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A bill to be entitled
 An act relating to obsolete or outdated agency plans,
 reports, and programs; repealing s. 14.25, F.S., relating
 to the Florida State Commission on Hispanic Affairs;
 amending s. 14.26, F.S.; revising reporting requirements
 of the Citizen's Assistance Office; repealing s. 14.27,
 F.S., relating to the Florida Commission on African-
 American Affairs; repealing s. 16.58, F.S., relating to
 the Florida Legal Resource Center; amending ss. 17.32,
 17.325, and 20.057, F.S.; revising provisions relating to
 reports on trust funds, the governmental efficiency
 hotline, and interagency agreements; amending s. 20.19,
 F.S.; revising provisions relating to plans, projections,
 and the mission of the Department of Children and Family
 Services; amending s. 20.315, F.S.; revising provisions
 relating to an evaluation of the Department of Corrections
 by the Florida Corrections Commission; amending s. 20.316,
 F.S.; revising provisions relating to reports of the
 Department of Juvenile Justice; amending ss. 20.43,
 39.001, 39.3065, 39.4086, 39.523, 98.255, and 106.22,
 F.S.; revising and deleting provisions relating to
 specified obsolete and outdated plans, reports, and
 programs; amending s. 106.24, F.S.; conforming a cross
 reference; amending ss. 110.1227, 120.542, 120.60,
 120.695, 120.74, and 121.45, F.S.; revising and deleting
 provisions relating to specified obsolete and outdated
 plans, reports, and programs; repealing s. 153.952, F.S.,
 relating to legislative findings and intent concerning the

29 | condition or operation of privately owned water or
 30 | wastewater utility systems and facilities; amending s.
 31 | 161.053, F.S.; deleting obsolete provisions relating to
 32 | the establishment of coastal construction control lines;
 33 | amending s. 370.12, F.S.; conforming a cross reference;
 34 | amending s. 161.161, F.S.; revising provisions relating to
 35 | reporting requirements for beach erosion control projects;
 36 | repealing s. 163.2526, F.S., relating to review and
 37 | evaluation of specified provisions relating to urban
 38 | infill and redevelopment; amending ss. 163.3167, 163.3177,
 39 | 163.3178, 163.519, 186.007, 186.022, 189.4035, 189.412,
 40 | 194.034, 206.606, 212.054, and 212.08, F.S.; revising and
 41 | deleting provisions relating to specified obsolete and
 42 | outdated plans, reports, and programs; repealing s.
 43 | 213.0452, F.S., relating to certain required reporting by
 44 | the Department of Revenue; repealing s. 213.054, F.S.,
 45 | relating to an annual report concerning persons claiming
 46 | certain tax exemptions or deductions; amending ss.
 47 | 215.5601, 215.70, 216.011, and 216.013, F.S.; revising and
 48 | deleting provisions relating to specified obsolete and
 49 | outdated plans, reports, and programs; repealing s.
 50 | 216.103, F.S., relating to agencies receiving federal
 51 | funds; repealing s. 216.172, F.S., relating to meetings of
 52 | legislative appropriations committees; amending s.
 53 | 216.181, F.S.; deleting a requirement for a specified
 54 | report concerning state employment; repealing s. 216.1825,
 55 | F.S., relating to zero-based budgeting; amending ss.
 56 | 252.55 and 253.7825, F.S.; revising and deleting

57 provisions relating to specified reports and plans;
58 repealing s. 253.7826, F.S., relating to canal structures;
59 repealing s. 253.7829, F.S., relating to management plan
60 for retention or disposition of former Cross Florida Barge
61 Canal lands; amending s. 259.037, F.S.; revising
62 provisions relating to a report by the Land Management
63 Uniform Accounting Council; repealing s. 265.56, F.S.,
64 relating to specified annual report by the Department of
65 State; amending s. 267.074, F.S.; deleting requirements
66 for a specified plan relating to historical markers;
67 repealing s. 272.121, F.S., relating to Capitol Center
68 long-range planning; amending ss. 282.102, 284.50,
69 287.045, 287.059, 287.16, 288.1045, and 288.108, F.S.;
70 revising and deleting provisions relating to specified
71 obsolete and outdated plans, reports, and programs;
72 repealing s. 288.1185, F.S., relating to the Recycling
73 Markets Advisory Committee; amending ss. 288.1226,
74 288.1229, 288.7015; 288.7771, 288.8175, 288.853,
75 288.95155, 288.9604, 288.9610, 292.04, and 292.05, F.S.;
76 revising and deleting provisions relating to specified
77 obsolete and outdated plans, reports, and programs;
78 repealing s. 296.16, F.S., relating to reports concerning
79 the Veterans' Domiciliary Home of Florida; repealing s.
80 296.39, F.S., relating to reports concerning veterans
81 nursing homes; amending ss. 315.03, 319.324, 322.181,
82 322.251, 365.171, 365.172, 365.173, 366.82, 369.22,
83 370.26, 372.5712, and 372.5715, F.S.; revising and
84 deleting provisions relating to specified obsolete and

85 | outdated plans, reports, and programs; repealing s.
 86 | 372.673, F.S., relating to the Florida Panther Technical
 87 | Advisory Council; repealing s. 372.674, F.S., relating to
 88 | environmental education; amending s. 372.672, F.S.;
 89 | conforming to the repeal of s. 372.674, F.S.; amending ss.
 90 | 373.0391, 373.046, 373.1963, and 376.121, F.S.; revising
 91 | and deleting provisions relating to specified obsolete and
 92 | outdated plans, reports, and programs; repealing s.
 93 | 376.17, F.S., relating to reports concerning operation of
 94 | a specified pollution control program; amending ss.
 95 | 376.30713, 377.703, 380.06, and 380.0677, F.S.; revising
 96 | and deleting provisions relating to specified obsolete and
 97 | outdated plans, reports, and programs; amending ss.
 98 | 259.041 and 259.101, F.S.; correcting cross references;
 99 | amending s. 381.0011, F.S.; deleting specified
 100 | requirements for a Department of Health strategic plan;
 101 | repealing s. 381.0036, F.S., relating to planning for
 102 | implementation of educational requirements concerning HIV
 103 | and AIDS for specified professional licensure applicants;
 104 | repealing s. 381.731, F.S., relating to a Department of
 105 | Health strategic plan; amending ss. 381.732 and 381.733,
 106 | F.S.; conforming cross references; amending ss. 381.795,
 107 | 381.90, 381.931, and 383.19, F.S.; revising and deleting
 108 | provisions relating to specified obsolete and outdated
 109 | plans, reports, and programs; repealing s. 383.21, F.S.,
 110 | relating to review of certain perinatal intensive care
 111 | programs; amending ss. 383.2161, 384.25, 394.4573,
 112 | 394.4985, and 394.75, F.S.; revising and deleting

113 provisions relating to specified obsolete and outdated
 114 plans, reports, and programs; repealing s. 394.82, F.S.,
 115 relating to expanded funding of certain services; amending
 116 s. 394.655, F.S.; conforming provisions to the repeal of
 117 s. 394.82, F.S.; amending s. 394.9082, F.S.; revising
 118 provisions relating to behavioral health service
 119 strategies; repealing s. 394.9083, F.S., relating to the
 120 Behavioral Health Services Integration Workgroup; amending
 121 ss. 395.807, 397.321, 397.332, 397.333, 397.94, 400.0067,
 122 400.0075, and 400.0089, F.S.; revising and deleting
 123 provisions relating to specified obsolete and outdated
 124 plans, reports, and programs; repealing s. 400.148, F.S.,
 125 relating to the Medicaid "Up-or-Out" Quality of Care
 126 Contract Management Program; amending s. 400.0239, F.S.;
 127 conforming provisions to the repeal of s. 400.148, F.S.;
 128 amending ss. 400.407, 400.408, 400.419, 400.441, 400.967,
 129 402.3016, 402.40, 402.73, 403.067, and 403.4131, F.S.;
 130 revising and deleting provisions relating to specified
 131 obsolete and outdated plans, reports, and programs;
 132 repealing s. 403.756, F.S., relating to a report
 133 concerning oil recycling; amending ss. 403.7226 and
 134 403.7265, F.S.; revising and deleting provisions relating
 135 to specified obsolete and outdated plans, reports, and
 136 programs; amending s. 403.7264, F.S.; conforming a cross
 137 reference; amending ss. 403.7895, 406.02, 408.033,
 138 408.914, and 408.915, F.S.; revising and deleting
 139 provisions relating to specified obsolete and outdated
 140 plans, reports, and programs; repealing s. 408.917, F.S.,

141 relating to evaluation of a health care eligibility pilot
 142 project; amending s. 409.1451, F.S.; revising reporting
 143 requirements relating to independent living transition
 144 services; repealing s. 409.146, F.S., relating to a
 145 children and families client and management information
 146 system; repealing s. 409.152, F.S., relating to service
 147 integration and family preservation; amending ss.
 148 409.1679, 409.1685, 409.178, 409.221, 409.25575, 409.2558,
 149 409.2567, 409.441, 409.906, 409.9065, 409.91188, and
 150 409.912, F.S.; revising and deleting provisions relating
 151 to specified obsolete and outdated plans, reports, and
 152 programs; amending ss. 394.9082, 409.9065, 409.91196, and
 153 641.386, F.S.; conforming cross references; repealing s.
 154 410.0245, F.S., relating to a study of service needs;
 155 amending s. 410.604, F.S.; deleting a requirement for an
 156 evaluation and report concerning a specified community
 157 care for disabled adults program; repealing s. 411.221,
 158 F.S., relating to a prevention and early assistance
 159 strategic plan; amending ss. 411.01 and 411.232, F.S.;
 160 conforming provisions to the repeal of s. 411.221, F.S.;
 161 repealing s. 411.242, F.S., relating to the Florida
 162 Education Now and Babies Later (ENABL) program; amending
 163 ss. 413.402, 414.1251, 414.14, 414.36, 414.391, 415.1045,
 164 415.111, 420.622, 420.623, 427.704, 427.706, 430.04,
 165 430.502, 430.707, 445.003, 445.004, and 445.006, F.S.;
 166 revising and deleting provisions relating to specified
 167 obsolete and outdated plans, reports, and programs;
 168 conforming provisions to the repeal of s. 411.242, F.S.;

169 | amending ss. 445.022 and 445.049, F.S.; revising and
 170 | deleting provisions relating to specified obsolete and
 171 | outdated plans, reports, and programs; repealing s.
 172 | 446.27, F.S., relating to a youth-at-risk pilot program
 173 | annual report; amending ss. 446.50 and 446.609, F.S.;
 174 | revising and deleting provisions relating to specified
 175 | obsolete and outdated plans, reports, and programs;
 176 | repealing s. 455.204, F.S., relating to long-range policy
 177 | planning; amending ss. 455.2226, 455.2228, 456.005,
 178 | 456.025, 456.031, 456.033, 456.034, and 517.302, F.S.;
 179 | revising and deleting provisions relating to specified
 180 | obsolete and outdated plans, reports, and programs;
 181 | repealing s. 526.3135, F.S., relating to reports by the
 182 | Division of Standards; amending s. 531.415, F.S., relating
 183 | to a required notice to the Legislature concerning certain
 184 | fees; repealing s. 553.975, F.S., relating to a report
 185 | concerning energy conservation standards; amending ss.
 186 | 570.0705, 570.0725, 570.235, 570.543, 570.952, 603.204,
 187 | 627.351, 627.64872, 744.7021, 744.708, 765.5215, 768.295,
 188 | 775.084, 790.22, 932.7055, 943.08, 943.125, 943.68,
 189 | 944.023, 944.801, 945.35, 948.10, 958.045, 960.045,
 190 | 985.02, 985.08, and 985.3045, F.S.; revising and deleting
 191 | provisions relating to specified obsolete and outdated
 192 | plans, reports, and programs; repealing s. 985.3046, F.S.,
 193 | relating to certain reports concerning agencies and
 194 | entities providing prevention services; amending ss.
 195 | 985.305, 985.309, 985.31, 985.311, and 985.3155, F.S.;
 196 | revising and deleting provisions relating to specified

197 | obsolete and outdated plans, reports, and programs;
 198 | repealing s. 985.403, F.S., relating to a task force on
 199 | juvenile sexual offenders and their victims; amending ss.
 200 | 985.412, 1001.02, 1008.30, and 1011.82, F.S.; revising and
 201 | deleting provisions relating to specified obsolete and
 202 | outdated plans, reports, and programs; amending ss.
 203 | 1001.03 and 1002.34, F.S.; conforming cross references;
 204 | amending ss. 1003.492, 1003.61, 1004.22, and 1004.50,
 205 | F.S.; revising and deleting provisions relating to
 206 | specified obsolete and outdated plans, reports, and
 207 | programs; amending s. 1004.94, F.S., relating to an adult
 208 | literacy program; amending s. 1004.95, F.S.; deleting a
 209 | requirement for an annual report on adult literacy
 210 | centers; repealing s. 1006.0605, F.S., relating to student
 211 | summer nutrition programs; repealing s. 1006.67, F.S.,
 212 | relating to a report of campus crime statistics; amending
 213 | ss. 1007.27, 1009.70, 1011.32, 1011.4105, 1011.62,
 214 | 1012.05, 1012.42, 1013.03, and 1013.11, F.S.; revising and
 215 | deleting provisions relating to specified obsolete and
 216 | outdated plans, reports, and programs; providing an
 217 | effective date.

218 |
 219 | Be It Enacted by the Legislature of the State of Florida:

220 |
 221 | Section 1. Section 14.25, Florida Statutes, is repealed.
 222 | Section 2. Subsection (3) of section 14.26, Florida
 223 | Statutes, is amended to read:
 224 | 14.26 Citizen's Assistance Office.--

225 (3) The Citizen's Assistance Office shall report ~~make~~
 226 ~~quarterly reports~~ to the Governor on, ~~which shall include:~~

227 (a) The number of complaints and investigations ~~and~~
 228 ~~complaints made during the preceding quarter~~ and the disposition
 229 of such investigations.

230 ~~(b) Recommendations in the form of suggested legislation~~
 231 ~~or suggested procedures for the alleviation of problems~~
 232 ~~disclosed by investigations.~~

233 ~~(b)(c) A report including statistics which reflect~~ The
 234 types of complaints made and an assessment as to the cause of
 235 the complaints.

236 (c) Recommendations for the alleviation of the cause of
 237 complaints disclosed by investigation.

238 (d) Such other information as the Executive Office of the
 239 Governor shall require.

240 Section 3. Section 14.27, Florida Statutes, is repealed.

241 Section 4. Section 16.58, Florida Statutes, is repealed.

242 Section 5. Subsection (1) of section 17.32, Florida
 243 Statutes, is amended to read:

244 17.32 Annual report of trust funds; duties of Chief
 245 Financial Officer.--

246 (1) On February 1 of each year, the Chief Financial
 247 Officer shall present to the Governor and the Legislature
 248 ~~President of the Senate and the Speaker of the House of~~
 249 ~~Representatives~~ a report listing all trust funds as defined in
 250 s. 215.32. The report shall contain the following data elements
 251 for each fund for the preceding fiscal year:

252 (a) The fund code.

- 253 (b) The title.
- 254 (c) The fund type according to generally accepted
- 255 accounting principles.
- 256 (d) The statutory authority.
- 257 (e) The beginning cash balance.
- 258 (f) Direct revenues.
- 259 (g) Nonoperating revenues.
- 260 (h) Operating disbursements.
- 261 (i) Nonoperating disbursements.
- 262 (j) The ending cash balance.
- 263 (k) The department and budget entity in which the fund is
- 264 located.

265 Section 6. Subsection (1) of section 17.325, Florida
 266 Statutes, is amended to read:

267 17.325 Governmental efficiency hotline; duties of Chief
 268 Financial Officer.--

269 (1) The Chief Financial Officer shall establish and
 270 operate a statewide toll-free telephone hotline to receive
 271 information or suggestions from the citizens of this state on
 272 how to improve the operation of government, increase
 273 governmental efficiency, and eliminate waste in government. ~~The~~
 274 ~~Chief Financial Officer shall report each month to the~~
 275 ~~appropriations committee of the House of Representatives and of~~
 276 ~~the Senate the information or suggestions received through the~~
 277 ~~hotline and the evaluations and determinations made by the~~
 278 ~~affected agency, as provided in subsection (3), with respect to~~
 279 ~~such information or suggestions.~~

280 Section 7. Section 20.057, Florida Statutes, is amended to
 281 read:

282 20.057 Interagency agreements to delete duplication of
 283 inspections.--

284 (1) The Governor shall direct any department, the head of
 285 which is an officer or board appointed by and serving at the
 286 pleasure of the Governor, to enter into an interagency agreement
 287 that will eliminate duplication of inspections among the
 288 departments that inspect the same type of facility or structure.
 289 Parties to the agreement may include departments which are
 290 headed by a Cabinet officer, the Governor and Cabinet, or a
 291 collegial body. The agreement shall:

292 (a) Authorize agents of one department to conduct
 293 inspections required to be performed by another department.

294 (b) Specify that agents of the department conducting the
 295 inspection have all powers relative to the inspection as the
 296 agents of the department on whose behalf the inspection is being
 297 conducted.

298 (c) Require that agents of the department conducting the
 299 inspection have sufficient knowledge of statutory and
 300 administrative inspection requirements to conduct a proper
 301 inspection.

302 (d) Specify that the departments which have entered into
 303 the agreement may neither charge nor accept any funds with
 304 respect to duties performed under the agreement which are in
 305 excess of the direct costs of conducting such inspections.

306 (2) Before taking effect, an agreement entered into under
 307 this section must be approved by the Governor. Inspections

308 | conducted under an agreement shall be deemed sufficient for
 309 | enforcement purposes pursuant to the agreement or as otherwise
 310 | provided by law.

311 | ~~(2) No later than 60 days prior to the beginning of the~~
 312 | ~~regular session, the Governor shall make an annual report to the~~
 313 | ~~President of the Senate and the Speaker of the House of~~
 314 | ~~Representatives regarding interagency agreements. The report~~
 315 | ~~shall identify each interagency agreement entered into under~~
 316 | ~~this section, and, for each agreement, shall describe the~~
 317 | ~~duplication eliminated, provide data that measures the~~
 318 | ~~effectiveness of inspections conducted under the interagency~~
 319 | ~~agreement, and estimate the cost savings that have resulted from~~
 320 | ~~the agreement. The report shall also describe obstacles~~
 321 | ~~encountered by any department in attempting to develop an~~
 322 | ~~interagency agreement and in performing duties resulting from an~~
 323 | ~~interagency agreement and shall recommend appropriate remedial~~
 324 | ~~legislative action.~~

325 | Section 8. Subsection (1) and paragraph (c) of subsection
 326 | (5) of section 20.19, Florida Statutes, are amended to read:

327 | 20.19 Department of Children and Family Services.--There
 328 | is created a Department of Children and Family Services.

329 | (1) MISSION ~~AND PURPOSE~~.--

330 | ~~(a)~~ The mission of the Department of Children and Family
 331 | Services is to protect vulnerable children and adults,
 332 | strengthen families, and support individuals and families in
 333 | achieving personal and economic self-sufficiency ~~work in~~
 334 | ~~partnership with local communities to ensure the safety, well-~~
 335 | ~~being, and self-sufficiency of the people served.~~

336 ~~(b) The department shall develop a strategic plan for~~
 337 ~~fulfilling its mission and establish a set of measurable goals,~~
 338 ~~objectives, performance standards, and quality assurance~~
 339 ~~requirements to ensure that the department is accountable to the~~
 340 ~~people of Florida.~~

341 ~~(e) To the extent allowed by law and within specific~~
 342 ~~appropriations, the department shall deliver services by~~
 343 ~~contract through private providers.~~

344 (5) SERVICE DISTRICTS.--

345 ~~(c) Each fiscal year the secretary shall, in consultation~~
 346 ~~with the relevant employee representatives, develop projections~~
 347 ~~of the number of child abuse and neglect cases and shall include~~
 348 ~~in the department's legislative budget request a specific~~
 349 ~~appropriation for funds and positions for the next fiscal year~~
 350 ~~in order to provide an adequate number of full-time equivalent:~~

351 ~~1. Child protection investigation workers so that~~
 352 ~~caseloads do not exceed the Child Welfare League Standards by~~
 353 ~~more than two cases; and~~

354 ~~2. Child protection case workers so that caseloads do not~~
 355 ~~exceed the Child Welfare League Standards by more than two~~
 356 ~~eases.~~

357 Section 9. Paragraph (b) of subsection (6) of section
 358 20.315, Florida Statutes, is amended to read:

359 20.315 Department of Corrections.--There is created a
 360 Department of Corrections.

361 (6) FLORIDA CORRECTIONS COMMISSION.--

362 (b) The primary functions of the commission are to:

363 1. Recommend major correctional policies for the
 364 Governor's approval, and assure that approved policies and any
 365 revisions thereto are properly executed.

366 2. Periodically review the status of the state
 367 correctional system and recommend improvements therein to the
 368 Governor and the Legislature.

369 3. Annually perform an in-depth review of community-based
 370 intermediate sanctions and recommend to the Governor and the
 371 Legislature intergovernmental approaches through the Community
 372 Corrections Partnership Act for planning and implementing such
 373 sanctions and programs.

374 4. Perform an in-depth evaluation of the department's
 375 annual budget request ~~of the Department of Corrections, long-~~
 376 range program plans and performance standards ~~the comprehensive~~
 377 ~~correctional master plan~~, and the tentative construction program
 378 for compliance with all applicable laws and established
 379 departmental policies. The commission may not consider
 380 individual construction projects, but shall consider methods of
 381 accomplishing the department's goals in the most effective,
 382 efficient, and businesslike manner.

383 5. Routinely monitor the financial status of the
 384 department ~~of Corrections~~ to assure that the department is
 385 managing revenue and any applicable bond proceeds responsibly
 386 and in accordance with law and established policy.

387 6. Evaluate, at least quarterly, the efficiency,
 388 productivity, and management of the department ~~of Corrections~~,
 389 using performance and production standards developed by the
 390 department under former subsection (18).

391 7. Provide public education on corrections and criminal
392 justice issues.

393 8. Report to the President of the Senate, the Speaker of
394 the House of Representatives, and the Governor by November 1 of
395 each year.

396 9. Resolve disputes between the department ~~of Corrections~~
397 and the contractors for the private correctional facilities
398 entered into under chapter 957 when a contractor proposes to
399 waive a rule, policy, or procedure concerning operation
400 standards.

401 Section 10. Subsection (4) of section 20.316, Florida
402 Statutes, is amended to read:

403 20.316 Department of Juvenile Justice.--There is created a
404 Department of Juvenile Justice.

405 (4) INFORMATION SYSTEMS.--

406 (a) The Department of Juvenile Justice shall develop, in
407 consultation with the Criminal and Juvenile Justice Information
408 Systems Council under s. 943.08, a juvenile justice information
409 system which shall provide information concerning the
410 department's activities and programs.

411 (b) In establishing the computing and network
412 infrastructure for the development of the information system,
413 the department shall develop a system design to set the
414 direction for the information system. That design shall include
415 not only department system requirements but also data exchange
416 requirements of other state and local juvenile justice system
417 organizations.

418 (c) The department shall implement a distributed system
419 architecture which shall be defined in its agency strategic
420 plan.

421 (d) The management information system shall, at a minimum:

422 1. Facilitate case management of juveniles referred to or
423 placed in the department's custody.

424 2. Provide timely access to current data and computing
425 capacity to support outcome evaluation, legislative oversight,
426 the Juvenile Justice Estimating Conference, and other research.

427 3. Provide automated support to the quality assurance and
428 program review functions.

429 4. Provide automated support to the contract management
430 process.

431 5. Provide automated support to the facility operations
432 management process.

433 6. Provide automated administrative support to increase
434 efficiency, provide the capability of tracking expenditures of
435 funds by the department or contracted service providers that are
436 eligible for federal reimbursement, and reduce forms and
437 paperwork.

438 7. Facilitate connectivity, access, and utilization of
439 information among various state agencies, and other state,
440 federal, local, and private agencies, organizations, and
441 institutions.

442 8. Provide electronic public access to juvenile justice
443 information, which is not otherwise made confidential by law or
444 exempt from the provisions of s. 119.07(1).

445 9. Provide a system for the training of information system
446 users and user groups.

447 ~~(e) The department shall aggregate, on a quarterly and an~~
448 ~~annual basis, the program information, demographic, program~~
449 ~~utilization rate, and statistical data of the youth served into~~
450 ~~a descriptive report and shall disseminate the quarterly and~~
451 ~~annual reports to substantive committees of the House of~~
452 ~~Representatives and the Senate.~~

453 ~~(f) The department shall provide an annual report on the~~
454 ~~juvenile justice information system to the Criminal and Juvenile~~
455 ~~Justice Information Systems Council. The council shall review~~
456 ~~and forward the report, along with its comments, to the~~
457 ~~appropriate substantive and appropriations committees of the~~
458 ~~House of Representatives and the Senate delineating the~~
459 ~~development status of the system and other information necessary~~
460 ~~for funding policy formulation.~~

461 ~~(g) The department shall include in its annual budget~~
462 ~~request a comprehensive summary of costs involved in the~~
463 ~~establishment of the information system and cost savings~~
464 ~~associated with its implementation. The budget request must also~~
465 ~~include a complete inventory of staff, equipment, and facility~~
466 ~~resources for development and maintenance of the system.~~

467 Section 11. Paragraph (1) of subsection (1) of section
468 20.43, Florida Statutes, is amended to read:

469 20.43 Department of Health.--There is created a Department
470 of Health.

471 (1) The purpose of the Department of Health is to promote
472 and protect the health of all residents and visitors in the

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473 state through organized state and community efforts, including
474 cooperative agreements with counties. The department shall:

475 (1) Include in the department's long-range program
476 ~~strategie~~ plan developed under s. 186.021 an assessment of
477 current health programs, systems, and costs; projections of
478 future problems and opportunities; and recommended changes that
479 are needed in the health care system to improve the public
480 health.

481 Section 12. Subsections (7) and (8) of section 39.001,
482 Florida Statutes, are amended to read:

483 39.001 Purposes and intent; personnel standards and
484 screening.--

485 (7) PLAN FOR COMPREHENSIVE APPROACH.--

486 (a) The department shall develop a comprehensive state
487 plan for the prevention of abuse, abandonment, and neglect of
488 children and shall submit the plan to the Governor and
489 Legislature Speaker of the House of Representatives, the
490 President of the Senate, and the Governor no later than June 30,
491 2006 January 1, 1983.

492 1. The departments Department of Education, and the
493 Division of Children's Medical Services Prevention and
494 Intervention of the Department of Health, Law Enforcement, and
495 Juvenile Justice, along with the Agency for Workforce Innovation
496 and the Agency for Persons with Disabilities, shall participate
497 and fully cooperate in the development of the state plan at both
498 the state and local levels. National-level and state-level
499 advocacy groups, especially as identified in federal prevention

500 initiatives or requirements, shall also be provided an
 501 opportunity to participate.

502 2. Furthermore, Appropriate local agencies and
 503 organizations shall be provided an opportunity to participate at
 504 the local level in the development of the state plan ~~at the~~
 505 ~~local level~~. Appropriate local groups and organizations shall
 506 include, but not be limited to, community alliances as described
 507 in s. 20.19; community-based care lead agencies as described in
 508 s. 409.1671; community mental health centers; guardian ad litem
 509 programs for children and other court system entities ~~under the~~
 510 ~~circuit court; the school boards of the local school districts;~~
 511 the Florida local advocacy councils; private or public
 512 organizations or programs with recognized expertise in working
 513 with children who are sexually abused, physically abused,
 514 emotionally abused, abandoned, or neglected and with expertise
 515 in working with the families of such children; private or public
 516 programs or organizations with expertise in maternal and infant
 517 health care; multidisciplinary child protection teams; child day
 518 care centers; and law enforcement agencies, ~~and the circuit~~
 519 ~~courts, when guardian ad litem programs are not available in the~~
 520 ~~local area. The state plan to be provided to the Legislature and~~
 521 ~~the Governor shall include, as a minimum, the information~~
 522 ~~required of the various groups in paragraph (b).~~

523 (b) ~~The development of the comprehensive state plan shall~~
 524 ~~be accomplished in the following manner:~~

525 ~~1.~~ The department shall establish an interprogram task
 526 force comprised of a designee from each of the department's
 527 programs as listed in s. 20.19. Representatives from the

528 agencies listed in subparagraph (a)1. ~~the Program Director for~~
 529 ~~Family Safety, or a designee, a representative from the Child~~
 530 ~~Care Services Program Office, a representative from the Family~~
 531 ~~Safety Program Office, a representative from the Mental Health~~
 532 ~~Program Office, a representative from the Substance Abuse~~
 533 ~~Program Office, a representative from the Developmental~~
 534 ~~Disabilities Program Office, and a representative from the~~
 535 ~~Division of Children's Medical Services Prevention and~~
 536 ~~Intervention of the Department of Health. Representatives of the~~
 537 ~~Department of Law Enforcement and of the Department of Education~~
 538 shall serve as ex officio members of the interprogram task
 539 force. The interprogram task force shall be responsible for:

540 1.a. Developing a plan of action for better coordination
 541 and integration of the goals, activities, and funding pertaining
 542 to the prevention of child abuse, abandonment, and neglect
 543 conducted by the department in order to maximize staff and
 544 resources at the state level. The plan of action shall be
 545 included in the state plan.

546 2.b. Providing a schedule and basic format for ~~to be~~
 547 ~~utilized by the districts in~~ the preparation of local plans of
 548 ~~action~~ in order to provide for uniformity in the development of
 549 local district plans and to provide for greater ease in
 550 compiling information for the state plan.

551 3.e. Providing the districts with technical assistance in
 552 the development of local plans ~~of action~~, if requested.

553 4.d. Examining the local plans to determine if all the
 554 requirements of the local plans have been met and, if ~~they have~~
 555 not, working with local entities to obtain the needed

556 ~~information informing the districts of the deficiencies and~~
557 ~~requesting the additional information needed.~~

558 ~~5.e. Preparing the comprehensive state plan for submission~~
559 ~~to the Legislature and the Governor. Such preparation shall~~
560 ~~include the collapsing of information obtained from the local~~
561 ~~plans, the cooperative plans with the Department of Education,~~
562 ~~and the plan of action for coordination and integration of~~
563 ~~departmental activities into one comprehensive plan. The~~
564 ~~comprehensive plan shall include a section reflecting general~~
565 ~~conditions and needs, an analysis of variations based on~~
566 ~~population or geographic areas, identified problems, and~~
567 ~~recommendations for change. In essence, the plan shall provide~~
568 ~~an analysis and summary of each element of the local plans to~~
569 ~~provide a statewide perspective. The plan shall also include~~
570 ~~each separate local plan of action.~~

571 ~~6.f. Working with the appropriate ~~specified~~ state agency~~
572 ~~in fulfilling the requirements of paragraphs (d), (e), and (f)~~
573 ~~subparagraphs 2., 3., 4., and 5.~~

574 ~~(c) The comprehensive state plan shall contain the~~
575 ~~following elements:~~

576 ~~1. A section reflecting general conditions and needs.~~

577 ~~2. An analysis of variations based on population or~~
578 ~~geographic areas.~~

579 ~~3. Performance expectations and gaps.~~

580 ~~4. Recommendations for performance improvement.~~

581 ~~5. Resource and funding strategies related to unmet needs.~~

582 6. A summary or crosswalk of the planning and performance
 583 requirements from relevant federal funding sources for the
 584 prevention of child abuse and neglect.

585 7. Each separate plan identified in paragraphs (d), (e),
 586 and (f).

587 ~~2. The department, the Department of Education, and the~~
 588 ~~Department of Health shall work together in developing ways to~~
 589 ~~inform and instruct parents of school children and appropriate~~
 590 ~~district school personnel in all school districts in the~~
 591 ~~detection of child abuse, abandonment, and neglect and in the~~
 592 ~~proper action that should be taken in a suspected case of child~~
 593 ~~abuse, abandonment, or neglect, and in caring for a child's~~
 594 ~~needs after a report is made. The plan for accomplishing this~~
 595 ~~end shall be included in the state plan.~~

596 (d)3. The department, and appropriate task members the
 597 Department of Law Enforcement, and the Department of Health
 598 shall work together in developing a plan for informing and
 599 instructing ways to inform and instruct appropriate
 600 professionals local law enforcement personnel in the detection
 601 of child abuse, abandonment, and neglect; and in the proper
 602 actions action that should be taken in a suspected case of child
 603 abuse, abandonment, or neglect; and in supporting subsequent
 604 action by the department or other responsible party for child
 605 protection. Appropriate professionals include, but are not
 606 limited to, the reporters listed in s. 39.201(1)(b).

607 (e)4. Within existing appropriations, The department shall
 608 work with other appropriate public and private agencies to
 609 develop a plan for educating emphasize efforts to educate the

610 general public about the problem of and ways to detect child
 611 abuse, abandonment, and neglect and in the proper action that
 612 should be taken in a suspected case of child abuse, abandonment,
 613 or neglect. The plan for accomplishing this end shall be
 614 included in the state plan.

615 ~~5. The department, the Department of Education, and the~~
 616 ~~Department of Health shall work together on the enhancement or~~
 617 ~~adaptation of curriculum materials to assist instructional~~
 618 ~~personnel in providing instruction through a multidisciplinary~~
 619 ~~approach on the identification, intervention, and prevention of~~
 620 ~~child abuse, abandonment, and neglect. The curriculum materials~~
 621 ~~shall be geared toward a sequential program of instruction at~~
 622 ~~the four progressional levels, K-3, 4-6, 7-9, and 10-12.~~
 623 ~~Strategies for encouraging all school districts to utilize the~~
 624 ~~curriculum are to be included in the comprehensive state plan~~
 625 ~~for the prevention of child abuse, abandonment, and neglect.~~

626 ~~(f)6. Each district of The department shall facilitate the~~
 627 ~~development of local plans ~~develop a plan for their local its~~~~
 628 ~~specific geographical area. Plans The plan developed at the~~
 629 ~~local district level shall be used by ~~submitted to the~~~~
 630 ~~interprogram task force ~~for utilization~~ in preparing the state~~
 631 ~~comprehensive plan. The district local plan of action shall be~~
 632 ~~~~prepared with the involvement and assistance of the local~~~~
 633 ~~agencies and organizations listed in paragraph (a), as well as~~
 634 ~~representatives from those departmental district offices~~
 635 ~~participating in the treatment and prevention of child abuse,~~
 636 ~~abandonment, and neglect. In order to accomplish this, the~~
 637 ~~district administrator in each district shall establish a task~~

638 ~~force on the prevention of child abuse, abandonment, and~~
 639 ~~neglect. The district administrator shall appoint the members of~~
 640 ~~the task force in accordance with the membership requirements of~~
 641 ~~this section. In addition, the district administrator shall~~
 642 ~~ensure that each subdistrict is represented on the task force;~~
 643 ~~and, if the district does not have subdistricts, the district~~
 644 ~~administrator shall ensure that both urban and rural areas are~~
 645 ~~represented on the task force. The task force shall develop a~~
 646 ~~written statement clearly identifying its operating procedures,~~
 647 ~~purpose, overall responsibilities, and method of meeting~~
 648 ~~responsibilities.~~

649 (g) Each local plan ~~The district plan of action to be~~
 650 ~~prepared by the task force~~ shall include, but shall not be
 651 limited to:

652 1.a. Documentation of the incidence ~~magnitude of the~~
 653 ~~problems of child abuse, including sexual abuse, physical abuse,~~
 654 ~~and emotional abuse, and child abandonment,~~ and neglect in its
 655 geographical area. Documentation shall include, at a minimum, a
 656 summary of information derived from the department's official
 657 data source, HomeSafeNet.

658 2.b. A description of programs and services currently
 659 serving abused, abandoned, and neglected children and their
 660 families and a description of programs for the prevention of
 661 child abuse, abandonment, and neglect, including information on
 662 the impact, ~~cost-effectiveness,~~ and sources of funding of such
 663 programs and services.

664 3.e. A description of local models for a continuum of
 665 programs and services necessary for a comprehensive approach to

666 the prevention of all types of child abuse, abandonment, and
667 neglect ~~as well as a brief description of such programs and~~
668 ~~services.~~

669 ~~4.d.~~ A description, documentation, and priority ranking of
670 local unmet needs related to child abuse, abandonment, and
671 neglect prevention based upon the current programs and a model
672 continuum of programs and services.

673 ~~5.e.~~ A plan for steps to be taken in meeting identified
674 needs, including the coordination and integration of services to
675 avoid unnecessary duplication and cost, and for alternative
676 funding strategies for meeting needs through the reallocation of
677 existing resources, utilization of volunteers, contracting with
678 local universities for services, and local government or private
679 agency funding.

680 ~~6.f.~~ A description of barriers to the accomplishment of a
681 comprehensive approach to the prevention of child abuse,
682 abandonment, and neglect.

683 ~~7.g.~~ Recommendations for actions ~~changes~~ that can be
684 accomplished only at the state program level or by legislative
685 action.

686 (8) FUNDING AND SUBSEQUENT PLANS.--

687 (a) The department's long-range program plans and
688 legislative budget requests ~~All budget requests submitted by the~~
689 ~~department, the Department of Health, the Department of~~
690 ~~Education, or any other agency to the Legislature for funding of~~
691 ~~efforts for the prevention of child abuse, abandonment, and~~
692 ~~neglect~~ shall be based on and consistent with the most recent

693 state comprehensive plan and updates developed pursuant to this
 694 section.

695 (b) The department at the state and district levels and
 696 the other agencies listed in paragraph (7)(a) shall review and
 697 update the plan annually ~~readdress the plan and make necessary~~
 698 ~~revisions every 5 years, at a minimum.~~ Such updates ~~revisions~~
 699 shall be submitted to the Governor and Legislature ~~Speaker of~~
 700 ~~the House of Representatives and the President of the Senate~~ no
 701 later than June 30 of each year ~~divisible by 5.~~ Annual review
 702 and updates shall include progress and performance reporting ~~An~~
 703 ~~annual progress report shall be submitted to update the plan in~~
 704 ~~the years between the 5-year intervals. In order to avoid~~
 705 ~~duplication of effort, these required plans may be made a part~~
 706 ~~of or merged with other plans required by either the state or~~
 707 ~~Federal Government, so long as the portions of the other state~~
 708 ~~or Federal Government plan that constitute the state plan for~~
 709 ~~the prevention of child abuse, abandonment, and neglect are~~
 710 ~~clearly identified as such and are provided to the Speaker of~~
 711 ~~the House of Representatives and the President of the Senate as~~
 712 ~~required above.~~

713 Section 13. Subsection (3) of section 39.3065, Florida
 714 Statutes, is amended to read:

715 39.3065 Sheriffs of certain counties to provide child
 716 protective investigative services; procedures; funding.--

717 (3)(a) Beginning in fiscal year 1999-2000, the sheriffs of
 718 Pasco County, Manatee County, Broward County, and Pinellas
 719 County have the responsibility to provide all child protective
 720 investigations in their respective counties. Beginning in fiscal

721 year 2000-2001, the Department of Children and Family Services
722 is authorized to enter into grant agreements with sheriffs of
723 other counties to perform child protective investigations in
724 their respective counties.

725 (b) The sheriffs shall operate, at a minimum, in
726 accordance with the performance standards and outcome measures
727 established by the Legislature for protective investigations
728 conducted by the Department of Children and Family Services.
729 Each individual who provides these services must complete, at a
730 minimum, the training provided to and required of protective
731 investigators employed by the Department of Children and Family
732 Services.

733 (c) Funds for providing child protective investigations
734 must be identified in the annual appropriation made to the
735 Department of Children and Family Services, which shall award
736 grants for the full amount identified to the respective
737 sheriffs' offices. Notwithstanding the provisions of ss.
738 216.181(16)(b) and 216.351, the Department of Children and
739 Family Services may advance payments to the sheriffs for child
740 protective investigations. Funds for the child protective
741 investigations may not be integrated into the sheriffs' regular
742 budgets. Budgetary data and other data relating to the
743 performance of child protective investigations must be
744 maintained separately from all other records of the sheriffs'
745 offices and reported to the Department of Children and Family
746 Services as specified in the grant agreement.

747 ~~(d) Program performance evaluation shall be based on~~
748 ~~criteria mutually agreed upon by the respective sheriffs and the~~

749 ~~Department of Children and Family Services. The program~~
 750 ~~performance evaluation shall be conducted by a team of peer~~
 751 ~~reviewers from the respective sheriffs' offices that perform~~
 752 ~~child protective investigations and representatives from the~~
 753 ~~department. The Department of Children and Family Services shall~~
 754 ~~submit an annual report regarding quality performance, outcome-~~
 755 ~~measure attainment, and cost efficiency to the President of the~~
 756 ~~Senate, the Speaker of the House of Representatives, and to the~~
 757 ~~Governor no later than January 31 of each year the sheriffs are~~
 758 ~~receiving general appropriations to provide child protective~~
 759 ~~investigations.~~

760 Section 14. Paragraph (h) of subsection (2) of section
 761 39.4086, Florida Statutes, is amended to read:

762 39.4086 Pilot program for attorneys ad litem for dependent
 763 children.--

764 (2) RESPONSIBILITIES.--

765 (h) The Statewide Guardian Ad Litem Office ~~of the State~~
 766 ~~Courts Administrator~~ shall conduct research and gather
 767 statistical information to evaluate the establishment,
 768 operation, and impact of the pilot program in meeting the legal
 769 needs of dependent children. In assessing the effects of the
 770 pilot program, including achievement of outcomes identified
 771 under paragraph (b), the evaluation must include a comparison of
 772 children within the Ninth Judicial Circuit who are appointed an
 773 attorney ad litem with those who are not. ~~The office shall~~
 774 ~~submit a report to the Legislature and the Governor by October~~
 775 ~~1, 2001, and by October 1, 2002, regarding its findings. The~~
 776 ~~office shall submit a final report by October 1, 2003, which~~

777 ~~must include an evaluation of the pilot program; findings on the~~
778 ~~feasibility of a statewide program; and recommendations, if any,~~
779 ~~for locating, establishing, and operating a statewide program.~~

780 Section 15. Subsection (5) of section 39.523, Florida
781 Statutes, is amended to read:

782 39.523 Placement in residential group care.--

783 ~~(5)(a) By December 1 of each year, the department shall~~
784 ~~report to the Legislature on the placement of children in~~
785 ~~licensed residential group care during the year, including the~~
786 ~~criteria used to determine the placement of children, the number~~
787 ~~of children who were evaluated for placement, the number of~~
788 ~~children who were placed based upon the evaluation, and the~~
789 ~~number of children who were not placed. The department shall~~
790 ~~maintain data specifying the number of children who were~~
791 ~~referred to licensed residential child care for whom placement~~
792 ~~was unavailable and the counties in which such placement was~~
793 ~~unavailable. The department shall include this data in its~~
794 ~~report to the Legislature due on December 1, so that the~~
795 ~~Legislature may consider this information in developing the~~
796 ~~General Appropriations Act.~~

797 ~~(b) As part of the report required in paragraph (a), the~~
798 ~~department shall also provide a detailed account of the~~
799 ~~expenditures incurred for "Special Categories: Grants and~~
800 ~~Aids--Specialized Residential Group Care Services" for the~~
801 ~~fiscal year immediately preceding the date of the report. This~~
802 ~~section of the report must include whatever supporting data is~~
803 ~~necessary to demonstrate full compliance with paragraph (6)(c).~~
804 ~~The document must present the information by district and must~~

805 ~~specify, at a minimum, the number of additional beds, the~~
 806 ~~average rate per bed, the number of additional persons served,~~
 807 ~~and a description of the enhanced and expanded services~~
 808 ~~provided.~~

809 Section 16. Subsections (1) and (3) of section 98.255,
 810 Florida Statutes, are amended to read:

811 98.255 Voter education programs.--

812 (1) ~~By March 1, 2002,~~ The Department of State shall adopt
 813 rules prescribing minimum standards for nonpartisan voter
 814 education. ~~In developing the rules, the department shall review~~
 815 ~~current voter education programs within each county of the~~
 816 ~~state.~~ The standards shall address, but are not limited to, the
 817 following subjects:

- 818 (a) Voter registration;
- 819 (b) Balloting procedures, absentee and polling place;
- 820 (c) Voter rights and responsibilities;
- 821 (d) Distribution of sample ballots; and
- 822 (e) Public service announcements.

823 (3)~~(a)~~ By December 15 of each general election year, each
 824 supervisor of elections shall report to the Department of State
 825 a detailed description of the voter education programs
 826 implemented and any other information that may be useful in
 827 evaluating the effectiveness of voter education efforts.

828 ~~(b) The Department of State, upon receipt of such~~
 829 ~~information, shall prepare a public report on the effectiveness~~
 830 ~~of voter education programs and shall submit the report to the~~
 831 ~~Governor, the President of the Senate, and the Speaker of the~~

832 ~~House of Representatives by January 31 of each year following a~~
 833 ~~general election.~~

834 ~~(e)~~ The Department of State shall reexamine the rules
 835 adopted pursuant to subsection (1) and consider the findings in
 836 these reports ~~the report~~ as a basis for adopting modified rules
 837 that incorporate successful voter education programs and
 838 techniques, as necessary.

839 Section 17. Subsection (10) of section 106.22, Florida
 840 Statutes, is amended to read:

841 106.22 Duties of the Division of Elections.--It is the
 842 duty of the Division of Elections to:

843 ~~(10) Make an annual report to the President of the Senate~~
 844 ~~and the Speaker of the House of Representatives concerning~~
 845 ~~activities of the division and recommending improvements in the~~
 846 ~~election code.~~

847 Section 18. Subsection (6) of section 106.24, Florida
 848 Statutes, is amended to read:

849 106.24 Florida Elections Commission; membership; powers;
 850 duties.--

851 (6) There is hereby established in the State Treasury an
 852 Elections Commission Trust Fund to be used ~~utilized~~ by the
 853 Division of Elections and the Florida Elections Commission in
 854 order to carry out their duties pursuant to ss. 106.24-106.28.
 855 The trust fund may also be used by the division, pursuant to its
 856 authority under s. 106.22 (10) ~~(11)~~, to provide rewards for
 857 information leading to criminal convictions related to voter
 858 registration fraud, voter fraud, and vote scams.

859 Section 19. Paragraph (a) of subsection (7) of section
 860 110.1227, Florida Statutes, is amended to read:

861 110.1227 Florida Employee Long-Term-Care Plan Act.--

862 (7) The board of directors of the Florida Long-Term-Care
 863 Plan shall:

864 (a) Upon implementation, prepare an annual report of the
 865 plan, with the assistance of an actuarial consultant, to be
 866 submitted to ~~the Speaker of the House of Representatives, the~~
 867 ~~President of the Senate, the Governor and Legislature, and the~~
 868 ~~Minority Leaders of the Senate and the House of Representatives.~~

869 Section 20. Subsection (9) of section 120.542, Florida
 870 Statutes, is amended to read:

871 120.542 Variances and waivers.--

872 (9) Each agency shall maintain a record of the type and
 873 disposition of each petition, including temporary or emergency
 874 variances and waivers, filed pursuant to this section. ~~On~~
 875 ~~October 1 of each year, each agency shall file a report with the~~
 876 ~~Governor, the President of the Senate, and the Speaker of the~~
 877 ~~House of Representatives listing the number of petitions filed~~
 878 ~~requesting variances to each agency rule, the number of~~
 879 ~~petitions filed requesting waivers to each agency rule, and the~~
 880 ~~disposition of all petitions. Temporary or emergency variances~~
 881 ~~and waivers, and the reasons for granting or denying temporary~~
 882 ~~or emergency variances and waivers, shall be identified~~
 883 ~~separately from other waivers and variances.~~

884 Section 21. Subsection (3) of section 120.60, Florida
 885 Statutes, is amended to read:

886 120.60 Licensing.--

887 (3) Each applicant shall be given written notice either
 888 personally or by mail that the agency intends to grant or deny,
 889 or has granted or denied, the application for license. The
 890 notice must state with particularity the grounds or basis for
 891 the issuance or denial of the license, except when issuance is a
 892 ministerial act. Unless waived, a copy of the notice shall be
 893 delivered or mailed to each party's attorney of record and to
 894 each person who has requested notice of agency action. Each
 895 notice shall inform the recipient of the basis for the agency
 896 decision, shall inform the recipient of any administrative
 897 hearing pursuant to ss. 120.569 and 120.57 or judicial review
 898 pursuant to s. 120.68 which may be available, shall indicate the
 899 procedure that ~~which~~ must be followed, and shall state the
 900 applicable time limits. The issuing agency shall certify the
 901 date the notice was mailed or delivered, ~~and the notice and the~~
 902 ~~certification shall be filed with the agency clerk.~~

903 Section 22. Subsection (2) of section 120.695, Florida
 904 Statutes, is amended to read:

905 120.695 Notice of noncompliance.--

906 (2)(a) Each agency shall issue a notice of noncompliance
 907 as a first response to a minor violation of a rule. A "notice of
 908 noncompliance" is a notification by the agency charged with
 909 enforcing the rule issued to the person or business subject to
 910 the rule. A notice of noncompliance may not be accompanied with
 911 a fine or other disciplinary penalty. It must identify the
 912 specific rule that is being violated, provide information on how
 913 to comply with the rule, and specify a reasonable time for the
 914 violator to comply with the rule. ~~A rule is agency action that~~

915 ~~regulates a business, occupation, or profession, or regulates a~~
 916 ~~person operating a business, occupation, or profession, and~~
 917 ~~that, if not complied with, may result in a disciplinary~~
 918 ~~penalty.~~

919 (a)(b) Each agency shall ~~review all of its rules and~~
 920 designate those rules for which a violation would be a minor
 921 violation and for which a notice of noncompliance must be the
 922 first enforcement action taken against a person or business
 923 subject to regulation. A violation of a rule is a minor
 924 violation if it does not result in economic or physical harm to
 925 a person or adversely affect the public health, safety, or
 926 welfare or create a significant threat of such harm. If an
 927 agency under the direction of a cabinet officer mails to each
 928 licensee a notice of the designated rules at the time of
 929 licensure and at least annually thereafter, the provisions of
 930 this subsection ~~paragraph (a)~~ may be exercised at the discretion
 931 of the agency. Such notice shall include a subject-matter index
 932 of the rules and information on how the rules may be obtained.

933 ~~(c) The agency's review and designation must be completed~~
 934 ~~by December 1, 1995; each agency under the direction of the~~
 935 ~~Governor shall make a report to the Governor, and each agency~~
 936 ~~under the joint direction of the Governor and Cabinet shall~~
 937 ~~report to the Governor and Cabinet by January 1, 1996, on which~~
 938 ~~of its rules have been designated as rules the violation of~~
 939 ~~which would be a minor violation.~~

940 (b)(d) The Governor or the Governor and Cabinet, as
 941 appropriate ~~pursuant to paragraph (c)~~, may evaluate the rule

942 ~~review and~~ designation effects of each agency and ~~may~~ apply a
 943 different designation than that applied by the agency.

944 (3)~~(e)~~ This section does not apply to the regulation of
 945 law enforcement personnel or teachers.

946 (4)~~(f)~~ Rule designation pursuant to this section is not
 947 subject to challenge under this chapter.

948 Section 23. Section 120.74, Florida Statutes, is amended
 949 to read:

950 120.74 Agency review, revision, and report.--

951 (1) Each agency shall review and revise its rules as often
 952 as necessary to ensure that its rules are correct and comply
 953 with statutory requirements.

