

CHAMBER ACTION

1 The State Administration Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to obsolete or outdated agency plans,
7 reports, and programs; repealing s. 16.58, F.S., relating
8 to the Florida Legal Resource Center; amending s. 20.19,
9 F.S.; revising provisions relating to plans, projections,
10 and the mission of the Department of Children and Family
11 Services; amending s. 20.315, F.S.; revising provisions
12 relating to an evaluation of the Department of Corrections
13 by the Florida Corrections Commission; amending s. 20.316,
14 F.S.; revising provisions relating to reports of the
15 Department of Juvenile Justice; amending ss. 20.43,
16 39.001, and 39.3065, F.S.; revising and deleting
17 provisions relating to specified obsolete and outdated
18 plans, reports, and programs; repealing s. 39.4086, F.S.,
19 relating to a pilot program for attorneys ad litem for
20 dependent children; amending ss. 39.523 and 98.255, F.S.;
21 revising and deleting provisions relating to specified
22 obsolete and outdated plans, reports, and programs;
23 amending s. 120.695, F.S., relating to a review of

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24 | administrative rules; amending s. 161.053, F.S.; deleting
 25 | obsolete provisions relating to the establishment of
 26 | coastal construction control lines; amending s. 370.12,
 27 | F.S.; conforming a cross reference; amending s. 161.161,
 28 | F.S.; revising provisions relating to reporting
 29 | requirements for beach erosion control projects; repealing
 30 | s. 163.2526, F.S., relating to review and evaluation of
 31 | specified provisions relating to urban infill and
 32 | redevelopment; amending ss. 163.3167, 163.3177, 163.3178,
 33 | 163.519, 186.007, 189.4035, 189.412, 206.606, 212.054, and
 34 | 212.08, F.S.; revising and deleting provisions relating to
 35 | specified obsolete and outdated plans, reports, and
 36 | programs; repealing s. 213.0452, F.S., relating to certain
 37 | required reporting by the Department of Revenue; repealing
 38 | s. 213.054, F.S., relating to an annual report concerning
 39 | persons claiming certain tax exemptions or deductions;
 40 | amending ss. 215.5601 and 215.70, F.S.; revising and
 41 | deleting provisions relating to specified obsolete and
 42 | outdated plans, reports, and programs; amending s.
 43 | 253.7825, F.S.; deleting provisions relating to a
 44 | conceptual recreational plan for the Cross Florida
 45 | Greenways State Recreation and Conservation Area;
 46 | repealing s. 253.7826, F.S., relating to certain canal
 47 | structures; repealing s. 253.7829, F.S., relating to
 48 | management plan for retention or disposition of former
 49 | Cross Florida Barge Canal lands; amending s. 259.037,
 50 | F.S.; revising provisions relating to a report by the Land
 51 | Management Uniform Accounting Council; repealing s.

52 | 265.56, F.S., relating to an annual report by the
 53 | Department of State concerning certain indemnity claims;
 54 | amending s. 267.074, F.S.; deleting requirements for a
 55 | specified plan relating to historical markers; amending
 56 | ss. 282.102, 284.50, 287.045, 287.16, and 288.108, F.S.;
 57 | revising and deleting provisions relating to specified
 58 | obsolete and outdated plans, reports, and programs;
 59 | amending ss. 288.1226, 288.1229, 288.7015, 288.853,
 60 | 288.95155, 288.9604, 288.9610, 292.04, and 292.05, F.S.;
 61 | revising and deleting provisions relating to specified
 62 | obsolete and outdated plans, reports, and programs;
 63 | repealing s. 296.16, F.S., relating to reports concerning
 64 | the Veterans' Domiciliary Home of Florida; repealing s.
 65 | 296.39, F.S., relating to reports concerning veterans
 66 | nursing homes; amending ss. 315.03, 319.324, 322.181,
 67 | 322.251, 365.171, 365.172, 365.173, 366.82, 369.22,
 68 | 370.26, 372.5712, and 372.5715, F.S.; revising and
 69 | deleting provisions relating to specified obsolete and
 70 | outdated plans, reports, and programs; repealing s.
 71 | 372.673, F.S., relating to the Florida Panther Technical
 72 | Advisory Council; repealing s. 372.674, F.S., relating to
 73 | the Advisory Council on Environmental Education; amending
 74 | s. 372.672, F.S.; conforming to the repeal of s. 372.674,
 75 | F.S.; amending ss. 373.0391, 373.046, 373.1963, and
 76 | 376.121, F.S.; revising and deleting provisions relating
 77 | to specified obsolete and outdated plans, reports, and
 78 | programs; repealing s. 376.17, F.S., relating to reports
 79 | concerning operation of a specified pollution control

80 program; amending ss. 376.30713, 377.703, and 380.0677,
 81 F.S.; revising and deleting provisions relating to
 82 specified obsolete and outdated plans, reports, and
 83 programs; amending ss. 259.041 and 259.101, F.S.;
 84 correcting cross references; amending s. 381.0011, F.S.;
 85 deleting specified requirements for a Department of Health
 86 strategic plan; repealing s. 381.0036, F.S., relating to
 87 planning for implementation of educational requirements
 88 concerning HIV and AIDS for specified professional
 89 licensure applicants; amending ss. 381.732 and 381.733,
 90 F.S.; conforming cross references; amending ss. 381.795,
 91 381.90, 381.931, and 383.19, F.S.; revising and deleting
 92 provisions relating to specified obsolete and outdated
 93 plans, reports, and programs; repealing s. 383.21, F.S.,
 94 relating to review of certain perinatal intensive care
 95 programs; amending ss. 383.2161, 384.25, 394.4573,
 96 394.4985, and 394.75, F.S.; revising and deleting
 97 provisions relating to specified obsolete and outdated
 98 plans, reports, and programs; repealing s. 394.82, F.S.,
 99 relating to expanded funding of certain services; amending
 100 s. 394.655, F.S.; conforming provisions to the repeal of
 101 s. 394.82, F.S.; amending s. 394.9082, F.S.; revising
 102 provisions relating to behavioral health service
 103 strategies; repealing s. 394.9083, F.S., relating to the
 104 Behavioral Health Services Integration Workgroup; amending
 105 ss. 395.807, 397.321, 397.333, 397.94, 400.0067, 400.0075,
 106 400.0089, 400.407, 400.419, 400.441, 400.967, 402.3016,
 107 402.40, 402.73, 403.067, and 403.4131, F.S.; revising and

108 deleting provisions relating to specified obsolete and
 109 outdated plans, reports, and programs; repealing s.
 110 403.756, F.S., relating to a report concerning oil
 111 recycling; amending ss. 403.7226 and 403.7265, F.S.;
 112 revising and deleting provisions relating to specified
 113 obsolete and outdated plans, reports, and programs;
 114 amending s. 403.7264, F.S.; conforming a cross reference;
 115 amending ss. 403.7895, 406.02, 408.033, 408.914, and
 116 408.915, F.S.; revising and deleting provisions relating
 117 to specified obsolete and outdated plans, reports, and
 118 programs; repealing s. 408.917, F.S., relating to
 119 evaluation of a health care eligibility pilot project;
 120 amending s. 409.1451, F.S.; revising reporting
 121 requirements relating to independent living transition
 122 services; repealing s. 409.146, F.S., relating to a
 123 children and families client and management information
 124 system; repealing s. 409.152, F.S., relating to service
 125 integration and family preservation goals; amending ss.
 126 409.1679, 409.1685, 409.178, 409.221, 409.25575, 409.2558,
 127 409.2567, 409.441, 409.906, 409.9065, 409.91188, and
 128 409.912, F.S.; revising and deleting provisions relating
 129 to specified obsolete and outdated plans, reports, and
 130 programs; amending ss. 394.9082, 409.9065, 409.91196, and
 131 641.386, F.S.; conforming cross references; repealing s.
 132 410.0245, F.S., relating to a study of service needs;
 133 amending s. 410.604, F.S.; deleting a requirement for an
 134 evaluation and report concerning a specified community
 135 care for disabled adults program; repealing s. 411.221,

136 F.S., relating to a prevention and early assistance
 137 strategic plan; amending ss. 411.01 and 411.232, F.S.;
 138 conforming provisions to the repeal of s. 411.221, F.S.;
 139 repealing s. 411.242, F.S., relating to the Florida
 140 Education Now and Babies Later (ENABL) program; amending
 141 ss. 413.402, 414.1251, 414.14, 414.36, 414.391, 415.1045,
 142 420.622, 420.623, 427.704, 427.706, 430.04, 430.502,
 143 445.003, 445.004, and 445.006, F.S.; revising and deleting
 144 provisions relating to specified obsolete and outdated
 145 plans, reports, and programs; conforming provisions to the
 146 repeal of s. 411.242, F.S.; amending ss. 445.022 and
 147 445.049, F.S.; revising and deleting provisions relating
 148 to specified obsolete and outdated plans, reports, and
 149 programs; repealing s. 446.27, F.S., relating to a youth-
 150 at-risk pilot program annual report; amending s. 446.50,
 151 F.S.; deleting provisions relating to initial submittal of
 152 the displaced homemaker program plan; repealing s.
 153 455.204, F.S., relating to long-range policy planning
 154 concerning professional regulation; amending ss. 455.2226,
 155 455.2228, 456.005, 456.025, 456.031, 456.033, 456.034, and
 156 517.302, F.S.; revising and deleting provisions relating
 157 to specified obsolete and outdated plans, reports, and
 158 programs; repealing s. 526.3135, F.S., relating to reports
 159 by the Division of Standards of the Department of
 160 Agriculture and Consumer Services; amending s. 531.415,
 161 F.S., relating to a required notice to the Legislature
 162 concerning certain weights and measures regulation fees;
 163 repealing s. 553.975, F.S., relating to a report

164 concerning energy conservation standards; amending ss.
 165 570.0705, 570.0725, 570.235, 570.543, 570.952, 603.204,
 166 627.351, 627.64872, 744.7021, 744.708, 765.5215, 768.295,
 167 775.084, 790.22, 932.7055, 943.125, 943.68, 944.023,
 168 944.801, 945.35, 958.045, 960.045, 985.02, 985.08, and
 169 985.3045, F.S.; revising and deleting provisions relating
 170 to specified obsolete and outdated plans, reports, and
 171 programs; repealing s. 985.3046, F.S., relating to certain
 172 reports concerning agencies and entities providing
 173 prevention services; amending ss. 985.305 and 985.3155,
 174 F.S.; revising and deleting provisions relating to
 175 specified obsolete and outdated plans, reports, and
 176 programs; repealing s. 985.403, F.S., relating to a task
 177 force on juvenile sexual offenders and their victims;
 178 amending s. 985.412, F.S.; deleting a provision relating
 179 to submittal of a proposal concerning incentives for
 180 certain Department of Juvenile Justice providers; amending
 181 ss. 1003.492, 1003.61, and 1004.50, F.S.; revising and
 182 deleting provisions relating to specified obsolete and
 183 outdated plans, reports, and programs; repealing s.
 184 1006.0605, F.S., relating to reports concerning student
 185 summer nutrition programs; amending ss. 1007.27, 1009.70,
 186 1011.32, 1011.62, 1012.42, and 1013.03, F.S.; revising and
 187 deleting provisions relating to specified obsolete and
 188 outdated plans, reports, and programs; providing an
 189 effective date.

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

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192 Section 1. Section 16.58, Florida Statutes, is repealed.

193 Section 2. Subsection (1) and paragraph (c) of subsection
194 (5) of section 20.19, Florida Statutes, are amended to read:

195 20.19 Department of Children and Family Services.--There
196 is created a Department of Children and Family Services.

197 (1) MISSION ~~AND PURPOSE~~.--

198 (a) The mission of the Department of Children and Family
199 Services is to protect vulnerable children and adults,
200 strengthen families, and support individuals and families in
201 achieving personal and economic self-sufficiency ~~work in~~
202 ~~partnership with local communities to ensure the safety, well-~~
203 ~~being, and self-sufficiency of the people served.~~

204 (b) ~~The department shall develop a strategic plan for~~
205 ~~fulfilling its mission and establish a set of measurable goals,~~
206 ~~objectives, performance standards, and quality assurance~~
207 ~~requirements to ensure that the department is accountable to the~~
208 ~~people of Florida.~~

209 (c) To the extent allowed by law and within specific
210 appropriations, the department shall deliver services by
211 contract through private providers.

212 (5) SERVICE DISTRICTS.--

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

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

222 ~~2. Child protection case workers so that caseloads do not~~
 223 ~~exceed the Child Welfare League Standards by more than two~~
 224 ~~eases.~~

225 Section 3. Paragraph (b) of subsection (6) of section
 226 20.315, Florida Statutes, is amended to read:

227 20.315 Department of Corrections.--There is created a
 228 Department of Corrections.

229 (6) FLORIDA CORRECTIONS COMMISSION.--

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

231 1. Recommend major correctional policies for the
 232 Governor's approval, and assure that approved policies and any
 233 revisions thereto are properly executed.

234 2. Periodically review the status of the state
 235 correctional system and recommend improvements therein to the
 236 Governor and the Legislature.

237 3. Annually perform an in-depth review of community-based
 238 intermediate sanctions and recommend to the Governor and the
 239 Legislature intergovernmental approaches through the Community
 240 Corrections Partnership Act for planning and implementing such
 241 sanctions and programs.

242 4. Perform an in-depth evaluation of the department's
 243 annual budget request of the Department of Corrections, long-
 244 range program plans and performance standards ~~the comprehensive~~
 245 ~~correctional master plan~~, and the tentative construction program
 246 for compliance with all applicable laws and established

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247 departmental policies. The commission may not consider
248 individual construction projects, but shall consider methods of
249 accomplishing the department's goals in the most effective,
250 efficient, and businesslike manner.

251 5. Routinely monitor the financial status of the
252 department ~~of Corrections~~ to assure that the department is
253 managing revenue and any applicable bond proceeds responsibly
254 and in accordance with law and established policy.

255 6. Evaluate, at least quarterly, the efficiency,
256 productivity, and management of the department ~~of Corrections~~,
257 using performance and production standards developed by the
258 department under former subsection (18).

259 7. Provide public education on corrections and criminal
260 justice issues.

261 8. Report to the President of the Senate, the Speaker of
262 the House of Representatives, and the Governor by November 1 of
263 each year.

264 9. Resolve disputes between the department ~~of Corrections~~
265 and the contractors for the private correctional facilities
266 entered into under chapter 957 when a contractor proposes to
267 waive a rule, policy, or procedure concerning operation
268 standards.

269 Section 4. Subsection (4) of section 20.316, Florida
270 Statutes, is amended to read:

271 20.316 Department of Juvenile Justice.--There is created a
272 Department of Juvenile Justice.

273 (4) INFORMATION SYSTEMS.--

274 (a) The Department of Juvenile Justice shall develop, in
 275 consultation with the Criminal and Juvenile Justice Information
 276 Systems Council under s. 943.08, a juvenile justice information
 277 system which shall provide information concerning the
 278 department's activities and programs.

279 (b) In establishing the computing and network
 280 infrastructure for the development of the information system,
 281 the department shall develop a system design to set the
 282 direction for the information system. That design shall include
 283 not only department system requirements but also data exchange
 284 requirements of other state and local juvenile justice system
 285 organizations.

286 (c) The department shall implement a distributed system
 287 architecture which shall be defined in its agency strategic
 288 plan.

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

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

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

295 3. Provide automated support to the quality assurance and
 296 program review functions.

297 4. Provide automated support to the contract management
 298 process.

299 5. Provide automated support to the facility operations
 300 management process.

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301 6. Provide automated administrative support to increase
302 efficiency, provide the capability of tracking expenditures of
303 funds by the department or contracted service providers that are
304 eligible for federal reimbursement, and reduce forms and
305 paperwork.

306 7. Facilitate connectivity, access, and utilization of
307 information among various state agencies, and other state,
308 federal, local, and private agencies, organizations, and
309 institutions.

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

313 9. Provide a system for the training of information system
314 users and user groups.

315 ~~(e) The department shall aggregate, on a quarterly and an~~
316 ~~annual basis, the program information, demographic, program~~
317 ~~utilization rate, and statistical data of the youth served into~~
318 ~~a descriptive report and shall disseminate the quarterly and~~
319 ~~annual reports to substantive committees of the House of~~
320 ~~Representatives and the Senate.~~

321 ~~(f) The department shall provide an annual report on the~~
322 ~~juvenile justice information system to the Criminal and Juvenile~~
323 ~~Justice Information Systems Council. The council shall review~~
324 ~~and forward the report, along with its comments, to the~~
325 ~~appropriate substantive and appropriations committees of the~~
326 ~~House of Representatives and the Senate delineating the~~
327 ~~development status of the system and other information necessary~~
328 ~~for funding policy formulation.~~

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329 ~~(g) The department shall include in its annual budget~~
 330 ~~request a comprehensive summary of costs involved in the~~
 331 ~~establishment of the information system and cost savings~~
 332 ~~associated with its implementation. The budget request must also~~
 333 ~~include a complete inventory of staff, equipment, and facility~~
 334 ~~resources for development and maintenance of the system.~~

335 Section 5. Paragraph (1) of subsection (1) of section
 336 20.43, Florida Statutes, is amended to read:

337 20.43 Department of Health.--There is created a Department
 338 of Health.

339 (1) The purpose of the Department of Health is to promote
 340 and protect the health of all residents and visitors in the
 341 state through organized state and community efforts, including
 342 cooperative agreements with counties. The department shall:

343 (1) Include in the department's long-range program
 344 ~~strategie~~ plan developed under s. 186.021 an assessment of
 345 current health programs, systems, and costs; projections of
 346 future problems and opportunities; and recommended changes that
 347 are needed in the health care system to improve the public
 348 health.

349 Section 6. Subsections (7) and (8) of section 39.001,
 350 Florida Statutes, are amended to read:

351 39.001 Purposes and intent; personnel standards and
 352 screening.--

353 (7) PLAN FOR COMPREHENSIVE APPROACH.--

354 (a) The department shall develop a comprehensive state
 355 plan for the prevention of abuse, abandonment, and neglect of
 356 children and shall submit the plan to the Speaker of the House

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357 of Representatives, the President of the Senate, and the
358 Governor no later than June 30, 2006 ~~January 1, 1983~~.

359 1. The ~~departments~~ Department of Education, and the
360 ~~Division of Children's Medical Services Prevention and~~
361 ~~Intervention of the Department of Health, Law Enforcement, and~~
362 Juvenile Justice, along with the Agency for Workforce Innovation
363 and the Agency for Persons with Disabilities, shall participate
364 and fully cooperate in the development of the state plan at both
365 the state and local levels. National-level and state-level
366 advocacy groups, especially as identified in federal prevention
367 initiatives or requirements, shall also be provided an
368 opportunity to participate.

369 2. ~~Furthermore,~~ Appropriate local agencies and
370 organizations shall be provided an opportunity to participate at
371 the local level in the development of the state plan at the
372 local level. Appropriate local groups and organizations shall
373 include, but not be limited to, community alliances as described
374 in s. 20.19; community-based care lead agencies as described in
375 s. 409.1671; community mental health centers; guardian ad litem
376 programs for children and other court system entities under the
377 circuit court; the school boards of the local school districts;
378 the Florida local advocacy councils; private or public
379 organizations or programs with recognized expertise in working
380 with children who are sexually abused, physically abused,
381 emotionally abused, abandoned, or neglected and with expertise
382 in working with the families of such children; private or public
383 programs or organizations with expertise in maternal and infant
384 health care; multidisciplinary child protection teams; child day

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385 | ~~care centers; and law enforcement agencies, and the circuit~~
 386 | ~~courts, when guardian ad litem programs are not available in the~~
 387 | ~~local area. The state plan to be provided to the Legislature and~~
 388 | ~~the Governor shall include, as a minimum, the information~~
 389 | ~~required of the various groups in paragraph (b).~~

390 | ~~(b) The development of the comprehensive state plan shall~~
 391 | ~~be accomplished in the following manner:~~

392 | ~~1. The department shall establish an interprogram task~~
 393 | ~~force comprised of a designee from each of the department's~~
 394 | ~~programs as listed in s. 20.19. Representatives from the~~
 395 | ~~agencies listed in subparagraph (a)1. the Program Director for~~
 396 | ~~Family Safety, or a designee, a representative from the Child~~
 397 | ~~Care Services Program Office, a representative from the Family~~
 398 | ~~Safety Program Office, a representative from the Mental Health~~
 399 | ~~Program Office, a representative from the Substance Abuse~~
 400 | ~~Program Office, a representative from the Developmental~~
 401 | ~~Disabilities Program Office, and a representative from the~~
 402 | ~~Division of Children's Medical Services Prevention and~~
 403 | ~~Intervention of the Department of Health. Representatives of the~~
 404 | ~~Department of Law Enforcement and of the Department of Education~~
 405 | ~~shall serve as ex officio members of the interprogram task~~
 406 | ~~force. The interprogram task force shall be responsible for:~~

407 | ~~1.a. Developing a plan of action for better coordination~~
 408 | ~~and integration of the goals, activities, and funding pertaining~~
 409 | ~~to the prevention of child abuse, abandonment, and neglect~~
 410 | ~~conducted by the department in order to maximize staff and~~
 411 | ~~resources at the state level. The plan of action shall be~~
 412 | ~~included in the state plan.~~

413 ~~2.b.~~ Providing a schedule and basic format for ~~to be~~
 414 ~~utilized by the districts in~~ the preparation of local plans ~~of~~
 415 ~~action~~ in order to provide for uniformity in the development of
 416 local district plans and to provide for greater ease in
 417 compiling information for the state plan.

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

420 ~~4.d.~~ Examining the local plans to determine if all the
 421 requirements of the local plans have been met and, if ~~they have~~
 422 not, working with local entities to obtain the needed
 423 information informing the districts of the deficiencies and
 424 ~~requesting the additional information needed.~~

425 ~~5.e.~~ Preparing the comprehensive state plan for submission
 426 to the Legislature and the Governor. ~~Such preparation shall~~
 427 ~~include the collapsing of information obtained from the local~~
 428 ~~plans, the cooperative plans with the Department of Education,~~
 429 ~~and the plan of action for coordination and integration of~~
 430 ~~departmental activities into one comprehensive plan. The~~
 431 ~~comprehensive plan shall include a section reflecting general~~
 432 ~~conditions and needs, an analysis of variations based on~~
 433 ~~population or geographic areas, identified problems, and~~
 434 ~~recommendations for change. In essence, the plan shall provide~~
 435 ~~an analysis and summary of each element of the local plans to~~
 436 ~~provide a statewide perspective. The plan shall also include~~
 437 ~~each separate local plan of action.~~

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

441 (c) The comprehensive state plan shall contain the
 442 following elements:
 443 1. A section reflecting general conditions and needs.
 444 2. An analysis of variations based on population or
 445 geographic areas.
 446 3. Performance expectations and gaps.
 447 4. Recommendations for performance improvement.
 448 5. Resource and funding strategies related to unmet needs.
 449 6. A summary or crosswalk of the planning and performance
 450 requirements from relevant federal funding sources for the
 451 prevention of child abuse and neglect.
 452 7. Each separate plan identified in paragraphs (d), (e),
 453 and (f).
 454 ~~2. The department, the Department of Education, and the~~
 455 ~~Department of Health shall work together in developing ways to~~
 456 ~~inform and instruct parents of school children and appropriate~~
 457 ~~district school personnel in all school districts in the~~
 458 ~~detection of child abuse, abandonment, and neglect and in the~~
 459 ~~proper action that should be taken in a suspected case of child~~
 460 ~~abuse, abandonment, or neglect, and in caring for a child's~~
 461 ~~needs after a report is made. The plan for accomplishing this~~
 462 ~~end shall be included in the state plan.~~
 463 (d)3. The department, and appropriate task members the
 464 ~~Department of Law Enforcement, and the Department of Health~~
 465 ~~shall work together in developing a plan for informing and~~
 466 ~~instructing ways to inform and instruct appropriate~~
 467 ~~professionals local law enforcement personnel in the detection~~
 468 ~~of child abuse, abandonment, and neglect; and in the proper~~

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469 actions ~~action~~ that should be taken in a suspected case of child
 470 abuse, abandonment, or neglect; and in supporting subsequent
 471 action by the department or other responsible party for child
 472 protection. Appropriate professionals include, but are not
 473 limited to, the reporters listed in s. 39.201(1)(b).

474 (e)4. ~~Within existing appropriations,~~ The department shall
 475 work with other appropriate public and private agencies to
 476 develop a plan for educating ~~emphasize efforts to educate~~ the
 477 general public about the problem of and ways to detect child
 478 abuse, abandonment, and neglect and in the proper action that
 479 should be taken in a suspected case of child abuse, abandonment,
 480 or neglect. The plan for accomplishing this end shall be
 481 included in the state plan.

482 ~~5. The department, the Department of Education, and the~~
 483 ~~Department of Health shall work together on the enhancement or~~
 484 ~~adaptation of curriculum materials to assist instructional~~
 485 ~~personnel in providing instruction through a multidisciplinary~~
 486 ~~approach on the identification, intervention, and prevention of~~
 487 ~~child abuse, abandonment, and neglect. The curriculum materials~~
 488 ~~shall be geared toward a sequential program of instruction at~~
 489 ~~the four progressional levels, K-3, 4-6, 7-9, and 10-12.~~
 490 ~~Strategies for encouraging all school districts to utilize the~~
 491 ~~curriculum are to be included in the comprehensive state plan~~
 492 ~~for the prevention of child abuse, abandonment, and neglect.~~

493 (f)6. ~~Each district of~~ The department shall facilitate the
 494 development of local plans ~~develop a plan for~~ their local ~~its~~
 495 ~~specific~~ geographical area. Plans ~~The plan~~ developed at the
 496 local ~~district~~ level shall be used by ~~submitted to~~ the

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497 interprogram task force ~~for utilization~~ in preparing the state
 498 comprehensive plan. ~~The district local plan of action shall be~~
 499 ~~prepared with the involvement and assistance of the local~~
 500 ~~agencies and organizations listed in paragraph (a), as well as~~
 501 ~~representatives from those departmental district offices~~
 502 ~~participating in the treatment and prevention of child abuse,~~
 503 ~~abandonment, and neglect. In order to accomplish this, the~~
 504 ~~district administrator in each district shall establish a task~~
 505 ~~force on the prevention of child abuse, abandonment, and~~
 506 ~~neglect. The district administrator shall appoint the members of~~
 507 ~~the task force in accordance with the membership requirements of~~
 508 ~~this section. In addition, the district administrator shall~~
 509 ~~ensure that each subdistrict is represented on the task force;~~
 510 ~~and, if the district does not have subdistricts, the district~~
 511 ~~administrator shall ensure that both urban and rural areas are~~
 512 ~~represented on the task force. The task force shall develop a~~
 513 ~~written statement clearly identifying its operating procedures,~~
 514 ~~purpose, overall responsibilities, and method of meeting~~
 515 ~~responsibilities.~~

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

519 1.a. Documentation of the incidence ~~magnitude of the~~
 520 ~~problems of child abuse, including sexual abuse, physical abuse,~~
 521 ~~and emotional abuse, and child abandonment,~~ and neglect in its
 522 geographical area. Documentation shall include, at a minimum, a
 523 summary of information derived from the department's official
 524 data source, HomeSafeNet.

525 ~~2.b.~~ A description of programs and services currently
 526 serving abused, abandoned, and neglected children and their
 527 families and a description of programs for the prevention of
 528 child abuse, abandonment, and neglect, including information on
 529 the impact, ~~cost-effectiveness~~, and sources of funding of such
 530 programs and services.

531 ~~3.e.~~ A description of local models for a continuum of
 532 programs and services necessary for a comprehensive approach to
 533 the prevention of all types of child abuse, abandonment, and
 534 neglect ~~as well as a brief description of such programs and~~
 535 ~~services~~.

536 ~~4.d.~~ A description, documentation, and priority ranking of
 537 local unmet needs related to child abuse, abandonment, and
 538 neglect prevention based upon the current programs and a model
 539 continuum of programs and services.

540 ~~5.e.~~ A plan for steps to be taken in meeting identified
 541 needs, including the coordination and integration of services to
 542 avoid unnecessary duplication and cost, and for alternative
 543 funding strategies for meeting needs through the reallocation of
 544 existing resources, utilization of volunteers, contracting with
 545 local universities for services, and local government or private
 546 agency funding.

547 ~~6.f.~~ A description of barriers to the accomplishment of a
 548 comprehensive approach to the prevention of child abuse,
 549 abandonment, and neglect.

550 ~~7.g.~~ Recommendations for actions ~~changes~~ that can be
 551 accomplished only at the state program level or by legislative
 552 action.

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553 (8) FUNDING AND SUBSEQUENT PLANS.--

554 (a) The department's long-range program plans and

555 legislative budget requests ~~All budget requests submitted by the~~

556 ~~department, the Department of Health, the Department of~~

557 ~~Education, or any other agency to the Legislature for funding of~~

558 ~~efforts for the prevention of child abuse, abandonment, and~~

559 ~~neglect~~ shall be based on and consistent with the most recent

560 state comprehensive plan and updates developed pursuant to this

561 section.

562 (b) The department at the state and district levels and

563 the other agencies listed in paragraph (7)(a) shall review and

564 update the plan annually ~~readdress the plan and make necessary~~

565 ~~revisions every 5 years, at a minimum.~~ Such updates ~~revisions~~

566 shall be submitted to the Governor, the Speaker of the House of

567 Representatives, and the President of the Senate no later than

568 June 30 of each year ~~divisible by 5.~~ Annual review and updates

569 shall include progress and performance reporting ~~An annual~~

570 ~~progress report shall be submitted to update the plan in the~~

571 ~~years between the 5-year intervals. In order to avoid~~

572 ~~duplication of effort, these required plans may be made a part~~

573 ~~of or merged with other plans required by either the state or~~

574 ~~Federal Government, so long as the portions of the other state~~

575 ~~or Federal Government plan that constitute the state plan for~~

576 ~~the prevention of child abuse, abandonment, and neglect are~~

577 ~~clearly identified as such and are provided to the Speaker of~~

578 ~~the House of Representatives and the President of the Senate as~~

579 ~~required above.~~

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580 Section 7. Subsection (3) of section 39.3065, Florida
581 Statutes, is amended to read:

582 39.3065 Sheriffs of certain counties to provide child
583 protective investigative services; procedures; funding.--

584 (3)(a) Beginning in fiscal year 1999-2000, the sheriffs of
585 Pasco County, Manatee County, Broward County, and Pinellas
586 County have the responsibility to provide all child protective
587 investigations in their respective counties. Beginning in fiscal
588 year 2000-2001, the Department of Children and Family Services
589 is authorized to enter into grant agreements with sheriffs of
590 other counties to perform child protective investigations in
591 their respective counties.

592 (b) The sheriffs shall operate, at a minimum, in
593 accordance with the performance standards and outcome measures
594 established by the Legislature for protective investigations
595 conducted by the Department of Children and Family Services.
596 Each individual who provides these services must complete, at a
597 minimum, the training provided to and required of protective
598 investigators employed by the Department of Children and Family
599 Services.

600 (c) Funds for providing child protective investigations
601 must be identified in the annual appropriation made to the
602 Department of Children and Family Services, which shall award
603 grants for the full amount identified to the respective
604 sheriffs' offices. Notwithstanding the provisions of ss.
605 216.181(16)(b) and 216.351, the Department of Children and
606 Family Services may advance payments to the sheriffs for child
607 protective investigations. Funds for the child protective

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608 investigations may not be integrated into the sheriffs' regular
 609 budgets. Budgetary data and other data relating to the
 610 performance of child protective investigations must be
 611 maintained separately from all other records of the sheriffs'
 612 offices and reported to the Department of Children and Family
 613 Services as specified in the grant agreement.

614 ~~(d) Program performance evaluation shall be based on~~
 615 ~~criteria mutually agreed upon by the respective sheriffs and the~~
 616 ~~Department of Children and Family Services. The program~~
 617 ~~performance evaluation shall be conducted by a team of peer~~
 618 ~~reviewers from the respective sheriffs' offices that perform~~
 619 ~~child protective investigations and representatives from the~~
 620 ~~department. The Department of Children and Family Services shall~~
 621 ~~submit an annual report regarding quality performance, outcome-~~
 622 ~~measure attainment, and cost efficiency to the President of the~~
 623 ~~Senate, the Speaker of the House of Representatives, and to the~~
 624 ~~Governor no later than January 31 of each year the sheriffs are~~
 625 ~~receiving general appropriations to provide child protective~~
 626 ~~investigations.~~

627 Section 8. Section 39.4086, Florida Statutes, is repealed.

628 Section 9. Subsection (5) of section 39.523, Florida
 629 Statutes, is amended to read:

630 39.523 Placement in residential group care.--

631 ~~(5)(a) By December 1 of each year, the department shall~~
 632 ~~report to the Legislature on the placement of children in~~
 633 ~~licensed residential group care during the year, including the~~
 634 ~~criteria used to determine the placement of children, the number~~
 635 ~~of children who were evaluated for placement, the number of~~

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636 ~~children who were placed based upon the evaluation, and the~~
 637 ~~number of children who were not placed. The department shall~~
 638 ~~maintain data specifying the number of children who were~~
 639 ~~referred to licensed residential child care for whom placement~~
 640 ~~was unavailable and the counties in which such placement was~~
 641 ~~unavailable. The department shall include this data in its~~
 642 ~~report to the Legislature due on December 1, so that the~~
 643 ~~Legislature may consider this information in developing the~~
 644 ~~General Appropriations Act.~~

645 ~~(b) As part of the report required in paragraph (a), the~~
 646 ~~department shall also provide a detailed account of the~~
 647 ~~expenditures incurred for "Special Categories: Grants and~~
 648 ~~Aids—Specialized Residential Group Care Services" for the~~
 649 ~~fiscal year immediately preceding the date of the report. This~~
 650 ~~section of the report must include whatever supporting data is~~
 651 ~~necessary to demonstrate full compliance with paragraph (6)(c).~~
 652 ~~The document must present the information by district and must~~
 653 ~~specify, at a minimum, the number of additional beds, the~~
 654 ~~average rate per bed, the number of additional persons served,~~
 655 ~~and a description of the enhanced and expanded services~~
 656 ~~provided.~~

657 Section 10. Subsections (1) and (3) of section 98.255,
 658 Florida Statutes, are amended to read:

659 98.255 Voter education programs.--

660 (1) ~~By March 1, 2002,~~ The Department of State shall adopt
 661 rules prescribing minimum standards for nonpartisan voter
 662 education. In developing the rules, the department shall review
 663 current voter education programs within each county of the

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664 state. The standards shall address, but are not limited to, the
665 following subjects:

- 666 (a) Voter registration;
- 667 (b) Balloting procedures, absentee and polling place;
- 668 (c) Voter rights and responsibilities;
- 669 (d) Distribution of sample ballots; and
- 670 (e) Public service announcements.

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

676 ~~(b) The Department of State, upon receipt of such~~
677 ~~information, shall prepare a public report on the effectiveness~~
678 ~~of voter education programs and shall submit the report to the~~
679 ~~Governor, the President of the Senate, and the Speaker of the~~
680 ~~House of Representatives by January 31 of each year following a~~
681 ~~general election.~~

682 ~~(c)~~ The Department of State shall reexamine the rules
683 adopted pursuant to subsection (1) and consider the findings in
684 these reports ~~the report~~ as a basis for adopting modified rules
685 that incorporate successful voter education programs and
686 techniques, as necessary.

687 Section 11. Subsection (2) of section 120.695, Florida
688 Statutes, is amended to read:

689 120.695 Notice of noncompliance.--

690 (2)~~(a)~~ Each agency shall issue a notice of noncompliance
691 as a first response to a minor violation of a rule. A "notice of

692 noncompliance" is a notification by the agency charged with
 693 enforcing the rule issued to the person or business subject to
 694 the rule. A notice of noncompliance may not be accompanied with
 695 a fine or other disciplinary penalty. It must identify the
 696 specific rule that is being violated, provide information on how
 697 to comply with the rule, and specify a reasonable time for the
 698 violator to comply with the rule. ~~A rule is agency action that~~
 699 ~~regulates a business, occupation, or profession, or regulates a~~
 700 ~~person operating a business, occupation, or profession, and~~
 701 ~~that, if not complied with, may result in a disciplinary~~
 702 ~~penalty.~~

703 (a)~~(b)~~ Each agency shall ~~review all of its rules and~~
 704 designate those rules for which a violation would be a minor
 705 violation and for which a notice of noncompliance must be the
 706 first enforcement action taken against a person or business
 707 subject to regulation. A violation of a rule is a minor
 708 violation if it does not result in economic or physical harm to
 709 a person or adversely affect the public health, safety, or
 710 welfare or create a significant threat of such harm. If an
 711 agency under the direction of a cabinet officer mails to each
 712 licensee a notice of the designated rules at the time of
 713 licensure and at least annually thereafter, the provisions of
 714 this subsection ~~paragraph (a)~~ may be exercised at the discretion
 715 of the agency. Such notice shall include a subject-matter index
 716 of the rules and information on how the rules may be obtained.

717 ~~(c) The agency's review and designation must be completed~~
 718 ~~by December 1, 1995; each agency under the direction of the~~
 719 ~~Governor shall make a report to the Governor, and each agency~~

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720 ~~under the joint direction of the Governor and Cabinet shall~~
 721 ~~report to the Governor and Cabinet by January 1, 1996, on which~~
 722 ~~of its rules have been designated as rules the violation of~~
 723 ~~which would be a minor violation.~~

724 (b)~~(d)~~ The Governor or the Governor and Cabinet, as
 725 appropriate ~~pursuant to paragraph (c)~~, may evaluate the rule
 726 ~~review and~~ designation effects of each agency and ~~may~~ apply a
 727 different designation than that applied by the agency.

