Subsection (1) of section 381.79, Florida  
25 Statutes, is amended, and subsections (5) and (6) are added to  
26 said section, to read:

27 381.79 Brain and Spinal Cord Injury Program  
28 ~~Rehabilitation~~ Trust Fund.--

29 (1) There is created in the State Treasury the Brain  
30 and Spinal Cord Injury Program ~~Rehabilitation~~ Trust Fund.  
31 Moneys in the fund shall be appropriated to the department for

1 the purpose of providing the cost of care for brain or spinal  
2 cord injuries as a payor of last resort to residents of this  
3 state, for multilevel programs of care established pursuant to  
4 s. 381.75 ~~413.49~~.

5 (a) Authorization of expenditures for brain or spinal  
6 cord injury care shall be made only by the department.

7 (b) Authorized expenditures include acute care,  
8 rehabilitation, transitional living, equipment, and supplies  
9 necessary for activities of daily living, public information,  
10 prevention, education, matching funds for public or private  
11 assistance with brain and spinal cord injury program-approved  
12 expansion of services for the treatment of individuals who  
13 have sustained a brain or spinal cord injury, and research.

14 Section 11. Subsection (15) of section 120.80, Florida  
15 Statutes, is amended to read:

16 120.80 Exceptions and special requirements;  
17 agencies.--

18 (15) DEPARTMENT OF HEALTH.--Notwithstanding s.  
19 120.57(1)(a), formal hearings may not be conducted by the  
20 Secretary of Health, the director of the Agency for Health  
21 Care Administration, or a board or member of a board within  
22 the Department of Health or the Agency for Health Care  
23 Administration for matters relating to the regulation of  
24 professions, as defined by part II of chapter 455.  
25 Notwithstanding s. 120.57(1)(a), hearings conducted within the  
26 Department of Health in execution of the Special Supplemental  
27 Nutrition Program for Women, Infants, and Children; Child Care  
28 Food Program; Children's Medical Services Program; the brain  
29 and spinal cord injury program; and the exemption from  
30 disqualification reviews for certified nurse assistants  
31 program need not be conducted by an administrative law judge



1 assigned by the division. The Department of Health may  
2 contract with the Department of Children and Family Services  
3 for a hearing officer in these matters.

4 Section 12. Paragraph (d) of subsection (2) of section  
5 318.21, Florida Statutes, is amended to read:

6 318.21 Disposition of civil penalties by county  
7 courts.--All civil penalties received by a county court  
8 pursuant to the provisions of this chapter shall be  
9 distributed and paid monthly as follows:

10 (2) Of the remainder:

11 (d) Eight and two-tenths percent shall be deposited in  
12 the Brain and Spinal Cord Injury Program ~~Rehabilitation~~ Trust  
13 Fund for the purposes set forth in s. 381.79 ~~413.613~~.

14 Section 13. Subsection (2) of section 320.131, Florida  
15 Statutes, is amended to read:

16 320.131 Temporary tags.--

17 (2) The department is authorized to sell temporary  
18 tags, in addition to those listed above, to their agents and  
19 where need is demonstrated by a consumer complainant. The fee  
20 shall be \$2 each. One dollar from each tag sold shall be  
21 deposited into the Brain and Spinal Cord Injury Program  
22 ~~Rehabilitation~~ Trust Fund, with the remaining proceeds being  
23 deposited into the Highway Safety Operating Trust Fund. Agents  
24 of the department shall sell temporary tags for \$2 each and  
25 shall charge the service charge authorized by s. 320.04 per  
26 transaction, regardless of the quantity sold. Requests for  
27 purchase of temporary tags to the department or its agents  
28 shall be made, where applicable, on letterhead stationery and  
29 notarized. Except as specifically provided otherwise, a  
30 temporary tag shall be valid for 30 days, and no more than two  
31 shall be issued to the same person for the same vehicle.

1           Section 14. Subsection (9) of section 327.35, Florida  
2 Statutes, is amended to read:

3           327.35 Boating under the influence; penalties;  
4 "designated drivers".--

5           (9) Notwithstanding any other provision of this  
6 section, for any person convicted of a violation of subsection  
7 (1), in addition to the fines set forth in subsections (2) and  
8 (4), an additional fine of \$60 shall be assessed and collected  
9 in the same manner as the fines set forth in subsections (2)  
10 and (4). All fines collected under this subsection shall be  
11 paid monthly into the Brain and Spinal Cord Injury Program  
12 ~~Rehabilitation~~ Trust Fund and used for the purposes set forth  
13 in s. 381.79 ~~413.613~~, after 5 percent is deducted therefrom by  
14 the clerk of the court for administrative costs.