954 (2) Additionally, each agency shall perform a formal
 955 review of its rules every 2 years. In the review, each agency
 956 must:

- 957 (a) Identify and correct deficiencies in its rules;
- 958 (b) Clarify and simplify its rules;
- 959 (c) Delete obsolete or unnecessary rules;
- 960 (d) Delete rules that are redundant of statutes;
- 961 (e) Seek to improve efficiency, reduce paperwork, or
 962 decrease costs to government and the private sector; and
- 963 (f) Contact agencies that have concurrent or overlapping
 964 jurisdiction to determine whether their rules can be coordinated
 965 to promote efficiency, reduce paperwork, or decrease costs to
 966 government and the private sector.

967 ~~(2) Beginning October 1, 1997, and by October 1 of every~~
 968 ~~other year thereafter, the head of each agency shall file a~~
 969 ~~report with the President of the Senate and the Speaker of the~~

970 ~~House of Representatives, with a copy to each appropriate~~
 971 ~~standing committee of the Legislature, which certifies that the~~
 972 ~~agency has complied with the requirements of this subsection.~~
 973 ~~The report must specify any changes made to its rules as a~~
 974 ~~result of the review and, when appropriate, recommend statutory~~
 975 ~~changes that will promote efficiency, reduce paperwork, or~~
 976 ~~decrease costs to government and the private sector.~~

977 Section 24. Subsection (3) of section 121.45, Florida
 978 Statutes, is amended to read:

979 121.45 Interstate compacts relating to pension
 980 portability.--

981 (3) ESTABLISHMENT OF COMPACTS.--

982 (a) The Department of Management Services is authorized
 983 and directed to survey other state retirement systems to
 984 determine if such retirement systems are interested in
 985 developing an interstate compact with Florida.

986 (b) If any such state is interested in pursuing the
 987 matter, the department shall confer with the other state and the
 988 consulting actuaries of both states, and ~~shall present its~~
 989 ~~findings to the committees having jurisdiction over retirement~~
 990 ~~matters in the Legislature, and to representatives of affected~~
 991 ~~certified bargaining units, in order to determine the~~
 992 ~~feasibility of developing a portability compact, what groups~~
 993 ~~should be covered, and the goals and priorities which should~~
 994 ~~guide such development.~~

995 (c) Upon a determination that such a compact is feasible
 996 ~~and upon request of the Legislature, the department, together~~
 997 ~~with its consulting actuaries, shall, in accordance with said~~

998 ~~goals and priorities,~~ develop a proposal under which retirement
 999 credit may be transferred to or from Florida in an actuarially
 1000 sound manner, which proposal shall be presented to the Governor
 1001 and Legislature for consideration.

1002 ~~(d) Once a proposal has been developed, the department~~
 1003 ~~shall contract with its consulting actuaries to conduct an~~
 1004 ~~actuarial study of the proposal to determine the cost to the~~
 1005 ~~Florida Retirement System Trust Fund and the State of Florida.~~

1006 ~~(e) After the actuarial study has been completed, the~~
 1007 ~~department shall present its findings and the actuarial study to~~
 1008 ~~the Legislature for consideration. If either house of the~~
 1009 ~~Legislature elects to enter into such a compact, it shall be~~
 1010 ~~introduced in the form of a proposed committee bill to the full~~
 1011 ~~Legislature during the same or next regular session.~~

1012 Section 25. Section 153.952, Florida Statutes, is
 1013 repealed.

1014 Section 26. Subsections (3), (5), (9), (11), and (16),
 1015 paragraphs (b) and (d) of subsection (6), paragraphs (a) and (b)
 1016 of subsection (12), and paragraphs (a) and (b) of subsection
 1017 (13) of section 161.053, Florida Statutes, are amended to read:

1018 161.053 Coastal construction and excavation; regulation on
 1019 county basis.--

1020 ~~(3) It is the intent of the Legislature that any coastal~~
 1021 ~~construction control line that has not been updated since June~~
 1022 ~~30, 1980, shall be considered a critical priority for~~
 1023 ~~reestablishment by the department. In keeping with this intent,~~
 1024 ~~the department shall notify the Legislature if all such lines~~
 1025 ~~cannot be reestablished by December 31, 1997, so that the~~

1026 ~~Legislature may subsequently consider interim lines of~~
 1027 ~~jurisdiction for the remaining counties.~~

1028 (4)~~(5)~~ Except in those areas where local zoning and
 1029 building codes have been established pursuant to subsection
 1030 (3)~~(4)~~, a permit to alter, excavate, or construct on property
 1031 seaward of established coastal construction control lines may be
 1032 granted by the department as follows:

1033 (a) The department may authorize an excavation or erection
 1034 of a structure at any coastal location as described in
 1035 subsection (1) upon receipt of an application from a property
 1036 and/or riparian owner and upon the consideration of facts and
 1037 circumstances, including:

- 1038 1. Adequate engineering data concerning shoreline
 1039 stability and storm tides related to shoreline topography;
- 1040 2. Design features of the proposed structures or
 1041 activities; and
- 1042 3. Potential impacts of the location of such structures or
 1043 activities, including potential cumulative effects of any
 1044 proposed structures or activities upon such beach-dune system,
 1045 which, in the opinion of the department, clearly justify such a
 1046 permit.

1047 (b) If in the immediate contiguous or adjacent area a
 1048 number of existing structures have established a reasonably
 1049 continuous and uniform construction line closer to the line of
 1050 mean high water than the foregoing, and if the existing
 1051 structures have not been unduly affected by erosion, a proposed
 1052 structure may, at the discretion of the department, be permitted
 1053 along such line on written authorization from the department if

1054 such structure is also approved by the department. However, the
 1055 department shall not contravene setback requirements or zoning
 1056 or building codes established by a county or municipality which
 1057 are equal to, or more strict than, those requirements provided
 1058 herein. This paragraph does not prohibit the department from
 1059 requiring structures to meet design and siting criteria
 1060 established in paragraph (a) or in subsection (1) or subsection
 1061 (2).

1062 (c) The department may condition the nature, timing, and
 1063 sequence of construction of permitted activities to provide
 1064 protection to nesting sea turtles and hatchlings and their
 1065 habitat, pursuant to s. 370.12, and to native salt-resistant
 1066 vegetation and endangered plant communities.

1067 (d) The department may require such engineer
 1068 certifications as necessary to assure the adequacy of the design
 1069 and construction of permitted projects.

1070 (e) The department shall limit the construction of
 1071 structures which interfere with public access along the beach.
 1072 However, the department may require, as a condition to granting
 1073 permits, the provision of alternative access when interference
 1074 with public access along the beach is unavoidable. The width of
 1075 such alternate access may not be required to exceed the width of
 1076 the access that will be obstructed as a result of the permit
 1077 being granted.

1078 (f) The department may, as a condition to the granting of
 1079 a permit under this section, require mitigation, financial, or
 1080 other assurances acceptable to the department as may be
 1081 necessary to assure performance of conditions of a permit or

1082 enter into contractual agreements to best assure compliance with
 1083 any permit conditions. The department may also require notice of
 1084 the permit conditions required and the contractual agreements
 1085 entered into pursuant to the provisions of this subsection to be
 1086 filed in the public records of the county in which the permitted
 1087 activity is located.

1088 (5)~~(6)~~

1089 (b) After October 1, 1985, and notwithstanding any other
 1090 provision of this part, the department, or a local government to
 1091 which the department has delegated permitting authority pursuant
 1092 to subsections (3)~~(4)~~ and (15)~~(16)~~, shall not issue any permit
 1093 for any structure, other than a coastal or shore protection
 1094 structure, minor structure, or pier, meeting the requirements of
 1095 this part, or other than intake and discharge structures for a
 1096 facility sited pursuant to part II of chapter 403, which is
 1097 proposed for a location which, based on the department's
 1098 projections of erosion in the area, will be seaward of the
 1099 seasonal high-water line within 30 years after the date of
 1100 application for such permit. The procedures for determining such
 1101 erosion shall be established by rule. In determining the area
 1102 which will be seaward of the seasonal high-water line in 30
 1103 years, the department shall not include any areas landward of a
 1104 coastal construction control line.

1105 (d) In determining the land areas which will be below the
 1106 seasonal high-water line within 30 years after the permit
 1107 application date, the department shall consider the impact on
 1108 the erosion rates of an existing beach nourishment or
 1109 restoration project or of a beach nourishment or restoration

1110 project for which all funding arrangements have been made and
1111 all permits have been issued at the time the application is
1112 submitted. The department shall consider each year there is sand
1113 seaward of the erosion control line that no erosion took place
1114 that year. However, the seaward extent of the beach nourishment
1115 or restoration project beyond the erosion control line shall not
1116 be considered in determining the applicable erosion rates.
1117 Nothing in this subsection shall prohibit the department from
1118 requiring structures to meet criteria established in subsection
1119 (1), subsection (2), or subsection (4)~~(5)~~ or to be further
1120 landward than required by this subsection based on the criteria
1121 established in subsection (1), subsection (2), or subsection
1122 (4)~~(5)~~.

1123 (8)~~(9)~~ The provisions of this section do not apply to
1124 structures intended for shore protection purposes which are
1125 regulated by s. 161.041 or to structures existing or under
1126 construction prior to the establishment of the coastal
1127 construction control line as provided herein, provided such
1128 structures may not be materially altered except as provided in
1129 subsection (4)~~(5)~~. Except for structures that have been
1130 materially altered, structures determined to be under
1131 construction at the time of the establishment or reestablishment
1132 of the coastal construction control line shall be exempt from
1133 the provisions of this section. However, unless such an
1134 exemption has been judicially confirmed to exist prior to April
1135 10, 1992, the exemption shall last only for a period of 3 years
1136 from either the date of the determination of the exemption or
1137 April 10, 1992, whichever occurs later. The department may

1138 extend the exemption period for structures that require longer
1139 periods for completion of their construction, provided that
1140 construction during the initial exemption period has been
1141 continuous. For purposes of this subsection, "continuous" means
1142 following a reasonable sequence of construction without
1143 significant or unreasonable periods of work stoppage.

1144 (10)~~(11)~~ Pending the establishment of coastal construction
1145 control lines as provided herein, the provisions of s. 161.052
1146 shall remain in force. However, upon the establishment of
1147 coastal construction control lines, or the establishment of
1148 coastal construction zoning and building codes as provided in
1149 subsection (3)~~(4)~~, the provisions of s. 161.052 shall be
1150 superseded by the provisions of this section.

1151 (11)~~(12)~~(a) The coastal construction control requirements
1152 defined in subsection (1) and the requirements of the erosion
1153 projections pursuant to subsection (5)~~(6)~~ do not apply to any
1154 modification, maintenance, or repair to any existing structure
1155 within the limits of the existing foundation which does not
1156 require, involve, or include any additions to, or repair or
1157 modification of, the existing foundation of that structure.
1158 Specifically excluded from this exemption are seawalls or other
1159 rigid coastal or shore protection structures and any additions
1160 or enclosures added, constructed, or installed below the first
1161 dwelling floor or lowest deck of the existing structure.

1162 (b) Activities seaward of the coastal construction control
1163 line which are determined by the department not to cause a
1164 measurable interference with the natural functioning of the

1165 coastal system are exempt from the requirements in subsection
 1166 ~~(4)(5)~~.

1167 (12)~~(13)~~(a) Notwithstanding the coastal construction
 1168 control requirements defined in subsection (1) or the erosion
 1169 projection determined pursuant to subsection (5)~~(6)~~, the
 1170 department may, at its discretion, issue a permit for the repair
 1171 or rebuilding within the confines of the original foundation of
 1172 a major structure pursuant to the provisions of subsection
 1173 ~~(4)(5)~~. Alternatively, the department may also, at its
 1174 discretion, issue a permit for a more landward relocation or
 1175 rebuilding of a damaged or existing structure if such relocation
 1176 or rebuilding would not cause further harm to the beach-dune
 1177 system, and if, in the case of rebuilding, such rebuilding
 1178 complies with the provisions of subsection ~~(4)(5)~~, and otherwise
 1179 complies with the provisions of this subsection.

1180 (b) Under no circumstances shall the department permit
 1181 such repairs or rebuilding that expand the capacity of the
 1182 original structure seaward of the 30-year erosion projection
 1183 established pursuant to subsection (5)~~(6)~~.

1184 (15)~~(16)~~ In keeping with the intent of subsection (3)~~(4)~~,
 1185 and at the discretion of the department, authority for
 1186 permitting certain types of activities which have been defined
 1187 by the department may be delegated by the department to a
 1188 coastal county or coastal municipality. Such partial delegation
 1189 shall be narrowly construed to those particular activities
 1190 specifically named in the delegation and agreed to by the
 1191 affected county or municipality, and the delegation may be

1192 | revoked by the department at any time if it is determined that
 1193 | the delegation is improperly or inadequately administered.

1194 | Section 27. Paragraph (g) of subsection (1) of section
 1195 | 370.12, Florida Statutes, is amended to read:

1196 | 370.12 Marine animals; regulation.--

1197 | (1) PROTECTION OF MARINE TURTLES.--

1198 | (g) The Department of Environmental Protection may
 1199 | condition the nature, timing, and sequence of construction of
 1200 | permitted activities to provide protection to nesting marine
 1201 | turtles and hatchlings and their habitat pursuant to the
 1202 | provisions of s. 161.053(4)(4)~~(5)~~. When the department is
 1203 | considering a permit for a beach restoration, beach
 1204 | renourishment, or inlet sand transfer project and the applicant
 1205 | has had an active marine turtle nest relocation program or the
 1206 | applicant has agreed to and has the ability to administer a
 1207 | program, the department must not restrict the timing of the
 1208 | project. Where appropriate, the department, in accordance with
 1209 | the applicable rules of the Fish and Wildlife Conservation
 1210 | Commission, shall require as a condition of the permit that the
 1211 | applicant relocate and monitor all turtle nests that would be
 1212 | affected by the beach restoration, beach renourishment, or sand
 1213 | transfer activities. Such relocation and monitoring activities
 1214 | shall be conducted in a manner that ensures successful hatching.
 1215 | This limitation on the department's authority applies only on
 1216 | the Atlantic coast of Florida.

1217 | Section 28. Subsection (2) of section 161.161, Florida
 1218 | Statutes, is amended to read:

1219 | 161.161 Procedure for approval of projects.--

1220 (2) Annually ~~Upon approval of the beach management plan,~~
 1221 the secretary shall present to the Legislature ~~President of the~~
 1222 ~~Senate, the Speaker of the House of Representatives, and the~~
 1223 ~~chairs of the legislative appropriations committees~~
 1224 recommendations for funding of beach erosion control projects
 1225 prioritized according to the. ~~Such recommendations shall be~~
 1226 ~~presented to such members of the Legislature in the priority~~
 1227 ~~order specified in the plan and established pursuant to criteria~~
 1228 established contained in s. 161.101(14).

1229 Section 29. Section 163.2526, Florida Statutes, is
 1230 repealed.

1231 Section 30. Subsection (2) of section 163.3167, Florida
 1232 Statutes, is amended to read:

1233 163.3167 Scope of act.--

1234 (2) Each local government shall prepare a comprehensive
 1235 plan of the type and in the manner set out in this act or shall
 1236 prepare amendments to its existing comprehensive plan to conform
 1237 it to the requirements of this part in the manner set out in
 1238 this part. Each local government, in accordance with the
 1239 procedures in s. 163.3184, shall submit its complete proposed
 1240 comprehensive plan or its complete comprehensive plan as
 1241 proposed to be amended to the state land planning agency. by the
 1242 ~~date specified in the rule adopted by the state land planning~~
 1243 ~~agency pursuant to this subsection. The state land planning~~
 1244 ~~agency shall, prior to October 1, 1987, adopt a schedule of~~
 1245 ~~local governments required to submit complete proposed~~
 1246 ~~comprehensive plans or comprehensive plans as proposed to be~~
 1247 ~~amended. Such schedule shall specify the exact date of~~

1248 ~~submission for each local government, shall establish equal,~~
 1249 ~~staggered submission dates, and shall be consistent with the~~
 1250 ~~following time periods:~~

1251 ~~(a) Beginning on July 1, 1988, and on or before July 1,~~
 1252 ~~1990, each county that is required to include a coastal~~
 1253 ~~management element in its comprehensive plan and each~~
 1254 ~~municipality in such a county; and~~

1255 ~~(b) Beginning on July 1, 1989, and on or before July 1,~~
 1256 ~~1991, all other counties or municipalities.~~

1257
 1258 ~~Nothing herein shall preclude the state land planning agency~~
 1259 ~~from permitting by rule a county together with each municipality~~
 1260 ~~in the county from submitting a proposed comprehensive plan~~
 1261 ~~earlier than the dates established in paragraphs (a) and (b).~~
 1262 ~~Any county or municipality that fails to meet the schedule set~~
 1263 ~~for submission of its proposed comprehensive plan by more than~~
 1264 ~~90 days shall be subject to the sanctions described in s.~~
 1265 ~~163.3184(11)(a) imposed by the Administration Commission.~~
 1266 ~~Notwithstanding the time periods established in this subsection,~~
 1267 ~~the state land planning agency may establish later deadlines for~~
 1268 ~~the submission of proposed comprehensive plans or comprehensive~~
 1269 ~~plans as proposed to be amended for a county or municipality~~
 1270 ~~which has all or a part of a designated area of critical state~~
 1271 ~~concern within its boundaries; however, such deadlines shall not~~
 1272 ~~be extended to a date later than July 1, 1991, or the time of~~
 1273 ~~de-designation, whichever is earlier.~~

1274 Section 31. Paragraph (h) of subsection (6) and paragraph
 1275 (k) of subsection (10) of section 163.3177, Florida Statutes,
 1276 are amended to read:

1277 163.3177 Required and optional elements of comprehensive
 1278 plan; studies and surveys.--

1279 (6) In addition to the requirements of subsections (1)-
 1280 (5), the comprehensive plan shall include the following
 1281 elements:

1282 (h)1. An intergovernmental coordination element showing
 1283 relationships and stating principles and guidelines to be used
 1284 in coordinating ~~the accomplishment of coordination of~~ the
 1285 adopted comprehensive plan with the plans of school boards and
 1286 other units of local government providing services but not
 1287 having regulatory authority over the use of land, with the
 1288 comprehensive plans of adjacent municipalities, the county,
 1289 adjacent counties, or the region, ~~with the state comprehensive~~
 1290 ~~plan~~ and with the applicable regional water supply plan approved
 1291 pursuant to s. 373.0361, as the case may require and as such
 1292 adopted plans or plans in preparation may exist. This element of
 1293 the local comprehensive plan shall consider ~~demonstrate~~
 1294 ~~consideration of~~ the particular effects of the local plan, when
 1295 adopted, upon the development of adjacent municipalities, the
 1296 county, adjacent counties, or the region, or upon the state
 1297 comprehensive plan, as the case may require.

1298 a. The intergovernmental coordination element shall
 1299 provide ~~for~~ procedures for identifying and implementing ~~to~~
 1300 ~~identify and implement~~ joint planning areas, especially for the

1301 purpose of annexation, municipal incorporation, and joint
 1302 infrastructure service areas.

1303 b. The intergovernmental coordination element shall
 1304 provide for recognition of campus master plans prepared pursuant
 1305 to s. 1013.30.

1306 c. The intergovernmental coordination element may provide
 1307 for a voluntary dispute resolution process as established
 1308 pursuant to s. 186.509 for bringing to closure in a timely
 1309 manner intergovernmental disputes. A local government may
 1310 develop and use an alternative local dispute resolution process
 1311 for this purpose.

1312 2. The intergovernmental coordination element shall
 1313 further state principles and guidelines to be used in
 1314 coordinating ~~the accomplishment of coordination of~~ the adopted
 1315 comprehensive plan with the plans of school boards and other
 1316 units of local government providing facilities and services but
 1317 not having regulatory authority over the use of land. In
 1318 addition, the intergovernmental coordination element shall
 1319 describe joint processes for collaborative planning and
 1320 decisionmaking on population projections and public school
 1321 siting, the location and extension of public facilities subject
 1322 to concurrency, and siting facilities with countywide
 1323 significance, including locally unwanted land uses whose nature
 1324 and identity are established in an agreement. Within 1 year of
 1325 adopting their intergovernmental coordination elements, each
 1326 county, all the municipalities within that county, the district
 1327 school board, and any unit of local government service providers
 1328 in that county shall establish by interlocal or other formal

1329 agreement executed by all affected entities, the joint processes
 1330 described in this subparagraph consistent with their adopted
 1331 intergovernmental coordination elements.

1332 3. To foster coordination between special districts and
 1333 local general-purpose governments as local general-purpose
 1334 governments implement local comprehensive plans, each
 1335 independent special district must submit a public facilities
 1336 report to the appropriate local government as required by s.
 1337 189.415.

1338 4.a. Local governments adopting a public educational
 1339 facilities element pursuant to s. 163.31776 must execute an
 1340 interlocal agreement with the district school board, the county,
 1341 and nonexempt municipalities, as defined by s. 163.31776(1),
 1342 which includes the items listed in s. 163.31777(2). The local
 1343 government shall amend the intergovernmental coordination
 1344 element to provide that coordination between the local
 1345 government and school board is pursuant to the agreement and
 1346 shall state the obligations of the local government under the
 1347 agreement.

1348 b. Plan amendments that comply with this subparagraph are
 1349 exempt from the provisions of s. 163.3187(1).

1350 ~~5. The state land planning agency shall establish a~~
 1351 ~~schedule for phased completion and transmittal of plan~~
 1352 ~~amendments to implement subparagraphs 1., 2., and 3. from all~~
 1353 ~~jurisdictions so as to accomplish their adoption by December 31,~~
 1354 ~~1999. A local government may complete and transmit its plan~~
 1355 ~~amendments to carry out these provisions prior to the scheduled~~

1356 ~~date established by the state land planning agency. The plan~~
1357 ~~amendments are exempt from the provisions of s. 163.3187(1).~~

1358 5.6. By January 1, 2004, any county having a population
1359 greater than 100,000, and the municipalities and special
1360 districts within that county, shall submit a report to the
1361 Department of Community Affairs which identifies:

1362 a. ~~Identifies~~ All existing or proposed interlocal service-
1363 delivery agreements regarding the following: education; sanitary
1364 sewer; public safety; solid waste; drainage; potable water;
1365 parks and recreation; and transportation facilities.

1366 b. ~~Identifies~~ Any deficits or duplication in the provision
1367 of services within its jurisdiction, whether capital or
1368 operational. Upon request, the Department of Community Affairs
1369 shall provide technical assistance to the local governments in
1370 identifying deficits or duplication.

1371 6.7. Within 6 months after submission of the report, the
1372 Department of Community Affairs shall, through the appropriate
1373 regional planning council, coordinate a meeting of all local
1374 governments within the regional planning area to discuss the
1375 reports and potential strategies to remedy any identified
1376 deficiencies or duplications.

1377 7.8. Each local government shall update its
1378 intergovernmental coordination element based upon the findings
1379 in the report submitted pursuant to subparagraph 5.6. The report
1380 may be used as supporting data and analysis for the
1381 intergovernmental coordination element.

1382 ~~9. By February 1, 2003, representatives of municipalities,~~
1383 ~~counties, and special districts shall provide to the Legislature~~

1384 ~~recommended statutory changes for annexation, including any~~
 1385 ~~changes that address the delivery of local government services~~
 1386 ~~in areas planned for annexation.~~

1387 (10) The Legislature recognizes the importance and
 1388 significance of chapter 9J-5, Florida Administrative Code, the
 1389 Minimum Criteria for Review of Local Government Comprehensive
 1390 Plans and Determination of Compliance of the Department of
 1391 Community Affairs that will be used to determine compliance of
 1392 local comprehensive plans. The Legislature reserved unto itself
 1393 the right to review chapter 9J-5, Florida Administrative Code,
 1394 and to reject, modify, or take no action relative to this rule.
 1395 Therefore, pursuant to subsection (9), the Legislature hereby
 1396 has reviewed chapter 9J-5, Florida Administrative Code, and
 1397 expresses the following legislative intent:

1398 (k) So that local governments are able to prepare and
 1399 adopt comprehensive plans with knowledge of the rules that will
 1400 be applied to determine consistency of the plans with provisions
 1401 of this part, it is the intent of the Legislature that there
 1402 should be no doubt as to the legal standing of chapter 9J-5,
 1403 Florida Administrative Code, at the close of the 1986
 1404 legislative session. Therefore, the Legislature declares that
 1405 changes made to chapter 9J-5, Florida Administrative Code, prior
 1406 to October 1, 1986, shall not be subject to rule challenges
 1407 under s. 120.56(2), or to drawout proceedings under s.
 1408 120.54(3)(c)2. The entire chapter 9J-5, Florida Administrative
 1409 Code, as amended, shall be subject to rule challenges under s.
 1410 120.56(3), as nothing herein shall be construed to indicate
 1411 approval or disapproval of any portion of chapter 9J-5, Florida

1412 Administrative Code, not specifically addressed herein. ~~No~~
 1413 ~~challenge pursuant to s. 120.56(3) may be filed from July 1,~~
 1414 ~~1987, through April 1, 1993. Any amendments to chapter 9J-5,~~
 1415 ~~Florida Administrative Code, exclusive of the amendments adopted~~
 1416 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~
 1417 ~~to the full chapter 120 process. All amendments shall have~~
 1418 ~~effective dates as provided in chapter 120 and submission to the~~
 1419 ~~President of the Senate and Speaker of the House of~~
 1420 ~~Representatives shall not be required.~~

1421 Section 32. Subsection (6) of section 163.3178, Florida
 1422 Statutes, is amended to read:

1423 163.3178 Coastal management.--

1424 (6) Local governments are encouraged to adopt countywide
 1425 marina siting plans to designate sites for existing and future
 1426 marinas. The Coastal Resources Interagency Management Committee,
 1427 at the direction of the Legislature, shall identify incentives
 1428 to encourage local governments to adopt such siting plans and
 1429 uniform criteria and standards to be used by local governments
 1430 to implement state goals, objectives, and policies relating to
 1431 marina siting. These criteria must ensure that priority is given
 1432 to water-dependent land uses. ~~The Coastal Resources Interagency~~
 1433 ~~Management Committee shall submit its recommendations regarding~~
 1434 ~~local government incentives to the Legislature by December 1,~~
 1435 ~~1993.~~ Countywide marina siting plans must be consistent with
 1436 state and regional environmental planning policies and
 1437 standards. Each local government in the coastal area which
 1438 participates in adoption of a countywide marina siting plan

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1439 shall incorporate the plan into the coastal management element
 1440 of its local comprehensive plan.

1441 Section 33. Subsection (12) of section 163.519, Florida
 1442 Statutes, is amended to read:

1443 163.519 Duties of Department of Legal Affairs.--The
 1444 Department of Legal Affairs shall:

1445 ~~(12) Submit an annual report to the Governor, the~~
 1446 ~~President of the Senate, the Speaker of the House of~~
 1447 ~~Representatives, and the minority leaders and appropriate~~
 1448 ~~committee chairpersons of each house prior to March 1 of each~~
 1449 ~~year which contains:~~

1450 ~~(a) A listing of neighborhood improvement districts~~
 1451 ~~created within the state, and their location.~~

1452 ~~(b) A listing of districts which received funds from the~~
 1453 ~~Safe Neighborhoods Program.~~

1454 ~~(c) A status report noting each district's progress in~~
 1455 ~~completing and implementing safe neighborhood improvement plans.~~

1456 Section 34. Subsection (9) of section 186.007, Florida
 1457 Statutes, is amended to read:

1458 186.007 State comprehensive plan; preparation; revision.--

1459 ~~(9) The Governor shall appoint a committee to review and~~
 1460 ~~make recommendations as to appropriate revisions to the state~~
 1461 ~~comprehensive plan that should be considered for the Governor's~~
 1462 ~~recommendations to the Administration Commission for October 1,~~
 1463 ~~1999, pursuant to s. 186.008(1). The committee must consist of~~
 1464 ~~persons from the public and private sectors representing the~~
 1465 ~~broad range of interests covered by the state comprehensive~~
 1466 ~~plan, including state, regional, and local government~~

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1467 ~~representatives. In reviewing the goals and policies contained~~
1468 ~~in chapter 187, the committee must identify portions that have~~
1469 ~~become outdated or have not been implemented, and, based upon~~
1470 ~~best available data, the state's progress toward achieving the~~
1471 ~~goals and policies. In reviewing the goals and policies relating~~
1472 ~~to growth and development, the committee shall consider the~~
1473 ~~extent to which the plan adequately addresses the guidelines set~~
1474 ~~forth in s. 186.009, and recommend revisions as appropriate. In~~
1475 ~~addition, the committee shall consider and make recommendations~~
1476 ~~on the purpose and function of the state land development plan,~~
1477 ~~as set forth in s. 380.031(17), including whether said plan~~
1478 ~~should be retained and, if so, its future application. The~~
1479 ~~committee may also make recommendations as to data and~~
1480 ~~information needed in the continuing process to evaluate and~~
1481 ~~update the state comprehensive plan. All meetings of the~~
1482 ~~committee must be open to the public for input on the state~~
1483 ~~planning process and amendments to the state comprehensive plan.~~
1484 ~~The Executive Office of the Governor is hereby appropriated~~
1485 ~~\$50,000 in nonrecurring general revenue for costs associated~~
1486 ~~with the committee, including travel and per diem reimbursement~~
1487 ~~for the committee members.~~

1488 Section 35. Section 186.022, Florida Statutes, is amended
1489 to read:

1490 186.022 Information technology strategic plans.--By June 1
1491 of each year, the Financial Management Information Board, ~~the~~
1492 ~~Criminal and Juvenile Justice Information Systems Council,~~ and
1493 the Health Information Systems Council shall each develop and
1494 submit to the State Technology Office an information technology

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1495 strategic plan in a form and manner prescribed in written
1496 instructions from the State Technology Office in consultation
1497 with the Executive Office of the Governor and the legislative
1498 appropriations committees. The State Technology Office shall
1499 review each such strategic plan and shall determine whether each
1500 such plan is consistent with the State Annual Report on
1501 Enterprise Resource Planning and Management and statewide
1502 policies adopted by the State Technology Office, and by July 1
1503 of each year shall develop and transmit to each such board and
1504 council a written expression of its findings, conclusions, and
1505 required changes, if any, with respect to each such strategic
1506 plan. If any change to any such strategic plan is required, each
1507 affected board and council shall revise its strategic plan to
1508 the extent necessary to incorporate such required changes and
1509 shall resubmit its strategic plan to the State Technology Office
1510 for final approval and acceptance.

1511 Section 36. Subsection (5) of section 189.4035, Florida
1512 Statutes, is amended to read:

1513 189.4035 Preparation of official list of special
1514 districts.--

1515 (5) The official list of special districts shall be
1516 available on the department's website ~~distributed by the~~
1517 ~~department on October 1 of each year to the President of the~~
1518 ~~Senate, the Speaker of the House of Representatives, the Auditor~~
1519 ~~General, the Department of Revenue, the Department of Financial~~
1520 ~~Services, the Department of Management Services, the State Board~~
1521 ~~of Administration, counties, municipalities, county property~~

1522 ~~appraisers, tax collectors, and supervisors of elections and to~~
 1523 ~~all interested parties who request the list.~~

1524 Section 37. Subsection (2) of section 189.412, Florida
 1525 Statutes, is amended to read:

1526 189.412 Special District Information Program; duties and
 1527 responsibilities.--The Special District Information Program of
 1528 the Department of Community Affairs is created and has the
 1529 following special duties:

1530 (2) The maintenance of a master list of independent and
 1531 dependent special districts which shall be available on the
 1532 department's website ~~annually updated and distributed to the~~
 1533 ~~appropriate officials in state and local governments.~~

1534 Section 38. Subsection (2) of section 194.034, Florida
 1535 Statutes, is amended to read:

1536 194.034 Hearing procedures; rules.--

1537 (2) In each case, except when a complaint is withdrawn by
 1538 the petitioner or is acknowledged as correct by the property
 1539 appraiser, the value adjustment board shall render a written
 1540 decision. All such decisions shall be issued within 20 calendar
 1541 days of the last day the board is in session under s. 194.032.
 1542 The decision of the board shall contain findings of fact and
 1543 conclusions of law and shall include reasons for upholding or
 1544 overturning the determination of the property appraiser. When a
 1545 special magistrate has been appointed, the recommendations of
 1546 the special magistrate shall be considered by the board. The
 1547 clerk, upon issuance of the decisions, shall, on a form provided
 1548 by the Department of Revenue, notify by first-class mail each

1549 taxpayer and, the property appraiser, ~~and the department~~ of the
 1550 decision of the board.

1551 Section 39. Paragraph (b) of subsection (1) of section
 1552 206.606, Florida Statutes, is amended to read:

1553 206.606 Distribution of certain proceeds.--

1554 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
 1555 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
 1556 Fund. Such moneys, after deducting the service charges imposed
 1557 by s. 215.20, the refunds granted pursuant to s. 206.41, and the
 1558 administrative costs incurred by the department in collecting,
 1559 administering, enforcing, and distributing the tax, which
 1560 administrative costs may not exceed 2 percent of collections,
 1561 shall be distributed monthly to the State Transportation Trust
 1562 Fund, except that:

1563 (b) \$2.5 million shall be transferred annually to the
 1564 State Game Trust Fund in the Fish and Wildlife Conservation
 1565 Commission ~~in each fiscal year~~ and used for recreational boating
 1566 activities, and freshwater fisheries management and research.
 1567 The transfers must be made in equal monthly amounts beginning on
 1568 July 1 of each fiscal year. The commission shall annually
 1569 determine where unmet needs exist for boating-related
 1570 activities, and may fund such activities in counties where, due
 1571 to the number of vessel registrations, sufficient financial
 1572 resources are unavailable.

1573 1. A minimum of \$1.25 million shall be used to fund local
 1574 projects to provide recreational channel marking, public
 1575 launching facilities, aquatic plant control, and other local

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1576 boating related activities. In funding the projects, the
 1577 commission shall give priority consideration as follows:
 1578 a. Unmet needs in counties with populations of 100,000 or
 1579 less.
 1580 b. Unmet needs in coastal counties with a high level of
 1581 boating related activities from individuals residing in other
 1582 counties.
 1583 2. The remaining \$1.25 million may be used for
 1584 recreational boating activities and freshwater fisheries
 1585 management and research.
 1586 3. The commission is authorized to adopt rules pursuant to
 1587 ss. 120.536(1) and 120.54 to implement a Florida Boating
 1588 Improvement Program similar to the program administered by the
 1589 Department of Environmental Protection and established in rules
 1590 62D-5.031 - 62D-5.036, Florida Administrative Code, to determine
 1591 projects eligible for funding under this subsection.
 1592
 1593 ~~On February 1 of each year,~~ The commission shall prepare and
 1594 make available on its Internet website ~~file~~ an annual report
 1595 ~~with the President of the Senate and the Speaker of the House of~~
 1596 ~~Representatives~~ outlining the status of its Florida Boating
 1597 Improvement Program, including the projects funded, and a list
 1598 of counties whose needs are unmet due to insufficient financial
 1599 resources from vessel registration fees.
 1600 Section 40. Paragraph (b) of subsection (4) of section
 1601 212.054, Florida Statutes, is amended to read:
 1602 212.054 Discretionary sales surtax; limitations,
 1603 administration, and collection.--

1604 (4)

1605 (b) The proceeds of a discretionary sales surtax collected

1606 by the selling dealer located in a county which imposes the

1607 surtax shall be returned, less the cost of administration, to

1608 the county where the selling dealer is located. The proceeds

1609 shall be transferred to the Discretionary Sales Surtax Clearing

1610 Trust Fund. A separate account shall be established in such

1611 trust fund for each county imposing a discretionary surtax. The

1612 amount deducted for the costs of administration shall not exceed

1613 3 percent of the total revenue generated for all counties

1614 levying a surtax authorized in s. 212.055. The amount deducted

1615 for the costs of administration shall be used only for those

1616 costs which are solely and directly attributable to the surtax.

1617 The total cost of administration shall be prorated among those

1618 counties levying the surtax on the basis of the amount collected

1619 for a particular county to the total amount collected for all

1620 counties. ~~No later than March 1 of each year, the department~~

1621 ~~shall submit a written report which details the expenses and~~

1622 ~~amounts deducted for the costs of administration to the~~

1623 ~~President of the Senate, the Speaker of the House of~~

1624 ~~Representatives, and the governing authority of each county~~

1625 ~~levying a surtax.~~ The department shall distribute the moneys in

1626 the trust fund each month to the appropriate counties, unless

1627 otherwise provided in s. 212.055.

1628 Section 41. Paragraph (j) of subsection (5) of section

1629 212.08, Florida Statutes, is amended to read:

1630 212.08 Sales, rental, use, consumption, distribution, and

1631 storage tax; specified exemptions.--The sale at retail, the

1632 rental, the use, the consumption, the distribution, and the
 1633 storage to be used or consumed in this state of the following
 1634 are hereby specifically exempt from the tax imposed by this
 1635 chapter.

1636 (5) EXEMPTIONS; ACCOUNT OF USE.--

1637 (j) Machinery and equipment used in semiconductor,
 1638 defense, or space technology production and research and
 1639 development.--

1640 1.a. Industrial machinery and equipment used in
 1641 semiconductor technology facilities certified under subparagraph
 1642 6. to manufacture, process, compound, or produce semiconductor
 1643 technology products for sale or for use by these facilities are
 1644 exempt from the tax imposed by this chapter. For purposes of
 1645 this paragraph, industrial machinery and equipment includes
 1646 molds, dies, machine tooling, other appurtenances or accessories
 1647 to machinery and equipment, testing equipment, test beds,
 1648 computers, and software, whether purchased or self-fabricated,
 1649 and, if self-fabricated, includes materials and labor for
 1650 design, fabrication, and assembly.

1651 b. Industrial machinery and equipment used in defense or
 1652 space technology facilities certified under subparagraph 6. to
 1653 manufacture, process, compound, or produce defense technology
 1654 products or space technology products for sale or for use by
 1655 these facilities are exempt from 25 percent of the tax imposed
 1656 by this chapter.

1657 2.a. Machinery and equipment are exempt from the tax
 1658 imposed by this chapter if used predominately in semiconductor
 1659 wafer research and development activities in a semiconductor

1660 technology research and development facility certified under
1661 subparagraph 6. For purposes of this paragraph, machinery and
1662 equipment includes molds, dies, machine tooling, other
1663 appurtenances or accessories to machinery and equipment, testing
1664 equipment, test beds, computers, and software, whether purchased
1665 or self-fabricated, and, if self-fabricated, includes materials
1666 and labor for design, fabrication, and assembly.

1667 b. Machinery and equipment are exempt from 25 percent of
1668 the tax imposed by this chapter if used predominately in defense
1669 or space research and development activities in a defense or
1670 space technology research and development facility certified
1671 under subparagraph 6.

1672 3. Building materials purchased for use in manufacturing
1673 or expanding clean rooms in semiconductor-manufacturing
1674 facilities are exempt from the tax imposed by this chapter.

1675 4. In addition to meeting the criteria mandated by
1676 subparagraph 1., subparagraph 2., or subparagraph 3., a business
1677 must be certified by the Office of Tourism, Trade, and Economic
1678 Development as authorized in this paragraph in order to qualify
1679 for exemption under this paragraph.

1680 5. For items purchased tax exempt pursuant to this
1681 paragraph, possession of a written certification from the
1682 purchaser, certifying the purchaser's entitlement to exemption
1683 pursuant to this paragraph, relieves the seller of the
1684 responsibility of collecting the tax on the sale of such items,
1685 and the department shall look solely to the purchaser for
1686 recovery of tax if it determines that the purchaser was not
1687 entitled to the exemption.

1688 6.a. To be eligible to receive the exemption provided by
1689 subparagraph 1., subparagraph 2., or subparagraph 3., a
1690 qualifying business entity shall apply to Enterprise Florida,
1691 Inc. The application shall be developed by the Office of
1692 Tourism, Trade, and Economic Development in consultation with
1693 Enterprise Florida, Inc.

1694 b. Enterprise Florida, Inc., shall review each submitted
1695 application and information and determine whether or not the
1696 application is complete within 5 working days. Once an
1697 application is complete, Enterprise Florida, Inc., shall, within
1698 10 working days, evaluate the application and recommend approval
1699 or disapproval of the application to the Office of Tourism,
1700 Trade, and Economic Development.

1701 c. Upon receipt of the application and recommendation from
1702 Enterprise Florida, Inc., the Office of Tourism, Trade, and
1703 Economic Development shall certify within 5 working days those
1704 applicants who are found to meet the requirements of this
1705 section and notify the applicant, Enterprise Florida, Inc., and
1706 the department of the certification. If the Office of Tourism,
1707 Trade, and Economic Development finds that the applicant does
1708 not meet the requirements of this section, it shall notify the
1709 applicant and Enterprise Florida, Inc., within 10 working days
1710 that the application for certification has been denied and the
1711 reasons for denial. The Office of Tourism, Trade, and Economic
1712 Development has final approval authority for certification under
1713 this section.

1714 7.a. A business may apply once each year for the
1715 exemption.

1716 a.b. The application must indicate, for program evaluation
 1717 purposes only, the average number of full-time equivalent
 1718 employees at the facility over the preceding calendar year, the
 1719 average wage and benefits paid to those employees over the
 1720 preceding calendar year, the total investment made in real and
 1721 tangible personal property over the preceding calendar year, and
 1722 the total value of tax-exempt purchases and taxes exempted
 1723 during the previous year. The department shall assist the Office
 1724 of Tourism, Trade, and Economic Development in evaluating and
 1725 verifying information provided in the application for exemption.

1726 b.e. The Office of Tourism, Trade, and Economic
 1727 Development may use the information reported on the application
 1728 for evaluation purposes only ~~and shall prepare an annual report~~
 1729 ~~on the exemption program and its cost and impact. The annual~~
 1730 ~~report for the preceding fiscal year shall be submitted to the~~
 1731 ~~Governor, the President of the Senate, and the Speaker of the~~
 1732 ~~House of Representatives by September 30 of each fiscal year.~~

1733 8. A business certified to receive this exemption may
 1734 elect to designate one or more state universities or community
 1735 colleges as recipients of up to 100 percent of the amount of the
 1736 exemption for which they may qualify. To receive these funds,
 1737 the institution must agree to match the funds so earned with
 1738 equivalent cash, programs, services, or other in-kind support on
 1739 a one-to-one basis in the pursuit of research and development
 1740 projects as requested by the certified business. The rights to
 1741 any patents, royalties, or real or intellectual property must be
 1742 vested in the business unless otherwise agreed to by the
 1743 business and the university or community college.

- 1744 9. As used in this paragraph, the term:
- 1745 a. "Predominately" means at least 50 percent of the time
- 1746 in qualifying research and development.
- 1747 b. "Research and development" means basic and applied
- 1748 research in the science or engineering, as well as the design,
- 1749 development, and testing of prototypes or processes of new or
- 1750 improved products. Research and development does not include
- 1751 market research, routine consumer product testing, sales
- 1752 research, research in the social sciences or psychology,
- 1753 nontechnological activities, or technical services.
- 1754 c. "Semiconductor technology products" means raw
- 1755 semiconductor wafers or semiconductor thin films that are
- 1756 transformed into semiconductor memory or logic wafers, including
- 1757 wafers containing mixed memory and logic circuits; related
- 1758 assembly and test operations; active-matrix flat panel displays;
- 1759 semiconductor chips; semiconductor lasers; optoelectronic
- 1760 elements; and related semiconductor technology products as
- 1761 determined by the Office of Tourism, Trade, and Economic
- 1762 Development.
- 1763 d. "Clean rooms" means manufacturing facilities enclosed
- 1764 in a manner that meets the clean manufacturing requirements
- 1765 necessary for high-technology semiconductor-manufacturing
- 1766 environments.
- 1767 e. "Defense technology products" means products that have
- 1768 a military application, including, but not limited to, weapons,
- 1769 weapons systems, guidance systems, surveillance systems,
- 1770 communications or information systems, munitions, aircraft,
- 1771 vessels, or boats, or components thereof, which are intended for

1772 military use and manufactured in performance of a contract with
 1773 the United States Department of Defense or the military branch
 1774 of a recognized foreign government or a subcontract thereunder
 1775 which relates to matters of national defense.

1776 f. "Space technology products" means products that are
 1777 specifically designed or manufactured for application in space
 1778 activities, including, but not limited to, space launch
 1779 vehicles, missiles, satellites or research payloads, avionics,
 1780 and associated control systems and processing systems. The term
 1781 does not include products that are designed or manufactured for
 1782 general commercial aviation or other uses even though those
 1783 products may also serve an incidental use in space applications.

1784 Section 42. Section 213.0452, Florida Statutes, is
 1785 repealed.

1786 Section 43. Section 213.054, Florida Statutes, is
 1787 repealed.

1788 Section 44. Paragraph (f) of subsection (5) of section
 1789 215.5601, Florida Statutes, is amended to read:

1790 215.5601 Lawton Chiles Endowment Fund.--

1791 (5) AVAILABILITY OF FUNDS; USES.--

1792 ~~(f) When advised by the Revenue Estimating Conference that~~
 1793 ~~a deficit will occur with respect to the appropriations from the~~
 1794 ~~tobacco settlement trust funds of the state agencies in any~~
 1795 ~~fiscal year, the Governor shall develop a plan of action to~~
 1796 ~~eliminate the deficit. Before implementing the plan of action,~~
 1797 ~~the Governor must comply with s. 216.177(2). In developing the~~
 1798 ~~plan of action, the Governor shall, to the extent possible,~~
 1799 ~~preserve legislative policy and intent, and, absent any specific~~

1800 ~~directions to the contrary in the General Appropriations Act,~~
 1801 ~~any reductions in appropriations from the tobacco settlement~~
 1802 ~~trust funds of the state agencies for a fiscal year shall be~~
 1803 ~~prorated among the specific appropriations made from all tobacco~~
 1804 ~~settlement trust funds of the state agencies for that year.~~

1805 Section 45. Subsection (3) of section 215.70, Florida
 1806 Statutes, is amended to read:

1807 215.70 State Board of Administration to act in case of
 1808 defaults.--

1809 (3) It shall be the duty of the State Board of
 1810 Administration to monitor the debt service accounts for bonds
 1811 issued pursuant to this act. The board shall advise the Governor
 1812 and Legislature of any projected need to appropriate funds to
 1813 honor the pledge of full faith and credit of the state. The
 1814 report shall include the estimated amount of appropriations
 1815 needed, the estimated maximum amount of appropriations needed,
 1816 and a contingency appropriation request for each bond issue.

1817 Section 46. Paragraph (z) of subsection (1) of section
 1818 216.011, Florida Statutes, is amended to read:

1819 216.011 Definitions.--

1820 (1) For the purpose of fiscal affairs of the state,
 1821 appropriations acts, legislative budgets, and approved budgets,
 1822 each of the following terms has the meaning indicated:

1823 (z) "Long-range program plan" means a plan developed
 1824 pursuant to s. 216.013 ~~on an annual basis by each state agency~~
 1825 ~~that is policy based, priority driven, accountable, and~~
 1826 ~~developed through careful examination and justification of all~~
 1827 ~~programs and their associated costs. Each plan is developed by~~

1828 ~~examining the needs of agency customers and clients and~~
 1829 ~~proposing programs and associated costs to address those needs~~
 1830 ~~based on state priorities as established by law, the agency~~
 1831 ~~mission, and legislative authorization. The plan provides the~~
 1832 ~~framework and context for preparing the legislative budget~~
 1833 ~~request and includes performance indicators for evaluating the~~
 1834 ~~impact of programs and agency performance.~~

1835 Section 47. Section 216.013, Florida Statutes, is amended
 1836 to read:

1837 216.013 Long-range program plan.--

1838 ~~(1)~~ State agencies and the judicial branch shall develop
 1839 long-range program plans to achieve state goals using an
 1840 interagency planning process that includes the development of
 1841 integrated agency program service outcomes. The plans shall be
 1842 policy based, priority driven, accountable, and developed
 1843 through careful examination and justification of all agency and
 1844 judicial branch programs ~~The plan shall cover a period of 5~~
 1845 ~~fiscal years and shall become effective July 1 each year.~~

1846 (1) Long-range program plans shall provide the framework
 1847 for the development of agency budget requests and shall identify
 1848 or update:

1849 (a) The agency's or court's mission.

1850 (b) The goals established to accomplish the mission.

1851 (c) The objectives developed to achieve the goals.

1852 (d) The trends and conditions relevant to the mission,
 1853 goals, and objectives.

1854 (e)-(a) ~~Identify agency programs and address how agency~~ The
 1855 agency or court programs that will be used to implement state

1856 policy and achieve state goals and ~~program component~~
 1857 objectives.†

1858 (f) The program outcomes and standards to measure progress
 1859 toward program objectives.

1860 ~~(b) Identify and describe agency functions and how they~~
 1861 ~~will be used to achieve designated outcomes;~~

1862 ~~(c) Identify demand, output, total costs, and unit costs~~
 1863 ~~for each function;~~

1864 (g)(d) Provide Information regarding performance
 1865 measurement, which includes, but is not limited to, how data is
 1866 collected, the methodology used to measure a performance
 1867 indicator, the validity and reliability of a measure, the
 1868 appropriateness of a measure, and whether the agency inspector
 1869 general has assessed the reliability and validity of agency
 1870 performance measures, pursuant to s. 20.055(2).†

1871 ~~(e) Identify and justify facility and fixed capital outlay~~
 1872 ~~projects and their associated costs; and~~

1873 ~~(f) Identify and justify information technology~~
 1874 ~~infrastructure and applications and their associated costs for~~
 1875 ~~information technology projects or initiatives.~~

1876 (2) Each long-range program plan shall cover a period of 5
 1877 fiscal years, be revised annually, and remain in effect until
 1878 replaced or revised ~~All agency functions and their costs shall~~
 1879 ~~be carefully evaluated and justified by the agency. The~~
 1880 ~~justification must clearly demonstrate the needs of agency~~
 1881 ~~customers and clients and why the agency is proposing functions~~
 1882 ~~and their associated costs to address the needs based on state~~
 1883 ~~priorities, the agency mission, and legislative authorization.~~

1884 ~~Further, the justification must show how agency functions are~~
 1885 ~~integrated and contribute to the overall achievement of state~~
 1886 ~~goals. Facilities, fixed capital outlay and information~~
 1887 ~~technology infrastructure, and applications shall be evaluated~~
 1888 ~~pursuant to ss. 216.0158, 216.043, and 216.0446, respectively.~~

1889 (3) Long-range program plans or revisions shall be
 1890 presented by state agencies and the judicial branch in a form,
 1891 manner, and timeframe prescribed in written instructions
 1892 prepared by ~~submitted to the Executive Office of the Governor in~~
 1893 consultation with ~~by August 1 of each year in a form and manner~~
 1894 ~~prescribed by the Executive Office of the Governor and the~~
 1895 ~~chairs of the legislative appropriations committees. Such long-~~
 1896 ~~range program plans for the Judicial Branch shall be submitted~~
 1897 ~~by the Chief Justice of the Supreme Court to the President of~~
 1898 ~~the Senate and the Speaker of the House of Representatives, and~~
 1899 ~~a copy shall be provided to the Executive Office of the~~
 1900 ~~Governor.~~

1901 (4) ~~The Executive Office of the Governor shall review the~~
 1902 ~~long-range program plans for executive agencies to ensure that~~
 1903 ~~they are consistent with the state's goals and objectives and~~
 1904 ~~other requirements as specified in the written instructions and~~
 1905 ~~that they provide the framework and context for the agency's~~
 1906 ~~budget request.~~

1907 (5) ~~Executive agencies shall incorporate all revisions~~
 1908 ~~required by the Governor within 14 working days.~~

1909 (6) ~~Any differences between executive agencies regarding~~
 1910 ~~the programs, policies, or long-range program plans of such~~

1911 ~~agencies shall be mediated by the Executive Office of the~~
 1912 ~~Governor.~~

1913 (4)(7) Each state executive agency and the judicial branch
 1914 shall post its long-range program plan on its Internet website
 1915 ~~transmit copies of its long-range program plan and all written~~
 1916 ~~comments on its plan to the President of the Senate and the~~
 1917 ~~Speaker of the House of Representatives not later than September~~
 1918 30 of each year and provide written notice to the Governor and
 1919 Legislature that the plans have been posted 60 days prior to the
 1920 ~~next regular session of the Legislature.~~

1921 ~~(8) Long-range program plans developed pursuant to this~~
 1922 ~~chapter are not rules and therefore are not subject to the~~
 1923 ~~provisions of chapter 120.~~

1924 (5)(9) Following the adoption of the annual General
 1925 Appropriations Act, each state agency agencies and the judicial
 1926 branch shall make appropriate adjustments to its their long-
 1927 range program plan plans to be consistent with the
 1928 appropriations and performance measures in the General
 1929 Appropriations Act and legislation implementing the General
 1930 Appropriations Act. Each agency Agencies and the judicial branch
 1931 has have until June 15 to make adjustments to its plan as posted
 1932 on its Internet website their plans and submit the adjusted
 1933 ~~plans to the Executive Office of the Governor for review.~~

1934 (6) Long-range program plans developed pursuant to this
 1935 chapter are not rules and, therefore, are not subject to chapter
 1936 120.