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

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

732 Section 12. Subsections (3), (5), (9), (11), and (16),
 733 paragraphs (b) and (d) of subsection (6), paragraphs (a) and (b)
 734 of subsection (12), and paragraphs (a) and (b) of subsection
 735 (13) of section 161.053, Florida Statutes, are amended to read:

736 161.053 Coastal construction and excavation; regulation on
 737 county basis.--

738 ~~(3) It is the intent of the Legislature that any coastal~~
 739 ~~construction control line that has not been updated since June~~
 740 ~~30, 1980, shall be considered a critical priority for~~
 741 ~~reestablishment by the department. In keeping with this intent,~~
 742 ~~the department shall notify the Legislature if all such lines~~
 743 ~~cannot be reestablished by December 31, 1997, so that the~~
 744 ~~Legislature may subsequently consider interim lines of~~
 745 ~~jurisdiction for the remaining counties.~~

746 (4)~~(5)~~ Except in those areas where local zoning and
 747 building codes have been established pursuant to subsection

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748 | (3)~~(4)~~, a permit to alter, excavate, or construct on property
 749 | seaward of established coastal construction control lines may be
 750 | granted by the department as follows:

751 | (a) The department may authorize an excavation or erection
 752 | of a structure at any coastal location as described in
 753 | subsection (1) upon receipt of an application from a property
 754 | and/or riparian owner and upon the consideration of facts and
 755 | circumstances, including:

756 | 1. Adequate engineering data concerning shoreline
 757 | stability and storm tides related to shoreline topography;

758 | 2. Design features of the proposed structures or
 759 | activities; and

760 | 3. Potential impacts of the location of such structures or
 761 | activities, including potential cumulative effects of any
 762 | proposed structures or activities upon such beach-dune system,
 763 | which, in the opinion of the department, clearly justify such a
 764 | permit.

765 | (b) If in the immediate contiguous or adjacent area a
 766 | number of existing structures have established a reasonably
 767 | continuous and uniform construction line closer to the line of
 768 | mean high water than the foregoing, and if the existing
 769 | structures have not been unduly affected by erosion, a proposed
 770 | structure may, at the discretion of the department, be permitted
 771 | along such line on written authorization from the department if
 772 | such structure is also approved by the department. However, the
 773 | department shall not contravene setback requirements or zoning
 774 | or building codes established by a county or municipality which
 775 | are equal to, or more strict than, those requirements provided

776 | herein. This paragraph does not prohibit the department from
 777 | requiring structures to meet design and siting criteria
 778 | established in paragraph (a) or in subsection (1) or subsection
 779 | (2).

780 | (c) The department may condition the nature, timing, and
 781 | sequence of construction of permitted activities to provide
 782 | protection to nesting sea turtles and hatchlings and their
 783 | habitat, pursuant to s. 370.12, and to native salt-resistant
 784 | vegetation and endangered plant communities.

785 | (d) The department may require such engineer
 786 | certifications as necessary to assure the adequacy of the design
 787 | and construction of permitted projects.

788 | (e) The department shall limit the construction of
 789 | structures which interfere with public access along the beach.
 790 | However, the department may require, as a condition to granting
 791 | permits, the provision of alternative access when interference
 792 | with public access along the beach is unavoidable. The width of
 793 | such alternate access may not be required to exceed the width of
 794 | the access that will be obstructed as a result of the permit
 795 | being granted.

796 | (f) The department may, as a condition to the granting of
 797 | a permit under this section, require mitigation, financial, or
 798 | other assurances acceptable to the department as may be
 799 | necessary to assure performance of conditions of a permit or
 800 | enter into contractual agreements to best assure compliance with
 801 | any permit conditions. The department may also require notice of
 802 | the permit conditions required and the contractual agreements
 803 | entered into pursuant to the provisions of this subsection to be

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804 | filed in the public records of the county in which the permitted
805 | activity is located.

806 | ~~(5)(6)~~

807 | (b) After October 1, 1985, and notwithstanding any other
808 | provision of this part, the department, or a local government to
809 | which the department has delegated permitting authority pursuant
810 | to subsections ~~(3)(4)~~ and ~~(15)(16)~~, shall not issue any permit
811 | for any structure, other than a coastal or shore protection
812 | structure, minor structure, or pier, meeting the requirements of
813 | this part, or other than intake and discharge structures for a
814 | facility sited pursuant to part II of chapter 403, which is
815 | proposed for a location which, based on the department's
816 | projections of erosion in the area, will be seaward of the
817 | seasonal high-water line within 30 years after the date of
818 | application for such permit. The procedures for determining such
819 | erosion shall be established by rule. In determining the area
820 | which will be seaward of the seasonal high-water line in 30
821 | years, the department shall not include any areas landward of a
822 | coastal construction control line.

823 | (d) In determining the land areas which will be below the
824 | seasonal high-water line within 30 years after the permit
825 | application date, the department shall consider the impact on
826 | the erosion rates of an existing beach nourishment or
827 | restoration project or of a beach nourishment or restoration
828 | project for which all funding arrangements have been made and
829 | all permits have been issued at the time the application is
830 | submitted. The department shall consider each year there is sand
831 | seaward of the erosion control line that no erosion took place

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832 that year. However, the seaward extent of the beach nourishment
833 or restoration project beyond the erosion control line shall not
834 be considered in determining the applicable erosion rates.
835 Nothing in this subsection shall prohibit the department from
836 requiring structures to meet criteria established in subsection
837 (1), subsection (2), or subsection (4)~~(5)~~ or to be further
838 landward than required by this subsection based on the criteria
839 established in subsection (1), subsection (2), or subsection
840 (4)~~(5)~~.

841 (8)~~(9)~~ The provisions of this section do not apply to
842 structures intended for shore protection purposes which are
843 regulated by s. 161.041 or to structures existing or under
844 construction prior to the establishment of the coastal
845 construction control line as provided herein, provided such
846 structures may not be materially altered except as provided in
847 subsection (4)~~(5)~~. Except for structures that have been
848 materially altered, structures determined to be under
849 construction at the time of the establishment or reestablishment
850 of the coastal construction control line shall be exempt from
851 the provisions of this section. However, unless such an
852 exemption has been judicially confirmed to exist prior to April
853 10, 1992, the exemption shall last only for a period of 3 years
854 from either the date of the determination of the exemption or
855 April 10, 1992, whichever occurs later. The department may
856 extend the exemption period for structures that require longer
857 periods for completion of their construction, provided that
858 construction during the initial exemption period has been
859 continuous. For purposes of this subsection, "continuous" means

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860 following a reasonable sequence of construction without
861 significant or unreasonable periods of work stoppage.

862 (10)~~(11)~~ Pending the establishment of coastal construction
863 control lines as provided herein, the provisions of s. 161.052
864 shall remain in force. However, upon the establishment of
865 coastal construction control lines, or the establishment of
866 coastal construction zoning and building codes as provided in
867 subsection (3)~~(4)~~, the provisions of s. 161.052 shall be
868 superseded by the provisions of this section.

869 (11)~~(12)~~(a) The coastal construction control requirements
870 defined in subsection (1) and the requirements of the erosion
871 projections pursuant to subsection (5)~~(6)~~ do not apply to any
872 modification, maintenance, or repair to any existing structure
873 within the limits of the existing foundation which does not
874 require, involve, or include any additions to, or repair or
875 modification of, the existing foundation of that structure.
876 Specifically excluded from this exemption are seawalls or other
877 rigid coastal or shore protection structures and any additions
878 or enclosures added, constructed, or installed below the first
879 dwelling floor or lowest deck of the existing structure.

880 (b) Activities seaward of the coastal construction control
881 line which are determined by the department not to cause a
882 measurable interference with the natural functioning of the
883 coastal system are exempt from the requirements in subsection
884 (4)~~(5)~~.

885 (12)~~(13)~~(a) Notwithstanding the coastal construction
886 control requirements defined in subsection (1) or the erosion
887 projection determined pursuant to subsection (5)~~(6)~~, the

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888 department may, at its discretion, issue a permit for the repair
 889 or rebuilding within the confines of the original foundation of
 890 a major structure pursuant to the provisions of subsection
 891 (4)~~(5)~~. Alternatively, the department may also, at its
 892 discretion, issue a permit for a more landward relocation or
 893 rebuilding of a damaged or existing structure if such relocation
 894 or rebuilding would not cause further harm to the beach-dune
 895 system, and if, in the case of rebuilding, such rebuilding
 896 complies with the provisions of subsection (4)~~(5)~~, and otherwise
 897 complies with the provisions of this subsection.

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

902 (15)~~(16)~~ In keeping with the intent of subsection (3)~~(4)~~,
 903 and at the discretion of the department, authority for
 904 permitting certain types of activities which have been defined
 905 by the department may be delegated by the department to a
 906 coastal county or coastal municipality. Such partial delegation
 907 shall be narrowly construed to those particular activities
 908 specifically named in the delegation and agreed to by the
 909 affected county or municipality, and the delegation may be
 910 revoked by the department at any time if it is determined that
 911 the delegation is improperly or inadequately administered.

912 Section 13. Paragraph (g) of subsection (1) of section
 913 370.12, Florida Statutes, is amended to read:

914 370.12 Marine animals; regulation.--

915 (1) PROTECTION OF MARINE TURTLES.--

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916 (g) The Department of Environmental Protection may
 917 condition the nature, timing, and sequence of construction of
 918 permitted activities to provide protection to nesting marine
 919 turtles and hatchlings and their habitat pursuant to the
 920 provisions of s. 161.053(4)~~(5)~~. When the department is
 921 considering a permit for a beach restoration, beach
 922 renourishment, or inlet sand transfer project and the applicant
 923 has had an active marine turtle nest relocation program or the
 924 applicant has agreed to and has the ability to administer a
 925 program, the department must not restrict the timing of the
 926 project. Where appropriate, the department, in accordance with
 927 the applicable rules of the Fish and Wildlife Conservation
 928 Commission, shall require as a condition of the permit that the
 929 applicant relocate and monitor all turtle nests that would be
 930 affected by the beach restoration, beach renourishment, or sand
 931 transfer activities. Such relocation and monitoring activities
 932 shall be conducted in a manner that ensures successful hatching.
 933 This limitation on the department's authority applies only on
 934 the Atlantic coast of Florida.

935 Section 14. Subsection (2) of section 161.161, Florida
 936 Statutes, is amended to read:

937 161.161 Procedure for approval of projects.--

938 (2) Annually ~~Upon approval of the beach management plan,~~
 939 the secretary shall present to the President of the Senate, the
 940 Speaker of the House of Representatives, and the chairs of the
 941 legislative appropriations committees recommendations for
 942 funding of beach erosion control projects prioritized according
 943 to the. ~~Such recommendations shall be presented to such members~~

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944 ~~of the Legislature in the priority order specified in the plan~~
 945 ~~and established pursuant to criteria established contained in s.~~
 946 ~~161.101(14).~~

947 Section 15. Section 163.2526, Florida Statutes, is
 948 repealed.

949 Section 16. Subsection (2) of section 163.3167, Florida
 950 Statutes, is amended to read:

951 163.3167 Scope of act.--

952 (2) Each local government shall prepare a comprehensive
 953 plan of the type and in the manner set out in this act or shall
 954 prepare amendments to its existing comprehensive plan to conform
 955 it to the requirements of this part in the manner set out in
 956 this part. Each local government, in accordance with the
 957 procedures in s. 163.3184, shall submit its complete proposed
 958 comprehensive plan or its complete comprehensive plan as
 959 proposed to be amended to the state land planning agency. ~~by the~~
 960 ~~date specified in the rule adopted by the state land planning~~
 961 ~~agency pursuant to this subsection. The state land planning~~
 962 ~~agency shall, prior to October 1, 1987, adopt a schedule of~~
 963 ~~local governments required to submit complete proposed~~
 964 ~~comprehensive plans or comprehensive plans as proposed to be~~
 965 ~~amended. Such schedule shall specify the exact date of~~
 966 ~~submission for each local government, shall establish equal,~~
 967 ~~staggered submission dates, and shall be consistent with the~~
 968 ~~following time periods:~~

969 ~~(a) Beginning on July 1, 1988, and on or before July 1,~~
 970 ~~1990, each county that is required to include a coastal~~

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971 ~~management element in its comprehensive plan and each~~
 972 ~~municipality in such a county; and~~
 973 ~~(b) Beginning on July 1, 1989, and on or before July 1,~~
 974 ~~1991, all other counties or municipalities.~~
 975
 976 ~~Nothing herein shall preclude the state land planning agency~~
 977 ~~from permitting by rule a county together with each municipality~~
 978 ~~in the county from submitting a proposed comprehensive plan~~
 979 ~~earlier than the dates established in paragraphs (a) and (b).~~
 980 ~~Any county or municipality that fails to meet the schedule set~~
 981 ~~for submission of its proposed comprehensive plan by more than~~
 982 ~~90 days shall be subject to the sanctions described in s.~~
 983 ~~163.3184(11)(a) imposed by the Administration Commission.~~
 984 ~~Notwithstanding the time periods established in this subsection,~~
 985 ~~the state land planning agency may establish later deadlines for~~
 986 ~~the submission of proposed comprehensive plans or comprehensive~~
 987 ~~plans as proposed to be amended for a county or municipality~~
 988 ~~which has all or a part of a designated area of critical state~~
 989 ~~concern within its boundaries; however, such deadlines shall not~~
 990 ~~be extended to a date later than July 1, 1991, or the time of~~
 991 ~~de-designation, whichever is earlier.~~
 992 Section 17. Paragraph (h) of subsection (6) and paragraph
 993 (k) of subsection (10) of section 163.3177, Florida Statutes,
 994 are amended to read:
 995 163.3177 Required and optional elements of comprehensive
 996 plan; studies and surveys.--

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997 (6) In addition to the requirements of subsections (1)-
998 (5), the comprehensive plan shall include the following
999 elements:

1000 (h)1. An intergovernmental coordination element showing
1001 relationships and stating principles and guidelines to be used
1002 in coordinating ~~the accomplishment of coordination of~~ the
1003 adopted comprehensive plan with the plans of school boards and
1004 other units of local government providing services but not
1005 having regulatory authority over the use of land, with the
1006 comprehensive plans of adjacent municipalities, the county,
1007 adjacent counties, or the region, with the state comprehensive
1008 plan and with the applicable regional water supply plan approved
1009 pursuant to s. 373.0361, as the case may require and as such
1010 adopted plans or plans in preparation may exist. This element of
1011 the local comprehensive plan shall consider ~~demonstrate~~
1012 ~~consideration of~~ the particular effects of the local plan, when
1013 adopted, upon the development of adjacent municipalities, the
1014 county, adjacent counties, or the region, or upon the state
1015 comprehensive plan, as the case may require.

1016 a. The intergovernmental coordination element shall
1017 provide ~~for~~ procedures for identifying and implementing ~~to~~
1018 ~~identify and implement~~ joint planning areas, especially for the
1019 purpose of annexation, municipal incorporation, and joint
1020 infrastructure service areas.

1021 b. The intergovernmental coordination element shall
1022 provide for recognition of campus master plans prepared pursuant
1023 to s. 1013.30.

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1024 c. The intergovernmental coordination element may provide
 1025 for a voluntary dispute resolution process as established
 1026 pursuant to s. 186.509 for bringing to closure in a timely
 1027 manner intergovernmental disputes. A local government may
 1028 develop and use an alternative local dispute resolution process
 1029 for this purpose.

1030 2. The intergovernmental coordination element shall
 1031 further state principles and guidelines to be used in
 1032 coordinating ~~the accomplishment of coordination of~~ the adopted
 1033 comprehensive plan with the plans of school boards and other
 1034 units of local government providing facilities and services but
 1035 not having regulatory authority over the use of land. In
 1036 addition, the intergovernmental coordination element shall
 1037 describe joint processes for collaborative planning and
 1038 decisionmaking on population projections and public school
 1039 siting, the location and extension of public facilities subject
 1040 to concurrency, and siting facilities with countywide
 1041 significance, including locally unwanted land uses whose nature
 1042 and identity are established in an agreement. Within 1 year of
 1043 adopting their intergovernmental coordination elements, each
 1044 county, all the municipalities within that county, the district
 1045 school board, and any unit of local government service providers
 1046 in that county shall establish by interlocal or other formal
 1047 agreement executed by all affected entities, the joint processes
 1048 described in this subparagraph consistent with their adopted
 1049 intergovernmental coordination elements.

1050 3. To foster coordination between special districts and
 1051 local general-purpose governments as local general-purpose

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1052 governments implement local comprehensive plans, each
 1053 independent special district must submit a public facilities
 1054 report to the appropriate local government as required by s.
 1055 189.415.

1056 ~~4.a.~~ Local governments adopting a public educational
 1057 facilities element pursuant to s. 163.31776 must execute an
 1058 interlocal agreement with the district school board, the county,
 1059 and nonexempt municipalities, as defined by s. 163.31776(1),
 1060 which includes the items listed in s. 163.31777(2). The local
 1061 government shall amend the intergovernmental coordination
 1062 element to provide that coordination between the local
 1063 government and school board is pursuant to the agreement and
 1064 shall state the obligations of the local government under the
 1065 agreement.

1066 ~~b.~~ Plan amendments that comply with this subparagraph are
 1067 exempt from the provisions of s. 163.3187(1).

1068 ~~5. The state land planning agency shall establish a~~
 1069 ~~schedule for phased completion and transmittal of plan~~
 1070 ~~amendments to implement subparagraphs 1., 2., and 3. from all~~
 1071 ~~jurisdictions so as to accomplish their adoption by December 31,~~
 1072 ~~1999. A local government may complete and transmit its plan~~
 1073 ~~amendments to carry out these provisions prior to the scheduled~~
 1074 ~~date established by the state land planning agency. The plan~~
 1075 ~~amendments are exempt from the provisions of s. 163.3187(1).~~

1076 5.6. By January 1, 2004, any county having a population
 1077 greater than 100,000, and the municipalities and special
 1078 districts within that county, shall submit a report to the
 1079 Department of Community Affairs which identifies:

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1080 a. ~~Identifies~~ All existing or proposed interlocal service-
1081 delivery agreements regarding the following: education; sanitary
1082 sewer; public safety; solid waste; drainage; potable water;
1083 parks and recreation; and transportation facilities.

1084 b. ~~Identifies~~ Any deficits or duplication in the provision
1085 of services within its jurisdiction, whether capital or
1086 operational. Upon request, the Department of Community Affairs
1087 shall provide technical assistance to the local governments in
1088 identifying deficits or duplication.

1089 6.7. Within 6 months after submission of the report, the
1090 Department of Community Affairs shall, through the appropriate
1091 regional planning council, coordinate a meeting of all local
1092 governments within the regional planning area to discuss the
1093 reports and potential strategies to remedy any identified
1094 deficiencies or duplications.

1095 7.8. Each local government shall update its
1096 intergovernmental coordination element based upon the findings
1097 in the report submitted pursuant to subparagraph 5.6. The report
1098 may be used as supporting data and analysis for the
1099 intergovernmental coordination element.

1100 ~~9. By February 1, 2003, representatives of municipalities,~~
1101 ~~counties, and special districts shall provide to the Legislature~~
1102 ~~recommended statutory changes for annexation, including any~~
1103 ~~changes that address the delivery of local government services~~
1104 ~~in areas planned for annexation.~~

1105 (10) The Legislature recognizes the importance and
1106 significance of chapter 9J-5, Florida Administrative Code, the
1107 Minimum Criteria for Review of Local Government Comprehensive

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1108 Plans and Determination of Compliance of the Department of
 1109 Community Affairs that will be used to determine compliance of
 1110 local comprehensive plans. The Legislature reserved unto itself
 1111 the right to review chapter 9J-5, Florida Administrative Code,
 1112 and to reject, modify, or take no action relative to this rule.
 1113 Therefore, pursuant to subsection (9), the Legislature hereby
 1114 has reviewed chapter 9J-5, Florida Administrative Code, and
 1115 expresses the following legislative intent:

1116 (k) So that local governments are able to prepare and
 1117 adopt comprehensive plans with knowledge of the rules that will
 1118 be applied to determine consistency of the plans with provisions
 1119 of this part, it is the intent of the Legislature that there
 1120 should be no doubt as to the legal standing of chapter 9J-5,
 1121 Florida Administrative Code, at the close of the 1986
 1122 legislative session. Therefore, the Legislature declares that
 1123 changes made to chapter 9J-5, Florida Administrative Code, prior
 1124 to October 1, 1986, shall not be subject to rule challenges
 1125 under s. 120.56(2), or to drawout proceedings under s.
 1126 120.54(3)(c)2. The entire chapter 9J-5, Florida Administrative
 1127 Code, as amended, shall be subject to rule challenges under s.
 1128 120.56(3), as nothing herein shall be construed to indicate
 1129 approval or disapproval of any portion of chapter 9J-5, Florida
 1130 Administrative Code, not specifically addressed herein. ~~No~~
 1131 ~~challenge pursuant to s. 120.56(3) may be filed from July 1,~~
 1132 ~~1987, through April 1, 1993. Any amendments to chapter 9J-5,~~
 1133 ~~Florida Administrative Code, exclusive of the amendments adopted~~
 1134 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~
 1135 ~~to the full chapter 120 process. All amendments shall have~~

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1136 ~~effective dates as provided in chapter 120 and submission to the~~
 1137 ~~President of the Senate and Speaker of the House of~~
 1138 ~~Representatives shall not be required.~~

1139 Section 18. Subsection (6) of section 163.3178, Florida
 1140 Statutes, is amended to read:

1141 163.3178 Coastal management.--

1142 (6) Local governments are encouraged to adopt countywide
 1143 marina siting plans to designate sites for existing and future
 1144 marinas. The Coastal Resources Interagency Management Committee,
 1145 at the direction of the Legislature, shall identify incentives
 1146 to encourage local governments to adopt such siting plans and
 1147 uniform criteria and standards to be used by local governments
 1148 to implement state goals, objectives, and policies relating to
 1149 marina siting. These criteria must ensure that priority is given
 1150 to water-dependent land uses. ~~The Coastal Resources Interagency~~
 1151 ~~Management Committee shall submit its recommendations regarding~~
 1152 ~~local government incentives to the Legislature by December 1,~~
 1153 ~~1993.~~ Countywide marina siting plans must be consistent with
 1154 state and regional environmental planning policies and
 1155 standards. Each local government in the coastal area which
 1156 participates in adoption of a countywide marina siting plan
 1157 shall incorporate the plan into the coastal management element
 1158 of its local comprehensive plan.

1159 Section 19. Subsection (12) of section 163.519, Florida
 1160 Statutes, is amended to read:

1161 163.519 Duties of Department of Legal Affairs.--The
 1162 Department of Legal Affairs shall:

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1163 ~~(12) Submit an annual report to the Governor, the~~
 1164 ~~President of the Senate, the Speaker of the House of~~
 1165 ~~Representatives, and the minority leaders and appropriate~~
 1166 ~~committee chairpersons of each house prior to March 1 of each~~
 1167 ~~year which contains:~~

1168 ~~(a) A listing of neighborhood improvement districts~~
 1169 ~~created within the state, and their location.~~

1170 ~~(b) A listing of districts which received funds from the~~
 1171 ~~Safe Neighborhoods Program.~~

1172 ~~(c) A status report noting each district's progress in~~
 1173 ~~completing and implementing safe neighborhood improvement plans.~~

1174 Section 20. Subsection (9) of section 186.007, Florida
 1175 Statutes, is amended to read:

1176 186.007 State comprehensive plan; preparation; revision.--

1177 ~~(9) The Governor shall appoint a committee to review and~~
 1178 ~~make recommendations as to appropriate revisions to the state~~
 1179 ~~comprehensive plan that should be considered for the Governor's~~
 1180 ~~recommendations to the Administration Commission for October 1,~~
 1181 ~~1999, pursuant to s. 186.008(1). The committee must consist of~~
 1182 ~~persons from the public and private sectors representing the~~
 1183 ~~broad range of interests covered by the state comprehensive~~
 1184 ~~plan, including state, regional, and local government~~
 1185 ~~representatives. In reviewing the goals and policies contained~~
 1186 ~~in chapter 187, the committee must identify portions that have~~
 1187 ~~become outdated or have not been implemented, and, based upon~~
 1188 ~~best available data, the state's progress toward achieving the~~
 1189 ~~goals and policies. In reviewing the goals and policies relating~~
 1190 ~~to growth and development, the committee shall consider the~~

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1191 ~~extent to which the plan adequately addresses the guidelines set~~
 1192 ~~forth in s. 186.009, and recommend revisions as appropriate. In~~
 1193 ~~addition, the committee shall consider and make recommendations~~
 1194 ~~on the purpose and function of the state land development plan,~~
 1195 ~~as set forth in s. 380.031(17), including whether said plan~~
 1196 ~~should be retained and, if so, its future application. The~~
 1197 ~~committee may also make recommendations as to data and~~
 1198 ~~information needed in the continuing process to evaluate and~~
 1199 ~~update the state comprehensive plan. All meetings of the~~
 1200 ~~committee must be open to the public for input on the state~~
 1201 ~~planning process and amendments to the state comprehensive plan.~~
 1202 ~~The Executive Office of the Governor is hereby appropriated~~
 1203 ~~\$50,000 in nonrecurring general revenue for costs associated~~
 1204 ~~with the committee, including travel and per diem reimbursement~~
 1205 ~~for the committee members.~~

1206 Section 21. Subsection (5) of section 189.4035, Florida
 1207 Statutes, is amended to read:

1208 189.4035 Preparation of official list of special
 1209 districts.--

1210 (5) The official list of special districts shall be
 1211 available on the department's website ~~distributed by the~~
 1212 ~~department on October 1 of each year to the President of the~~
 1213 ~~Senate, the Speaker of the House of Representatives, the Auditor~~
 1214 ~~General, the Department of Revenue, the Department of Financial~~
 1215 ~~Services, the Department of Management Services, the State Board~~
 1216 ~~of Administration, counties, municipalities, county property~~
 1217 ~~appraisers, tax collectors, and supervisors of elections and to~~
 1218 ~~all interested parties who request the list.~~

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1219 Section 22. Subsection (2) of section 189.412, Florida
1220 Statutes, is amended to read:

1221 189.412 Special District Information Program; duties and
1222 responsibilities.--The Special District Information Program of
1223 the Department of Community Affairs is created and has the
1224 following special duties:

1225 (2) The maintenance of a master list of independent and
1226 dependent special districts which shall be available on the
1227 department's website ~~annually updated and distributed to the~~
1228 ~~appropriate officials in state and local governments.~~

1229 Section 23. Subsection (2) of section 194.034, Florida
1230 Statutes, is amended to read:

1231 194.034 Hearing procedures; rules.--

1232 (2) In each case, except when a complaint is withdrawn by
1233 the petitioner or is acknowledged as correct by the property
1234 appraiser, the value adjustment board shall render a written
1235 decision. All such decisions shall be issued within 20 calendar
1236 days of the last day the board is in session under s. 194.032.
1237 The decision of the board shall contain findings of fact and
1238 conclusions of law and shall include reasons for upholding or
1239 overturning the determination of the property appraiser. When a
1240 special magistrate has been appointed, the recommendations of
1241 the special magistrate shall be considered by the board. The
1242 clerk, upon issuance of the decisions, shall, on a form provided
1243 by the Department of Revenue, notify by first-class mail each
1244 taxpayer and, the property appraiser, ~~and the department of the~~
1245 decision of the board.

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1246 Section 24. Paragraph (b) of subsection (1) of section
 1247 206.606, Florida Statutes, is amended to read:
 1248 206.606 Distribution of certain proceeds.--
 1249 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
 1250 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
 1251 Fund. Such moneys, after deducting the service charges imposed
 1252 by s. 215.20, the refunds granted pursuant to s. 206.41, and the
 1253 administrative costs incurred by the department in collecting,
 1254 administering, enforcing, and distributing the tax, which
 1255 administrative costs may not exceed 2 percent of collections,
 1256 shall be distributed monthly to the State Transportation Trust
 1257 Fund, except that:
 1258 (b) \$2.5 million shall be transferred annually to the
 1259 State Game Trust Fund in the Fish and Wildlife Conservation
 1260 Commission ~~in each fiscal year~~ and used for recreational boating
 1261 activities, and freshwater fisheries management and research.
 1262 The transfers must be made in equal monthly amounts beginning on
 1263 July 1 of each fiscal year. The commission shall annually
 1264 determine where unmet needs exist for boating-related
 1265 activities, and may fund such activities in counties where, due
 1266 to the number of vessel registrations, sufficient financial
 1267 resources are unavailable.
 1268 1. A minimum of \$1.25 million shall be used to fund local
 1269 projects to provide recreational channel marking, public
 1270 launching facilities, aquatic plant control, and other local
 1271 boating related activities. In funding the projects, the
 1272 commission shall give priority consideration as follows:

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1273 a. Unmet needs in counties with populations of 100,000 or
1274 less.

1275 b. Unmet needs in coastal counties with a high level of
1276 boating related activities from individuals residing in other
1277 counties.

1278 2. The remaining \$1.25 million may be used for
1279 recreational boating activities and freshwater fisheries
1280 management and research.

1281 3. The commission is authorized to adopt rules pursuant to
1282 ss. 120.536(1) and 120.54 to implement a Florida Boating
1283 Improvement Program similar to the program administered by the
1284 Department of Environmental Protection and established in rules
1285 62D-5.031 - 62D-5.036, Florida Administrative Code, to determine
1286 projects eligible for funding under this subsection.

1287
1288 ~~On February 1 of each year,~~ The commission shall prepare and
1289 make available on its Internet website ~~file~~ an annual report
1290 ~~with the President of the Senate and the Speaker of the House of~~
1291 ~~Representatives~~ outlining the status of its Florida Boating
1292 Improvement Program, including the projects funded, and a list
1293 of counties whose needs are unmet due to insufficient financial
1294 resources from vessel registration fees.

1295 Section 25. Paragraph (b) of subsection (4) of section
1296 212.054, Florida Statutes, is amended to read:

1297 212.054 Discretionary sales surtax; limitations,
1298 administration, and collection.--

1299 (4)

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1300 (b) The proceeds of a discretionary sales surtax collected
 1301 by the selling dealer located in a county which imposes the
 1302 surtax shall be returned, less the cost of administration, to
 1303 the county where the selling dealer is located. The proceeds
 1304 shall be transferred to the Discretionary Sales Surtax Clearing
 1305 Trust Fund. A separate account shall be established in such
 1306 trust fund for each county imposing a discretionary surtax. The
 1307 amount deducted for the costs of administration shall not exceed
 1308 3 percent of the total revenue generated for all counties
 1309 levying a surtax authorized in s. 212.055. The amount deducted
 1310 for the costs of administration shall be used only for those
 1311 costs which are solely and directly attributable to the surtax.
 1312 The total cost of administration shall be prorated among those
 1313 counties levying the surtax on the basis of the amount collected
 1314 for a particular county to the total amount collected for all
 1315 counties. ~~No later than March 1 of each year, the department~~
 1316 ~~shall submit a written report which details the expenses and~~
 1317 ~~amounts deducted for the costs of administration to the~~
 1318 ~~President of the Senate, the Speaker of the House of~~
 1319 ~~Representatives, and the governing authority of each county~~
 1320 ~~levying a surtax.~~ The department shall distribute the moneys in
 1321 the trust fund each month to the appropriate counties, unless
 1322 otherwise provided in s. 212.055.

1323 Section 26. Paragraph (j) of subsection (5) of section
 1324 212.08, Florida Statutes, is amended to read:

1325 212.08 Sales, rental, use, consumption, distribution, and
 1326 storage tax; specified exemptions.--The sale at retail, the
 1327 rental, the use, the consumption, the distribution, and the

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1328 storage to be used or consumed in this state of the following
1329 are hereby specifically exempt from the tax imposed by this
1330 chapter.

1331 (5) EXEMPTIONS; ACCOUNT OF USE.--

1332 (j) Machinery and equipment used in semiconductor,
1333 defense, or space technology production and research and
1334 development.--

1335 1.a. Industrial machinery and equipment used in
1336 semiconductor technology facilities certified under subparagraph
1337 6. to manufacture, process, compound, or produce semiconductor
1338 technology products for sale or for use by these facilities are
1339 exempt from the tax imposed by this chapter. For purposes of
1340 this paragraph, industrial machinery and equipment includes
1341 molds, dies, machine tooling, other appurtenances or accessories
1342 to machinery and equipment, testing equipment, test beds,
1343 computers, and software, whether purchased or self-fabricated,
1344 and, if self-fabricated, includes materials and labor for
1345 design, fabrication, and assembly.

1346 b. Industrial machinery and equipment used in defense or
1347 space technology facilities certified under subparagraph 6. to
1348 manufacture, process, compound, or produce defense technology
1349 products or space technology products for sale or for use by
1350 these facilities are exempt from 25 percent of the tax imposed
1351 by this chapter.

1352 2.a. Machinery and equipment are exempt from the tax
1353 imposed by this chapter if used predominately in semiconductor
1354 wafer research and development activities in a semiconductor
1355 technology research and development facility certified under

1356 | subparagraph 6. For purposes of this paragraph, machinery and
 1357 | equipment includes molds, dies, machine tooling, other
 1358 | appurtenances or accessories to machinery and equipment, testing
 1359 | equipment, test beds, computers, and software, whether purchased
 1360 | or self-fabricated, and, if self-fabricated, includes materials
 1361 | and labor for design, fabrication, and assembly.

1362 | b. Machinery and equipment are exempt from 25 percent of
 1363 | the tax imposed by this chapter if used predominately in defense
 1364 | or space research and development activities in a defense or
 1365 | space technology research and development facility certified
 1366 | under subparagraph 6.

1367 | 3. Building materials purchased for use in manufacturing
 1368 | or expanding clean rooms in semiconductor-manufacturing
 1369 | facilities are exempt from the tax imposed by this chapter.

1370 | 4. In addition to meeting the criteria mandated by
 1371 | subparagraph 1., subparagraph 2., or subparagraph 3., a business
 1372 | must be certified by the Office of Tourism, Trade, and Economic
 1373 | Development as authorized in this paragraph in order to qualify
 1374 | for exemption under this paragraph.

1375 | 5. For items purchased tax exempt pursuant to this
 1376 | paragraph, possession of a written certification from the
 1377 | purchaser, certifying the purchaser's entitlement to exemption
 1378 | pursuant to this paragraph, relieves the seller of the
 1379 | responsibility of collecting the tax on the sale of such items,
 1380 | and the department shall look solely to the purchaser for
 1381 | recovery of tax if it determines that the purchaser was not
 1382 | entitled to the exemption.

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1383 6.a. To be eligible to receive the exemption provided by
1384 subparagraph 1., subparagraph 2., or subparagraph 3., a
1385 qualifying business entity shall apply to Enterprise Florida,
1386 Inc. The application shall be developed by the Office of
1387 Tourism, Trade, and Economic Development in consultation with
1388 Enterprise Florida, Inc.

1389 b. Enterprise Florida, Inc., shall review each submitted
1390 application and information and determine whether or not the
1391 application is complete within 5 working days. Once an
1392 application is complete, Enterprise Florida, Inc., shall, within
1393 10 working days, evaluate the application and recommend approval
1394 or disapproval of the application to the Office of Tourism,
1395 Trade, and Economic Development.

1396 c. Upon receipt of the application and recommendation from
1397 Enterprise Florida, Inc., the Office of Tourism, Trade, and
1398 Economic Development shall certify within 5 working days those
1399 applicants who are found to meet the requirements of this
1400 section and notify the applicant, Enterprise Florida, Inc., and
1401 the department of the certification. If the Office of Tourism,
1402 Trade, and Economic Development finds that the applicant does
1403 not meet the requirements of this section, it shall notify the
1404 applicant and Enterprise Florida, Inc., within 10 working days
1405 that the application for certification has been denied and the
1406 reasons for denial. The Office of Tourism, Trade, and Economic
1407 Development has final approval authority for certification under
1408 this section.

1409 7.~~a~~ A business may apply once each year for the
1410 exemption.

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1411 a.b. The application must indicate, for program evaluation
 1412 purposes only, the average number of full-time equivalent
 1413 employees at the facility over the preceding calendar year, the
 1414 average wage and benefits paid to those employees over the
 1415 preceding calendar year, the total investment made in real and
 1416 tangible personal property over the preceding calendar year, and
 1417 the total value of tax-exempt purchases and taxes exempted
 1418 during the previous year. The department shall assist the Office
 1419 of Tourism, Trade, and Economic Development in evaluating and
 1420 verifying information provided in the application for exemption.

1421 b.e. The Office of Tourism, Trade, and Economic
 1422 Development may use the information reported on the application
 1423 for evaluation purposes only ~~and shall prepare an annual report~~
 1424 ~~on the exemption program and its cost and impact. The annual~~
 1425 ~~report for the preceding fiscal year shall be submitted to the~~
 1426 ~~Governor, the President of the Senate, and the Speaker of the~~
 1427 ~~House of Representatives by September 30 of each fiscal year.~~

1428 8. A business certified to receive this exemption may
 1429 elect to designate one or more state universities or community
 1430 colleges as recipients of up to 100 percent of the amount of the
 1431 exemption for which they may qualify. To receive these funds,
 1432 the institution must agree to match the funds so earned with
 1433 equivalent cash, programs, services, or other in-kind support on
 1434 a one-to-one basis in the pursuit of research and development
 1435 projects as requested by the certified business. The rights to
 1436 any patents, royalties, or real or intellectual property must be
 1437 vested in the business unless otherwise agreed to by the
 1438 business and the university or community college.