15           Section 15. Section 938.07, Florida Statutes, is  
16 amended to read:

17           938.07 Driving under the influence.--Notwithstanding  
18 any other provision of s. 316.193, a court cost of \$135 shall  
19 be added to any fine imposed pursuant to s. 316.193, of which  
20 \$25 shall be deposited in the Emergency Medical Services Trust  
21 Fund, \$50 shall be deposited in the Criminal Justice Standards  
22 and Training Trust Fund of the Department of Law Enforcement  
23 to be used for operational expenses in conducting the  
24 statewide criminal analysis laboratory system established in  
25 s. 943.32, and \$60 shall be deposited in the Brain and Spinal  
26 Cord Injury Program ~~Rehabilitation~~ Trust Fund created in s.  
27 381.79 ~~413.613~~.

28           Section 16. Long-term community-based supports.--The  
29 Department of Health shall, contingent upon specific  
30 appropriations for these purposes:  
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1           (1) Study the long-term needs for community-based  
2 supports and services for individuals who have sustained  
3 traumatic brain or spinal cord injuries. The purpose of this  
4 study is to prevent inappropriate residential and  
5 institutional placement of these individuals, and promote  
6 placement in the most cost-effective and least restrictive  
7 environment. Any placement recommendations for these  
8 individuals shall ensure full utilization of and collaboration  
9 with other state agencies, programs, and community partners.  
10 This study shall be submitted to the Governor, the President  
11 of the Senate, and the Speaker of the House of Representatives  
12 not later than December 31, 2000.

13           (2) Based upon the results of this study, establish a  
14 plan for the implementation of a program of long-term  
15 community-based supports and services for individuals who have  
16 sustained traumatic brain or spinal cord injuries who may be  
17 subject to inappropriate residential and institutional  
18 placement as a direct result of such injuries.

19           (a) Records relating to any applicant for or recipient  
20 of program services are subject to the confidentiality  
21 provisions of s. 381.775, Florida Statutes.

22           (b) The program shall be payor of last resort for  
23 program services, and expenditures for such services shall be  
24 considered funded services for purposes of s. 381.785, Florida  
25 Statutes. However, notwithstanding s. 381.79(5), Florida  
26 Statutes, proceeds resulting from this section shall be used  
27 solely for this program.

28           (c) The department shall create, by rule, procedures  
29 to ensure that, in the event the program is unable to directly  
30 or indirectly provide such services to all eligible  
31 individuals due to lack of funds, those individuals most at

1 risk to suffer the greatest harm from an imminent  
2 inappropriate residential or institutional placement are  
3 served first.

4 (d) Every applicant or recipient of the long-term  
5 community-based supports and services program shall have been  
6 a resident of the state for 1 year immediately preceding  
7 application and be a resident of the state at the time of  
8 application.

9 (e) The department shall adopt rules pursuant to ss.  
10 120.536(1) and 120.54, Florida Statutes, to implement the  
11 provisions of this subsection.

12 Section 17. Severability.--If any provision of this  
13 act or its application to any person or circumstance is held  
14 invalid, the invalidity does not affect other provisions or  
15 applications of this act which can be given effect without the  
16 invalid provision or application, and to this end the  
17 provisions of this act are severable.

18 Section 18. This act shall take effect July 1, 2000.  
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HOUSE SUMMARY

Revises, clarifies, and conforms various provisions relating to the brain and spinal cord injury program. Provides definitions. Modifies duties of the Department of Health. Prohibits certain ch. 120, F.S., hearings by the department relating to the program, and provides for contract with the Department of Children and Family Services therefor. Specifies nonassignability of program services. Provides for the department's title to and disposal of equipment of the program. Provides for recovery of third-party payments for services and provides for liens. Revises provisions relating to the advisory council on brain and spinal cord injuries. Revises provisions relating to program trust fund receipts and expenditures. Contingent on appropriations, establishes a program to provide for long-term community-based supports for individuals with certain brain and spinal cord injuries. Provides program requirements and procedures. Provides department rulemaking authority. Provides for a department study, to be submitted to the Governor and Legislature. See bill for details.