1937 Section 48. Section 216.103, Florida Statutes, is
 1938 repealed.

1939 Section 49. Section 216.172, Florida Statutes, is
 1940 repealed.

1941 Section 50. Subsection (10) of section 216.181, Florida
 1942 Statutes, is amended to read:

1943 216.181 Approved budgets for operations and fixed capital
 1944 outlay.--

1945 (10)(a) The Executive Office of the Governor and the Chief
 1946 Justice of the Supreme Court may increase or decrease the
 1947 approved salary rate for positions for the purpose of
 1948 implementing the General Appropriations Act, special
 1949 appropriations acts, and actions pursuant to s. 216.262
 1950 consistent with legislative intent and policy. Other adjustments
 1951 to approved salary rate must be approved by the Legislative
 1952 Budget Commission pursuant to the request of the agency filed
 1953 with the Executive Office of the Governor or pursuant to the
 1954 request of an entity of the judicial branch filed with the Chief
 1955 Justice of the Supreme Court, if deemed necessary and in the
 1956 best interest of the state and consistent with legislative
 1957 policy and intent. The provisions of this paragraph are subject
 1958 to the notice and review procedures set forth in s. 216.177.

1959 (b) Lump-sum salary bonuses may be provided only if
 1960 specifically appropriated or provided pursuant to s. 110.1245 or
 1961 s. 216.1815.

1962 ~~(c) State agencies and the judicial branch shall report,~~
 1963 ~~each fiscal quarter, the number of filled positions, the number~~
 1964 ~~of vacant positions, and the salary rate associated with each~~
 1965 ~~category to the Legislative Budget Commission in a form and~~
 1966 ~~manner prescribed by the commission.~~

1967 Section 51. Section 216.1825, Florida Statutes, is
 1968 repealed.

1969 Section 52. Subsection (5) of section 252.55, Florida
 1970 Statutes, is amended to read:

1971 252.55 Civil Air Patrol, Florida Wing.--

1972 (5) The wing commander of the Florida Wing of the Civil
 1973 Air Patrol shall biennially furnish the Bureau of Emergency
 1974 Management a 2-year ~~an annual~~ projection of the goals and
 1975 objectives of the Civil Air Patrol ~~for the following year~~. These
 1976 will be reported ~~to the Governor~~ in the division's biennial
 1977 ~~annual~~ report submitted pursuant to s. 252.35 ~~of the division on~~
 1978 ~~February 1 of each year.~~

1979 Section 53. Subsection (1) of section 253.7825, Florida
 1980 Statutes, is amended to read:

1981 253.7825 Recreational uses.--

1982 (1) The Cross Florida Greenways State Recreation and
 1983 Conservation Area must be managed as a multiple-use area
 1984 pursuant to s. 253.034(2)(a), and as further provided herein.
 1985 ~~The University of Florida Management Plan provides a conceptual~~
 1986 ~~recreational plan that may ultimately be developed at various~~
 1987 ~~locations throughout the greenways corridor. The plan proposes~~
 1988 ~~to locate a number of the larger, more comprehensive and complex~~
 1989 ~~recreational facilities in sensitive, natural resource areas.~~
 1990 Future site-specific studies and investigations must be
 1991 conducted by the department to determine compatibility with, and
 1992 potential for adverse impact to, existing natural resources,
 1993 need for the facility, the availability of other alternative
 1994 locations with reduced adverse impacts to existing natural

1995 resources, and the proper specific sites and locations for the
 1996 more comprehensive and complex facilities. Furthermore, it is
 1997 appropriate, with the approval of the department, to allow more
 1998 fishing docks, boat launches, and other user-oriented facilities
 1999 to be developed and maintained by local governments.

2000 Section 54. Section 253.7826, Florida Statutes, is
 2001 repealed.

2002 Section 55. Section 253.7829, Florida Statutes, is
 2003 repealed.

2004 Section 56. Subsection (4) of section 259.037, Florida
 2005 Statutes, is amended to read:

2006 259.037 Land Management Uniform Accounting Council.--

2007 (4) The council shall provide a report of the agencies'
 2008 expenditures pursuant to the adopted categories ~~to the President~~
 2009 ~~of the Senate and the Speaker of the House of Representatives~~
 2010 ~~annually, beginning July 1, 2001. The council shall also provide~~
 2011 ~~this report~~ to the Acquisition and Restoration Council for
 2012 inclusion in its annual report required pursuant to s. 259.105.

2013 Section 57. Section 265.56, Florida Statutes, is repealed.

2014 Section 58. Subsection (4) of section 267.074, Florida
 2015 Statutes, is amended to read:

2016 267.074 State Historical Marker Program.--The division
 2017 shall coordinate and direct the State Historical Marker Program,
 2018 which shall be a program of popular history and heritage
 2019 designed to inform the general public about persons, events,
 2020 structures, and other topics relating to the history and culture
 2021 of the state; encourage interest in preserving the historical
 2022 resources of the state and its localities; promote a sense of

2023 community and place among Florida citizens; and provide for the
 2024 enjoyment and edification of tourists.

2025 ~~(4) The division shall develop a comprehensive plan for~~
 2026 ~~the State Historical Marker Program which shall be kept up to~~
 2027 ~~date and shall incorporate goals and objectives of the program,~~
 2028 ~~as well as policies, plans, and procedures relating to:~~

2029 ~~(a) Categories of Official Florida Historical Markers,~~
 2030 ~~criteria for their use, and specifications for design.~~

2031 ~~(b) Selection of subjects to be marked.~~

2032 ~~(c) Published guides to Official Florida Historical~~
 2033 ~~Markers, including methods for public distribution.~~

2034 ~~(d) Maintenance of markers.~~

2035 ~~(e) Removal or replacement of markers.~~

2036 ~~(f) Placement of markers at historic sites which shall be,~~
 2037 ~~in general, conspicuous and accessible to and easily reached by~~
 2038 ~~the public and where something associated with the person,~~
 2039 ~~historic property, event, or other subject being marked is still~~
 2040 ~~visible.~~

2041 ~~(g) Physical placement of the markers which shall be, in~~
 2042 ~~general, conspicuous and easily reached by the public.~~

2043 Section 59. Section 272.121, Florida Statutes, is
 2044 repealed.

2045 Section 60. Subsection (28) of section 282.102, Florida
 2046 Statutes, is amended to read:

2047 282.102 Creation of the State Technology Office; powers
 2048 and duties.--There is created a State Technology Office within
 2049 the Department of Management Services. The office shall be a
 2050 separate budget entity, and shall be headed by a Chief

2051 Information Officer who is appointed by the Governor and is in
 2052 the Senior Management Service. The Chief Information Officer
 2053 shall be an agency head for all purposes. The Department of
 2054 Management Services shall provide administrative support and
 2055 service to the office to the extent requested by the Chief
 2056 Information Officer. The office may adopt policies and
 2057 procedures regarding personnel, procurement, and transactions
 2058 for State Technology Office personnel. The office shall have the
 2059 following powers, duties, and functions:

2060 ~~(28) To study and make a recommendation to the Governor~~
 2061 ~~and Legislature on the feasibility of implementing online voting~~
 2062 ~~in this state.~~

2063 Section 61. Subsection (3) of section 284.50, Florida
 2064 Statutes, is amended to read:

2065 284.50 Loss prevention program; safety coordinators;
 2066 Interagency Advisory Council on Loss Prevention; employee
 2067 recognition program.--

2068 ~~(3) The council and each department head shall report~~
 2069 ~~annually to the Governor by January 15 preceding any regular~~
 2070 ~~legislative session any actions taken to prevent job-related~~
 2071 ~~employee accidents, together with suggestions of safeguards and~~
 2072 ~~improvements.~~

2073 Section 62. Subsection (11) of section 287.045, Florida
 2074 Statutes, is amended to read:

2075 287.045 Procurement of products and materials with
 2076 recycled content.--

2077 ~~(11) Each agency shall report annually to the department~~
 2078 ~~its total expenditures on, and use of, products with recycled~~

2079 ~~content and the percentage of its budget that represents~~
 2080 ~~purchases of similar products made from virgin materials. The~~
 2081 ~~department shall design a uniform reporting mechanism and~~
 2082 ~~prepare annual summaries of statewide purchases delineating~~
 2083 ~~those with recycled content to be submitted to the Governor, the~~
 2084 ~~President of the Senate, and the Speaker of the House of~~
 2085 ~~Representatives.~~

2086 Section 63. Subsection (15) of section 287.059, Florida
 2087 Statutes, is amended to read:

2088 287.059 Private attorney services.--

2089 (15) The Attorney General's office may, by rule, adopt
 2090 standard fee schedules for court reporting services for each
 2091 judicial circuit in consultation with the Florida Court
 2092 Reporters Association. Agencies, when contracting for court
 2093 reporting services, must use the standard fee schedule for court
 2094 reporting services established pursuant to this section,
 2095 provided no state contract is applicable or unless the head of
 2096 the agency or his or her designee waives use of the schedule and
 2097 sets forth the reasons for deviating from the schedule in
 2098 writing to the Attorney General. Such waiver must demonstrate
 2099 necessity based upon criteria for deviation from the schedule
 2100 which the Attorney General shall establish by rule. ~~Any proposed~~
 2101 ~~fee schedule under this section shall be submitted to the~~
 2102 ~~Governor, the Speaker of the House of Representatives, the~~
 2103 ~~President of the Senate, and the Chief Justice of the Florida~~
 2104 ~~Supreme Court at least 60 days prior to publication of the~~
 2105 ~~notice to adopt the rule.~~

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2106 Section 64. Subsection (10) of section 287.16, Florida
 2107 Statutes, is amended to read:

2108 287.16 Powers and duties of department.--The Department of
 2109 Management Services shall have the following powers, duties, and
 2110 responsibilities:

2111 ~~(10) To provide the Legislature annual reports at the end~~
 2112 ~~of each calendar year concerning the utilization of all aircraft~~
 2113 ~~in the executive pool.~~

2114 Section 65. Paragraph (d) of subsection (6) of section
 2115 288.1045, Florida Statutes, is amended to read:

2116 288.1045 Qualified defense contractor tax refund
 2117 program.--

2118 (6) ADMINISTRATION.--

2119 ~~(d) By December 1 of each year, the office shall submit a~~
 2120 ~~complete and detailed report to the Governor, the President of~~
 2121 ~~the Senate, and the Speaker of the House of Representatives of~~
 2122 ~~all tax refunds paid under this section, including analyses of~~
 2123 ~~benefits and costs, types of projects supported, employment and~~
 2124 ~~investment created, geographic distribution of tax refunds~~
 2125 ~~granted, and minority business participation. The report must~~
 2126 ~~indicate whether the moneys appropriated by the Legislature to~~
 2127 ~~the qualified applicant tax refund program were expended in a~~
 2128 ~~prudent, fiducially sound manner.~~

2129 Section 66. Subsection (7) of section 288.108, Florida
 2130 Statutes, is amended to read:

2131 288.108 High-impact business.--

2132 ~~(7) REPORTING.--The office shall by December 1 of each~~
 2133 ~~year issue a complete and detailed report of all designated~~

2134 ~~high-impact sectors, all applications received and their~~
 2135 ~~disposition, all final orders issued, and all payments made,~~
 2136 ~~including analyses of benefits and costs, types of projects~~
 2137 ~~supported, and employment and investments created. The report~~
 2138 ~~shall be submitted to the Governor, the President of the Senate,~~
 2139 ~~and the Speaker of the House of Representatives.~~

2140 Section 67. Section 288.1185, Florida Statutes, is
 2141 repealed.

2142 Section 68. Subsection (6) of section 288.1226, Florida
 2143 Statutes, is amended to read:

2144 288.1226 Florida Tourism Industry Marketing Corporation;
 2145 use of property; board of directors; duties; audit.--

2146 (6) ANNUAL AUDIT.--The corporation shall provide for an
 2147 annual financial audit in accordance with s. 215.981. The annual
 2148 audit report shall be submitted to the Auditor General; the
 2149 Office of Policy Analysis and Government Accountability; and the
 2150 Office of Tourism, Trade, and Economic Development for review.

2151 The Office of Program Policy Analysis and Government
 2152 Accountability; the Office of Tourism, Trade, and Economic
 2153 Development; and the Auditor General have the authority to
 2154 require and receive from the corporation or from its independent
 2155 auditor any detail or supplemental data relative to the
 2156 operation of the corporation. ~~The Office of Tourism, Trade, and~~
 2157 ~~Economic Development shall annually certify whether the~~
 2158 ~~corporation is operating in a manner and achieving the~~
 2159 ~~objectives that are consistent with the policies and goals of~~
 2160 ~~the commission and its long-range marketing plan. The identity~~
 2161 of a donor or prospective donor to the corporation who desires

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2162 to remain anonymous and all information identifying such donor
 2163 or prospective donor are confidential and exempt from the
 2164 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 2165 Constitution. Such anonymity shall be maintained in the
 2166 auditor's report.

2167 Section 69. Paragraph (e) of subsection (8) of section
 2168 288.1229, Florida Statutes, is amended to read:

2169 288.1229 Promotion and development of sports-related
 2170 industries and amateur athletics; direct-support organization;
 2171 powers and duties.--

2172 (8) To promote amateur sports and physical fitness, the
 2173 direct-support organization shall:

2174 (e) Promote Florida as a host for national and
 2175 international amateur athletic competitions. ~~As part of this~~
 2176 ~~effort, the direct-support organization shall:~~

2177 ~~1. Assist and support Florida cities or communities~~
 2178 ~~bidding or seeking to host the Summer Olympics or Pan American~~
 2179 ~~Games.~~

2180 ~~2. Annually report to the Governor, the President of the~~
 2181 ~~Senate, and the Speaker of the House of Representatives on the~~
 2182 ~~status of the efforts of cities or communities bidding to host~~
 2183 ~~the Summer Olympics or Pan American Games, including, but not~~
 2184 ~~limited to, current financial and infrastructure status,~~
 2185 ~~projected financial and infrastructure needs, and~~
 2186 ~~recommendations for satisfying the unmet needs and fulfilling~~
 2187 ~~the requirements for a successful bid in any year that the~~
 2188 ~~Summer Olympics or Pan American Games are held in this state.~~

2189 Section 70. Subsection (4) of section 288.7015, Florida
 2190 Statutes, is amended to read:

2191 288.7015 Appointment of rules ombudsman; duties.--The
 2192 Governor shall appoint a rules ombudsman, as defined in s.
 2193 288.703, in the Executive Office of the Governor, for
 2194 considering the impact of agency rules on the state's citizens
 2195 and businesses. In carrying out duties as provided by law, the
 2196 ombudsman shall consult with Enterprise Florida, Inc., at which
 2197 point the office may recommend to improve the regulatory
 2198 environment of this state. The duties of the rules ombudsman are
 2199 to:

2200 ~~(4)(a) By December 1, 1997, and annually thereafter,~~
 2201 ~~submit a report to the Legislature identifying and describing~~
 2202 ~~the extent to which rules of state agencies adversely impact~~
 2203 ~~trade promotion, economic growth and diversification in Florida,~~
 2204 ~~business profitability and viability, and, in particular, the~~
 2205 ~~startup of new businesses. The report must specifically identify~~
 2206 ~~and describe those agency rules repealed or modified during each~~
 2207 ~~calendar year in order to improve the regulatory climate for~~
 2208 ~~businesses operating in this state. The report must also~~
 2209 ~~identify those proposed rules for review and possible repeal or~~
 2210 ~~modification in the next calendar year.~~

2211 ~~(b) The report must also specifically identify and~~
 2212 ~~describe the use and impact of state economic development~~
 2213 ~~incentives on minority-owned businesses. The report must detail~~
 2214 ~~how many minority-owned businesses received state economic~~
 2215 ~~development incentives administered by the Office of Tourism,~~

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2216 ~~Trade, and Economic Development, including private activity~~
 2217 ~~bonds, and the JOBS benefit.~~

2218 Section 71. Section 288.7771, Florida Statutes, is amended
 2219 to read:

2220 288.7771 Annual report of Florida Export Finance
 2221 Corporation.--~~By March 31 of each year,~~ The corporation shall
 2222 annually prepare and submit to Enterprise Florida, Inc., for
 2223 inclusion in its annual report required under s. 288.095 the
 2224 ~~Governor, the President of the Senate, the Speaker of the House~~
 2225 ~~of Representatives, the Senate Minority Leader, and the House~~
 2226 ~~Minority Leader~~ a complete and detailed report setting forth:

- 2227 (1) The report required in s. 288.776(3).
- 2228 (2) Its assets and liabilities at the end of its most
 2229 recent fiscal year.

2230 Section 72. Subsections (8), (9), (10), and (11) of
 2231 section 288.8175, Florida Statutes, are amended to read:

2232 288.8175 Linkage institutes between postsecondary
 2233 institutions in this state and foreign countries.--

2234 ~~(8) No later than 60 days before every regular session of~~
 2235 ~~the Legislature, the department shall present to the Speaker of~~
 2236 ~~the House of Representatives, the President of the Senate, and~~
 2237 ~~the minority leaders of the House of Representatives and the~~
 2238 ~~Senate a review of linkage institute program activity, criteria~~
 2239 ~~for their operation, accountability standards, recommended~~
 2240 ~~funding levels, and recommendations for establishing,~~
 2241 ~~maintaining, or abolishing linkage institutes. The criteria~~
 2242 ~~shall be developed in consultation with Enterprise Florida, Inc.~~

2243 ~~The criteria must include, but need not be limited to, the~~
 2244 ~~purpose stated in subsection (2) and:~~

2245 ~~(a) The importance of economic, political, and social ties~~
 2246 ~~between this state and the country or region.~~

2247 ~~(b) The potential for growth and expansion of commercial,~~
 2248 ~~educational, and cultural links.~~

2249 ~~(c) The viability of regionally oriented, rather than~~
 2250 ~~country-specific, linkages, based on historical or emerging~~
 2251 ~~regional economic or political trading blocs.~~

2252 ~~(9) A linkage institute may not be created or funded~~
 2253 ~~except upon the recommendation of the department and except by~~
 2254 ~~amendment to this section.~~

2255

2256 ~~(10) The department shall review and make linkage-~~
 2257 ~~institute budget requests to the Governor and the Legislature.~~
 2258 ~~State appropriations for institutes created under this section~~
 2259 ~~must be made by a single lump-sum line item to the department,~~
 2260 ~~which must apportion the funds among the various institutes in~~
 2261 ~~accordance with criteria established by the department.~~

2262 ~~(11) Linkage institutes may also accept and administer~~
 2263 ~~moneys provided by the department for research and development~~
 2264 ~~of international trade. The department shall, by March 1, report~~
 2265 ~~to the Governor, the President of the Senate, and the Speaker of~~
 2266 ~~the House of Representatives in each year in which the~~
 2267 ~~department has provided moneys for a linkage institute. The~~
 2268 ~~report must detail the purpose of the expenditure by the~~
 2269 ~~department and the use of the moneys by the linkage institutes~~

2270 ~~and must include a copy of the research documents or related~~
 2271 ~~materials produced, if any.~~

2272 Section 73. Subsection (5) of section 288.853, Florida
 2273 Statutes, is amended to read:

2274 288.853 International sanctions against Castro
 2275 government.--

2276 ~~(5) Furthermore, contingent upon annual appropriation, to~~
 2277 ~~the extent covered by the report submitted by the President~~
 2278 ~~according to s. 108 of the Cuban Liberty and Democratic~~
 2279 ~~Solidarity Act of 1996, and until such time as the President~~
 2280 ~~submits a determination under s. 203(c)(1) of the Cuban Liberty~~
 2281 ~~and Democratic Solidarity Act of 1996, the Governor shall submit~~
 2282 ~~an annual report to the President of the Senate and the Speaker~~
 2283 ~~of the House of Representatives on assistance to and commerce~~
 2284 ~~with Cuba by citizens and legal residents of Florida. Each~~
 2285 ~~report shall contain:~~

2286 ~~(a) Identification of Cuba's trading partners and the~~
 2287 ~~extent of such trade.~~

2288 ~~(b) A description of joint ventures completed or under~~
 2289 ~~consideration by foreign nationals and business firms located in~~
 2290 ~~or doing business in Florida involving facilities in Cuba.~~

2291 ~~(c) A determination as to whether any facilities are~~
 2292 ~~elaimed by a citizen of Florida.~~

2293 ~~(d) Steps taken to assure that raw materials and~~
 2294 ~~semifinished or finished goods produced by facilities in Cuba~~
 2295 ~~involving Cuban and/or foreign nationals or businesses are not~~
 2296 ~~entering the Florida market.~~

2297 Section 74. Subsection (5) of section 288.95155, Florida
 2298 Statutes, is amended to read:

2299 288.95155 Florida Small Business Technology Growth
 2300 Program.--

2301 (5) ~~By January 1 of each year, Enterprise Florida, Inc.,~~
 2302 shall prepare and include a report on the financial status of
 2303 the program in its annual report required under s. 288.095 ~~and~~
 2304 ~~the account and shall submit a copy of the report to the board~~
 2305 ~~of directors of Enterprise Florida, Inc., the appropriate~~
 2306 ~~legislative committees responsible for economic development~~
 2307 ~~oversight, and the appropriate legislative appropriations~~
 2308 ~~subcommittees.~~ The report shall specify the assets and
 2309 liabilities of the account within the current fiscal year and
 2310 shall include a portfolio update that lists all of the
 2311 businesses assisted, the private dollars leveraged by each
 2312 business assisted, and the growth in sales and in employment of
 2313 each business assisted.

2314 Section 75. Paragraph (c) of subsection (4) of section
 2315 288.9604, Florida Statutes, is amended to read:

2316 288.9604 Creation of the authority.--

2317 (4)

2318 (c) The directors of the corporation shall annually elect
 2319 one of their members as chair and one as vice chair. The
 2320 corporation may employ a president, technical experts, and such
 2321 other agents and employees, permanent and temporary, as it
 2322 requires and determine their qualifications, duties, and
 2323 compensation. For such legal services as it requires, the
 2324 corporation may employ or retain its own counsel and legal

2325 ~~staff. The corporation shall file with the governing body of~~
 2326 ~~each public agency with which it has entered into an interlocal~~
 2327 ~~agreement and with the Governor, the Speaker of the House of~~
 2328 ~~Representatives, the President of the Senate, the Minority~~
 2329 ~~Leaders of the Senate and House of Representatives, and the~~
 2330 ~~Auditor General, on or before 90 days after the close of the~~
 2331 ~~fiscal year of the corporation, a report of its activities for~~
 2332 ~~the preceding fiscal year, which report shall include a complete~~
 2333 ~~financial statement setting forth its assets, liabilities,~~
 2334 ~~income, and operating expenses as of the end of such fiscal~~
 2335 ~~year.~~

2336 Section 76. Section 288.9610, Florida Statutes, is amended
 2337 to read:

2338 288.9610 Annual reports of Florida Development Finance
 2339 Corporation.--On or before 90 days after the close of ~~By~~
 2340 ~~December 1 of each year,~~ the Florida Development Finance
 2341 Corporation's fiscal year, the corporation shall submit to the
 2342 Governor, the Legislature ~~President of the Senate, the Speaker~~
 2343 ~~of the House of Representatives, the Senate Minority Leader, the~~
 2344 ~~House Minority Leader, the Auditor General, and the governing~~
 2345 body of each public entity with which it has entered into an
 2346 interlocal agreement ~~city or county activating the Florida~~
 2347 ~~Development Finance Corporation~~ a complete and detailed report
 2348 setting forth:

2349 (1) The results of any audit conducted pursuant to s.
 2350 11.45 ~~The evaluation required in s. 11.45(3)(j).~~

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2351 (2) The activities, operations, and accomplishments of the
 2352 Florida Development Finance Corporation, including the number of
 2353 businesses assisted by the corporation.

2354 (3) Its assets, and liabilities, income, and operating
 2355 expenses at the end of its most recent fiscal year, including a
 2356 description of all of its outstanding revenue bonds.

2357 Section 77. Subsection (3) of section 292.04, Florida
 2358 Statutes, is amended to read:

2359 292.04 Florida Commission on Veterans' Affairs.--

2360 ~~(3)(a) It is the duty of the commission to conduct a~~
 2361 ~~biennial survey of possible contributions that veterans or state~~
 2362 ~~organizations of veterans and their auxiliaries could make to~~
 2363 ~~the state and to report the results of the survey to the~~
 2364 ~~department together with recommendations for encouraging such~~
 2365 ~~contributions.~~

2366 ~~(b)~~ The commission shall work with the various veterans'
 2367 organizations and their auxiliaries within the state and shall
 2368 function as a liaison between such organizations and the
 2369 department on matters pertaining to veterans.

2370 Section 78. Subsection (6) of section 292.05, Florida
 2371 Statutes, is amended to read:

2372 292.05 Duties of Department of Veterans' Affairs.--

2373 (6) The department shall, by ~~on~~ December 31 of each year,
 2374 submit ~~make~~ an annual written report to the Governor, the
 2375 Cabinet, and the Legislature that shall describe: ~~of the state,~~
 2376 ~~the Speaker of the House of Representatives, and the President~~
 2377 ~~of the Senate, which report shall show~~

2378 (a) The expenses incurred in veteran service work in the
 2379 state; the number, nature, and kind of cases handled by the
 2380 department and by county and city veteran service officers of
 2381 the state; the amounts of benefits obtained for veterans; the
 2382 names and addresses of all certified veteran service officers,
 2383 including county and city veteran service officers. The report
 2384 shall also describe the actions taken by the department in
 2385 implementing subsections (4), (5), and (7) and shall contain
 2386 such other information and recommendations as may appear to the
 2387 department to be right and proper.

2388 (b) The current status of the department's domiciliary and
 2389 nursing homes established pursuant to chapter 296, including all
 2390 receipts and expenditures, the condition of the homes, the
 2391 number of residents received and discharged during the preceding
 2392 year, occupancy rates, staffing, and any other information
 2393 necessary to providing an understanding of the management,
 2394 conduct, and operation of the homes.

2395 Section 79. Section 296.16, Florida Statutes, is repealed.

2396 Section 80. Section 296.39, Florida Statutes, is repealed.

2397 Section 81. Paragraph (c) of subsection (12) of section
 2398 315.03, Florida Statutes, is amended to read:

2399 315.03 Grant of powers.--Each unit is hereby authorized
 2400 and empowered:

2401 (12)

2402 ~~(c) The Legislature shall review the loan program~~
 2403 ~~established pursuant to this subsection during the 2004 Regular~~
 2404 ~~Session of the Legislature.~~

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2405 Section 82. Subsection (2) of section 319.324, Florida
 2406 Statutes, is amended to read:

2407 319.324 Odometer fraud prevention and detection;
 2408 funding.--

2409 (2) Moneys deposited into the Highway Safety Operating
 2410 Trust Fund under this section shall be used to implement and
 2411 maintain efforts by the department to prevent and detect
 2412 odometer fraud, including the prompt investigation of alleged
 2413 instances of odometer mileage discrepancies reported by licensed
 2414 motor vehicle dealers, auctions, or purchasers of motor
 2415 vehicles. ~~Such moneys shall also be used to fund an annual
 2416 report to the Legislature by the Department of Highway Safety
 2417 and Motor Vehicles, summarizing the department's investigations
 2418 and findings. In addition, moneys deposited into the fund may be
 2419 used by the department for general operations.~~

2420 Section 83. Section 322.181, Florida Statutes, is amended
 2421 to read:

2422 322.181 Advisory council on the ~~Study of~~ effects of aging
 2423 on driving ability; ~~advisory council.~~--

2424 ~~(1) The Department of Highway Safety and Motor Vehieles
 2425 shall study the effects of aging on driving ability. The purpose
 2426 of the study is to develop a comprehensive approach to licensing
 2427 drivers.~~

2428 ~~(2) Issues to be studied by the department shall include
 2429 the:~~

2430 ~~(a) Effective and efficient identification of drivers at
 2431 risk of being involved in a motor vehiele accident because of
 2432 functional limitations that affect their driving ability;~~

2433 ~~(b) Prevalence and effect of degenerative processes~~
 2434 ~~affecting vision, hearing, mobility, cognitive functions, and~~
 2435 ~~reaction time;~~

2436 ~~(c) Implementation and effect of the department's vision~~
 2437 ~~screening requirements and examination of new technologies;~~

2438 ~~(d) Availability and effectiveness of remedial measures~~
 2439 ~~such as skills training, adaptive equipment, physical therapy,~~
 2440 ~~and adjustment of driving practices that will allow people to~~
 2441 ~~drive safely for as long as possible;~~

2442 ~~(e) Availability of alternative forms of transportation~~
 2443 ~~for people who can no longer safely drive; and~~

2444 ~~(f) Effectiveness of existing public education initiatives~~
 2445 ~~relating to at-risk drivers.~~

2446 ~~(3) The department shall report the results of the study~~
 2447 ~~to the President of the Senate and the Speaker of the House of~~
 2448 ~~Representatives by February 1, 2004. The report shall include~~
 2449 ~~findings of the study and recommendations for improving the~~
 2450 ~~safety of at-risk drivers.~~

2451 (4) The department shall appoint an advisory council to
 2452 participate in the study and to advise the department on issues
 2453 related to older at-risk drivers on an ongoing basis. The
 2454 council shall be known as the Florida At-Risk Driver Council.
 2455 Members of the council shall include representatives of
 2456 organizations involved with issues facing older drivers
 2457 including state agencies, medical professionals, senior citizen
 2458 advocacy groups, providers of services to senior citizens, and
 2459 research entities.

2460 Section 84. Paragraph (c) of subsection (7) of section
 2461 322.251, Florida Statutes, is amended to read:

2462 322.251 Notice of cancellation, suspension, revocation, or
 2463 disqualification of license.--

2464 (7)

2465 ~~(c) The Department of Highway Safety and Motor Vehicles~~
 2466 ~~and the Department of Law Enforcement shall develop and~~
 2467 ~~implement a plan to ensure the identification of any person who~~
 2468 ~~is the subject of an outstanding warrant or capias for passing~~
 2469 ~~worthless bank checks and to ensure the identification of the~~
 2470 ~~person's driver's license record.~~

2471 Section 85. Subsections (4) and (11) of section 365.171,
 2472 Florida Statutes, are amended to read:

2473 365.171 Emergency telephone number "911."--

2474 (4) STATE PLAN.--The office shall develop a statewide
 2475 emergency telephone number "911" system plan. The plan shall
 2476 provide for:

2477 (a) The establishment of the public agency emergency
 2478 telephone communications requirements for each entity of local
 2479 government in the state.

2480 (b) A system to meet specific local government
 2481 requirements. Such system shall include law enforcement,
 2482 firefighting, and emergency medical services and may include
 2483 other emergency services such as poison control, suicide
 2484 prevention, and emergency management services.

2485 (c) Identification of the mutual aid agreements necessary
 2486 to obtain an effective "911" system.

2487 (d) A funding provision which shall identify the cost
 2488 necessary to implement the "911" system.

2489 ~~(e) A firm implementation schedule which shall include the~~
 2490 ~~installation of the "911" system in a local community within 24~~
 2491 ~~months after the designated agency of the local government gives~~
 2492 ~~a firm order to the telephone utility for a "911" system.~~

2493
 2494 The office shall be responsible for the implementation and
 2495 coordination of the such plan and. ~~The office shall adopt any~~
 2496 ~~necessary rules and schedules related to public agencies for the~~
 2497 ~~purpose of implementing and coordinating the such plan, pursuant~~
 2498 ~~to chapter 120. The public agency designated in the plan shall~~
 2499 ~~order such system within 6 months after publication date of the~~
 2500 ~~plan if the public agency is in receipt of funds appropriated by~~
 2501 ~~the Legislature for the implementation and maintenance of the~~
 2502 ~~"911" system. Any jurisdiction which has utilized local funding~~
 2503 ~~as of July 1, 1976, to begin the implementation of the state~~
 2504 ~~plan as set forth in this section shall be eligible for at least~~
 2505 ~~a partial reimbursement of its direct cost when, and if, state~~
 2506 ~~funds are available for such reimbursement.~~

2507 ~~(11) EXISTING EMERGENCY TELEPHONE SERVICE. Any emergency~~
 2508 ~~telephone number established by any local government or state~~
 2509 ~~agency prior to July 1, 1974, using a number other than "911"~~
 2510 ~~shall be changed to "911" on the same implementation schedule~~
 2511 ~~provided in paragraph (4)(e).~~

2512 Section 86. Paragraph (d) of subsection (6) of section
 2513 365.172, Florida Statutes, is amended to read:

2514 365.172 Wireless emergency telephone number "E911."--

2515 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.--

2516 ~~(d) By February 28, 2001, the board shall undertake and~~

2517 ~~complete a study for submission by the office to the Governor,~~

2518 ~~the President of the Senate, and the Speaker of the House of~~

2519 ~~Representatives which addresses:~~

2520 1. ~~The total amount of E911 fee revenues collected by each~~

2521 ~~provider, the total amount of expenses incurred by each provider~~

2522 ~~to comply with the order, and the amount of moneys on deposit in~~

2523 ~~the fund, all as of December 1, 2000.~~

2524 2. ~~Whether the amount of the E911 fee and the allocation~~

2525 ~~percentages set forth in s. 365.173 should be adjusted to comply~~

2526 ~~with the requirements of the order, and, if so, a recommended~~

2527 ~~adjustment to the E911 fee.~~

2528 3. ~~Any other issues related to providing wireless E911~~

2529 ~~services.~~

2530 Section 87. Paragraph (a) of subsection (2) of section

2531 365.173, Florida Statutes, is amended to read:

2532 365.173 Wireless Emergency Telephone System Fund.--

2533 (2) Subject to any modifications approved by the board

2534 pursuant to s. 365.172(8)(c), the moneys in the fund shall be

2535 distributed and used only as follows:

2536 (a) Forty-four percent of the moneys shall be distributed

2537 each month to counties, based on the total number of wireless

2538 subscriber billing addresses in each county, for payment of:

2539 1. Recurring costs of providing 911 or E911 service, as

2540 provided by s. 365.171 (12)~~(13)~~(a)6.

2541 2. Costs to comply with the requirements for E911 service
 2542 contained in the order and any future rules related to the
 2543 order.

2544
 2545 A county may carry forward, for up to 3 successive calendar
 2546 years, up to 30 percent of the total funds disbursed to the
 2547 county by the board during a calendar year for expenditures for
 2548 capital outlay, capital improvements, or equipment replacement,
 2549 if such expenditures are made for the purposes specified in this
 2550 paragraph.

2551
 2552 The Legislature recognizes that the wireless E911 fee authorized
 2553 under s. 365.172 will not necessarily provide the total funding
 2554 required for establishing or providing the 911 service. It is
 2555 the intent of the Legislature that all revenue from the fee be
 2556 used as specified in s. 365.171(13)(a)6.

2557 Section 88. Subsection (4) of section 366.82, Florida
 2558 Statutes, is amended to read:

2559 366.82 Definition; goals; plans; programs; ~~annual reports;~~
 2560 energy audits.--

2561 ~~(4) The commission shall require periodic reports from~~
 2562 ~~each utility and shall provide the Legislature and the Governor~~
 2563 ~~with an annual report by March 1 of the goals it has adopted and~~
 2564 ~~its progress toward meeting those goals. The commission shall~~
 2565 ~~also consider the performance of each utility pursuant to ss.~~
 2566 ~~366.80-366.85 and 403.519 when establishing rates for those~~
 2567 ~~utilities over which the commission has ratesetting authority.~~

2568 Section 89. Subsections (5) and (7) of section 369.22,
 2569 Florida Statutes, are amended to read:

2570 369.22 Nonindigenous aquatic plant control.--

2571 (5) When state funds are involved, or when waters of state
 2572 responsibility are involved, it is the duty of the department to
 2573 guide, review, approve, and coordinate the activities of all
 2574 public bodies, authorities, state agencies, units of local or
 2575 county government, commissions, districts, and special districts
 2576 engaged in operations to maintain, control, or eradicate
 2577 nonindigenous aquatic plants, except for activities involving
 2578 biological control programs using fish as the control agent. The
 2579 department may delegate all or part of such functions to any
 2580 appropriate state agency, special district, unit of local or
 2581 county government, commission, authority, or other public body.
 2582 However, special attention shall be given to the keeping of
 2583 accounting and cost data in order to prepare the annual ~~fiscal~~
 2584 report required in subsection (7).

2585 (7) The department shall prepare ~~submit~~ an annual report
 2586 on the status of the nonindigenous aquatic plant maintenance
 2587 program that shall be published on the department's Internet
 2588 website ~~to the President of the Senate, the Speaker of the House~~
 2589 ~~of Representatives, and the Governor and Cabinet by January 1 of~~
 2590 ~~the following year. This report shall include a statement of the~~
 2591 ~~degree of maintenance control achieved by individual~~
 2592 ~~nonindigenous aquatic plant species in the intercounty waters of~~
 2593 ~~each of the water management districts for the preceding county~~
 2594 ~~fiscal year, together with an analysis of the costs of achieving~~
 2595 ~~this degree of control. This cost accounting shall include the~~

2596 ~~expenditures by all governmental agencies in the waters of state~~
 2597 ~~responsibility. If the level of maintenance control achieved~~
 2598 ~~falls short of that which is deemed adequate by the department,~~
 2599 ~~then the report shall include an estimate of the additional~~
 2600 ~~funding that would have been required to achieve this level of~~
 2601 ~~maintenance control. All measures of maintenance program~~
 2602 ~~achievement and the related cost shall be presented by water~~
 2603 ~~management districts so that comparisons may be made among the~~
 2604 ~~water management districts, as well as with the state as a~~
 2605 ~~whole.~~

2606 Section 90. Subsection (8) of section 370.26, Florida
 2607 Statutes, is amended to read:

2608 370.26 Aquaculture definitions; marine aquaculture
 2609 products, producers, and facilities.--

2610 ~~(8) The Fish and Wildlife Conservation Commission shall~~
 2611 ~~provide assistance to the Department of Agriculture and Consumer~~
 2612 ~~Services in the development of an aquaculture plan for the~~
 2613 ~~state.~~

2614 Section 91. Subsection (2) of section 372.5712, Florida
 2615 Statutes, is amended to read:

2616 372.5712 Florida waterfowl permit revenues.--

2617 (2) The intent of this section is to expand waterfowl
 2618 research and management and increase waterfowl populations in
 2619 the state without detracting from other programs. The commission
 2620 shall prepare and make available on its Internet website an
 2621 annual report documenting the use of funds generated under the
 2622 provisions of this section, ~~to be submitted to the Governor, the~~

2623 ~~Speaker of the House of Representatives, and the President of~~
 2624 ~~the Senate on or before September 1 of each year.~~

2625 Section 92. Subsection (2) of section 372.5715, Florida
 2626 Statutes, is amended to read:

2627 372.5715 Florida wild turkey permit revenues.--

2628 (2) The intent of this section is to expand wild turkey
 2629 research and management and to increase wild turkey populations
 2630 in the state without detracting from other programs. The
 2631 commission shall prepare and make available on its Internet
 2632 website an annual report documenting the use of funds generated
 2633 under the provisions of this section, ~~to be submitted to the~~
 2634 ~~Governor, the Speaker of the House of Representatives, and the~~
 2635 ~~President of the Senate on or before September 1 of each year.~~

2636 Section 93. Section 372.673, Florida Statutes, is
 2637 repealed.

2638 Section 94. Section 372.674, Florida Statutes, is
 2639 repealed.

2640 Section 95. Paragraph (d) of subsection (2) of section
 2641 372.672, Florida Statutes, is amended to read:

2642 372.672 Florida Panther Research and Management Trust
 2643 Fund.--

2644 (2) Money from the fund shall be spent only for the
 2645 following purposes:

2646 ~~(d) To fund and administer education programs authorized~~
 2647 ~~in s. 372.674.~~

2648 Section 96. Section 373.0391, Florida Statutes, is amended
 2649 to read:

2650 373.0391 ~~Technical~~ Assistance to local governments.--

2651 ~~(1)~~ The water management districts shall assist local
 2652 governments in the development and future revision of local
 2653 government comprehensive plan elements or public facilities
 2654 report as required by s. 189.415, related to water resource
 2655 issues.

2656 ~~(2)~~ ~~By July 1, 1991, each water management district shall~~
 2657 ~~prepare and provide information and data to assist local~~
 2658 ~~governments in the preparation and implementation of their local~~
 2659 ~~government comprehensive plans or public facilities report as~~
 2660 ~~required by s. 189.415, whichever is applicable. Such~~
 2661 ~~information and data shall include, but not be limited to:~~

2662 ~~(a)~~ All information and data required in a public
 2663 facilities report pursuant to s. 189.415.

2664 ~~(b)~~ A description of regulations, programs, and schedules
 2665 implemented by the district.

2666 ~~(c)~~ Identification of regulations, programs, and schedules
 2667 undertaken or proposed by the district to further the State
 2668 Comprehensive Plan.

2669 ~~(d)~~ A description of surface water basins, including
 2670 regulatory jurisdictions, flood-prone areas, existing and
 2671 projected water quality in water management district operated
 2672 facilities, as well as surface water runoff characteristics and
 2673 topography regarding flood plains, wetlands, and recharge areas.

2674 ~~(e)~~ A description of groundwater characteristics,
 2675 including existing and planned wellfield sites, existing and
 2676 anticipated cones of influence, highly productive groundwater
 2677 areas, aquifer recharge areas, deep well injection zones,

2678 ~~contaminated areas, an assessment of regional water resource~~
 2679 ~~needs and sources for the next 20 years, and water quality.~~

2680 ~~(f) The identification of existing and potential water~~
 2681 ~~management district land acquisitions.~~

2682 ~~(g) Information reflecting the minimum flows for surface~~
 2683 ~~watercourses to avoid harm to water resources or the ecosystem~~
 2684 ~~and information reflecting the minimum water levels for aquifers~~
 2685 ~~to avoid harm to water resources or the ecosystem.~~

2686 Section 97. Subsection (4) of section 373.046, Florida
 2687 Statutes, is amended to read:

2688 373.046 Interagency agreements.--

2689 (4) The Legislature recognizes and affirms the division of
 2690 responsibilities between the department and the water management
 2691 districts as set forth in ss. III. and X. of each of the
 2692 operating agreements codified as rules 17-101.040(12)(a)3., 4.,
 2693 and 5., Florida Administrative Code. Section IV.A.2.a. of each
 2694 operating agreement regarding individual permit oversight is
 2695 rescinded. The department shall be responsible for permitting
 2696 those activities under part IV of this chapter which, because of
 2697 their complexity and magnitude, need to be economically and
 2698 efficiently evaluated at the state level, including, but not
 2699 limited to, mining, hazardous waste management facilities and
 2700 solid waste management facilities that do not qualify for a
 2701 general permit under chapter 403. With regard to
 2702 postcertification information submittals for activities
 2703 authorized under chapters 341 and 403 siting act certifications,
 2704 the department, after consultation with the appropriate water
 2705 management district and other agencies having applicable

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2706 regulatory jurisdiction, shall be responsible for determining
2707 the permittee's compliance with conditions of certification
2708 which were based upon the nonprocedural requirements of part IV
2709 of this chapter. The Legislature authorizes the water management
2710 districts and the department to modify the division of
2711 responsibilities referenced in this section and enter into
2712 further interagency agreements by rulemaking, including
2713 incorporation by reference, pursuant to chapter 120, to provide
2714 for greater efficiency and to avoid duplication in the
2715 administration of part IV of this chapter by designating certain
2716 activities which will be regulated by either the water
2717 management districts or the department. In developing such
2718 interagency agreements, the water management districts and the
2719 department should take into consideration the technical and
2720 fiscal ability of each water management district to implement
2721 all or some of the provisions of part IV of this chapter.
2722 Nothing herein rescinds or restricts the authority of the
2723 districts to regulate silviculture and agriculture pursuant to
2724 part IV of this chapter or s. 403.927. ~~By December 10, 1993, the~~
2725 ~~secretary of the department shall submit a report to the~~
2726 ~~President of the Senate and the Speaker of the House of~~
2727 ~~Representatives regarding the efficiency of the procedures and~~
2728 ~~the division of responsibilities contemplated by this subsection~~
2729 ~~and regarding progress toward the execution of further~~
2730 ~~interagency agreements and the integration of permitting with~~
2731 ~~sovereignty lands approval. The report also will consider the~~
2732 ~~feasibility of improving the protection of the environment~~

2733 ~~through comprehensive criteria for protection of natural~~
 2734 ~~systems.~~

2735 Section 98. Paragraph (f) of subsection (1) of section
 2736 373.1963, Florida Statutes, is amended to read:

2737 373.1963 Assistance to West Coast Regional Water Supply
 2738 Authority.--

2739 (1) It is the intent of the Legislature to authorize the
 2740 implementation of changes in governance recommended by the West
 2741 Coast Regional Water Supply Authority in its reports to the
 2742 Legislature dated February 1, 1997, and January 5, 1998. The
 2743 authority and its member governments may reconstitute the
 2744 authority's governance and rename the authority under a
 2745 voluntary interlocal agreement with a term of not less than 20
 2746 years. The interlocal agreement must comply with this subsection
 2747 as follows:

2748 (f) Upon execution of the voluntary interlocal agreement
 2749 provided for herein, the authority shall jointly develop with
 2750 the Southwest Florida Water Management District alternative
 2751 sources of potable water and transmission pipelines to
 2752 interconnect regionally significant water supply sources and
 2753 facilities of the authority in amounts sufficient to meet the
 2754 needs of all member governments for a period of at least 20
 2755 years and for natural systems. Nothing herein, however, shall
 2756 preclude the authority and its member governments from
 2757 developing traditional water sources pursuant to the voluntary
 2758 interlocal agreement. Development and construction costs for
 2759 alternative source facilities, which may include a desalination
 2760 facility and significant regional interconnects, must be borne

2761 as mutually agreed to by both the authority and the Southwest
 2762 Florida Water Management District. Nothing herein shall preclude
 2763 authority or district cost sharing with private entities for the
 2764 construction or ownership of alternative source facilities. ~~By~~
 2765 ~~December 31, 1997, the authority and the Southwest Florida Water~~
 2766 ~~Management District shall:~~

2767 ~~1. Enter into a mutually acceptable agreement detailing~~
 2768 ~~the development and implementation of directives contained in~~
 2769 ~~this paragraph; or~~

2770 ~~2. Jointly prepare and submit to the President of the~~
 2771 ~~Senate and the Speaker of the House of Representatives a report~~
 2772 ~~describing the progress made and impediments encountered in~~
 2773 ~~their attempts to implement the water resource development and~~
 2774 ~~water supply development directives contained in this paragraph.~~

2775
 2776 Nothing in this section shall be construed to modify the rights
 2777 or responsibilities of the authority or its member governments,
 2778 except as otherwise provided herein, or of the Southwest Florida
 2779 Water Management District or the department pursuant to this
 2780 chapter or chapter 403 and as otherwise set forth by statutes.

2781 Section 99. Subsection (14) of section 376.121, Florida
 2782 Statutes, is amended to read:

2783 376.121 Liability for damage to natural resources.--The
 2784 Legislature finds that extensive damage to the state's natural
 2785 resources is the likely result of a pollutant discharge and that
 2786 it is essential that the state adequately assess and recover the
 2787 cost of such damage from responsible parties. It is the state's
 2788 goal to recover the costs of restoration from the responsible

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2789 parties and to restore damaged natural resources to their
2790 predischarge condition. In many instances, however, restoration
2791 is not technically feasible. In such instances, the state has
2792 the responsibility to its citizens to recover the cost of all
2793 damage to natural resources. To ensure that the public does not
2794 bear a substantial loss as a result of the destruction of
2795 natural resources, the procedures set out in this section shall
2796 be used to assess the cost of damage to such resources. Natural
2797 resources include coastal waters, wetlands, estuaries, tidal
2798 flats, beaches, lands adjoining the seacoasts of the state, and
2799 all living things except human beings. The Legislature
2800 recognizes the difficulty historically encountered in
2801 calculating the value of damaged natural resources. The value of
2802 certain qualities of the state's natural resources is not
2803 readily quantifiable, yet the resources and their qualities have
2804 an intrinsic value to the residents of the state, and any damage
2805 to natural resources and their qualities should not be dismissed
2806 as nonrecoverable merely because of the difficulty in
2807 quantifying their value. In order to avoid unnecessary
2808 speculation and expenditure of limited resources to determine
2809 these values, the Legislature hereby establishes a schedule for
2810 compensation for damage to the state's natural resources and the
2811 quality of said resources.