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- 1439 9. As used in this paragraph, the term:
- 1440 a. "Predominately" means at least 50 percent of the time
- 1441 in qualifying research and development.
- 1442 b. "Research and development" means basic and applied
- 1443 research in the science or engineering, as well as the design,
- 1444 development, and testing of prototypes or processes of new or
- 1445 improved products. Research and development does not include
- 1446 market research, routine consumer product testing, sales
- 1447 research, research in the social sciences or psychology,
- 1448 nontechnological activities, or technical services.
- 1449 c. "Semiconductor technology products" means raw
- 1450 semiconductor wafers or semiconductor thin films that are
- 1451 transformed into semiconductor memory or logic wafers, including
- 1452 wafers containing mixed memory and logic circuits; related
- 1453 assembly and test operations; active-matrix flat panel displays;
- 1454 semiconductor chips; semiconductor lasers; optoelectronic
- 1455 elements; and related semiconductor technology products as
- 1456 determined by the Office of Tourism, Trade, and Economic
- 1457 Development.
- 1458 d. "Clean rooms" means manufacturing facilities enclosed
- 1459 in a manner that meets the clean manufacturing requirements
- 1460 necessary for high-technology semiconductor-manufacturing
- 1461 environments.
- 1462 e. "Defense technology products" means products that have
- 1463 a military application, including, but not limited to, weapons,
- 1464 weapons systems, guidance systems, surveillance systems,
- 1465 communications or information systems, munitions, aircraft,
- 1466 vessels, or boats, or components thereof, which are intended for

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1467 military use and manufactured in performance of a contract with
 1468 the United States Department of Defense or the military branch
 1469 of a recognized foreign government or a subcontract thereunder
 1470 which relates to matters of national defense.

1471 f. "Space technology products" means products that are
 1472 specifically designed or manufactured for application in space
 1473 activities, including, but not limited to, space launch
 1474 vehicles, missiles, satellites or research payloads, avionics,
 1475 and associated control systems and processing systems. The term
 1476 does not include products that are designed or manufactured for
 1477 general commercial aviation or other uses even though those
 1478 products may also serve an incidental use in space applications.

1479 Section 27. Section 213.0452, Florida Statutes, is
 1480 repealed.

1481 Section 28. Section 213.054, Florida Statutes, is
 1482 repealed.

1483 Section 29. Paragraph (f) of subsection (5) of section
 1484 215.5601, Florida Statutes, is amended to read:

1485 215.5601 Lawton Chiles Endowment Fund.--

1486 (5) AVAILABILITY OF FUNDS; USES.--

1487 ~~(f) When advised by the Revenue Estimating Conference that~~
 1488 ~~a deficit will occur with respect to the appropriations from the~~
 1489 ~~tobacco settlement trust funds of the state agencies in any~~
 1490 ~~fiscal year, the Governor shall develop a plan of action to~~
 1491 ~~eliminate the deficit. Before implementing the plan of action,~~
 1492 ~~the Governor must comply with s. 216.177(2). In developing the~~
 1493 ~~plan of action, the Governor shall, to the extent possible,~~
 1494 ~~preserve legislative policy and intent, and, absent any specific~~

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1495 ~~directions to the contrary in the General Appropriations Act,~~
 1496 ~~any reductions in appropriations from the tobacco settlement~~
 1497 ~~trust funds of the state agencies for a fiscal year shall be~~
 1498 ~~prorated among the specific appropriations made from all tobacco~~
 1499 ~~settlement trust funds of the state agencies for that year.~~

1500 Section 30. Subsection (3) of section 215.70, Florida
 1501 Statutes, is amended to read:

1502 215.70 State Board of Administration to act in case of
 1503 defaults.--

1504 (3) It shall be the duty of the State Board of
 1505 Administration to monitor the debt service accounts for bonds
 1506 issued pursuant to this act. The board shall advise the Governor
 1507 and Legislature of any projected need to appropriate funds to
 1508 honor the pledge of full faith and credit of the state. The
 1509 report shall include the estimated amount of appropriations
 1510 needed, the estimated maximum amount of appropriations needed,
 1511 and a contingency appropriation request for each bond issue.

1512 Section 31. Subsection (1) of section 253.7825, Florida
 1513 Statutes, is amended to read:

1514 253.7825 Recreational uses.--

1515 (1) The Cross Florida Greenways State Recreation and
 1516 Conservation Area must be managed as a multiple-use area
 1517 pursuant to s. 253.034(2)(a), and as further provided herein.
 1518 ~~The University of Florida Management Plan provides a conceptual~~
 1519 ~~recreational plan that may ultimately be developed at various~~
 1520 ~~locations throughout the greenways corridor. The plan proposes~~
 1521 ~~to locate a number of the larger, more comprehensive and complex~~
 1522 ~~recreational facilities in sensitive, natural resource areas.~~

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1523 Future site-specific studies and investigations must be
 1524 conducted by the department to determine compatibility with, and
 1525 potential for adverse impact to, existing natural resources,
 1526 need for the facility, the availability of other alternative
 1527 locations with reduced adverse impacts to existing natural
 1528 resources, and the proper specific sites and locations for the
 1529 more comprehensive and complex facilities. Furthermore, it is
 1530 appropriate, with the approval of the department, to allow more
 1531 fishing docks, boat launches, and other user-oriented facilities
 1532 to be developed and maintained by local governments.

1533 Section 32. Section 253.7826, Florida Statutes, is
 1534 repealed.

1535 Section 33. Section 253.7829, Florida Statutes, is
 1536 repealed.

1537 Section 34. Subsection (4) of section 259.037, Florida
 1538 Statutes, is amended to read:

1539 259.037 Land Management Uniform Accounting Council.--

1540 (4) The council shall provide a report of the agencies'
 1541 expenditures pursuant to the adopted categories ~~to the President~~
 1542 ~~of the Senate and the Speaker of the House of Representatives~~
 1543 ~~annually, beginning July 1, 2001. The council shall also provide~~
 1544 ~~this report~~ to the Acquisition and Restoration Council for
 1545 inclusion in its annual report required pursuant to s. 259.105.

1546 Section 35. Section 265.56, Florida Statutes, is repealed.

1547 Section 36. Subsection (4) of section 267.074, Florida
 1548 Statutes, is amended to read:

1549 267.074 State Historical Marker Program.--The division
 1550 shall coordinate and direct the State Historical Marker Program,

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1551 | which shall be a program of popular history and heritage
 1552 | designed to inform the general public about persons, events,
 1553 | structures, and other topics relating to the history and culture
 1554 | of the state; encourage interest in preserving the historical
 1555 | resources of the state and its localities; promote a sense of
 1556 | community and place among Florida citizens; and provide for the
 1557 | enjoyment and edification of tourists.

1558 | ~~(4) The division shall develop a comprehensive plan for~~
 1559 | ~~the State Historical Marker Program which shall be kept up to~~
 1560 | ~~date and shall incorporate goals and objectives of the program,~~
 1561 | ~~as well as policies, plans, and procedures relating to:~~

1562 | ~~(a) Categories of Official Florida Historical Markers,~~
 1563 | ~~criteria for their use, and specifications for design.~~

1564 | ~~(b) Selection of subjects to be marked.~~

1565 | ~~(c) Published guides to Official Florida Historical~~
 1566 | ~~Markers, including methods for public distribution.~~

1567 | ~~(d) Maintenance of markers.~~

1568 | ~~(e) Removal or replacement of markers.~~

1569 | ~~(f) Placement of markers at historic sites which shall be,~~
 1570 | ~~in general, conspicuous and accessible to and easily reached by~~
 1571 | ~~the public and where something associated with the person,~~
 1572 | ~~historic property, event, or other subject being marked is still~~
 1573 | ~~visible.~~

1574 | ~~(g) Physical placement of the markers which shall be, in~~
 1575 | ~~general, conspicuous and easily reached by the public.~~

1576 | Section 37. Subsection (28) of section 282.102, Florida
 1577 | Statutes, is amended to read:

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1578 282.102 Creation of the State Technology Office; powers
1579 and duties.--There is created a State Technology Office within
1580 the Department of Management Services. The office shall be a
1581 separate budget entity, and shall be headed by a Chief
1582 Information Officer who is appointed by the Governor and is in
1583 the Senior Management Service. The Chief Information Officer
1584 shall be an agency head for all purposes. The Department of
1585 Management Services shall provide administrative support and
1586 service to the office to the extent requested by the Chief
1587 Information Officer. The office may adopt policies and
1588 procedures regarding personnel, procurement, and transactions
1589 for State Technology Office personnel. The office shall have the
1590 following powers, duties, and functions:

1591 ~~(28) To study and make a recommendation to the Governor~~
1592 ~~and Legislature on the feasibility of implementing online voting~~
1593 ~~in this state.~~

1594 Section 38. Subsection (3) of section 284.50, Florida
1595 Statutes, is amended to read:

1596 284.50 Loss prevention program; safety coordinators;
1597 Interagency Advisory Council on Loss Prevention; employee
1598 recognition program.--

1599 ~~(3) The council and each department head shall report~~
1600 ~~annually to the Governor by January 15 preceding any regular~~
1601 ~~legislative session any actions taken to prevent job-related~~
1602 ~~employee accidents, together with suggestions of safeguards and~~
1603 ~~improvements.~~

1604 Section 39. Subsection (11) of section 287.045, Florida
1605 Statutes, is amended to read:

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1606 287.045 Procurement of products and materials with
1607 recycled content.--

1608 ~~(11) Each agency shall report annually to the department~~
1609 ~~its total expenditures on, and use of, products with recycled~~
1610 ~~content and the percentage of its budget that represents~~
1611 ~~purchases of similar products made from virgin materials. The~~
1612 ~~department shall design a uniform reporting mechanism and~~
1613 ~~prepare annual summaries of statewide purchases delineating~~
1614 ~~those with recycled content to be submitted to the Governor, the~~
1615 ~~President of the Senate, and the Speaker of the House of~~
1616 ~~Representatives.~~

1617 Section 40. Subsection (10) of section 287.16, Florida
1618 Statutes, is amended to read:

1619 287.16 Powers and duties of department.--The Department of
1620 Management Services shall have the following powers, duties, and
1621 responsibilities:

1622 ~~(10) To provide the Legislature annual reports at the end~~
1623 ~~of each calendar year concerning the utilization of all aircraft~~
1624 ~~in the executive pool.~~

1625 Section 41. Subsection (7) of section 288.108, Florida
1626 Statutes, is amended to read:

1627 288.108 High-impact business.--

1628 ~~(7) REPORTING. The office shall by December 1 of each~~
1629 ~~year issue a complete and detailed report of all designated~~
1630 ~~high-impact sectors, all applications received and their~~
1631 ~~disposition, all final orders issued, and all payments made,~~
1632 ~~including analyses of benefits and costs, types of projects~~
1633 ~~supported, and employment and investments created. The report~~

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1634 ~~shall be submitted to the Governor, the President of the Senate,~~
1635 ~~and the Speaker of the House of Representatives.~~

1636 Section 42. Subsection (6) of section 288.1226, Florida
1637 Statutes, is amended to read:

1638 288.1226 Florida Tourism Industry Marketing Corporation;
1639 use of property; board of directors; duties; audit.--

1640 (6) ANNUAL AUDIT.--The corporation shall provide for an
1641 annual financial audit in accordance with s. 215.981. The annual
1642 audit report shall be submitted to the Auditor General; the
1643 Office of Policy Analysis and Government Accountability; and the
1644 Office of Tourism, Trade, and Economic Development for review.
1645 The Office of Program Policy Analysis and Government
1646 Accountability; the Office of Tourism, Trade, and Economic
1647 Development; and the Auditor General have the authority to
1648 require and receive from the corporation or from its independent
1649 auditor any detail or supplemental data relative to the
1650 operation of the corporation. ~~The Office of Tourism, Trade, and~~
1651 ~~Economic Development shall annually certify whether the~~
1652 ~~corporation is operating in a manner and achieving the~~
1653 ~~objectives that are consistent with the policies and goals of~~
1654 ~~the commission and its long-range marketing plan.~~ The identity
1655 of a donor or prospective donor to the corporation who desires
1656 to remain anonymous and all information identifying such donor
1657 or prospective donor are confidential and exempt from the
1658 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1659 Constitution. Such anonymity shall be maintained in the
1660 auditor's report.

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1661 Section 43. Paragraph (e) of subsection (8) of section
1662 288.1229, Florida Statutes, is amended to read:

1663 288.1229 Promotion and development of sports-related
1664 industries and amateur athletics; direct-support organization;
1665 powers and duties.--

1666 (8) To promote amateur sports and physical fitness, the
1667 direct-support organization shall:

1668 (e) Promote Florida as a host for national and
1669 international amateur athletic competitions. ~~As part of this~~
1670 ~~effort, the direct-support organization shall:~~

1671 ~~1. Assist and support Florida cities or communities~~
1672 ~~bidding or seeking to host the Summer Olympics or Pan American~~
1673 ~~Games.~~

1674 ~~2. Annually report to the Governor, the President of the~~
1675 ~~Senate, and the Speaker of the House of Representatives on the~~
1676 ~~status of the efforts of cities or communities bidding to host~~
1677 ~~the Summer Olympics or Pan American Games, including, but not~~
1678 ~~limited to, current financial and infrastructure status,~~
1679 ~~projected financial and infrastructure needs, and~~
1680 ~~recommendations for satisfying the unmet needs and fulfilling~~
1681 ~~the requirements for a successful bid in any year that the~~
1682 ~~Summer Olympics or Pan American Games are held in this state.~~

1683 Section 44. Subsection (4) of section 288.7015, Florida
1684 Statutes, is amended to read:

1685 288.7015 Appointment of rules ombudsman; duties.--The
1686 Governor shall appoint a rules ombudsman, as defined in s.
1687 288.703, in the Executive Office of the Governor, for
1688 considering the impact of agency rules on the state's citizens

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1689 and businesses. In carrying out duties as provided by law, the
1690 ombudsman shall consult with Enterprise Florida, Inc., at which
1691 point the office may recommend to improve the regulatory
1692 environment of this state. The duties of the rules ombudsman are
1693 to:

1694 ~~(4)(a) By December 1, 1997, and annually thereafter,~~
1695 ~~submit a report to the Legislature identifying and describing~~
1696 ~~the extent to which rules of state agencies adversely impact~~
1697 ~~trade promotion, economic growth and diversification in Florida,~~
1698 ~~business profitability and viability, and, in particular, the~~
1699 ~~startup of new businesses. The report must specifically identify~~
1700 ~~and describe those agency rules repealed or modified during each~~
1701 ~~calendar year in order to improve the regulatory climate for~~
1702 ~~businesses operating in this state. The report must also~~
1703 ~~identify those proposed rules for review and possible repeal or~~
1704 ~~modification in the next calendar year.~~

1705 ~~(b) The report must also specifically identify and~~
1706 ~~describe the use and impact of state economic development~~
1707 ~~incentives on minority-owned businesses. The report must detail~~
1708 ~~how many minority-owned businesses received state economic~~
1709 ~~development incentives administered by the Office of Tourism,~~
1710 ~~Trade, and Economic Development, including private activity~~
1711 ~~bonds, and the JOBS benefit.~~

1712 Section 45. Subsection (5) of section 288.853, Florida
1713 Statutes, is amended to read:

1714 288.853 International sanctions against Castro
1715 government.--

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1716 ~~(5) Furthermore, contingent upon annual appropriation, to~~
 1717 ~~the extent covered by the report submitted by the President~~
 1718 ~~according to s. 108 of the Cuban Liberty and Democratic~~
 1719 ~~Solidarity Act of 1996, and until such time as the President~~
 1720 ~~submits a determination under s. 203(c)(1) of the Cuban Liberty~~
 1721 ~~and Democratic Solidarity Act of 1996, the Governor shall submit~~
 1722 ~~an annual report to the President of the Senate and the Speaker~~
 1723 ~~of the House of Representatives on assistance to and commerce~~
 1724 ~~with Cuba by citizens and legal residents of Florida. Each~~
 1725 ~~report shall contain:~~

1726 ~~(a) Identification of Cuba's trading partners and the~~
 1727 ~~extent of such trade.~~

1728 ~~(b) A description of joint ventures completed or under~~
 1729 ~~consideration by foreign nationals and business firms located in~~
 1730 ~~or doing business in Florida involving facilities in Cuba.~~

1731 ~~(c) A determination as to whether any facilities are~~
 1732 ~~claimed by a citizen of Florida.~~

1733 ~~(d) Steps taken to assure that raw materials and~~
 1734 ~~semifinished or finished goods produced by facilities in Cuba~~
 1735 ~~involving Cuban and/or foreign nationals or businesses are not~~
 1736 ~~entering the Florida market.~~

1737 Section 46. Subsection (5) of section 288.95155, Florida
 1738 Statutes, is amended to read:

1739 288.95155 Florida Small Business Technology Growth
 1740 Program.--

1741 (5) ~~By January 1 of each year,~~ Enterprise Florida, Inc.,
 1742 shall prepare and include a report on the financial status of
 1743 the program in its annual report required under s. 288.095 ~~and~~

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1744 ~~the account and shall submit a copy of the report to the board~~
 1745 ~~of directors of Enterprise Florida, Inc., the appropriate~~
 1746 ~~legislative committees responsible for economic development~~
 1747 ~~oversight, and the appropriate legislative appropriations~~
 1748 ~~subcommittees.~~ The report shall specify the assets and
 1749 liabilities of the account within the current fiscal year and
 1750 shall include a portfolio update that lists all of the
 1751 businesses assisted, the private dollars leveraged by each
 1752 business assisted, and the growth in sales and in employment of
 1753 each business assisted.

1754 Section 47. Paragraph (c) of subsection (4) of section
 1755 288.9604, Florida Statutes, is amended to read:

1756 288.9604 Creation of the authority.--

1757 (4)

1758 (c) The directors of the corporation shall annually elect
 1759 one of their members as chair and one as vice chair. The
 1760 corporation may employ a president, technical experts, and such
 1761 other agents and employees, permanent and temporary, as it
 1762 requires and determine their qualifications, duties, and
 1763 compensation. For such legal services as it requires, the
 1764 corporation may employ or retain its own counsel and legal
 1765 staff. ~~The corporation shall file with the governing body of~~
 1766 ~~each public agency with which it has entered into an interlocal~~
 1767 ~~agreement and with the Governor, the Speaker of the House of~~
 1768 ~~Representatives, the President of the Senate, the Minority~~
 1769 ~~Leaders of the Senate and House of Representatives, and the~~
 1770 ~~Auditor General, on or before 90 days after the close of the~~
 1771 ~~fiscal year of the corporation, a report of its activities for~~

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1772 ~~the preceding fiscal year, which report shall include a complete~~
 1773 ~~financial statement setting forth its assets, liabilities,~~
 1774 ~~income, and operating expenses as of the end of such fiscal~~
 1775 ~~year.~~

1776 Section 48. Section 288.9610, Florida Statutes, is amended
 1777 to read:

1778 288.9610 Annual reports of Florida Development Finance
 1779 Corporation.--On or before 90 days after the close of ~~By~~
 1780 ~~December 1 of each year,~~ the Florida Development Finance
 1781 Corporation's fiscal year, the corporation shall submit to the
 1782 Governor, the President of the Senate, the Speaker of the House
 1783 of Representatives, ~~the Senate Minority Leader, the House~~
 1784 ~~Minority Leader,~~ the Auditor General, and the governing body of
 1785 each public entity with which it has entered into an interlocal
 1786 agreement ~~city or county activating the Florida Development~~
 1787 ~~Finance Corporation~~ a complete and detailed report setting
 1788 forth:

1789 (1) The results of any audit conducted pursuant to s.
 1790 11.45 ~~The evaluation required in s. 11.45(3)(j).~~

1791 (2) The activities, operations, and accomplishments of the
 1792 Florida Development Finance Corporation, including the number of
 1793 businesses assisted by the corporation.

1794 (3) Its assets, ~~and~~ liabilities, income, and operating
 1795 expenses at the end of its most recent fiscal year, including a
 1796 description of all of its outstanding revenue bonds.

1797 Section 49. Subsection (3) of section 292.04, Florida
 1798 Statutes, is amended to read:

1799 292.04 Florida Commission on Veterans' Affairs.--

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1800 ~~(3)(a) It is the duty of the commission to conduct a~~
 1801 ~~biennial survey of possible contributions that veterans or state~~
 1802 ~~organizations of veterans and their auxiliaries could make to~~
 1803 ~~the state and to report the results of the survey to the~~
 1804 ~~department together with recommendations for encouraging such~~
 1805 ~~contributions.~~

1806 ~~(b)~~ The commission shall work with the various veterans'
 1807 organizations and their auxiliaries within the state and shall
 1808 function as a liaison between such organizations and the
 1809 department on matters pertaining to veterans.

1810 Section 50. Subsection (6) of section 292.05, Florida
 1811 Statutes, is amended to read:

1812 292.05 Duties of Department of Veterans' Affairs.--

1813 (6) The department shall, by ~~on~~ December 31 of each year,
 1814 submit ~~make~~ an annual written report to the Governor, the
 1815 Cabinet, ~~of the state,~~ the Speaker of the House of
 1816 Representatives, and the President of the Senate that shall
 1817 describe; ~~which report shall show~~

1818 (a) The expenses incurred in veteran service work in the
 1819 state; the number, nature, and kind of cases handled by the
 1820 department and by county and city veteran service officers of
 1821 the state; the amounts of benefits obtained for veterans; the
 1822 names and addresses of all certified veteran service officers,
 1823 including county and city veteran service officers. The report
 1824 shall also describe the actions taken by the department in
 1825 implementing subsections (4), (5), and (7) and shall contain
 1826 such other information and recommendations as may appear to the
 1827 department to be right and proper.

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1828 (b) The current status of the department's domiciliary and
 1829 nursing homes established pursuant to chapter 296, including all
 1830 receipts and expenditures, the condition of the homes, the
 1831 number of residents received and discharged during the preceding
 1832 year, occupancy rates, staffing, and any other information
 1833 necessary to providing an understanding of the management,
 1834 conduct, and operation of the homes.

1835 Section 51. Section 296.16, Florida Statutes, is repealed.

1836 Section 52. Section 296.39, Florida Statutes, is repealed.

1837 Section 53. Paragraph (c) of subsection (12) of section
 1838 315.03, Florida Statutes, is amended to read:

1839 315.03 Grant of powers.--Each unit is hereby authorized
 1840 and empowered:

1841 (12)

1842 ~~(c) The Legislature shall review the loan program~~
 1843 ~~established pursuant to this subsection during the 2004 Regular~~
 1844 ~~Session of the Legislature.~~

1845 Section 54. Subsection (2) of section 319.324, Florida
 1846 Statutes, is amended to read:

1847 319.324 Odometer fraud prevention and detection;
 1848 funding.--

1849 (2) Moneys deposited into the Highway Safety Operating
 1850 Trust Fund under this section shall be used to implement and
 1851 maintain efforts by the department to prevent and detect
 1852 odometer fraud, including the prompt investigation of alleged
 1853 instances of odometer mileage discrepancies reported by licensed
 1854 motor vehicle dealers, auctions, or purchasers of motor
 1855 vehicles. ~~Such moneys shall also be used to fund an annual~~

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1856 ~~report to the Legislature by the Department of Highway Safety~~
 1857 ~~and Motor Vehicles, summarizing the department's investigations~~
 1858 ~~and findings.~~ In addition, moneys deposited into the fund may be
 1859 used by the department for general operations.

1860 Section 55. Section 322.181, Florida Statutes, is amended
 1861 to read:

1862 322.181 Advisory council on the Study of effects of aging
 1863 on driving ability; advisory council.--

1864 ~~(1) The Department of Highway Safety and Motor Vehicles~~
 1865 ~~shall study the effects of aging on driving ability. The purpose~~
 1866 ~~of the study is to develop a comprehensive approach to licensing~~
 1867 ~~drivers.~~

1868 ~~(2) Issues to be studied by the department shall include~~
 1869 ~~the:~~

1870 ~~(a) Effective and efficient identification of drivers at~~
 1871 ~~risk of being involved in a motor vehicle accident because of~~
 1872 ~~functional limitations that affect their driving ability;~~

1873 ~~(b) Prevalence and effect of degenerative processes~~
 1874 ~~affecting vision, hearing, mobility, cognitive functions, and~~
 1875 ~~reaction time;~~

1876 ~~(c) Implementation and effect of the department's vision~~
 1877 ~~screening requirements and examination of new technologies;~~

1878 ~~(d) Availability and effectiveness of remedial measures~~
 1879 ~~such as skills training, adaptive equipment, physical therapy,~~
 1880 ~~and adjustment of driving practices that will allow people to~~
 1881 ~~drive safely for as long as possible;~~

1882 ~~(e) Availability of alternative forms of transportation~~
 1883 ~~for people who can no longer safely drive; and~~

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1884 ~~(f) Effectiveness of existing public education initiatives~~
1885 ~~relating to at-risk drivers.~~

1886 ~~(3) The department shall report the results of the study~~
1887 ~~to the President of the Senate and the Speaker of the House of~~
1888 ~~Representatives by February 1, 2004. The report shall include~~
1889 ~~findings of the study and recommendations for improving the~~
1890 ~~safety of at-risk drivers.~~

1891 (4) The department shall appoint an advisory council to
1892 ~~participate in the study and to~~ advise the department on issues
1893 related to older at-risk drivers on an ongoing basis. The
1894 council shall be known as the Florida At-Risk Driver Council.
1895 Members of the council shall include representatives of
1896 organizations involved with issues facing older drivers
1897 including state agencies, medical professionals, senior citizen
1898 advocacy groups, providers of services to senior citizens, and
1899 research entities.

1900 Section 56. Paragraph (c) of subsection (7) of section
1901 322.251, Florida Statutes, is amended to read:

1902 322.251 Notice of cancellation, suspension, revocation, or
1903 disqualification of license.--

1904 (7)

1905 ~~(c) The Department of Highway Safety and Motor Vehicles~~
1906 ~~and the Department of Law Enforcement shall develop and~~
1907 ~~implement a plan to ensure the identification of any person who~~
1908 ~~is the subject of an outstanding warrant or capias for passing~~
1909 ~~worthless bank checks and to ensure the identification of the~~
1910 ~~person's driver's license record.~~

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1911 Section 57. Subsections (4) and (11) of section 365.171,
1912 Florida Statutes, are amended to read:

1913 365.171 Emergency telephone number "911."--

1914 (4) STATE PLAN.--The office shall develop a statewide
1915 emergency telephone number "911" system plan. The plan shall
1916 provide for:

1917 (a) The establishment of the public agency emergency
1918 telephone communications requirements for each entity of local
1919 government in the state.

1920 (b) A system to meet specific local government
1921 requirements. Such system shall include law enforcement,
1922 firefighting, and emergency medical services and may include
1923 other emergency services such as poison control, suicide
1924 prevention, and emergency management services.

1925 (c) Identification of the mutual aid agreements necessary
1926 to obtain an effective "911" system.

1927 (d) A funding provision which shall identify the cost
1928 necessary to implement the "911" system.

1929 ~~(e) A firm implementation schedule which shall include the~~
1930 ~~installation of the "911" system in a local community within 24~~
1931 ~~months after the designated agency of the local government gives~~
1932 ~~a firm order to the telephone utility for a "911" system.~~

1933
1934 The office shall be responsible for the implementation and
1935 coordination of the such plan and. ~~The office shall adopt any~~
1936 ~~necessary rules and schedules related to public agencies for~~ the
1937 purpose of implementing and coordinating the such plan, ~~pursuant~~
1938 ~~to chapter 120. The public agency designated in the plan shall~~

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1939 ~~order such system within 6 months after publication date of the~~
 1940 ~~plan if the public agency is in receipt of funds appropriated by~~
 1941 ~~the Legislature for the implementation and maintenance of the~~
 1942 ~~"911" system. Any jurisdiction which has utilized local funding~~
 1943 ~~as of July 1, 1976, to begin the implementation of the state~~
 1944 ~~plan as set forth in this section shall be eligible for at least~~
 1945 ~~a partial reimbursement of its direct cost when, and if, state~~
 1946 ~~funds are available for such reimbursement.~~

1947 ~~(11) EXISTING EMERGENCY TELEPHONE SERVICE.—Any emergency~~
 1948 ~~telephone number established by any local government or state~~
 1949 ~~agency prior to July 1, 1974, using a number other than "911"~~
 1950 ~~shall be changed to "911" on the same implementation schedule~~
 1951 ~~provided in paragraph (4)(e).~~

1952 Section 58. Paragraph (d) of subsection (6) of section
 1953 365.172, Florida Statutes, is amended to read:

1954 365.172 Wireless emergency telephone number "E911."--

1955 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.--

1956 ~~(d) By February 28, 2001, the board shall undertake and~~
 1957 ~~complete a study for submission by the office to the Governor,~~
 1958 ~~the President of the Senate, and the Speaker of the House of~~
 1959 ~~Representatives which addresses:~~

1960 ~~1. The total amount of E911 fee revenues collected by each~~
 1961 ~~provider, the total amount of expenses incurred by each provider~~
 1962 ~~to comply with the order, and the amount of moneys on deposit in~~
 1963 ~~the fund, all as of December 1, 2000.~~

1964 ~~2. Whether the amount of the E911 fee and the allocation~~
 1965 ~~percentages set forth in s. 365.173 should be adjusted to comply~~

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1966 | ~~with the requirements of the order, and, if so, a recommended~~
 1967 | ~~adjustment to the E911 fee.~~

1968 | ~~3. Any other issues related to providing wireless E911~~
 1969 | ~~services.~~

1970 | Section 59. Paragraph (a) of subsection (2) of section
 1971 | 365.173, Florida Statutes, is amended to read:

1972 | 365.173 Wireless Emergency Telephone System Fund.--

1973 | (2) Subject to any modifications approved by the board
 1974 | pursuant to s. 365.172(8)(c), the moneys in the fund shall be
 1975 | distributed and used only as follows:

1976 | (a) Forty-four percent of the moneys shall be distributed
 1977 | each month to counties, based on the total number of wireless
 1978 | subscriber billing addresses in each county, for payment of:

1979 | 1. Recurring costs of providing 911 or E911 service, as
 1980 | provided by s. 365.171(12)(~~13~~)(a)6.

1981 | 2. Costs to comply with the requirements for E911 service
 1982 | contained in the order and any future rules related to the
 1983 | order.

1984 |
 1985 | A county may carry forward, for up to 3 successive calendar
 1986 | years, up to 30 percent of the total funds disbursed to the
 1987 | county by the board during a calendar year for expenditures for
 1988 | capital outlay, capital improvements, or equipment replacement,
 1989 | if such expenditures are made for the purposes specified in this
 1990 | paragraph.

1991 |
 1992 | The Legislature recognizes that the wireless E911 fee authorized
 1993 | under s. 365.172 will not necessarily provide the total funding

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1994 required for establishing or providing the 911 service. It is
1995 the intent of the Legislature that all revenue from the fee be
1996 used as specified in s. 365.171(13)(a)6.

1997 Section 60. Subsection (4) of section 366.82, Florida
1998 Statutes, is amended to read:

1999 366.82 Definition; goals; plans; programs; ~~annual reports;~~
2000 energy audits.--

2001 ~~(4) The commission shall require periodic reports from~~
2002 ~~each utility and shall provide the Legislature and the Governor~~
2003 ~~with an annual report by March 1 of the goals it has adopted and~~
2004 ~~its progress toward meeting those goals. The commission shall~~
2005 ~~also consider the performance of each utility pursuant to ss.~~
2006 ~~366.80-366.85 and 403.519 when establishing rates for those~~
2007 ~~utilities over which the commission has ratesetting authority.~~

2008 Section 61. Subsections (5) and (7) of section 369.22,
2009 Florida Statutes, are amended to read:

2010 369.22 Nonindigenous aquatic plant control.--

2011 (5) When state funds are involved, or when waters of state
2012 responsibility are involved, it is the duty of the department to
2013 guide, review, approve, and coordinate the activities of all
2014 public bodies, authorities, state agencies, units of local or
2015 county government, commissions, districts, and special districts
2016 engaged in operations to maintain, control, or eradicate
2017 nonindigenous aquatic plants, except for activities involving
2018 biological control programs using fish as the control agent. The
2019 department may delegate all or part of such functions to any
2020 appropriate state agency, special district, unit of local or
2021 county government, commission, authority, or other public body.

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2022 However, special attention shall be given to the keeping of
2023 accounting and cost data in order to prepare the annual ~~fiscal~~
2024 report required in subsection (7).

2025 (7) The department shall prepare ~~submit~~ an annual report
2026 on the status of the nonindigenous aquatic plant maintenance
2027 program that shall be published on the department's Internet
2028 website ~~to the President of the Senate, the Speaker of the House~~
2029 ~~of Representatives, and the Governor and Cabinet~~ by January 1 of
2030 the following year. This report shall include a statement of the
2031 degree of maintenance control achieved by individual
2032 nonindigenous aquatic plant species in the intercounty waters of
2033 each of the water management districts for the preceding county
2034 fiscal year, together with an analysis of the costs of achieving
2035 this degree of control. This cost accounting shall include the
2036 expenditures by all governmental agencies in the waters of state
2037 responsibility. If the level of maintenance control achieved
2038 falls short of that which is deemed adequate by the department,
2039 then the report shall include an estimate of the additional
2040 funding that would have been required to achieve this level of
2041 maintenance control. ~~All measures of maintenance program~~
2042 ~~achievement and the related cost shall be presented by water~~
2043 ~~management districts so that comparisons may be made among the~~
2044 ~~water management districts, as well as with the state as a~~
2045 ~~whole.~~

2046 Section 62. Subsection (8) of section 370.26, Florida
2047 Statutes, is amended to read:

2048 370.26 Aquaculture definitions; marine aquaculture
2049 products, producers, and facilities.--

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2050 ~~(8) The Fish and Wildlife Conservation Commission shall~~
 2051 ~~provide assistance to the Department of Agriculture and Consumer~~
 2052 ~~Services in the development of an aquaculture plan for the~~
 2053 ~~state.~~

2054 Section 63. Subsection (2) of section 372.5712, Florida
 2055 Statutes, is amended to read:

2056 372.5712 Florida waterfowl permit revenues.--

2057 (2) The intent of this section is to expand waterfowl
 2058 research and management and increase waterfowl populations in
 2059 the state without detracting from other programs. The commission
 2060 shall prepare and make available on its Internet website an
 2061 annual report documenting the use of funds generated under the
 2062 provisions of this section, ~~to be submitted to the Governor, the~~
 2063 ~~Speaker of the House of Representatives, and the President of~~
 2064 ~~the Senate on or before September 1 of each year.~~

2065 Section 64. Subsection (2) of section 372.5715, Florida
 2066 Statutes, is amended to read:

2067 372.5715 Florida wild turkey permit revenues.--

2068 (2) The intent of this section is to expand wild turkey
 2069 research and management and to increase wild turkey populations
 2070 in the state without detracting from other programs. The
 2071 commission shall prepare and make available on its Internet
 2072 website an annual report documenting the use of funds generated
 2073 under the provisions of this section, ~~to be submitted to the~~
 2074 ~~Governor, the Speaker of the House of Representatives, and the~~
 2075 ~~President of the Senate on or before September 1 of each year.~~

2076 Section 65. Section 372.673, Florida Statutes, is
 2077 repealed.

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2078 Section 66. Section 372.674, Florida Statutes, is
2079 repealed.

2080 Section 67. Paragraph (d) of subsection (2) of section
2081 372.672, Florida Statutes, is amended to read:

2082 372.672 Florida Panther Research and Management Trust
2083 Fund.--

2084 (2) Money from the fund shall be spent only for the
2085 following purposes:

2086 ~~(d) To fund and administer education programs authorized~~
2087 ~~in s. 372.674.~~

2088 Section 68. Subsection (2) of section 373.0391, Florida
2089 Statutes, is amended to read:

2090 373.0391 Technical Assistance to local governments.--

2091 (2) ~~By July 1, 1991,~~ Each water management district shall
2092 prepare and provide information and data to assist local
2093 governments in the preparation and implementation of their local
2094 government comprehensive plans or public facilities report as
2095 required by s. 189.415, whichever is applicable. Such
2096 information and data shall include, but not be limited to:

2097 (a) All information and data required in a public
2098 facilities report pursuant to s. 189.415.

2099 (b) A description of regulations, programs, and schedules
2100 implemented by the district.

2101 (c) Identification of regulations, programs, and schedules
2102 undertaken or proposed by the district to further the State
2103 Comprehensive Plan.

2104 (d) A description of surface water basins, including
2105 regulatory jurisdictions, flood-prone areas, existing and

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2106 | projected water quality in water management district operated
 2107 | facilities, as well as surface water runoff characteristics and
 2108 | topography regarding flood plains, wetlands, and recharge areas.

2109 | (e) A description of groundwater characteristics,
 2110 | including existing and planned wellfield sites, existing and
 2111 | anticipated cones of influence, highly productive groundwater
 2112 | areas, aquifer recharge areas, deep well injection zones,
 2113 | contaminated areas, an assessment of regional water resource
 2114 | needs and sources for the next 20 years, and water quality.

2115 | (f) The identification of existing and potential water
 2116 | management district land acquisitions.

2117 | (g) Information reflecting the minimum flows for surface
 2118 | watercourses to avoid harm to water resources or the ecosystem
 2119 | and information reflecting the minimum water levels for aquifers
 2120 | to avoid harm to water resources or the ecosystem.

2121 | Section 69. Subsection (4) of section 373.046, Florida
 2122 | Statutes, is amended to read:

2123 | 373.046 Interagency agreements.--

2124 | (4) The Legislature recognizes and affirms the division of
 2125 | responsibilities between the department and the water management
 2126 | districts as set forth in ss. III. and X. of each of the
 2127 | operating agreements codified as rules 17-101.040(12)(a)3., 4.,
 2128 | and 5., Florida Administrative Code. Section IV.A.2.a. of each
 2129 | operating agreement regarding individual permit oversight is
 2130 | rescinded. The department shall be responsible for permitting
 2131 | those activities under part IV of this chapter which, because of
 2132 | their complexity and magnitude, need to be economically and
 2133 | efficiently evaluated at the state level, including, but not

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2134 | limited to, mining, hazardous waste management facilities and
 2135 | solid waste management facilities that do not qualify for a
 2136 | general permit under chapter 403. With regard to
 2137 | postcertification information submittals for activities
 2138 | authorized under chapters 341 and 403 siting act certifications,
 2139 | the department, after consultation with the appropriate water
 2140 | management district and other agencies having applicable
 2141 | regulatory jurisdiction, shall be responsible for determining
 2142 | the permittee's compliance with conditions of certification
 2143 | which were based upon the nonprocedural requirements of part IV
 2144 | of this chapter. The Legislature authorizes the water management
 2145 | districts and the department to modify the division of
 2146 | responsibilities referenced in this section and enter into
 2147 | further interagency agreements by rulemaking, including
 2148 | incorporation by reference, pursuant to chapter 120, to provide
 2149 | for greater efficiency and to avoid duplication in the
 2150 | administration of part IV of this chapter by designating certain
 2151 | activities which will be regulated by either the water
 2152 | management districts or the department. In developing such
 2153 | interagency agreements, the water management districts and the
 2154 | department should take into consideration the technical and
 2155 | fiscal ability of each water management district to implement
 2156 | all or some of the provisions of part IV of this chapter.
 2157 | Nothing herein rescinds or restricts the authority of the
 2158 | districts to regulate silviculture and agriculture pursuant to
 2159 | part IV of this chapter or s. 403.927. ~~By December 10, 1993, the~~
 2160 | ~~secretary of the department shall submit a report to the~~
 2161 | ~~President of the Senate and the Speaker of the House of~~

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2162 ~~Representatives regarding the efficiency of the procedures and~~
 2163 ~~the division of responsibilities contemplated by this subsection~~
 2164 ~~and regarding progress toward the execution of further~~
 2165 ~~interagency agreements and the integration of permitting with~~
 2166 ~~sovereignty lands approval. The report also will consider the~~
 2167 ~~feasibility of improving the protection of the environment~~
 2168 ~~through comprehensive criteria for protection of natural~~
 2169 ~~systems.~~

2170 Section 70. Paragraph (f) of subsection (1) of section
 2171 373.1963, Florida Statutes, is amended to read:

2172 373.1963 Assistance to West Coast Regional Water Supply
 2173 Authority.--

2174 (1) It is the intent of the Legislature to authorize the
 2175 implementation of changes in governance recommended by the West
 2176 Coast Regional Water Supply Authority in its reports to the
 2177 Legislature dated February 1, 1997, and January 5, 1998. The
 2178 authority and its member governments may reconstitute the
 2179 authority's governance and rename the authority under a
 2180 voluntary interlocal agreement with a term of not less than 20
 2181 years. The interlocal agreement must comply with this subsection
 2182 as follows:

2183 (f) Upon execution of the voluntary interlocal agreement
 2184 provided for herein, the authority shall jointly develop with
 2185 the Southwest Florida Water Management District alternative
 2186 sources of potable water and transmission pipelines to
 2187 interconnect regionally significant water supply sources and
 2188 facilities of the authority in amounts sufficient to meet the
 2189 needs of all member governments for a period of at least 20

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2190 | years and for natural systems. Nothing herein, however, shall
 2191 | preclude the authority and its member governments from
 2192 | developing traditional water sources pursuant to the voluntary
 2193 | interlocal agreement. Development and construction costs for
 2194 | alternative source facilities, which may include a desalination
 2195 | facility and significant regional interconnects, must be borne
 2196 | as mutually agreed to by both the authority and the Southwest
 2197 | Florida Water Management District. Nothing herein shall preclude
 2198 | authority or district cost sharing with private entities for the
 2199 | construction or ownership of alternative source facilities. ~~By~~
 2200 | ~~December 31, 1997, the authority and the Southwest Florida Water~~
 2201 | ~~Management District shall:~~

2202 | ~~1. Enter into a mutually acceptable agreement detailing~~
 2203 | ~~the development and implementation of directives contained in~~
 2204 | ~~this paragraph; or~~

2205 | ~~2. Jointly prepare and submit to the President of the~~
 2206 | ~~Senate and the Speaker of the House of Representatives a report~~
 2207 | ~~describing the progress made and impediments encountered in~~
 2208 | ~~their attempts to implement the water resource development and~~
 2209 | ~~water supply development directives contained in this paragraph.~~

2210 |
 2211 | Nothing in this section shall be construed to modify the rights
 2212 | or responsibilities of the authority or its member governments,
 2213 | except as otherwise provided herein, or of the Southwest Florida
 2214 | Water Management District or the department pursuant to this
 2215 | chapter or chapter 403 and as otherwise set forth by statutes.

2216 | Section 71. Subsection (14) of section 376.121, Florida
 2217 | Statutes, is amended to read:

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2218 376.121 Liability for damage to natural resources.--The
 2219 Legislature finds that extensive damage to the state's natural
 2220 resources is the likely result of a pollutant discharge and that
 2221 it is essential that the state adequately assess and recover the
 2222 cost of such damage from responsible parties. It is the state's
 2223 goal to recover the costs of restoration from the responsible
 2224 parties and to restore damaged natural resources to their
 2225 predischage condition. In many instances, however, restoration
 2226 is not technically feasible. In such instances, the state has
 2227 the responsibility to its citizens to recover the cost of all
 2228 damage to natural resources. To ensure that the public does not
 2229 bear a substantial loss as a result of the destruction of
 2230 natural resources, the procedures set out in this section shall
 2231 be used to assess the cost of damage to such resources. Natural
 2232 resources include coastal waters, wetlands, estuaries, tidal
 2233 flats, beaches, lands adjoining the seacoasts of the state, and
 2234 all living things except human beings. The Legislature
 2235 recognizes the difficulty historically encountered in
 2236 calculating the value of damaged natural resources. The value of
 2237 certain qualities of the state's natural resources is not
 2238 readily quantifiable, yet the resources and their qualities have
 2239 an intrinsic value to the residents of the state, and any damage
 2240 to natural resources and their qualities should not be dismissed
 2241 as nonrecoverable merely because of the difficulty in
 2242 quantifying their value. In order to avoid unnecessary
 2243 speculation and expenditure of limited resources to determine
 2244 these values, the Legislature hereby establishes a schedule for

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2245 compensation for damage to the state's natural resources and the
2246 quality of said resources.

2247 ~~(14) The department must review the amount of compensation~~
2248 ~~assessed pursuant to the damage assessment formula established~~
2249 ~~in this section and report its findings to the 1995 Legislature.~~
2250 ~~Thereafter, the department must conduct such a review and report~~
2251 ~~its findings to the Legislature biennially.~~

2252 Section 72. Section 376.17, Florida Statutes, is repealed.

2253 Section 73. Subsection (5) of section 376.30713, Florida
2254 Statutes, is amended to read:

2255 376.30713 Preapproved advanced cleanup.--

2256 ~~(5) By December 31, 1998, the department shall submit a~~
2257 ~~report to the Governor, the President of the Senate, and the~~
2258 ~~Speaker of the House of Representatives on the progress and~~
2259 ~~level of activity under the provisions of this section. The~~
2260 ~~report shall include the following information:~~

2261 ~~(a) A list of sites under a preapproved advanced cleanup~~
2262 ~~contract, to be identified by the facility number.~~

2263 ~~(b) The total number of preapproved advanced cleanup~~
2264 ~~applications submitted to the department.~~

2265 ~~(c) The priority ranking scores of each participating~~
2266 ~~site.~~

2267 ~~(d) The total amount of contract work authorized and~~
2268 ~~conducted for each site and the percentage and amount of cost~~
2269 ~~share.~~

2270 ~~(e) The total revenues received under the provisions of~~
2271 ~~this section.~~

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2272 ~~(f) The annual costs of administering the provisions of~~
2273 ~~this section.~~

2274 ~~(g) The recommended annual budget for the provisions of~~
2275 ~~this section.~~

2276 Section 74. Paragraph (f) of subsection (3) of section
2277 377.703, Florida Statutes, is amended to read:

2278 377.703 Additional functions of the Department of
2279 Environmental Protection; energy emergency contingency plan;
2280 federal and state conservation programs.--

2281 (3) DEPARTMENT OF ENVIRONMENTAL PROTECTION; DUTIES.--The
2282 Department of Environmental Protection shall, in addition to
2283 assuming the duties and responsibilities provided by ss. 20.255
2284 and 377.701, perform the following functions consistent with the
2285 development of a state energy policy:

2286 (f) The department shall make a report, as requested by
2287 the Governor or the Legislature, reflecting its activities and
2288 making recommendations of policies for improvement of the
2289 state's response to energy supply and demand and its effect on
2290 the health, safety, and welfare of the people of Florida. The
2291 report shall include ~~a report from the Florida Public Service~~
2292 ~~Commission on electricity and natural gas and information on~~
2293 ~~energy conservation programs conducted and under way in the past~~
2294 ~~year and shall include~~ recommendations for energy conservation
2295 programs for the state, including, but not limited to, the
2296 following factors:

2297 1. Formulation of specific recommendations for improvement
2298 in the efficiency of energy utilization in governmental,
2299 residential, commercial, industrial, and transportation sectors.

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2300 2. Collection and dissemination of information relating to
2301 energy conservation.

2302 3. Development and conduct of educational and training
2303 programs relating to energy conservation.

2304 4. An analysis of the ways in which state agencies are
2305 seeking to implement s. 377.601(4), the state energy policy, and
2306 recommendations for better fulfilling this policy.

2307 Section 75. Subsection (3) of section 380.0677, Florida
2308 Statutes, is amended to read:

2309 380.0677 Green Swamp Land Authority.--

2310 ~~(3) POWERS; BUDGET; GOVERNOR'S APPROVAL OF PROPOSED~~
2311 ~~ACQUISITIONS.--The Green Swamp Land Authority shall have all the~~
2312 ~~powers pursuant to s. 380.0666, except that it may not issue~~
2313 ~~bonds and must annually submit its budget to the Governor and~~
2314 ~~the Legislature for review. In addition, the authority must~~
2315 ~~annually submit a list of proposed acquisitions to the Governor~~
2316 ~~for review and approval. The Governor may remove proposed~~
2317 ~~acquisitions from the list, with cause, if the Governor~~
2318 ~~determines such acquisitions would not further the mission of~~
2319 ~~the authority. By September 5 of the fiscal year in which the~~
2320 ~~authority's budget is submitted, the chairpersons of the~~
2321 ~~appropriations committees of the Senate and the House of~~
2322 ~~Representatives may transmit to the Governor and the authority~~
2323 ~~comments on and objections to the proposed budget. The Governor~~
2324 ~~shall respond in writing to the comments and objections.~~

2325 Section 76. Paragraph (b) of subsection (11) of section
2326 259.041, Florida Statutes, is amended to read:

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2327 | 259.041 Acquisition of state-owned lands for preservation,
2328 | conservation, and recreation purposes.--

2329 | (11)

2330 | (b) All project applications shall identify, within their
2331 | acquisition plans, those projects which require a full fee
2332 | simple interest to achieve the public policy goals, together
2333 | with the reasons full title is determined to be necessary. The
2334 | state agencies and the water management districts may use
2335 | alternatives to fee simple acquisition to bring the remaining
2336 | projects in their acquisition plans under public protection. For
2337 | the purposes of this subsection, the term "alternatives to fee
2338 | simple acquisition" includes, but is not limited to: purchase of
2339 | development rights; obtaining conservation easements; obtaining
2340 | flowage easements; purchase of timber rights, mineral rights, or
2341 | hunting rights; purchase of agricultural interests or
2342 | silvicultural interests; entering into land protection
2343 | agreements as defined in s. 380.0677~~(3)~~(4); fee simple
2344 | acquisitions with reservations; creating life estates; or any
2345 | other acquisition technique which achieves the public policy
2346 | goals listed in paragraph (a). It is presumed that a private
2347 | landowner retains the full range of uses for all the rights or
2348 | interests in the landowner's land which are not specifically
2349 | acquired by the public agency. The lands upon which hunting
2350 | rights are specifically acquired pursuant to this paragraph
2351 | shall be available for hunting in accordance with the management
2352 | plan or hunting regulations adopted by the Florida Fish and
2353 | Wildlife Conservation Commission, unless the hunting rights are
2354 | purchased specifically to protect activities on adjacent lands.

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2355 Section 77. Paragraph (c) of subsection (3) of section
 2356 259.101, Florida Statutes, is amended to read:
 2357 259.101 Florida Preservation 2000 Act.--
 2358 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
 2359 costs of issuance, the costs of funding reserve accounts, and
 2360 other costs with respect to the bonds, the proceeds of bonds
 2361 issued pursuant to this act shall be deposited into the Florida
 2362 Preservation 2000 Trust Fund created by s. 375.045. In fiscal
 2363 year 2000-2001, for each Florida Preservation 2000 program
 2364 described in paragraphs (a)-(g), that portion of each program's
 2365 total remaining cash balance which, as of June 30, 2000, is in
 2366 excess of that program's total remaining appropriation balances
 2367 shall be redistributed by the department and deposited into the
 2368 Save Our Everglades Trust Fund for land acquisition. For
 2369 purposes of calculating the total remaining cash balances for
 2370 this redistribution, the Florida Preservation 2000 Series 2000
 2371 bond proceeds, including interest thereon, and the fiscal year
 2372 1999-2000 General Appropriations Act amounts shall be deducted
 2373 from the remaining cash and appropriation balances,
 2374 respectively. The remaining proceeds shall be distributed by the
 2375 Department of Environmental Protection in the following manner:
 2376 (c) Ten percent to the Department of Community Affairs to
 2377 provide land acquisition grants and loans to local governments
 2378 through the Florida Communities Trust pursuant to part III of
 2379 chapter 380. From funds allocated to the trust, \$3 million
 2380 annually shall be used by the Division of State Lands within the
 2381 Department of Environmental Protection to implement the Green
 2382 Swamp Land Protection Initiative specifically for the purchase

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2383 | of conservation easements, as defined in s. 380.0677(3)~~(4)~~, of
 2384 | lands, or severable interests or rights in lands, in the Green
 2385 | Swamp Area of Critical State Concern. From funds allocated to
 2386 | the trust, \$3 million annually shall be used by the Monroe
 2387 | County Comprehensive Plan Land Authority specifically for the
 2388 | purchase of any real property interest in either those lands
 2389 | subject to the Rate of Growth Ordinances adopted by local
 2390 | governments in Monroe County or those lands within the boundary
 2391 | of an approved Conservation and Recreation Lands project located
 2392 | within the Florida Keys or Key West Areas of Critical State
 2393 | Concern; however, title to lands acquired within the boundary of
 2394 | an approved Conservation and Recreation Lands project may, in
 2395 | accordance with an approved joint acquisition agreement, vest in
 2396 | the Board of Trustees of the Internal Improvement Trust Fund. Of
 2397 | the remaining funds allocated to the trust after the above
 2398 | transfers occur, one-half shall be matched by local governments
 2399 | on a dollar-for-dollar basis. To the extent allowed by federal
 2400 | requirements for the use of bond proceeds, the trust shall
 2401 | expend Preservation 2000 funds to carry out the purposes of part
 2402 | III of chapter 380.

2403 |
 2404 | Local governments may use federal grants or loans, private
 2405 | donations, or environmental mitigation funds, including
 2406 | environmental mitigation funds required pursuant to s. 338.250,
 2407 | for any part or all of any local match required for the purposes
 2408 | described in this subsection. Bond proceeds allocated pursuant
 2409 | to paragraph (c) may be used to purchase lands on the priority
 2410 | lists developed pursuant to s. 259.035. Title to lands purchased

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2411 pursuant to paragraphs (a), (d), (e), (f), and (g) shall be
 2412 vested in the Board of Trustees of the Internal Improvement
 2413 Trust Fund. Title to lands purchased pursuant to paragraph (c)
 2414 may be vested in the Board of Trustees of the Internal
 2415 Improvement Trust Fund. The board of trustees shall hold title
 2416 to land protection agreements and conservation easements that
 2417 were or will be acquired pursuant to s. 380.0677, and the
 2418 Southwest Florida Water Management District and the St. Johns
 2419 River Water Management District shall monitor such agreements
 2420 and easements within their respective districts until the state
 2421 assumes this responsibility.

2422 Section 78. Subsection (3) of section 381.0011, Florida
 2423 Statutes, is amended to read:

2424 381.0011 Duties and powers of the Department of
 2425 Health.--It is the duty of the Department of Health to:

2426 ~~(3) Include in the department's strategic plan developed~~
 2427 ~~under s. 186.021 a summary of all aspects of the public health~~
 2428 ~~mission and health status objectives to direct the use of public~~
 2429 ~~health resources with an emphasis on prevention.~~

2430 Section 79. Section 381.0036, Florida Statutes, is
 2431 repealed.

2432 Section 80. Section 381.732, Florida Statutes, is amended
 2433 to read:

2434 381.732 Short title; Healthy Communities, Healthy People
 2435 Act.--This section and ss. 381.733 and 381.734 ~~Sections 381.731-~~
 2436 ~~381.734~~ may be cited as the "Healthy Communities, Healthy People
 2437 Act."

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2438 Section 81. Section 381.733, Florida Statutes, is amended
2439 to read:

2440 381.733 Definitions relating to Healthy Communities,
2441 Healthy People Act.--As used in ss. 381.732-381.734 ~~381.731-~~
2442 ~~381.734~~, the term:

2443 (1) "Department" means the Department of Health.

2444 (2) "Primary prevention" means interventions directed
2445 toward healthy populations with a focus on avoiding disease
2446 prior to its occurrence.

2447 (3) "Secondary prevention" means interventions designed to
2448 promote the early detection and treatment of diseases and to
2449 reduce the risks experienced by at-risk populations.

2450 (4) "Tertiary prevention" means interventions directed at
2451 rehabilitating and minimizing the effects of disease in a
2452 chronically ill population.

2453 Section 82. Section 381.795, Florida Statutes, is amended
2454 to read:

2455 381.795 Long-term community-based supports.--The
2456 department shall, contingent upon specific appropriations for
2457 these purposes, establish÷

2458 ~~(1) Study the long-term needs for community-based supports~~
2459 ~~and services for individuals who have sustained traumatic brain~~
2460 ~~or spinal cord injuries. The purpose of this study is to prevent~~
2461 ~~inappropriate residential and institutional placement of these~~
2462 ~~individuals, and promote placement in the most cost effective~~
2463 ~~and least restrictive environment. Any placement recommendations~~
2464 ~~for these individuals shall ensure full utilization of and~~
2465 ~~collaboration with other state agencies, programs, and community~~

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2466 ~~partners. This study shall be submitted to the Governor, the~~
 2467 ~~President of the Senate, and the Speaker of the House of~~
 2468 ~~Representatives not later than December 31, 2000.~~

2469 ~~(2) Based upon the results of this study, establish a plan~~
 2470 ~~for the implementation of a program of long-term community-based~~
 2471 ~~supports and services for individuals who have sustained~~
 2472 ~~traumatic brain or spinal cord injuries who may be subject to~~
 2473 ~~inappropriate residential and institutional placement as a~~
 2474 ~~direct result of such injuries.~~

2475 (1)(a) The program shall be payor of last resort for
 2476 program services, and expenditures for such services shall be
 2477 considered funded services for purposes of s. 381.785; however,
 2478 notwithstanding s. 381.79(5), proceeds resulting from this
 2479 section ~~subsection~~ shall be used solely for this program.

2480 (2)(b) The department shall create, by rule, procedures to
 2481 ensure, that in the event the program is unable to directly or
 2482 indirectly provide such services to all eligible individuals due
 2483 to lack of funds, those individuals most at risk to suffer the
 2484 greatest harm from an imminent inappropriate residential or
 2485 institutional placement are served first.

2486 (3)(c) Every applicant or recipient of the long-term
 2487 community-based supports and services program shall have been a
 2488 resident of the state for 1 year immediately preceding
 2489 application and be a resident of the state at the time of
 2490 application.

2491 (4)(d) The department shall adopt rules pursuant to ss.
 2492 120.536(1) and 120.54 to implement the provision of this section
 2493 ~~subsection~~.

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2494 Section 83. Paragraph (a) of subsection (7) of section
2495 381.90, Florida Statutes, is amended to read:

2496 381.90 Health Information Systems Council; legislative
2497 intent; creation, appointment, duties.--

2498 (7) The council's duties and responsibilities include, but
2499 are not limited to, the following:

2500 ~~(a) By June 1 of each year, to develop and approve a~~
2501 ~~strategic plan pursuant to the requirements set forth in s.~~
2502 ~~186.022.~~

2503 Section 84. Section 381.931, Florida Statutes, is amended
2504 to read:

2505 381.931 Annual report on Medicaid expenditures;
2506 monitoring; limiting screenings.--The Department of Health and
2507 the Agency for Health Care Administration shall monitor the
2508 total Medicaid expenditures for services made under this act. If
2509 Medicaid expenditures are projected to exceed the amount
2510 appropriated by the Legislature, the Department of Health shall
2511 limit the number of screenings to ensure Medicaid expenditures
2512 do not exceed the amount appropriated. ~~The Department of Health,~~
2513 ~~in cooperation with the Agency for Health Care Administration,~~
2514 ~~shall prepare an annual report that must include the number of~~
2515 ~~women screened; the percentage of positive and negative~~
2516 ~~outcomes; the number of referrals to Medicaid and other~~
2517 ~~providers for treatment services; the estimated number of women~~
2518 ~~who are not screened or not served by Medicaid due to funding~~
2519 ~~limitations, if any; the cost of Medicaid treatment services;~~
2520 ~~and the estimated cost of treatment services for women who were~~
2521 ~~not screened or referred for treatment due to funding~~

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2522 ~~limitations. The report shall be submitted to the President of~~
 2523 ~~the Senate, the Speaker of the House of Representatives, and the~~
 2524 ~~Executive Office of the Governor by March 1 of each year.~~

2525 Section 85. Subsection (6) of section 383.19, Florida
 2526 Statutes, is amended to read:

2527 383.19 Standards; funding; ineligibility.--

2528 (6) Each hospital which contracts with the department to
 2529 provide services under the terms of ss. 383.15-383.21 shall
 2530 prepare and submit to the department an annual report that
 2531 includes, but is not limited to, the number of clients served
 2532 and the costs of services in the center. The department shall
 2533 annually conduct a programmatic and financial evaluation of each
 2534 center.

2535 Section 86. Section 383.21, Florida Statutes, is repealed.

2536 Section 87. Section 383.2161, Florida Statutes, is amended
 2537 to read:

2538 383.2161 Maternal and child health report.--The Department
 2539 of Health ~~annually~~ shall annually compile and analyze the risk
 2540 information collected by the Office of Vital Statistics and the
 2541 district prenatal and infant care coalitions and shall maintain
 2542 county and statewide data on ~~prepare and submit to the~~
 2543 ~~Legislature by January 2 a report that includes, but is not~~
 2544 ~~limited to:~~

2545 (1) The number of families identified as families at
 2546 potential risk.‡

2547 (2) The number of families that receive family outreach
 2548 services.‡

2549 (3) The increase in demand for services.‡~~and~~

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2550 (4) The unmet need for services for identified target
2551 groups.

2552 Section 88. Subsection (6) of section 384.25, Florida
2553 Statutes, is amended to read:

2554 384.25 Reporting required.--

2555 ~~(6) The department shall by February 1 of each year submit~~
2556 ~~to the Legislature an annual report relating to all information~~
2557 ~~obtained pursuant to this section.~~

2558 Section 89. Subsection (4) of section 394.4573, Florida
2559 Statutes, is amended to read:

2560 394.4573 Continuity of care management system; measures of
2561 performance; reports.--

2562 ~~(4) The department is directed to submit a report to the~~
2563 ~~Legislature, prior to April 1 of each year, outlining~~
2564 ~~departmental progress towards the implementation of the minimum~~
2565 ~~staffing patterns' standards in state mental health treatment~~
2566 ~~facilities. The report shall contain, by treatment facility,~~
2567 ~~information regarding goals and objectives and departmental~~
2568 ~~performance toward meeting each such goal and objective.~~

2569 Section 90. Subsection (1) of section 394.4985, Florida
2570 Statutes, is amended to read:

2571 394.4985 Districtwide information and referral network;
2572 implementation.--

2573 (1) Each service district of the Department of Children
2574 and Family Services shall develop a detailed implementation plan
2575 for a districtwide comprehensive child and adolescent mental
2576 health information and referral network to be operational by
2577 July 1, 1999. The plan must include an operating budget that

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2578 demonstrates cost efficiencies and identifies funding sources
 2579 for the district information and referral network. ~~The plan must~~
 2580 ~~be submitted by the department to the Legislature by October 1,~~
 2581 ~~1998.~~ The district shall use existing district information and
 2582 referral providers if, in the development of the plan, it is
 2583 concluded that these providers would deliver information and
 2584 referral services in a more efficient and effective manner when
 2585 compared to other alternatives. The district information and
 2586 referral network must include:

2587 (a) A resource file that contains information about the
 2588 child and adolescent mental health services as described in s.
 2589 394.495, including, but not limited to:

- 2590 1. Type of program;
- 2591 2. Hours of service;
- 2592 3. Ages of persons served;
- 2593 4. Program description;
- 2594 5. Eligibility requirements; and
- 2595 6. Fees.

2596 (b) Information about private providers and professionals
 2597 in the community which serve children and adolescents with an
 2598 emotional disturbance.

2599 (c) A system to document requests for services that are
 2600 received through the network referral process, including, but
 2601 not limited to:

- 2602 1. Number of calls by type of service requested;
- 2603 2. Ages of the children and adolescents for whom services
 2604 are requested; and
- 2605 3. Type of referral made by the network.

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2606 (d) The ability to share client information with the
2607 appropriate community agencies.

2608 ~~(e) The submission of an annual report to the department,~~
2609 ~~the Agency for Health Care Administration, and appropriate local~~
2610 ~~government entities, which contains information about the~~
2611 ~~sources and frequency of requests for information, types and~~
2612 ~~frequency of services requested, and types and frequency of~~
2613 ~~referrals made.~~

2614 Section 91. Section 394.75, Florida Statutes, is amended
2615 to read:

2616 394.75 State and district substance abuse and mental
2617 health plans.--

2618 (1)(a) ~~Every 3 years, beginning in 2001,~~ The department,
2619 in consultation with the Medicaid program in the Agency for
2620 Health Care Administration and the Florida Substance Abuse and
2621 Mental Health Corporation, shall prepare a state master plan for
2622 the delivery and financing of a system of publicly funded,
2623 community-based substance abuse and mental health services
2624 throughout the state. The state plan must include:

2625 ~~(b) The initial plan must include an assessment of the~~
2626 ~~clinical practice guidelines and standards for community-based~~
2627 ~~mental health and substance abuse services delivered by persons~~
2628 ~~or agencies under contract with the Department of Children and~~
2629 ~~Family Services. The assessment must include an inventory of~~
2630 ~~current clinical guidelines and standards used by persons and~~
2631 ~~agencies under contract with the department, and by nationally~~
2632 ~~recognized accreditation organizations, to address the quality~~

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2633 ~~of care and must specify additional clinical practice standards~~
 2634 ~~and guidelines for new or existing services and programs.~~

2635 (a)(e) Proposed ~~The plan must propose~~ changes in
 2636 department policy or statutory revisions to strengthen the
 2637 quality of mental health and substance abuse treatment and
 2638 support services.

2639 (b)(d) ~~The plan must identify~~ Strategies for meeting the
 2640 treatment and support needs of children, adolescents, adults,
 2641 and older adults who have, or are at risk of having, mental,
 2642 emotional, or substance abuse problems as defined in this
 2643 chapter or chapter 397.

2644 (c)(e) ~~The plan must include~~ Input from persons who
 2645 represent local communities; local government entities that
 2646 contribute funds to the local substance abuse and mental health
 2647 treatment systems; consumers of publicly funded substance abuse
 2648 and mental health services, and their families; and stakeholders
 2649 interested in mental health and substance abuse services. The
 2650 plan must describe the means by which this local input occurred.
 2651 ~~The plan shall be updated annually.~~

2652 ~~(f) The plan must include statewide policies and planning~~
 2653 ~~parameters that will be used by the health and human services~~
 2654 ~~boards in preparing the district substance abuse and mental~~
 2655 ~~health plans.~~

2656 ~~(g) The district plans shall be one component of the state~~
 2657 ~~master plan.~~

2658 ~~(2) The state master plan shall also include:~~

2659 ~~(a) A proposal for the development of a data system that~~
 2660 ~~will evaluate the effectiveness of programs and services~~

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2661 ~~provided to clients of the substance abuse and mental health~~
2662 ~~service system.~~

2663 ~~(b) A proposal to resolve the funding discrepancies~~
2664 ~~between districts.~~

2665 (d)~~(e)~~ A methodology for the allocation of resources
2666 available from federal, state, and local sources and a
2667 description of the current level of funding available from each
2668 source.

2669 (e)~~(d)~~ A description of the statewide priorities for
2670 clients and services, and each district's priorities for clients
2671 and services.

2672 ~~(e) Recommendations for methods of enhancing local~~
2673 ~~participation in the planning, organization, and financing of~~
2674 ~~substance abuse and mental health services.~~

2675 ~~(f) A description of the current methods of contracting~~
2676 ~~for services, an assessment of the efficiency of these methods~~
2677 ~~in providing accountability for contracted funds, and~~
2678 ~~recommendations for improvements to the system of contracting.~~

2679 (f)~~(g)~~ Recommendations for improving access to services by
2680 clients and their families.

2681 ~~(h) Guidelines and formats for the development of district~~
2682 ~~plans.~~

2683 (g)~~(i)~~ Recommendations for future directions for the
2684 substance abuse and mental health service delivery system.

2685 (2) A schedule, format, and procedure for development, and
2686 review, and update of the ~~state master~~ plan shall be adopted by
2687 the department ~~by June of each year~~. The plan and ~~annual~~ updates
2688 shall must be submitted to the Governor , the President of the

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2689 Senate, and the Speaker of the House of Representatives
 2690 beginning February 10, 2006, and every third year thereafter
 2691 ~~President of the Senate and the Speaker of the House of~~
 2692 ~~Representatives by January 1 of each year, beginning January 1,~~
 2693 ~~2001.~~

2694 (3) Each ~~The district health and human services board~~
 2695 shall prepare an integrated district substance abuse and mental
 2696 health plan. The plan shall be prepared and updated on a
 2697 schedule established by the Assistant Secretary for Substance
 2698 Abuse Alcohol, Drug Abuse, and Mental Health Program Office. The
 2699 plan shall reflect the needs and program priorities established
 2700 by the department and the needs of the district established
 2701 under ss. 394.674 and 394.675. The district plan must ~~list in~~
 2702 ~~order of priority the mental health and the substance abuse~~
 2703 ~~treatment needs of the district and must rank each program~~
 2704 ~~separately. The plan shall include:~~

2705 (a) ~~A record of the total amount of money available in the~~
 2706 ~~district for mental health and substance abuse services.~~

2707 (b) ~~A description of each service that will be purchased~~
 2708 ~~with state funds.~~

2709 (c) ~~A record of the amount of money allocated for each~~
 2710 ~~service identified in the plan as being purchased with state~~
 2711 ~~funds.~~

2712 (d) ~~A record of the total funds allocated to each~~
 2713 ~~provider.~~

2714 (e) ~~A record of the total funds allocated to each provider~~
 2715 ~~by type of service to be purchased with state funds.~~

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2716 (a)(f) Include input from community-based persons,
 2717 organizations, and agencies interested in substance abuse and
 2718 mental health treatment services; local government entities that
 2719 contribute funds to the public substance abuse and mental health
 2720 treatment systems; and consumers of publicly funded substance
 2721 abuse and mental health services, and their family members. The
 2722 plan must describe the means by which this local input occurred.

2723
 2724 ~~The plan shall be submitted by the district board to the~~
 2725 ~~district administrator and to the governing bodies for review,~~
 2726 ~~comment, and approval.~~

2727 ~~(4) The district plan shall:~~

2728 ~~(a) Describe the publicly funded, community-based~~
 2729 ~~substance abuse and mental health system of care, and identify~~
 2730 ~~statutorily defined populations, their service needs, and the~~
 2731 ~~resources available and required to meet their needs.~~

2732 ~~(b) Provide the means for meeting the needs of the~~
 2733 ~~district's eligible clients, specified in ss. 394.674 and~~
 2734 ~~394.675, for substance abuse and mental health services.~~

2735 (b)(e) Provide a process for coordinating the delivery of
 2736 services within a community-based system of care to eligible
 2737 clients. Such process must involve service providers, clients,
 2738 and other stakeholders. The process must also provide a means by
 2739 which providers will coordinate and cooperate to strengthen
 2740 linkages, achieve maximum integration of services, foster
 2741 efficiencies in service delivery and administration, and
 2742 designate responsibility for outcomes for eligible clients.

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2743 (c)~~(d)~~ Provide a projection of district program and fiscal
2744 needs for the next fiscal year, provide for the orderly and
2745 economical development of needed services, and indicate
2746 priorities and resources for each population served, performance
2747 outcomes, and anticipated expenditures and revenues.

2748 ~~(e) Include a summary budget request for the total
2749 district substance abuse and mental health program, which must
2750 include the funding priorities established by the district
2751 planning process.~~

2752 ~~(f) Provide a basis for the district legislative budget
2753 request.~~

2754 ~~(g) Include a policy and procedure for allocation of
2755 funds.~~

2756 ~~(h) Include a procedure for securing local matching funds.
2757 Such a procedure shall be developed in consultation with
2758 governing bodies and service providers.~~

2759 (d)~~(i)~~ Provide for the integration of substance abuse and
2760 mental health services with the other departmental programs and
2761 with the criminal justice, juvenile justice, child protection,
2762 school, and health care systems within the district.

2763 ~~(j) Provide a plan for the coordination of services in
2764 such manner as to ensure effectiveness and avoid duplication,
2765 fragmentation of services, and unnecessary expenditures.~~

2766 (e)~~(k)~~ Provide for continuity of client care between state
2767 treatment facilities and community programs to assure that
2768 discharge planning results in the rapid application for all
2769 benefits for which a client is eligible, including Medicaid

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2770 coverage for persons leaving state treatment facilities and
2771 returning to community-based programs.