2812 ~~(14) The department must review the amount of compensation~~
2813 ~~assessed pursuant to the damage assessment formula established~~
2814 ~~in this section and report its findings to the 1995 Legislature.~~
2815 ~~Thereafter, the department must conduct such a review and report~~
2816 ~~its findings to the Legislature biennially.~~

2817 Section 100. Section 376.17, Florida Statutes, is
 2818 repealed.

2819 Section 101. Subsection (5) of section 376.30713, Florida
 2820 Statutes, is amended to read:

2821 376.30713 Preapproved advanced cleanup.--

2822 ~~(5) By December 31, 1998, the department shall submit a~~
 2823 ~~report to the Governor, the President of the Senate, and the~~
 2824 ~~Speaker of the House of Representatives on the progress and~~
 2825 ~~level of activity under the provisions of this section. The~~
 2826 ~~report shall include the following information:~~

2827 ~~(a) A list of sites under a preapproved advanced cleanup~~
 2828 ~~contract, to be identified by the facility number.~~

2829 ~~(b) The total number of preapproved advanced cleanup~~
 2830 ~~applications submitted to the department.~~

2831 ~~(c) The priority ranking scores of each participating~~
 2832 ~~site.~~

2833 ~~(d) The total amount of contract work authorized and~~
 2834 ~~conducted for each site and the percentage and amount of cost~~
 2835 ~~share.~~

2836 ~~(e) The total revenues received under the provisions of~~
 2837 ~~this section.~~

2838 ~~(f) The annual costs of administering the provisions of~~
 2839 ~~this section.~~

2840 ~~(g) The recommended annual budget for the provisions of~~
 2841 ~~this section.~~

2842 Section 102. Paragraph (f) of subsection (3) of section
 2843 377.703, Florida Statutes, is amended to read:

2844 377.703 Additional functions of the Department of
 2845 Environmental Protection; energy emergency contingency plan;
 2846 federal and state conservation programs.--

2847 (3) DEPARTMENT OF ENVIRONMENTAL PROTECTION; DUTIES.--The
 2848 Department of Environmental Protection shall, in addition to
 2849 assuming the duties and responsibilities provided by ss. 20.255
 2850 and 377.701, perform the following functions consistent with the
 2851 development of a state energy policy:

2852 (f) The department shall make a report, as requested by
 2853 the Governor or the Legislature, reflecting its activities and
 2854 making recommendations of policies for improvement of the
 2855 state's response to energy supply and demand and its effect on
 2856 the health, safety, and welfare of the people of Florida. The
 2857 report shall include ~~a report from the Florida Public Service~~
 2858 ~~Commission on electricity and natural gas and information on~~
 2859 ~~energy conservation programs conducted and under way in the past~~
 2860 ~~year and shall include~~ recommendations for energy conservation
 2861 programs for the state, including, but not limited to, the
 2862 following factors:

- 2863 1. Formulation of specific recommendations for improvement
 2864 in the efficiency of energy utilization in governmental,
 2865 residential, commercial, industrial, and transportation sectors.
- 2866 2. Collection and dissemination of information relating to
 2867 energy conservation.
- 2868 3. Development and conduct of educational and training
 2869 programs relating to energy conservation.

2870 4. An analysis of the ways in which state agencies are
 2871 seeking to implement s. 377.601(4), the state energy policy, and
 2872 recommendations for better fulfilling this policy.

2873 Section 103. Paragraph (a) of subsection (2) of section
 2874 380.06, Florida Statutes, is amended to read:

2875 380.06 Developments of regional impact.--

2876 (2) STATEWIDE GUIDELINES AND STANDARDS.--

2877 (a) The state land planning agency shall recommend to the
 2878 Administration Commission specific statewide guidelines and
 2879 standards for adoption pursuant to this subsection. The
 2880 Administration Commission shall by rule adopt statewide
 2881 guidelines and standards to be used in determining whether
 2882 particular developments shall undergo development-of-regional-
 2883 impact review. The statewide guidelines and standards previously
 2884 adopted by the Administration Commission and approved by the
 2885 Legislature shall remain in effect unless revised pursuant to
 2886 this section or superseded by other provisions of law. ~~Revisions~~
 2887 ~~to the present statewide guidelines and standards, after~~
 2888 ~~adoption by the Administration Commission, shall be transmitted~~
 2889 ~~on or before March 1 to the President of the Senate and the~~
 2890 ~~Speaker of the House of Representatives for presentation at the~~
 2891 ~~next regular session of the Legislature. Unless approved by law~~
 2892 ~~by the Legislature, the revisions to the present guidelines and~~
 2893 ~~standards shall not become effective.~~

2894 Section 104. Subsection (3) of section 380.0677, Florida
 2895 Statutes, is amended to read:

2896 380.0677 Green Swamp Land Authority.--

2897 ~~(3) POWERS; BUDGET; GOVERNOR'S APPROVAL OF PROPOSED~~
 2898 ~~ACQUISITIONS. The Green Swamp Land Authority shall have all the~~
 2899 ~~powers pursuant to s. 380.0666, except that it may not issue~~
 2900 ~~bonds and must annually submit its budget to the Governor and~~
 2901 ~~the Legislature for review. In addition, the authority must~~
 2902 ~~annually submit a list of proposed acquisitions to the Governor~~
 2903 ~~for review and approval. The Governor may remove proposed~~
 2904 ~~acquisitions from the list, with cause, if the Governor~~
 2905 ~~determines such acquisitions would not further the mission of~~
 2906 ~~the authority. By September 5 of the fiscal year in which the~~
 2907 ~~authority's budget is submitted, the chairpersons of the~~
 2908 ~~appropriations committees of the Senate and the House of~~
 2909 ~~Representatives may transmit to the Governor and the authority~~
 2910 ~~comments on and objections to the proposed budget. The Governor~~
 2911 ~~shall respond in writing to the comments and objections.~~

2912 Section 105. Paragraph (b) of subsection (11) of section
 2913 259.041, Florida Statutes, is amended to read:

2914 259.041 Acquisition of state-owned lands for preservation,
 2915 conservation, and recreation purposes.--

2916 (11)

2917 (b) All project applications shall identify, within their
 2918 acquisition plans, those projects which require a full fee
 2919 simple interest to achieve the public policy goals, together
 2920 with the reasons full title is determined to be necessary. The
 2921 state agencies and the water management districts may use
 2922 alternatives to fee simple acquisition to bring the remaining
 2923 projects in their acquisition plans under public protection. For
 2924 the purposes of this subsection, the term "alternatives to fee

2925 simple acquisition" includes, but is not limited to: purchase of
 2926 development rights; obtaining conservation easements; obtaining
 2927 flowage easements; purchase of timber rights, mineral rights, or
 2928 hunting rights; purchase of agricultural interests or
 2929 silvicultural interests; entering into land protection
 2930 agreements as defined in s. 380.0677(3)~~(4)~~; fee simple
 2931 acquisitions with reservations; creating life estates; or any
 2932 other acquisition technique which achieves the public policy
 2933 goals listed in paragraph (a). It is presumed that a private
 2934 landowner retains the full range of uses for all the rights or
 2935 interests in the landowner's land which are not specifically
 2936 acquired by the public agency. The lands upon which hunting
 2937 rights are specifically acquired pursuant to this paragraph
 2938 shall be available for hunting in accordance with the management
 2939 plan or hunting regulations adopted by the Florida Fish and
 2940 Wildlife Conservation Commission, unless the hunting rights are
 2941 purchased specifically to protect activities on adjacent lands.

2942 Section 106. Paragraph (c) of subsection (3) of section
 2943 259.101, Florida Statutes, is amended to read:

2944 259.101 Florida Preservation 2000 Act.--

2945 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
 2946 costs of issuance, the costs of funding reserve accounts, and
 2947 other costs with respect to the bonds, the proceeds of bonds
 2948 issued pursuant to this act shall be deposited into the Florida
 2949 Preservation 2000 Trust Fund created by s. 375.045. In fiscal
 2950 year 2000-2001, for each Florida Preservation 2000 program
 2951 described in paragraphs (a)-(g), that portion of each program's
 2952 total remaining cash balance which, as of June 30, 2000, is in

2953 excess of that program's total remaining appropriation balances
 2954 shall be redistributed by the department and deposited into the
 2955 Save Our Everglades Trust Fund for land acquisition. For
 2956 purposes of calculating the total remaining cash balances for
 2957 this redistribution, the Florida Preservation 2000 Series 2000
 2958 bond proceeds, including interest thereon, and the fiscal year
 2959 1999-2000 General Appropriations Act amounts shall be deducted
 2960 from the remaining cash and appropriation balances,

2961 respectively. The remaining proceeds shall be distributed by the
 2962 Department of Environmental Protection in the following manner:

2963 (c) Ten percent to the Department of Community Affairs to
 2964 provide land acquisition grants and loans to local governments
 2965 through the Florida Communities Trust pursuant to part III of
 2966 chapter 380. From funds allocated to the trust, \$3 million
 2967 annually shall be used by the Division of State Lands within the
 2968 Department of Environmental Protection to implement the Green
 2969 Swamp Land Protection Initiative specifically for the purchase
 2970 of conservation easements, as defined in s. 380.0677(3)~~(4)~~, of
 2971 lands, or severable interests or rights in lands, in the Green
 2972 Swamp Area of Critical State Concern. From funds allocated to
 2973 the trust, \$3 million annually shall be used by the Monroe
 2974 County Comprehensive Plan Land Authority specifically for the
 2975 purchase of any real property interest in either those lands
 2976 subject to the Rate of Growth Ordinances adopted by local
 2977 governments in Monroe County or those lands within the boundary
 2978 of an approved Conservation and Recreation Lands project located
 2979 within the Florida Keys or Key West Areas of Critical State
 2980 Concern; however, title to lands acquired within the boundary of

2981 an approved Conservation and Recreation Lands project may, in
 2982 accordance with an approved joint acquisition agreement, vest in
 2983 the Board of Trustees of the Internal Improvement Trust Fund. Of
 2984 the remaining funds allocated to the trust after the above
 2985 transfers occur, one-half shall be matched by local governments
 2986 on a dollar-for-dollar basis. To the extent allowed by federal
 2987 requirements for the use of bond proceeds, the trust shall
 2988 expend Preservation 2000 funds to carry out the purposes of part
 2989 III of chapter 380.

2990
 2991 Local governments may use federal grants or loans, private
 2992 donations, or environmental mitigation funds, including
 2993 environmental mitigation funds required pursuant to s. 338.250,
 2994 for any part or all of any local match required for the purposes
 2995 described in this subsection. Bond proceeds allocated pursuant
 2996 to paragraph (c) may be used to purchase lands on the priority
 2997 lists developed pursuant to s. 259.035. Title to lands purchased
 2998 pursuant to paragraphs (a), (d), (e), (f), and (g) shall be
 2999 vested in the Board of Trustees of the Internal Improvement
 3000 Trust Fund. Title to lands purchased pursuant to paragraph (c)
 3001 may be vested in the Board of Trustees of the Internal
 3002 Improvement Trust Fund. The board of trustees shall hold title
 3003 to land protection agreements and conservation easements that
 3004 were or will be acquired pursuant to s. 380.0677, and the
 3005 Southwest Florida Water Management District and the St. Johns
 3006 River Water Management District shall monitor such agreements
 3007 and easements within their respective districts until the state
 3008 assumes this responsibility.

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3009 Section 107. Subsection (3) of section 381.0011, Florida
 3010 Statutes, is amended to read:

3011 381.0011 Duties and powers of the Department of
 3012 Health.--It is the duty of the Department of Health to:

3013 ~~(3) Include in the department's strategic plan developed~~
 3014 ~~under s. 186.021 a summary of all aspects of the public health~~
 3015 ~~mission and health status objectives to direct the use of public~~
 3016 ~~health resources with an emphasis on prevention.~~

3017 Section 108. Section 381.0036, Florida Statutes, is
 3018 repealed.

3019 Section 109. Section 381.731, Florida Statutes, is
 3020 repealed.

3021 Section 110. Section 381.732, Florida Statutes, is amended
 3022 to read:

3023 381.732 Short title; Healthy Communities, Healthy People
 3024 Act.--This section and ss. 381.733 and 381.734 ~~Sections 381.731-~~
 3025 ~~381.734~~ may be cited as the "Healthy Communities, Healthy People
 3026 Act."

3027 Section 111. Section 381.733, Florida Statutes, is amended
 3028 to read:

3029 381.733 Definitions relating to Healthy Communities,
 3030 Healthy People Act.--As used in ss. 381.732-381.734 ~~381.731-~~
 3031 ~~381.734~~, the term:

3032 (1) "Department" means the Department of Health.

3033 (2) "Primary prevention" means interventions directed
 3034 toward healthy populations with a focus on avoiding disease
 3035 prior to its occurrence.

3036 (3) "Secondary prevention" means interventions designed to
 3037 promote the early detection and treatment of diseases and to
 3038 reduce the risks experienced by at-risk populations.

3039 (4) "Tertiary prevention" means interventions directed at
 3040 rehabilitating and minimizing the effects of disease in a
 3041 chronically ill population.

3042 Section 112. Section 381.795, Florida Statutes, is amended
 3043 to read:

3044 381.795 Long-term community-based supports.--The
 3045 department shall, contingent upon specific appropriations for
 3046 these purposes, establish:

3047 ~~(1) Study the long-term needs for community-based supports~~
 3048 ~~and services for individuals who have sustained traumatic brain~~
 3049 ~~or spinal cord injuries. The purpose of this study is to prevent~~
 3050 ~~inappropriate residential and institutional placement of these~~
 3051 ~~individuals, and promote placement in the most cost effective~~
 3052 ~~and least restrictive environment. Any placement recommendations~~
 3053 ~~for these individuals shall ensure full utilization of and~~
 3054 ~~collaboration with other state agencies, programs, and community~~
 3055 ~~partners. This study shall be submitted to the Governor, the~~
 3056 ~~President of the Senate, and the Speaker of the House of~~
 3057 ~~Representatives not later than December 31, 2000.~~

3058 ~~(2) Based upon the results of this study, establish a plan~~
 3059 ~~for the implementation of a program of long-term community-based~~
 3060 ~~supports and services for individuals who have sustained~~
 3061 ~~traumatic brain or spinal cord injuries who may be subject to~~
 3062 ~~inappropriate residential and institutional placement as a~~
 3063 ~~direct result of such injuries.~~

3064 (1)~~(a)~~ The program shall be payor of last resort for
 3065 program services, and expenditures for such services shall be
 3066 considered funded services for purposes of s. 381.785; however,
 3067 notwithstanding s. 381.79(5), proceeds resulting from this
 3068 section ~~subsection~~ shall be used solely for this program.

3069 (2)~~(b)~~ The department shall create, by rule, procedures to
 3070 ensure, that in the event the program is unable to directly or
 3071 indirectly provide such services to all eligible individuals due
 3072 to lack of funds, those individuals most at risk to suffer the
 3073 greatest harm from an imminent inappropriate residential or
 3074 institutional placement are served first.

3075 (3)~~(e)~~ Every applicant or recipient of the long-term
 3076 community-based supports and services program shall have been a
 3077 resident of the state for 1 year immediately preceding
 3078 application and be a resident of the state at the time of
 3079 application.

3080 (4)~~(d)~~ The department shall adopt rules pursuant to ss.
 3081 120.536(1) and 120.54 to implement the provision of this section
 3082 ~~subsection~~.

3083 Section 113. Paragraph (a) of subsection (7) of section
 3084 381.90, Florida Statutes, is amended to read:

3085 381.90 Health Information Systems Council; legislative
 3086 intent; creation, appointment, duties.--

3087 (7) The council's duties and responsibilities include, but
 3088 are not limited to, the following:

3089 ~~(a) By June 1 of each year, to develop and approve a~~
 3090 ~~strategic plan pursuant to the requirements set forth in s.~~
 3091 ~~186.022.~~

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3092 Section 114. Section 381.931, Florida Statutes, is amended
 3093 to read:

3094 381.931 Annual report on Medicaid expenditures.--The
 3095 Department of Health and the Agency for Health Care
 3096 Administration shall monitor the total Medicaid expenditures for
 3097 services made under this act. If Medicaid expenditures are
 3098 projected to exceed the amount appropriated by the Legislature,
 3099 the Department of Health shall limit the number of screenings to
 3100 ensure Medicaid expenditures do not exceed the amount
 3101 appropriated. ~~The Department of Health, in cooperation with the~~
 3102 ~~Agency for Health Care Administration, shall prepare an annual~~
 3103 ~~report that must include the number of women screened; the~~
 3104 ~~percentage of positive and negative outcomes; the number of~~
 3105 ~~referrals to Medicaid and other providers for treatment~~
 3106 ~~services; the estimated number of women who are not screened or~~
 3107 ~~not served by Medicaid due to funding limitations, if any; the~~
 3108 ~~cost of Medicaid treatment services; and the estimated cost of~~
 3109 ~~treatment services for women who were not screened or referred~~
 3110 ~~for treatment due to funding limitations. The report shall be~~
 3111 ~~submitted to the President of the Senate, the Speaker of the~~
 3112 ~~House of Representatives, and the Executive Office of the~~
 3113 ~~Governor by March 1 of each year.~~

3114 Section 115. Subsection (6) of section 383.19, Florida
 3115 Statutes, is amended to read:

3116 383.19 Standards; funding; ineligibility.--

3117 (6) Each hospital which contracts with the department to
 3118 provide services under the terms of ss. 383.15-383.21 shall
 3119 prepare and submit to the department an annual report that

3120 includes, but is not limited to, the number of clients served
 3121 and the costs of services in the center. The department shall
 3122 annually conduct a programmatic and financial evaluation of each
 3123 center.

3124 Section 116. Section 383.21, Florida Statutes, is
 3125 repealed.

3126 Section 117. Section 383.2161, Florida Statutes, is
 3127 amended to read:

3128 383.2161 Maternal and child health report.--The Department
 3129 of Health ~~annually~~ shall annually compile and analyze the risk
 3130 information collected by the Office of Vital Statistics and the
 3131 district prenatal and infant care coalitions and shall maintain
 3132 county and statewide data on ~~prepare and submit to the~~
 3133 ~~Legislature by January 2 a report that includes, but is not~~
 3134 ~~limited to:~~

3135 (1) The number of families identified as families at
 3136 potential risk.‡

3137 (2) The number of families that receive family outreach
 3138 services.‡

3139 (3) The increase in demand for services.‡~~and~~

3140 (4) The unmet need for services for identified target
 3141 groups.

3142 Section 118. Subsection (6) of section 384.25, Florida
 3143 Statutes, is amended to read:

3144 384.25 Reporting required.--

3145 ~~(6) The department shall by February 1 of each year submit~~
 3146 ~~to the Legislature an annual report relating to all information~~
 3147 ~~obtained pursuant to this section.~~

3148 Section 119. Subsection (4) of section 394.4573, Florida
 3149 Statutes, is amended to read:

3150 394.4573 Continuity of care management system; measures of
 3151 performance; reports.--

3152 ~~(4) The department is directed to submit a report to the~~
 3153 ~~Legislature, prior to April 1 of each year, outlining~~
 3154 ~~departmental progress towards the implementation of the minimum~~
 3155 ~~staffing patterns' standards in state mental health treatment~~
 3156 ~~facilities. The report shall contain, by treatment facility,~~
 3157 ~~information regarding goals and objectives and departmental~~
 3158 ~~performance toward meeting each such goal and objective.~~

3159 Section 120. Subsection (1) of section 394.4985, Florida
 3160 Statutes, is amended to read:

3161 394.4985 Districtwide information and referral network;
 3162 implementation.--

3163 (1) Each service district of the Department of Children
 3164 and Family Services shall develop a detailed implementation plan
 3165 for a districtwide comprehensive child and adolescent mental
 3166 health information and referral network to be operational by
 3167 July 1, 1999. The plan must include an operating budget that
 3168 demonstrates cost efficiencies and identifies funding sources
 3169 for the district information and referral network. ~~The plan must~~
 3170 ~~be submitted by the department to the Legislature by October 1,~~
 3171 ~~1998.~~ The district shall use existing district information and
 3172 referral providers if, in the development of the plan, it is
 3173 concluded that these providers would deliver information and
 3174 referral services in a more efficient and effective manner when

3175 compared to other alternatives. The district information and
 3176 referral network must include:

3177 (a) A resource file that contains information about the
 3178 child and adolescent mental health services as described in s.
 3179 394.495, including, but not limited to:

- 3180 1. Type of program;
- 3181 2. Hours of service;
- 3182 3. Ages of persons served;
- 3183 4. Program description;
- 3184 5. Eligibility requirements; and
- 3185 6. Fees.

3186 (b) Information about private providers and professionals
 3187 in the community which serve children and adolescents with an
 3188 emotional disturbance.

3189 (c) A system to document requests for services that are
 3190 received through the network referral process, including, but
 3191 not limited to:

- 3192 1. Number of calls by type of service requested;
- 3193 2. Ages of the children and adolescents for whom services
 3194 are requested; and
- 3195 3. Type of referral made by the network.

3196 (d) The ability to share client information with the
 3197 appropriate community agencies.

3198 ~~(e) The submission of an annual report to the department,~~
 3199 ~~the Agency for Health Care Administration, and appropriate local~~
 3200 ~~government entities, which contains information about the~~
 3201 ~~sources and frequency of requests for information, types and~~

3202 ~~frequency of services requested, and types and frequency of~~
 3203 ~~referrals made.~~

3204 Section 121. Section 394.75, Florida Statutes, is amended
 3205 to read:

3206 394.75 State and district substance abuse and mental
 3207 health plans.--

3208 (1)(a) ~~Every 3 years, beginning in 2001,~~ The department,
 3209 in consultation with the Medicaid program in the Agency for
 3210 Health Care Administration and the Florida Substance Abuse and
 3211 Mental Health Corporation, shall prepare a state master plan for
 3212 the delivery and financing of a system of publicly funded,
 3213 community-based substance abuse and mental health services
 3214 throughout the state. The state plan must include:

3215 ~~(b) The initial plan must include an assessment of the~~
 3216 ~~clinical practice guidelines and standards for community-based~~
 3217 ~~mental health and substance abuse services delivered by persons~~
 3218 ~~or agencies under contract with the Department of Children and~~
 3219 ~~Family Services. The assessment must include an inventory of~~
 3220 ~~current clinical guidelines and standards used by persons and~~
 3221 ~~agencies under contract with the department, and by nationally~~
 3222 ~~recognized accreditation organizations, to address the quality~~
 3223 ~~of care and must specify additional clinical practice standards~~
 3224 ~~and guidelines for new or existing services and programs.~~

3225 (a)(e) Proposed ~~The plan must propose~~ changes in
 3226 department policy or statutory revisions to strengthen the
 3227 quality of mental health and substance abuse treatment and
 3228 support services.

3229 (b)~~(d)~~ ~~The plan must identify~~ Strategies for meeting the
 3230 treatment and support needs of children, adolescents, adults,
 3231 and older adults who have, or are at risk of having, mental,
 3232 emotional, or substance abuse problems as defined in this
 3233 chapter or chapter 397.

3234 (c)~~(e)~~ ~~The plan must include~~ Input from persons who
 3235 represent local communities; local government entities that
 3236 contribute funds to the local substance abuse and mental health
 3237 treatment systems; consumers of publicly funded substance abuse
 3238 and mental health services, and their families; and stakeholders
 3239 interested in mental health and substance abuse services. The
 3240 plan must describe the means by which this local input occurred.
 3241 ~~The plan shall be updated annually.~~

3242 ~~(f) The plan must include statewide policies and planning~~
 3243 ~~parameters that will be used by the health and human services~~
 3244 ~~boards in preparing the district substance abuse and mental~~
 3245 ~~health plans.~~

3246 ~~(g) The district plans shall be one component of the state~~
 3247 ~~master plan.~~

3248 ~~(2) The state master plan shall also include:~~

3249 ~~(a) A proposal for the development of a data system that~~
 3250 ~~will evaluate the effectiveness of programs and services~~
 3251 ~~provided to clients of the substance abuse and mental health~~
 3252 ~~service system.~~

3253 ~~(b) A proposal to resolve the funding discrepancies~~
 3254 ~~between districts.~~

3255 (d)~~(e)~~ A methodology for the allocation of resources
 3256 available from federal, state, and local sources and a

3257 description of the current level of funding available from each
 3258 source.

3259 ~~(e)(d)~~ A description of the statewide priorities for
 3260 clients and services, and each district's priorities for clients
 3261 and services.

3262 ~~(e)~~ ~~Recommendations for methods of enhancing local~~
 3263 ~~participation in the planning, organization, and financing of~~
 3264 ~~substance abuse and mental health services.~~

3265 ~~(f)~~ ~~A description of the current methods of contracting~~
 3266 ~~for services, an assessment of the efficiency of these methods~~
 3267 ~~in providing accountability for contracted funds, and~~
 3268 ~~recommendations for improvements to the system of contracting.~~

3269 ~~(f)(g)~~ Recommendations for improving access to services by
 3270 clients and their families.

3271 ~~(h)~~ ~~Guidelines and formats for the development of district~~
 3272 ~~plans.~~

3273 ~~(g)(i)~~ Recommendations for future directions for the
 3274 substance abuse and mental health service delivery system.

3275 (2) A schedule, format, and procedure for development, ~~and~~
 3276 ~~review, and update~~ of the ~~state master~~ plan shall be adopted by
 3277 the department ~~by June of each year~~. The plan and ~~annual~~ updates
 3278 shall must be submitted to the Governor and Legislature
 3279 beginning February 10, 2006, and every third year thereafter
 3280 ~~President of the Senate and the Speaker of the House of~~
 3281 ~~Representatives by January 1 of each year, beginning January 1,~~
 3282 ~~2001.~~

3283 (3) Each ~~The district health and human services board~~
 3284 shall prepare an integrated district substance abuse and mental

3285 health plan. The plan shall be prepared and updated on a
 3286 schedule established by the Assistant Secretary for Substance
 3287 Abuse Alcohol, Drug Abuse, and Mental Health ~~Program Office~~. The
 3288 plan shall reflect the needs and program priorities established
 3289 by the department and the needs of the district established
 3290 under ss. 394.674 and 394.675. The district plan must ~~list in~~
 3291 ~~order of priority the mental health and the substance abuse~~
 3292 ~~treatment needs of the district and must rank each program~~
 3293 ~~separately. The plan shall include:~~

- 3294 ~~(a) A record of the total amount of money available in the~~
 3295 ~~district for mental health and substance abuse services.~~
- 3296 ~~(b) A description of each service that will be purchased~~
 3297 ~~with state funds.~~
- 3298 ~~(c) A record of the amount of money allocated for each~~
 3299 ~~service identified in the plan as being purchased with state~~
 3300 ~~funds.~~
- 3301 ~~(d) A record of the total funds allocated to each~~
 3302 ~~provider.~~
- 3303 ~~(e) A record of the total funds allocated to each provider~~
 3304 ~~by type of service to be purchased with state funds.~~
- 3305 (a)(f) Include input from community-based persons,
 3306 organizations, and agencies interested in substance abuse and
 3307 mental health treatment services; local government entities that
 3308 contribute funds to the public substance abuse and mental health
 3309 treatment systems; and consumers of publicly funded substance
 3310 abuse and mental health services, and their family members. The
 3311 plan must describe the means by which this local input occurred.
 3312

3313 ~~The plan shall be submitted by the district board to the~~
 3314 ~~district administrator and to the governing bodies for review,~~
 3315 ~~comment, and approval.~~

3316 ~~(4) The district plan shall:~~

3317 ~~(a) Describe the publicly funded, community-based~~
 3318 ~~substance abuse and mental health system of care, and identify~~
 3319 ~~statutorily defined populations, their service needs, and the~~
 3320 ~~resources available and required to meet their needs.~~

3321 ~~(b) Provide the means for meeting the needs of the~~
 3322 ~~district's eligible clients, specified in ss. 394.674 and~~
 3323 ~~394.675, for substance abuse and mental health services.~~

3324 (b)(e) Provide a process for coordinating the delivery of
 3325 services within a community-based system of care to eligible
 3326 clients. Such process must involve service providers, clients,
 3327 and other stakeholders. The process must also provide a means by
 3328 which providers will coordinate and cooperate to strengthen
 3329 linkages, achieve maximum integration of services, foster
 3330 efficiencies in service delivery and administration, and
 3331 designate responsibility for outcomes for eligible clients.

3332 (c)(d) Provide a projection of district program and fiscal
 3333 needs for the next fiscal year, provide for the orderly and
 3334 economical development of needed services, and indicate
 3335 priorities and resources for each population served, performance
 3336 outcomes, and anticipated expenditures and revenues.

3337 ~~(e) Include a summary budget request for the total~~
 3338 ~~district substance abuse and mental health program, which must~~
 3339 ~~include the funding priorities established by the district~~
 3340 ~~planning process.~~

3341 ~~(f) Provide a basis for the district legislative budget~~
 3342 ~~request.~~

3343 ~~(g) Include a policy and procedure for allocation of~~
 3344 ~~funds.~~

3345 ~~(h) Include a procedure for securing local matching funds.~~
 3346 ~~Such a procedure shall be developed in consultation with~~
 3347 ~~governing bodies and service providers.~~

3348 (d)(i) Provide for the integration of substance abuse and
 3349 mental health services with the other departmental programs and
 3350 with the criminal justice, juvenile justice, child protection,
 3351 school, and health care systems within the district.

3352 ~~(j) Provide a plan for the coordination of services in~~
 3353 ~~such manner as to ensure effectiveness and avoid duplication,~~
 3354 ~~fragmentation of services, and unnecessary expenditures.~~

3355 (e)(k) Provide for continuity of client care between state
 3356 treatment facilities and community programs to assure that
 3357 discharge planning results in the rapid application for all
 3358 benefits for which a client is eligible, including Medicaid
 3359 coverage for persons leaving state treatment facilities and
 3360 returning to community-based programs.

3361 ~~(l) Provide for the most appropriate and economical use of~~
 3362 ~~all existing public and private agencies and personnel.~~

3363 ~~(m) Provide for the fullest possible and most appropriate~~
 3364 ~~participation by existing programs; state hospitals and other~~
 3365 ~~hospitals; city, county, and state health and family service~~
 3366 ~~agencies; drug abuse and alcoholism programs; probation~~
 3367 ~~departments; physicians; psychologists; social workers; marriage~~
 3368 ~~and family therapists; mental health counselors; clinical social~~

3369 ~~workers; public health nurses; school systems; and all other~~
 3370 ~~public and private agencies and personnel that are required to,~~
 3371 ~~or may agree to, participate in the plan.~~

3372 ~~(n) Include an inventory of all public and private~~
 3373 ~~substance abuse and mental health resources within the district,~~
 3374 ~~including consumer advocacy groups and self-help groups known to~~
 3375 ~~the department.~~

3376 (4)(5) The district plan shall address how substance abuse
 3377 and mental health services will be provided and how a system of
 3378 care for target populations will be provided given the resources
 3379 available in the service district. The plan must include
 3380 provisions for providing the most appropriate and current
 3381 evidence-based services for persons with substance abuse
 3382 disorders and mental illnesses in a variety of settings
 3383 ~~maximizing client access to the most recently developed~~
 3384 ~~psychiatric medications approved by the United States Food and~~
 3385 ~~Drug Administration, for developing independent housing units~~
 3386 ~~through participation in the Section 811 program operated by the~~
 3387 ~~United States Department of Housing and Urban Development, for~~
 3388 ~~developing supported employment services through the Division of~~
 3389 ~~Vocational Rehabilitation of the Department of Education, for~~
 3390 ~~providing treatment services to persons with co-occurring mental~~
 3391 ~~illness and substance abuse problems which are integrated across~~
 3392 ~~treatment systems, and for providing services to adults who have~~
 3393 ~~a serious mental illness, as defined in s. 394.67, and who~~
 3394 ~~reside in assisted living facilities.~~

3395 ~~(6) The district plan shall provide the means by which the~~
 3396 ~~needs of the population groups specified pursuant to s. 394.674~~
 3397 ~~will be addressed in the district.~~

3398 ~~(7) In developing the district plan, optimum use shall be~~
 3399 ~~made of any federal, state, and local funds that may be~~
 3400 ~~available for substance abuse and mental health service~~
 3401 ~~planning. However, the department must provide these services~~
 3402 ~~within legislative appropriations.~~

3403 ~~(8) The district health and human services board shall~~
 3404 ~~establish a subcommittee to prepare the portion of the district~~
 3405 ~~plan relating to children and adolescents. The subcommittee~~
 3406 ~~shall include representative membership of any committee~~
 3407 ~~organized or established by the district to review placement of~~
 3408 ~~children and adolescents in residential treatment programs. The~~
 3409 ~~board shall establish a subcommittee to prepare the portion of~~
 3410 ~~the district plan which relates to adult mental health and~~
 3411 ~~substance abuse. The subcommittee must include representatives~~
 3412 ~~from the community who have an interest in mental health and~~
 3413 ~~substance abuse treatment for adults.~~

3414 (5)(9) All departments of state government and all local
 3415 public agencies shall cooperate with officials to assist them in
 3416 service planning. ~~Each district administrator shall, upon~~
 3417 ~~request and the availability of staff, provide consultative~~
 3418 ~~services to the local agency directors and governing bodies.~~

3419 ~~(10) The district administrator shall ensure that the~~
 3420 ~~district plan:~~

3421 ~~(a) Conforms to the priorities in the state plan, the~~
 3422 ~~requirements of this part, and the standards adopted under this~~
 3423 ~~part;~~

3424 ~~(b) Ensures that the most effective and economical use~~
 3425 ~~will be made of available public and private substance abuse and~~
 3426 ~~mental health resources in the service district; and~~

3427 ~~(c) Has adequate provisions made for review and evaluation~~
 3428 ~~of the services provided in the service district.~~

3429 ~~(11) The district administrator shall require such~~
 3430 ~~modifications in the district plan as he or she deems necessary~~
 3431 ~~to bring the plan into conformance with the provisions of this~~
 3432 ~~part. If the district board and the district administrator~~
 3433 ~~cannot agree on the plan, including the projected budget, the~~
 3434 ~~issues under dispute shall be submitted directly to the~~
 3435 ~~secretary of the department for immediate resolution.~~

3436 ~~(12) Each governing body that provides local funds has the~~
 3437 ~~authority to require necessary modification to only that portion~~
 3438 ~~of the district plan which affects substance abuse and mental~~
 3439 ~~health programs and services within the jurisdiction of that~~
 3440 ~~governing body.~~

3441 ~~(13) The district administrator shall report annually to~~
 3442 ~~the district board the status of funding for priorities~~
 3443 ~~established in the district plan. Each report must include:~~

3444 ~~(a) A description of the district plan priorities that~~
 3445 ~~were included in the district legislative budget request.~~

3446 ~~(b) A description of the district plan priorities that~~
 3447 ~~were included in the departmental budget request.~~

3448 ~~(c) A description of the programs and services included in~~
 3449 ~~the district plan priorities that were appropriated funds by the~~
 3450 ~~Legislature in the legislative session that preceded the report.~~

3451 Section 122. Section 394.82, Florida Statutes, is
 3452 repealed.

3453 Section 123. Paragraph (a) of subsection (3) of section
 3454 394.655, Florida Statutes, is amended to read:

3455 394.655 The Substance Abuse and Mental Health Corporation;
 3456 powers and duties; composition; evaluation and reporting
 3457 requirements.--

3458 (3)(a) The Florida Substance Abuse and Mental Health
 3459 Corporation shall be responsible for oversight of the publicly
 3460 funded substance abuse and mental health systems and for making
 3461 policy and resources recommendations which will improve the
 3462 coordination, quality, and efficiency of the system. Subject to
 3463 and consistent with direction set by the Legislature, the
 3464 corporation shall exercise the following responsibilities:

3465 ~~1. Review and assess the collection and analysis of needs~~
 3466 ~~assessment data as described in s. 394.82.~~

3467 1.2. Review and assess the status of the publicly funded
 3468 mental health and substance abuse systems and recommend policy
 3469 designed to improve coordination and effectiveness.

3470 2.3. Provide mechanisms for substance abuse and mental
 3471 health stakeholders, including consumers, family members,
 3472 providers, and advocates to provide input concerning the
 3473 management of the overall system.

3474 3.4. Recommend priorities for service expansion.

3475 4.5. Prepare budget recommendations to be submitted to the
 3476 appropriate departments for consideration in the development of
 3477 their legislative budget requests and provide copies to the
 3478 Governor, the President of the Senate, and the Speaker of the
 3479 House of Representatives for their consideration.

3480 5.6. Review data regarding the performance of the publicly
 3481 funded substance abuse and mental health systems.

3482 6.7. Make recommendations concerning strategies for
 3483 improving the performance of the systems.

3484 7.8. Review, assess, and forecast substance abuse and
 3485 mental health manpower needs and work with the department and
 3486 the educational system to establish policies, consistent with
 3487 the direction of the Legislature, which will ensure that the
 3488 state has the personnel it needs to continuously implement and
 3489 improve its services.

3490 Section 124. Paragraph (h) of subsection (7) and
 3491 subsection (8) of section 394.9082, Florida Statutes, are
 3492 amended to read:

3493 394.9082 Behavioral health service delivery strategies.--

3494 (7) ESSENTIAL ELEMENTS.--

3495 ~~(h)1. The Department of Children and Family Services, in~~
 3496 ~~consultation with the Agency for Health Care Administration,~~
 3497 ~~shall prepare an amendment by October 31, 2001, to the 2001~~
 3498 ~~master state plan required under s. 394.75(1), which describes~~
 3499 ~~each service delivery strategy, including at least the following~~
 3500 ~~details:~~

3501 ~~a. Operational design;~~

3502 ~~b. Counties or service districts included in each~~
 3503 ~~strategy;~~
 3504 ~~e. Expected outcomes; and~~
 3505 ~~d. Timeframes.~~
 3506 ~~2. The amendment shall specifically address the~~
 3507 ~~application of each service delivery strategy to substance abuse~~
 3508 ~~services, including:~~
 3509 ~~a. The development of substance abuse service protocols;~~
 3510 ~~b. Credentialing requirements for substance abuse~~
 3511 ~~services; and~~
 3512 ~~e. The development of new service models for individuals~~
 3513 ~~with co-occurring mental health and substance abuse disorders.~~
 3514 ~~3. The amendment must specifically address the application~~
 3515 ~~of each service delivery strategy to the child welfare system,~~
 3516 ~~including:~~
 3517 ~~a. The development of service models that support working~~
 3518 ~~with both children and their families in a community-based care~~
 3519 ~~system and that are specific to the child welfare system.~~
 3520 ~~b. A process for providing services to abused and~~
 3521 ~~neglected children and their families as indicated in court-~~
 3522 ~~ordered case plans.~~
 3523 (8) EXPANSION IN DISTRICTS 4 AND 12.--The department shall
 3524 work with community agencies to establish a single managing
 3525 entity for districts 4 and 12 accountable for the delivery of
 3526 substance abuse services to child protective services recipients
 3527 in the two districts. The purpose of this strategy is to enhance
 3528 the coordination of substance abuse services with community-
 3529 based care agencies and the department. The department shall

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3530 work with affected stakeholders to develop and implement a plan
3531 that allows the phase-in of services beginning with the delivery
3532 of substance abuse services, with phase-in of subsequent
3533 substance abuse services agreed upon by the managing entity and
3534 authorized by the department, providing the necessary technical
3535 assistance to assure provider and district readiness for
3536 implementation. When a single managing entity is established and
3537 meets readiness requirements, the department may enter into a
3538 noncompetitive contract with the entity. The department shall
3539 maintain detailed information on the methodology used for
3540 selection and a justification for the selection. Performance
3541 objectives shall be developed which ensure that services that
3542 are delivered directly affect and complement the child's
3543 permanency plan. During the initial planning and implementation
3544 phase of this project, the requirements in subsections (6) and
3545 (7) are waived. Considering the critical substance abuse
3546 problems experienced by many families in the child protection
3547 system, the department shall initiate the implementation of the
3548 substance abuse delivery component of this program without delay
3549 ~~and furnish status reports to the appropriate substantive~~
3550 ~~committees of the Senate and the House of Representatives no~~
3551 ~~later than February 29, 2004, and February 28, 2005.~~ The
3552 integration of all services agreed upon by the managing entity
3553 and authorized by the department must be completed within 2
3554 years after project initiation. Ongoing monitoring and
3555 evaluation of this strategy shall be conducted in accordance
3556 with subsection (9).

3557 Section 125. Section 394.9083, Florida Statutes, is
 3558 repealed.

3559 Section 126. Paragraph (c) of subsection (2) of section
 3560 395.807, Florida Statutes, is amended to read:

3561 395.807 Retention of family practice residents.--

3562 (2)

3563 ~~(c) The committee shall report to the Legislature~~
 3564 ~~annually, beginning October 1, 1995, on the retention of family~~
 3565 ~~practice residents in the state by family practice teaching~~
 3566 ~~hospitals. The committee shall also track and report on the~~
 3567 ~~placement of family practice physicians in medically underserved~~
 3568 ~~areas.~~

3569 Section 127. Subsections (1) and (20) of section 397.321,
 3570 Florida Statutes, are amended to read:

3571 397.321 Duties of the department.--The department shall:

3572 ~~(1) Develop a comprehensive state plan for the provision~~
 3573 ~~of substance abuse services. The plan must include:~~

3574 ~~(a) Identification of incidence and prevalence of problems~~
 3575 ~~related to substance abuse.~~

3576 ~~(b) Description of current services.~~

3577 ~~(c) Need for services.~~

3578 ~~(d) Cost of services.~~

3579 ~~(e) Priorities for funding.~~

3580 ~~(f) Strategies to address the identified needs and~~
 3581 ~~priorities.~~

3582 ~~(g) Resource planning.~~

3583 ~~(20) The department may establish in District 9, in~~
 3584 ~~cooperation with the Palm Beach County Board of County~~

3585 ~~Commissioners, a pilot project to serve in a managed care~~
3586 ~~arrangement non-Medicaid eligible persons who qualify to receive~~
3587 ~~substance abuse or mental health services from the department.~~
3588 ~~The department may contract with a not-for-profit entity to~~
3589 ~~conduct the pilot project. The results of the pilot project~~
3590 ~~shall be reported to the district administrator, and the~~
3591 ~~secretary 18 months after the initiation. The department shall~~
3592 ~~incur no additional administrative costs for the pilot project.~~

3593 Section 128. Subsection (3) of section 397.332, Florida
3594 Statutes, is amended to read:

3595 397.332 Office of Drug Control.--

3596 ~~(3) On or before December 1 of each year, the director of~~
3597 ~~the Office of Drug Control shall report to the Governor and the~~
3598 ~~Legislature on the information and recommendations required~~
3599 ~~under paragraphs (2)(f) and (g).~~

3600 Section 129. Subsection (4) of section 397.333, Florida
3601 Statutes, is amended to read:

3602 397.333 Statewide Drug Policy Advisory Council.--

3603 ~~(4)(a)~~ The chairperson of the advisory council shall
3604 appoint workgroups that include members of state agencies that
3605 are not represented on the advisory council and shall solicit
3606 input and recommendations from those state agencies. In
3607 addition, the chairperson may appoint workgroups as necessary
3608 from among the members of the advisory council in order to
3609 efficiently address specific issues. A representative of a state
3610 agency appointed to any workgroup shall be the head of the
3611 agency, or his or her designee. The chairperson may designate
3612 lead and contributing agencies within a workgroup.

3613 ~~(b) The advisory council shall submit a report to the~~
 3614 ~~Governor, the President of the Senate, and the Speaker of the~~
 3615 ~~House of Representatives by December 1 of each year which~~
 3616 ~~contains a summary of the work of the council during that year~~
 3617 ~~and the recommendations required under subsection (3). Interim~~
 3618 ~~reports may be submitted at the discretion of the chairperson of~~
 3619 ~~the advisory council.~~

3620 Section 130. Subsection (1) of section 397.94, Florida
 3621 Statutes, is amended to read:

3622 397.94 Children's substance abuse services; information
 3623 and referral network.--

3624 ~~(1) Each service district of the department shall develop~~
 3625 ~~a plan for and implement a districtwide comprehensive children's~~
 3626 ~~substance abuse information and referral network to be~~
 3627 ~~operational by July 1, 2000.~~

3628 Section 131. Paragraph (f) of subsection (2) of section
 3629 400.0067, Florida Statutes, is amended to read:

3630 400.0067 State Long-Term Care Ombudsman Council; duties;
 3631 membership.--

3632 (2) The State Long-Term Care Ombudsman Council shall:

3633 (f) Prepare an annual report describing the activities
 3634 carried out by the ombudsman, and the State Long-Term Care
 3635 Ombudsman Council, and the local councils in the year for which
 3636 the report is prepared. The State Long-Term Care Ombudsman
 3637 Council shall submit the report to the Secretary of Elderly
 3638 Affairs. The secretary shall in turn submit the report to the
 3639 Commissioner of the United States Administration on Aging, the
 3640 Governor, the Legislature ~~the President of the Senate, the~~

3641 ~~Speaker of the House of Representatives, the minority leaders of~~
 3642 ~~the House and Senate, the chairpersons of appropriate House and~~
 3643 ~~Senate committees, the Secretary of Children and Family~~
 3644 ~~Services, and the Secretary of Health Care Administration. The~~
 3645 report shall be submitted by the Secretary of Elderly Affairs at
 3646 least 30 days before the convening of the regular session of the
 3647 Legislature and shall, at a minimum:

3648 1. Contain and analyze data collected concerning
 3649 complaints about and conditions in long-term care facilities and
 3650 the dispositions of such complaints.

3651 2. Evaluate the problems experienced by residents of long-
 3652 term care facilities.

3653 3. Contain recommendations for improving the quality of
 3654 life of the residents and for protecting the health, safety,
 3655 welfare, and rights of the residents.

3656 4. Analyze the success of the ombudsman program during the
 3657 preceding year and identify the barriers that prevent the
 3658 optimal operation of the program. The report ~~of the program's~~
 3659 ~~successes~~ shall also include ~~address the relationship between~~
 3660 ~~the state long-term care ombudsman program, the Department of~~
 3661 ~~Elderly Affairs, the Agency for Health Care Administration, and~~
 3662 ~~the Department of Children and Family Services, and an~~
 3663 assessment of how successfully the state long-term care
 3664 ombudsman program has carried out its responsibilities under the
 3665 Older Americans Act.

3666 5. Provide policy and regulatory and legislative
 3667 recommendations to solve identified problems; resolve residents'
 3668 complaints; improve the quality of care and life of the

3669 residents; protect the health, safety, welfare, and rights of
 3670 the residents; and remove the barriers to the optimal operation
 3671 of the state long-term care ombudsman program.

3672 6. Contain recommendations from the local ombudsman
 3673 councils regarding program functions and activities.

3674 ~~7. Include a report on the activities of the legal~~
 3675 ~~advocate and other legal advocates acting on behalf of the local~~
 3676 ~~and state councils.~~

3677 Section 132. Subsection (3) of section 400.0075, Florida
 3678 Statutes, is amended to read:

3679 400.0075 Complaint resolution procedures.--

3680 ~~(3) The state ombudsman council shall provide, as part of~~
 3681 ~~its annual report required pursuant to s. 400.0067(2)(f),~~
 3682 ~~information relating to the disposition of all complaints to the~~
 3683 ~~Department of Elderly Affairs.~~

3684 Section 133. Section 400.0089, Florida Statutes, is
 3685 amended to read:

3686 400.0089 Complaint Agency reports.--The Office of State
 3687 Long-Term Care Ombudsman ~~Department of Elderly Affairs~~ shall
 3688 maintain a statewide uniform reporting system to collect and
 3689 analyze data relating to complaints and conditions in long-term
 3690 care facilities and to residents, for the purpose of identifying
 3691 and resolving significant problems. ~~The department and the State~~
 3692 ~~Long-Term Care Ombudsman Council shall submit such data as part~~
 3693 ~~of its annual report required pursuant to s. 400.0067(2)(f) to~~
 3694 ~~the Agency for Health Care Administration, the Department of~~
 3695 ~~Children and Family Services, the Florida Statewide Advocacy~~
 3696 ~~Council, the Advocacy Center for Persons with Disabilities, the~~

3697 ~~Commissioner for the United States Administration on Aging, the~~
 3698 ~~National Ombudsman Resource Center, and any other state or~~
 3699 ~~federal entities that the ombudsman determines appropriate.~~ The
 3700 office State Long-Term Care Ombudsman Council shall publish
 3701 quarterly and make readily available information pertaining to
 3702 the number and types of complaints received by the long-term
 3703 care ombudsman program and shall include such information in the
 3704 annual report required under s. 400.0067.

3705 Section 134. Section 400.148, Florida Statutes, is
 3706 repealed.

3707 Section 135. Paragraph (g) of subsection (2) of section
 3708 400.0239, Florida Statutes, is amended to read:

3709 400.0239 Quality of Long-Term Care Facility Improvement
 3710 Trust Fund.--

3711 (2) Expenditures from the trust fund shall be allowable
 3712 for direct support of the following:

3713 (g) Other initiatives authorized by the Centers for
 3714 Medicare and Medicaid Services for the use of federal civil
 3715 monetary penalties, ~~including projects recommended through the~~
 3716 ~~Medicaid "Up or Out" Quality of Care Contract Management Program~~
 3717 ~~pursuant to s. 400.148.~~

3718 Section 136. Paragraph (b) of subsection (3) of section
 3719 400.407, Florida Statutes, is amended to read:

3720 400.407 License required; fee, display.--

3721 (3) Any license granted by the agency must state the
 3722 maximum resident capacity of the facility, the type of care for
 3723 which the license is granted, the date the license is issued,
 3724 the expiration date of the license, and any other information

3725 deemed necessary by the agency. Licenses shall be issued for one
 3726 or more of the following categories of care: standard, extended
 3727 congregate care, limited nursing services, or limited mental
 3728 health.

3729 (b) An extended congregate care license shall be issued to
 3730 facilities providing, directly or through contract, services
 3731 beyond those authorized in paragraph (a), including acts
 3732 performed pursuant to part I of chapter 464 by persons licensed
 3733 thereunder, and supportive services defined by rule to persons
 3734 who otherwise would be disqualified from continued residence in
 3735 a facility licensed under this part.

3736 1. In order for extended congregate care services to be
 3737 provided in a facility licensed under this part, the agency must
 3738 first determine that all requirements established in law and
 3739 rule are met and must specifically designate, on the facility's
 3740 license, that such services may be provided and whether the
 3741 designation applies to all or part of a facility. Such
 3742 designation may be made at the time of initial licensure or
 3743 relicensure, or upon request in writing by a licensee under this
 3744 part. Notification of approval or denial of such request shall
 3745 be made within 90 days after receipt of such request and all
 3746 necessary documentation. Existing facilities qualifying to
 3747 provide extended congregate care services must have maintained a
 3748 standard license and may not have been subject to administrative
 3749 sanctions during the previous 2 years, or since initial
 3750 licensure if the facility has been licensed for less than 2
 3751 years, for any of the following reasons:

3752 a. A class I or class II violation;

3753 b. Three or more repeat or recurring class III violations
 3754 of identical or similar resident care standards as specified in
 3755 rule from which a pattern of noncompliance is found by the
 3756 agency;

3757 c. Three or more class III violations that were not
 3758 corrected in accordance with the corrective action plan approved
 3759 by the agency;

3760 d. Violation of resident care standards resulting in a
 3761 requirement to employ the services of a consultant pharmacist or
 3762 consultant dietitian;

3763 e. Denial, suspension, or revocation of a license for
 3764 another facility under this part in which the applicant for an
 3765 extended congregate care license has at least 25 percent
 3766 ownership interest; or

3767 f. Imposition of a moratorium on admissions or initiation
 3768 of injunctive proceedings.

3769 2. Facilities that are licensed to provide extended
 3770 congregate care services shall maintain a written progress
 3771 report on each person who receives such services, which report
 3772 describes the type, amount, duration, scope, and outcome of
 3773 services that are rendered and the general status of the
 3774 resident's health. A registered nurse, or appropriate designee,
 3775 representing the agency shall visit such facilities at least
 3776 quarterly to monitor residents who are receiving extended
 3777 congregate care services and to determine if the facility is in
 3778 compliance with this part and with rules that relate to extended
 3779 congregate care. One of these visits may be in conjunction with
 3780 the regular survey. The monitoring visits may be provided

3781 through contractual arrangements with appropriate community
3782 agencies. A registered nurse shall serve as part of the team
3783 that inspects such facility. The agency may waive one of the
3784 required yearly monitoring visits for a facility that has been
3785 licensed for at least 24 months to provide extended congregate
3786 care services, if, during the inspection, the registered nurse
3787 determines that extended congregate care services are being
3788 provided appropriately, and if the facility has no class I or
3789 class II violations and no uncorrected class III violations.
3790 Before such decision is made, the agency shall consult with the
3791 long-term care ombudsman council for the area in which the
3792 facility is located to determine if any complaints have been
3793 made and substantiated about the quality of services or care.
3794 The agency may not waive one of the required yearly monitoring
3795 visits if complaints have been made and substantiated.

3796 3. Facilities that are licensed to provide extended
3797 congregate care services shall:

3798 a. Demonstrate the capability to meet unanticipated
3799 resident service needs.

3800 b. Offer a physical environment that promotes a homelike
3801 setting, provides for resident privacy, promotes resident
3802 independence, and allows sufficient congregate space as defined
3803 by rule.

3804 c. Have sufficient staff available, taking into account
3805 the physical plant and firesafety features of the building, to
3806 assist with the evacuation of residents in an emergency, as
3807 necessary.

3808 d. Adopt and follow policies and procedures that maximize
3809 resident independence, dignity, choice, and decisionmaking to
3810 permit residents to age in place to the extent possible, so that
3811 moves due to changes in functional status are minimized or
3812 avoided.

3813 e. Allow residents or, if applicable, a resident's
3814 representative, designee, surrogate, guardian, or attorney in
3815 fact to make a variety of personal choices, participate in
3816 developing service plans, and share responsibility in
3817 decisionmaking.

3818 f. Implement the concept of managed risk.

3819 g. Provide, either directly or through contract, the
3820 services of a person licensed pursuant to part I of chapter 464.

3821 h. In addition to the training mandated in s. 400.452,
3822 provide specialized training as defined by rule for facility
3823 staff.

3824 4. Facilities licensed to provide extended congregate care
3825 services are exempt from the criteria for continued residency as
3826 set forth in rules adopted under s. 400.441. Facilities so
3827 licensed shall adopt their own requirements within guidelines
3828 for continued residency set forth by the department in rule.
3829 However, such facilities may not serve residents who require 24-
3830 hour nursing supervision. Facilities licensed to provide
3831 extended congregate care services shall provide each resident
3832 with a written copy of facility policies governing admission and
3833 retention.

3834 5. The primary purpose of extended congregate care
3835 services is to allow residents, as they become more impaired,

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3836 the option of remaining in a familiar setting from which they
3837 would otherwise be disqualified for continued residency. A
3838 facility licensed to provide extended congregate care services
3839 may also admit an individual who exceeds the admission criteria
3840 for a facility with a standard license, if the individual is
3841 determined appropriate for admission to the extended congregate
3842 care facility.

3843 6. Before admission of an individual to a facility
3844 licensed to provide extended congregate care services, the
3845 individual must undergo a medical examination as provided in s.
3846 400.426(4) and the facility must develop a preliminary service
3847 plan for the individual.

3848 7. When a facility can no longer provide or arrange for
3849 services in accordance with the resident's service plan and
3850 needs and the facility's policy, the facility shall make
3851 arrangements for relocating the person in accordance with s.
3852 400.428(1)(k).

3853 8. Failure to provide extended congregate care services
3854 may result in denial of extended congregate care license
3855 renewal.

3856 ~~9. No later than January 1 of each year, the department,~~
3857 ~~in consultation with the agency, shall prepare and submit to the~~
3858 ~~Governor, the President of the Senate, the Speaker of the House~~
3859 ~~of Representatives, and the chairs of appropriate legislative~~
3860 ~~committees, a report on the status of, and recommendations~~
3861 ~~related to, extended congregate care services. The status report~~
3862 ~~must include, but need not be limited to, the following~~
3863 ~~information:~~

3864 a. ~~A description of the facilities licensed to provide~~
 3865 ~~such services, including total number of beds licensed under~~
 3866 ~~this part.~~

3867 b. ~~The number and characteristics of residents receiving~~
 3868 ~~such services.~~

3869 e. ~~The types of services rendered that could not be~~
 3870 ~~provided through a standard license.~~

3871 d. ~~An analysis of deficiencies cited during licensure~~
 3872 ~~inspections.~~

3873 e. ~~The number of residents who required extended~~
 3874 ~~congregate care services at admission and the source of~~
 3875 ~~admission.~~

3876 f. ~~Recommendations for statutory or regulatory changes.~~

3877 g. ~~The availability of extended congregate care to state~~
 3878 ~~clients residing in facilities licensed under this part and in~~
 3879 ~~need of additional services, and recommendations for~~
 3880 ~~appropriations to subsidize extended congregate care services~~
 3881 ~~for such persons.~~

3882 h. ~~Such other information as the department considers~~
 3883 ~~appropriate.~~

3884 Section 137. Paragraph (i) of subsection (1) of section
 3885 400.408, Florida Statutes, is amended to read:

3886 400.408 Unlicensed facilities; referral of person for
 3887 residency to unlicensed facility; penalties; verification of
 3888 licensure status.--

3889 (1)

3890 (i) ~~Each field office of the Agency for Health Care~~
 3891 ~~Administration shall establish a local coordinating workgroup~~

3892 ~~which includes representatives of local law enforcement~~
 3893 ~~agencies, state attorneys, the Medicaid Fraud Control Unit of~~
 3894 ~~the Department of Legal Affairs, local fire authorities, the~~
 3895 ~~Department of Children and Family Services, the district long-~~
 3896 ~~term care ombudsman council, and the district human rights~~
 3897 ~~advocacy committee to assist in identifying the operation of~~
 3898 ~~unlicensed facilities and to develop and implement a plan to~~
 3899 ~~ensure effective enforcement of state laws relating to such~~
 3900 ~~facilities. The workgroup shall report its findings, actions,~~
 3901 ~~and recommendations semiannually to the Director of Health~~
 3902 ~~Facility Regulation of the agency.~~

3903 Section 138. Subsection (13) of section 400.419, Florida
 3904 Statutes, is amended to read:

3905 400.419 Violations; imposition of administrative fines;
 3906 grounds.--

3907 (13) The agency shall develop and disseminate an annual
 3908 list of all facilities sanctioned or fined \$5,000 or more for
 3909 violations of state standards, the number and class of
 3910 violations involved, the penalties imposed, and the current
 3911 status of cases. The list shall be disseminated, at no charge,
 3912 to the Department of Elderly Affairs, the Department of Health,
 3913 the Department of Children and Family Services, the Agency for
 3914 Persons with Disabilities, the area agencies on aging, the
 3915 Florida Statewide Advocacy Council, and the state and local
 3916 ombudsman councils. The Department of Children and Family
 3917 Services shall disseminate the list to service providers under
 3918 contract to the department who are responsible for referring
 3919 persons to a facility for residency. The agency may charge a fee

3920 commensurate with the cost of printing and postage to other
 3921 interested parties requesting a copy of this list.

3922 Section 139. Subsection (4) of section 400.441, Florida
 3923 Statutes, is amended to read:

3924 400.441 Rules establishing standards.--

3925 (4) The agency may use an abbreviated biennial standard
 3926 licensure inspection that consists of a review of key quality-
 3927 of-care standards in lieu of a full inspection in facilities
 3928 which have a good record of past performance. However, a full
 3929 inspection shall be conducted in facilities which have had a
 3930 history of class I or class II violations, uncorrected class III
 3931 violations, confirmed ombudsman council complaints, or confirmed
 3932 licensure complaints, within the previous licensure period
 3933 immediately preceding the inspection or when a potentially
 3934 serious problem is identified during the abbreviated inspection.
 3935 The agency, in consultation with the department, shall develop
 3936 the key quality-of-care standards with input from the State
 3937 Long-Term Care Ombudsman Council and representatives of provider
 3938 groups for incorporation into its rules. ~~The department, in~~
 3939 ~~consultation with the agency, shall report annually to the~~
 3940 ~~Legislature concerning its implementation of this subsection.~~
 3941 ~~The report shall include, at a minimum, the key quality-of-care~~
 3942 ~~standards which have been developed; the number of facilities~~
 3943 ~~identified as being eligible for the abbreviated inspection; the~~
 3944 ~~number of facilities which have received the abbreviated~~
 3945 ~~inspection and, of those, the number that were converted to full~~
 3946 ~~inspection; the number and type of subsequent complaints~~
 3947 ~~received by the agency or department on facilities which have~~

3948 ~~had abbreviated inspections; any recommendations for~~
 3949 ~~modification to this subsection; any plans by the agency to~~
 3950 ~~modify its implementation of this subsection; and any other~~
 3951 ~~information which the department believes should be reported.~~

3952 Section 140. Subsection (2) of section 400.967, Florida
 3953 Statutes, is amended to read:

3954 400.967 Rules and classification of deficiencies.--

3955 (2) Pursuant to the intention of the Legislature, the
 3956 agency, in consultation with the Agency for Persons with
 3957 Disabilities ~~Department of Children and Family Services~~ and the
 3958 Department of Elderly Affairs, shall adopt and enforce rules to
 3959 administer this part, which shall include reasonable and fair
 3960 criteria governing:

3961 (a) The location and construction of the facility;
 3962 including fire and life safety, plumbing, heating, cooling,
 3963 lighting, ventilation, and other housing conditions that will
 3964 ensure the health, safety, and comfort of residents. The agency
 3965 shall establish standards for facilities and equipment to
 3966 increase the extent to which new facilities and a new wing or
 3967 floor added to an existing facility after July 1, 2000, are
 3968 structurally capable of serving as shelters only for residents,
 3969 staff, and families of residents and staff, and equipped to be
 3970 self-supporting during and immediately following disasters. ~~The~~
 3971 ~~Agency for Health Care Administration shall work with facilities~~
 3972 ~~licensed under this part and report to the Governor and the~~
 3973 ~~Legislature by April 1, 2000, its recommendations for cost-~~
 3974 ~~effective renovation standards to be applied to existing~~
 3975 ~~facilities. In making such rules, the agency shall be guided by~~

3976 ~~criteria recommended by nationally recognized, reputable~~
 3977 ~~professional groups and associations having knowledge concerning~~
 3978 ~~such subject matters.~~ The agency shall update or revise such
 3979 criteria as the need arises. All facilities must comply with
 3980 those lifesafety code requirements and building code standards
 3981 applicable at the time of approval of their construction plans.
 3982 The agency may require alterations to a building if it
 3983 determines that an existing condition constitutes a distinct
 3984 hazard to life, health, or safety. The agency shall adopt fair
 3985 and reasonable rules setting forth conditions under which
 3986 existing facilities undergoing additions, alterations,
 3987 conversions, renovations, or repairs are required to comply with
 3988 the most recent updated or revised standards.

3989 (b) The number and qualifications of all personnel,
 3990 including management, ~~medical~~ nursing, and other personnel,
 3991 having responsibility for any part of the care given to
 3992 residents.

3993 (c) All sanitary conditions within the facility and its
 3994 surroundings, including water supply, sewage disposal, food
 3995 handling, and general hygiene, which will ensure the health and
 3996 comfort of residents.

3997 (d) The equipment essential to the health and welfare of
 3998 the residents.

3999 (e) A uniform accounting system.

4000 (f) The care, treatment, and maintenance of residents and
 4001 measurement of the quality and adequacy thereof.

4002 (g) The preparation and annual update of a comprehensive
 4003 emergency management plan. The agency shall adopt rules

4004 establishing minimum criteria for the plan after consultation
 4005 with the Department of Community Affairs. At a minimum, the
 4006 rules must provide for plan components that address emergency
 4007 evacuation transportation; adequate sheltering arrangements;
 4008 postdisaster activities, including emergency power, food, and
 4009 water; postdisaster transportation; supplies; staffing;
 4010 emergency equipment; individual identification of residents and
 4011 transfer of records; and responding to family inquiries. The
 4012 comprehensive emergency management plan is subject to review and
 4013 approval by the local emergency management agency. During its
 4014 review, the local emergency management agency shall ensure that
 4015 the following agencies, at a minimum, are given the opportunity
 4016 to review the plan: the Department of Elderly Affairs, the
 4017 Agency for Persons with Disabilities ~~Department of Children and~~
 4018 ~~Family Services~~, the Agency for Health Care Administration, and
 4019 the Department of Community Affairs. Also, appropriate volunteer
 4020 organizations must be given the opportunity to review the plan.
 4021 The local emergency management agency shall complete its review
 4022 within 60 days and either approve the plan or advise the
 4023 facility of necessary revisions.

4024 (h) Each licensee shall post its license in a prominent
 4025 place that is in clear and unobstructed public view at or near
 4026 the place where residents are being admitted to the facility.

4027 Section 141. Subsection (3) of section 402.3016, Florida
 4028 Statutes, is amended to read:

4029 402.3016 Early Head Start collaboration grants.--

4030 ~~(3) The Agency for Workforce Innovation shall report to~~
 4031 ~~the Legislature on an annual basis the number of agencies~~

4032 ~~receiving Early Head Start collaboration grants and the number~~
 4033 ~~of children served.~~

4034 Section 142. Subsection (9) of section 402.40, Florida
 4035 Statutes, is amended to read:

4036 402.40 Child welfare training.--

4037 ~~(9) MODIFICATION OF CHILD WELFARE TRAINING.--The core~~
 4038 ~~competencies determined pursuant to subsection (5), the minimum~~
 4039 ~~standards for the certification process and the minimum~~
 4040 ~~standards for trainer qualifications established pursuant to~~
 4041 ~~subsection (7), must be submitted to the appropriate substantive~~
 4042 ~~committees of the Senate and the House of Representatives before~~
 4043 ~~competitively soliciting either the development, validation, or~~
 4044 ~~periodic evaluation of the training curricula or the training~~
 4045 ~~academy contracts.~~

4046 Section 143. Paragraph (c) of subsection (1) of section
 4047 402.73, Florida Statutes, is amended to read:

4048 402.73 Contracting and performance standards.--

4049 (1) The Department of Children and Family Services shall
 4050 establish performance standards for all contracted client
 4051 services. Notwithstanding s. 287.057(5)(f), the department must
 4052 competitively procure any contract for client services when any
 4053 of the following occurs:

4054 (c) The department has concluded, after reviewing market
 4055 prices and available treatment options, that there is evidence
 4056 that the department can improve the performance outcomes
 4057 produced by its contract resources. At a minimum, the department
 4058 shall review market prices and available treatment options
 4059 biennially. ~~The department shall compile the results of the~~

4060 ~~biennial review and include the results in its annual~~
 4061 ~~performance report to the Legislature pursuant to chapter 94-~~
 4062 ~~249, Laws of Florida.~~ The department shall provide notice and an
 4063 opportunity for public comment on its review of market prices
 4064 and available treatment options.

4065 Section 144. Paragraph (d) of subsection (2) and paragraph
 4066 (c) of subsection (6) of section 403.067, Florida Statutes, are
 4067 amended to read:

4068 403.067 Establishment and implementation of total maximum
 4069 daily loads.--

4070 (2) LIST OF SURFACE WATERS OR SEGMENTS.--In accordance
 4071 with s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33
 4072 U.S.C. ss. 1251 et seq., the department must submit periodically
 4073 to the United States Environmental Protection Agency a list of
 4074 surface waters or segments for which total maximum daily load
 4075 assessments will be conducted. The assessments shall evaluate
 4076 the water quality conditions of the listed waters and, if such
 4077 waters are determined not to meet water quality standards, total
 4078 maximum daily loads shall be established, subject to the
 4079 provisions of subsection (4). The department shall establish a
 4080 priority ranking and schedule for analyzing such waters.

4081 (d) If the department proposes to implement total maximum
 4082 daily load calculations or allocations established prior to the
 4083 effective date of this act, the department shall adopt those
 4084 calculations and allocations by rule by the secretary pursuant
 4085 to ss. 120.536(1) and 120.54 and paragraph (6)(c)~~(d)~~.

4086 (6) CALCULATION AND ALLOCATION.--

4087 ~~(c) Not later than February 1, 2001, the department shall~~
 4088 ~~submit a report to the Governor, the President of the Senate,~~
 4089 ~~and the Speaker of the House of Representatives containing~~
 4090 ~~recommendations, including draft legislation, for any~~
 4091 ~~modifications to the process for allocating total maximum daily~~
 4092 ~~loads, including the relationship between allocations and the~~
 4093 ~~watershed or basin management planning process. Such~~
 4094 ~~recommendations shall be developed by the department in~~
 4095 ~~cooperation with a technical advisory committee which includes~~
 4096 ~~representatives of affected parties, environmental~~
 4097 ~~organizations, water management districts, and other appropriate~~
 4098 ~~local, state, and federal government agencies. The technical~~
 4099 ~~advisory committee shall also include such members as may be~~
 4100 ~~designated by the President of the Senate and the Speaker of the~~
 4101 ~~House of Representatives.~~

4102 Section 145. Subsection (3) of section 403.4131, Florida
 4103 Statutes, is amended to read:

4104 403.4131 "Keep Florida Beautiful, Incorporated"; placement
 4105 of signs.--

4106 (3) The Department of Transportation shall establish an
 4107 "adopt-a-highway" program to allow local organizations to be
 4108 identified with specific highway cleanup and highway
 4109 beautification projects authorized under s. 339.2405 and shall
 4110 coordinate such efforts with Keep Florida Beautiful, Inc. ~~The~~
 4111 ~~department shall report to the Governor and the Legislature on~~
 4112 ~~the progress achieved and the savings incurred by the "adopt-a-~~
 4113 ~~highway" program.~~ The department shall also monitor and report
 4114 ~~on~~ compliance with the provisions of the ~~adopt-a-highway~~ program

4115 to ensure that organizations that participate ~~in the program~~
 4116 comply with the goals identified by the department.

4117 Section 146. Section 403.756, Florida Statutes, is
 4118 repealed.

4119 Section 147. Section 403.7226, Florida Statutes, is
 4120 amended to read:

4121 403.7226 Technical assistance by the department.--The
 4122 department shall:

4123 ~~(1)~~ provide technical assistance to county governments and
 4124 regional planning councils to ensure consistency in implementing
 4125 local hazardous waste management assessments as provided in ss.
 4126 403.7225, 403.7234, and 403.7236. In order to ensure that each
 4127 local assessment is properly implemented and that all
 4128 information gathered during the assessment is uniformly compiled
 4129 and documented, each county or regional planning council shall
 4130 contact the department during the preparation of the local
 4131 assessment to receive technical assistance. Each county or
 4132 regional planning council shall follow guidelines established by
 4133 the department, and adopted by rule as appropriate, in order to
 4134 properly implement these assessments.

4135 ~~(2) Identify short-term needs and long-term needs for~~
 4136 ~~hazardous waste management for the state on the basis of the~~
 4137 ~~information gathered through the local hazardous waste~~
 4138 ~~management assessments and other information from state and~~
 4139 ~~federal regulatory agencies and sources. The state needs~~
 4140 ~~assessment must be ongoing and must be updated when new data~~
 4141 ~~concerning waste generation and waste management technologies~~

4142 ~~become available. The department shall annually send a copy of~~
 4143 ~~this assessment to the Governor and to the Legislature.~~

4144 Section 148. Subsection (2) of section 403.7265, Florida
 4145 Statutes, is amended to read:

4146 403.7265 Local hazardous waste collection program.--

4147 ~~(2) The department shall develop a statewide local~~
 4148 ~~hazardous waste management plan which will ensure comprehensive~~
 4149 ~~collection and proper management of hazardous waste from small~~
 4150 ~~quantity generators and household hazardous waste in Florida.~~
 4151 ~~The plan shall address, at a minimum, a network of local~~
 4152 ~~collection centers, transfer stations, and expanded hazardous~~
 4153 ~~waste collection route services. The plan shall assess the need~~
 4154 ~~for additional compliance verification inspections, enforcement,~~
 4155 ~~and penalties. The plan shall include a strategy, timetable, and~~
 4156 ~~budget for implementation.~~

4157 Section 149. Paragraph (b) of subsection (1) of section
 4158 403.7264, Florida Statutes, is amended to read:

4159 403.7264 Amnesty days for purging small quantities of
 4160 hazardous wastes.--Amnesty days are authorized by the state for
 4161 the purpose of purging small quantities of hazardous waste, free
 4162 of charge, from the possession of homeowners, farmers, schools,
 4163 state agencies, and small businesses. These entities have no
 4164 appropriate economically feasible mechanism for disposing of
 4165 their hazardous wastes at the present time. In order to raise
 4166 public awareness on this issue, provide an educational process,
 4167 accommodate those entities which have a need to dispose of small
 4168 quantities of hazardous waste, and preserve the waters of the

4169 state, amnesty days shall be carried out in the following
 4170 manner:

4171 (1)

4172 (b) If a local government has established a local or
 4173 regional hazardous waste collection center pursuant to s.
 4174 403.7265(2)~~(3)~~ and such center is in operation, the department
 4175 and the local government may enter into a contract whereby the
 4176 local government shall administer and supervise amnesty days. If
 4177 a contract is entered into, the department shall provide to the
 4178 local government, from funds appropriated to the department for
 4179 amnesty days, an amount of money as determined by the department
 4180 that is equal to the amount of money that would have been spent
 4181 by the department to administer and supervise amnesty days in
 4182 the local government's area. A local government that wishes to
 4183 administer and supervise amnesty days shall notify the
 4184 department at least 30 days prior to the beginning of the state
 4185 fiscal year during which the amnesty days are scheduled to be
 4186 held in the local government's area.

4187 Section 150. Paragraphs (b) and (d) of subsection (3) and
 4188 subsection (5) of section 403.7895, Florida Statutes, are
 4189 amended to read:

4190 403.7895 Requirements for the permitting and certification
 4191 of commercial hazardous waste incinerators.--

4192 (3) CERTIFICATION OF NEED.--

4193 (b) The board shall make a determination of the need for
 4194 hazardous waste incinerators, based upon the best available
 4195 evidence of existing and projected need and available capacity,

4196 as presented by the applicant, ~~and as determined by the study~~
 4197 ~~required by subsection (5).~~

4198 ~~(d) The board shall not make a determination of need for~~
 4199 ~~any hazardous waste incinerator until the study required by~~
 4200 ~~subsection (5) is completed.~~

4201 ~~(5) HAZARDOUS WASTE NEEDS AND CAPACITY STUDY.--~~

4202 ~~(a) The department shall conduct, by November 1, 1994, or~~
 4203 ~~the date by which phase 2 of the next capacity assurance plan~~
 4204 ~~must be submitted to the United States Environmental Protection~~
 4205 ~~Agency, whichever date occurs first, a comprehensive independent~~
 4206 ~~study of the current and future need for hazardous waste~~
 4207 ~~incineration in the state. The study shall evaluate the~~
 4208 ~~projected statewide capacity needs for a 20-year period. The~~
 4209 ~~study shall be updated at least every 5 years.~~

4210 ~~(b) The department shall consult with state and nationally~~
 4211 ~~recognized experts in the field of hazardous waste management,~~
 4212 ~~including representatives from state and federal agencies,~~
 4213 ~~industry, local government, environmental groups, universities,~~
 4214 ~~and other interested parties.~~

4215 ~~(c) The study components shall include but not be limited~~
 4216 ~~to the following:~~

4217 ~~1. Existing and projected sources, amounts, and types of~~
 4218 ~~hazardous waste in the state for which incineration is an~~
 4219 ~~appropriate treatment alternative, taking into account all~~
 4220 ~~applicable federal regulations on the disposal, storage and~~
 4221 ~~treatment or definition of hazardous waste.~~

4222 ~~2. Existing and projected hazardous waste incinerator~~
 4223 ~~capacity in the state and the nation.~~

4224 ~~3. Existing and projected hazardous waste incineration~~
 4225 ~~capacity in boilers and industrial furnaces in the state and the~~
 4226 ~~nation.~~

4227 ~~4. Existing and projected hazardous waste incineration~~
 4228 ~~needs, specifically taking into account the impacts of pollution~~
 4229 ~~prevention, recycling, and other waste reduction strategies.~~

4230 ~~5. Any other impacts associated with construction of~~
 4231 ~~excess hazardous waste incineration capacity in this state.~~

4232 ~~(d) Upon completion of the study, the department shall~~
 4233 ~~present its findings and make recommendations to the board and~~
 4234 ~~the Legislature regarding changes in state hazardous waste~~
 4235 ~~policies and management strategies. The recommendations shall~~
 4236 ~~address the advisability of establishing by statute the maximum~~
 4237 ~~capacity for hazardous waste incineration in this state.~~

4238 Section 151. Paragraph (a) of subsection (4) of section
 4239 406.02, Florida Statutes, is amended to read:

4240 406.02 Medical Examiners Commission; membership; terms;
 4241 duties; staff.--

4242 (4) The Medical Examiners Commission shall:

4243 ~~(a) Submit annual reports to the Governor and Legislature~~
 4244 ~~correlating and setting forth the activities and findings of the~~
 4245 ~~several district medical examiners appointed pursuant to this~~
 4246 ~~act. A copy of that report shall also be provided to each board~~
 4247 ~~of county commissioners.~~

4248 Section 152. Paragraph (g) of subsection (1) of section
 4249 408.033, Florida Statutes, is amended to read:

4250 408.033 Local and state health planning.--

4251 (1) LOCAL HEALTH COUNCILS.--

4252 (g) Each local health council is authorized to accept and
 4253 receive, in furtherance of its health planning functions, funds,
 4254 grants, and services from governmental agencies and from private
 4255 or civic sources and to perform studies related to local health
 4256 planning in exchange for such funds, grants, or services. Each
 4257 ~~local health~~ council shall, no later than January 30 of each
 4258 year, render an accounting of the receipt and disbursement of
 4259 such funds received by it to the Department of Health. ~~The~~
 4260 ~~department shall consolidate all such reports and submit such~~
 4261 ~~consolidated report to the Legislature no later than March 1 of~~
 4262 ~~each year.~~

4263 Section 153. Subsection (4) of section 408.914, Florida
 4264 Statutes, is amended to read:

4265 408.914 Phased implementation plan.--The Agency for Health
 4266 Care Administration, in consultation with the Health Care Access
 4267 Steering Committee created in s. 408.916, shall phase in the
 4268 implementation of the Comprehensive Health and Human Services
 4269 Eligibility Access System.

4270 ~~(4) The Agency for Health Care Administration, in~~
 4271 ~~consultation with the steering committee, shall complete~~
 4272 ~~analysis of the initial pilot project by November 1, 2003, and~~
 4273 ~~by January 1, 2004, shall submit a plan to the Governor, the~~
 4274 ~~President of the Senate, and the Speaker of the House of~~
 4275 ~~Representatives for statewide implementation of all components~~
 4276 ~~of the system, if warranted. This plan must also include~~
 4277 ~~recommendations for incorporating additional public assistance~~
 4278 ~~and human services programs into the Comprehensive Health and~~
 4279 ~~Human Services Eligibility Access System.~~

4280 Section 154. Paragraph (i) of subsection (3) of section
 4281 408.915, Florida Statutes, is amended to read:

4282 408.915 Eligibility pilot project.--The Agency for Health
 4283 Care Administration, in consultation with the steering committee
 4284 established in s. 408.916, shall develop and implement a pilot
 4285 project to integrate the determination of eligibility for health
 4286 care services with information and referral services.

4287 (3) The information and referral provider in the site
 4288 selected as the pilot project shall, at a minimum:

4289 ~~(i) Provide periodic reports to the Governor, the~~
 4290 ~~President of the Senate, and the Speaker of the House of~~
 4291 ~~Representatives on the use of the information and referral~~
 4292 ~~system and on measures that demonstrate the effectiveness and~~
 4293 ~~efficiency of the information and referral services provided.~~

4294 Section 155. Section 408.917, Florida Statutes, is
 4295 repealed.

4296 Section 156. Paragraph (b) of subsection (7) of section
 4297 409.1451, Florida Statutes, is amended to read:

4298 409.1451 Independent living transition services.--

4299 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The
 4300 Secretary of Children and Family Services shall establish the
 4301 Independent Living Services Advisory Council for the purpose of
 4302 reviewing and making recommendations concerning the
 4303 implementation and operation of the independent living
 4304 transition services. This advisory council shall continue to
 4305 function as specified in this subsection until the Legislature
 4306 determines that the advisory council can no longer provide a

4307 | valuable contribution to the department's efforts to achieve the
4308 | goals of the independent living transition services.

4309 | (b) The advisory council shall report to the secretary
4310 | ~~appropriate substantive committees of the Senate and the House~~
4311 | ~~of Representatives~~ on the status of the implementation of the
4312 | system of independent living transition services; efforts to
4313 | publicize the availability of aftercare support services, the
4314 | Road-to-Independence Scholarship Program, and transitional
4315 | support services; specific barriers to financial aid created by
4316 | the scholarship and possible solutions; the success of the
4317 | services; problems identified; recommendations for department or
4318 | legislative action; and the department's implementation of the
4319 | recommendations contained in the Independent Living Services
4320 | Integration Workgroup Report submitted to the Senate and the
4321 | House substantive committees December 31, 2002. The department
4322 | shall submit a report by December 31 of each year to the
4323 | Governor and Legislature ~~This advisory council report shall be~~
4324 | ~~submitted by December 31 of each year that the council is in~~
4325 | ~~existence and shall be accompanied by a report from the~~
4326 | ~~department which~~ includes a summary of the factors reported on
4327 | by the council and identifies the recommendations of the
4328 | advisory council and either describes the department's actions
4329 | to implement these recommendations or provides the department's
4330 | rationale for not implementing the recommendations.

4331 | Section 157. Section 409.146, Florida Statutes, is
4332 | repealed.

4333 | Section 158. Section 409.152, Florida Statutes, is
4334 | repealed.

4335 Section 159. Subsections (1) and (2) of section 409.1679,
 4336 Florida Statutes, are amended to read:

4337 409.1679 Additional requirements; effective date,
 4338 reimbursement methodology, ~~and evaluation.~~--

4339 ~~(1) The programs established under ss. 409.1676 and~~
 4340 ~~409.1677 are to be operational within 6 months after those~~
 4341 ~~sections take effect, and, beginning 1 month after this section~~
 4342 ~~takes effect and continuing until full operation of those~~
 4343 ~~programs is realized, the department shall provide to the~~
 4344 ~~Legislature monthly written status reports on the progress~~
 4345 ~~toward implementing those programs.~~

4346 ~~(2) The programs established under ss. 409.1676 and~~
 4347 ~~409.1677 must be included as part of the annual evaluation~~
 4348 ~~currently required under s. 409.1671. With respect to these~~
 4349 ~~specific programs and models, the annual evaluation must be~~
 4350 ~~conducted by an independent third party and must include, by~~
 4351 ~~specific site, the level of attainment of the targeted outcomes~~
 4352 ~~listed in subsection (3). The evaluation of the model programs~~
 4353 ~~must include, at a minimum, an assessment of their cost-~~
 4354 ~~effectiveness, of their ability to successfully implement the~~
 4355 ~~assigned program elements, and of their attainment of~~
 4356 ~~performance standards that include legislatively established~~
 4357 ~~standards for similar programs and other standards determined~~
 4358 ~~jointly by the department and the providers and stated in a~~
 4359 ~~contract.~~

4360 Section 160. Section 409.1685, Florida Statutes, is
 4361 amended to read:

4362 409.1685 Children in foster care; annual report to
 4363 Legislature.--The Department of Children and Family Services
 4364 shall submit a written report to the Governor and ~~substantive~~
 4365 ~~committees of the~~ Legislature concerning the status of children
 4366 in foster care and ~~concerning~~ the judicial review mandated by
 4367 part X of chapter 39. This report shall be submitted by May
 4368 ~~March~~ 1 of each year and shall include the following information
 4369 for the prior calendar year:

4370 (1) The number of 6-month and annual judicial reviews
 4371 completed during that period.

4372 (2) The number of children in foster care returned to a
 4373 parent, guardian, or relative as a result of a 6-month or annual
 4374 judicial review hearing during that period.

4375 (3) The number of termination of parental rights
 4376 proceedings instituted during that period which shall include:

4377 (a) The number of termination of parental rights
 4378 proceedings initiated pursuant to s. 39.703; and

4379 (b) The total number of terminations of parental rights
 4380 ordered.

4381 (4) The number of foster care children placed for adoption
 4382 during that period.

4383 Section 161. Paragraph (d) of subsection (5) of section
 4384 409.178, Florida Statutes, is amended to read:

4385 409.178 Child Care Executive Partnership Act; findings and
 4386 intent; grant; limitation; rules.--

4387 (5)

4388 (d) Each community coordinated child care agency shall be
 4389 required to establish a community child care task force for each

4390 child care purchasing pool. The task force must be composed of
 4391 employers, parents, private child care providers, and one
 4392 representative from the local children's services council, if
 4393 one exists in the area of the purchasing pool. The community
 4394 coordinated child care agency is expected to recruit the task
 4395 force members from existing child care councils, commissions, or
 4396 task forces already operating in the area of a purchasing pool.
 4397 A majority of the task force shall consist of employers. ~~Each~~
 4398 ~~task force shall develop a plan for the use of child care~~
 4399 ~~purchasing pool funds. The plan must show how many children will~~
 4400 ~~be served by the purchasing pool, how many will be new to~~
 4401 ~~receiving child care services, and how the community coordinated~~
 4402 ~~child care agency intends to attract new employers and their~~
 4403 ~~employees to the program.~~

4404 Section 162. Paragraph (k) of subsection (4) of section
 4405 409.221, Florida Statutes, is amended to read:

4406 409.221 Consumer-directed care program.--

4407 (4) CONSUMER-DIRECTED CARE.--

4408 ~~(k) Reviews and reports. The agency and the Departments~~
 4409 ~~of Elderly Affairs, Health, and Children and Family Services~~
 4410 ~~shall each, on an ongoing basis, review and assess the~~
 4411 ~~implementation of the consumer directed care program. By January~~
 4412 ~~15 of each year, the agency shall submit a written report to the~~
 4413 ~~Legislature that includes each department's review of the~~
 4414 ~~program and contains recommendations for improvements to the~~
 4415 ~~program.~~

4416 Section 163. Paragraph (a) of subsection (3) of section
 4417 409.25575, Florida Statutes, is amended to read:

4418 409.25575 Support enforcement; privatization.--
 4419 (3)(a) The department shall establish a quality assurance
 4420 program for the privatization of services. The quality assurance
 4421 program must include standards for each specific component of
 4422 these services. The department shall establish minimum
 4423 thresholds for each component. Each program operated pursuant to
 4424 contract must be evaluated annually by the department or by an
 4425 objective competent entity designated by the department under
 4426 the provisions of the quality assurance program. The evaluation
 4427 must be financed from cost savings associated with the
 4428 privatization of services. ~~The department shall submit an annual~~
 4429 ~~report regarding quality performance, outcome measure~~
 4430 ~~attainment, and cost efficiency to the President of the Senate,~~
 4431 ~~the Speaker of the House of Representatives, the Minority leader~~
 4432 ~~of each house of the Legislature, and the Governor no later than~~
 4433 ~~January 31 of each year, beginning in 1999.~~ The quality
 4434 assurance program must be financed through administrative
 4435 savings generated by this act.

4436 Section 164. Subsection (7) of section 409.2558, Florida
 4437 Statutes, is amended to read:

4438 409.2558 Support distribution and disbursement.--

4439 (7) RULEMAKING AUTHORITY.--The department may adopt rules
 4440 to administer this section. ~~The department shall provide a draft~~
 4441 ~~of the proposed concepts for the rule for the undistributable~~
 4442 ~~collections to interested parties for review and recommendations~~
 4443 ~~prior to full development of the rule and initiating the formal~~
 4444 ~~rule development process. The department shall consider but is~~
 4445 ~~not required to implement the recommendations. The department~~

4446 ~~shall provide a report to the President of the Senate and the~~
 4447 ~~Speaker of the House of Representatives containing the~~
 4448 ~~recommendations received from interested parties and the~~
 4449 ~~department's response regarding incorporating the~~
 4450 ~~recommendations into the rule.~~

4451 Section 165. Section 409.2567, Florida Statutes, is
 4452 amended to read:

4453 409.2567 Services to individuals not otherwise
 4454 eligible.--All support services provided by the department shall
 4455 be made available on behalf of all dependent children. Services
 4456 shall be provided upon acceptance of public assistance or upon
 4457 proper application filed with the department. The department
 4458 shall adopt rules to provide for the payment of a \$25
 4459 application fee from each applicant who is not a public
 4460 assistance recipient. The application fee shall be deposited in
 4461 the Child Support Enforcement Application and Program Revenue
 4462 Trust Fund within the Department of Revenue to be used for the
 4463 Child Support Enforcement Program. The obligor is responsible
 4464 for all administrative costs, as defined in s. 409.2554. The
 4465 court shall order payment of administrative costs without
 4466 requiring the department to have a member of the bar testify or
 4467 submit an affidavit as to the reasonableness of the costs. An
 4468 attorney-client relationship exists only between the department
 4469 and the legal services providers in Title IV-D cases. The
 4470 attorney shall advise the obligee in Title IV-D cases that the
 4471 attorney represents the agency and not the obligee. In Title IV-
 4472 D cases, any costs, including filing fees, recording fees,
 4473 mediation costs, service of process fees, and other expenses

4474 incurred by the clerk of the circuit court, shall be assessed
 4475 only against the nonprevailing obligor after the court makes a
 4476 determination of the nonprevailing obligor's ability to pay such
 4477 costs and fees. In any case where the court does not award all
 4478 costs, the court shall state in the record its reasons for not
 4479 awarding the costs. The Department of Revenue shall not be
 4480 considered a party for purposes of this section; however, fees
 4481 may be assessed against the department pursuant to s. 57.105(1).
 4482 ~~The department shall submit a monthly report to the Governor and~~
 4483 ~~the chairs of the Health and Human Services Fiscal Committee of~~
 4484 ~~the House of Representatives and the Ways and Means Committee of~~
 4485 ~~the Senate specifying the funds identified for collection from~~
 4486 ~~the noncustodial parents of children receiving temporary~~
 4487 ~~assistance and the amounts actually collected.~~

4488 Section 166. Subsection (3) of section 409.441, Florida
 4489 Statutes, is amended to read:

4490 409.441 Runaway youth programs and centers.--

4491 ~~(3) STATE PLAN FOR THE HANDLING OF RUNAWAY YOUTHS.--~~

4492 ~~(a) The department shall develop a state plan for the~~
 4493 ~~handling of runaway youths and for providing services connected~~
 4494 ~~with the runaway problem. The plan shall be submitted to the~~
 4495 ~~Speaker of the House of Representatives, the President of the~~
 4496 ~~Senate, and the Governor no later than February 1, 1984.~~

4497 ~~(b) The plan shall include:~~

- 4498 ~~1. Needs assessments for the state and for each district;~~
- 4499 ~~2. Criteria and procedures for handling and referral of~~
 4500 ~~troubled youths and runaway youths using the least restrictive~~
 4501 ~~alternatives available;~~

- 4502 ~~3. Provisions for contacting parents or guardians;~~
- 4503 ~~4. Policy for coordinating relationships between involved~~
- 4504 ~~agencies, runaway youth centers, law enforcement agencies, and~~
- 4505 ~~the department;~~
- 4506 ~~5. Statewide statistics on client groups;~~
- 4507 ~~6. Funding formulas for runaway youth centers which~~
- 4508 ~~provide standard services and receive state funds; and~~
- 4509 ~~7. Standards and program goals for runaway youth centers,~~
- 4510 ~~with emphasis on early intervention and aftercare.~~

4511 Section 167. Subsection (24) of section 409.906, Florida
 4512 Statutes, is amended to read:

4513 409.906 Optional Medicaid services.--Subject to specific
 4514 appropriations, the agency may make payments for services which
 4515 are optional to the state under Title XIX of the Social Security
 4516 Act and are furnished by Medicaid providers to recipients who
 4517 are determined to be eligible on the dates on which the services
 4518 were provided. Any optional service that is provided shall be
 4519 provided only when medically necessary and in accordance with
 4520 state and federal law. Optional services rendered by providers
 4521 in mobile units to Medicaid recipients may be restricted or
 4522 prohibited by the agency. Nothing in this section shall be
 4523 construed to prevent or limit the agency from adjusting fees,
 4524 reimbursement rates, lengths of stay, number of visits, or
 4525 number of services, or making any other adjustments necessary to
 4526 comply with the availability of moneys and any limitations or
 4527 directions provided for in the General Appropriations Act or
 4528 chapter 216. If necessary to safeguard the state's systems of
 4529 providing services to elderly and disabled persons and subject

4530 to the notice and review provisions of s. 216.177, the Governor
 4531 may direct the Agency for Health Care Administration to amend
 4532 the Medicaid state plan to delete the optional Medicaid service
 4533 known as "Intermediate Care Facilities for the Developmentally
 4534 Disabled." Optional services may include:

4535 (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.--The Agency
 4536 for Health Care Administration, in consultation with the
 4537 Department of Children and Family Services, may establish a
 4538 targeted case-management project in those counties identified by
 4539 the Department of Children and Family Services and for all
 4540 counties with a community-based child welfare project, as
 4541 authorized under s. 409.1671, which have been specifically
 4542 approved by the department. ~~Results of targeted case management~~
 4543 ~~projects shall be reported to the Social Services Estimating~~
 4544 ~~Conference established under s. 216.136.~~ The covered group of
 4545 individuals who are eligible to receive targeted case management
 4546 include children who are eligible for Medicaid; who are between
 4547 the ages of birth through 21; and who are under protective
 4548 supervision or postplacement supervision, under foster-care
 4549 supervision, or in shelter care or foster care. The number of
 4550 individuals who are eligible to receive targeted case management
 4551 shall be limited to the number for whom the Department of
 4552 Children and Family Services has available matching funds to
 4553 cover the costs. The general revenue funds required to match the
 4554 funds for services provided by the community-based child welfare
 4555 projects are limited to funds available for services described
 4556 under s. 409.1671. The Department of Children and Family

4557 Services may transfer the general revenue matching funds as
 4558 billed by the Agency for Health Care Administration.

4559 Section 168. Subsections (4) and (5) of section 409.9065,
 4560 Florida Statutes, are amended to read:

4561 409.9065 Pharmaceutical expense assistance.--

4562 (4) ADMINISTRATION.--The pharmaceutical expense assistance
 4563 program shall be administered by the agency, in collaboration
 4564 with the Department of Elderly Affairs and the Department of
 4565 Children and Family Services.

4566 ~~(a)~~ The agency shall, by rule, establish for the
 4567 pharmaceutical expense assistance program eligibility
 4568 requirements; limits on participation; benefit limitations,
 4569 including copayments; a requirement for generic drug
 4570 substitution; and other program parameters comparable to those
 4571 of the Medicaid program. Individuals eligible to participate in
 4572 this program are not subject to the limit of four brand name
 4573 drugs per month per recipient as specified in s. 409.912(40)(a).
 4574 There shall be no monetary limit on prescription drugs purchased
 4575 with discounts of less than 51 percent unless the agency
 4576 determines there is a risk of a funding shortfall in the
 4577 program. If the agency determines there is a risk of a funding
 4578 shortfall, the agency may establish monetary limits on
 4579 prescription drugs which shall not be less than \$160 worth of
 4580 prescription drugs per month.

4581 ~~(b) By January 1 of each year, the agency shall report to~~
 4582 ~~the Legislature on the operation of the program. The report~~
 4583 ~~shall include information on the number of individuals served,~~
 4584 ~~use rates, and expenditures under the program. The report shall~~

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4585 ~~also address the impact of the program on reducing unmet~~
4586 ~~pharmaceutical drug needs among the elderly and recommend~~
4587 ~~programmatic changes.~~

4588 (5) NONENTITLEMENT.--The pharmaceutical expense assistance
4589 program established by this section is not an entitlement.
4590 Enrollment levels are limited to those authorized by the
4591 Legislature in the annual General Appropriations Act. If, after
4592 establishing monetary limits as required by subsection ~~paragraph~~
4593 (4)(a), funds are insufficient to serve all eligible individuals
4594 seeking coverage, the agency may develop a waiting list based on
4595 application dates to use in enrolling individuals in unfilled
4596 enrollment slots.

4597 Section 169. Section 409.91188, Florida Statutes, is
4598 amended to read:

4599 409.91188 Specialty prepaid health plans for Medicaid
4600 recipients with HIV or AIDS.--The agency ~~for Health Care~~
4601 ~~Administration~~ is authorized to contract with specialty prepaid
4602 health plans and pay them on a prepaid capitated basis to
4603 provide Medicaid benefits to Medicaid-eligible recipients who
4604 have human immunodeficiency syndrome (HIV) or acquired
4605 immunodeficiency syndrome (AIDS). The agency shall apply for and
4606 is authorized to implement federal waivers or other necessary
4607 federal authorization to implement the prepaid health plans
4608 authorized by this section. The agency shall procure the
4609 specialty prepaid health plans through a competitive
4610 procurement. In awarding a contract to a managed care plan, the
4611 agency shall take into account price, quality, accessibility,
4612 linkages to community-based organizations, and the

4613 comprehensiveness of the benefit package offered by the plan.
 4614 The agency may bid the HIV/AIDS specialty plans on a county,
 4615 regional, or statewide basis. Qualified plans must be licensed
 4616 under chapter 641. ~~The agency shall monitor and evaluate the~~
 4617 ~~implementation of this waiver program if it is approved by the~~
 4618 ~~Federal Government and shall report on its status to the~~
 4619 ~~President of the Senate and the Speaker of the House of~~
 4620 ~~Representatives by February 1, 2001.~~ To improve coordination of
 4621 medical care delivery and to increase cost efficiency for the
 4622 Medicaid program in treating HIV disease, the agency ~~for Health~~
 4623 ~~Care Administration~~ shall seek all necessary federal waivers to
 4624 allow participation in the Medipass HIV disease management
 4625 program for Medicare beneficiaries who test positive for HIV
 4626 infection and who also qualify for Medicaid benefits such as
 4627 prescription medications not covered by Medicare.

4628 Section 170. Paragraphs (b) and (c) of subsection (4),
 4629 subsection (5), paragraph (c) of subsection (21), subsections
 4630 (29), (41), and (44), and paragraph (c) of subsection (49) of
 4631 section 409.912, Florida Statutes, are amended to read:

4632 409.912 Cost-effective purchasing of health care.--The
 4633 agency shall purchase goods and services for Medicaid recipients
 4634 in the most cost-effective manner consistent with the delivery
 4635 of quality medical care. To ensure that medical services are
 4636 effectively utilized, the agency may, in any case, require a
 4637 confirmation or second physician's opinion of the correct
 4638 diagnosis for purposes of authorizing future services under the
 4639 Medicaid program. This section does not restrict access to
 4640 emergency services or poststabilization care services as defined

4641 in 42 C.F.R. part 438.114. Such confirmation or second opinion
4642 shall be rendered in a manner approved by the agency. The agency
4643 shall maximize the use of prepaid per capita and prepaid
4644 aggregate fixed-sum basis services when appropriate and other
4645 alternative service delivery and reimbursement methodologies,
4646 including competitive bidding pursuant to s. 287.057, designed
4647 to facilitate the cost-effective purchase of a case-managed
4648 continuum of care. The agency shall also require providers to
4649 minimize the exposure of recipients to the need for acute
4650 inpatient, custodial, and other institutional care and the
4651 inappropriate or unnecessary use of high-cost services. The
4652 agency may mandate prior authorization, drug therapy management,
4653 or disease management participation for certain populations of
4654 Medicaid beneficiaries, certain drug classes, or particular
4655 drugs to prevent fraud, abuse, overuse, and possible dangerous
4656 drug interactions. The Pharmaceutical and Therapeutics Committee
4657 shall make recommendations to the agency on drugs for which
4658 prior authorization is required. The agency shall inform the
4659 Pharmaceutical and Therapeutics Committee of its decisions
4660 regarding drugs subject to prior authorization. The agency is
4661 authorized to limit the entities it contracts with or enrolls as
4662 Medicaid providers by developing a provider network through
4663 provider credentialing. The agency may limit its network based
4664 on the assessment of beneficiary access to care, provider
4665 availability, provider quality standards, time and distance
4666 standards for access to care, the cultural competence of the
4667 provider network, demographic characteristics of Medicaid
4668 beneficiaries, practice and provider-to-beneficiary standards,

4669 appointment wait times, beneficiary use of services, provider
 4670 turnover, provider profiling, provider licensure history,
 4671 previous program integrity investigations and findings, peer
 4672 review, provider Medicaid policy and billing compliance records,
 4673 clinical and medical record audits, and other factors. Providers
 4674 shall not be entitled to enrollment in the Medicaid provider
 4675 network. The agency is authorized to seek federal waivers
 4676 necessary to implement this policy.

4677 (4) The agency may contract with:

4678 (b) An entity that is providing comprehensive behavioral
 4679 health care services to certain Medicaid recipients through a
 4680 capitated, prepaid arrangement pursuant to the federal waiver
 4681 provided for by s. 409.905(5). Such an entity must be licensed
 4682 under chapter 624, chapter 636, or chapter 641 and must possess
 4683 the clinical systems and operational competence to manage risk
 4684 and provide comprehensive behavioral health care to Medicaid
 4685 recipients. As used in this paragraph, the term "comprehensive
 4686 behavioral health care services" means covered mental health and
 4687 substance abuse treatment services that are available to
 4688 Medicaid recipients. The secretary of the Department of Children
 4689 and Family Services shall approve provisions of procurements
 4690 related to children in the department's care or custody prior to
 4691 enrolling such children in a prepaid behavioral health plan. Any
 4692 contract awarded under this paragraph must be competitively
 4693 procured. In developing the behavioral health care prepaid plan
 4694 procurement document, the ~~agency shall ensure that the~~
 4695 ~~procurement~~ document must require ~~requires~~ the contractor to
 4696 develop and implement a plan to ensure compliance with s.

4697 394.4574 related to services provided to residents of licensed
 4698 assisted living facilities that hold a limited mental health
 4699 license. Except as provided in subparagraph 6. 8-, the agency
 4700 shall seek federal approval to contract with a single entity
 4701 meeting these requirements to provide comprehensive behavioral
 4702 health care services to all Medicaid recipients not enrolled in
 4703 a managed care plan in an AHCA area. Each entity must offer
 4704 sufficient choice of providers in its network to ensure
 4705 recipient access to care and the opportunity to select a
 4706 provider with whom they are satisfied. The network shall include
 4707 all public mental health hospitals. To ensure unimpaired access
 4708 to behavioral health care services by Medicaid recipients, all
 4709 contracts issued pursuant to this paragraph shall require 80
 4710 percent of the capitation paid to the managed care plan,
 4711 including health maintenance organizations, to be expended for
 4712 the provision of behavioral health care services. In the event
 4713 the managed care plan expends less than 80 percent of the
 4714 capitation paid pursuant to this paragraph for the provision of
 4715 behavioral health care services, the difference shall be
 4716 returned to the agency. The agency shall provide the managed
 4717 care plan with a certification letter indicating the amount of
 4718 capitation paid during each calendar year for the provision of
 4719 behavioral health care services pursuant to this section. The
 4720 agency may reimburse for substance abuse treatment services on a
 4721 fee-for-service basis until the agency finds that adequate funds
 4722 are available for capitated, prepaid arrangements.