2772 ~~(l) Provide for the most appropriate and economical use of~~
2773 ~~all existing public and private agencies and personnel.~~

2774 ~~(m) Provide for the fullest possible and most appropriate~~
2775 ~~participation by existing programs; state hospitals and other~~
2776 ~~hospitals; city, county, and state health and family service~~
2777 ~~agencies; drug abuse and alcoholism programs; probation~~
2778 ~~departments; physicians; psychologists; social workers; marriage~~
2779 ~~and family therapists; mental health counselors; clinical social~~
2780 ~~workers; public health nurses; school systems; and all other~~
2781 ~~public and private agencies and personnel that are required to,~~
2782 ~~or may agree to, participate in the plan.~~

2783 ~~(n) Include an inventory of all public and private~~
2784 ~~substance abuse and mental health resources within the district,~~
2785 ~~including consumer advocacy groups and self-help groups known to~~
2786 ~~the department.~~

2787 (4)(5) The district plan shall address how substance abuse
2788 and mental health services will be provided and how a system of
2789 care for target populations will be provided given the resources
2790 available in the service district. The plan must include
2791 provisions for providing the most appropriate and current
2792 evidence-based services for persons with substance abuse
2793 disorders and mental illnesses in a variety of settings
2794 ~~maximizing client access to the most recently developed~~
2795 ~~psychiatric medications approved by the United States Food and~~
2796 ~~Drug Administration, for developing independent housing units~~
2797 ~~through participation in the Section 811 program operated by the~~

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2798 ~~United States Department of Housing and Urban Development, for~~
 2799 ~~developing supported employment services through the Division of~~
 2800 ~~Vocational Rehabilitation of the Department of Education, for~~
 2801 ~~providing treatment services to persons with co-occurring mental~~
 2802 ~~illness and substance abuse problems which are integrated across~~
 2803 ~~treatment systems, and for providing services to adults who have~~
 2804 ~~a serious mental illness, as defined in s. 394.67, and who~~
 2805 ~~reside in assisted living facilities.~~

2806 ~~(6) The district plan shall provide the means by which the~~
 2807 ~~needs of the population groups specified pursuant to s. 394.674~~
 2808 ~~will be addressed in the district.~~

2809 ~~(7) In developing the district plan, optimum use shall be~~
 2810 ~~made of any federal, state, and local funds that may be~~
 2811 ~~available for substance abuse and mental health service~~
 2812 ~~planning. However, the department must provide these services~~
 2813 ~~within legislative appropriations.~~

2814 ~~(8) The district health and human services board shall~~
 2815 ~~establish a subcommittee to prepare the portion of the district~~
 2816 ~~plan relating to children and adolescents. The subcommittee~~
 2817 ~~shall include representative membership of any committee~~
 2818 ~~organized or established by the district to review placement of~~
 2819 ~~children and adolescents in residential treatment programs. The~~
 2820 ~~board shall establish a subcommittee to prepare the portion of~~
 2821 ~~the district plan which relates to adult mental health and~~
 2822 ~~substance abuse. The subcommittee must include representatives~~
 2823 ~~from the community who have an interest in mental health and~~
 2824 ~~substance abuse treatment for adults.~~

2825 (5)~~(9)~~ All departments of state government and all local
 2826 public agencies shall cooperate with officials to assist them in
 2827 service planning. ~~Each district administrator shall, upon~~
 2828 ~~request and the availability of staff, provide consultative~~
 2829 ~~services to the local agency directors and governing bodies.~~

2830 ~~(10) The district administrator shall ensure that the~~
 2831 ~~district plan:~~

2832 ~~(a) Conforms to the priorities in the state plan, the~~
 2833 ~~requirements of this part, and the standards adopted under this~~
 2834 ~~part;~~

2835 ~~(b) Ensures that the most effective and economical use~~
 2836 ~~will be made of available public and private substance abuse and~~
 2837 ~~mental health resources in the service district; and~~

2838 ~~(c) Has adequate provisions made for review and evaluation~~
 2839 ~~of the services provided in the service district.~~

2840 ~~(11) The district administrator shall require such~~
 2841 ~~modifications in the district plan as he or she deems necessary~~
 2842 ~~to bring the plan into conformance with the provisions of this~~
 2843 ~~part. If the district board and the district administrator~~
 2844 ~~cannot agree on the plan, including the projected budget, the~~
 2845 ~~issues under dispute shall be submitted directly to the~~
 2846 ~~secretary of the department for immediate resolution.~~

2847 ~~(12) Each governing body that provides local funds has the~~
 2848 ~~authority to require necessary modification to only that portion~~
 2849 ~~of the district plan which affects substance abuse and mental~~
 2850 ~~health programs and services within the jurisdiction of that~~
 2851 ~~governing body.~~

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2852 ~~(13) The district administrator shall report annually to~~
 2853 ~~the district board the status of funding for priorities~~
 2854 ~~established in the district plan. Each report must include:~~

2855 ~~(a) A description of the district plan priorities that~~
 2856 ~~were included in the district legislative budget request.~~

2857 ~~(b) A description of the district plan priorities that~~
 2858 ~~were included in the departmental budget request.~~

2859 ~~(c) A description of the programs and services included in~~
 2860 ~~the district plan priorities that were appropriated funds by the~~
 2861 ~~Legislature in the legislative session that preceded the report.~~

2862 Section 92. Section 394.82, Florida Statutes, is repealed.

2863 Section 93. Paragraph (a) of subsection (3) of section
 2864 394.655, Florida Statutes, is amended to read:

2865 394.655 The Substance Abuse and Mental Health Corporation;
 2866 powers and duties; composition; evaluation and reporting
 2867 requirements.--

2868 (3)(a) The Florida Substance Abuse and Mental Health
 2869 Corporation shall be responsible for oversight of the publicly
 2870 funded substance abuse and mental health systems and for making
 2871 policy and resources recommendations which will improve the
 2872 coordination, quality, and efficiency of the system. Subject to
 2873 and consistent with direction set by the Legislature, the
 2874 corporation shall exercise the following responsibilities:

2875 ~~1. Review and assess the collection and analysis of needs~~
 2876 ~~assessment data as described in s. 394.82.~~

2877 1.2. Review and assess the status of the publicly funded
 2878 mental health and substance abuse systems and recommend policy
 2879 designed to improve coordination and effectiveness.

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2880 2.3. Provide mechanisms for substance abuse and mental
2881 health stakeholders, including consumers, family members,
2882 providers, and advocates to provide input concerning the
2883 management of the overall system.

2884 3.4. Recommend priorities for service expansion.

2885 4.5. Prepare budget recommendations to be submitted to the
2886 appropriate departments for consideration in the development of
2887 their legislative budget requests and provide copies to the
2888 Governor, the President of the Senate, and the Speaker of the
2889 House of Representatives for their consideration.

2890 5.6. Review data regarding the performance of the publicly
2891 funded substance abuse and mental health systems.

2892 6.7. Make recommendations concerning strategies for
2893 improving the performance of the systems.

2894 7.8. Review, assess, and forecast substance abuse and
2895 mental health manpower needs and work with the department and
2896 the educational system to establish policies, consistent with
2897 the direction of the Legislature, which will ensure that the
2898 state has the personnel it needs to continuously implement and
2899 improve its services.

2900 Section 94. Paragraph (h) of subsection (7) and subsection
2901 (8) of section 394.9082, Florida Statutes, are amended to read:

2902 394.9082 Behavioral health service delivery strategies.--

2903 (7) ESSENTIAL ELEMENTS.--

2904 ~~(h)1. The Department of Children and Family Services, in~~
2905 ~~consultation with the Agency for Health Care Administration,~~
2906 ~~shall prepare an amendment by October 31, 2001, to the 2001~~
2907 ~~master state plan required under s. 394.75(1), which describes~~

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2908 ~~each service delivery strategy, including at least the following~~
2909 ~~details:~~

2910 ~~a. Operational design;~~

2911 ~~b. Counties or service districts included in each~~
2912 ~~strategy;~~

2913 ~~c. Expected outcomes; and~~

2914 ~~d. Timeframes.~~

2915 ~~2. The amendment shall specifically address the~~
2916 ~~application of each service delivery strategy to substance abuse~~
2917 ~~services, including:~~

2918 ~~a. The development of substance abuse service protocols;~~

2919 ~~b. Credentialing requirements for substance abuse~~
2920 ~~services; and~~

2921 ~~c. The development of new service models for individuals~~
2922 ~~with co-occurring mental health and substance abuse disorders.~~

2923 ~~3. The amendment must specifically address the application~~
2924 ~~of each service delivery strategy to the child welfare system,~~
2925 ~~including:~~

2926 ~~a. The development of service models that support working~~
2927 ~~with both children and their families in a community-based care~~
2928 ~~system and that are specific to the child welfare system.~~

2929 ~~b. A process for providing services to abused and~~
2930 ~~neglected children and their families as indicated in court-~~
2931 ~~ordered case plans.~~

2932 (8) EXPANSION IN DISTRICTS 4 AND 12.--The department shall
2933 work with community agencies to establish a single managing
2934 entity for districts 4 and 12 accountable for the delivery of
2935 substance abuse services to child protective services recipients

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2936 | in the two districts. The purpose of this strategy is to enhance
 2937 | the coordination of substance abuse services with community-
 2938 | based care agencies and the department. The department shall
 2939 | work with affected stakeholders to develop and implement a plan
 2940 | that allows the phase-in of services beginning with the delivery
 2941 | of substance abuse services, with phase-in of subsequent
 2942 | substance abuse services agreed upon by the managing entity and
 2943 | authorized by the department, providing the necessary technical
 2944 | assistance to assure provider and district readiness for
 2945 | implementation. When a single managing entity is established and
 2946 | meets readiness requirements, the department may enter into a
 2947 | noncompetitive contract with the entity. The department shall
 2948 | maintain detailed information on the methodology used for
 2949 | selection and a justification for the selection. Performance
 2950 | objectives shall be developed which ensure that services that
 2951 | are delivered directly affect and complement the child's
 2952 | permanency plan. During the initial planning and implementation
 2953 | phase of this project, the requirements in subsections (6) and
 2954 | (7) are waived. Considering the critical substance abuse
 2955 | problems experienced by many families in the child protection
 2956 | system, the department shall initiate the implementation of the
 2957 | substance abuse delivery component of this program without delay
 2958 | ~~and furnish status reports to the appropriate substantive~~
 2959 | ~~committees of the Senate and the House of Representatives no~~
 2960 | ~~later than February 29, 2004, and February 28, 2005.~~ The
 2961 | integration of all services agreed upon by the managing entity
 2962 | and authorized by the department must be completed within 2
 2963 | years after project initiation. Ongoing monitoring and

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2964 | evaluation of this strategy shall be conducted in accordance
2965 | with subsection (9).

2966 | Section 95. Section 394.9083, Florida Statutes, is
2967 | repealed.

2968 | Section 96. Paragraph (c) of subsection (2) of section
2969 | 395.807, Florida Statutes, is amended to read:

2970 | 395.807 Retention of family practice residents.--
2971 | (2)

2972 | ~~(c) The committee shall report to the Legislature~~
2973 | ~~annually, beginning October 1, 1995, on the retention of family~~
2974 | ~~practice residents in the state by family practice teaching~~
2975 | ~~hospitals. The committee shall also track and report on the~~
2976 | ~~placement of family practice physicians in medically underserved~~
2977 | ~~areas.~~

2978 | Section 97. Subsections (1) and (20) of section 397.321,
2979 | Florida Statutes, are amended to read:

2980 | 397.321 Duties of the department.--The department shall:

2981 | ~~(1) Develop a comprehensive state plan for the provision~~
2982 | ~~of substance abuse services. The plan must include:~~

2983 | ~~(a) Identification of incidence and prevalence of problems~~
2984 | ~~related to substance abuse.~~

2985 | ~~(b) Description of current services.~~

2986 | ~~(c) Need for services.~~

2987 | ~~(d) Cost of services.~~

2988 | ~~(e) Priorities for funding.~~

2989 | ~~(f) Strategies to address the identified needs and~~
2990 | ~~priorities.~~

2991 | ~~(g) Resource planning.~~

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2992 ~~(20) The department may establish in District 9, in~~
 2993 ~~cooperation with the Palm Beach County Board of County~~
 2994 ~~Commissioners, a pilot project to serve in a managed care~~
 2995 ~~arrangement non-Medicaid eligible persons who qualify to receive~~
 2996 ~~substance abuse or mental health services from the department.~~
 2997 ~~The department may contract with a not-for-profit entity to~~
 2998 ~~conduct the pilot project. The results of the pilot project~~
 2999 ~~shall be reported to the district administrator, and the~~
 3000 ~~secretary 18 months after the initiation. The department shall~~
 3001 ~~incur no additional administrative costs for the pilot project.~~

3002 Section 98. Subsection (4) of section 397.333, Florida
 3003 Statutes, is amended to read:

3004 397.333 Statewide Drug Policy Advisory Council.--

3005 ~~(4)(a)~~ The chairperson of the advisory council shall
 3006 appoint workgroups that include members of state agencies that
 3007 are not represented on the advisory council and shall solicit
 3008 input and recommendations from those state agencies. In
 3009 addition, the chairperson may appoint workgroups as necessary
 3010 from among the members of the advisory council in order to
 3011 efficiently address specific issues. A representative of a state
 3012 agency appointed to any workgroup shall be the head of the
 3013 agency, or his or her designee. The chairperson may designate
 3014 lead and contributing agencies within a workgroup.

3015 ~~(b) The advisory council shall submit a report to the~~
 3016 ~~Governor, the President of the Senate, and the Speaker of the~~
 3017 ~~House of Representatives by December 1 of each year which~~
 3018 ~~contains a summary of the work of the council during that year~~
 3019 ~~and the recommendations required under subsection (3). Interim~~

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3020 ~~reports may be submitted at the discretion of the chairperson of~~
3021 ~~the advisory council.~~

3022 Section 99. Subsection (1) of section 397.94, Florida
3023 Statutes, is amended to read:

3024 397.94 Children's substance abuse services; information
3025 and referral network.--

3026 ~~(1) Each service district of the department shall develop~~
3027 ~~a plan for and implement a districtwide comprehensive children's~~
3028 ~~substance abuse information and referral network to be~~
3029 ~~operational by July 1, 2000.~~

3030 Section 100. Paragraph (f) of subsection (2) of section
3031 400.0067, Florida Statutes, is amended to read:

3032 400.0067 State Long-Term Care Ombudsman Council; duties;
3033 membership.--

3034 (2) The State Long-Term Care Ombudsman Council shall:

3035 (f) Prepare an annual report describing the activities
3036 carried out by the ombudsman, and the State Long-Term Care
3037 Ombudsman Council, and the local councils in the year for which
3038 the report is prepared. The State Long-Term Care Ombudsman
3039 Council shall submit the report to the Secretary of Elderly
3040 Affairs. The secretary shall in turn submit the report to the
3041 Commissioner of the United States Administration on Aging, the
3042 Governor, the President of the Senate, the Speaker of the House
3043 of Representatives, the minority leaders of the House and
3044 Senate, ~~the chairpersons of appropriate House and Senate~~
3045 ~~committees, the Secretary of Children and Family Services, and~~
3046 the Secretary of Health Care Administration. The report shall be
3047 submitted by the Secretary of Elderly Affairs at least 30 days

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3048 | before the convening of the regular session of the Legislature
3049 | and shall, at a minimum:

3050 | 1. Contain and analyze data collected concerning
3051 | complaints about and conditions in long-term care facilities and
3052 | the dispositions of such complaints.

3053 | 2. Evaluate the problems experienced by residents of long-
3054 | term care facilities.

3055 | 3. Contain recommendations for improving the quality of
3056 | life of the residents and for protecting the health, safety,
3057 | welfare, and rights of the residents.

3058 | 4. Analyze the success of the ombudsman program during the
3059 | preceding year and identify the barriers that prevent the
3060 | optimal operation of the program. The report ~~of the program's~~
3061 | ~~successes~~ shall also include ~~address the relationship between~~
3062 | ~~the state long-term care ombudsman program, the Department of~~
3063 | ~~Elderly Affairs, the Agency for Health Care Administration, and~~
3064 | ~~the Department of Children and Family Services, and an~~
3065 | assessment of how successfully the state long-term care
3066 | ombudsman program has carried out its responsibilities under the
3067 | Older Americans Act.

3068 | 5. Provide policy and regulatory and legislative
3069 | recommendations to solve identified problems; resolve residents'
3070 | complaints; improve the quality of care and life of the
3071 | residents; protect the health, safety, welfare, and rights of
3072 | the residents; and remove the barriers to the optimal operation
3073 | of the state long-term care ombudsman program.

3074 | 6. Contain recommendations from the local ombudsman
3075 | councils regarding program functions and activities.

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3076 ~~7. Include a report on the activities of the legal~~
 3077 ~~advocate and other legal advocates acting on behalf of the local~~
 3078 ~~and state councils.~~

3079 Section 101. Subsection (3) of section 400.0075, Florida
 3080 Statutes, is amended to read:

3081 400.0075 Complaint resolution procedures.--

3082 ~~(3) The state ombudsman council shall provide, as part of~~
 3083 ~~its annual report required pursuant to s. 400.0067(2)(f),~~
 3084 ~~information relating to the disposition of all complaints to the~~
 3085 ~~Department of Elderly Affairs.~~

3086 Section 102. Section 400.0089, Florida Statutes, is
 3087 amended to read:

3088 400.0089 Complaint Agency reports.--The Office of State
 3089 Long-Term Care Ombudsman ~~Department of Elderly Affairs~~ shall
 3090 maintain a statewide uniform reporting system to collect and
 3091 analyze data relating to complaints and conditions in long-term
 3092 care facilities and to residents, for the purpose of identifying
 3093 and resolving significant problems. ~~The department and the State~~
 3094 ~~Long-Term Care Ombudsman Council shall submit such data as part~~
 3095 ~~of its annual report required pursuant to s. 400.0067(2)(f) to~~
 3096 ~~the Agency for Health Care Administration, the Department of~~
 3097 ~~Children and Family Services, the Florida Statewide Advocacy~~
 3098 ~~Council, the Advocacy Center for Persons with Disabilities, the~~
 3099 ~~Commissioner for the United States Administration on Aging, the~~
 3100 ~~National Ombudsman Resource Center, and any other state or~~
 3101 ~~federal entities that the ombudsman determines appropriate. The~~
 3102 office State Long-Term Care Ombudsman Council shall publish
 3103 quarterly and make readily available information pertaining to

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3104 | the number and types of complaints received by the long-term
 3105 | care ombudsman program and shall include such information in the
 3106 | annual report required under s. 400.0067.

3107 | Section 103. Paragraph (b) of subsection (3) of section
 3108 | 400.407, Florida Statutes, is amended to read:

3109 | 400.407 License required; fee, display.--

3110 | (3) Any license granted by the agency must state the
 3111 | maximum resident capacity of the facility, the type of care for
 3112 | which the license is granted, the date the license is issued,
 3113 | the expiration date of the license, and any other information
 3114 | deemed necessary by the agency. Licenses shall be issued for one
 3115 | or more of the following categories of care: standard, extended
 3116 | congregate care, limited nursing services, or limited mental
 3117 | health.

3118 | (b) An extended congregate care license shall be issued to
 3119 | facilities providing, directly or through contract, services
 3120 | beyond those authorized in paragraph (a), including acts
 3121 | performed pursuant to part I of chapter 464 by persons licensed
 3122 | thereunder, and supportive services defined by rule to persons
 3123 | who otherwise would be disqualified from continued residence in
 3124 | a facility licensed under this part.

3125 | 1. In order for extended congregate care services to be
 3126 | provided in a facility licensed under this part, the agency must
 3127 | first determine that all requirements established in law and
 3128 | rule are met and must specifically designate, on the facility's
 3129 | license, that such services may be provided and whether the
 3130 | designation applies to all or part of a facility. Such
 3131 | designation may be made at the time of initial licensure or

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3132 relicensure, or upon request in writing by a licensee under this
 3133 part. Notification of approval or denial of such request shall
 3134 be made within 90 days after receipt of such request and all
 3135 necessary documentation. Existing facilities qualifying to
 3136 provide extended congregate care services must have maintained a
 3137 standard license and may not have been subject to administrative
 3138 sanctions during the previous 2 years, or since initial
 3139 licensure if the facility has been licensed for less than 2
 3140 years, for any of the following reasons:

- 3141 a. A class I or class II violation;
- 3142 b. Three or more repeat or recurring class III violations
 3143 of identical or similar resident care standards as specified in
 3144 rule from which a pattern of noncompliance is found by the
 3145 agency;
- 3146 c. Three or more class III violations that were not
 3147 corrected in accordance with the corrective action plan approved
 3148 by the agency;
- 3149 d. Violation of resident care standards resulting in a
 3150 requirement to employ the services of a consultant pharmacist or
 3151 consultant dietitian;
- 3152 e. Denial, suspension, or revocation of a license for
 3153 another facility under this part in which the applicant for an
 3154 extended congregate care license has at least 25 percent
 3155 ownership interest; or
- 3156 f. Imposition of a moratorium on admissions or initiation
 3157 of injunctive proceedings.

3158 2. Facilities that are licensed to provide extended
 3159 congregate care services shall maintain a written progress

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3160 | report on each person who receives such services, which report
 3161 | describes the type, amount, duration, scope, and outcome of
 3162 | services that are rendered and the general status of the
 3163 | resident's health. A registered nurse, or appropriate designee,
 3164 | representing the agency shall visit such facilities at least
 3165 | quarterly to monitor residents who are receiving extended
 3166 | congregate care services and to determine if the facility is in
 3167 | compliance with this part and with rules that relate to extended
 3168 | congregate care. One of these visits may be in conjunction with
 3169 | the regular survey. The monitoring visits may be provided
 3170 | through contractual arrangements with appropriate community
 3171 | agencies. A registered nurse shall serve as part of the team
 3172 | that inspects such facility. The agency may waive one of the
 3173 | required yearly monitoring visits for a facility that has been
 3174 | licensed for at least 24 months to provide extended congregate
 3175 | care services, if, during the inspection, the registered nurse
 3176 | determines that extended congregate care services are being
 3177 | provided appropriately, and if the facility has no class I or
 3178 | class II violations and no uncorrected class III violations.
 3179 | Before such decision is made, the agency shall consult with the
 3180 | long-term care ombudsman council for the area in which the
 3181 | facility is located to determine if any complaints have been
 3182 | made and substantiated about the quality of services or care.
 3183 | The agency may not waive one of the required yearly monitoring
 3184 | visits if complaints have been made and substantiated.

3185 | 3. Facilities that are licensed to provide extended
 3186 | congregate care services shall:

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- 3187 a. Demonstrate the capability to meet unanticipated
3188 resident service needs.
- 3189 b. Offer a physical environment that promotes a homelike
3190 setting, provides for resident privacy, promotes resident
3191 independence, and allows sufficient congregate space as defined
3192 by rule.
- 3193 c. Have sufficient staff available, taking into account
3194 the physical plant and firesafety features of the building, to
3195 assist with the evacuation of residents in an emergency, as
3196 necessary.
- 3197 d. Adopt and follow policies and procedures that maximize
3198 resident independence, dignity, choice, and decisionmaking to
3199 permit residents to age in place to the extent possible, so that
3200 moves due to changes in functional status are minimized or
3201 avoided.
- 3202 e. Allow residents or, if applicable, a resident's
3203 representative, designee, surrogate, guardian, or attorney in
3204 fact to make a variety of personal choices, participate in
3205 developing service plans, and share responsibility in
3206 decisionmaking.
- 3207 f. Implement the concept of managed risk.
- 3208 g. Provide, either directly or through contract, the
3209 services of a person licensed pursuant to part I of chapter 464.
- 3210 h. In addition to the training mandated in s. 400.452,
3211 provide specialized training as defined by rule for facility
3212 staff.
- 3213 4. Facilities licensed to provide extended congregate care
3214 services are exempt from the criteria for continued residency as

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3215 | set forth in rules adopted under s. 400.441. Facilities so
 3216 | licensed shall adopt their own requirements within guidelines
 3217 | for continued residency set forth by the department in rule.
 3218 | However, such facilities may not serve residents who require 24-
 3219 | hour nursing supervision. Facilities licensed to provide
 3220 | extended congregate care services shall provide each resident
 3221 | with a written copy of facility policies governing admission and
 3222 | retention.

3223 | 5. The primary purpose of extended congregate care
 3224 | services is to allow residents, as they become more impaired,
 3225 | the option of remaining in a familiar setting from which they
 3226 | would otherwise be disqualified for continued residency. A
 3227 | facility licensed to provide extended congregate care services
 3228 | may also admit an individual who exceeds the admission criteria
 3229 | for a facility with a standard license, if the individual is
 3230 | determined appropriate for admission to the extended congregate
 3231 | care facility.

3232 | 6. Before admission of an individual to a facility
 3233 | licensed to provide extended congregate care services, the
 3234 | individual must undergo a medical examination as provided in s.
 3235 | 400.426(4) and the facility must develop a preliminary service
 3236 | plan for the individual.

3237 | 7. When a facility can no longer provide or arrange for
 3238 | services in accordance with the resident's service plan and
 3239 | needs and the facility's policy, the facility shall make
 3240 | arrangements for relocating the person in accordance with s.
 3241 | 400.428(1)(k).

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3242 8. Failure to provide extended congregate care services
3243 may result in denial of extended congregate care license
3244 renewal.

3245 ~~9. No later than January 1 of each year, the department,~~
3246 ~~in consultation with the agency, shall prepare and submit to the~~
3247 ~~Governor, the President of the Senate, the Speaker of the House~~
3248 ~~of Representatives, and the chairs of appropriate legislative~~
3249 ~~committees, a report on the status of, and recommendations~~
3250 ~~related to, extended congregate care services. The status report~~
3251 ~~must include, but need not be limited to, the following~~
3252 ~~information:~~

3253 ~~a. A description of the facilities licensed to provide~~
3254 ~~such services, including total number of beds licensed under~~
3255 ~~this part.~~

3256 ~~b. The number and characteristics of residents receiving~~
3257 ~~such services.~~

3258 ~~c. The types of services rendered that could not be~~
3259 ~~provided through a standard license.~~

3260 ~~d. An analysis of deficiencies cited during licensure~~
3261 ~~inspections.~~

3262 ~~e. The number of residents who required extended~~
3263 ~~congregate care services at admission and the source of~~
3264 ~~admission.~~

3265 ~~f. Recommendations for statutory or regulatory changes.~~

3266 ~~g. The availability of extended congregate care to state~~
3267 ~~clients residing in facilities licensed under this part and in~~
3268 ~~need of additional services, and recommendations for~~

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3269 ~~appropriations to subsidize extended congregate care services~~
 3270 ~~for such persons.~~

3271 ~~h. Such other information as the department considers~~
 3272 ~~appropriate.~~

3273 Section 104. Subsection (13) of section 400.419, Florida
 3274 Statutes, is amended to read:

3275 400.419 Violations; imposition of administrative fines;
 3276 grounds.--

3277 (13) The agency shall develop and disseminate an annual
 3278 list of all facilities sanctioned or fined \$5,000 or more for
 3279 violations of state standards, the number and class of
 3280 violations involved, the penalties imposed, and the current
 3281 status of cases. The list shall be disseminated, at no charge,
 3282 to the Department of Elderly Affairs, the Department of Health,
 3283 the Department of Children and Family Services, the Agency for
 3284 Persons with Disabilities, the area agencies on aging, the
 3285 Florida Statewide Advocacy Council, and the state and local
 3286 ombudsman councils. The Department of Children and Family
 3287 Services shall disseminate the list to service providers under
 3288 contract to the department who are responsible for referring
 3289 persons to a facility for residency. The agency may charge a fee
 3290 commensurate with the cost of printing and postage to other
 3291 interested parties requesting a copy of this list.

3292 Section 105. Subsection (4) of section 400.441, Florida
 3293 Statutes, is amended to read:

3294 400.441 Rules establishing standards.--

3295 (4) The agency may use an abbreviated biennial standard
 3296 licensure inspection that consists of a review of key quality-

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3297 of-care standards in lieu of a full inspection in facilities
 3298 which have a good record of past performance. However, a full
 3299 inspection shall be conducted in facilities which have had a
 3300 history of class I or class II violations, uncorrected class III
 3301 violations, confirmed ombudsman council complaints, or confirmed
 3302 licensure complaints, within the previous licensure period
 3303 immediately preceding the inspection or when a potentially
 3304 serious problem is identified during the abbreviated inspection.
 3305 The agency, in consultation with the department, shall develop
 3306 the key quality-of-care standards with input from the State
 3307 Long-Term Care Ombudsman Council and representatives of provider
 3308 groups for incorporation into its rules. ~~The department, in~~
 3309 ~~consultation with the agency, shall report annually to the~~
 3310 ~~Legislature concerning its implementation of this subsection.~~
 3311 ~~The report shall include, at a minimum, the key quality-of-care~~
 3312 ~~standards which have been developed; the number of facilities~~
 3313 ~~identified as being eligible for the abbreviated inspection; the~~
 3314 ~~number of facilities which have received the abbreviated~~
 3315 ~~inspection and, of those, the number that were converted to full~~
 3316 ~~inspection; the number and type of subsequent complaints~~
 3317 ~~received by the agency or department on facilities which have~~
 3318 ~~had abbreviated inspections; any recommendations for~~
 3319 ~~modification to this subsection; any plans by the agency to~~
 3320 ~~modify its implementation of this subsection; and any other~~
 3321 ~~information which the department believes should be reported.~~

3322 Section 106. Subsection (2) of section 400.967, Florida
 3323 Statutes, is amended to read:

3324 400.967 Rules and classification of deficiencies.--

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3325 (2) Pursuant to the intention of the Legislature, the
 3326 agency, in consultation with the Agency for Persons with
 3327 Disabilities ~~Department of Children and Family Services~~ and the
 3328 Department of Elderly Affairs, shall adopt and enforce rules to
 3329 administer this part, which shall include reasonable and fair
 3330 criteria governing:

3331 (a) The location and construction of the facility;
 3332 including fire and life safety, plumbing, heating, cooling,
 3333 lighting, ventilation, and other housing conditions that will
 3334 ensure the health, safety, and comfort of residents. The agency
 3335 shall establish standards for facilities and equipment to
 3336 increase the extent to which new facilities and a new wing or
 3337 floor added to an existing facility after July 1, 2000, are
 3338 structurally capable of serving as shelters only for residents,
 3339 staff, and families of residents and staff, and equipped to be
 3340 self-supporting during and immediately following disasters. ~~The~~
 3341 ~~Agency for Health Care Administration shall work with facilities~~
 3342 ~~licensed under this part and report to the Governor and the~~
 3343 ~~Legislature by April 1, 2000, its recommendations for cost-~~
 3344 ~~effective renovation standards to be applied to existing~~
 3345 ~~facilities. In making such rules, the agency shall be guided by~~
 3346 ~~criteria recommended by nationally recognized, reputable~~
 3347 ~~professional groups and associations having knowledge concerning~~
 3348 ~~such subject matters.~~ The agency shall update or revise such
 3349 criteria as the need arises. All facilities must comply with
 3350 those lifesafety code requirements and building code standards
 3351 applicable at the time of approval of their construction plans.
 3352 The agency may require alterations to a building if it

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3353 determines that an existing condition constitutes a distinct
 3354 hazard to life, health, or safety. The agency shall adopt fair
 3355 and reasonable rules setting forth conditions under which
 3356 existing facilities undergoing additions, alterations,
 3357 conversions, renovations, or repairs are required to comply with
 3358 the most recent updated or revised standards.

3359 (b) The number and qualifications of all personnel,
 3360 including management, ~~medical~~ nursing, and other personnel,
 3361 having responsibility for any part of the care given to
 3362 residents.

3363 (c) All sanitary conditions within the facility and its
 3364 surroundings, including water supply, sewage disposal, food
 3365 handling, and general hygiene, which will ensure the health and
 3366 comfort of residents.

3367 (d) The equipment essential to the health and welfare of
 3368 the residents.

3369 (e) A uniform accounting system.

3370 (f) The care, treatment, and maintenance of residents and
 3371 measurement of the quality and adequacy thereof.

3372 (g) The preparation and annual update of a comprehensive
 3373 emergency management plan. The agency shall adopt rules
 3374 establishing minimum criteria for the plan after consultation
 3375 with the Department of Community Affairs. At a minimum, the
 3376 rules must provide for plan components that address emergency
 3377 evacuation transportation; adequate sheltering arrangements;
 3378 postdisaster activities, including emergency power, food, and
 3379 water; postdisaster transportation; supplies; staffing;
 3380 emergency equipment; individual identification of residents and

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3381 transfer of records; and responding to family inquiries. The
 3382 comprehensive emergency management plan is subject to review and
 3383 approval by the local emergency management agency. During its
 3384 review, the local emergency management agency shall ensure that
 3385 the following agencies, at a minimum, are given the opportunity
 3386 to review the plan: the Department of Elderly Affairs, the
 3387 Agency for Persons with Disabilities ~~Department of Children and~~
 3388 ~~Family Services~~, the Agency for Health Care Administration, and
 3389 the Department of Community Affairs. Also, appropriate volunteer
 3390 organizations must be given the opportunity to review the plan.
 3391 The local emergency management agency shall complete its review
 3392 within 60 days and either approve the plan or advise the
 3393 facility of necessary revisions.

3394 (h) Each licensee shall post its license in a prominent
 3395 place that is in clear and unobstructed public view at or near
 3396 the place where residents are being admitted to the facility.

3397 Section 107. Subsection (3) of section 402.3016, Florida
 3398 Statutes, is amended to read:

3399 402.3016 Early Head Start collaboration grants.--

3400 ~~(3) The Agency for Workforce Innovation shall report to~~
 3401 ~~the Legislature on an annual basis the number of agencies~~
 3402 ~~receiving Early Head Start collaboration grants and the number~~
 3403 ~~of children served.~~

3404 Section 108. Subsection (9) of section 402.40, Florida
 3405 Statutes, is amended to read:

3406 402.40 Child welfare training.--

3407 ~~(9) MODIFICATION OF CHILD WELFARE TRAINING. The core~~
 3408 ~~competencies determined pursuant to subsection (5), the minimum~~

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3409 ~~standards for the certification process and the minimum~~
 3410 ~~standards for trainer qualifications established pursuant to~~
 3411 ~~subsection (7), must be submitted to the appropriate substantive~~
 3412 ~~committees of the Senate and the House of Representatives before~~
 3413 ~~competitively soliciting either the development, validation, or~~
 3414 ~~periodic evaluation of the training curricula or the training~~
 3415 ~~academy contracts.~~

3416 Section 109. Paragraph (c) of subsection (1) of section
 3417 402.73, Florida Statutes, is amended to read:

3418 402.73 Contracting and performance standards.--

3419 (1) The Department of Children and Family Services shall
 3420 establish performance standards for all contracted client
 3421 services. Notwithstanding s. 287.057(5)(f), the department must
 3422 competitively procure any contract for client services when any
 3423 of the following occurs:

3424 (c) The department has concluded, after reviewing market
 3425 prices and available treatment options, that there is evidence
 3426 that the department can improve the performance outcomes
 3427 produced by its contract resources. At a minimum, the department
 3428 shall review market prices and available treatment options
 3429 biennially. ~~The department shall compile the results of the~~
 3430 ~~biennial review and include the results in its annual~~
 3431 ~~performance report to the Legislature pursuant to chapter 94-~~
 3432 ~~249, Laws of Florida.~~ The department shall provide notice and an
 3433 opportunity for public comment on its review of market prices
 3434 and available treatment options.

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3435 Section 110. Paragraph (d) of subsection (2) and paragraph
3436 (c) of subsection (6) of section 403.067, Florida Statutes, are
3437 amended to read:

3438 403.067 Establishment and implementation of total maximum
3439 daily loads.--

3440 (2) LIST OF SURFACE WATERS OR SEGMENTS.--In accordance
3441 with s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33
3442 U.S.C. ss. 1251 et seq., the department must submit periodically
3443 to the United States Environmental Protection Agency a list of
3444 surface waters or segments for which total maximum daily load
3445 assessments will be conducted. The assessments shall evaluate
3446 the water quality conditions of the listed waters and, if such
3447 waters are determined not to meet water quality standards, total
3448 maximum daily loads shall be established, subject to the
3449 provisions of subsection (4). The department shall establish a
3450 priority ranking and schedule for analyzing such waters.

3451 (d) If the department proposes to implement total maximum
3452 daily load calculations or allocations established prior to the
3453 effective date of this act, the department shall adopt those
3454 calculations and allocations by rule by the secretary pursuant
3455 to ss. 120.536(1) and 120.54 and paragraph (6)(c)~~(d)~~.

3456 (6) CALCULATION AND ALLOCATION.--

3457 ~~(c) Not later than February 1, 2001, the department shall~~
3458 ~~submit a report to the Governor, the President of the Senate,~~
3459 ~~and the Speaker of the House of Representatives containing~~
3460 ~~recommendations, including draft legislation, for any~~
3461 ~~modifications to the process for allocating total maximum daily~~
3462 ~~loads, including the relationship between allocations and the~~

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3463 ~~watershed or basin management planning process. Such~~
 3464 ~~recommendations shall be developed by the department in~~
 3465 ~~cooperation with a technical advisory committee which includes~~
 3466 ~~representatives of affected parties, environmental~~
 3467 ~~organizations, water management districts, and other appropriate~~
 3468 ~~local, state, and federal government agencies. The technical~~
 3469 ~~advisory committee shall also include such members as may be~~
 3470 ~~designated by the President of the Senate and the Speaker of the~~
 3471 ~~House of Representatives.~~

3472 Section 111. Subsection (3) of section 403.4131, Florida
 3473 Statutes, is amended to read:

3474 403.4131 "Keep Florida Beautiful, Incorporated"; placement
 3475 of signs.--

3476 (3) The Department of Transportation shall establish an
 3477 "adopt-a-highway" program to allow local organizations to be
 3478 identified with specific highway cleanup and highway
 3479 beautification projects authorized under s. 339.2405 and shall
 3480 coordinate such efforts with Keep Florida Beautiful, Inc. ~~The~~
 3481 ~~department shall report to the Governor and the Legislature on~~
 3482 ~~the progress achieved and the savings incurred by the "adopt-a-~~
 3483 ~~highway" program.~~ The department shall also monitor ~~and report~~
 3484 ~~on~~ compliance with the provisions of the ~~adopt-a-highway~~ program
 3485 to ensure that organizations that participate ~~in the program~~
 3486 comply with the goals identified by the department.

3487 Section 112. Section 403.756, Florida Statutes, is
 3488 repealed.

3489 Section 113. Section 403.7226, Florida Statutes, is
 3490 amended to read:

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3491 403.7226 Technical assistance by the department.--The
3492 department shall:

3493 ~~(1)~~ provide technical assistance to county governments and
3494 regional planning councils to ensure consistency in implementing
3495 local hazardous waste management assessments as provided in ss.
3496 403.7225, 403.7234, and 403.7236. In order to ensure that each
3497 local assessment is properly implemented and that all
3498 information gathered during the assessment is uniformly compiled
3499 and documented, each county or regional planning council shall
3500 contact the department during the preparation of the local
3501 assessment to receive technical assistance. Each county or
3502 regional planning council shall follow guidelines established by
3503 the department, and adopted by rule as appropriate, in order to
3504 properly implement these assessments.