4723 ~~1. By January 1, 2001, the agency shall modify the~~
 4724 ~~contracts with the entities providing comprehensive inpatient~~

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4725 ~~and outpatient mental health care services to Medicaid~~
4726 ~~recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk~~
4727 ~~Counties, to include substance abuse treatment services.~~

4728 ~~2. By July 1, 2003, the agency and the Department of~~
4729 ~~Children and Family Services shall execute a written agreement~~
4730 ~~that requires collaboration and joint development of all policy,~~
4731 ~~budgets, procurement documents, contracts, and monitoring plans~~
4732 ~~that have an impact on the state and Medicaid community mental~~
4733 ~~health and targeted case management programs.~~

4734 1.3. Except as provided in subparagraph 6. 8., by July 1,
4735 2006, the agency and the Department of Children and Family
4736 Services shall contract with managed care entities in each AHCA
4737 area except area 6 or arrange to provide comprehensive inpatient
4738 and outpatient mental health and substance abuse services
4739 through capitated prepaid arrangements to all Medicaid
4740 recipients who are eligible to participate in such plans under
4741 federal law and regulation. In AHCA areas where eligible
4742 individuals number less than 150,000, the agency shall contract
4743 with a single managed care plan to provide comprehensive
4744 behavioral health services to all recipients who are not
4745 enrolled in a Medicaid health maintenance organization. The
4746 agency may contract with more than one comprehensive behavioral
4747 health provider to provide care to recipients who are not
4748 enrolled in a Medicaid health maintenance organization in AHCA
4749 areas where the eligible population exceeds 150,000. Contracts
4750 for comprehensive behavioral health providers awarded pursuant
4751 to this section shall be competitively procured. Both for-profit
4752 and not-for-profit corporations shall be eligible to compete.

4753 Managed care plans contracting with the agency under subsection
4754 (3) shall provide and receive payment for the same comprehensive
4755 behavioral health benefits as provided in AHCA rules, including
4756 handbooks incorporated by reference.

4757 ~~4. By October 1, 2003, the agency and the department shall~~
4758 ~~submit a plan to the Governor, the President of the Senate, and~~
4759 ~~the Speaker of the House of Representatives which provides for~~
4760 ~~the full implementation of capitated prepaid behavioral health~~
4761 ~~care in all areas of the state.~~

4762 ~~a. Implementation shall begin in 2003 in those AHCA areas~~
4763 ~~of the state where the agency is able to establish sufficient~~
4764 ~~capitation rates.~~

4765 2.b. If the agency determines that the proposed capitation
4766 rate in any area is insufficient to provide appropriate
4767 services, the agency may adjust the capitation rate to ensure
4768 that care will be available. The agency and the department may
4769 use existing general revenue to address any additional required
4770 match but may not over-obligate existing funds on an annualized
4771 basis.

4772 ~~e.~~ Subject to any limitations provided for in the General
4773 Appropriations Act, the agency, in compliance with appropriate
4774 federal authorization, shall develop policies and procedures
4775 that allow for certification of local and state funds.

4776 3.5. Children residing in a statewide inpatient
4777 psychiatric program, or in a Department of Juvenile Justice or a
4778 Department of Children and Family Services residential program
4779 approved as a Medicaid behavioral health overlay services
4780 provider shall not be included in a behavioral health care

4781 prepaid health plan or any other Medicaid managed care plan
4782 pursuant to this paragraph.

4783 ~~4.6-~~ In converting to a prepaid system of delivery, the
4784 agency shall in its procurement document require an entity
4785 providing only comprehensive behavioral health care services to
4786 prevent the displacement of indigent care patients by enrollees
4787 in the Medicaid prepaid health plan providing behavioral health
4788 care services from facilities receiving state funding to provide
4789 indigent behavioral health care, to facilities licensed under
4790 chapter 395 which do not receive state funding for indigent
4791 behavioral health care, or reimburse the unsubsidized facility
4792 for the cost of behavioral health care provided to the displaced
4793 indigent care patient.

4794 ~~5.7-~~ Traditional community mental health providers under
4795 contract with the Department of Children and Family Services
4796 pursuant to part IV of chapter 394, child welfare providers
4797 under contract with the Department of Children and Family
4798 Services in areas 1 and 6, and inpatient mental health providers
4799 licensed pursuant to chapter 395 must be offered an opportunity
4800 to accept or decline a contract to participate in any provider
4801 network for prepaid behavioral health services.

4802 ~~6.8-~~ For fiscal year 2004-2005, all Medicaid eligible
4803 children, except children in areas 1 and 6, whose cases are open
4804 for child welfare services in the HomeSafeNet system, shall be
4805 enrolled in MediPass or in Medicaid fee-for-service and all
4806 their behavioral health care services including inpatient,
4807 outpatient psychiatric, community mental health, and case
4808 management shall be reimbursed on a fee-for-service basis.

4809 Beginning July 1, 2005, such children, who are open for child
 4810 welfare services in the HomeSafeNet system, shall receive their
 4811 behavioral health care services through a specialty prepaid plan
 4812 operated by community-based lead agencies either through a
 4813 single agency or formal agreements among several agencies. The
 4814 specialty prepaid plan must result in savings to the state
 4815 comparable to savings achieved in other Medicaid managed care
 4816 and prepaid programs. Such plan must provide mechanisms to
 4817 maximize state and local revenues. The specialty prepaid plan
 4818 shall be developed by the agency and the Department of Children
 4819 and Family Services. The agency is authorized to seek any
 4820 federal waivers to implement this initiative.

4821 (c) A federally qualified health center or an entity owned
 4822 by one or more federally qualified health centers or an entity
 4823 owned by other migrant and community health centers receiving
 4824 non-Medicaid financial support from the Federal Government to
 4825 provide health care services on a prepaid or fixed-sum basis to
 4826 recipients. Such prepaid health care services entity must be
 4827 licensed under parts I and III of chapter 641, but shall be
 4828 prohibited from serving Medicaid recipients on a prepaid basis,
 4829 until such licensure has been obtained. However, such an entity
 4830 is exempt from s. 641.225 if the entity meets the requirements
 4831 specified in subsections (16)~~(17)~~ and (17)~~(18)~~.

4832 ~~(5) By October 1, 2003, the agency and the department~~
 4833 ~~shall, to the extent feasible, develop a plan for implementing~~
 4834 ~~new Medicaid procedure codes for emergency and crisis care,~~
 4835 ~~supportive residential services, and other services designed to~~
 4836 ~~maximize the use of Medicaid funds for Medicaid-eligible~~

4837 ~~recipients. The agency shall include in the agreement developed~~
4838 ~~pursuant to subsection (4) a provision that ensures that the~~
4839 ~~match requirements for these new procedure codes are met by~~
4840 ~~certifying eligible general revenue or local funds that are~~
4841 ~~currently expended on these services by the department with~~
4842 ~~contracted alcohol, drug abuse, and mental health providers. The~~
4843 ~~plan must describe specific procedure codes to be implemented, a~~
4844 ~~projection of the number of procedures to be delivered during~~
4845 ~~fiscal year 2003-2004, and a financial analysis that describes~~
4846 ~~the certified match procedures, and accountability mechanisms,~~
4847 ~~projects the earnings associated with these procedures, and~~
4848 ~~describes the sources of state match. This plan may not be~~
4849 ~~implemented in any part until approved by the Legislative Budget~~
4850 ~~Commission. If such approval has not occurred by December 31,~~
4851 ~~2003, the plan shall be submitted for consideration by the 2004~~
4852 ~~Legislature.~~

4853 (20)~~(21)~~ Any entity contracting with the agency pursuant
4854 to this section to provide health care services to Medicaid
4855 recipients is prohibited from engaging in any of the following
4856 practices or activities:

4857 (c) Granting or offering of any monetary or other valuable
4858 consideration for enrollment, except as authorized by subsection
4859 (23)~~(24)~~.

4860 (28)~~(29)~~ The agency shall perform enrollments and
4861 disenrollments for Medicaid recipients who are eligible for
4862 MediPass or managed care plans. Notwithstanding the prohibition
4863 contained in paragraph (20)~~(21)~~(f), managed care plans may
4864 perform preenrollments of Medicaid recipients under the

4865 supervision of the agency or its agents. For the purposes of
 4866 this section, "preenrollment" means the provision of marketing
 4867 and educational materials to a Medicaid recipient and assistance
 4868 in completing the application forms, but shall not include
 4869 actual enrollment into a managed care plan. An application for
 4870 enrollment shall not be deemed complete until the agency or its
 4871 agent verifies that the recipient made an informed, voluntary
 4872 choice. The agency, in cooperation with the Department of
 4873 Children and Family Services, may test new marketing initiatives
 4874 to inform Medicaid recipients about their managed care options
 4875 at selected sites. ~~The agency shall report to the Legislature on~~
 4876 ~~the effectiveness of such initiatives.~~ The agency may contract
 4877 with a third party to perform managed care plan and MediPass
 4878 enrollment and disenrollment services for Medicaid recipients
 4879 and is authorized to adopt rules to implement such services. The
 4880 agency may adjust the capitation rate only to cover the costs of
 4881 a third-party enrollment and disenrollment contract, and for
 4882 agency supervision and management of the managed care plan
 4883 enrollment and disenrollment contract.

4884 (40)~~(41)~~ The agency shall provide for the development of a
 4885 demonstration project by establishment in Miami-Dade County of a
 4886 long-term-care facility licensed pursuant to chapter 395 to
 4887 improve access to health care for a predominantly minority,
 4888 medically underserved, and medically complex population and to
 4889 evaluate alternatives to nursing home care and general acute
 4890 care for such population. Such project is to be located in a
 4891 health care condominium and colocated with licensed facilities
 4892 providing a continuum of care. The establishment of this project

4893 is not subject to the provisions of s. 408.036 or s. 408.039.
 4894 ~~The agency shall report its findings to the Governor, the~~
 4895 ~~President of the Senate, and the Speaker of the House of~~
 4896 ~~Representatives by January 1, 2003.~~

4897 (43)~~(44)~~ The Agency for Health Care Administration shall
 4898 ensure that any Medicaid managed care plan as defined in s.
 4899 409.9122(2)(h), whether paid on a capitated basis or a shared
 4900 savings basis, is cost-effective. For purposes of this
 4901 subsection, the term "cost-effective" means that a network's
 4902 per-member, per-month costs to the state, including, but not
 4903 limited to, fee-for-service costs, administrative costs, and
 4904 case-management fees, must be no greater than the state's costs
 4905 associated with contracts for Medicaid services established
 4906 under subsection (3), which shall be actuarially adjusted for
 4907 case mix, model, and service area. The agency shall conduct
 4908 actuarially sound audits adjusted for case mix and model in
 4909 order to ensure such cost-effectiveness and shall publish the
 4910 audit results on its Internet website ~~and submit the audit~~
 4911 ~~results annually to the Governor, the President of the Senate,~~
 4912 ~~and the Speaker of the House of Representatives no later than~~
 4913 ~~December 31 of each year.~~ Contracts established pursuant to this
 4914 subsection which are not cost-effective may not be renewed.

4915 (48)~~(49)~~ The agency shall contract with established
 4916 minority physician networks that provide services to
 4917 historically underserved minority patients. The networks must
 4918 provide cost-effective Medicaid services, comply with the
 4919 requirements to be a MediPass provider, and provide their
 4920 primary care physicians with access to data and other management

4921 tools necessary to assist them in ensuring the appropriate use
 4922 of services, including inpatient hospital services and
 4923 pharmaceuticals.

4924 (c) For purposes of this subsection, the term "cost-
 4925 effective" means that a network's per-member, per-month costs to
 4926 the state, including, but not limited to, fee-for-service costs,
 4927 administrative costs, and case-management fees, must be no
 4928 greater than the state's costs associated with contracts for
 4929 Medicaid services established under subsection (3), which shall
 4930 be actuarially adjusted for case mix, model, and service area.
 4931 The agency shall conduct actuarially sound audits adjusted for
 4932 case mix and model in order to ensure such cost-effectiveness
 4933 and shall publish the audit results on its Internet website ~~and~~
 4934 ~~submit the audit results annually to the Governor, the President~~
 4935 ~~of the Senate, and the Speaker of the House of Representatives~~
 4936 ~~no later than December 31~~. Contracts established pursuant to
 4937 this subsection which are not cost-effective may not be renewed.

4938 Section 171. Paragraph (a) of subsection (4) of section
 4939 394.9082, Florida Statutes, is amended to read:

4940 394.9082 Behavioral health service delivery strategies.--

4941 (4) CONTRACT FOR SERVICES.--

4942 (a) The Department of Children and Family Services and the
 4943 Agency for Health Care Administration may contract for the
 4944 provision or management of behavioral health services with a
 4945 managing entity in at least two geographic areas. Both the
 4946 Department of Children and Family Services and the Agency for
 4947 Health Care Administration must contract with the same managing
 4948 entity in any distinct geographic area where the strategy

4949 operates. This managing entity shall be accountable at a minimum
 4950 for the delivery of behavioral health services specified and
 4951 funded by the department and the agency. The geographic area
 4952 must be of sufficient size in population and have enough public
 4953 funds for behavioral health services to allow for flexibility
 4954 and maximum efficiency. ~~Notwithstanding the provisions of s.~~
 4955 ~~409.912(4)(b)1.~~, At least one service delivery strategy must be
 4956 in one of the service districts in the catchment area of G.
 4957 Pierce Wood Memorial Hospital.

4958 Section 172. Paragraph (a) of subsection (4) of section
 4959 409.9065, Florida Statutes, is amended to read:

4960 409.9065 Pharmaceutical expense assistance.--

4961 (4) ADMINISTRATION.--The pharmaceutical expense assistance
 4962 program shall be administered by the agency, in collaboration
 4963 with the Department of Elderly Affairs and the Department of
 4964 Children and Family Services.

4965 (a) The agency shall, by rule, establish for the
 4966 pharmaceutical expense assistance program eligibility
 4967 requirements; limits on participation; benefit limitations,
 4968 including copayments; a requirement for generic drug
 4969 substitution; and other program parameters comparable to those
 4970 of the Medicaid program. Individuals eligible to participate in
 4971 this program are not subject to the limit of four brand name
 4972 drugs per month per recipient as specified in s.
 4973 409.912(39)~~(40)~~(a). There shall be no monetary limit on
 4974 prescription drugs purchased with discounts of less than 51
 4975 percent unless the agency determines there is a risk of a
 4976 funding shortfall in the program. If the agency determines there

4977 is a risk of a funding shortfall, the agency may establish
 4978 monetary limits on prescription drugs which shall not be less
 4979 than \$160 worth of prescription drugs per month.

4980 Section 173. Subsections (1) and (2) of section 409.91196,
 4981 Florida Statutes, are amended to read:

4982 409.91196 Supplemental rebate agreements; confidentiality
 4983 of records and meetings.--

4984 (1) Trade secrets, rebate amount, percent of rebate,
 4985 manufacturer's pricing, and supplemental rebates which are
 4986 contained in records of the Agency for Health Care
 4987 Administration and its agents with respect to supplemental
 4988 rebate negotiations and which are prepared pursuant to a
 4989 supplemental rebate agreement under s. 409.912(39)(~~40~~)(a)7. are
 4990 confidential and exempt from s. 119.07 and s. 24(a), Art. I of
 4991 the State Constitution.

4992 (2) Those portions of meetings of the Medicaid
 4993 Pharmaceutical and Therapeutics Committee at which trade
 4994 secrets, rebate amount, percent of rebate, manufacturer's
 4995 pricing, and supplemental rebates are disclosed for discussion
 4996 or negotiation of a supplemental rebate agreement under s.
 4997 409.912(39)(~~40~~)(a)7. are exempt from s. 286.011 and s. 24(b),
 4998 Art. I of the State Constitution.

4999 Section 174. Subsection (4) of section 641.386, Florida
 5000 Statutes, is amended to read:

5001 641.386 Agent licensing and appointment required;
 5002 exceptions.--

5003 (4) All agents and health maintenance organizations shall
 5004 comply with and be subject to the applicable provisions of ss.

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5005 641.309 and 409.912(20)(21), and all companies and entities
 5006 appointing agents shall comply with s. 626.451, when marketing
 5007 for any health maintenance organization licensed pursuant to
 5008 this part, including those organizations under contract with the
 5009 Agency for Health Care Administration to provide health care
 5010 services to Medicaid recipients or any private entity providing
 5011 health care services to Medicaid recipients pursuant to a
 5012 prepaid health plan contract with the Agency for Health Care
 5013 Administration.

5014 Section 175. Section 410.0245, Florida Statutes, is
 5015 repealed.

5016 Section 176. Subsection (10) of section 410.604, Florida
 5017 Statutes, is amended to read:

5018 410.604 Community care for disabled adults program; powers
 5019 and duties of the department.--

5020 ~~(10) Beginning October 1, 1989, the department shall~~
 5021 ~~biennially evaluate the progress of the community care for~~
 5022 ~~disabled adults program and submit such evaluation to the~~
 5023 ~~Speaker of the House of Representatives and the President of the~~
 5024 ~~Senate.~~

5025 Section 177. Section 411.221, Florida Statutes, is
 5026 repealed.

5027 Section 178. Paragraph (d) of subsection (5) of section
 5028 411.01, Florida Statutes, as amended by chapter 2004-484, Laws
 5029 of Florida, is amended to read:

5030 411.01 School readiness programs; early learning
 5031 coalitions.--

5032 (5) CREATION OF EARLY LEARNING COALITIONS.--

5033 (d) Implementation.--

5034 1. An early learning coalition may not implement the
5035 school readiness program until the coalition is authorized
5036 through approval of the coalition's school readiness plan by the
5037 Agency for Workforce Innovation.

5038 2. Each early learning coalition shall develop a plan for
5039 implementing the school readiness program to meet the
5040 requirements of this section and the performance standards and
5041 outcome measures adopted by the Agency for Workforce Innovation.
5042 The plan must demonstrate how the program will ensure that each
5043 3-year-old and 4-year-old child in a publicly funded school
5044 readiness program receives scheduled activities and instruction
5045 designed to enhance the age-appropriate progress of the children
5046 in attaining the performance standards adopted by the Agency for
5047 Workforce Innovation under subparagraph (4)(d)8. Before
5048 implementing the school readiness program, the early learning
5049 coalition must submit the plan to the Agency for Workforce
5050 Innovation for approval. The Agency for Workforce Innovation may
5051 approve the plan, reject the plan, or approve the plan with
5052 conditions. The Agency for Workforce Innovation shall review
5053 school readiness plans at least annually.

5054 3. If the Agency for Workforce Innovation determines
5055 during the annual review of school readiness plans, or through
5056 monitoring and performance evaluations conducted under paragraph
5057 (4)(1), that an early learning coalition has not substantially
5058 implemented its plan, has not substantially met the performance
5059 standards and outcome measures adopted by the agency, or has not
5060 effectively administered the school readiness program or

5061 Voluntary Prekindergarten Education Program, the Agency for
5062 Workforce Innovation may dissolve the coalition and temporarily
5063 contract with a qualified entity to continue school readiness
5064 and prekindergarten services in the coalition's county or
5065 multicounty region until the coalition is reestablished through
5066 resubmission of a school readiness plan and approval by the
5067 agency.

5068 4. The Agency for Workforce Innovation shall adopt
5069 criteria for the approval of school readiness plans. The
5070 criteria must be consistent with the performance standards and
5071 outcome measures adopted by the agency and must require each
5072 approved plan to include the following minimum standards and
5073 provisions:

5074 a. A sliding fee scale establishing a copayment for
5075 parents based upon their ability to pay, which is the same for
5076 all program providers, to be implemented and reflected in each
5077 program's budget.

5078 b. A choice of settings and locations in licensed,
5079 registered, religious-exempt, or school-based programs to be
5080 provided to parents.

5081 c. Instructional staff who have completed the training
5082 course as required in s. 402.305(2)(d)1., as well as staff who
5083 have additional training or credentials as required by the
5084 Agency for Workforce Innovation. The plan must provide a method
5085 for assuring the qualifications of all personnel in all program
5086 settings.

5087 d. Specific eligibility priorities for children within the
 5088 early learning coalition's county or multicounty region in
 5089 accordance with subsection (6).

5090 e. Performance standards and outcome measures adopted by
 5091 the Agency for Workforce Innovation.

5092 f. Payment rates adopted by the early learning coalition
 5093 and approved by the Agency for Workforce Innovation. Payment
 5094 rates may not have the effect of limiting parental choice or
 5095 creating standards or levels of services that have not been
 5096 authorized by the Legislature.

5097 g. Systems support services, including a central agency,
 5098 child care resource and referral, eligibility determinations,
 5099 training of providers, and parent support and involvement.

5100 h. Direct enhancement services to families and children.
 5101 System support and direct enhancement services shall be in
 5102 addition to payments for the placement of children in school
 5103 readiness programs.

5104 i. The business organization of the early learning
 5105 coalition, which must include the coalition's articles of
 5106 incorporation and bylaws if the coalition is organized as a
 5107 corporation. If the coalition is not organized as a corporation
 5108 or other business entity, the plan must include the contract
 5109 with a fiscal agent. An early learning coalition may contract
 5110 with other coalitions to achieve efficiency in multicounty
 5111 services, and these contracts may be part of the coalition's
 5112 school readiness plan.

5113 j. Strategies to meet the needs of unique populations,
 5114 such as migrant workers.

5115
 5116 As part of the school readiness plan, the early learning
 5117 coalition may request the Governor to apply for a waiver to
 5118 allow the coalition to administer the Head Start Program to
 5119 accomplish the purposes of the school readiness program. If a
 5120 school readiness plan demonstrates that specific statutory goals
 5121 can be achieved more effectively by using procedures that
 5122 require modification of existing rules, policies, or procedures,
 5123 a request for a waiver to the Agency for Workforce Innovation
 5124 may be submitted as part of the plan. Upon review, the Agency
 5125 for Workforce Innovation may grant the proposed modification.

5126 5. Persons with an early childhood teaching certificate
 5127 may provide support and supervision to other staff in the school
 5128 readiness program.

5129 6. An early learning coalition may not implement its
 5130 school readiness plan until it submits the plan to and receives
 5131 approval from the Agency for Workforce Innovation. Once the plan
 5132 is approved, the plan and the services provided under the plan
 5133 shall be controlled by the early learning coalition. The plan
 5134 shall be reviewed and revised as necessary, but at least
 5135 biennially. An early learning coalition may not implement the
 5136 revisions until the coalition submits the revised plan to and
 5137 receives approval from the Agency for Workforce Innovation. If
 5138 the Agency for Workforce Innovation rejects a revised plan, the
 5139 coalition must continue to operate under its prior approved
 5140 plan.

5141 7. Sections 125.901(2)(a)3., ~~411.221~~, and 411.232 do not
 5142 apply to an early learning coalition with an approved school

5143 | readiness plan. To facilitate innovative practices and to allow
 5144 | the regional establishment of school readiness programs, an
 5145 | early learning coalition may apply to the Governor and Cabinet
 5146 | for a waiver of, and the Governor and Cabinet may waive, any of
 5147 | the provisions of ss. 411.223, 411.232, and 1003.54, if the
 5148 | waiver is necessary for implementation of the coalition's school
 5149 | readiness plan.

5150 | 8. Two or more counties may join for purposes of planning
 5151 | and implementing a school readiness program.

5152 | 9. An early learning coalition may, subject to approval by
 5153 | the Agency for Workforce Innovation as part of the coalition's
 5154 | school readiness plan, receive subsidized child care funds for
 5155 | all children eligible for any federal subsidized child care
 5156 | program.

5157 | 10. An early learning coalition may enter into multiparty
 5158 | contracts with multicounty service providers in order to meet
 5159 | the needs of unique populations such as migrant workers.

5160 | Section 179. Paragraph (a) of subsection (3) of section
 5161 | 411.232, Florida Statutes, is amended to read:

5162 | 411.232 Children's Early Investment Program.--

5163 | (3) ESSENTIAL ELEMENTS.--

5164 | (a) Initially, the program shall be directed to geographic
 5165 | areas where at-risk young children and their families are in
 5166 | greatest need because of an unfavorable combination of economic,
 5167 | social, environmental, and health factors, including, without
 5168 | limitation, extensive poverty, high crime rate, great incidence
 5169 | of low birthweight babies, high incidence of alcohol and drug
 5170 | abuse, and high rates of teenage pregnancy. The selection of a

5171 geographic site shall also consider the incidence of young
 5172 children within these at-risk geographic areas who are cocaine
 5173 babies, children of single mothers who receive temporary cash
 5174 assistance, children of teenage parents, low birthweight babies,
 5175 and very young foster children. To receive funding under this
 5176 section, an agency, board, council, or provider must
 5177 demonstrate:

5178 1. Its capacity to administer and coordinate the programs
 5179 and services in a comprehensive manner and provide a flexible
 5180 range of services.+

5181 2. Its capacity to identify and serve those children least
 5182 able to access existing programs and case management services.+

5183 3. Its capacity to administer and coordinate the programs
 5184 and services in an intensive and continuous manner.+

5185 4. The proximity of its facilities to young children,
 5186 parents, and other family members to be served by the program,
 5187 or its ability to provide offsite services.+

5188 5. Its ability to use existing federal, state, and local
 5189 governmental programs and services in implementing the
 5190 investment program.+

5191 6. Its ability to coordinate activities and services with
 5192 existing public and private, state and local agencies and
 5193 programs such as those responsible for health, education, social
 5194 support, mental health, child care, respite care, housing,
 5195 transportation, alcohol and drug abuse treatment and prevention,
 5196 income assistance, employment training and placement, nutrition,
 5197 and other relevant services, all the foregoing intended to
 5198 assist children and families at risk.+

5199 7. How its plan will involve project participants and
 5200 community representatives in the planning and operation of the
 5201 investment program. ;

5202 8. Its ability to participate in the evaluation component
 5203 required in this section. ; ~~and~~

5204 ~~9. Its consistency with the strategic plan pursuant to s.~~
 5205 ~~411.221.~~

5206 Section 180. Section 411.242, Florida Statutes, is
 5207 repealed.

5208 Section 181. Subsection (8) of section 413.402, Florida
 5209 Statutes, is amended to read:

5210 413.402 Personal care attendant pilot program.--The
 5211 Florida Association of Centers for Independent Living shall
 5212 develop a pilot program to provide personal care attendants to
 5213 persons who are eligible pursuant to subsection (1). The
 5214 association shall develop memoranda of understanding with the
 5215 Department of Revenue, the Brain and Spinal Cord Injury Program
 5216 in the Department of Health, the Florida Medicaid program in the
 5217 Agency for Health Care Administration, the Florida Endowment
 5218 Foundation for Vocational Rehabilitation, and the Division of
 5219 Vocational Rehabilitation of the Department of Education.

5220 ~~(8) No later than March 1, 2003, the association shall~~
 5221 ~~present to the President of the Senate and to the Speaker of the~~
 5222 ~~House of Representatives the implementation plan for the pilot~~
 5223 ~~program, a timeline for implementation, estimates of the number~~
 5224 ~~of participants to be served, and cost projections for each~~
 5225 ~~component of the pilot program. The pilot program shall be~~

5226 ~~implemented beginning July 1, 2003, unless there is specific~~
 5227 ~~legislative action to the contrary.~~

5228 Section 182. Subsection (3) of section 414.1251, Florida
 5229 Statutes, is amended to read:

5230 414.1251 Learnfare program.--

5231 ~~(3) The department shall develop an electronic data~~
 5232 ~~transfer system to enable the department to collect, report, and~~
 5233 ~~share data accurately and efficiently. In order to ensure~~
 5234 ~~accountability and assess the effectiveness of the Learnfare~~
 5235 ~~program, the department shall compile information including, but~~
 5236 ~~not limited to, the number of students and families reported by~~
 5237 ~~school districts as out of compliance, the number of students~~
 5238 ~~and families sanctioned as a result, and the number of students~~
 5239 ~~and families reinstated after becoming compliant. The~~
 5240 ~~information compiled shall be submitted in the form of an annual~~
 5241 ~~report to the presiding officers of the Legislature by March 1.~~

5242 Section 183. Section 414.14, Florida Statutes, is amended
 5243 to read:

5244 414.14 Public assistance policy simplification.--To the
 5245 extent possible, the department shall align the requirements for
 5246 eligibility under this chapter with the food stamp program and
 5247 medical assistance eligibility policies and procedures to
 5248 simplify the budgeting process and reduce errors. If the
 5249 department determines that s. 414.075, relating to resources, or
 5250 s. 414.085, relating to income, is inconsistent with related
 5251 provisions of federal law which govern the food stamp program or
 5252 medical assistance, and that conformance to federal law would
 5253 simplify administration of the WAGES Program or reduce errors

5254 without materially increasing the cost of the program to the
 5255 state, the secretary of the department may propose a change in
 5256 the resource or income requirements of the program by rule. ~~The~~
 5257 ~~secretary shall provide written notice to the President of the~~
 5258 ~~Senate, the Speaker of the House of Representatives, and the~~
 5259 ~~chairpersons of the relevant committees of both houses of the~~
 5260 ~~Legislature summarizing the proposed modifications to be made by~~
 5261 ~~rule and changes necessary to conform state law to federal law.~~
 5262 ~~The proposed rule shall take effect 14 days after written notice~~
 5263 ~~is given unless the President of the Senate or the Speaker of~~
 5264 ~~the House of Representatives advises the secretary that the~~
 5265 ~~proposed rule exceeds the delegated authority of the~~
 5266 ~~Legislature.~~

5267 Section 184. Subsection (1) of section 414.36, Florida
 5268 Statutes, is amended to read:

5269 414.36 Public assistance overpayment recovery program;
 5270 contracts.--

5271 ~~(1) The department shall develop and implement a plan for~~
 5272 ~~the statewide privatization of activities relating to the~~
 5273 ~~recovery of public assistance overpayment claims. These~~
 5274 ~~activities shall include, at a minimum, voluntary cash~~
 5275 ~~collections functions for recovery of fraudulent and~~
 5276 ~~nonfraudulent benefits paid to recipients of temporary cash~~
 5277 ~~assistance, food stamps, and aid to families with dependent~~
 5278 ~~children.~~

5279 Section 185. Subsection (3) of section 414.391, Florida
 5280 Statutes, is amended to read:

5281 414.391 Automated fingerprint imaging.--

5282 ~~(3) The department shall prepare, by April 1998, a plan~~
 5283 ~~for implementation of this program. Implementation shall begin~~
 5284 ~~with a pilot of the program in one or more areas of the state by~~
 5285 ~~November 1, 1998. Pilot evaluation results shall be used to~~
 5286 ~~determine the method of statewide expansion. The priority for~~
 5287 ~~use of the savings derived from reducing fraud through this~~
 5288 ~~program shall be to expand the program to other areas of the~~
 5289 ~~state.~~

5290 Section 186. Subsection (6) of section 415.1045, Florida
 5291 Statutes, is amended to read:

5292 415.1045 Photographs, videotapes, and medical
 5293 examinations; abrogation of privileged communications;
 5294 confidential records and documents.--

5295 (6) WORKING AGREEMENTS.--~~By March 1, 2004,~~ The department
 5296 shall enter into working agreements with the jurisdictionally
 5297 responsible county sheriffs' office or local police department
 5298 that will be the lead agency when conducting any criminal
 5299 investigation arising from an allegation of abuse, neglect, or
 5300 exploitation of a vulnerable adult. The working agreement must
 5301 specify how the requirements of this chapter will be met. ~~The~~
 5302 ~~Office of Program Policy Analysis and Government Accountability~~
 5303 ~~shall conduct a review of the efficacy of the agreements and~~
 5304 ~~report its findings to the Legislature by March 1, 2005.~~ For the
 5305 purposes of such agreement, the jurisdictionally responsible law
 5306 enforcement entity is authorized to share Florida criminal
 5307 history and local criminal history information that is not
 5308 otherwise exempt from s. 119.07(1) with the district personnel.
 5309 A law enforcement entity entering into such agreement must

5310 | comply with s. 943.0525. Criminal justice information provided
 5311 | by such law enforcement entity shall be used only for the
 5312 | purposes specified in the agreement and shall be provided at no
 5313 | charge. Notwithstanding any other provision of law, the
 5314 | Department of Law Enforcement shall provide to the department
 5315 | electronic access to Florida criminal justice information which
 5316 | is lawfully available and not exempt from s. 119.07(1), only for
 5317 | the purpose of protective investigations and emergency
 5318 | placement. As a condition of access to such information, the
 5319 | department shall be required to execute an appropriate user
 5320 | agreement addressing the access, use, dissemination, and
 5321 | destruction of such information and to comply with all
 5322 | applicable laws and rules of the Department of Law Enforcement.

5323 | Section 187. Paragraph (a) of subsection (5) of section
 5324 | 415.111, Florida Statutes, is amended to read:

5325 | 415.111 Criminal penalties.--

5326 | (5) A person who knowingly and willfully makes a false
 5327 | report of abuse, neglect, or exploitation of a vulnerable adult,
 5328 | or a person who advises another to make a false report, commits
 5329 | a felony of the third degree, punishable as provided in s.
 5330 | 775.082 or s. 775.083.

5331 | (a) The department shall establish procedures for
 5332 | determining whether a false report of abuse, neglect, or
 5333 | exploitation of a vulnerable adult has been made and for
 5334 | submitting all identifying information relating to such a false
 5335 | report to the local law enforcement agency as provided in this
 5336 | subsection ~~and shall report annually to the Legislature the~~
 5337 | ~~number of reports referred.~~

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5338 Section 188. Subsection (9) of section 420.622, Florida
 5339 Statutes, is amended to read:

5340 420.622 State Office on Homelessness; Council on
 5341 Homelessness.--

5342 (9) The council shall, by December 31 of each year,
 5343 provide issue to the Governor, the Legislature ~~President of the~~
 5344 ~~Senate, the Speaker of the House of Representatives,~~ and the
 5345 Secretary of Children and Family Services ~~an evaluation of the~~
 5346 ~~executive director's performance in fulfilling the statutory~~
 5347 ~~duties of the office,~~ a report summarizing the status of
 5348 homelessness in the state and the council's recommendations to
 5349 ~~the office and the corresponding actions taken by the office,~~
 5350 ~~and any recommendations to the Legislature for~~ reducing
 5351 ~~proposals to reduce~~ homelessness in this state.

5352 Section 189. Subsection (4) of section 420.623, Florida
 5353 Statutes, is amended to read:

5354 420.623 Local coalitions for the homeless.--

5355 ~~(4) ANNUAL REPORTS.--The department shall submit to the~~
 5356 ~~Governor, the Speaker of the House of Representatives, and the~~
 5357 ~~President of the Senate, by June 30, an annual report consisting~~
 5358 ~~of a compilation of data collected by local coalitions, progress~~
 5359 ~~made in the development and implementation of local homeless~~
 5360 ~~assistance continuums of care plans in each district, local~~
 5361 ~~spending plans, programs and resources available at the local~~
 5362 ~~level, and recommendations for programs and funding.~~

5363 Section 190. Subsection (9) of section 427.704, Florida
 5364 Statutes, is amended to read:

5365 427.704 Powers and duties of the commission.--

5366 (9) The commission shall prepare ~~provide to the President~~
 5367 ~~of the Senate and to the Speaker of the House of Representatives~~
 5368 an annual report on the operation of the telecommunications
 5369 access system that shall be available on the commission's
 5370 Internet website. ~~The first report shall be provided no later~~
 5371 ~~than January 1, 1992, and successive reports shall be provided~~
 5372 ~~by January 1 of each year thereafter.~~ Reports shall be prepared
 5373 in consultation with the administrator and the advisory
 5374 committee appointed pursuant to s. 427.706. The reports shall,
 5375 at a minimum, briefly outline the status of developments of the
 5376 telecommunications access system, the number of persons served,
 5377 the call volume, revenues and expenditures, the allocation of
 5378 the revenues and expenditures between provision of specialized
 5379 telecommunications devices to individuals and operation of
 5380 statewide relay service, other major policy or operational
 5381 issues, and proposals for improvements or changes to the
 5382 telecommunications access system.

5383 Section 191. Subsection (2) of section 427.706, Florida
 5384 Statutes, is amended to read:

5385 427.706 Advisory committee.--

5386 (2) The advisory committee shall provide the expertise,
 5387 experience, and perspective of persons who are hearing impaired
 5388 or speech impaired to the commission and to the administrator
 5389 during all phases of the development and operation of the
 5390 telecommunications access system. The advisory committee shall
 5391 advise the commission and the administrator on any matter
 5392 relating to the quality and cost-effectiveness of the
 5393 telecommunications relay service and the specialized

5394 telecommunications devices distribution system. The advisory
 5395 committee may submit material for inclusion in the annual report
 5396 prepared pursuant to s. 427.704 ~~to the President of the Senate~~
 5397 ~~and the Speaker of the House of Representatives.~~

5398 Section 192. Subsections (3) through (16) of section
 5399 430.04, Florida Statutes, are amended to read:

5400 430.04 Duties and responsibilities of the Department of
 5401 Elderly Affairs.--The Department of Elderly Affairs shall:

5402 ~~(3) Prepare and submit to the Governor, each Cabinet~~
 5403 ~~member, the President of the Senate, the Speaker of the House of~~
 5404 ~~Representatives, the minority leaders of the House and Senate,~~
 5405 ~~and chairpersons of appropriate House and Senate committees a~~
 5406 ~~master plan for policies and programs in the state related to~~
 5407 ~~aging. The plan must identify and assess the needs of the~~
 5408 ~~elderly population in the areas of housing, employment,~~
 5409 ~~education and training, medical care, long-term care, preventive~~
 5410 ~~care, protective services, social services, mental health,~~
 5411 ~~transportation, and long-term care insurance, and other areas~~
 5412 ~~considered appropriate by the department. The plan must assess~~
 5413 ~~the needs of particular subgroups of the population and evaluate~~
 5414 ~~the capacity of existing programs, both public and private and~~
 5415 ~~in state and local agencies, to respond effectively to~~
 5416 ~~identified needs. If the plan recommends the transfer of any~~
 5417 ~~program or service from the Department of Children and Family~~
 5418 ~~Services to another state department, the plan must also include~~
 5419 ~~recommendations that provide for an independent third party~~
 5420 ~~mechanism, as currently exists in the Florida advocacy councils~~
 5421 ~~established in ss. 402.165 and 402.166, for protecting the~~

5422 ~~constitutional and human rights of recipients of departmental~~
5423 ~~services. The plan must include policy goals and program~~
5424 ~~strategies designed to respond efficiently to current and~~
5425 ~~projected needs. The plan must also include policy goals and~~
5426 ~~program strategies to promote intergenerational relationships~~
5427 ~~and activities. Public hearings and other appropriate processes~~
5428 ~~shall be utilized by the department to solicit input for the~~
5429 ~~development and updating of the master plan from parties~~
5430 ~~including, but not limited to, the following:~~

5431 ~~(a) Elderly citizens and their families and caregivers.~~
5432 ~~(b) Local-level public and private service providers,~~
5433 ~~advocacy organizations, and other organizations relating to the~~
5434 ~~elderly.~~

5435 ~~(c) Local governments.~~
5436 ~~(d) All state agencies that provide services to the~~
5437 ~~elderly.~~

5438 ~~(e) University centers on aging.~~
5439 ~~(f) Area agency on aging and community care for the~~
5440 ~~elderly lead agencies.~~

5441 (3)(4) Serve as an information clearinghouse at the state
5442 level, and assist local-level information and referral resources
5443 as a repository and means for dissemination of information
5444 regarding all federal, state, and local resources for assistance
5445 to the elderly in the areas of, but not limited to, health,
5446 social welfare, long-term care, protective services, consumer
5447 protection, education and training, housing, employment,
5448 recreation, transportation, insurance, and retirement.

5449 (4)~~(5)~~ Recommend guidelines for the development of roles
 5450 for state agencies that provide services for the aging, review
 5451 plans of agencies that provide such services, and relay these
 5452 plans to the Governor and the Legislature, ~~each Cabinet member,~~
 5453 ~~the President of the Senate, the Speaker of the House of~~
 5454 ~~Representatives, the minority leaders of the House and Senate,~~
 5455 ~~and chairpersons of appropriate House and Senate committees.~~

5456 (5)~~(6)~~ Recommend to the Governor and the Legislature, ~~each~~
 5457 ~~Cabinet member, the President of the Senate, the Speaker of the~~
 5458 ~~House of Representatives, the minority leaders of the House and~~
 5459 ~~Senate, and chairpersons of appropriate House and Senate~~
 5460 ~~committees~~ an organizational framework for the planning,
 5461 coordination, implementation, and evaluation of programs related
 5462 to aging, with the purpose of expanding and improving programs
 5463 and opportunities available to the state's elderly population
 5464 and enhancing a continuum of long-term care. This framework must
 5465 assure that:

- 5466 (a) Performance objectives are established.
- 5467 (b) Program reviews are conducted statewide.
- 5468 (c) Each major program related to aging is reviewed every
 5469 3 years.

5470 ~~(d) Agency budget requests reflect the results and~~
 5471 ~~recommendations of such program reviews.~~

5472 (d)~~(e)~~ Program decisions reinforce ~~lead to~~ the distinctive
 5473 roles established for state agencies that provide aging
 5474 services.

5475 (6)~~(7)~~ Advise the Governor and the Legislature, ~~each~~
 5476 ~~Cabinet member, the President of the Senate, the Speaker of the~~

5477 ~~House of Representatives, the minority leaders of the House and~~
5478 ~~Senate, and the chairpersons of appropriate House and Senate~~
5479 ~~committees~~ regarding the need for and location of programs
5480 related to aging.

5481 (7)(8) Review and coordinate aging research plans of all
5482 state agencies to ensure that the conformance of research
5483 objectives address to issues and needs of the state's elderly
5484 population addressed in the master plan for policies and
5485 ~~programs related to aging~~. The research activities that must be
5486 reviewed and coordinated by the department include, but are not
5487 limited to, contracts with academic institutions, development of
5488 educational and training curriculums, Alzheimer's disease and
5489 other medical research, studies of long-term care and other
5490 personal assistance needs, and design of adaptive or modified
5491 living environments.

5492 (8)(9) Review budget requests for programs related to
5493 aging to ensure the most cost-effective use of state funding for
5494 the state's elderly population prior to for compliance with the
5495 ~~master plan for policies and programs related to aging before~~
5496 submission to the Governor and the Legislature.

5497 ~~(10)~~ ~~Update the master plan for policies and programs~~
5498 ~~related to aging every 3 years.~~

5499 ~~(11)~~ ~~Review implementation of the master plan for programs~~
5500 ~~and policies related to aging and annually report to the~~
5501 ~~Governor, each Cabinet member, the President of the Senate, the~~
5502 ~~Speaker of the House of Representatives, the minority leaders of~~
5503 ~~the House and Senate, and the chairpersons of appropriate House~~

5504 ~~and Senate committees the progress towards implementation of the~~
 5505 ~~plan.~~

5506 (9)~~(12)~~ Request other departments that administer programs
 5507 affecting the state's elderly population to amend their plans,
 5508 rules, policies, and research objectives as necessary to ensure
 5509 that programs and other initiatives are coordinated and maximize
 5510 the state's efforts to address the needs of the elderly ~~conform~~
 5511 ~~with the master plan for policies and programs related to aging.~~

5512 (10)~~(13)~~ Hold public meetings regularly throughout the
 5513 state for purposes of receiving information and maximizing the
 5514 visibility of important issues related to aging and the elderly.

5515 (11)~~(14)~~ Conduct policy analysis and program evaluation
 5516 studies assigned by the Legislature.

5517 (12)~~(15)~~ Assist the Governor, each Cabinet member, and
 5518 members of the Legislature ~~the President of the Senate, the~~
 5519 ~~Speaker of the House of Representatives, the minority leaders of~~
 5520 ~~the House and Senate, and the chairpersons of appropriate House~~
 5521 ~~and Senate committees~~ in the conduct of their responsibilities
 5522 in such capacities as they consider appropriate.

5523 (13)~~(16)~~ Call upon appropriate agencies of state
 5524 government for such assistance as is needed in the discharge of
 5525 its duties. All agencies shall cooperate in assisting the
 5526 department in carrying out its responsibilities as prescribed by
 5527 this section. However, no provision of law with respect to
 5528 confidentiality of information may be violated.

5529 Section 193. Subsections (3) and (8) of section 430.502,
 5530 Florida Statutes, are amended to read:

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5531 430.502 Alzheimer's disease; memory disorder clinics and
 5532 day care and respite care programs.--

5533 (3) The Alzheimer's Disease Advisory Committee shall ~~must~~
 5534 evaluate and make recommendations to the department and the
 5535 Legislature concerning the need for additional memory disorder
 5536 clinics in the state. ~~The first report will be due by December~~
 5537 ~~31, 1995.~~

5538 (8) The department will implement the waiver program
 5539 specified in subsection (7). The agency and the department shall
 5540 ensure that providers are selected that have a history of
 5541 successfully serving persons with Alzheimer's disease. The
 5542 department and the agency shall develop specialized standards
 5543 for providers and services tailored to persons in the early,
 5544 middle, and late stages of Alzheimer's disease and designate a
 5545 level of care determination process and standard that is most
 5546 appropriate to this population. The department and the agency
 5547 shall include in the waiver services designed to assist the
 5548 caregiver in continuing to provide in-home care. The department
 5549 shall implement this waiver program subject to a specific
 5550 appropriation or as provided in the General Appropriations Act.
 5551 ~~The department and the agency shall submit their program design~~
 5552 ~~to the President of the Senate and the Speaker of the House of~~
 5553 ~~Representatives for consultation during the development process.~~

5554 Section 194. Subsection (1) of section 430.707, Florida
 5555 Statutes, is amended to read:

5556 430.707 Contracts.--

5557 (1) The department, in consultation with the agency, shall
 5558 select and contract with managed care organizations and, on a

5559 | prepaid basis, with other qualified providers as defined in s.
 5560 | 430.703(7) to provide long-term care within community diversion
 5561 | pilot project areas. ~~The agency shall evaluate and report~~
 5562 | ~~quarterly to the department the compliance by other qualified~~
 5563 | ~~providers with all the financial and quality assurance~~
 5564 | ~~requirements of the contract.~~

5565 | Section 195. Paragraph (a) of subsection (3) and paragraph
 5566 | (c) of subsection (4) of section 445.003, Florida Statutes, are
 5567 | amended to read:

5568 | 445.003 Implementation of the federal Workforce Investment
 5569 | Act of 1998.--

5570 | (3) FUNDING.--

5571 | (a) Title I, Workforce Investment Act of 1998 funds;
 5572 | Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended
 5573 | based on the 5-year plan of Workforce Florida, Inc. The plan
 5574 | shall outline and direct the method used to administer and
 5575 | coordinate various funds and programs that are operated by
 5576 | various agencies. The following provisions shall also apply to
 5577 | these funds:

5578 | 1. At least 50 percent of the Title I funds for Adults and
 5579 | Dislocated Workers that are passed through to regional workforce
 5580 | boards shall be allocated to Individual Training Accounts unless
 5581 | a regional workforce board obtains a waiver from Workforce
 5582 | Florida, Inc. Tuition, fees, and performance-based incentive
 5583 | awards paid in compliance with Florida's Performance-Based
 5584 | Incentive Fund Program qualify as an Individual Training Account
 5585 | expenditure, as do other programs developed by regional

5586 workforce boards in compliance with policies of Workforce
 5587 Florida, Inc.

5588 2. Fifteen percent of Title I funding shall be retained at
 5589 the state level and shall be dedicated to state administration
 5590 and used to design, develop, induce, and fund innovative
 5591 Individual Training Account pilots, demonstrations, and
 5592 programs. Of such funds retained at the state level, \$2 million
 5593 shall be reserved for the Incumbent Worker Training Program,
 5594 created under subparagraph 3. Eligible state administration
 5595 costs include the costs of: funding for the board and staff of
 5596 Workforce Florida, Inc.; operating fiscal, compliance, and
 5597 management accountability systems through Workforce Florida,
 5598 Inc.; conducting evaluation and research on workforce
 5599 development activities; and providing technical and capacity
 5600 building assistance to regions at the direction of Workforce
 5601 Florida, Inc. Notwithstanding s. 445.004, such administrative
 5602 costs shall not exceed 25 percent of these funds. An amount not
 5603 to exceed 75 percent of these funds shall be allocated to
 5604 Individual Training Accounts and other workforce development
 5605 strategies for: the Minority Teacher Education Scholars program,
 5606 the Certified Teacher-Aide program, the Self-Employment
 5607 Institute, and other training designed and tailored by Workforce
 5608 Florida, Inc., including, but not limited to, programs for
 5609 incumbent workers, displaced homemakers, nontraditional
 5610 employment, empowerment zones, and enterprise zones. Workforce
 5611 Florida, Inc., shall design, adopt, and fund Individual Training
 5612 Accounts for distressed urban and rural communities.

5613 3. The Incumbent Worker Training Program is created for
 5614 the purpose of providing grant funding for continuing education
 5615 and training of incumbent employees at existing Florida
 5616 businesses. The program will provide reimbursement grants to
 5617 businesses that pay for preapproved, direct, training-related
 5618 costs.

5619 a. The Incumbent Worker Training Program will be
 5620 administered by Workforce Florida, Inc. Workforce Florida, Inc.,
 5621 at its discretion, may contract with a private business
 5622 organization to serve as grant administrator.

5623 b. To be eligible for the program's grant funding, a
 5624 business must have been in operation in Florida for a minimum of
 5625 1 year prior to the application for grant funding; have at least
 5626 one full-time employee; demonstrate financial viability; and be
 5627 current on all state tax obligations. Priority for funding shall
 5628 be given to businesses with 25 employees or fewer, businesses in
 5629 rural areas, businesses in distressed inner-city areas,
 5630 businesses in a qualified targeted industry, businesses whose
 5631 grant proposals represent a significant upgrade in employee
 5632 skills, or businesses whose grant proposals represent a
 5633 significant layoff avoidance strategy.

5634 c. All costs reimbursed by the program must be preapproved
 5635 by Workforce Florida, Inc., or the grant administrator. The
 5636 program will not reimburse businesses for trainee wages, the
 5637 purchase of capital equipment, or the purchase of any item or
 5638 service that may possibly be used outside the training project.
 5639 A business approved for a grant may be reimbursed for
 5640 preapproved, direct, training-related costs including tuition

5641 and fees; books and classroom materials; and overhead or
 5642 indirect costs not to exceed 5 percent of the grant amount.

5643 d. A business that is selected to receive grant funding
 5644 must provide a matching contribution to the training project,
 5645 including, but not limited to, wages paid to trainees or the
 5646 purchase of capital equipment used in the training project; must
 5647 sign an agreement with Workforce Florida, Inc., or the grant
 5648 administrator to complete the training project as proposed in
 5649 the application; must keep accurate records of the project's
 5650 implementation process; and must submit monthly or quarterly
 5651 reimbursement requests with required documentation.

5652 e. All Incumbent Worker Training Program grant projects
 5653 shall be performance-based with specific measurable performance
 5654 outcomes, including completion of the training project and job
 5655 retention. Workforce Florida, Inc., or the grant administrator
 5656 shall withhold the final payment to the grantee until a final
 5657 grant report is submitted and all performance criteria specified
 5658 in the grant contract have been achieved.

5659 f. Workforce Florida, Inc., may establish guidelines
 5660 necessary to implement the Incumbent Worker Training Program.

5661 g. No more than 10 percent of the Incumbent Worker
 5662 Training Program's total appropriation may be used for overhead
 5663 or indirect purposes.

5664 h. Workforce Florida, Inc., shall ~~submit a~~ report to the
 5665 Legislature on the financial and general operations of the
 5666 Incumbent Worker Training Program as part of its annual report
 5667 submitted pursuant to s. 445.004. ~~Such report will be due before~~

5668 ~~October 1 of any fiscal year for which the program is funded by~~
 5669 ~~the Legislature.~~

5670 4. At least 50 percent of Rapid Response funding shall be
 5671 dedicated to Intensive Services Accounts and Individual Training
 5672 Accounts for dislocated workers and incumbent workers who are at
 5673 risk of dislocation. Workforce Florida, Inc., shall also
 5674 maintain an Emergency Preparedness Fund from Rapid Response
 5675 funds which will immediately issue Intensive Service Accounts
 5676 and Individual Training Accounts as well as other federally
 5677 authorized assistance to eligible victims of natural or other
 5678 disasters. At the direction of the Governor, for events that
 5679 qualify under federal law, these Rapid Response funds shall be
 5680 released to regional workforce boards for immediate use. Funding
 5681 shall also be dedicated to maintain a unit at the state level to
 5682 respond to Rapid Response emergencies around the state, to work
 5683 with state emergency management officials, and to work with
 5684 regional workforce boards. All Rapid Response funds must be
 5685 expended based on a plan developed by Workforce Florida, Inc.,
 5686 and approved by the Governor.

5687 (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED
 5688 MODIFICATIONS.--

5689 (c) Workforce Florida, Inc., may make modifications to the
 5690 state's plan, policies, and procedures to comply with federally
 5691 mandated requirements that in its judgment must be complied with
 5692 to maintain funding provided pursuant to Pub. L. No. 105-220.
 5693 ~~The board shall notify in writing the Governor, the President of~~
 5694 ~~the Senate, and the Speaker of the House of Representatives~~
 5695 ~~within 30 days after any such changes or modifications.~~

5696 Section 196. Paragraph (a) of subsection (3) of section
 5697 445.004, Florida Statutes, is amended to read:

5698 445.004 Workforce Florida, Inc.; creation; purpose;
 5699 membership; duties and powers.--

5700 (3)(a) Workforce Florida, Inc., shall be governed by a
 5701 board of directors, the number of directors to be determined by
 5702 the Governor, whose membership and appointment must be
 5703 consistent with Pub. L. No. 105-220, Title I, s. 111(b), and
 5704 contain one member representing the licensed nonpublic
 5705 postsecondary educational institutions authorized as individual
 5706 training account providers, one member from the staffing service
 5707 industry, at least one member who is a current or former
 5708 recipient of welfare transition services as defined in s.
 5709 445.002(3) or workforce services as provided in s. 445.009(1),
 5710 and five representatives of organized labor who shall be
 5711 appointed by the Governor. ~~Notwithstanding s. 114.05(1)(f), the~~
 5712 ~~Governor may appoint remaining members to Workforce Florida,~~
 5713 ~~Inc., from the current Workforce Development Board and the WAGES~~
 5714 ~~Program State Board of Directors, established pursuant to~~
 5715 ~~chapter 96-175, Laws of Florida, to serve on the reconstituted~~
 5716 ~~board. By July 1, 2000, the Workforce Development Board will~~
 5717 ~~provide to the Governor a transition plan to incorporate the~~
 5718 ~~changes required by this act and Pub. L. No. 105-220, specifying~~
 5719 ~~the manner of changes to the board. This plan shall govern the~~
 5720 ~~transition, unless otherwise notified by the Governor. The~~
 5721 ~~importance of minority, gender, and geographic representation~~
 5722 ~~shall be considered when making appointments to the board.~~

5723 Section 197. Subsection (1) and paragraph (a) of
 5724 subsection (6) of section 445.006, Florida Statutes, are amended
 5725 to read:

5726 445.006 Strategic plan for workforce development.--

5727 (1) Workforce Florida, Inc., in conjunction with state and
 5728 local partners in the workforce system, shall develop a
 5729 strategic plan for workforce, with the goal of producing skilled
 5730 employees for employers in the state. ~~The strategic plan shall~~
 5731 ~~be submitted to the Governor, the President of the Senate, and~~
 5732 ~~the Speaker of the House of Representatives by February 1, 2001.~~

5733 The strategic plan shall be updated or modified by January 1 of
 5734 each year thereafter. The plan must include, but need not be
 5735 limited to, strategies for:

5736 (a) Fulfilling the workforce system goals and strategies
 5737 prescribed in s. 445.004;

5738 (b) Aggregating, integrating, and leveraging workforce
 5739 system resources;

5740 (c) Coordinating the activities of federal, state, and
 5741 local workforce system partners;

5742 (d) Addressing the workforce needs of small businesses;
 5743 and

5744 (e) Fostering the participation of rural communities and
 5745 distressed urban cores in the workforce system.

5746 (6)(a) The strategic plan must include strategies that are
 5747 designed to prevent or reduce the need for a person to receive
 5748 public assistance. These strategies must include:

5749 1. A teen pregnancy prevention component that includes,
 5750 but is not limited to, ~~a plan for implementing the Florida~~

5751 ~~Education Now and Babies Later (ENABL) program under s. 411.242~~
 5752 ~~and~~ the Teen Pregnancy Prevention Community Initiative within
 5753 each county of the services area in which the teen birth rate is
 5754 higher than the state average;

5755 2. A component that encourages creation of community-based
 5756 welfare prevention and reduction initiatives that increase
 5757 support provided by noncustodial parents to their welfare-
 5758 dependent children and are consistent with program and financial
 5759 guidelines developed by Workforce Florida, Inc., and the
 5760 Commission on Responsible Fatherhood. These initiatives may
 5761 include, but are not limited to, improved paternity
 5762 establishment, work activities for noncustodial parents,
 5763 programs aimed at decreasing out-of-wedlock pregnancies,
 5764 encouraging involvement of fathers with their children including
 5765 court-ordered supervised visitation, and increasing child
 5766 support payments;

5767 3. A component that encourages formation and maintenance
 5768 of two-parent families through, among other things, court-
 5769 ordered supervised visitation;

5770 4. A component that fosters responsible fatherhood in
 5771 families receiving assistance; and

5772 5. A component that fosters provision of services that
 5773 reduce the incidence and effects of domestic violence on women
 5774 and children in families receiving assistance.

5775 Section 198. Subsection (4) of section 445.022, Florida
 5776 Statutes, is amended to read:

5777 445.022 Retention Incentive Training Accounts.--To promote
 5778 job retention and to enable upward job advancement into higher

5779 skilled, higher paying employment, the board of directors of
 5780 Workforce Florida, Inc., and regional workforce boards may
 5781 assemble, from postsecondary education institutions, a list of
 5782 programs and courses for participants who have become employed
 5783 which promote job retention and advancement.

5784 ~~(4) Regional workforce boards shall report annually to the~~
 5785 ~~Legislature on the measurable retention and advancement success~~
 5786 ~~of each program provider and the effectiveness of RITAs, making~~
 5787 ~~recommendations for any needed changes or modifications.~~

5788 Section 199. Subsection (9) of section 445.049, Florida
 5789 Statutes, is amended to read:

5790 445.049 Digital Divide Council.--

5791 ~~(9) ANNUAL REPORT. By March 1, 2002, the council, through~~
 5792 ~~the State Technology Office, shall report to the Executive~~
 5793 ~~Office of the Governor, the Speaker of the House of~~
 5794 ~~Representatives, and the President of the Senate the results of~~
 5795 ~~the council's monitoring, reviewing, and evaluating such~~
 5796 ~~programs since their inception and the council's recommendations~~
 5797 ~~as to whether such programs should be continued and expanded to~~
 5798 ~~achieve the objectives and goals stated in this section.~~

5799 Section 200. Section 446.27, Florida Statutes, is
 5800 repealed.

5801 Section 201. Paragraphs (a) and (c) of subsection (4) of
 5802 section 446.50, Florida Statutes, are amended to read:

5803 446.50 Displaced homemakers; multiservice programs; 3-year
 5804 plan report to the Legislature; Displaced Homemaker Trust Fund
 5805 created.--

5806 (4) STATE PLAN.--

5807 (a) The Agency for Workforce Innovation shall develop a 3-
 5808 year state plan for the displaced homemaker program which shall
 5809 be updated annually and submitted to the Legislature by January
 5810 1. The plan must address, at a minimum, the need for programs
 5811 specifically designed to serve displaced homemakers, any
 5812 necessary service components for such programs in addition to
 5813 those enumerated in this section, goals of the displaced
 5814 homemaker program with an analysis of the extent to which those
 5815 goals are being met, and recommendations for ways to address any
 5816 unmet program goals. Any request for funds for program expansion
 5817 must be based on the state plan.

5818 ~~(c) The 3-year state plan must be submitted to the~~
 5819 ~~President of the Senate, the Speaker of the House of~~
 5820 ~~Representatives, and the Governor on or before January 1, 2001,~~
 5821 ~~and annual updates of the plan must be submitted by January 1 of~~
 5822 ~~each subsequent year.~~

5823 Section 202. Subsection (10) of section 446.609, Florida
 5824 Statutes, is amended to read:

5825 446.609 Jobs for Florida's Graduates Act.--

5826 (10) ASSESSMENT OF PROGRAM RESULTS.--~~The success of the~~
 5827 ~~Jobs for Florida's Graduates Program shall be assessed as~~
 5828 ~~follows:~~

5829 ~~(a) No later than November 1 of each year of the Jobs for~~
 5830 ~~Florida's Graduates Program, Jobs for America's Graduates, Inc.,~~
 5831 ~~shall conduct and deliver to the Office of Program Policy~~
 5832 ~~Analysis and Government Accountability a full review and report~~
 5833 ~~of the program's activities. The Office of Program Policy~~
 5834 ~~Analysis and Government Accountability shall audit and review~~

5835 ~~the report and deliver the report, along with its analysis and~~
 5836 ~~any recommendations for expansion, curtailment, modification, or~~
 5837 ~~continuation, to the board not later than December 31 of the~~
 5838 ~~same year.~~

5839 ~~(b) Beginning in the first year of the Jobs for Florida's~~
 5840 ~~Graduates Program, the Office of Economic and Demographic~~
 5841 ~~Research shall undertake, during the initial phase, an ongoing~~
 5842 ~~longitudinal study of participants to determine the overall~~
 5843 ~~efficacy of the program. The division shall transmit its~~
 5844 ~~findings each year to the Office of Program Policy Analysis and~~
 5845 ~~Government Accountability for inclusion in the report provided~~
 5846 ~~for in paragraph (a).~~

5847 Section 203. Section 455.204, Florida Statutes, is
 5848 repealed.

5849 Section 204. Subsection (8) of section 455.2226, Florida
 5850 Statutes, is amended to read:

5851 455.2226 Funeral directors and embalmers; instruction on
 5852 HIV and AIDS.--

5853 ~~(8) The board shall report to the Legislature by March 1~~
 5854 ~~of each year as to the implementation and compliance with the~~
 5855 ~~requirements of this section.~~

5856 Section 205. Subsections (4) and (6) of section 455.2228,
 5857 Florida Statutes, are amended to read:

5858 455.2228 Barbers and cosmetologists; instruction on HIV
 5859 and AIDS.--

5860 (4) ~~As of December 31, 1992,~~ The board, or the department
 5861 where there is no board, shall require, as a condition of
 5862 granting a license under any of the chapters or parts thereof

5863 specified in subsection (1), that an applicant making initial
 5864 application for licensure complete an educational course
 5865 acceptable to the board, or the department where there is no
 5866 board, on human immunodeficiency virus and acquired immune
 5867 deficiency syndrome. An applicant who has not taken a course at
 5868 the time of licensure shall, upon an affidavit showing good
 5869 cause, be allowed 6 months to complete this requirement.

5870 ~~(6) The board, or the department where there is no board,~~
 5871 ~~shall report to the Legislature by March 1 of each year as to~~
 5872 ~~the implementation and compliance with the requirements of this~~
 5873 ~~section.~~

5874 Section 206. Section 456.005, Florida Statutes, is amended
 5875 to read:

5876 456.005 Long-range policy planning; plans, reports, and
 5877 recommendations.--To facilitate efficient and cost-effective
 5878 regulation, the department and the board, where appropriate,
 5879 shall develop and implement a long-range policy planning and
 5880 monitoring process to include recommendations specific to each
 5881 profession. Such process shall include estimates of revenues,
 5882 expenditures, cash balances, and performance statistics for each
 5883 profession. The period covered shall not be less than 5 years.
 5884 The department, with input from the boards and licensees, shall
 5885 develop and adopt the long-range plan ~~and must obtain the~~
 5886 ~~approval of the secretary~~. The department shall monitor
 5887 compliance with the ~~approved long-range~~ plan and, with input
 5888 from the boards and licensees, shall annually update the plans
 5889 ~~for approval by the secretary~~. The department shall provide

5890 concise management reports to the boards quarterly. As part of
 5891 the review process, the department shall evaluate:

5892 (1) Whether the department, including the boards and the
 5893 various functions performed by the department, is operating
 5894 efficiently and effectively and if there is a need for a board
 5895 or council to assist in cost-effective regulation.

5896 (2) How and why the various professions are regulated.

5897 (3) Whether there is a need to continue regulation, and to
 5898 what degree.

5899 (4) Whether ~~or not~~ consumer protection is adequate, and
 5900 how it can be improved.

5901 (5) Whether there is consistency between the various
 5902 practice acts.

5903 (6) Whether unlicensed activity is adequately enforced.
 5904

5905 Such plans should include conclusions and recommendations on
 5906 these and other issues as appropriate. ~~Such plans shall be
 5907 provided to the Governor and the Legislature by November 1 of
 5908 each year.~~

5909 Section 207. Subsection (9) of section 456.025, Florida
 5910 Statutes, is amended to read:

5911 456.025 Fees; receipts; disposition.--

5912 (9) The department shall provide a ~~condensed~~ management
 5913 report of revenues and expenditures ~~budgets, finances,~~
 5914 performance measures ~~statistics,~~ and recommendations to each
 5915 board at least once a quarter. ~~The department shall identify and
 5916 include in such presentations any changes, or projected changes,
 5917 made to the board's budget since the last presentation.~~

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5918 Section 208. Subsection (5) of section 456.031, Florida
 5919 Statutes, is amended to read:

5920 456.031 Requirement for instruction on domestic
 5921 violence.--

5922 ~~(5) Each board shall report to the President of the~~
 5923 ~~Senate, the Speaker of the House of Representatives, and the~~
 5924 ~~chairs of the appropriate substantive committees of the~~
 5925 ~~Legislature by March 1 of each year as to the implementation of~~
 5926 ~~and compliance with the requirements of this section.~~

5927 Section 209. Subsection (8) of section 456.033, Florida
 5928 Statutes, is amended to read:

5929 456.033 Requirement for instruction for certain licensees
 5930 on HIV and AIDS.--

5931 ~~(8) The board shall report to the Legislature by March 1~~
 5932 ~~of each year as to the implementation and compliance with the~~
 5933 ~~requirements of this section.~~

5934 Section 210. Subsection (6) of section 456.034, Florida
 5935 Statutes, is amended to read:

5936 456.034 Athletic trainers and massage therapists;
 5937 requirement for instruction on HIV and AIDS.--

5938 ~~(6) The board, or the department where there is no board,~~
 5939 ~~shall report to the Legislature by March 1 of each year as to~~
 5940 ~~the implementation and compliance with the requirements of this~~
 5941 ~~section.~~

5942 Section 211. Subsections (3) and (4) of section 517.302,
 5943 Florida Statutes, are amended to read:

5944 517.302 Criminal penalties; alternative fine; Anti-Fraud
 5945 Trust Fund; time limitation for criminal prosecution.--

5946 (3) In lieu of a fine otherwise authorized by law, a
 5947 person who has been convicted of or who has pleaded guilty or no
 5948 contest to having engaged in conduct in violation of the
 5949 provisions of this chapter may be sentenced to pay a fine that
 5950 does not exceed the greater of three times the gross value
 5951 gained or three times the gross loss caused by such conduct,
 5952 plus court costs and the costs of investigation and prosecution
 5953 reasonably incurred.

5954 (4)~~(a)~~ There is created within the office a trust fund to
 5955 be known as the Anti-Fraud Trust Fund. Any amounts assessed as
 5956 costs of investigation and prosecution under this subsection
 5957 shall be deposited in the trust fund. Funds deposited in such
 5958 trust fund shall be used, when authorized by appropriation, for
 5959 investigation and prosecution of administrative, civil, and
 5960 criminal actions arising under the provisions of this chapter.
 5961 Funds may also be used to improve the public's awareness and
 5962 understanding of prudent investing.

5963 ~~(b) The office shall report to the Executive Office of the~~
 5964 ~~Governor annually by November 15, the amounts deposited into the~~
 5965 ~~Anti-Fraud Trust Fund during the previous fiscal year. The~~
 5966 ~~Executive Office of the Governor shall distribute these reports~~
 5967 ~~to the President of the Senate and the Speaker of the House of~~
 5968 ~~Representatives.~~

5969 (5)~~(4)~~ Criminal prosecution for offenses under this
 5970 chapter is subject to the time limitations of s. 775.15.

5971 Section 212. Section 526.3135, Florida Statutes, is
 5972 repealed.

5973 Section 213. Subsection (3) of section 531.415, Florida
 5974 Statutes, is amended to read:

5975 531.415 Fees.--

5976 ~~(3) The department shall notify the Legislature when the~~
 5977 ~~fees provided in this section are no longer sufficient to cover~~
 5978 ~~the direct and indirect costs of tests and calibrations~~
 5979 ~~described in this section.~~

5980 Section 214. Section 553.975, Florida Statutes, is
 5981 repealed.

5982 Section 215. Subsection (3) of section 570.0705, Florida
 5983 Statutes, is amended to read:

5984 570.0705 Advisory committees.--From time to time the
 5985 commissioner may appoint any advisory committee to assist the
 5986 department with its duties and responsibilities.

5987 ~~(3) On January 1 of each year the commissioner shall~~
 5988 ~~submit to the President of the Senate, the Speaker of the House~~
 5989 ~~of Representatives, and the minority leaders of the Senate and~~
 5990 ~~the House of Representatives a list of each advisory committee~~
 5991 ~~established in the department.~~

5992 Section 216. Subsection (5) of section 570.0725, Florida
 5993 Statutes, is amended to read:

5994 570.0725 Food recovery; legislative intent; department
 5995 functions.--

5996 ~~(5) The department shall account for the direct and~~
 5997 ~~indirect costs associated with supporting food recovery programs~~
 5998 ~~throughout the state. It shall submit a report to the President~~
 5999 ~~of the Senate and the Speaker of the House of Representatives by~~
 6000 ~~November 1, for the previous fiscal year, when state funds are~~

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6001 ~~spent for this purpose. The report must include, but need not be~~
 6002 ~~limited to, the identity of organizations receiving funds, the~~
 6003 ~~amount of funds disbursed to these organizations, other uses of~~
 6004 ~~food recovery funds, and estimates of the amount of fresh~~
 6005 ~~produce recovered.~~

6006 Section 217. Subsection (3) of section 570.235, Florida
 6007 Statutes, is amended to read:

6008 570.235 Pest Exclusion Advisory Committee.--

6009 ~~(3) The committee shall issue a report of its findings to~~
 6010 ~~the Commissioner of Agriculture, the Governor, the Speaker of~~
 6011 ~~the House of Representatives, and the President of the Senate by~~
 6012 ~~January 1, 2001.~~

6013 Section 218. Subsection (3) of section 570.543, Florida
 6014 Statutes, is amended to read:

6015 570.543 Florida Consumers' Council.--The Florida
 6016 Consumers' Council in the department is created to advise and
 6017 assist the department in carrying out its duties.

6018 ~~(3) RECOMMENDATIONS.--The council shall transmit a written~~
 6019 ~~summary of its legislative recommendations to the President of~~
 6020 ~~the Senate and the Speaker of the House of Representatives at~~
 6021 ~~least 60 days prior to the regular legislative session.~~
 6022 ~~Recommendations regarding legislation which has been filed shall~~
 6023 ~~be submitted within 30 days after the commencement of a~~
 6024 ~~legislative session.~~

6025 Section 219. Subsection (5) of section 570.952, Florida
 6026 Statutes, is amended to read:

6027 570.952 Florida Agriculture Center and Horse Park
 6028 Authority.--

6029 ~~(5) The commissioner shall submit information annually to~~
 6030 ~~the Speaker of the House of Representatives and the President of~~
 6031 ~~the Senate reporting the activities of the Florida Agriculture~~
 6032 ~~Center and Horse Park Authority and the progress of the Florida~~
 6033 ~~Agriculture Center and Horse Park, including, but not limited~~
 6034 ~~to, pertinent planning, budgeting, and operational information~~
 6035 ~~concerning the authority.~~

6036 Section 220. Section 603.204, Florida Statutes, is amended
 6037 to read:

6038 603.204 South Florida Tropical Fruit Plan.--

6039 ~~(1) The Commissioner of Agriculture, in consultation with~~
 6040 ~~the Tropical Fruit Advisory Council, shall develop and update,~~
 6041 ~~at least 90 days prior to the 1991 legislative session, submit~~
 6042 ~~to the President of the Senate, the Speaker of the House of~~
 6043 ~~Representatives, and the chairs of appropriate Senate and House~~
 6044 ~~of Representatives committees, a South Florida Tropical Fruit~~
 6045 Plan, which shall identify problems and constraints of the
 6046 tropical fruit industry, propose possible solutions to such
 6047 problems, and develop planning mechanisms for orderly growth of
 6048 the industry, including:

6049 (1)(a) Criteria for tropical fruit research, service, and
 6050 management priorities.

6051 (2)(b) ~~Additional~~ Proposed legislation which may be
 6052 required.

6053 (3)(e) Plans relating to other tropical fruit programs and
 6054 related disciplines in the State University System.

6055 (4)(d) Potential tropical fruit products in terms of
 6056 market and needs for development.

6057 (5)~~(e)~~ Evaluation of production and fresh fruit policy
 6058 alternatives, including, but not limited to, setting minimum
 6059 grades and standards, promotion and advertising, development of
 6060 production and marketing strategies, and setting minimum
 6061 standards on types and quality of nursery plants.

6062 (6)~~(f)~~ Evaluation of policy alternatives for processed
 6063 tropical fruit products, including, but not limited to, setting
 6064 minimum quality standards and development of production and
 6065 marketing strategies.

6066 (7)~~(g)~~ Research and service priorities for further
 6067 development of the tropical fruit industry.

6068 (8)~~(h)~~ Identification of state agencies and public and
 6069 private institutions concerned with research, education,
 6070 extension, services, planning, promotion, and marketing
 6071 functions related to tropical fruit development, and delineation
 6072 of contributions and responsibilities. The recommendations in
 6073 the ~~South Florida Tropical Fruit~~ plan relating to education or
 6074 research shall be submitted to the Institute of Food and
 6075 Agricultural Sciences. ~~The recommendations relating to~~
 6076 ~~regulation or marketing shall be submitted to the Department of~~
 6077 ~~Agriculture and Consumer Services.~~

6078 (9)~~(i)~~ Business planning, investment potential, financial
 6079 risks, and economics of production and utilization.

6080 ~~(2) A revision and update of the South Florida Tropical~~
 6081 ~~Fruit Plan shall be submitted biennially, and a progress report~~
 6082 ~~and budget request shall be submitted annually, to the officials~~
 6083 ~~specified in subsection (1).~~

6084 Section 221. Paragraph (d) of subsection (6) of section
 6085 627.351, Florida Statutes, is amended to read:

6086 627.351 Insurance risk apportionment plans.--

6087 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

6088 (d)1. It is the intent of the Legislature that the rates
 6089 for coverage provided by the corporation be actuarially sound
 6090 and not competitive with approved rates charged in the admitted
 6091 voluntary market, so that the corporation functions as a
 6092 residual market mechanism to provide insurance only when the
 6093 insurance cannot be procured in the voluntary market. Rates
 6094 shall include an appropriate catastrophe loading factor that
 6095 reflects the actual catastrophic exposure of the corporation.

6096 2. For each county, the average rates of the corporation
 6097 for each line of business for personal lines residential
 6098 policies excluding rates for wind-only policies shall be no
 6099 lower than the average rates charged by the insurer that had the
 6100 highest average rate in that county among the 20 insurers with
 6101 the greatest total direct written premium in the state for that
 6102 line of business in the preceding year, except that with respect
 6103 to mobile home coverages, the average rates of the corporation
 6104 shall be no lower than the average rates charged by the insurer
 6105 that had the highest average rate in that county among the 5
 6106 insurers with the greatest total written premium for mobile home
 6107 owner's policies in the state in the preceding year.

6108 3. Rates for personal lines residential wind-only policies
 6109 must be actuarially sound and not competitive with approved
 6110 rates charged by authorized insurers. However, for personal
 6111 lines residential wind-only policies issued or renewed between

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6112 July 1, 2002, and June 30, 2003, the maximum premium increase
6113 must be no greater than 10 percent of the Florida Windstorm
6114 Underwriting Association premium for that policy in effect on
6115 June 30, 2002, as adjusted for coverage changes and seasonal
6116 occupancy surcharges. For personal lines residential wind-only
6117 policies issued or renewed between July 1, 2003, and June 30,
6118 2004, the corporation shall use its existing filed and approved
6119 wind-only rating and classification plans, provided, however,
6120 that the maximum premium increase must be no greater than 20
6121 percent of the premium for that policy in effect on June 30,
6122 2003, as adjusted for coverage changes and seasonal occupancy
6123 surcharges. Corporation rate manuals shall include a rate
6124 surcharge for seasonal occupancy. ~~To ensure that personal lines~~
6125 ~~residential wind-only rates effective on or after July 1, 2004,~~
6126 ~~are not competitive with approved rates charged by authorized~~
6127 ~~insurers, the corporation, in conjunction with the office, shall~~
6128 ~~develop a wind-only ratemaking methodology, which methodology~~
6129 ~~shall be contained in a rate filing made by the corporation with~~
6130 ~~the office by January 1, 2004. If the office thereafter~~
6131 ~~determines that the wind-only rates or rating factors filed by~~
6132 ~~the corporation fail to comply with the wind-only ratemaking~~
6133 ~~methodology provided for in this subsection, it shall so notify~~
6134 ~~the corporation and require the corporation to amend its rates~~
6135 ~~or rating factors to come into compliance within 90 days of~~
6136 ~~notice from the office. The office shall report to the Speaker~~
6137 ~~of the House of Representatives and the President of the Senate~~
6138 ~~on the provisions of the wind-only ratemaking methodology by~~
6139 ~~January 31, 2004.~~

6140 4. Rates for commercial lines coverage shall not be
 6141 subject to the requirements of subparagraph 2., but shall be
 6142 subject to all other requirements of this paragraph and s.
 6143 627.062.

6144 5. Nothing in this paragraph shall require or allow the
 6145 corporation to adopt a rate that is inadequate under s. 627.062.

6146 6. The corporation shall certify to the office at least
 6147 twice annually that its personal lines rates comply with the
 6148 requirements of subparagraphs 1. and 2. If any adjustment in the
 6149 rates or rating factors of the corporation is necessary to
 6150 ensure such compliance, the corporation shall make and implement
 6151 such adjustments and file its revised rates and rating factors
 6152 with the office. If the office thereafter determines that the
 6153 revised rates and rating factors fail to comply with the
 6154 provisions of subparagraphs 1. and 2., it shall notify the
 6155 corporation and require the corporation to amend its rates or
 6156 rating factors in conjunction with its next rate filing. The
 6157 office must notify the corporation by electronic means of any
 6158 rate filing it approves for any insurer among the insurers
 6159 referred to in subparagraph 2.

6160 7. In addition to the rates otherwise determined pursuant
 6161 to this paragraph, the corporation shall impose and collect an
 6162 amount equal to the premium tax provided for in s. 624.509 to
 6163 augment the financial resources of the corporation.

6164 ~~8.a. To assist the corporation in developing additional~~
 6165 ~~ratemaking methods to assure compliance with subparagraphs 1.~~
 6166 ~~and 4., the corporation shall appoint a rate methodology panel~~
 6167 ~~consisting of one person recommended by the Florida Association~~

6168 ~~of Insurance Agents, one person recommended by the Professional~~
 6169 ~~Insurance Agents of Florida, one person recommended by the~~
 6170 ~~Florida Association of Insurance and Financial Advisors, one~~
 6171 ~~person recommended by the insurer with the highest voluntary~~
 6172 ~~market share of residential property insurance business in the~~
 6173 ~~state, one person recommended by the insurer with the second-~~
 6174 ~~highest voluntary market share of residential property insurance~~
 6175 ~~business in the state, one person recommended by an insurer~~
 6176 ~~writing commercial residential property insurance in this state,~~
 6177 ~~one person recommended by the Office of Insurance Regulation,~~
 6178 ~~and one board member designated by the board chairman, who shall~~
 6179 ~~serve as chairman of the panel.~~

6180 ~~b. By January 1, 2004, the rate methodology panel shall~~
 6181 ~~provide a report to the corporation of its findings and~~
 6182 ~~recommendations for the use of additional ratemaking methods and~~
 6183 ~~procedures, including the use of a rate equalization surcharge~~
 6184 ~~in an amount sufficient to assure that the total cost of~~
 6185 ~~coverage for policyholders or applicants to the corporation is~~
 6186 ~~sufficient to comply with subparagraph 1.~~

6187 ~~e. Within 30 days after such report, the corporation shall~~
 6188 ~~present to the President of the Senate, the Speaker of the House~~
 6189 ~~of Representatives, the minority party leaders of each house of~~
 6190 ~~the Legislature, and the chairs of the standing committees of~~
 6191 ~~each house of the Legislature having jurisdiction of insurance~~
 6192 ~~issues, a plan for implementing the additional ratemaking~~
 6193 ~~methods and an outline of any legislation needed to facilitate~~
 6194 ~~use of the new methods.~~

6195 ~~d. The plan must include a provision that producer~~
 6196 ~~commissions paid by the corporation shall not be calculated in~~
 6197 ~~such a manner as to include any rate equalization surcharge.~~
 6198 ~~However, without regard to the plan to be developed or its~~
 6199 ~~implementation, producer commissions paid by the corporation for~~
 6200 ~~each account, other than the quota share primary program, shall~~
 6201 ~~remain fixed as to percentage, effective rate, calculation, and~~
 6202 ~~payment method until January 1, 2004.~~

6203 8.9. By January 1, 2004, the corporation shall develop a
 6204 notice to policyholders or applicants that the rates of Citizens
 6205 Property Insurance Corporation are intended to be higher than
 6206 the rates of any admitted carrier and providing other
 6207 information the corporation deems necessary to assist consumers
 6208 in finding other voluntary admitted insurers willing to insure
 6209 their property.

6210 Section 222. Subsection (6) of section 627.64872, Florida
 6211 Statutes, is amended to read:

6212 627.64872 Florida Health Insurance Plan.--

6213 (6) ~~INTERIM REPORT;~~ ANNUAL REPORT.--

6214 ~~(a) By no later than December 1, 2004, the board shall~~
 6215 ~~report to the Governor, the President of the Senate, and the~~
 6216 ~~Speaker of the House of Representatives the results of an~~
 6217 ~~actuarial study conducted by the board to determine, including,~~
 6218 ~~but not limited to:~~

6219 ~~1. The impact the creation of the plan will have on the~~
 6220 ~~small group insurance market and the individual market on~~
 6221 ~~premiums paid by insureds. This shall include an estimate of the~~

6222 ~~total anticipated aggregate savings for all small employers in~~
 6223 ~~the state.~~

6224 ~~2. The number of individuals the pool could reasonably~~
 6225 ~~cover at various funding levels, specifically, the number of~~
 6226 ~~people the pool may cover at each of those funding levels.~~

6227 ~~3. A recommendation as to the best source of funding for~~
 6228 ~~the anticipated deficits of the pool.~~

6229 ~~4. The effect on the individual and small group market by~~
 6230 ~~including in the Florida Health Insurance Plan persons eligible~~
 6231 ~~for coverage under s. 627.6487, as well as the cost of including~~
 6232 ~~these individuals.~~

6233
 6234 ~~The board shall take no action to implement the Florida Health~~
 6235 ~~Insurance Plan, other than the completion of the actuarial study~~
 6236 ~~authorized in this paragraph, until funds are appropriated for~~
 6237 ~~startup cost and any projected deficits.~~

6238 ~~(b)~~ No later than December 1, 2005, and annually
 6239 thereafter, the board shall submit to the Governor, the
 6240 President of the Senate, the Speaker of the House of
 6241 Representatives, and the substantive legislative committees of
 6242 the Legislature a report which includes an independent actuarial
 6243 study to determine, including, but not be limited to:

6244 (a)1. The impact the creation of the plan has on the small
 6245 group and individual insurance market, specifically on the
 6246 premiums paid by insureds. This shall include an estimate of the
 6247 total anticipated aggregate savings for all small employers in
 6248 the state.

6249 ~~(b)2.~~ The actual number of individuals covered at the
 6250 current funding and benefit level, the projected number of
 6251 individuals that may seek coverage in the forthcoming fiscal
 6252 year, and the projected funding needed to cover anticipated
 6253 increase or decrease in plan participation.

6254 ~~(c)3.~~ A recommendation as to the best source of funding
 6255 for the anticipated deficits of the pool.

6256 ~~(d)4.~~ A summarization of the activities of the plan in the
 6257 preceding calendar year, including the net written and earned
 6258 premiums, plan enrollment, the expense of administration, and
 6259 the paid and incurred losses.

6260 ~~(e)5.~~ A review of the operation of the plan as to whether
 6261 the plan has met the intent of this section.

6262
 6263 The board shall take no action to implement the Florida Health
 6264 Insurance Plan, other than the completion of the actuarial study
 6265 authorized in this subsection, until funds are appropriated for
 6266 startup costs and any projected deficits.

6267 Section 223. Subsection (2) of section 744.7021, Florida
 6268 Statutes, is amended to read:

6269 744.7021 Statewide Public Guardianship Office.--There is
 6270 hereby created the Statewide Public Guardianship Office within
 6271 the Department of Elderly Affairs.

6272 (2) The executive director shall, within available
 6273 resources, have oversight responsibilities for all public
 6274 guardians.

6275 (a) The executive director shall review the current public
 6276 guardian programs in Florida and other states.

6277 (b) The executive director, in consultation with local
 6278 guardianship offices, shall develop statewide performance
 6279 measures and standards.

6280 (c) The executive director shall review the various
 6281 methods of funding guardianship programs, the kinds of services
 6282 being provided by such programs, and the demographics of the
 6283 wards. In addition, the executive director shall review and make
 6284 recommendations regarding the feasibility of recovering a
 6285 portion or all of the costs of providing public guardianship
 6286 services from the assets or income of the wards.

6287 ~~(d) By January 1, 2004, and by January 1 of each year~~
 6288 ~~thereafter, the executive director shall provide a status report~~
 6289 ~~and provide further recommendations to the secretary that~~
 6290 ~~address the need for public guardianship services and related~~
 6291 ~~issues.~~

6292 (d)~~(e)~~ The executive director may provide assistance to
 6293 local governments or entities in pursuing grant opportunities.
 6294 The executive director shall evaluate ~~review~~ and make
 6295 recommendations ~~in the annual report~~ on the availability and
 6296 efficacy of seeking Medicaid matching funds. The executive
 6297 director shall diligently seek ways to use existing programs and
 6298 services to meet the needs of public wards.

6299 (e)~~(f)~~ The executive director, in consultation with the
 6300 Florida Guardianship Foundation, shall develop a guardianship
 6301 training program curriculum that may be offered to all guardians
 6302 whether public or private.

6303 (f) The executive director shall provide an annual status
 6304 report to the secretary that includes policy and legislative

6305 recommendations relating to the provision of public
 6306 guardianship.

6307 Section 224. Subsections (5) and (7) of section 744.708,
 6308 Florida Statutes, are amended to read:

6309 744.708 Reports and standards.--

6310 (5) An independent audit of each public guardian office ~~by~~
 6311 ~~a qualified certified public accountant~~ shall be conducted by a
 6312 qualified certified public accountant ~~performed~~ at least every 2
 6313 years. The audit should include an investigation into the
 6314 practices of the office for managing the person and property of
 6315 the wards. A copy of the report shall be submitted to the
 6316 Statewide Public Guardianship Office. ~~In addition, the office of~~
 6317 ~~public guardian shall be subject to audits or examinations by~~
 6318 ~~the Auditor General and the Office of Program Policy Analysis~~
 6319 ~~and Government Accountability pursuant to law.~~

6320 (7) The ratio for professional staff to wards shall be 1
 6321 professional to 40 wards. The Statewide Public Guardianship
 6322 Office may increase or decrease the ratio after consultation
 6323 with the local public guardian and the chief judge of the
 6324 circuit court. ~~The basis of the decision to increase or decrease~~
 6325 ~~the prescribed ratio shall be reported in the annual report to~~
 6326 ~~the Governor, the President of the Senate, the Speaker of the~~
 6327 ~~House of Representatives, and the Chief Justice of the Supreme~~
 6328 ~~Court.~~

6329 Section 225. Subsection (3) of section 765.5215, Florida
 6330 Statutes, is amended to read:

6331 765.5215 Education program relating to anatomical
 6332 gifts.--The Agency for Health Care Administration, subject to

6333 the concurrence of the Department of Highway Safety and Motor
 6334 Vehicles, shall develop a continuing program to educate and
 6335 inform medical professionals, law enforcement agencies and
 6336 officers, high school children, state and local government
 6337 employees, and the public regarding the laws of this state
 6338 relating to anatomical gifts and the need for anatomical gifts.

6339 ~~(3) The Agency for Health Care Administration shall, no~~
 6340 ~~later than March 1 of each year, submit a report to the~~
 6341 ~~Legislature containing statistical data on the effectiveness of~~
 6342 ~~the program in procuring donor organs and the effect of the~~
 6343 ~~program on state spending for health care.~~

6344 Section 226. Subsection (6) of section 768.295, Florida
 6345 Statutes, is amended to read:

6346 768.295 Strategic Lawsuits Against Public Participation
 6347 (SLAPP) suits by governmental entities prohibited.--

6348 (6) In any case filed by a governmental entity which is
 6349 found by a court to be in violation of this section, the
 6350 governmental entity shall report such finding and provide a copy
 6351 of the court's order to the Attorney General no later than 30
 6352 days after such order is final. The Attorney General shall
 6353 maintain a record of such court orders ~~report any violation of~~
 6354 ~~this section by a governmental entity to the Cabinet, the~~
 6355 ~~President of the Senate, and the Speaker of the House of~~
 6356 ~~Representatives. A copy of such report shall be provided to the~~
 6357 ~~affected governmental entity.~~

6358 Section 227. Paragraphs (a) and (c) of subsection (3) of
 6359 section 775.084, Florida Statutes, are amended to read:

6360 775.084 Violent career criminals; habitual felony
6361 offenders and habitual violent felony offenders; three-time
6362 violent felony offenders; definitions; procedure; enhanced
6363 penalties or mandatory minimum prison terms.--

6364 (3)(a) In a separate proceeding, the court shall determine
6365 if the defendant is a habitual felony offender or a habitual
6366 violent felony offender. The procedure shall be as follows:

6367 1. The court shall obtain and consider a presentence
6368 investigation prior to the imposition of a sentence as a
6369 habitual felony offender or a habitual violent felony offender.

6370 2. Written notice shall be served on the defendant and the
6371 defendant's attorney a sufficient time prior to the entry of a
6372 plea or prior to the imposition of sentence in order to allow
6373 the preparation of a submission on behalf of the defendant.

6374 3. Except as provided in subparagraph 1., all evidence
6375 presented shall be presented in open court with full rights of
6376 confrontation, cross-examination, and representation by counsel.

6377 4. Each of the findings required as the basis for such
6378 sentence shall be found to exist by a preponderance of the
6379 evidence and shall be appealable to the extent normally
6380 applicable to similar findings.

6381 5. For the purpose of identification of a habitual felony
6382 offender or a habitual violent felony offender, the court shall
6383 fingerprint the defendant pursuant to s. 921.241.

6384 6. For an offense committed on or after October 1, 1995,
6385 if the state attorney pursues a habitual felony offender
6386 sanction or a habitual violent felony offender sanction against
6387 the defendant and the court, in a separate proceeding pursuant

6388 to this paragraph, determines that the defendant meets the
 6389 criteria under subsection (1) for imposing such sanction, the
 6390 court must sentence the defendant as a habitual felony offender
 6391 or a habitual violent felony offender, subject to imprisonment
 6392 pursuant to this section unless the court finds that such
 6393 sentence is not necessary for the protection of the public. If
 6394 the court finds that it is not necessary for the protection of
 6395 the public to sentence the defendant as a habitual felony
 6396 offender or a habitual violent felony offender, the court shall
 6397 provide written reasons; a written transcript of orally stated
 6398 reasons is permissible, if filed by the court within 7 days
 6399 after the date of sentencing. ~~Each month, the court shall submit~~
 6400 ~~to the Office of Economic and Demographic Research of the~~
 6401 ~~Legislature the written reasons or transcripts in each case in~~
 6402 ~~which the court determines not to sentence a defendant as a~~
 6403 ~~habitual felony offender or a habitual violent felony offender~~
 6404 ~~as provided in this subparagraph.~~

6405 (c) In a separate proceeding, the court shall determine
 6406 whether the defendant is a violent career criminal with respect
 6407 to a primary offense committed on or after October 1, 1995. The
 6408 procedure shall be as follows:

6409 1. Written notice shall be served on the defendant and the
 6410 defendant's attorney a sufficient time prior to the entry of a
 6411 plea or prior to the imposition of sentence in order to allow
 6412 the preparation of a submission on behalf of the defendant.

6413 2. All evidence presented shall be presented in open court
 6414 with full rights of confrontation, cross-examination, and
 6415 representation by counsel.

6416 3. Each of the findings required as the basis for such
 6417 sentence shall be found to exist by a preponderance of the
 6418 evidence and shall be appealable only as provided in paragraph
 6419 (d).

6420 4. For the purpose of identification, the court shall
 6421 fingerprint the defendant pursuant to s. 921.241.

6422 5. For an offense committed on or after October 1, 1995,
 6423 if the state attorney pursues a violent career criminal sanction
 6424 against the defendant and the court, in a separate proceeding
 6425 pursuant to this paragraph, determines that the defendant meets
 6426 the criteria under subsection (1) for imposing such sanction,
 6427 the court must sentence the defendant as a violent career
 6428 criminal, subject to imprisonment pursuant to this section
 6429 unless the court finds that such sentence is not necessary for
 6430 the protection of the public. If the court finds that it is not
 6431 necessary for the protection of the public to sentence the
 6432 defendant as a violent career criminal, the court shall provide
 6433 written reasons; a written transcript of orally stated reasons
 6434 is permissible, if filed by the court within 7 days after the
 6435 date of sentencing. ~~Each month, the court shall submit to the~~
 6436 ~~Office of Economic and Demographic Research of the Legislature~~
 6437 ~~the written reasons or transcripts in each case in which the~~
 6438 ~~court determines not to sentence a defendant as a violent career~~
 6439 ~~criminal as provided in this subparagraph.~~

6440 Section 228. Subsection (8) of section 790.22, Florida
 6441 Statutes, is amended to read:

6442 790.22 Use of BB guns, air or gas-operated guns, or
 6443 electric weapons or devices by minor under 16; limitation;

6444 possession of firearms by minor under 18 prohibited;
6445 penalties.--

6446 (8) Notwithstanding s. 985.213 or s. 985.215(1), if a
6447 minor under 18 years of age is charged with an offense that
6448 involves the use or possession of a firearm, as defined in s.
6449 790.001, including a violation of subsection (3), or is charged
6450 for any offense during the commission of which the minor
6451 possessed a firearm, the minor shall be detained in secure
6452 detention, unless the state attorney authorizes the release of
6453 the minor, and shall be given a hearing within 24 hours after
6454 being taken into custody. At the hearing, the court may order
6455 that the minor continue to be held in secure detention in
6456 accordance with the applicable time periods specified in s.
6457 985.215(5), if the court finds that the minor meets the criteria
6458 specified in s. 985.215(2), or if the court finds by clear and
6459 convincing evidence that the minor is a clear and present danger
6460 to himself or herself or the community. The Department of
6461 Juvenile Justice shall prepare a form for all minors charged
6462 under this subsection that states the period of detention and
6463 the relevant demographic information, including, but not limited
6464 to, the sex, age, and race of the minor; whether or not the
6465 minor was represented by private counsel or a public defender;
6466 the current offense; and the minor's complete prior record,
6467 including any pending cases. The form shall be provided to the
6468 judge to be considered when determining whether the minor should
6469 be continued in secure detention under this subsection. An order
6470 placing a minor in secure detention because the minor is a clear
6471 and present danger to himself or herself or the community must

6472 be in writing, must specify the need for detention and the
 6473 benefits derived by the minor or the community by placing the
 6474 minor in secure detention, and must include a copy of the form
 6475 provided by the department. ~~The Department of Juvenile Justice~~
 6476 ~~must send the form, including a copy of any order, without~~
 6477 ~~elient-identifying information, to the Office of Economic and~~
 6478 ~~Demographic Research.~~

6479 Section 229. Paragraph (b) of subsection (9) of section
 6480 932.7055, Florida Statutes, is amended to read:

6481 932.7055 Disposition of liens and forfeited property.--
 6482 (9)

6483 ~~(b) The Department of Law Enforcement shall submit an~~
 6484 ~~annual report to the criminal justice committees of the House of~~
 6485 ~~Representatives and of the Senate compiling the information and~~
 6486 ~~data related in the semiannual reports submitted by the law~~
 6487 ~~enforcement agencies. The annual report shall also contain a~~
 6488 ~~list of law enforcement agencies which have failed to meet the~~
 6489 ~~reporting requirements and a summary of any action which has~~
 6490 ~~been taken against the noncomplying agency by the Office of the~~
 6491 ~~Chief Financial Officer.~~

6492 Section 230. Subsection (3) of section 943.08, Florida
 6493 Statutes, is amended to read:

6494 943.08 Duties; Criminal and Juvenile Justice Information
 6495 Systems Council.--

6496 ~~(3) The council shall develop and approve a strategic plan~~
 6497 ~~pursuant to the requirements set forth in s. 186.022. Copies of~~
 6498 ~~the approved plan shall be transmitted, electronically or in~~
 6499 ~~writing, to the Executive Office of the Governor, the Speaker of~~

6500 ~~the House of Representatives, the President of the Senate, and~~
 6501 ~~the council members.~~

6502 Section 231. Subsection (2) of section 943.125, Florida
 6503 Statutes, is amended to read:

6504 943.125 Law enforcement agency accreditation.--

6505 ~~(2) FEASIBILITY AND STATUS REPORT. The Florida Sheriffs~~
 6506 ~~Association and the Florida Police Chiefs Association, either~~
 6507 ~~jointly or separately, shall report to the Speaker of the House~~
 6508 ~~of Representatives and the President of the Senate regarding the~~
 6509 ~~feasibility of a law enforcement agency accreditation program~~
 6510 ~~and the status of the efforts of the Florida Sheriffs~~
 6511 ~~Association and the Florida Police Chiefs Association to develop~~
 6512 ~~a law enforcement agency accreditation program as provided in~~
 6513 ~~this section.~~

6514 Section 232. Subsection (9) of section 943.68, Florida
 6515 Statutes, is amended to read:

6516 943.68 Transportation and protective services.--

6517 (9) The department shall submit reports annually on July
 6518 ~~15 and January 15 of each year~~ to the ~~President of the Senate,~~
 6519 ~~Speaker of the House of Representatives,~~ Governor, Legislature,
 6520 ~~and members of the Cabinet,~~ detailing all transportation and
 6521 protective services provided under subsections (1), (5), and (6)
 6522 within the preceding fiscal year ~~6 months~~. Each report shall
 6523 include a detailed accounting of the cost of such transportation
 6524 and protective services, including the names of persons provided
 6525 such services and the nature of state business performed.

6526 Section 233. Section 944.023, Florida Statutes, is amended
 6527 to read:

6528 944.023 Definitions; capacity factors ~~Comprehensive~~
 6529 ~~correctional master plan.--~~

6530 (1) As used in this section and s. 944.0231, the term:

6531 (a) "Criminal Justice Estimating Conference" means the
 6532 Criminal Justice Estimating Conference referred to in s.
 6533 216.136~~(5)~~.

6534 (b) "Total capacity" of the state correctional system
 6535 means the total design capacity of all institutions and
 6536 facilities in the state correctional system, which may include
 6537 those facilities authorized and funded under chapter 957,
 6538 increased by one-half, with the following exceptions:

6539 1. Medical and mental health beds must remain at design
 6540 capacity.

6541 2. Community-based contracted beds must remain at design
 6542 capacity.

6543 3. The one-inmate-per-cell requirement at Florida State
 6544 Prison and other maximum security facilities must be maintained
 6545 pursuant to paragraph (3)~~(7)~~(a).

6546 4. Community correctional centers and drug treatment
 6547 centers must be increased by one-third.

6548 5. A housing unit may not exceed its maximum capacity
 6549 pursuant to paragraphs (3)~~(7)~~(a) and (b).

6550 6. A number of beds equal to 5 percent of total capacity
 6551 shall be deducted for management beds at institutions.

6552 (c) "State correctional system" means the correctional
 6553 system as defined in s. 944.02.