3505 ~~(2) Identify short-term needs and long-term needs for~~
3506 ~~hazardous waste management for the state on the basis of the~~
3507 ~~information gathered through the local hazardous waste~~
3508 ~~management assessments and other information from state and~~
3509 ~~federal regulatory agencies and sources. The state needs~~
3510 ~~assessment must be ongoing and must be updated when new data~~
3511 ~~concerning waste generation and waste management technologies~~
3512 ~~become available. The department shall annually send a copy of~~
3513 ~~this assessment to the Governor and to the Legislature.~~

3514 Section 114. Subsection (2) of section 403.7265, Florida
3515 Statutes, is amended to read:

3516 403.7265 Local hazardous waste collection program.--

3517 ~~(2) The department shall develop a statewide local~~
3518 ~~hazardous waste management plan which will ensure comprehensive~~

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3519 ~~collection and proper management of hazardous waste from small~~
 3520 ~~quantity generators and household hazardous waste in Florida.~~
 3521 ~~The plan shall address, at a minimum, a network of local~~
 3522 ~~collection centers, transfer stations, and expanded hazardous~~
 3523 ~~waste collection route services. The plan shall assess the need~~
 3524 ~~for additional compliance verification inspections, enforcement,~~
 3525 ~~and penalties. The plan shall include a strategy, timetable, and~~
 3526 ~~budget for implementation.~~

3527 Section 115. Paragraph (b) of subsection (1) of section
 3528 403.7264, Florida Statutes, is amended to read:

3529 403.7264 Amnesty days for purging small quantities of
 3530 hazardous wastes.--Amnesty days are authorized by the state for
 3531 the purpose of purging small quantities of hazardous waste, free
 3532 of charge, from the possession of homeowners, farmers, schools,
 3533 state agencies, and small businesses. These entities have no
 3534 appropriate economically feasible mechanism for disposing of
 3535 their hazardous wastes at the present time. In order to raise
 3536 public awareness on this issue, provide an educational process,
 3537 accommodate those entities which have a need to dispose of small
 3538 quantities of hazardous waste, and preserve the waters of the
 3539 state, amnesty days shall be carried out in the following
 3540 manner:

3541 (1)

3542 (b) If a local government has established a local or
 3543 regional hazardous waste collection center pursuant to s.
 3544 403.7265(2)~~(3)~~ and such center is in operation, the department
 3545 and the local government may enter into a contract whereby the
 3546 local government shall administer and supervise amnesty days. If

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3547 a contract is entered into, the department shall provide to the
 3548 local government, from funds appropriated to the department for
 3549 amnesty days, an amount of money as determined by the department
 3550 that is equal to the amount of money that would have been spent
 3551 by the department to administer and supervise amnesty days in
 3552 the local government's area. A local government that wishes to
 3553 administer and supervise amnesty days shall notify the
 3554 department at least 30 days prior to the beginning of the state
 3555 fiscal year during which the amnesty days are scheduled to be
 3556 held in the local government's area.

3557 Section 116. Paragraphs (b) and (d) of subsection (3) and
 3558 subsection (5) of section 403.7895, Florida Statutes, are
 3559 amended to read:

3560 403.7895 Requirements for the permitting and certification
 3561 of commercial hazardous waste incinerators.--

3562 (3) CERTIFICATION OF NEED.--

3563 (b) The board shall make a determination of the need for
 3564 hazardous waste incinerators, based upon the best available
 3565 evidence of existing and projected need and available capacity,
 3566 as presented by the applicant, ~~and as determined by the study~~
 3567 ~~required by subsection (5).~~

3568 ~~(d) The board shall not make a determination of need for~~
 3569 ~~any hazardous waste incinerator until the study required by~~
 3570 ~~subsection (5) is completed.~~

3571 ~~(5) HAZARDOUS WASTE NEEDS AND CAPACITY STUDY.--~~

3572 ~~(a) The department shall conduct, by November 1, 1994, or~~
 3573 ~~the date by which phase 2 of the next capacity assurance plan~~
 3574 ~~must be submitted to the United States Environmental Protection~~

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3575 ~~Agency, whichever date occurs first, a comprehensive independent~~
3576 ~~study of the current and future need for hazardous waste~~
3577 ~~incineration in the state. The study shall evaluate the~~
3578 ~~projected statewide capacity needs for a 20-year period. The~~
3579 ~~study shall be updated at least every 5 years.~~

3580 ~~(b) The department shall consult with state and nationally~~
3581 ~~recognized experts in the field of hazardous waste management,~~
3582 ~~including representatives from state and federal agencies,~~
3583 ~~industry, local government, environmental groups, universities,~~
3584 ~~and other interested parties.~~

3585 ~~(c) The study components shall include but not be limited~~
3586 ~~to the following:~~

3587 ~~1. Existing and projected sources, amounts, and types of~~
3588 ~~hazardous waste in the state for which incineration is an~~
3589 ~~appropriate treatment alternative, taking into account all~~
3590 ~~applicable federal regulations on the disposal, storage and~~
3591 ~~treatment or definition of hazardous waste.~~

3592 ~~2. Existing and projected hazardous waste incinerator~~
3593 ~~capacity in the state and the nation.~~

3594 ~~3. Existing and projected hazardous waste incineration~~
3595 ~~capacity in boilers and industrial furnaces in the state and the~~
3596 ~~nation.~~

3597 ~~4. Existing and projected hazardous waste incineration~~
3598 ~~needs, specifically taking into account the impacts of pollution~~
3599 ~~prevention, recycling, and other waste reduction strategies.~~

3600 ~~5. Any other impacts associated with construction of~~
3601 ~~excess hazardous waste incineration capacity in this state.~~

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3602 ~~(d) Upon completion of the study, the department shall~~
 3603 ~~present its findings and make recommendations to the board and~~
 3604 ~~the Legislature regarding changes in state hazardous waste~~
 3605 ~~policies and management strategies. The recommendations shall~~
 3606 ~~address the advisability of establishing by statute the maximum~~
 3607 ~~capacity for hazardous waste incineration in this state.~~

3608 Section 117. Paragraph (a) of subsection (4) of section
 3609 406.02, Florida Statutes, is amended to read:

3610 406.02 Medical Examiners Commission; membership; terms;
 3611 duties; staff.--

3612 (4) The Medical Examiners Commission shall:

3613 ~~(a) Submit annual reports to the Governor and Legislature~~
 3614 ~~correlating and setting forth the activities and findings of the~~
 3615 ~~several district medical examiners appointed pursuant to this~~
 3616 ~~act. A copy of that report shall also be provided to each board~~
 3617 ~~of county commissioners.~~

3618 Section 118. Paragraph (g) of subsection (1) of section
 3619 408.033, Florida Statutes, is amended to read:

3620 408.033 Local and state health planning.--

3621 (1) LOCAL HEALTH COUNCILS.--

3622 (g) Each local health council is authorized to accept and
 3623 receive, in furtherance of its health planning functions, funds,
 3624 grants, and services from governmental agencies and from private
 3625 or civic sources and to perform studies related to local health
 3626 planning in exchange for such funds, grants, or services. Each
 3627 ~~local health~~ council shall, no later than January 30 of each
 3628 year, render an accounting of the receipt and disbursement of
 3629 such funds received by it to the Department of Health. ~~The~~

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3630 ~~department shall consolidate all such reports and submit such~~
 3631 ~~consolidated report to the Legislature no later than March 1 of~~
 3632 ~~each year.~~

3633 Section 119. Subsection (4) of section 408.914, Florida
 3634 Statutes, is amended to read:

3635 408.914 Phased implementation plan.--The Agency for Health
 3636 Care Administration, in consultation with the Health Care Access
 3637 Steering Committee created in s. 408.916, shall phase in the
 3638 implementation of the Comprehensive Health and Human Services
 3639 Eligibility Access System.

3640 ~~(4) The Agency for Health Care Administration, in~~
 3641 ~~consultation with the steering committee, shall complete~~
 3642 ~~analysis of the initial pilot project by November 1, 2003, and~~
 3643 ~~by January 1, 2004, shall submit a plan to the Governor, the~~
 3644 ~~President of the Senate, and the Speaker of the House of~~
 3645 ~~Representatives for statewide implementation of all components~~
 3646 ~~of the system, if warranted. This plan must also include~~
 3647 ~~recommendations for incorporating additional public assistance~~
 3648 ~~and human services programs into the Comprehensive Health and~~
 3649 ~~Human Services Eligibility Access System.~~

3650 Section 120. Paragraph (i) of subsection (3) of section
 3651 408.915, Florida Statutes, is amended to read:

3652 408.915 Eligibility pilot project.--The Agency for Health
 3653 Care Administration, in consultation with the steering committee
 3654 established in s. 408.916, shall develop and implement a pilot
 3655 project to integrate the determination of eligibility for health
 3656 care services with information and referral services.

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3657 (3) The information and referral provider in the site
3658 selected as the pilot project shall, at a minimum:

3659 ~~(i) Provide periodic reports to the Governor, the~~
3660 ~~President of the Senate, and the Speaker of the House of~~
3661 ~~Representatives on the use of the information and referral~~
3662 ~~system and on measures that demonstrate the effectiveness and~~
3663 ~~efficiency of the information and referral services provided.~~

3664 Section 121. Section 408.917, Florida Statutes, is
3665 repealed.

3666 Section 122. Paragraph (b) of subsection (7) of section
3667 409.1451, Florida Statutes, is amended to read:

3668 409.1451 Independent living transition services.--

3669 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The
3670 Secretary of Children and Family Services shall establish the
3671 Independent Living Services Advisory Council for the purpose of
3672 reviewing and making recommendations concerning the
3673 implementation and operation of the independent living
3674 transition services. This advisory council shall continue to
3675 function as specified in this subsection until the Legislature
3676 determines that the advisory council can no longer provide a
3677 valuable contribution to the department's efforts to achieve the
3678 goals of the independent living transition services.

3679 (b) The advisory council shall report to the secretary
3680 ~~appropriate substantive committees of the Senate and the House~~
3681 ~~of Representatives~~ on the status of the implementation of the
3682 system of independent living transition services; efforts to
3683 publicize the availability of aftercare support services, the
3684 Road-to-Independence Scholarship Program, and transitional

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3685 support services; specific barriers to financial aid created by
 3686 the scholarship and possible solutions; the success of the
 3687 services; problems identified; recommendations for department or
 3688 legislative action; and the department's implementation of the
 3689 recommendations contained in the Independent Living Services
 3690 Integration Workgroup Report submitted to the Senate and the
 3691 House substantive committees December 31, 2002. The department
 3692 shall submit a report by December 31 of each year to the
 3693 Governor, the President of the Senate, and the Speaker of the
 3694 House of Representatives ~~This advisory council report shall be~~
 3695 ~~submitted by December 31 of each year that the council is in~~
 3696 ~~existence and shall be accompanied by a report from the~~
 3697 ~~department~~ which includes a summary of the factors reported on
 3698 by the council and identifies the recommendations of the
 3699 advisory council and either describes the department's actions
 3700 to implement these recommendations or provides the department's
 3701 rationale for not implementing the recommendations.

3702 Section 123. Section 409.146, Florida Statutes, is
 3703 repealed.

3704 Section 124. Section 409.152, Florida Statutes, is
 3705 repealed.

3706 Section 125. Subsections (1) and (2) of section 409.1679,
 3707 Florida Statutes, are amended to read:

3708 409.1679 Additional requirements; ~~effective date,~~
 3709 reimbursement methodology, ~~and evaluation.~~--

3710 ~~(1) The programs established under ss. 409.1676 and~~
 3711 ~~409.1677 are to be operational within 6 months after those~~
 3712 ~~sections take effect, and, beginning 1 month after this section~~

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3713 ~~takes effect and continuing until full operation of those~~
 3714 ~~programs is realized, the department shall provide to the~~
 3715 ~~Legislature monthly written status reports on the progress~~
 3716 ~~toward implementing those programs.~~

3717 ~~(2) The programs established under ss. 409.1676 and~~
 3718 ~~409.1677 must be included as part of the annual evaluation~~
 3719 ~~currently required under s. 409.1671. With respect to these~~
 3720 ~~specific programs and models, the annual evaluation must be~~
 3721 ~~conducted by an independent third party and must include, by~~
 3722 ~~specific site, the level of attainment of the targeted outcomes~~
 3723 ~~listed in subsection (3). The evaluation of the model programs~~
 3724 ~~must include, at a minimum, an assessment of their cost-~~
 3725 ~~effectiveness, of their ability to successfully implement the~~
 3726 ~~assigned program elements, and of their attainment of~~
 3727 ~~performance standards that include legislatively established~~
 3728 ~~standards for similar programs and other standards determined~~
 3729 ~~jointly by the department and the providers and stated in a~~
 3730 ~~contract.~~

3731 Section 126. Section 409.1685, Florida Statutes, is
 3732 amended to read:

3733 409.1685 Children in foster care; annual report to
 3734 Legislature.--The Department of Children and Family Services
 3735 shall submit a written report to the Governor and substantive
 3736 ~~committees of the~~ Legislature concerning the status of children
 3737 in foster care and ~~concerning~~ the judicial review mandated by
 3738 part X of chapter 39. This report shall be submitted by May
 3739 ~~March~~ 1 of each year and shall include the following information
 3740 for the prior calendar year:

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3741 (1) The number of 6-month and annual judicial reviews
3742 completed during that period.

3743 (2) The number of children in foster care returned to a
3744 parent, guardian, or relative as a result of a 6-month or annual
3745 judicial review hearing during that period.

3746 (3) The number of termination of parental rights
3747 proceedings instituted during that period which shall include:

3748 (a) The number of termination of parental rights
3749 proceedings initiated pursuant to s. 39.703; and

3750 (b) The total number of terminations of parental rights
3751 ordered.

3752 (4) The number of foster care children placed for adoption
3753 during that period.

3754 Section 127. Paragraph (d) of subsection (5) of section
3755 409.178, Florida Statutes, is amended to read:

3756 409.178 Child Care Executive Partnership Act; findings and
3757 intent; grant; limitation; rules.--

3758 (5)

3759 (d) Each community coordinated child care agency shall be
3760 required to establish a community child care task force for each
3761 child care purchasing pool. The task force must be composed of
3762 employers, parents, private child care providers, and one
3763 representative from the local children's services council, if
3764 one exists in the area of the purchasing pool. The community
3765 coordinated child care agency is expected to recruit the task
3766 force members from existing child care councils, commissions, or
3767 task forces already operating in the area of a purchasing pool.
3768 A majority of the task force shall consist of employers. ~~Each~~

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3769 ~~task force shall develop a plan for the use of child care~~
 3770 ~~purchasing pool funds. The plan must show how many children will~~
 3771 ~~be served by the purchasing pool, how many will be new to~~
 3772 ~~receiving child care services, and how the community coordinated~~
 3773 ~~child care agency intends to attract new employers and their~~
 3774 ~~employees to the program.~~

3775 Section 128. Paragraph (k) of subsection (4) of section
 3776 409.221, Florida Statutes, is amended to read:

3777 409.221 Consumer-directed care program.--

3778 (4) CONSUMER-DIRECTED CARE.--

3779 ~~(k) Reviews and reports. The agency and the Departments~~
 3780 ~~of Elderly Affairs, Health, and Children and Family Services~~
 3781 ~~shall each, on an ongoing basis, review and assess the~~
 3782 ~~implementation of the consumer directed care program. By January~~
 3783 ~~15 of each year, the agency shall submit a written report to the~~
 3784 ~~Legislature that includes each department's review of the~~
 3785 ~~program and contains recommendations for improvements to the~~
 3786 ~~program.~~

3787 Section 129. Paragraph (a) of subsection (3) of section
 3788 409.25575, Florida Statutes, is amended to read:

3789 409.25575 Support enforcement; privatization.--

3790 (3)(a) The department shall establish a quality assurance
 3791 program for the privatization of services. The quality assurance
 3792 program must include standards for each specific component of
 3793 these services. The department shall establish minimum
 3794 thresholds for each component. Each program operated pursuant to
 3795 contract must be evaluated annually by the department or by an
 3796 objective competent entity designated by the department under

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3797 the provisions of the quality assurance program. The evaluation
 3798 must be financed from cost savings associated with the
 3799 privatization of services. ~~The department shall submit an annual~~
 3800 ~~report regarding quality performance, outcome measure~~
 3801 ~~attainment, and cost efficiency to the President of the Senate,~~
 3802 ~~the Speaker of the House of Representatives, the Minority leader~~
 3803 ~~of each house of the Legislature, and the Governor no later than~~
 3804 ~~January 31 of each year, beginning in 1999.~~ The quality
 3805 assurance program must be financed through administrative
 3806 savings generated by this act.

3807 Section 130. Subsection (7) of section 409.2558, Florida
 3808 Statutes, is amended to read:

3809 409.2558 Support distribution and disbursement.--

3810 (7) RULEMAKING AUTHORITY.--The department may adopt rules
 3811 to administer this section. ~~The department shall provide a draft~~
 3812 ~~of the proposed concepts for the rule for the undistributable~~
 3813 ~~collections to interested parties for review and recommendations~~
 3814 ~~prior to full development of the rule and initiating the formal~~
 3815 ~~rule development process. The department shall consider but is~~
 3816 ~~not required to implement the recommendations. The department~~
 3817 ~~shall provide a report to the President of the Senate and the~~
 3818 ~~Speaker of the House of Representatives containing the~~
 3819 ~~recommendations received from interested parties and the~~
 3820 ~~department's response regarding incorporating the~~
 3821 ~~recommendations into the rule.~~

3822 Section 131. Section 409.2567, Florida Statutes, is
 3823 amended to read:

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3824 | 409.2567 Services to individuals not otherwise
 3825 | eligible.--All support services provided by the department shall
 3826 | be made available on behalf of all dependent children. Services
 3827 | shall be provided upon acceptance of public assistance or upon
 3828 | proper application filed with the department. The department
 3829 | shall adopt rules to provide for the payment of a \$25
 3830 | application fee from each applicant who is not a public
 3831 | assistance recipient. The application fee shall be deposited in
 3832 | the Child Support Enforcement Application and Program Revenue
 3833 | Trust Fund within the Department of Revenue to be used for the
 3834 | Child Support Enforcement Program. The obligor is responsible
 3835 | for all administrative costs, as defined in s. 409.2554. The
 3836 | court shall order payment of administrative costs without
 3837 | requiring the department to have a member of the bar testify or
 3838 | submit an affidavit as to the reasonableness of the costs. An
 3839 | attorney-client relationship exists only between the department
 3840 | and the legal services providers in Title IV-D cases. The
 3841 | attorney shall advise the obligee in Title IV-D cases that the
 3842 | attorney represents the agency and not the obligee. In Title IV-
 3843 | D cases, any costs, including filing fees, recording fees,
 3844 | mediation costs, service of process fees, and other expenses
 3845 | incurred by the clerk of the circuit court, shall be assessed
 3846 | only against the nonprevailing obligor after the court makes a
 3847 | determination of the nonprevailing obligor's ability to pay such
 3848 | costs and fees. In any case where the court does not award all
 3849 | costs, the court shall state in the record its reasons for not
 3850 | awarding the costs. The Department of Revenue shall not be
 3851 | considered a party for purposes of this section; however, fees

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3852 may be assessed against the department pursuant to s. 57.105(1).
 3853 ~~The department shall submit a monthly report to the Governor and~~
 3854 ~~the chairs of the Health and Human Services Fiscal Committee of~~
 3855 ~~the House of Representatives and the Ways and Means Committee of~~
 3856 ~~the Senate specifying the funds identified for collection from~~
 3857 ~~the noncustodial parents of children receiving temporary~~
 3858 ~~assistance and the amounts actually collected.~~

3859 Section 132. Subsection (3) of section 409.441, Florida
 3860 Statutes, is amended to read:

3861 409.441 Runaway youth programs and centers.--

3862 ~~(3) STATE PLAN FOR THE HANDLING OF RUNAWAY YOUTHS.--~~

3863 ~~(a) The department shall develop a state plan for the~~
 3864 ~~handling of runaway youths and for providing services connected~~
 3865 ~~with the runaway problem. The plan shall be submitted to the~~
 3866 ~~Speaker of the House of Representatives, the President of the~~
 3867 ~~Senate, and the Governor no later than February 1, 1984.~~

3868 ~~(b) The plan shall include:~~

3869 ~~1. Needs assessments for the state and for each district;~~

3870 ~~2. Criteria and procedures for handling and referral of~~
 3871 ~~troubled youths and runaway youths using the least restrictive~~
 3872 ~~alternatives available;~~

3873 ~~3. Provisions for contacting parents or guardians;~~

3874 ~~4. Policy for coordinating relationships between involved~~
 3875 ~~agencies, runaway youth centers, law enforcement agencies, and~~
 3876 ~~the department;~~

3877 ~~5. Statewide statistics on client groups;~~

3878 ~~6. Funding formulas for runaway youth centers which~~
 3879 ~~provide standard services and receive state funds; and~~

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3880 | ~~7. Standards and program goals for runaway youth centers,~~
 3881 | ~~with emphasis on early intervention and aftercare.~~

3882 | Section 133. Subsection (24) of section 409.906, Florida
 3883 | Statutes, is amended to read:

3884 | 409.906 Optional Medicaid services.--Subject to specific
 3885 | appropriations, the agency may make payments for services which
 3886 | are optional to the state under Title XIX of the Social Security
 3887 | Act and are furnished by Medicaid providers to recipients who
 3888 | are determined to be eligible on the dates on which the services
 3889 | were provided. Any optional service that is provided shall be
 3890 | provided only when medically necessary and in accordance with
 3891 | state and federal law. Optional services rendered by providers
 3892 | in mobile units to Medicaid recipients may be restricted or
 3893 | prohibited by the agency. Nothing in this section shall be
 3894 | construed to prevent or limit the agency from adjusting fees,
 3895 | reimbursement rates, lengths of stay, number of visits, or
 3896 | number of services, or making any other adjustments necessary to
 3897 | comply with the availability of moneys and any limitations or
 3898 | directions provided for in the General Appropriations Act or
 3899 | chapter 216. If necessary to safeguard the state's systems of
 3900 | providing services to elderly and disabled persons and subject
 3901 | to the notice and review provisions of s. 216.177, the Governor
 3902 | may direct the Agency for Health Care Administration to amend
 3903 | the Medicaid state plan to delete the optional Medicaid service
 3904 | known as "Intermediate Care Facilities for the Developmentally
 3905 | Disabled." Optional services may include:

3906 | (24) ~~CHILD-WELFARE-TARGETED CASE MANAGEMENT.~~--The Agency
 3907 | for Health Care Administration, in consultation with the

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3908 Department of Children and Family Services, may establish a
 3909 targeted case-management project in those counties identified by
 3910 the Department of Children and Family Services and for all
 3911 counties with a community-based child welfare project, as
 3912 authorized under s. 409.1671, which have been specifically
 3913 approved by the department. ~~Results of targeted case management~~
 3914 ~~projects shall be reported to the Social Services Estimating~~
 3915 ~~Conference established under s. 216.136.~~ The covered group of
 3916 individuals who are eligible to receive targeted case management
 3917 include children who are eligible for Medicaid; who are between
 3918 the ages of birth through 21; and who are under protective
 3919 supervision or postplacement supervision, under foster-care
 3920 supervision, or in shelter care or foster care. The number of
 3921 individuals who are eligible to receive targeted case management
 3922 shall be limited to the number for whom the Department of
 3923 Children and Family Services has available matching funds to
 3924 cover the costs. The general revenue funds required to match the
 3925 funds for services provided by the community-based child welfare
 3926 projects are limited to funds available for services described
 3927 under s. 409.1671. The Department of Children and Family
 3928 Services may transfer the general revenue matching funds as
 3929 billed by the Agency for Health Care Administration.

3930 Section 134. Subsections (4) and (5) of section 409.9065,
 3931 Florida Statutes, are amended to read:

3932 409.9065 Pharmaceutical expense assistance.--

3933 (4) ADMINISTRATION.--The pharmaceutical expense assistance
 3934 program shall be administered by the agency, in collaboration

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3935 | with the Department of Elderly Affairs and the Department of
3936 | Children and Family Services.

3937 | ~~(a)~~ The agency shall, by rule, establish for the
3938 | pharmaceutical expense assistance program eligibility
3939 | requirements; limits on participation; benefit limitations,
3940 | including copayments; a requirement for generic drug
3941 | substitution; and other program parameters comparable to those
3942 | of the Medicaid program. Individuals eligible to participate in
3943 | this program are not subject to the limit of four brand name
3944 | drugs per month per recipient as specified in s. 409.912(40)(a).
3945 | There shall be no monetary limit on prescription drugs purchased
3946 | with discounts of less than 51 percent unless the agency
3947 | determines there is a risk of a funding shortfall in the
3948 | program. If the agency determines there is a risk of a funding
3949 | shortfall, the agency may establish monetary limits on
3950 | prescription drugs which shall not be less than \$160 worth of
3951 | prescription drugs per month.

3952 | ~~(b) By January 1 of each year, the agency shall report to~~
3953 | ~~the Legislature on the operation of the program. The report~~
3954 | ~~shall include information on the number of individuals served,~~
3955 | ~~use rates, and expenditures under the program. The report shall~~
3956 | ~~also address the impact of the program on reducing unmet~~
3957 | ~~pharmaceutical drug needs among the elderly and recommend~~
3958 | ~~programmatic changes.~~

3959 | (5) NONENTITLEMENT.--The pharmaceutical expense assistance
3960 | program established by this section is not an entitlement.
3961 | Enrollment levels are limited to those authorized by the
3962 | Legislature in the annual General Appropriations Act. If, after

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3963 | establishing monetary limits as required by subsection ~~paragraph~~
 3964 | (4)(a), funds are insufficient to serve all eligible individuals
 3965 | seeking coverage, the agency may develop a waiting list based on
 3966 | application dates to use in enrolling individuals in unfilled
 3967 | enrollment slots.

3968 | Section 135. Section 409.91188, Florida Statutes, is
 3969 | amended to read:

3970 | 409.91188 Specialty prepaid health plans for Medicaid
 3971 | recipients with HIV or AIDS.--The agency ~~for Health Care~~
 3972 | ~~Administration~~ is authorized to contract with specialty prepaid
 3973 | health plans and pay them on a prepaid capitated basis to
 3974 | provide Medicaid benefits to Medicaid-eligible recipients who
 3975 | have human immunodeficiency syndrome (HIV) or acquired
 3976 | immunodeficiency syndrome (AIDS). The agency shall apply for and
 3977 | is authorized to implement federal waivers or other necessary
 3978 | federal authorization to implement the prepaid health plans
 3979 | authorized by this section. The agency shall procure the
 3980 | specialty prepaid health plans through a competitive
 3981 | procurement. In awarding a contract to a managed care plan, the
 3982 | agency shall take into account price, quality, accessibility,
 3983 | linkages to community-based organizations, and the
 3984 | comprehensiveness of the benefit package offered by the plan.
 3985 | The agency may bid the HIV/AIDS specialty plans on a county,
 3986 | regional, or statewide basis. Qualified plans must be licensed
 3987 | under chapter 641. ~~The agency shall monitor and evaluate the~~
 3988 | ~~implementation of this waiver program if it is approved by the~~
 3989 | ~~Federal Government and shall report on its status to the~~
 3990 | ~~President of the Senate and the Speaker of the House of~~

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3991 ~~Representatives by February 1, 2001.~~ To improve coordination of
 3992 medical care delivery and to increase cost efficiency for the
 3993 Medicaid program in treating HIV disease, the agency ~~for Health~~
 3994 ~~Care Administration~~ shall seek all necessary federal waivers to
 3995 allow participation in the Medipass HIV disease management
 3996 program for Medicare beneficiaries who test positive for HIV
 3997 infection and who also qualify for Medicaid benefits such as
 3998 prescription medications not covered by Medicare.

3999 Section 136. Paragraphs (b) and (c) of subsection (4),
 4000 subsection (5), paragraph (c) of subsection (21), subsections
 4001 (29), (41), and (44), and paragraph (c) of subsection (49) of
 4002 section 409.912, Florida Statutes, are amended to read:

4003 409.912 Cost-effective purchasing of health care.--The
 4004 agency shall purchase goods and services for Medicaid recipients
 4005 in the most cost-effective manner consistent with the delivery
 4006 of quality medical care. To ensure that medical services are
 4007 effectively utilized, the agency may, in any case, require a
 4008 confirmation or second physician's opinion of the correct
 4009 diagnosis for purposes of authorizing future services under the
 4010 Medicaid program. This section does not restrict access to
 4011 emergency services or poststabilization care services as defined
 4012 in 42 C.F.R. part 438.114. Such confirmation or second opinion
 4013 shall be rendered in a manner approved by the agency. The agency
 4014 shall maximize the use of prepaid per capita and prepaid
 4015 aggregate fixed-sum basis services when appropriate and other
 4016 alternative service delivery and reimbursement methodologies,
 4017 including competitive bidding pursuant to s. 287.057, designed
 4018 to facilitate the cost-effective purchase of a case-managed

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4019 | continuum of care. The agency shall also require providers to
 4020 | minimize the exposure of recipients to the need for acute
 4021 | inpatient, custodial, and other institutional care and the
 4022 | inappropriate or unnecessary use of high-cost services. The
 4023 | agency may mandate prior authorization, drug therapy management,
 4024 | or disease management participation for certain populations of
 4025 | Medicaid beneficiaries, certain drug classes, or particular
 4026 | drugs to prevent fraud, abuse, overuse, and possible dangerous
 4027 | drug interactions. The Pharmaceutical and Therapeutics Committee
 4028 | shall make recommendations to the agency on drugs for which
 4029 | prior authorization is required. The agency shall inform the
 4030 | Pharmaceutical and Therapeutics Committee of its decisions
 4031 | regarding drugs subject to prior authorization. The agency is
 4032 | authorized to limit the entities it contracts with or enrolls as
 4033 | Medicaid providers by developing a provider network through
 4034 | provider credentialing. The agency may limit its network based
 4035 | on the assessment of beneficiary access to care, provider
 4036 | availability, provider quality standards, time and distance
 4037 | standards for access to care, the cultural competence of the
 4038 | provider network, demographic characteristics of Medicaid
 4039 | beneficiaries, practice and provider-to-beneficiary standards,
 4040 | appointment wait times, beneficiary use of services, provider
 4041 | turnover, provider profiling, provider licensure history,
 4042 | previous program integrity investigations and findings, peer
 4043 | review, provider Medicaid policy and billing compliance records,
 4044 | clinical and medical record audits, and other factors. Providers
 4045 | shall not be entitled to enrollment in the Medicaid provider

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4046 | network. The agency is authorized to seek federal waivers
 4047 | necessary to implement this policy.
 4048 | (4) The agency may contract with:
 4049 | (b) An entity that is providing comprehensive behavioral
 4050 | health care services to certain Medicaid recipients through a
 4051 | capitated, prepaid arrangement pursuant to the federal waiver
 4052 | provided for by s. 409.905(5). Such an entity must be licensed
 4053 | under chapter 624, chapter 636, or chapter 641 and must possess
 4054 | the clinical systems and operational competence to manage risk
 4055 | and provide comprehensive behavioral health care to Medicaid
 4056 | recipients. As used in this paragraph, the term "comprehensive
 4057 | behavioral health care services" means covered mental health and
 4058 | substance abuse treatment services that are available to
 4059 | Medicaid recipients. The secretary of the Department of Children
 4060 | and Family Services shall approve provisions of procurements
 4061 | related to children in the department's care or custody prior to
 4062 | enrolling such children in a prepaid behavioral health plan. Any
 4063 | contract awarded under this paragraph must be competitively
 4064 | procured. In developing the behavioral health care prepaid plan
 4065 | procurement document, the ~~agency shall ensure that the~~
 4066 | ~~procurement~~ document must require ~~requires~~ the contractor to
 4067 | develop and implement a plan to ensure compliance with s.
 4068 | 394.4574 related to services provided to residents of licensed
 4069 | assisted living facilities that hold a limited mental health
 4070 | license. Except as provided in subparagraph 6. ~~8.~~, the agency
 4071 | shall seek federal approval to contract with a single entity
 4072 | meeting these requirements to provide comprehensive behavioral
 4073 | health care services to all Medicaid recipients not enrolled in

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4074 a managed care plan in an AHCA area. Each entity must offer
 4075 sufficient choice of providers in its network to ensure
 4076 recipient access to care and the opportunity to select a
 4077 provider with whom they are satisfied. The network shall include
 4078 all public mental health hospitals. To ensure unimpaired access
 4079 to behavioral health care services by Medicaid recipients, all
 4080 contracts issued pursuant to this paragraph shall require 80
 4081 percent of the capitation paid to the managed care plan,
 4082 including health maintenance organizations, to be expended for
 4083 the provision of behavioral health care services. In the event
 4084 the managed care plan expends less than 80 percent of the
 4085 capitation paid pursuant to this paragraph for the provision of
 4086 behavioral health care services, the difference shall be
 4087 returned to the agency. The agency shall provide the managed
 4088 care plan with a certification letter indicating the amount of
 4089 capitation paid during each calendar year for the provision of
 4090 behavioral health care services pursuant to this section. The
 4091 agency may reimburse for substance abuse treatment services on a
 4092 fee-for-service basis until the agency finds that adequate funds
 4093 are available for capitated, prepaid arrangements.

4094 ~~1. By January 1, 2001, the agency shall modify the~~
 4095 ~~contracts with the entities providing comprehensive inpatient~~
 4096 ~~and outpatient mental health care services to Medicaid~~
 4097 ~~recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk~~
 4098 ~~Counties, to include substance abuse treatment services.~~

4099 ~~2. By July 1, 2003, the agency and the Department of~~
 4100 ~~Children and Family Services shall execute a written agreement~~
 4101 ~~that requires collaboration and joint development of all policy,~~

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4102 ~~budgets, procurement documents, contracts, and monitoring plans~~
 4103 ~~that have an impact on the state and Medicaid community mental~~
 4104 ~~health and targeted case management programs.~~

4105 1.3. Except as provided in subparagraph 6. 8., by July 1,
 4106 2006, the agency and the Department of Children and Family
 4107 Services shall contract with managed care entities in each AHCA
 4108 area except area 6 or arrange to provide comprehensive inpatient
 4109 and outpatient mental health and substance abuse services
 4110 through capitated prepaid arrangements to all Medicaid
 4111 recipients who are eligible to participate in such plans under
 4112 federal law and regulation. In AHCA areas where eligible
 4113 individuals number less than 150,000, the agency shall contract
 4114 with a single managed care plan to provide comprehensive
 4115 behavioral health services to all recipients who are not
 4116 enrolled in a Medicaid health maintenance organization. The
 4117 agency may contract with more than one comprehensive behavioral
 4118 health provider to provide care to recipients who are not
 4119 enrolled in a Medicaid health maintenance organization in AHCA
 4120 areas where the eligible population exceeds 150,000. Contracts
 4121 for comprehensive behavioral health providers awarded pursuant
 4122 to this section shall be competitively procured. Both for-profit
 4123 and not-for-profit corporations shall be eligible to compete.
 4124 Managed care plans contracting with the agency under subsection
 4125 (3) shall provide and receive payment for the same comprehensive
 4126 behavioral health benefits as provided in AHCA rules, including
 4127 handbooks incorporated by reference.

4128 ~~4. By October 1, 2003, the agency and the department shall~~
 4129 ~~submit a plan to the Governor, the President of the Senate, and~~

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4130 ~~the Speaker of the House of Representatives which provides for~~
 4131 ~~the full implementation of capitated prepaid behavioral health~~
 4132 ~~care in all areas of the state.~~

4133 ~~a. Implementation shall begin in 2003 in those AHCA areas~~
 4134 ~~of the state where the agency is able to establish sufficient~~
 4135 ~~capitation rates.~~

4136 2.b. If the agency determines that the proposed capitation
 4137 rate in any area is insufficient to provide appropriate
 4138 services, the agency may adjust the capitation rate to ensure
 4139 that care will be available. The agency and the department may
 4140 use existing general revenue to address any additional required
 4141 match but may not over-obligate existing funds on an annualized
 4142 basis.

4143 ~~e.~~ Subject to any limitations provided for in the General
 4144 Appropriations Act, the agency, in compliance with appropriate
 4145 federal authorization, shall develop policies and procedures
 4146 that allow for certification of local and state funds.

4147 3.5. Children residing in a statewide inpatient
 4148 psychiatric program, or in a Department of Juvenile Justice or a
 4149 Department of Children and Family Services residential program
 4150 approved as a Medicaid behavioral health overlay services
 4151 provider shall not be included in a behavioral health care
 4152 prepaid health plan or any other Medicaid managed care plan
 4153 pursuant to this paragraph.

4154 4.6. In converting to a prepaid system of delivery, the
 4155 agency shall in its procurement document require an entity
 4156 providing only comprehensive behavioral health care services to
 4157 prevent the displacement of indigent care patients by enrollees

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4158 | in the Medicaid prepaid health plan providing behavioral health
 4159 | care services from facilities receiving state funding to provide
 4160 | indigent behavioral health care, to facilities licensed under
 4161 | chapter 395 which do not receive state funding for indigent
 4162 | behavioral health care, or reimburse the unsubsidized facility
 4163 | for the cost of behavioral health care provided to the displaced
 4164 | indigent care patient.

4165 | 5.7- Traditional community mental health providers under
 4166 | contract with the Department of Children and Family Services
 4167 | pursuant to part IV of chapter 394, child welfare providers
 4168 | under contract with the Department of Children and Family
 4169 | Services in areas 1 and 6, and inpatient mental health providers
 4170 | licensed pursuant to chapter 395 must be offered an opportunity
 4171 | to accept or decline a contract to participate in any provider
 4172 | network for prepaid behavioral health services.

4173 | 6.8- For fiscal year 2004-2005, all Medicaid eligible
 4174 | children, except children in areas 1 and 6, whose cases are open
 4175 | for child welfare services in the HomeSafeNet system, shall be
 4176 | enrolled in MediPass or in Medicaid fee-for-service and all
 4177 | their behavioral health care services including inpatient,
 4178 | outpatient psychiatric, community mental health, and case
 4179 | management shall be reimbursed on a fee-for-service basis.
 4180 | Beginning July 1, 2005, such children, who are open for child
 4181 | welfare services in the HomeSafeNet system, shall receive their
 4182 | behavioral health care services through a specialty prepaid plan
 4183 | operated by community-based lead agencies either through a
 4184 | single agency or formal agreements among several agencies. The
 4185 | specialty prepaid plan must result in savings to the state

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4186 comparable to savings achieved in other Medicaid managed care
 4187 and prepaid programs. Such plan must provide mechanisms to
 4188 maximize state and local revenues. The specialty prepaid plan
 4189 shall be developed by the agency and the Department of Children
 4190 and Family Services. The agency is authorized to seek any
 4191 federal waivers to implement this initiative.