6554 ~~(2) The department shall develop a comprehensive~~
 6555 ~~correctional master plan. The master plan shall project the~~

6556 ~~needs for the state correctional system for the coming 5-year~~
6557 ~~period and shall be updated annually and submitted to the~~
6558 ~~Governor's office and the Legislature at the same time the~~
6559 ~~department submits its legislative budget request as provided in~~
6560 ~~chapter 216.~~

6561 ~~(3) The purposes of the comprehensive correctional master~~
6562 ~~plan shall be:~~

6563 ~~(a) To ensure that the penalties of the criminal justice~~
6564 ~~system are completely and effectively administered to the~~
6565 ~~convicted criminals and, to the maximum extent possible, that~~
6566 ~~the criminal is provided opportunities for self-improvement and~~
6567 ~~returned to freedom as a productive member of society.~~

6568 ~~(b) To the extent possible, to protect the public safety~~
6569 ~~and the law-abiding citizens of this state and to carry out the~~
6570 ~~laws protecting the rights of the victims of convicted~~
6571 ~~criminals.~~

6572 ~~(c) To develop and maintain a humane system of punishment~~
6573 ~~providing prison inmates with proper housing, nourishment, and~~
6574 ~~medical attention.~~

6575 ~~(d) To provide fair and adequate compensation and benefits~~
6576 ~~to the employees of the state correctional system.~~

6577 ~~(e) To the extent possible, to maximize the effective and~~
6578 ~~efficient use of the principles used in private business.~~

6579 ~~(f) To provide that convicted criminals not be~~
6580 ~~incarcerated for any longer period of time or in any more secure~~
6581 ~~facility than is necessary to ensure adequate sanctions,~~
6582 ~~rehabilitation of offenders, and protection of public safety.~~

6583 ~~(4) The comprehensive correctional master plan shall use~~
 6584 ~~the estimates of the Criminal Justice Estimating Conference and~~
 6585 ~~shall include:~~

6586 ~~(a) A plan for the decentralization of reception and~~
 6587 ~~classification facilities for the implementation of a systemwide~~
 6588 ~~diagnosis and evaluation capability for adult offenders. The~~
 6589 ~~plan shall provide for a system of psychological testing and~~
 6590 ~~evaluation as well as medical screening through department~~
 6591 ~~resources or with other public or private agencies through a~~
 6592 ~~purchase of services agreement.~~

6593 ~~(b) A plan developed by the department for the~~
 6594 ~~comprehensive vocational and educational training of, and~~
 6595 ~~treatment programs for, offenders and their evaluation within~~
 6596 ~~each institution, program, or facility of the department, based~~
 6597 ~~upon the identified needs of the offender and the requirements~~
 6598 ~~of the employment market.~~

6599 ~~(c) A plan contracting with local facilities and programs~~
 6600 ~~as short-term confinement resources of the department for~~
 6601 ~~offenders who are sentenced to 3 years or less, or who are~~
 6602 ~~within 3 years or less of their anticipated release date, and~~
 6603 ~~integration of detention services which have community-based~~
 6604 ~~programs. The plan shall designate such facilities and programs~~
 6605 ~~by region of the state and identify, by county, the capability~~
 6606 ~~for local incarceration.~~

6607 ~~(d) A detailed analysis of methods to implement~~
 6608 ~~diversified alternatives to institutionalization when such~~
 6609 ~~alternatives can be safely employed. The analysis shall include~~
 6610 ~~an assessment of current pretrial intervention, probation, and~~

6611 ~~community control alternatives and their cost-effectiveness with~~
6612 ~~regard to restitution to victims, reimbursements for cost of~~
6613 ~~supervision, and subsequent violations resulting in commitments~~
6614 ~~to the department. Such analysis shall also include an~~
6615 ~~assessment of current use of electronic surveillance of~~
6616 ~~offenders and projected potential for diverting additional~~
6617 ~~categories of offenders from incarceration within the~~
6618 ~~department.~~

6619 ~~(e) A detailed analysis of current incarceration rates of~~
6620 ~~both the state and county correctional systems with the~~
6621 ~~calculation by the department of the current and projected~~
6622 ~~ratios of inmates in the correctional system, as defined in s.~~
6623 ~~945.01, to the general population of the state which will serve~~
6624 ~~as a basis for projecting construction needs.~~

6625 ~~(f) A plan for community-based facilities and programs for~~
6626 ~~the reintegration of offenders into society whereby inmates who~~
6627 ~~are being released shall receive assistance. Such assistance may~~
6628 ~~be through work-release, transition assistance, release~~
6629 ~~assistance stipend, contract release, postrelease special~~
6630 ~~services, temporary housing, or job placement programs.~~

6631 ~~(g) A plan reflecting parity of pay or comparable economic~~
6632 ~~benefits for correctional officers with that of law enforcement~~
6633 ~~officers in this state, and an assessment of projected impacts~~
6634 ~~on turnover rates within the department.~~

6635 ~~(h) A plan containing habitability criteria which defines~~
6636 ~~when beds are available and functional for use by inmates, and~~
6637 ~~containing factors which define when institutions and facilities~~
6638 ~~may be added to the inventory of the state correctional system.~~

6639 ~~(5) The comprehensive correctional master plan shall~~
6640 ~~project by year the total operating and capital outlay costs~~
6641 ~~necessary for constructing a sufficient number of prison beds to~~
6642 ~~avoid a deficiency in prison beds. Included in the master plan~~
6643 ~~which projects operating and capital outlay costs shall be a~~
6644 ~~siting plan which shall assess, rank, and designate appropriate~~
6645 ~~sites pursuant to s. 944.095(2)(a)-(k). The master plan shall~~
6646 ~~include an assessment of the department's current capability for~~
6647 ~~providing the degree of security necessary to ensure public~~
6648 ~~safety and should reflect the levels of security needed for the~~
6649 ~~forecasted admissions of various types of offenders based upon~~
6650 ~~sentence lengths and severity of offenses. The plan shall also~~
6651 ~~provide construction options for targeting violent and habitual~~
6652 ~~offenders for incarceration while providing specific~~
6653 ~~alternatives for the various categories of lesser offenders.~~

6654 (2)(6) Institutions within the state correctional system
6655 shall have the following design capacity factors:

6656 (a) Rooms and prison cells between 40 square feet and 90
6657 square feet, inclusive: one inmate per room or prison cell.

6658 (b) Dormitory-style rooms and other rooms exceeding 90
6659 square feet: one inmate per 55 square feet.

6660 (c) At institutions with rooms or cells, except to the
6661 extent that separate confinement cells have been constructed, a
6662 number of rooms or prison cells equal to 3 percent of total
6663 design capacity must be deducted from design capacity and set
6664 aside for confinement purposes.

6665 (d) Bed count calculations used to determine design
 6666 capacity shall only include beds which are functional and
 6667 available for use by inmates.

6668 (3)~~(7)~~ Institutions within the state correctional system
 6669 shall have the following maximum capacity factors:

6670 (a) Rooms and prison cells between 40 square feet and 60
 6671 square feet, inclusive: one inmate per room or cell. If the room
 6672 or prison cell is between 60 square feet and 90 square feet,
 6673 inclusive, two inmates are allowed in each room, except that one
 6674 inmate per room or prison cell is allowed at Florida State
 6675 Prison or any other maximum security institution or facility
 6676 which may be constructed.

6677 (b) Dormitory-style rooms and other rooms exceeding 90
 6678 square feet: one inmate per 37.5 square feet. Double-bunking is
 6679 generally allowed only along the outer walls of a dormitory.

6680 (c) At institutions with rooms or cells, except to the
 6681 extent that separate confinement cells have been constructed, a
 6682 number of rooms or prison cells equal to 3 percent of total
 6683 maximum capacity are not available for maximum capacity, and
 6684 must be set aside for confinement purposes, thereby reducing
 6685 maximum capacity by 6 percent since these rooms would otherwise
 6686 house two inmates.

6687 (d) A number of beds equal to 5 percent of total maximum
 6688 capacity must be deducted for management at institutions.

6689 Section 234. Paragraph (f) of subsection (3) of section
 6690 944.801, Florida Statutes, is amended to read:

6691 944.801 Education for state prisoners.--

6692 (3) The responsibilities of the Correctional Education
 6693 Program shall be to:

6694 (f) Report annual activities to the Secretary of
 6695 Corrections, ~~the Commissioner of Education, the Governor, and~~
 6696 ~~the Legislature.~~

6697 Section 235. Subsection (10) of section 945.35, Florida
 6698 Statutes, is amended to read:

6699 945.35 Requirement for education on human immunodeficiency
 6700 virus, acquired immune deficiency syndrome, and other
 6701 communicable diseases.--

6702 ~~(10) The department shall report to the Legislature by~~
 6703 ~~March 1 each year as to the implementation of this program and~~
 6704 ~~the participation by inmates and staff.~~

6705 Section 236. Paragraph (d) of subsection (8) of section
 6706 948.10, Florida Statutes, is amended to read:

6707 948.10 Community control programs.--

6708 (8) If an offender is sentenced to community control by
 6709 the court and the offender is ineligible to be placed on
 6710 community control as provided in subsection (2), the department
 6711 shall:

6712 ~~(d) Provide an annual report to the Governor, the~~
 6713 ~~President of the Senate, the Speaker of the House of~~
 6714 ~~Representatives, and the Chief Justice of the Supreme Court on~~
 6715 ~~the placement of ineligible offenders on community control in~~
 6716 ~~order to assist in preparing judicial education programs or for~~
 6717 ~~any other purpose.~~

6718 Section 237. Subsection (9) of section 958.045, Florida
 6719 Statutes, is amended to read:

6720 958.045 Youthful offender basic training program.--
 6721 ~~(9) Upon commencement of the community residential~~
 6722 ~~program, the department shall submit annual reports to the~~
 6723 ~~Governor, the President of the Senate, and the Speaker of the~~
 6724 ~~House of Representatives detailing the extent of implementation~~
 6725 ~~of the basic training program and the community residential~~
 6726 ~~program, and outlining future goals and any recommendation the~~
 6727 ~~department has for future legislative action.~~

6728 Section 238. Paragraph (c) of subsection (1) of section
 6729 960.045, Florida Statutes, is amended to read:

6730 960.045 Department of Legal Affairs; powers and
 6731 duties.--It shall be the duty of the department to assist
 6732 persons who are victims of crime.

6733 (1) The department shall:

6734 (c) Prepare an annual ~~Render, prior to January 1 of each~~
 6735 ~~year, to the presiding officers of the Senate and House of~~
 6736 ~~Representatives a written report of the activities of the Crime~~
 6737 ~~Victims' Services Office~~ that shall be available on the
 6738 department's website.

6739 Section 239. Paragraph (c) of subsection (8) of section
 6740 985.02, Florida Statutes, is amended to read

6741 985.02 Legislative intent for the juvenile justice
 6742 system.--

6743 (8) GENDER-SPECIFIC PROGRAMMING.--

6744 ~~(c) The Office of Program Policy Analysis and Government~~
 6745 ~~Accountability shall conduct an analysis of programs for young~~
 6746 ~~females within the Department of Juvenile Justice. The analysis~~
 6747 ~~shall address the nature of young female offenders in this~~

6748 ~~state, the percentage of young females who are incarcerated in~~
6749 ~~the juvenile justice system for status offenses and violations~~
6750 ~~of probation, and whether these young females could be better~~
6751 ~~served in less costly community based programs. In addition, the~~
6752 ~~review shall analyze whether existing juvenile justice programs~~
6753 ~~are designed to meet the gender-specific needs of young females~~
6754 ~~and an analysis of the true cost of providing gender-specific~~
6755 ~~services to young females.~~

6756 Section 240. Subsections (3), (4), and (5) of section
6757 985.08, Florida Statutes, are amended to read:

6758 985.08 Information systems.--

6759 ~~(3) In order to assist in the integration of the~~
6760 ~~information to be shared, the sharing of information obtained,~~
6761 ~~the joint planning on diversion and early intervention~~
6762 ~~strategies for juveniles at risk of becoming serious habitual~~
6763 ~~juvenile offenders, and the intervention strategies for serious~~
6764 ~~habitual juvenile offenders, a multiagency task force should be~~
6765 ~~organized and utilized by the law enforcement agency or county~~
6766 ~~in conjunction with the initiation of the information system~~
6767 ~~described in subsections (1) and (2). The multiagency task force~~
6768 ~~shall be composed of representatives of those agencies and~~
6769 ~~persons providing information for the central identification~~
6770 ~~file and the multiagency information sheet.~~

6771 ~~(4) This multiagency task force shall develop a plan for~~
6772 ~~the information system that includes measures which identify and~~
6773 ~~address any disproportionate representation of ethnic or racial~~
6774 ~~minorities in the information systems and shall develop~~

6775 ~~strategies that address the protection of individual~~
 6776 ~~constitutional rights.~~

6777 (3)~~(5)~~ Any law enforcement agency, or county that ~~which~~
 6778 implements a juvenile offender information system ~~and the~~
 6779 ~~multiagency task force which maintain the information system~~
 6780 must annually provide any information gathered during the
 6781 previous year to the delinquency and gang prevention council of
 6782 the judicial circuit in which the county is located. This
 6783 information shall include the number, types, and patterns of
 6784 delinquency tracked by the juvenile offender information system.

6785 Section 241. Subsections (2) and (3) of section 985.3045,
 6786 Florida Statutes, are amended to read:

6787 985.3045 Prevention service program; monitoring; report;
 6788 uniform performance measures.--

6789 ~~(2) No later than January 31, 2001, the prevention service~~
 6790 ~~program shall submit a report to the Governor, the Speaker of~~
 6791 ~~the House, and the President of the Senate concerning the~~
 6792 ~~implementation of a statewide multiagency plan to coordinate the~~
 6793 ~~efforts of all state-funded programs, grants, appropriations, or~~
 6794 ~~activities that are designed to prevent juvenile crime,~~
 6795 ~~delinquency, gang membership, or status offense behaviors and~~
 6796 ~~all state-funded programs, grants, appropriations, or activities~~
 6797 ~~that are designed to prevent a child from becoming a "child in~~
 6798 ~~need of services," as defined in chapter 984. The report shall~~
 6799 ~~include a proposal for a statewide coordinated multiagency~~
 6800 ~~juvenile delinquency prevention policy. In preparing the report,~~
 6801 ~~the department shall coordinate with and receive input from each~~
 6802 ~~state agency or entity that receives or uses state~~

6803 ~~appropriations to fund programs, grants, appropriations, or~~
6804 ~~activities that are designed to prevent juvenile crime,~~
6805 ~~delinquency, gang membership, status offense, or that are~~
6806 ~~designed to prevent a child from becoming a "child in need of~~
6807 ~~services," as defined in chapter 984. The report shall identify~~
6808 ~~whether legislation will be needed to effect a statewide plan to~~
6809 ~~coordinate the efforts of all state-funded programs, grants,~~
6810 ~~appropriations, or activities that are designed to prevent~~
6811 ~~juvenile crime, delinquency, gang membership, or status offense~~
6812 ~~behaviors and all state-funded programs, grants, appropriations,~~
6813 ~~or activities that are designed to prevent a child from becoming~~
6814 ~~a "child in need of services," as defined in chapter 984. The~~
6815 ~~report shall consider the potential impact of requiring such~~
6816 ~~state-funded efforts to target at least one of the following~~
6817 ~~strategies designed to prevent youth from entering or reentering~~
6818 ~~the juvenile justice system and track the associated outcome~~
6819 ~~data:~~

6820 ~~(a) Encouraging youth to attend school, which may include~~
6821 ~~special assistance and tutoring to address deficiencies in~~
6822 ~~academic performance; outcome data to reveal the number of days~~
6823 ~~youth attended school while participating in the program.~~

6824 ~~(b) Engaging youth in productive and wholesome activities~~
6825 ~~during nonschool hours that build positive character or instill~~
6826 ~~positive values, or that enhance educational experiences;~~
6827 ~~outcome data to reveal the number of youth who are arrested~~
6828 ~~during nonschool hours while participating in the program.~~

6829 ~~(c) Encouraging youth to avoid the use of violence;~~
 6830 ~~outcome data to reveal the number of youth who are arrested for~~
 6831 ~~crimes involving violence while participating in the program.~~

6832 ~~(d) Assisting youth to acquire skills needed to find~~
 6833 ~~meaningful employment, which may include assistance in finding a~~
 6834 ~~suitable employer for the youth; outcome data to reveal the~~
 6835 ~~number of youth who obtain and maintain employment for at least~~
 6836 ~~180 days.~~

6837
 6838 ~~The department is encouraged to identify additional strategies~~
 6839 ~~which may be relevant to preventing youth from becoming children~~
 6840 ~~in need of services and to preventing juvenile crime,~~
 6841 ~~delinquency, gang membership and status offense behaviors. The~~
 6842 ~~report shall consider the feasibility of developing uniform~~
 6843 ~~performance measures and methodology for collecting such outcome~~
 6844 ~~data to be utilized by all state-funded programs, grants,~~
 6845 ~~appropriations, or activities that are designed to prevent~~
 6846 ~~juvenile crime, delinquency, gang membership, or status offense~~
 6847 ~~behaviors and all state-funded programs, grants, appropriations,~~
 6848 ~~or activities that are designed to prevent a child from becoming~~
 6849 ~~a "child in need of services," as defined in chapter 984. The~~
 6850 ~~prevention service program is encouraged to identify other~~
 6851 ~~issues that may be of critical importance to preventing a child~~
 6852 ~~from becoming a child in need of services, as defined in chapter~~
 6853 ~~984, or to preventing juvenile crime, delinquency, gang~~
 6854 ~~membership, or status offense behaviors.~~

6855 ~~(2)(3)~~ The department shall expend funds related to the
 6856 prevention of juvenile delinquency in a manner consistent with

6857 | the policies expressed in ss. 984.02 and 985.02. The department
 6858 | shall expend said funds in a manner that maximizes public
 6859 | accountability and ensures the documentation of outcomes.

6860 | (a) All entities that receive or use state moneys to fund
 6861 | juvenile delinquency prevention services through contracts or
 6862 | grants with the department shall design the programs providing
 6863 | such services to further one or more of the following
 6864 | strategies: ~~specified in paragraphs (2)(a)-(d).~~

6865 | 1. Encouraging youth to attend school, which may include
 6866 | special assistance and tutoring to address deficiencies in
 6867 | academic performance and collecting outcome data to reveal the
 6868 | number of days youth attended school while participating in the
 6869 | program.

6870 | 2. Engaging youth in productive and wholesome activities
 6871 | during nonschool hours that build positive character or instill
 6872 | positive values or that enhance educational experiences and
 6873 | collecting outcome data to reveal the number of youths who are
 6874 | arrested during nonschool hours while participating in the
 6875 | program.

6876 | 3. Encouraging youth to avoid the use of violence and
 6877 | collecting outcome data to reveal the number of youths who are
 6878 | arrested for crimes involving violence while participating in
 6879 | the program.

6880 | 4. Assisting youth to acquire skills needed to find
 6881 | meaningful employment, which may include assistance in finding a
 6882 | suitable employer for the youth and collecting outcome data to
 6883 | reveal the number of youths who obtain and maintain employment
 6884 | for at least 180 days.

6885 (b) The department shall develop an outcome measure for
 6886 each program strategy specified in paragraph (a) ~~paragraphs~~
 6887 ~~(2)(a)-(d)~~ that logically relates to the risk factor addressed
 6888 by the strategy.

6889 (c) All entities that receive or use state moneys to fund
 6890 the juvenile delinquency prevention services through contracts
 6891 or grants with the department shall, as a condition of receipt
 6892 of state funds, provide the department with personal demographic
 6893 information concerning all participants in the service
 6894 sufficient to allow the department to verify criminal or
 6895 delinquent history information, school attendance or academic
 6896 information, employment information, or other requested
 6897 performance information.

6898 Section 242. Section 985.3046, Florida Statutes, is
 6899 repealed.

6900 Section 243. Subsection (5) of section 985.305, Florida
 6901 Statutes, is amended to read:

6902 985.305 Early delinquency intervention program;
 6903 criteria.--

6904 ~~(5) Not later than 18 months after the initiation of an~~
 6905 ~~early delinquency intervention program, the department shall~~
 6906 ~~prepare and submit a progress report to the chairs of the~~
 6907 ~~appropriate House and Senate fiscal committees and the~~
 6908 ~~appropriate House and Senate substantive committees on the~~
 6909 ~~development and implementation of the program, including:~~

6910 ~~(a) Factors determining placement of a child in the~~
 6911 ~~program.~~

6912 ~~(b) Services provided in each component of the program.~~

6913 ~~(c) Costs associated with each component of the program.~~

6914 ~~(d) Problems or difficulties encountered in the~~
 6915 ~~implementation and operation of the program.~~

6916 Section 244. Subsection (9) of section 985.309, Florida
 6917 Statutes, is amended to read:

6918 985.309 Boot camp for children.--

6919 (9) If a department-operated boot camp fails to pass the
 6920 department's quarterly inspection and evaluation, the department
 6921 must take necessary and sufficient steps to ensure and document
 6922 program changes to achieve compliance with department rules. If
 6923 the department-operated boot camp fails to achieve compliance
 6924 with department rules within 3 months and if there are no
 6925 documented extenuating circumstances, the department may take
 6926 ~~must notify the Executive Office of the Governor and the~~
 6927 ~~Legislature of the corrective action taken.~~ Appropriate
 6928 corrective action may include, but is not limited to:

6929 (a) Contracting out for the operation of the boot camp;

6930 (b) Initiating appropriate disciplinary action against all
 6931 employees whose conduct or performance is deemed to have
 6932 materially contributed to the program's failure to meet
 6933 department rules;

6934 (c) Redesigning the program; or

6935 (d) Realigning the program.

6936 Section 245. Paragraph (a) of subsection (1) of section
 6937 985.31, Florida Statutes, is amended to read:

6938 985.31 Serious or habitual juvenile offender.--

6939 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the
 6940 provisions of this chapter and the establishment of appropriate

6941 program guidelines and standards, contractual instruments, which
 6942 shall include safeguards of all constitutional rights, shall be
 6943 developed as follows:

6944 (a) The department shall provide for:

6945 1. The oversight of implementation of assessment and
 6946 treatment approaches.

6947 2. The identification and prequalification of appropriate
 6948 individuals or not-for-profit organizations, including minority
 6949 individuals or organizations when possible, to provide
 6950 assessment and treatment services to serious or habitual
 6951 delinquent children.

6952 3. The monitoring and evaluation of assessment and
 6953 treatment services for compliance with the provisions of this
 6954 chapter and all applicable rules and guidelines pursuant
 6955 thereto.

6956 ~~4. The development of an annual report on the performance~~
 6957 ~~of assessment and treatment to be presented to the Governor, the~~
 6958 ~~Attorney General, the President of the Senate, the Speaker of~~
 6959 ~~the House of Representatives, and the Auditor General no later~~
 6960 ~~than January 1 of each year.~~

6961 Section 246. Paragraph (a) of subsection (1) of section
 6962 985.311, Florida Statutes, is amended to read:

6963 985.311 Intensive residential treatment program for
 6964 offenders less than 13 years of age.--

6965 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the
 6966 provisions of this chapter and the establishment of appropriate
 6967 program guidelines and standards, contractual instruments, which
 6968 shall include safeguards of all constitutional rights, shall be

6969 developed for intensive residential treatment programs for
 6970 offenders less than 13 years of age as follows:

6971 (a) The department shall provide for:

6972 1. The oversight of implementation of assessment and
 6973 treatment approaches.

6974 2. The identification and prequalification of appropriate
 6975 individuals or not-for-profit organizations, including minority
 6976 individuals or organizations when possible, to provide
 6977 assessment and treatment services to intensive offenders less
 6978 than 13 years of age.

6979 3. The monitoring and evaluation of assessment and
 6980 treatment services for compliance with the provisions of this
 6981 chapter and all applicable rules and guidelines pursuant
 6982 thereto.

6983 ~~4. The development of an annual report on the performance~~
 6984 ~~of assessment and treatment to be presented to the Governor, the~~
 6985 ~~Attorney General, the President of the Senate, the Speaker of~~
 6986 ~~the House of Representatives, the Auditor General, and the~~
 6987 ~~Office of Program Policy Analysis and Government Accountability~~
 6988 ~~no later than January 1 of each year.~~

6989 Section 247. Subsection (1) of section 985.3155, Florida
 6990 Statutes, is amended to read:

6991 985.3155 Multiagency plan for vocational education.--

6992 (1) The Department of Juvenile Justice and the Department
 6993 of Education shall, in consultation with the statewide Workforce
 6994 Development Youth Council, school districts, providers, and
 6995 others, jointly develop a multiagency plan for vocational
 6996 education that establishes the curriculum, goals, and outcome

6997 | measures for vocational programs in juvenile commitment
 6998 | facilities. The plan must include:
 6999 | (a) Provisions for maximizing appropriate state and
 7000 | federal funding sources, including funds under the Workforce
 7001 | Investment Act and the Perkins Act;
 7002 | (b) The responsibilities of both departments and all other
 7003 | appropriate entities; and
 7004 | (c) A detailed implementation schedule.
 7005 |
 7006 | ~~The plan must be submitted to the Governor, the President of the~~
 7007 | ~~Senate, and the Speaker of the House of Representatives by May~~
 7008 | ~~1, 2001.~~
 7009 | Section 248. Section 985.403, Florida Statutes, is
 7010 | repealed.
 7011 | Section 249. Subsection (7) of section 985.412, Florida
 7012 | Statutes, is amended to read:
 7013 | 985.412 Quality assurance and cost-effectiveness.--
 7014 | ~~(7) No later than November 1, 2001, the department shall~~
 7015 | ~~submit a proposal to the Legislature concerning funding~~
 7016 | ~~incentives and disincentives for the department and for~~
 7017 | ~~providers under contract with the department. The~~
 7018 | ~~recommendations for funding incentives and disincentives shall~~
 7019 | ~~be based upon both quality assurance performance and cost-~~
 7020 | ~~effectiveness performance. The proposal should strive to achieve~~
 7021 | ~~consistency in incentives and disincentives for both department-~~
 7022 | ~~operated and contractor provided programs. The department may~~
 7023 | ~~include recommendations for the use of liquidated damages in the~~
 7024 | ~~proposal; however, the department is not presently authorized to~~

7025 ~~contract for liquidated damages in non-hardware-secure~~
 7026 ~~facilities until January 1, 2002.~~

7027 Section 250. Subsections (3) and (4) of section 1001.02,
 7028 Florida Statutes, are amended to read:

7029 1001.02 General powers of State Board of Education.--

7030 ~~(3) The State Board of Education shall adopt rules to~~
 7031 ~~establish the criteria for assigning, reviewing, and removing~~
 7032 ~~limited-access status to an educational program. The State Board~~
 7033 ~~of Education shall monitor the extent of limited-access programs~~
 7034 ~~within the state universities and report to the Legislature~~
 7035 ~~admissions and enrollment data for limited-access programs. Such~~
 7036 ~~report shall be submitted annually by December 1 and shall~~
 7037 ~~assist in determining the potential need for academic program~~
 7038 ~~contracts with independent institutions pursuant to paragraph~~
 7039 ~~(2)(p). The report must specify, for each limited-access program~~
 7040 ~~within each institution, the following categories, by race and~~
 7041 ~~gender:~~

- 7042 ~~(a) The number of applicants.~~
- 7043 ~~(b) The number of applicants granted admission.~~
- 7044 ~~(c) The number of applicants who are granted admission and~~
 7045 ~~enroll.~~
- 7046 ~~(d) The number of applicants denied admission.~~
- 7047 ~~(e) The number of applicants neither granted admission nor~~
 7048 ~~denied admission.~~

7049

7050 ~~Each category must be reported for each term. Each category must~~
 7051 ~~be reported by type of student, including the following~~
 7052 ~~subcategories: native students, community college associate in~~

7053 ~~arts degree transfer students, and other students. Each category~~
 7054 ~~and subcategory must further be reported according to the number~~
 7055 ~~of students who meet or exceed the minimum eligibility~~
 7056 ~~requirements for admission to the program and the number of~~
 7057 ~~students who do not meet or exceed the minimum eligibility~~
 7058 ~~requirements for admission to the program.~~

7059 ~~(4) The State Board of Education shall review, and approve~~
 7060 ~~or disapprove, baccalaureate degree programs that exceed 120~~
 7061 ~~semester hours, after considering accreditation requirements,~~
 7062 ~~employment and earnings of graduates, comparative program~~
 7063 ~~lengths nationally, and comparisons with similar programs~~
 7064 ~~offered by independent institutions. By December 31 of each~~
 7065 ~~year, the State Board of Education must report to the~~
 7066 ~~Legislature any degrees in the state universities that require~~
 7067 ~~more than 120 hours, along with appropriate evidence of need. At~~
 7068 ~~least every 5 years, the State Board of Education must determine~~
 7069 ~~whether the programs still require more than the standard length~~
 7070 ~~of 120 hours.~~

7071 Section 251. Paragraph (a) of subsection (4) of section
 7072 1008.30, Florida Statutes, is amended to read:

7073 1008.30 Common placement testing for public postsecondary
 7074 education.--

7075 (4)(a) Public postsecondary educational institution
 7076 students who have been identified as requiring additional
 7077 preparation pursuant to subsection (1) shall enroll in college-
 7078 preparatory or other adult education pursuant to s. 1004.93 in
 7079 community colleges to develop needed college-entry skills. These
 7080 students shall be permitted to take courses within their degree

7081 program concurrently in other curriculum areas for which they
 7082 are qualified while enrolled in college-preparatory instruction
 7083 courses. A student enrolled in a college-preparatory course may
 7084 concurrently enroll only in college credit courses that do not
 7085 require the skills addressed in the college-preparatory course.
 7086 The State Board of Education shall specify the college credit
 7087 courses that are acceptable for students enrolled in each
 7088 college-preparatory skill area, pursuant to s. 1001.02(5)~~(7)~~(g).
 7089 A student who wishes to earn an associate in arts or a
 7090 baccalaureate degree, but who is required to complete a college-
 7091 preparatory course, must successfully complete the required
 7092 college-preparatory studies by the time the student has
 7093 accumulated 12 hours of lower-division college credit degree
 7094 coursework; however, a student may continue enrollment in
 7095 degree-earning coursework provided the student maintains
 7096 enrollment in college-preparatory coursework for each subsequent
 7097 semester until college-preparatory coursework requirements are
 7098 completed, and the student demonstrates satisfactory performance
 7099 in degree-earning coursework. A passing score on a standardized,
 7100 institutionally developed test must be achieved before a student
 7101 is considered to have met basic computation and communication
 7102 skills requirements; however, no student shall be required to
 7103 retake any test or subtest that was previously passed by said
 7104 student. Credit awarded for college-preparatory instruction may
 7105 not be counted toward fulfilling the number of credits required
 7106 for a degree.

7107 Section 252. Subsection (1) of section 1011.82, Florida
 7108 Statutes, is amended to read:

7109 1011.82 Requirements for participation in Community
 7110 College Program Fund.--Each community college district which
 7111 participates in the state appropriations for the Community
 7112 College Program Fund shall provide evidence of its effort to
 7113 maintain an adequate community college program which shall:

7114 (1) Meet the minimum standards prescribed by the State
 7115 Board of Education in accordance with s. 1001.02(7)~~(9)~~.

7116 Section 253. Subsection (14) of section 1001.03, Florida
 7117 Statutes, is amended to read:

7118 1001.03 Specific powers of State Board of Education.--

7119 ~~(14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT
 7120 ADMINISTRATIVE AND MANAGEMENT PERSONNEL.--The State Board of
 7121 Education shall recommend to the Legislature by February 1,
 7122 2003, a uniform classification system for school district
 7123 administrative and management personnel that will facilitate the
 7124 uniform coding of administrative and management personnel to
 7125 total district employees.~~

7126 Section 254. Subsection (19) of section 1002.34, Florida
 7127 Statutes, is amended to read:

7128 1002.34 Charter technical career centers.--

7129 ~~(19) EVALUATION; REPORT.--The Commissioner of Education
 7130 shall provide for an annual comparative evaluation of charter
 7131 technical career centers and public technical centers. The
 7132 evaluation may be conducted in cooperation with the sponsor,
 7133 through private contracts, or by department staff. At a minimum,
 7134 the comparative evaluation must address the demographic and
 7135 socioeconomic characteristics of the students served, the types
 7136 and costs of services provided, and the outcomes achieved. By~~

7137 ~~December 30 of each year, the Commissioner of Education shall~~
 7138 ~~submit to the Governor, the President of the Senate, the Speaker~~
 7139 ~~of the House of Representatives, and the Senate and House~~
 7140 ~~committees that have responsibility for secondary and~~
 7141 ~~postsecondary career and technical education a report of the~~
 7142 ~~comparative evaluation completed for the previous school year.~~

7143 Section 255. Subsections (3) and (4) of section 1003.492,
 7144 Florida Statutes, are amended to read:

7145 1003.492 Industry-certified career education programs.--

7146 ~~(3) The Department of Education shall study student~~
 7147 ~~performance in industry-certified career education programs. The~~
 7148 ~~department shall identify districts that currently operate~~
 7149 ~~industry-certified career education programs. The study shall~~
 7150 ~~examine the performance of participating students over time.~~
 7151 ~~Performance factors shall include, but not be limited to,~~
 7152 ~~graduation rates, retention rates, additional educational~~
 7153 ~~attainment, employment records, earnings, and industry~~
 7154 ~~satisfaction. The results of this study shall be submitted to~~
 7155 ~~the President of the Senate and the Speaker of the House of~~
 7156 ~~Representatives by December 31, 2004.~~

7157 ~~(4) The Department of Education shall conduct a study to~~
 7158 ~~determine if a cost factor should be applied to industry-~~
 7159 ~~certified career education programs and review the need for~~
 7160 ~~startup funding for the programs. The study shall be completed~~
 7161 ~~by December 31, 2004, and shall be submitted to the President of~~
 7162 ~~the Senate and the Speaker of the House of Representatives.~~

7163 Section 256. Subsection (4) of section 1003.61, Florida
 7164 Statutes, is amended to read:

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7165 1003.61 Pilot attendance project.--It is the purpose of
7166 this section to require the Manatee County District School Board
7167 to implement a pilot project that raises the compulsory age of
7168 attendance for children from the age of 16 years to the age of
7169 18 years. The pilot project applies to each child who has not
7170 attained the age of 16 years by September 30 of the school year
7171 in which a school board policy is adopted.

7172 ~~(4) The district school board must evaluate the effect of~~
7173 ~~its adopted policy raising the compulsory age of attendance on~~
7174 ~~school attendance and on the school district's dropout rate, as~~
7175 ~~well as on the costs associated with the pilot project. The~~
7176 ~~school district shall report its findings to the President of~~
7177 ~~the Senate, the Speaker of the House of Representatives, the~~
7178 ~~minority leader of each house of the Legislature, the Governor,~~
7179 ~~and the Commissioner of Education not later than August 1~~
7180 ~~following each year that the pilot project is in operation.~~

7181 Section 257. Subsections (5), (6), and (10) of section
7182 1004.22, Florida Statutes, are amended to read:

7183 1004.22 Divisions of sponsored research at state
7184 universities.--

7185 (5) Moneys deposited in the permanent sponsored research
7186 development fund of a university shall be disbursed in
7187 accordance with the terms of the contract, grant, or donation
7188 under which they are received. Moneys received for overhead or
7189 indirect costs and other moneys not required for the payment of
7190 direct costs shall be applied to the cost of operating the
7191 division of sponsored research. Any surplus moneys shall be used
7192 to support other research or sponsored training programs in any

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7193 area of the university. Transportation and per diem expense
7194 allowances shall be the same as those provided by law in s.
7195 112.061, except that personnel performing travel under a
7196 sponsored research subcontract may be reimbursed for travel
7197 expenses in accordance with the provisions of the applicable
7198 prime contract or grant and the travel allowances established by
7199 the subcontractor, subject to the requirements of subsection
7200 (6)~~(7)~~, or except as provided in subsection (10)~~(11)~~.

7201 ~~(6)(a) Each university shall submit to the State Board of~~
7202 ~~Education a report of the activities of each division of~~
7203 ~~sponsored research together with an estimated budget for the~~
7204 ~~next fiscal year.~~

7205 ~~(b) Not less than 90 days prior to the convening of each~~
7206 ~~regular session of the Legislature in which an appropriation~~
7207 ~~shall be made, the State Board of Education shall submit to the~~
7208 ~~chair of the appropriations committee of each house of the~~
7209 ~~Legislature a compiled report, together with a compiled~~
7210 ~~estimated budget for the next fiscal year. A copy of such report~~
7211 ~~and estimated budget shall be furnished to the Governor, as the~~
7212 ~~chief budget officer of the state.~~

7213 ~~(9)~~~~(10)~~ The operation of the divisions of sponsored
7214 research and the conduct of the sponsored research program are
7215 expressly exempted from the provisions of any other laws or
7216 portions of laws in conflict herewith and are, subject to the
7217 requirements of subsection (6)~~(7)~~, exempted from the provisions
7218 of chapters 215, 216, and 283.

7219 Section 258. Subsection (6) of section 1004.50, Florida
7220 Statutes, is amended to read:

7221 1004.50 Institute on Urban Policy and Commerce.--
 7222 ~~(6) The Governor shall submit an annual report to the~~
 7223 ~~Legislature on the unmet needs in the state's urban communities.~~

7224 Section 259. Section 1004.94, Florida Statutes, is amended
 7225 to read:

7226 1004.94 Adult literacy.--

7227 (1)(a) An adult, individualized literacy instruction
 7228 program is created for adults who possess literacy skills below
 7229 the ninth grade level. The purpose of the program is to provide
 7230 self-paced, competency-based, individualized tutorial
 7231 instruction. The commissioner shall administer this section in
 7232 coordination with community college boards of trustees, local
 7233 school boards, and the Division of Library and Information
 7234 Services of the Department of State.

7235 (b) Local adult, individualized literacy instruction
 7236 programs may be coordinated with local public library systems
 7237 and with public or private nonprofit agencies, organizations, or
 7238 institutions. A local public library system and a public or
 7239 private nonprofit agency, organization, or institution may use
 7240 funds appropriated for the purposes of this section to hire
 7241 program coordinators. Such coordinators shall offer training
 7242 activities to volunteer tutors and oversee the operation of
 7243 local literacy programs. A local public library system and a
 7244 public or private nonprofit agency, organization, or institution
 7245 may also purchase student instructional materials and modules
 7246 that instruct tutors in the teaching of basic and functional
 7247 literacy and English for speakers of other languages. To the
 7248 extent funds are appropriated, cooperating local library systems

7249 shall purchase, and make available for loan, reading materials
 7250 of high interest and with a vocabulary appropriate for use by
 7251 students who possess literacy skills below the ninth grade level
 7252 and students of English for speakers of other languages.

7253 ~~(2)(a) The adult literacy program is intended to increase~~
 7254 ~~adult literacy as prescribed in the agency functional plan of~~
 7255 ~~the Department of Education. The commissioner shall establish~~
 7256 ~~guidelines for the purpose of determining achievement of this~~
 7257 ~~goal.~~

7258 ~~(b) Each participating local sponsor shall submit an~~
 7259 ~~annual report to the commissioner which must contain information~~
 7260 ~~to demonstrate the extent to which there has been progress~~
 7261 ~~toward increasing the percentage of adults within the service~~
 7262 ~~area who possess literacy skills.~~

7263 ~~(c) Based on the information provided from the local~~
 7264 ~~reports, the commissioner shall develop an annual status report~~
 7265 ~~on literacy and adult education.~~

7266 (2)(3) Funds appropriated for the purposes of this section
 7267 shall be allocated as grants for implementing adult literacy
 7268 programs. Such funds may not be used to supplant funds used for
 7269 activities that would otherwise be conducted in the absence of
 7270 literacy funding. A grant awarded pursuant to this section may
 7271 not exceed \$50,000. Priority for the use of such funds shall be
 7272 given to paying expenses related to the instruction of volunteer
 7273 tutors, including materials and the salary of the program
 7274 coordinator. Local sponsors may also accept funds from private
 7275 sources for the purposes of this section.

7276 ~~(4)(a) The commissioner shall submit a state adult~~
 7277 ~~literacy plan to the State Board of Education to serve as a~~
 7278 ~~reference for district school boards and community colleges~~
 7279 ~~boards of trustees to increase adult literacy in their service~~
 7280 ~~areas as prescribed in the agency functional plan of the~~
 7281 ~~Department of Education. The plan must include, at a minimum:~~

7282 ~~1. Policies and objectives for adult literacy programs,~~
 7283 ~~including evaluative criteria.~~

7284 ~~2. Strategies for coordinating adult literacy activities~~
 7285 ~~with programs and services provided by other state and local~~
 7286 ~~nonprofit agencies, as well as strategies for maximizing other~~
 7287 ~~funding, resources, and expertise.~~

7288 ~~3. Procedures for identifying, recruiting, and retaining~~
 7289 ~~adults who possess literacy skills below the ninth grade level.~~

7290 ~~4. Sources of relevant demographic information and methods~~
 7291 ~~of projecting the number of adults who possess literacy skills~~
 7292 ~~below the ninth grade level.~~

7293 ~~5. Acceptable methods of demonstrating compliance with the~~
 7294 ~~provisions of this section.~~

7295 ~~6. Guidelines for the development and implementation of~~
 7296 ~~local adult literacy plans. At a minimum, such guidelines must~~
 7297 ~~address:~~

7298 ~~a. The recruitment and preparation of volunteer tutors.~~

7299 ~~b. Interagency and intraagency cooperation and~~
 7300 ~~coordination, especially with public libraries and other~~
 7301 ~~sponsors of literacy programs.~~

7302 ~~c. Desirable learning environments, including class size.~~

7303 ~~d. Program evaluation standards.~~

7304 ~~e. Methods for identifying, recruiting, and retaining~~
 7305 ~~adults in literacy programs.~~

7306 ~~f. Adult literacy through family literacy and workforce~~
 7307 ~~literacy programs.~~

7308 ~~(b) Every 3 years, the district school board or community~~
 7309 ~~college board of trustees shall develop and maintain a local~~
 7310 ~~adult literacy plan.~~

7311 Section 260. Subsection (4) of section 1004.95, Florida
 7312 Statutes, is amended to read:

7313 1004.95 Adult literacy centers.--

7314 (4) The State Board of Education shall develop rules for
 7315 implementing this section, ~~including criteria for evaluating the~~
 7316 ~~performance of the centers, and shall submit an evaluation~~
 7317 ~~report of the centers to the Legislature on or before February 1~~
 7318 ~~of each year.~~

7319 Section 261. Section 1006.0605, Florida Statutes, is
 7320 repealed.

7321 Section 262. Section 1006.67, Florida Statutes, is
 7322 repealed.

7323 Section 263. Subsection (11) of section 1007.27, Florida
 7324 Statutes, is amended to read:

7325 1007.27 Articulated acceleration mechanisms.--

7326 ~~(11)(a) The State Board of Education shall conduct a~~
 7327 ~~review of the extent to which the acceleration mechanisms~~
 7328 ~~authorized by this section are currently utilized by school~~
 7329 ~~districts and public postsecondary educational institutions and~~
 7330 ~~shall submit a report to the Governor and the Legislature by~~
 7331 ~~December 31, 2003.~~

7332 ~~(b) The report must include a summary of ongoing~~
 7333 ~~activities and a plan to increase and enhance the use of~~
 7334 ~~acceleration mechanisms as a way to shorten the length of time~~
 7335 ~~as well as the funding required for a student, including a~~
 7336 ~~student with a documented disability, to obtain a postsecondary~~
 7337 ~~degree.~~

7338 ~~(c) The review and plan shall address, but are not limited~~
 7339 ~~to, the following issues:~~

7340 ~~1. The manner in which students, including students with~~
 7341 ~~documented disabilities, are advised regarding the availability~~
 7342 ~~of acceleration mechanism options.~~

7343 ~~2. The availability of acceleration mechanism options to~~
 7344 ~~eligible students, including students with documented~~
 7345 ~~disabilities, who wish to participate.~~

7346 ~~3. The grading practices, including weighting of courses,~~
 7347 ~~of school districts and public postsecondary educational~~
 7348 ~~institutions with regard to credit earned through acceleration~~
 7349 ~~mechanisms.~~

7350 ~~4. The extent to which credit earned through an~~
 7351 ~~acceleration mechanism is used to meet the general education~~
 7352 ~~requirements of a public postsecondary educational institution.~~

7353 ~~5. The extent to which the secondary instruction~~
 7354 ~~associated with acceleration mechanism options could be offered~~
 7355 ~~at sites other than public K through 12 school sites to assist~~
 7356 ~~in meeting class size reduction needs.~~

7357 ~~6. The manner in which funding for instruction associated~~
 7358 ~~with acceleration mechanism options is provided.~~

7359 ~~7. The feasibility of providing students, including~~
7360 ~~students with documented disabilities, the option of choosing~~
7361 ~~Advanced Placement credit or College Level Examination Program~~
7362 ~~(CLEP) credit as an alternative to dual enrollment credit upon~~
7363 ~~completion of a dual enrollment course.~~

7364 Section 264. Subsection (8) of section 1009.70, Florida
7365 Statutes, is amended to read:

7366 1009.70 Florida Education Fund.--

7367 (8) There is created a legal education component of the
7368 Florida Education Fund to provide the opportunity for minorities
7369 to attain representation within the legal profession
7370 proportionate to their representation within the general
7371 population. The legal education component of the Florida
7372 Education Fund includes a law school program and a pre-law
7373 program.

7374 (a) The law school scholarship program of the Florida
7375 Education Fund is to be administered by the Board of Directors
7376 of the Florida Education Fund for the purpose of increasing by
7377 200 the number of minority students enrolled in law schools in
7378 this state. Implementation of this program is to be phased in
7379 over a 3-year period.

7380 1. The board of directors shall provide financial,
7381 academic, and other support to students selected for
7382 participation in this program from funds appropriated by the
7383 Legislature.

7384 2. Student selection must be made in accordance with rules
7385 adopted by the board of directors for that purpose and must be

7386 based, at least in part, on an assessment of potential for
7387 success, merit, and financial need.

7388 3. Support must be made available to students who enroll
7389 in private, as well as public, law schools in this state which
7390 are accredited by the American Bar Association.

7391 4. Scholarships must be paid directly to the participating
7392 students.

7393 5. Students who participate in this program must agree in
7394 writing to sit for The Florida Bar examination and, upon
7395 successful admission to The Florida Bar, to either practice law
7396 in the state for a period of time equal to the amount of time
7397 for which the student received aid, up to 3 years, or repay the
7398 amount of aid received.

7399 ~~6. Annually, the board of directors shall compile a report~~
7400 ~~that includes a description of the selection process, an~~
7401 ~~analysis of the academic progress of all scholarship recipients,~~
7402 ~~and an analysis of expenditures. This report must be submitted~~
7403 ~~to the President of the Senate, the Speaker of the House of~~
7404 ~~Representatives, and the Governor.~~

7405 (b) The minority pre-law scholarship loan program of the
7406 Florida Education Fund is to be administered by the Board of
7407 Directors of the Florida Education Fund for the purpose of
7408 increasing the opportunity of minority students to prepare for
7409 law school.

7410 1. From funds appropriated by the Legislature, the board
7411 of directors shall provide for student fees, room, board, books,
7412 supplies, and academic and other support to selected minority

7413 | undergraduate students matriculating at eligible public and
7414 | independent colleges and universities in Florida.

7415 | 2. Student selection must be made in accordance with rules
7416 | adopted by the board of directors for that purpose and must be
7417 | based, at least in part, on an assessment of potential for
7418 | success, merit, and financial need.

7419 | 3. To be eligible, a student must make a written agreement
7420 | to enter or be accepted to enter a law school in this state
7421 | within 2 years after graduation or repay the scholarship loan
7422 | amount plus interest at the prevailing rate.

7423 | 4. Recipients who fail to gain admission to a law school
7424 | within the specified period of time, may, upon admission to law
7425 | school, be eligible to have their loans canceled.

7426 | 5. Minority pre-law scholarship loans shall be provided to
7427 | 34 minority students per year for up to 4 years each, for a
7428 | total of 136 scholarship loans. To continue receipt of
7429 | scholarship loans, recipients must maintain a 2.75 grade point
7430 | average for the freshman year and a 3.25 grade point average
7431 | thereafter. Participants must also take specialized courses to
7432 | enhance competencies in English and logic.

7433 | 6. The board of directors shall maintain records on all
7434 | scholarship loan recipients. Participating institutions shall
7435 | submit academic progress reports to the board of directors
7436 | following each academic term. ~~Annually, the board of directors~~
7437 | ~~shall compile a report that includes a description of the~~
7438 | ~~selection process, an analysis of the academic progress of all~~
7439 | ~~scholarship loan recipients, and an analysis of expenditures.~~

7440 ~~This report must be submitted to the President of the Senate,~~
 7441 ~~the Speaker of the House of Representatives, and the Governor.~~

7442 Section 265. Subsection (8) of section 1011.32, Florida
 7443 Statutes, is amended to read:

7444 1011.32 Community College Facility Enhancement Challenge
 7445 Grant Program.--

7446 (8) By September 1 of each year, the State Board of
 7447 Education shall transmit to the Governor and Legislature a list
 7448 of projects which meet all eligibility requirements to
 7449 participate in the Community College Facility Enhancement
 7450 Challenge Grant Program and a budget request which includes the
 7451 recommended schedule necessary to complete each project.

7452 Section 266. Subsection (5) section 1011.4105, Florida
 7453 Statutes, is amended to read:

7454 1011.4105 Transition from state accounting system (FLAIR)
 7455 to university accounting system.--

7456 ~~(5) The State Board of Education in cooperation with each~~
 7457 ~~university and the Department of Financial Services shall~~
 7458 ~~develop a plan and establish the deadline for all universities~~
 7459 ~~to have completed the transition from FLAIR. The board shall~~
 7460 ~~submit a copy of this plan to the Executive Office of the~~
 7461 ~~Governor and the chairs of the appropriations committees of the~~
 7462 ~~Senate and House of Representatives.~~

7463 Section 267. Paragraph (p) of subsection (1) of section
 7464 1011.62, Florida Statutes, is amended to read:

7465 1011.62 Funds for operation of schools.--If the annual
 7466 allocation from the Florida Education Finance Program to each
 7467 district for operation of schools is not determined in the

7468 annual appropriations act or the substantive bill implementing
 7469 the annual appropriations act, it shall be determined as
 7470 follows:

7471 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 7472 OPERATION.--The following procedure shall be followed in
 7473 determining the annual allocation to each district for
 7474 operation:

7475 (p) Extended-school-year program.--It is the intent of the
 7476 Legislature that students be provided additional instruction by
 7477 extending the school year to 210 days or more. Districts may
 7478 apply to the Commissioner of Education for funds to be used in
 7479 planning and implementing an extended-school-year program. The
 7480 Department of Education shall recommend to the Legislature the
 7481 policies necessary for full implementation of an extended school
 7482 year.

7483 Section 268. Paragraph (1) of subsection (2) of section
 7484 1012.05, Florida Statutes, is amended to read:

7485 1012.05 Teacher recruitment and retention.--

7486 (2) The Department of Education shall:

7487 ~~(1) Develop, in consultation with Workforce Florida, Inc.,~~
 7488 ~~and the Agency for Workforce Innovation, created pursuant to ss.~~
 7489 ~~445.004 and 20.50, respectively, a plan for accessing and~~
 7490 ~~identifying available resources in the state's workforce system~~
 7491 ~~for the purpose of enhancing teacher recruitment and retention.~~

7492 Section 269. Subsection (1) of section 1012.42, Florida
 7493 Statutes, is amended to read:

7494 1012.42 Teacher teaching out-of-field.--

7495 (1) ASSISTANCE.--Each district school board shall adopt
 7496 and implement a plan to assist any teacher teaching out-of-
 7497 field, and priority consideration in professional development
 7498 activities shall be given to teachers who are teaching out-of-
 7499 field. The district school board shall require that such
 7500 teachers participate in a certification or staff development
 7501 program designed to provide the teacher with the competencies
 7502 required for the assigned duties. The board-approved assistance
 7503 plan must include duties of administrative personnel and other
 7504 instructional personnel to provide students with instructional
 7505 services. ~~Each district school board shall contact its regional~~
 7506 ~~workforce board, created pursuant to s. 445.007, to identify~~
 7507 ~~resources that may assist teachers who are teaching out-of-field~~
 7508 ~~and who are pursuing certification.~~

7509 Section 270. Subsection (13) of section 1013.03, Florida
 7510 Statutes, is amended to read:

7511 1013.03 Functions of the department.--The functions of the
 7512 Department of Education as it pertains to educational facilities
 7513 shall include, but not be limited to, the following:

7514 ~~(13) By October 1, 2003, review all rules related to~~
 7515 ~~school construction to identify requirements that are outdated,~~
 7516 ~~obsolete, unnecessary, or otherwise could be amended in order to~~
 7517 ~~provide additional flexibility to school districts to comply~~
 7518 ~~with the constitutional class size maximums described in s.~~
 7519 ~~1003.03(1) and make recommendations concerning such rules to the~~
 7520 ~~State Board of Education. The State Board of Education shall act~~
 7521 ~~on such recommendations by December 31, 2003.~~

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7522 Section 271. Section 1013.11, Florida Statutes, is amended
7523 to read:

7524 1013.11 Postsecondary institutions assessment of physical
7525 plant safety.--The president of each postsecondary institution
7526 shall conduct or cause to be conducted an annual assessment of
7527 physical plant safety. An annual report shall incorporate the
7528 findings obtained through such assessment and recommendations
7529 for the improvement of safety on each campus. The annual report
7530 shall be submitted to the respective governing or licensing
7531 board of jurisdiction no later than January 1 of each year. Each
7532 board shall compile the individual institutional reports and
7533 convey the aggregate institutional reports to the Commissioner
7534 of Education. ~~The Commissioner of Education shall convey these~~
7535 ~~reports and the reports required in s. 1008.48 to the President~~
7536 ~~of the Senate and the Speaker of the House of Representatives no~~
7537 ~~later than March 1 of each year.~~

7538 Section 272. This act shall take effect upon becoming a
7539 law.