4192 (c) A federally qualified health center or an entity owned
 4193 by one or more federally qualified health centers or an entity
 4194 owned by other migrant and community health centers receiving
 4195 non-Medicaid financial support from the Federal Government to
 4196 provide health care services on a prepaid or fixed-sum basis to
 4197 recipients. Such prepaid health care services entity must be
 4198 licensed under parts I and III of chapter 641, but shall be
 4199 prohibited from serving Medicaid recipients on a prepaid basis,
 4200 until such licensure has been obtained. However, such an entity
 4201 is exempt from s. 641.225 if the entity meets the requirements
 4202 specified in subsections (16)~~(17)~~ and (17)~~(18)~~.

4203 ~~(5) By October 1, 2003, the agency and the department~~
 4204 ~~shall, to the extent feasible, develop a plan for implementing~~
 4205 ~~new Medicaid procedure codes for emergency and crisis care,~~
 4206 ~~supportive residential services, and other services designed to~~
 4207 ~~maximize the use of Medicaid funds for Medicaid-eligible~~
 4208 ~~recipients. The agency shall include in the agreement developed~~
 4209 ~~pursuant to subsection (4) a provision that ensures that the~~
 4210 ~~match requirements for these new procedure codes are met by~~
 4211 ~~certifying eligible general revenue or local funds that are~~
 4212 ~~currently expended on these services by the department with~~
 4213 ~~contracted alcohol, drug abuse, and mental health providers. The~~

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4214 ~~plan must describe specific procedure codes to be implemented, a~~
 4215 ~~projection of the number of procedures to be delivered during~~
 4216 ~~fiscal year 2003-2004, and a financial analysis that describes~~
 4217 ~~the certified match procedures, and accountability mechanisms,~~
 4218 ~~projects the earnings associated with these procedures, and~~
 4219 ~~describes the sources of state match. This plan may not be~~
 4220 ~~implemented in any part until approved by the Legislative Budget~~
 4221 ~~Commission. If such approval has not occurred by December 31,~~
 4222 ~~2003, the plan shall be submitted for consideration by the 2004~~
 4223 ~~Legislature.~~

4224 (20)~~(21)~~ Any entity contracting with the agency pursuant
 4225 to this section to provide health care services to Medicaid
 4226 recipients is prohibited from engaging in any of the following
 4227 practices or activities:

4228 (c) Granting or offering of any monetary or other valuable
 4229 consideration for enrollment, except as authorized by subsection
 4230 (23)~~(24)~~.

4231 (28)~~(29)~~ The agency shall perform enrollments and
 4232 disenrollments for Medicaid recipients who are eligible for
 4233 MediPass or managed care plans. Notwithstanding the prohibition
 4234 contained in paragraph (20)~~(21)~~(f), managed care plans may
 4235 perform preenrollments of Medicaid recipients under the
 4236 supervision of the agency or its agents. For the purposes of
 4237 this section, "preenrollment" means the provision of marketing
 4238 and educational materials to a Medicaid recipient and assistance
 4239 in completing the application forms, but shall not include
 4240 actual enrollment into a managed care plan. An application for
 4241 enrollment shall not be deemed complete until the agency or its

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4242 agent verifies that the recipient made an informed, voluntary
 4243 choice. The agency, in cooperation with the Department of
 4244 Children and Family Services, may test new marketing initiatives
 4245 to inform Medicaid recipients about their managed care options
 4246 at selected sites. ~~The agency shall report to the Legislature on~~
 4247 ~~the effectiveness of such initiatives.~~ The agency may contract
 4248 with a third party to perform managed care plan and MediPass
 4249 enrollment and disenrollment services for Medicaid recipients
 4250 and is authorized to adopt rules to implement such services. The
 4251 agency may adjust the capitation rate only to cover the costs of
 4252 a third-party enrollment and disenrollment contract, and for
 4253 agency supervision and management of the managed care plan
 4254 enrollment and disenrollment contract.

4255 (40)~~(41)~~ The agency shall provide for the development of a
 4256 demonstration project by establishment in Miami-Dade County of a
 4257 long-term-care facility licensed pursuant to chapter 395 to
 4258 improve access to health care for a predominantly minority,
 4259 medically underserved, and medically complex population and to
 4260 evaluate alternatives to nursing home care and general acute
 4261 care for such population. Such project is to be located in a
 4262 health care condominium and colocated with licensed facilities
 4263 providing a continuum of care. The establishment of this project
 4264 is not subject to the provisions of s. 408.036 or s. 408.039.
 4265 ~~The agency shall report its findings to the Governor, the~~
 4266 ~~President of the Senate, and the Speaker of the House of~~
 4267 ~~Representatives by January 1, 2003.~~

4268 (43)~~(44)~~ The Agency for Health Care Administration shall
 4269 ensure that any Medicaid managed care plan as defined in s.

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4270 409.9122(2)(h), whether paid on a capitated basis or a shared
 4271 savings basis, is cost-effective. For purposes of this
 4272 subsection, the term "cost-effective" means that a network's
 4273 per-member, per-month costs to the state, including, but not
 4274 limited to, fee-for-service costs, administrative costs, and
 4275 case-management fees, must be no greater than the state's costs
 4276 associated with contracts for Medicaid services established
 4277 under subsection (3), which shall be actuarially adjusted for
 4278 case mix, model, and service area. The agency shall conduct
 4279 actuarially sound audits adjusted for case mix and model in
 4280 order to ensure such cost-effectiveness and shall publish the
 4281 audit results on its Internet website ~~and submit the audit~~
 4282 ~~results annually to the Governor, the President of the Senate,~~
 4283 ~~and the Speaker of the House of Representatives no later than~~
 4284 ~~December 31 of each year.~~ Contracts established pursuant to this
 4285 subsection which are not cost-effective may not be renewed.

4286 (48)~~(49)~~ The agency shall contract with established
 4287 minority physician networks that provide services to
 4288 historically underserved minority patients. The networks must
 4289 provide cost-effective Medicaid services, comply with the
 4290 requirements to be a MediPass provider, and provide their
 4291 primary care physicians with access to data and other management
 4292 tools necessary to assist them in ensuring the appropriate use
 4293 of services, including inpatient hospital services and
 4294 pharmaceuticals.

4295 (c) For purposes of this subsection, the term "cost-
 4296 effective" means that a network's per-member, per-month costs to
 4297 the state, including, but not limited to, fee-for-service costs,

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4298 administrative costs, and case-management fees, must be no
 4299 greater than the state's costs associated with contracts for
 4300 Medicaid services established under subsection (3), which shall
 4301 be actuarially adjusted for case mix, model, and service area.
 4302 The agency shall conduct actuarially sound audits adjusted for
 4303 case mix and model in order to ensure such cost-effectiveness
 4304 and shall publish the audit results on its Internet website ~~and~~
 4305 ~~submit the audit results annually to the Governor, the President~~
 4306 ~~of the Senate, and the Speaker of the House of Representatives~~
 4307 ~~no later than December 31.~~ Contracts established pursuant to
 4308 this subsection which are not cost-effective may not be renewed.

4309 Section 137. Paragraph (a) of subsection (4) of section
 4310 394.9082, Florida Statutes, is amended to read:

4311 394.9082 Behavioral health service delivery strategies.--

4312 (4) CONTRACT FOR SERVICES.--

4313 (a) The Department of Children and Family Services and the
 4314 Agency for Health Care Administration may contract for the
 4315 provision or management of behavioral health services with a
 4316 managing entity in at least two geographic areas. Both the
 4317 Department of Children and Family Services and the Agency for
 4318 Health Care Administration must contract with the same managing
 4319 entity in any distinct geographic area where the strategy
 4320 operates. This managing entity shall be accountable at a minimum
 4321 for the delivery of behavioral health services specified and
 4322 funded by the department and the agency. The geographic area
 4323 must be of sufficient size in population and have enough public
 4324 funds for behavioral health services to allow for flexibility
 4325 and maximum efficiency. ~~Notwithstanding the provisions of s.~~

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4326 | ~~409.912(4)(b)1.~~ At least one service delivery strategy must be
 4327 | in one of the service districts in the catchment area of G.
 4328 | Pierce Wood Memorial Hospital.

4329 | Section 138. Paragraph (a) of subsection (4) of section
 4330 | 409.9065, Florida Statutes, is amended to read:

4331 | 409.9065 Pharmaceutical expense assistance.--

4332 | (4) ADMINISTRATION.--The pharmaceutical expense assistance
 4333 | program shall be administered by the agency, in collaboration
 4334 | with the Department of Elderly Affairs and the Department of
 4335 | Children and Family Services.

4336 | (a) The agency shall, by rule, establish for the
 4337 | pharmaceutical expense assistance program eligibility
 4338 | requirements; limits on participation; benefit limitations,
 4339 | including copayments; a requirement for generic drug
 4340 | substitution; and other program parameters comparable to those
 4341 | of the Medicaid program. Individuals eligible to participate in
 4342 | this program are not subject to the limit of four brand name
 4343 | drugs per month per recipient as specified in s.

4344 | ~~409.912(39)(40)~~(a). There shall be no monetary limit on
 4345 | prescription drugs purchased with discounts of less than 51
 4346 | percent unless the agency determines there is a risk of a
 4347 | funding shortfall in the program. If the agency determines there
 4348 | is a risk of a funding shortfall, the agency may establish
 4349 | monetary limits on prescription drugs which shall not be less
 4350 | than \$160 worth of prescription drugs per month.

4351 | Section 139. Subsections (1) and (2) of section 409.91196,
 4352 | Florida Statutes, are amended to read:

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4353 409.91196 Supplemental rebate agreements; confidentiality
4354 of records and meetings.--

4355 (1) Trade secrets, rebate amount, percent of rebate,
4356 manufacturer's pricing, and supplemental rebates which are
4357 contained in records of the Agency for Health Care
4358 Administration and its agents with respect to supplemental
4359 rebate negotiations and which are prepared pursuant to a
4360 supplemental rebate agreement under s. 409.912(39)(~~40~~)(a)7. are
4361 confidential and exempt from s. 119.07 and s. 24(a), Art. I of
4362 the State Constitution.

4363 (2) Those portions of meetings of the Medicaid
4364 Pharmaceutical and Therapeutics Committee at which trade
4365 secrets, rebate amount, percent of rebate, manufacturer's
4366 pricing, and supplemental rebates are disclosed for discussion
4367 or negotiation of a supplemental rebate agreement under s.
4368 409.912(39)(~~40~~)(a)7. are exempt from s. 286.011 and s. 24(b),
4369 Art. I of the State Constitution.

4370 Section 140. Subsection (4) of section 641.386, Florida
4371 Statutes, is amended to read:

4372 641.386 Agent licensing and appointment required;
4373 exceptions.--

4374 (4) All agents and health maintenance organizations shall
4375 comply with and be subject to the applicable provisions of ss.
4376 641.309 and 409.912(20)(~~21~~), and all companies and entities
4377 appointing agents shall comply with s. 626.451, when marketing
4378 for any health maintenance organization licensed pursuant to
4379 this part, including those organizations under contract with the
4380 Agency for Health Care Administration to provide health care

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4381 services to Medicaid recipients or any private entity providing
 4382 health care services to Medicaid recipients pursuant to a
 4383 prepaid health plan contract with the Agency for Health Care
 4384 Administration.

4385 Section 141. Section 410.0245, Florida Statutes, is
 4386 repealed.

4387 Section 142. Subsection (10) of section 410.604, Florida
 4388 Statutes, is amended to read:

4389 410.604 Community care for disabled adults program; powers
 4390 and duties of the department.--

4391 ~~(10) Beginning October 1, 1989, the department shall~~
 4392 ~~biennially evaluate the progress of the community care for~~
 4393 ~~disabled adults program and submit such evaluation to the~~
 4394 ~~Speaker of the House of Representatives and the President of the~~
 4395 ~~Senate.~~

4396 Section 143. Section 411.221, Florida Statutes, is
 4397 repealed.

4398 Section 144. Paragraph (d) of subsection (5) of section
 4399 411.01, Florida Statutes, as amended by chapter 2004-484, Laws
 4400 of Florida, is amended to read:

4401 411.01 School readiness programs; early learning
 4402 coalitions.--

4403 (5) CREATION OF EARLY LEARNING COALITIONS.--

4404 (d) Implementation.--

4405 1. An early learning coalition may not implement the
 4406 school readiness program until the coalition is authorized
 4407 through approval of the coalition's school readiness plan by the
 4408 Agency for Workforce Innovation.

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4409 2. Each early learning coalition shall develop a plan for
 4410 implementing the school readiness program to meet the
 4411 requirements of this section and the performance standards and
 4412 outcome measures adopted by the Agency for Workforce Innovation.
 4413 The plan must demonstrate how the program will ensure that each
 4414 3-year-old and 4-year-old child in a publicly funded school
 4415 readiness program receives scheduled activities and instruction
 4416 designed to enhance the age-appropriate progress of the children
 4417 in attaining the performance standards adopted by the Agency for
 4418 Workforce Innovation under subparagraph (4)(d)8. Before
 4419 implementing the school readiness program, the early learning
 4420 coalition must submit the plan to the Agency for Workforce
 4421 Innovation for approval. The Agency for Workforce Innovation may
 4422 approve the plan, reject the plan, or approve the plan with
 4423 conditions. The Agency for Workforce Innovation shall review
 4424 school readiness plans at least annually.

4425 3. If the Agency for Workforce Innovation determines
 4426 during the annual review of school readiness plans, or through
 4427 monitoring and performance evaluations conducted under paragraph
 4428 (4)(1), that an early learning coalition has not substantially
 4429 implemented its plan, has not substantially met the performance
 4430 standards and outcome measures adopted by the agency, or has not
 4431 effectively administered the school readiness program or
 4432 Voluntary Prekindergarten Education Program, the Agency for
 4433 Workforce Innovation may dissolve the coalition and temporarily
 4434 contract with a qualified entity to continue school readiness
 4435 and prekindergarten services in the coalition's county or
 4436 multicounty region until the coalition is reestablished through

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4437 resubmission of a school readiness plan and approval by the
4438 agency.

4439 4. The Agency for Workforce Innovation shall adopt
4440 criteria for the approval of school readiness plans. The
4441 criteria must be consistent with the performance standards and
4442 outcome measures adopted by the agency and must require each
4443 approved plan to include the following minimum standards and
4444 provisions:

4445 a. A sliding fee scale establishing a copayment for
4446 parents based upon their ability to pay, which is the same for
4447 all program providers, to be implemented and reflected in each
4448 program's budget.

4449 b. A choice of settings and locations in licensed,
4450 registered, religious-exempt, or school-based programs to be
4451 provided to parents.

4452 c. Instructional staff who have completed the training
4453 course as required in s. 402.305(2)(d)1., as well as staff who
4454 have additional training or credentials as required by the
4455 Agency for Workforce Innovation. The plan must provide a method
4456 for assuring the qualifications of all personnel in all program
4457 settings.

4458 d. Specific eligibility priorities for children within the
4459 early learning coalition's county or multicounty region in
4460 accordance with subsection (6).

4461 e. Performance standards and outcome measures adopted by
4462 the Agency for Workforce Innovation.

4463 f. Payment rates adopted by the early learning coalition
4464 and approved by the Agency for Workforce Innovation. Payment

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4465 | rates may not have the effect of limiting parental choice or
 4466 | creating standards or levels of services that have not been
 4467 | authorized by the Legislature.

4468 | g. Systems support services, including a central agency,
 4469 | child care resource and referral, eligibility determinations,
 4470 | training of providers, and parent support and involvement.

4471 | h. Direct enhancement services to families and children.
 4472 | System support and direct enhancement services shall be in
 4473 | addition to payments for the placement of children in school
 4474 | readiness programs.

4475 | i. The business organization of the early learning
 4476 | coalition, which must include the coalition's articles of
 4477 | incorporation and bylaws if the coalition is organized as a
 4478 | corporation. If the coalition is not organized as a corporation
 4479 | or other business entity, the plan must include the contract
 4480 | with a fiscal agent. An early learning coalition may contract
 4481 | with other coalitions to achieve efficiency in multicounty
 4482 | services, and these contracts may be part of the coalition's
 4483 | school readiness plan.

4484 | j. Strategies to meet the needs of unique populations,
 4485 | such as migrant workers.

4486 |
 4487 | As part of the school readiness plan, the early learning
 4488 | coalition may request the Governor to apply for a waiver to
 4489 | allow the coalition to administer the Head Start Program to
 4490 | accomplish the purposes of the school readiness program. If a
 4491 | school readiness plan demonstrates that specific statutory goals
 4492 | can be achieved more effectively by using procedures that

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4493 | require modification of existing rules, policies, or procedures,
 4494 | a request for a waiver to the Agency for Workforce Innovation
 4495 | may be submitted as part of the plan. Upon review, the Agency
 4496 | for Workforce Innovation may grant the proposed modification.

4497 | 5. Persons with an early childhood teaching certificate
 4498 | may provide support and supervision to other staff in the school
 4499 | readiness program.

4500 | 6. An early learning coalition may not implement its
 4501 | school readiness plan until it submits the plan to and receives
 4502 | approval from the Agency for Workforce Innovation. Once the plan
 4503 | is approved, the plan and the services provided under the plan
 4504 | shall be controlled by the early learning coalition. The plan
 4505 | shall be reviewed and revised as necessary, but at least
 4506 | biennially. An early learning coalition may not implement the
 4507 | revisions until the coalition submits the revised plan to and
 4508 | receives approval from the Agency for Workforce Innovation. If
 4509 | the Agency for Workforce Innovation rejects a revised plan, the
 4510 | coalition must continue to operate under its prior approved
 4511 | plan.

4512 | 7. Sections 125.901(2)(a)3., ~~411.221~~, and 411.232 do not
 4513 | apply to an early learning coalition with an approved school
 4514 | readiness plan. To facilitate innovative practices and to allow
 4515 | the regional establishment of school readiness programs, an
 4516 | early learning coalition may apply to the Governor and Cabinet
 4517 | for a waiver of, and the Governor and Cabinet may waive, any of
 4518 | the provisions of ss. 411.223, 411.232, and 1003.54, if the
 4519 | waiver is necessary for implementation of the coalition's school
 4520 | readiness plan.

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4521 8. Two or more counties may join for purposes of planning
4522 and implementing a school readiness program.

4523 9. An early learning coalition may, subject to approval by
4524 the Agency for Workforce Innovation as part of the coalition's
4525 school readiness plan, receive subsidized child care funds for
4526 all children eligible for any federal subsidized child care
4527 program.

4528 10. An early learning coalition may enter into multiparty
4529 contracts with multicounty service providers in order to meet
4530 the needs of unique populations such as migrant workers.

4531 Section 145. Paragraph (a) of subsection (3) of section
4532 411.232, Florida Statutes, is amended to read:

4533 411.232 Children's Early Investment Program.--

4534 (3) ESSENTIAL ELEMENTS.--

4535 (a) Initially, the program shall be directed to geographic
4536 areas where at-risk young children and their families are in
4537 greatest need because of an unfavorable combination of economic,
4538 social, environmental, and health factors, including, without
4539 limitation, extensive poverty, high crime rate, great incidence
4540 of low birthweight babies, high incidence of alcohol and drug
4541 abuse, and high rates of teenage pregnancy. The selection of a
4542 geographic site shall also consider the incidence of young
4543 children within these at-risk geographic areas who are cocaine
4544 babies, children of single mothers who receive temporary cash
4545 assistance, children of teenage parents, low birthweight babies,
4546 and very young foster children. To receive funding under this
4547 section, an agency, board, council, or provider must
4548 demonstrate:

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- 4549 1. Its capacity to administer and coordinate the programs
4550 and services in a comprehensive manner and provide a flexible
4551 range of services.+
- 4552 2. Its capacity to identify and serve those children least
4553 able to access existing programs and case management services.+
- 4554 3. Its capacity to administer and coordinate the programs
4555 and services in an intensive and continuous manner.+
- 4556 4. The proximity of its facilities to young children,
4557 parents, and other family members to be served by the program,
4558 or its ability to provide offsite services.+
- 4559 5. Its ability to use existing federal, state, and local
4560 governmental programs and services in implementing the
4561 investment program.+
- 4562 6. Its ability to coordinate activities and services with
4563 existing public and private, state and local agencies and
4564 programs such as those responsible for health, education, social
4565 support, mental health, child care, respite care, housing,
4566 transportation, alcohol and drug abuse treatment and prevention,
4567 income assistance, employment training and placement, nutrition,
4568 and other relevant services, all the foregoing intended to
4569 assist children and families at risk.+
- 4570 7. How its plan will involve project participants and
4571 community representatives in the planning and operation of the
4572 investment program.+
- 4573 8. Its ability to participate in the evaluation component
4574 required in this section. ~~and~~
- 4575 ~~9. Its consistency with the strategic plan pursuant to s.~~
4576 ~~411.221.~~

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4577 Section 146. Section 411.242, Florida Statutes, is
4578 repealed.

4579 Section 147. Subsection (8) of section 413.402, Florida
4580 Statutes, is amended to read:

4581 413.402 Personal care attendant pilot program.--The
4582 Florida Association of Centers for Independent Living shall
4583 develop a pilot program to provide personal care attendants to
4584 persons who are eligible pursuant to subsection (1). The
4585 association shall develop memoranda of understanding with the
4586 Department of Revenue, the Brain and Spinal Cord Injury Program
4587 in the Department of Health, the Florida Medicaid program in the
4588 Agency for Health Care Administration, the Florida Endowment
4589 Foundation for Vocational Rehabilitation, and the Division of
4590 Vocational Rehabilitation of the Department of Education.

4591 ~~(8) No later than March 1, 2003, the association shall~~
4592 ~~present to the President of the Senate and to the Speaker of the~~
4593 ~~House of Representatives the implementation plan for the pilot~~
4594 ~~program, a timeline for implementation, estimates of the number~~
4595 ~~of participants to be served, and cost projections for each~~
4596 ~~component of the pilot program. The pilot program shall be~~
4597 ~~implemented beginning July 1, 2003, unless there is specific~~
4598 ~~legislative action to the contrary.~~

4599 Section 148. Subsection (3) of section 414.1251, Florida
4600 Statutes, is amended to read:

4601 414.1251 Learnfare program.--

4602 ~~(3) The department shall develop an electronic data~~
4603 ~~transfer system to enable the department to collect, report, and~~
4604 ~~share data accurately and efficiently. In order to ensure~~

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4605 ~~accountability and assess the effectiveness of the Learnfare~~
 4606 ~~program, the department shall compile information including, but~~
 4607 ~~not limited to, the number of students and families reported by~~
 4608 ~~school districts as out of compliance, the number of students~~
 4609 ~~and families sanctioned as a result, and the number of students~~
 4610 ~~and families reinstated after becoming compliant. The~~
 4611 ~~information compiled shall be submitted in the form of an annual~~
 4612 ~~report to the presiding officers of the Legislature by March 1.~~

4613 Section 149. Section 414.14, Florida Statutes, is amended
 4614 to read:

4615 414.14 Public assistance policy simplification.--To the
 4616 extent possible, the department shall align the requirements for
 4617 eligibility under this chapter with the food stamp program and
 4618 medical assistance eligibility policies and procedures to
 4619 simplify the budgeting process and reduce errors. If the
 4620 department determines that s. 414.075, relating to resources, or
 4621 s. 414.085, relating to income, is inconsistent with related
 4622 provisions of federal law which govern the food stamp program or
 4623 medical assistance, and that conformance to federal law would
 4624 simplify administration of the WAGES Program or reduce errors
 4625 without materially increasing the cost of the program to the
 4626 state, the secretary of the department may propose a change in
 4627 the resource or income requirements of the program by rule. ~~The~~
 4628 ~~secretary shall provide written notice to the President of the~~
 4629 ~~Senate, the Speaker of the House of Representatives, and the~~
 4630 ~~chairpersons of the relevant committees of both houses of the~~
 4631 ~~Legislature summarizing the proposed modifications to be made by~~
 4632 ~~rule and changes necessary to conform state law to federal law.~~

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4633 ~~The proposed rule shall take effect 14 days after written notice~~
 4634 ~~is given unless the President of the Senate or the Speaker of~~
 4635 ~~the House of Representatives advises the secretary that the~~
 4636 ~~proposed rule exceeds the delegated authority of the~~
 4637 ~~Legislature.~~

4638 Section 150. Subsection (1) of section 414.36, Florida
 4639 Statutes, is amended to read:

4640 414.36 Public assistance overpayment recovery program;
 4641 contracts.--

4642 ~~(1) The department shall develop and implement a plan for~~
 4643 ~~the statewide privatization of activities relating to the~~
 4644 ~~recovery of public assistance overpayment claims. These~~
 4645 ~~activities shall include, at a minimum, voluntary cash~~
 4646 ~~collections functions for recovery of fraudulent and~~
 4647 ~~nonfraudulent benefits paid to recipients of temporary cash~~
 4648 ~~assistance, food stamps, and aid to families with dependent~~
 4649 ~~children.~~

4650 Section 151. Subsection (3) of section 414.391, Florida
 4651 Statutes, is amended to read:

4652 414.391 Automated fingerprint imaging.--

4653 ~~(3) The department shall prepare, by April 1998, a plan~~
 4654 ~~for implementation of this program. Implementation shall begin~~
 4655 ~~with a pilot of the program in one or more areas of the state by~~
 4656 ~~November 1, 1998. Pilot evaluation results shall be used to~~
 4657 ~~determine the method of statewide expansion. The priority for~~
 4658 ~~use of the savings derived from reducing fraud through this~~
 4659 ~~program shall be to expand the program to other areas of the~~
 4660 ~~state.~~

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4661 Section 152. Subsection (6) of section 415.1045, Florida
4662 Statutes, is amended to read:

4663 415.1045 Photographs, videotapes, and medical
4664 examinations; abrogation of privileged communications;
4665 confidential records and documents.--

4666 (6) WORKING AGREEMENTS.--~~By March 1, 2004,~~ The department
4667 shall enter into working agreements with the jurisdictionally
4668 responsible county sheriffs' office or local police department
4669 that will be the lead agency when conducting any criminal
4670 investigation arising from an allegation of abuse, neglect, or
4671 exploitation of a vulnerable adult. The working agreement must
4672 specify how the requirements of this chapter will be met. ~~The~~
4673 ~~Office of Program Policy Analysis and Government Accountability~~
4674 ~~shall conduct a review of the efficacy of the agreements and~~
4675 ~~report its findings to the Legislature by March 1, 2005.~~ For the
4676 purposes of such agreement, the jurisdictionally responsible law
4677 enforcement entity is authorized to share Florida criminal
4678 history and local criminal history information that is not
4679 otherwise exempt from s. 119.07(1) with the district personnel.
4680 A law enforcement entity entering into such agreement must
4681 comply with s. 943.0525. Criminal justice information provided
4682 by such law enforcement entity shall be used only for the
4683 purposes specified in the agreement and shall be provided at no
4684 charge. Notwithstanding any other provision of law, the
4685 Department of Law Enforcement shall provide to the department
4686 electronic access to Florida criminal justice information which
4687 is lawfully available and not exempt from s. 119.07(1), only for
4688 the purpose of protective investigations and emergency

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4689 placement. As a condition of access to such information, the
4690 department shall be required to execute an appropriate user
4691 agreement addressing the access, use, dissemination, and
4692 destruction of such information and to comply with all
4693 applicable laws and rules of the Department of Law Enforcement.

4694 Section 153. Subsection (9) of section 420.622, Florida
4695 Statutes, is amended to read:

4696 420.622 State Office on Homelessness; Council on
4697 Homelessness.--

4698 (9) The council shall, by December 31 of each year,
4699 provide issue to the Governor, the President of the Senate, the
4700 Speaker of the House of Representatives, and the Secretary of
4701 Children and Family Services ~~an evaluation of the executive~~
4702 ~~director's performance in fulfilling the statutory duties of the~~
4703 ~~office,~~ a report summarizing the status of homelessness in the
4704 state and the council's recommendations to the office and the
4705 ~~corresponding actions taken by the office, and any~~
4706 ~~recommendations to the Legislature for reducing proposals to~~
4707 ~~reduce~~ homelessness in this state.

4708 Section 154. Subsection (4) of section 420.623, Florida
4709 Statutes, is amended to read:

4710 420.623 Local coalitions for the homeless.--

4711 ~~(4) ANNUAL REPORTS. The department shall submit to the~~
4712 ~~Governor, the Speaker of the House of Representatives, and the~~
4713 ~~President of the Senate, by June 30, an annual report consisting~~
4714 ~~of a compilation of data collected by local coalitions, progress~~
4715 ~~made in the development and implementation of local homeless~~
4716 ~~assistance continuums of care plans in each district, local~~

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4717 ~~spending plans, programs and resources available at the local~~
4718 ~~level, and recommendations for programs and funding.~~

4719 Section 155. Subsection (9) of section 427.704, Florida
4720 Statutes, is amended to read:

4721 427.704 Powers and duties of the commission.--

4722 (9) The commission shall prepare ~~provide to the President~~
4723 ~~of the Senate and to the Speaker of the House of Representatives~~
4724 an annual report on the operation of the telecommunications
4725 access system that shall be available on the commission's
4726 Internet website. ~~The first report shall be provided no later~~
4727 ~~than January 1, 1992, and successive reports shall be provided~~
4728 ~~by January 1 of each year thereafter.~~ Reports shall be prepared
4729 in consultation with the administrator and the advisory
4730 committee appointed pursuant to s. 427.706. The reports shall,
4731 at a minimum, briefly outline the status of developments of the
4732 telecommunications access system, the number of persons served,
4733 the call volume, revenues and expenditures, the allocation of
4734 the revenues and expenditures between provision of specialized
4735 telecommunications devices to individuals and operation of
4736 statewide relay service, other major policy or operational
4737 issues, and proposals for improvements or changes to the
4738 telecommunications access system.

4739 Section 156. Subsection (2) of section 427.706, Florida
4740 Statutes, is amended to read:

4741 427.706 Advisory committee.--

4742 (2) The advisory committee shall provide the expertise,
4743 experience, and perspective of persons who are hearing impaired
4744 or speech impaired to the commission and to the administrator

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4745 during all phases of the development and operation of the
 4746 telecommunications access system. The advisory committee shall
 4747 advise the commission and the administrator on any matter
 4748 relating to the quality and cost-effectiveness of the
 4749 telecommunications relay service and the specialized
 4750 telecommunications devices distribution system. The advisory
 4751 committee may submit material for inclusion in the annual report
 4752 prepared pursuant to s. 427.704 ~~to the President of the Senate~~
 4753 ~~and the Speaker of the House of Representatives.~~

4754 Section 157. Subsections (3) through (16) of section
 4755 430.04, Florida Statutes, are amended to read:

4756 430.04 Duties and responsibilities of the Department of
 4757 Elderly Affairs.--The Department of Elderly Affairs shall:

4758 ~~(3) Prepare and submit to the Governor, each Cabinet~~
 4759 ~~member, the President of the Senate, the Speaker of the House of~~
 4760 ~~Representatives, the minority leaders of the House and Senate,~~
 4761 ~~and chairpersons of appropriate House and Senate committees a~~
 4762 ~~master plan for policies and programs in the state related to~~
 4763 ~~aging. The plan must identify and assess the needs of the~~
 4764 ~~elderly population in the areas of housing, employment,~~
 4765 ~~education and training, medical care, long-term care, preventive~~
 4766 ~~care, protective services, social services, mental health,~~
 4767 ~~transportation, and long-term care insurance, and other areas~~
 4768 ~~considered appropriate by the department. The plan must assess~~
 4769 ~~the needs of particular subgroups of the population and evaluate~~
 4770 ~~the capacity of existing programs, both public and private and~~
 4771 ~~in state and local agencies, to respond effectively to~~
 4772 ~~identified needs. If the plan recommends the transfer of any~~

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4773 ~~program or service from the Department of Children and Family~~
 4774 ~~Services to another state department, the plan must also include~~
 4775 ~~recommendations that provide for an independent third party~~
 4776 ~~mechanism, as currently exists in the Florida advocacy councils~~
 4777 ~~established in ss. 402.165 and 402.166, for protecting the~~
 4778 ~~constitutional and human rights of recipients of departmental~~
 4779 ~~services. The plan must include policy goals and program~~
 4780 ~~strategies designed to respond efficiently to current and~~
 4781 ~~projected needs. The plan must also include policy goals and~~
 4782 ~~program strategies to promote intergenerational relationships~~
 4783 ~~and activities. Public hearings and other appropriate processes~~
 4784 ~~shall be utilized by the department to solicit input for the~~
 4785 ~~development and updating of the master plan from parties~~
 4786 ~~including, but not limited to, the following:~~

- 4787 ~~(a) Elderly citizens and their families and caregivers.~~
- 4788 ~~(b) Local-level public and private service providers,~~
 4789 ~~advocacy organizations, and other organizations relating to the~~
 4790 ~~elderly.~~
- 4791 ~~(c) Local governments.~~
- 4792 ~~(d) All state agencies that provide services to the~~
 4793 ~~elderly.~~
- 4794 ~~(e) University centers on aging.~~
- 4795 ~~(f) Area agency on aging and community care for the~~
 4796 ~~elderly lead agencies.~~

4797 (3)(4) Serve as an information clearinghouse at the state
 4798 level, and assist local-level information and referral resources
 4799 as a repository and means for dissemination of information
 4800 regarding all federal, state, and local resources for assistance

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4801 to the elderly in the areas of, but not limited to, health,
 4802 social welfare, long-term care, protective services, consumer
 4803 protection, education and training, housing, employment,
 4804 recreation, transportation, insurance, and retirement.

4805 (4)~~(5)~~ Recommend guidelines for the development of roles
 4806 for state agencies that provide services for the aging, review
 4807 plans of agencies that provide such services, and relay these
 4808 plans to the Governor, ~~each Cabinet member,~~ the President of the
 4809 Senate, the Speaker of the House of Representatives, and the
 4810 minority leaders of the House and Senate, ~~and chairpersons of~~
 4811 ~~appropriate House and Senate committees.~~

4812 (5)~~(6)~~ Recommend to the Governor, ~~each Cabinet member,~~ the
 4813 President of the Senate, the Speaker of the House of
 4814 Representatives, and the minority leaders of the House and
 4815 Senate, ~~and chairpersons of appropriate House and Senate~~
 4816 ~~committees~~ an organizational framework for the planning,
 4817 coordination, implementation, and evaluation of programs related
 4818 to aging, with the purpose of expanding and improving programs
 4819 and opportunities available to the state's elderly population
 4820 and enhancing a continuum of long-term care. This framework must
 4821 assure that:

- 4822 (a) Performance objectives are established.
- 4823 (b) Program reviews are conducted statewide.
- 4824 (c) Each major program related to aging is reviewed every
 4825 3 years.
- 4826 ~~(d) Agency budget requests reflect the results and~~
 4827 ~~recommendations of such program reviews.~~

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4828 ~~(d)(e)~~ Program decisions reinforce ~~lead to~~ the distinctive
4829 roles established for state agencies that provide aging
4830 services.

4831 ~~(6)(7)~~ Advise the Governor, ~~each Cabinet member,~~ the
4832 President of the Senate, the Speaker of the House of
4833 Representatives, and the minority leaders of the House and
4834 Senate, ~~and the chairpersons of appropriate House and Senate~~
4835 ~~committees~~ regarding the need for and location of programs
4836 related to aging.

4837 ~~(7)(8)~~ Review and coordinate aging research plans of all
4838 state agencies to ensure that the conformance of research
4839 objectives address ~~to~~ issues and needs of the state's elderly
4840 population ~~addressed in the master plan for policies and~~
4841 ~~programs related to aging.~~ The research activities that must be
4842 reviewed and coordinated by the department include, but are not
4843 limited to, contracts with academic institutions, development of
4844 educational and training curriculums, Alzheimer's disease and
4845 other medical research, studies of long-term care and other
4846 personal assistance needs, and design of adaptive or modified
4847 living environments.

4848 ~~(8)(9)~~ Review budget requests for programs related to
4849 aging to ensure the most cost-effective use of state funding for
4850 the state's elderly population prior to ~~for compliance with the~~
4851 ~~master plan for policies and programs related to aging before~~
4852 submission to the Governor and the Legislature.

4853 ~~(10)~~ ~~Update the master plan for policies and programs~~
4854 ~~related to aging every 3 years.~~

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4855 ~~(11) Review implementation of the master plan for programs~~
 4856 ~~and policies related to aging and annually report to the~~
 4857 ~~Governor, each Cabinet member, the President of the Senate, the~~
 4858 ~~Speaker of the House of Representatives, the minority leaders of~~
 4859 ~~the House and Senate, and the chairpersons of appropriate House~~
 4860 ~~and Senate committees the progress towards implementation of the~~
 4861 ~~plan.~~

4862 (9)~~(12)~~ Request other departments that administer programs
 4863 affecting the state's elderly population to amend their plans,
 4864 rules, policies, and research objectives as necessary to ensure
 4865 that programs and other initiatives are coordinated and maximize
 4866 the state's efforts to address the needs of the elderly ~~conform~~
 4867 ~~with the master plan for policies and programs related to aging.~~

4868 (10)~~(13)~~ Hold public meetings regularly throughout the
 4869 state for purposes of receiving information and maximizing the
 4870 visibility of important issues related to aging and the elderly.

4871 (11)~~(14)~~ Conduct policy analysis and program evaluation
 4872 studies assigned by the Legislature.

4873 (12)~~(15)~~ Assist the Governor, each Cabinet member, the
 4874 President of the Senate, the Speaker of the House of
 4875 Representatives, and the minority leaders of the House and
 4876 Senate, ~~and the chairpersons of appropriate House and Senate~~
 4877 ~~committees~~ in the conduct of their responsibilities in such
 4878 capacities as they consider appropriate.

4879 (13)~~(16)~~ Call upon appropriate agencies of state
 4880 government for such assistance as is needed in the discharge of
 4881 its duties. All agencies shall cooperate in assisting the
 4882 department in carrying out its responsibilities as prescribed by

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4883 | this section. However, no provision of law with respect to
4884 | confidentiality of information may be violated.

4885 | Section 158. Subsections (3) and (8) of section 430.502,
4886 | Florida Statutes, are amended to read:

4887 | 430.502 Alzheimer's disease; memory disorder clinics and
4888 | day care and respite care programs.--

4889 | (3) The Alzheimer's Disease Advisory Committee shall ~~must~~
4890 | evaluate and make recommendations to the department and the
4891 | Legislature concerning the need for additional memory disorder
4892 | clinics in the state. ~~The first report will be due by December~~
4893 | ~~31, 1995.~~

4894 | (8) The department will implement the waiver program
4895 | specified in subsection (7). The agency and the department shall
4896 | ensure that providers are selected that have a history of
4897 | successfully serving persons with Alzheimer's disease. The
4898 | department and the agency shall develop specialized standards
4899 | for providers and services tailored to persons in the early,
4900 | middle, and late stages of Alzheimer's disease and designate a
4901 | level of care determination process and standard that is most
4902 | appropriate to this population. The department and the agency
4903 | shall include in the waiver services designed to assist the
4904 | caregiver in continuing to provide in-home care. The department
4905 | shall implement this waiver program subject to a specific
4906 | appropriation or as provided in the General Appropriations Act.
4907 | ~~The department and the agency shall submit their program design~~
4908 | ~~to the President of the Senate and the Speaker of the House of~~
4909 | ~~Representatives for consultation during the development process.~~

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4910 Section 159. Paragraph (a) of subsection (3) and paragraph
4911 (c) of subsection (4) of section 445.003, Florida Statutes, are
4912 amended to read:

4913 445.003 Implementation of the federal Workforce Investment
4914 Act of 1998.--

4915 (3) FUNDING.--

4916 (a) Title I, Workforce Investment Act of 1998 funds;
4917 Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended
4918 based on the 5-year plan of Workforce Florida, Inc. The plan
4919 shall outline and direct the method used to administer and
4920 coordinate various funds and programs that are operated by
4921 various agencies. The following provisions shall also apply to
4922 these funds:

4923 1. At least 50 percent of the Title I funds for Adults and
4924 Dislocated Workers that are passed through to regional workforce
4925 boards shall be allocated to Individual Training Accounts unless
4926 a regional workforce board obtains a waiver from Workforce
4927 Florida, Inc. Tuition, fees, and performance-based incentive
4928 awards paid in compliance with Florida's Performance-Based
4929 Incentive Fund Program qualify as an Individual Training Account
4930 expenditure, as do other programs developed by regional
4931 workforce boards in compliance with policies of Workforce
4932 Florida, Inc.

4933 2. Fifteen percent of Title I funding shall be retained at
4934 the state level and shall be dedicated to state administration
4935 and used to design, develop, induce, and fund innovative
4936 Individual Training Account pilots, demonstrations, and
4937 programs. Of such funds retained at the state level, \$2 million

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4938 shall be reserved for the Incumbent Worker Training Program,
 4939 created under subparagraph 3. Eligible state administration
 4940 costs include the costs of: funding for the board and staff of
 4941 Workforce Florida, Inc.; operating fiscal, compliance, and
 4942 management accountability systems through Workforce Florida,
 4943 Inc.; conducting evaluation and research on workforce
 4944 development activities; and providing technical and capacity
 4945 building assistance to regions at the direction of Workforce
 4946 Florida, Inc. Notwithstanding s. 445.004, such administrative
 4947 costs shall not exceed 25 percent of these funds. An amount not
 4948 to exceed 75 percent of these funds shall be allocated to
 4949 Individual Training Accounts and other workforce development
 4950 strategies for: the Minority Teacher Education Scholars program,
 4951 the Certified Teacher-Aide program, the Self-Employment
 4952 Institute, and other training designed and tailored by Workforce
 4953 Florida, Inc., including, but not limited to, programs for
 4954 incumbent workers, displaced homemakers, nontraditional
 4955 employment, empowerment zones, and enterprise zones. Workforce
 4956 Florida, Inc., shall design, adopt, and fund Individual Training
 4957 Accounts for distressed urban and rural communities.

4958 3. The Incumbent Worker Training Program is created for
 4959 the purpose of providing grant funding for continuing education
 4960 and training of incumbent employees at existing Florida
 4961 businesses. The program will provide reimbursement grants to
 4962 businesses that pay for preapproved, direct, training-related
 4963 costs.

4964 a. The Incumbent Worker Training Program will be
 4965 administered by Workforce Florida, Inc. Workforce Florida, Inc.,

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4966 | at its discretion, may contract with a private business
4967 | organization to serve as grant administrator.

4968 | b. To be eligible for the program's grant funding, a
4969 | business must have been in operation in Florida for a minimum of
4970 | 1 year prior to the application for grant funding; have at least
4971 | one full-time employee; demonstrate financial viability; and be
4972 | current on all state tax obligations. Priority for funding shall
4973 | be given to businesses with 25 employees or fewer, businesses in
4974 | rural areas, businesses in distressed inner-city areas,
4975 | businesses in a qualified targeted industry, businesses whose
4976 | grant proposals represent a significant upgrade in employee
4977 | skills, or businesses whose grant proposals represent a
4978 | significant layoff avoidance strategy.

4979 | c. All costs reimbursed by the program must be preapproved
4980 | by Workforce Florida, Inc., or the grant administrator. The
4981 | program will not reimburse businesses for trainee wages, the
4982 | purchase of capital equipment, or the purchase of any item or
4983 | service that may possibly be used outside the training project.
4984 | A business approved for a grant may be reimbursed for
4985 | preapproved, direct, training-related costs including tuition
4986 | and fees; books and classroom materials; and overhead or
4987 | indirect costs not to exceed 5 percent of the grant amount.

4988 | d. A business that is selected to receive grant funding
4989 | must provide a matching contribution to the training project,
4990 | including, but not limited to, wages paid to trainees or the
4991 | purchase of capital equipment used in the training project; must
4992 | sign an agreement with Workforce Florida, Inc., or the grant
4993 | administrator to complete the training project as proposed in

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4994 | the application; must keep accurate records of the project's
4995 | implementation process; and must submit monthly or quarterly
4996 | reimbursement requests with required documentation.

4997 | e. All Incumbent Worker Training Program grant projects
4998 | shall be performance-based with specific measurable performance
4999 | outcomes, including completion of the training project and job
5000 | retention. Workforce Florida, Inc., or the grant administrator
5001 | shall withhold the final payment to the grantee until a final
5002 | grant report is submitted and all performance criteria specified
5003 | in the grant contract have been achieved.

5004 | f. Workforce Florida, Inc., may establish guidelines
5005 | necessary to implement the Incumbent Worker Training Program.

5006 | g. No more than 10 percent of the Incumbent Worker
5007 | Training Program's total appropriation may be used for overhead
5008 | or indirect purposes.

5009 | h. Workforce Florida, Inc., shall ~~submit~~ a report to the
5010 | Legislature on the financial and general operations of the
5011 | Incumbent Worker Training Program as part of its annual report
5012 | submitted pursuant to s. 445.004. ~~Such report will be due before~~
5013 | ~~October 1 of any fiscal year for which the program is funded by~~
5014 | ~~the Legislature.~~

5015 | 4. At least 50 percent of Rapid Response funding shall be
5016 | dedicated to Intensive Services Accounts and Individual Training
5017 | Accounts for dislocated workers and incumbent workers who are at
5018 | risk of dislocation. Workforce Florida, Inc., shall also
5019 | maintain an Emergency Preparedness Fund from Rapid Response
5020 | funds which will immediately issue Intensive Service Accounts
5021 | and Individual Training Accounts as well as other federally

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5022 authorized assistance to eligible victims of natural or other
 5023 disasters. At the direction of the Governor, for events that
 5024 qualify under federal law, these Rapid Response funds shall be
 5025 released to regional workforce boards for immediate use. Funding
 5026 shall also be dedicated to maintain a unit at the state level to
 5027 respond to Rapid Response emergencies around the state, to work
 5028 with state emergency management officials, and to work with
 5029 regional workforce boards. All Rapid Response funds must be
 5030 expended based on a plan developed by Workforce Florida, Inc.,
 5031 and approved by the Governor.

5032 (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED
 5033 MODIFICATIONS.--

5034 (c) Workforce Florida, Inc., may make modifications to the
 5035 state's plan, policies, and procedures to comply with federally
 5036 mandated requirements that in its judgment must be complied with
 5037 to maintain funding provided pursuant to Pub. L. No. 105-220.
 5038 ~~The board shall notify in writing the Governor, the President of~~
 5039 ~~the Senate, and the Speaker of the House of Representatives~~
 5040 ~~within 30 days after any such changes or modifications.~~

5041 Section 160. Paragraph (a) of subsection (3) of section
 5042 445.004, Florida Statutes, is amended to read:

5043 445.004 Workforce Florida, Inc.; creation; purpose;
 5044 membership; duties and powers.--

5045 (3)(a) Workforce Florida, Inc., shall be governed by a
 5046 board of directors, the number of directors to be determined by
 5047 the Governor, whose membership and appointment must be
 5048 consistent with Pub. L. No. 105-220, Title I, s. 111(b), and
 5049 contain one member representing the licensed nonpublic

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5050 postsecondary educational institutions authorized as individual
 5051 training account providers, one member from the staffing service
 5052 industry, at least one member who is a current or former
 5053 recipient of welfare transition services as defined in s.
 5054 445.002(3) or workforce services as provided in s. 445.009(1),
 5055 and five representatives of organized labor who shall be
 5056 appointed by the Governor. ~~Notwithstanding s. 114.05(1)(f), the~~
 5057 ~~Governor may appoint remaining members to Workforce Florida,~~
 5058 ~~Inc., from the current Workforce Development Board and the WAGES~~
 5059 ~~Program State Board of Directors, established pursuant to~~
 5060 ~~chapter 96-175, Laws of Florida, to serve on the reconstituted~~
 5061 ~~board. By July 1, 2000, the Workforce Development Board will~~
 5062 ~~provide to the Governor a transition plan to incorporate the~~
 5063 ~~changes required by this act and Pub. L. No. 105-220, specifying~~
 5064 ~~the manner of changes to the board. This plan shall govern the~~
 5065 ~~transition, unless otherwise notified by the Governor. The~~
 5066 importance of minority, gender, and geographic representation
 5067 shall be considered when making appointments to the board.

5068 Section 161. Subsection (1) and paragraph (a) of
 5069 subsection (6) of section 445.006, Florida Statutes, are amended
 5070 to read:

5071 445.006 Strategic plan for workforce development.--

5072 (1) Workforce Florida, Inc., in conjunction with state and
 5073 local partners in the workforce system, shall develop a
 5074 strategic plan for workforce, with the goal of producing skilled
 5075 employees for employers in the state. ~~The strategic plan shall~~
 5076 ~~be submitted to the Governor, the President of the Senate, and~~
 5077 ~~the Speaker of the House of Representatives by February 1, 2001.~~

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5078 The strategic plan shall be updated or modified by January 1 of
5079 each year ~~thereafter~~. The plan must include, but need not be
5080 limited to, strategies for:

5081 (a) Fulfilling the workforce system goals and strategies
5082 prescribed in s. 445.004;

5083 (b) Aggregating, integrating, and leveraging workforce
5084 system resources;

5085 (c) Coordinating the activities of federal, state, and
5086 local workforce system partners;

5087 (d) Addressing the workforce needs of small businesses;
5088 and

5089 (e) Fostering the participation of rural communities and
5090 distressed urban cores in the workforce system.

5091 (6)(a) The strategic plan must include strategies that are
5092 designed to prevent or reduce the need for a person to receive
5093 public assistance. These strategies must include:

5094 1. A teen pregnancy prevention component that includes,
5095 but is not limited to, ~~a plan for implementing the Florida~~
5096 ~~Education Now and Babies Later (ENABL) program under s. 411.242~~
5097 ~~and~~ the Teen Pregnancy Prevention Community Initiative within
5098 each county of the services area in which the teen birth rate is
5099 higher than the state average;

5100 2. A component that encourages creation of community-based
5101 welfare prevention and reduction initiatives that increase
5102 support provided by noncustodial parents to their welfare-
5103 dependent children and are consistent with program and financial
5104 guidelines developed by Workforce Florida, Inc., and the
5105 Commission on Responsible Fatherhood. These initiatives may

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5106 | include, but are not limited to, improved paternity
 5107 | establishment, work activities for noncustodial parents,
 5108 | programs aimed at decreasing out-of-wedlock pregnancies,
 5109 | encouraging involvement of fathers with their children including
 5110 | court-ordered supervised visitation, and increasing child
 5111 | support payments;

5112 | 3. A component that encourages formation and maintenance
 5113 | of two-parent families through, among other things, court-
 5114 | ordered supervised visitation;

5115 | 4. A component that fosters responsible fatherhood in
 5116 | families receiving assistance; and

5117 | 5. A component that fosters provision of services that
 5118 | reduce the incidence and effects of domestic violence on women
 5119 | and children in families receiving assistance.

5120 | Section 162. Subsection (4) of section 445.022, Florida
 5121 | Statutes, is amended to read:

5122 | 445.022 Retention Incentive Training Accounts.--To promote
 5123 | job retention and to enable upward job advancement into higher
 5124 | skilled, higher paying employment, the board of directors of
 5125 | Workforce Florida, Inc., and regional workforce boards may
 5126 | assemble, from postsecondary education institutions, a list of
 5127 | programs and courses for participants who have become employed
 5128 | which promote job retention and advancement.

5129 | ~~(4) Regional workforce boards shall report annually to the~~
 5130 | ~~Legislature on the measurable retention and advancement success~~
 5131 | ~~of each program provider and the effectiveness of RITAs, making~~
 5132 | ~~recommendations for any needed changes or modifications.~~

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5133 Section 163. Subsection (9) of section 445.049, Florida
5134 Statutes, is amended to read:

5135 445.049 Digital Divide Council.--

5136 ~~(9) ANNUAL REPORT.-- By March 1, 2002, the council, through~~
5137 ~~the State Technology Office, shall report to the Executive~~
5138 ~~Office of the Governor, the Speaker of the House of~~
5139 ~~Representatives, and the President of the Senate the results of~~
5140 ~~the council's monitoring, reviewing, and evaluating such~~
5141 ~~programs since their inception and the council's recommendations~~
5142 ~~as to whether such programs should be continued and expanded to~~
5143 ~~achieve the objectives and goals stated in this section.~~

5144 Section 164. Section 446.27, Florida Statutes, is
5145 repealed.

5146 Section 165. Paragraphs (a) and (c) of subsection (4) of
5147 section 446.50, Florida Statutes, are amended to read:

5148 446.50 Displaced homemakers; multiservice programs; 3-year
5149 plan report to the Legislature; Displaced Homemaker Trust Fund
5150 created.--

5151 (4) STATE PLAN.--

5152 (a) The Agency for Workforce Innovation shall develop a 3-
5153 year state plan for the displaced homemaker program which shall
5154 be updated annually and submitted to the President of the Senate
5155 and the Speaker of the House of Representative by January 1. The
5156 plan must address, at a minimum, the need for programs
5157 specifically designed to serve displaced homemakers, any
5158 necessary service components for such programs in addition to
5159 those enumerated in this section, goals of the displaced
5160 homemaker program with an analysis of the extent to which those

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5161 goals are being met, and recommendations for ways to address any
5162 unmet program goals. Any request for funds for program expansion
5163 must be based on the state plan.

5164 ~~(c) The 3-year state plan must be submitted to the~~
5165 ~~President of the Senate, the Speaker of the House of~~
5166 ~~Representatives, and the Governor on or before January 1, 2001,~~
5167 ~~and annual updates of the plan must be submitted by January 1 of~~
5168 ~~each subsequent year.~~

5169 Section 166. Section 455.204, Florida Statutes, is
5170 repealed.

5171 Section 167. Subsection (8) of section 455.2226, Florida
5172 Statutes, is amended to read:

5173 455.2226 Funeral directors and embalmers; instruction on
5174 HIV and AIDS.--

5175 ~~(8) The board shall report to the Legislature by March 1~~
5176 ~~of each year as to the implementation and compliance with the~~
5177 ~~requirements of this section.~~

5178 Section 168. Subsections (4) and (6) of section 455.2228,
5179 Florida Statutes, are amended to read:

5180 455.2228 Barbers and cosmetologists; instruction on HIV
5181 and AIDS.--

5182 (4) ~~As of December 31, 1992,~~ The board, or the department
5183 where there is no board, shall require, as a condition of
5184 granting a license under any of the chapters or parts thereof
5185 specified in subsection (1), that an applicant making initial
5186 application for licensure complete an educational course
5187 acceptable to the board, or the department where there is no
5188 board, on human immunodeficiency virus and acquired immune

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5189 deficiency syndrome. An applicant who has not taken a course at
5190 the time of licensure shall, upon an affidavit showing good
5191 cause, be allowed 6 months to complete this requirement.

5192 ~~(6) The board, or the department where there is no board,~~
5193 ~~shall report to the Legislature by March 1 of each year as to~~
5194 ~~the implementation and compliance with the requirements of this~~
5195 ~~section.~~

5196 Section 169. Section 456.005, Florida Statutes, is amended
5197 to read:

5198 456.005 Long-range policy planning; plans, reports, and
5199 recommendations.--To facilitate efficient and cost-effective
5200 regulation, the department and the board, where appropriate,
5201 shall develop and implement a long-range policy planning and
5202 monitoring process to include recommendations specific to each
5203 profession. Such process shall include estimates of revenues,
5204 expenditures, cash balances, and performance statistics for each
5205 profession. The period covered shall not be less than 5 years.
5206 The department, with input from the boards and licensees, shall
5207 develop and adopt the long-range plan ~~and must obtain the~~
5208 ~~approval of the secretary~~. The department shall monitor
5209 compliance with the ~~approved long-range~~ plan and, with input
5210 from the boards and licensees, shall annually update the plans
5211 ~~for approval by the secretary~~. The department shall provide
5212 concise management reports to the boards quarterly. As part of
5213 the review process, the department shall evaluate:

5214 (1) Whether the department, including the boards and the
5215 various functions performed by the department, is operating

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5216 | efficiently and effectively and if there is a need for a board
5217 | or council to assist in cost-effective regulation.

5218 | (2) How and why the various professions are regulated.

5219 | (3) Whether there is a need to continue regulation, and to
5220 | what degree.

5221 | (4) Whether ~~or not~~ consumer protection is adequate, and
5222 | how it can be improved.

5223 | (5) Whether there is consistency between the various
5224 | practice acts.

5225 | (6) Whether unlicensed activity is adequately enforced.

5226 |

5227 | Such plans should include conclusions and recommendations on
5228 | these and other issues as appropriate. ~~Such plans shall be
5229 | provided to the Governor and the Legislature by November 1 of
5230 | each year.~~

5231 | Section 170. Subsection (9) of section 456.025, Florida
5232 | Statutes, is amended to read:

5233 | 456.025 Fees; receipts; disposition.--

5234 | (9) The department shall provide a ~~condensed~~ management
5235 | report of revenues and expenditures ~~budgets, finances,~~
5236 | performance measures ~~statistics,~~ and recommendations to each
5237 | board at least once a quarter. ~~The department shall identify and
5238 | include in such presentations any changes, or projected changes,
5239 | made to the board's budget since the last presentation.~~

5240 | Section 171. Subsection (5) of section 456.031, Florida
5241 | Statutes, is amended to read:

5242 | 456.031 Requirement for instruction on domestic
5243 | violence.--

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5244 ~~(5) Each board shall report to the President of the~~
 5245 ~~Senate, the Speaker of the House of Representatives, and the~~
 5246 ~~chairs of the appropriate substantive committees of the~~
 5247 ~~Legislature by March 1 of each year as to the implementation of~~
 5248 ~~and compliance with the requirements of this section.~~

5249 Section 172. Subsection (8) of section 456.033, Florida
 5250 Statutes, is amended to read:

5251 456.033 Requirement for instruction for certain licensees
 5252 on HIV and AIDS.--

5253 ~~(8) The board shall report to the Legislature by March 1~~
 5254 ~~of each year as to the implementation and compliance with the~~
 5255 ~~requirements of this section.~~

5256 Section 173. Subsection (6) of section 456.034, Florida
 5257 Statutes, is amended to read:

5258 456.034 Athletic trainers and massage therapists;
 5259 requirement for instruction on HIV and AIDS.--

5260 ~~(6) The board, or the department where there is no board,~~
 5261 ~~shall report to the Legislature by March 1 of each year as to~~
 5262 ~~the implementation and compliance with the requirements of this~~
 5263 ~~section.~~

5264 Section 174. Subsections (3) and (4) of section 517.302,
 5265 Florida Statutes, are amended to read:

5266 517.302 Criminal penalties; alternative fine; Anti-Fraud
 5267 Trust Fund; time limitation for criminal prosecution.--

5268 (3) In lieu of a fine otherwise authorized by law, a
 5269 person who has been convicted of or who has pleaded guilty or no
 5270 contest to having engaged in conduct in violation of the
 5271 provisions of this chapter may be sentenced to pay a fine that

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5272 | does not exceed the greater of three times the gross value
 5273 | gained or three times the gross loss caused by such conduct,
 5274 | plus court costs and the costs of investigation and prosecution
 5275 | reasonably incurred.

5276 | (4)~~(a)~~ There is created within the office a trust fund to
 5277 | be known as the Anti-Fraud Trust Fund. Any amounts assessed as
 5278 | costs of investigation and prosecution under this subsection
 5279 | shall be deposited in the trust fund. Funds deposited in such
 5280 | trust fund shall be used, when authorized by appropriation, for
 5281 | investigation and prosecution of administrative, civil, and
 5282 | criminal actions arising under the provisions of this chapter.
 5283 | Funds may also be used to improve the public's awareness and
 5284 | understanding of prudent investing.

5285 | ~~(b) The office shall report to the Executive Office of the~~
 5286 | ~~Governor annually by November 15, the amounts deposited into the~~
 5287 | ~~Anti-Fraud Trust Fund during the previous fiscal year. The~~
 5288 | ~~Executive Office of the Governor shall distribute these reports~~
 5289 | ~~to the President of the Senate and the Speaker of the House of~~
 5290 | ~~Representatives.~~

5291 | (5)~~(4)~~ Criminal prosecution for offenses under this
 5292 | chapter is subject to the time limitations of s. 775.15.

5293 | Section 175. Section 526.3135, Florida Statutes, is
 5294 | repealed.

5295 | Section 176. Subsection (3) of section 531.415, Florida
 5296 | Statutes, is amended to read:

5297 | 531.415 Fees.--

5298 | ~~(3) The department shall notify the Legislature when the~~
 5299 | ~~fees provided in this section are no longer sufficient to cover~~

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5300 ~~the direct and indirect costs of tests and calibrations~~
5301 ~~described in this section.~~

5302 Section 177. Section 553.975, Florida Statutes, is
5303 repealed.

5304 Section 178. Subsection (3) of section 570.0705, Florida
5305 Statutes, is amended to read:

5306 570.0705 Advisory committees.--From time to time the
5307 commissioner may appoint any advisory committee to assist the
5308 department with its duties and responsibilities.

5309 ~~(3) On January 1 of each year the commissioner shall~~
5310 ~~submit to the President of the Senate, the Speaker of the House~~
5311 ~~of Representatives, and the minority leaders of the Senate and~~
5312 ~~the House of Representatives a list of each advisory committee~~
5313 ~~established in the department.~~

5314 Section 179. Subsection (5) of section 570.0725, Florida
5315 Statutes, is amended to read:

5316 570.0725 Food recovery; legislative intent; department
5317 functions.--

5318 ~~(5) The department shall account for the direct and~~
5319 ~~indirect costs associated with supporting food recovery programs~~
5320 ~~throughout the state. It shall submit a report to the President~~
5321 ~~of the Senate and the Speaker of the House of Representatives by~~
5322 ~~November 1, for the previous fiscal year, when state funds are~~
5323 ~~spent for this purpose. The report must include, but need not be~~
5324 ~~limited to, the identity of organizations receiving funds, the~~
5325 ~~amount of funds disbursed to these organizations, other uses of~~
5326 ~~food recovery funds, and estimates of the amount of fresh~~
5327 ~~produce recovered.~~

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5328 Section 180. Subsection (3) of section 570.235, Florida
5329 Statutes, is amended to read:

5330 570.235 Pest Exclusion Advisory Committee.--

5331 ~~(3) The committee shall issue a report of its findings to~~
5332 ~~the Commissioner of Agriculture, the Governor, the Speaker of~~
5333 ~~the House of Representatives, and the President of the Senate by~~
5334 ~~January 1, 2001.~~

5335 Section 181. Subsection (3) of section 570.543, Florida
5336 Statutes, is amended to read:

5337 570.543 Florida Consumers' Council.--The Florida
5338 Consumers' Council in the department is created to advise and
5339 assist the department in carrying out its duties.

5340 ~~(3) RECOMMENDATIONS. The council shall transmit a written~~
5341 ~~summary of its legislative recommendations to the President of~~
5342 ~~the Senate and the Speaker of the House of Representatives at~~
5343 ~~least 60 days prior to the regular legislative session.~~
5344 ~~Recommendations regarding legislation which has been filed shall~~
5345 ~~be submitted within 30 days after the commencement of a~~
5346 ~~legislative session.~~

5347 Section 182. Subsection (5) of section 570.952, Florida
5348 Statutes, is amended to read:

5349 570.952 Florida Agriculture Center and Horse Park
5350 Authority.--

5351 ~~(5) The commissioner shall submit information annually to~~
5352 ~~the Speaker of the House of Representatives and the President of~~
5353 ~~the Senate reporting the activities of the Florida Agriculture~~
5354 ~~Center and Horse Park Authority and the progress of the Florida~~
5355 ~~Agriculture Center and Horse Park, including, but not limited~~

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5356 | ~~to, pertinent planning, budgeting, and operational information~~
 5357 | ~~concerning the authority.~~

5358 | Section 183. Section 603.204, Florida Statutes, is amended
 5359 | to read:

5360 | 603.204 South Florida Tropical Fruit Plan.--

5361 | ~~(1)~~ The Commissioner of Agriculture, in consultation with
 5362 | the Tropical Fruit Advisory Council, shall develop and update,
 5363 | ~~at least 90 days prior to the 1991 legislative session, submit~~
 5364 | ~~to the President of the Senate, the Speaker of the House of~~
 5365 | ~~Representatives, and the chairs of appropriate Senate and House~~
 5366 | ~~of Representatives committees,~~ a South Florida Tropical Fruit
 5367 | Plan, which shall identify problems and constraints of the
 5368 | tropical fruit industry, propose possible solutions to such
 5369 | problems, and develop planning mechanisms for orderly growth of
 5370 | the industry, including:

5371 | (1)(a) Criteria for tropical fruit research, service, and
 5372 | management priorities.

5373 | (2)(b) ~~Additional~~ Proposed legislation which may be
 5374 | required.

5375 | (3)(e) Plans relating to other tropical fruit programs and
 5376 | related disciplines in the State University System.

5377 | (4)(d) Potential tropical fruit products in terms of
 5378 | market and needs for development.

5379 | (5)(e) Evaluation of production and fresh fruit policy
 5380 | alternatives, including, but not limited to, setting minimum
 5381 | grades and standards, promotion and advertising, development of
 5382 | production and marketing strategies, and setting minimum
 5383 | standards on types and quality of nursery plants.

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5384 (6)~~(f)~~ Evaluation of policy alternatives for processed
5385 tropical fruit products, including, but not limited to, setting
5386 minimum quality standards and development of production and
5387 marketing strategies.

5388 (7)~~(g)~~ Research and service priorities for further
5389 development of the tropical fruit industry.

5390 (8)~~(h)~~ Identification of state agencies and public and
5391 private institutions concerned with research, education,
5392 extension, services, planning, promotion, and marketing
5393 functions related to tropical fruit development, and delineation
5394 of contributions and responsibilities. The recommendations in
5395 the ~~South Florida Tropical Fruit~~ plan relating to education or
5396 research shall be submitted to the Institute of Food and
5397 Agricultural Sciences. ~~The recommendations relating to~~
5398 ~~regulation or marketing shall be submitted to the Department of~~
5399 ~~Agriculture and Consumer Services.~~

5400 (9)~~(i)~~ Business planning, investment potential, financial
5401 risks, and economics of production and utilization.

5402 ~~(2) A revision and update of the South Florida Tropical~~
5403 ~~Fruit Plan shall be submitted biennially, and a progress report~~
5404 ~~and budget request shall be submitted annually, to the officials~~
5405 ~~specified in subsection (1).~~

5406 Section 184. Paragraph (d) of subsection (6) of section
5407 627.351, Florida Statutes, is amended to read:

5408 627.351 Insurance risk apportionment plans.--

5409 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

5410 (d)1. It is the intent of the Legislature that the rates
5411 for coverage provided by the corporation be actuarially sound

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5412 and not competitive with approved rates charged in the admitted
 5413 voluntary market, so that the corporation functions as a
 5414 residual market mechanism to provide insurance only when the
 5415 insurance cannot be procured in the voluntary market. Rates
 5416 shall include an appropriate catastrophe loading factor that
 5417 reflects the actual catastrophic exposure of the corporation.

5418 2. For each county, the average rates of the corporation
 5419 for each line of business for personal lines residential
 5420 policies excluding rates for wind-only policies shall be no
 5421 lower than the average rates charged by the insurer that had the
 5422 highest average rate in that county among the 20 insurers with
 5423 the greatest total direct written premium in the state for that
 5424 line of business in the preceding year, except that with respect
 5425 to mobile home coverages, the average rates of the corporation
 5426 shall be no lower than the average rates charged by the insurer
 5427 that had the highest average rate in that county among the 5
 5428 insurers with the greatest total written premium for mobile home
 5429 owner's policies in the state in the preceding year.

5430 3. Rates for personal lines residential wind-only policies
 5431 must be actuarially sound and not competitive with approved
 5432 rates charged by authorized insurers. However, for personal
 5433 lines residential wind-only policies issued or renewed between
 5434 July 1, 2002, and June 30, 2003, the maximum premium increase
 5435 must be no greater than 10 percent of the Florida Windstorm
 5436 Underwriting Association premium for that policy in effect on
 5437 June 30, 2002, as adjusted for coverage changes and seasonal
 5438 occupancy surcharges. For personal lines residential wind-only
 5439 policies issued or renewed between July 1, 2003, and June 30,

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5440 2004, the corporation shall use its existing filed and approved
 5441 wind-only rating and classification plans, provided, however,
 5442 that the maximum premium increase must be no greater than 20
 5443 percent of the premium for that policy in effect on June 30,
 5444 2003, as adjusted for coverage changes and seasonal occupancy
 5445 surcharges. Corporation rate manuals shall include a rate
 5446 surcharge for seasonal occupancy. ~~To ensure that personal lines~~
 5447 ~~residential wind-only rates effective on or after July 1, 2004,~~
 5448 ~~are not competitive with approved rates charged by authorized~~
 5449 ~~insurers, the corporation, in conjunction with the office, shall~~
 5450 ~~develop a wind-only ratemaking methodology, which methodology~~
 5451 ~~shall be contained in a rate filing made by the corporation with~~
 5452 ~~the office by January 1, 2004. If the office thereafter~~
 5453 ~~determines that the wind-only rates or rating factors filed by~~
 5454 ~~the corporation fail to comply with the wind-only ratemaking~~
 5455 ~~methodology provided for in this subsection, it shall so notify~~
 5456 ~~the corporation and require the corporation to amend its rates~~
 5457 ~~or rating factors to come into compliance within 90 days of~~
 5458 ~~notice from the office. The office shall report to the Speaker~~
 5459 ~~of the House of Representatives and the President of the Senate~~
 5460 ~~on the provisions of the wind-only ratemaking methodology by~~
 5461 ~~January 31, 2004.~~

5462 4. Rates for commercial lines coverage shall not be
 5463 subject to the requirements of subparagraph 2., but shall be
 5464 subject to all other requirements of this paragraph and s.
 5465 627.062.

5466 5. Nothing in this paragraph shall require or allow the
 5467 corporation to adopt a rate that is inadequate under s. 627.062.

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5468 | 6. The corporation shall certify to the office at least
5469 | twice annually that its personal lines rates comply with the
5470 | requirements of subparagraphs 1. and 2. If any adjustment in the
5471 | rates or rating factors of the corporation is necessary to
5472 | ensure such compliance, the corporation shall make and implement
5473 | such adjustments and file its revised rates and rating factors
5474 | with the office. If the office thereafter determines that the
5475 | revised rates and rating factors fail to comply with the
5476 | provisions of subparagraphs 1. and 2., it shall notify the
5477 | corporation and require the corporation to amend its rates or
5478 | rating factors in conjunction with its next rate filing. The
5479 | office must notify the corporation by electronic means of any
5480 | rate filing it approves for any insurer among the insurers
5481 | referred to in subparagraph 2.

5482 | 7. In addition to the rates otherwise determined pursuant
5483 | to this paragraph, the corporation shall impose and collect an
5484 | amount equal to the premium tax provided for in s. 624.509 to
5485 | augment the financial resources of the corporation.

5486 | ~~8.a. To assist the corporation in developing additional~~
5487 | ~~ratemaking methods to assure compliance with subparagraphs 1.~~
5488 | ~~and 4., the corporation shall appoint a rate methodology panel~~
5489 | ~~consisting of one person recommended by the Florida Association~~
5490 | ~~of Insurance Agents, one person recommended by the Professional~~
5491 | ~~Insurance Agents of Florida, one person recommended by the~~
5492 | ~~Florida Association of Insurance and Financial Advisors, one~~
5493 | ~~person recommended by the insurer with the highest voluntary~~
5494 | ~~market share of residential property insurance business in the~~
5495 | ~~state, one person recommended by the insurer with the second-~~

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5496 ~~highest voluntary market share of residential property insurance~~
 5497 ~~business in the state, one person recommended by an insurer~~
 5498 ~~writing commercial residential property insurance in this state,~~
 5499 ~~one person recommended by the Office of Insurance Regulation,~~
 5500 ~~and one board member designated by the board chairman, who shall~~
 5501 ~~serve as chairman of the panel.~~

5502 ~~b. By January 1, 2004, the rate methodology panel shall~~
 5503 ~~provide a report to the corporation of its findings and~~
 5504 ~~recommendations for the use of additional ratemaking methods and~~
 5505 ~~procedures, including the use of a rate equalization surcharge~~
 5506 ~~in an amount sufficient to assure that the total cost of~~
 5507 ~~coverage for policyholders or applicants to the corporation is~~
 5508 ~~sufficient to comply with subparagraph 1.~~

5509 ~~e. Within 30 days after such report, the corporation shall~~
 5510 ~~present to the President of the Senate, the Speaker of the House~~
 5511 ~~of Representatives, the minority party leaders of each house of~~
 5512 ~~the Legislature, and the chairs of the standing committees of~~
 5513 ~~each house of the Legislature having jurisdiction of insurance~~
 5514 ~~issues, a plan for implementing the additional ratemaking~~
 5515 ~~methods and an outline of any legislation needed to facilitate~~
 5516 ~~use of the new methods.~~

5517 ~~d. The plan must include a provision that producer~~
 5518 ~~commissions paid by the corporation shall not be calculated in~~
 5519 ~~such a manner as to include any rate equalization surcharge.~~
 5520 ~~However, without regard to the plan to be developed or its~~
 5521 ~~implementation, producer commissions paid by the corporation for~~
 5522 ~~each account, other than the quota share primary program, shall~~

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5523 ~~remain fixed as to percentage, effective rate, calculation, and~~
5524 ~~payment method until January 1, 2004.~~

5525 8.9. By January 1, 2004, the corporation shall develop a
5526 notice to policyholders or applicants that the rates of Citizens
5527 Property Insurance Corporation are intended to be higher than
5528 the rates of any admitted carrier and providing other
5529 information the corporation deems necessary to assist consumers
5530 in finding other voluntary admitted insurers willing to insure
5531 their property.

5532 Section 185. Subsection (6) of section 627.64872, Florida
5533 Statutes, is amended to read:

5534 627.64872 Florida Health Insurance Plan.--

5535 (6) ~~INTERIM REPORT;~~ ANNUAL REPORT.--

5536 ~~(a) By no later than December 1, 2004, the board shall~~
5537 ~~report to the Governor, the President of the Senate, and the~~
5538 ~~Speaker of the House of Representatives the results of an~~
5539 ~~actuarial study conducted by the board to determine, including,~~
5540 ~~but not limited to:~~

5541 ~~1. The impact the creation of the plan will have on the~~
5542 ~~small group insurance market and the individual market on~~
5543 ~~premiums paid by insureds. This shall include an estimate of the~~
5544 ~~total anticipated aggregate savings for all small employers in~~
5545 ~~the state.~~

5546 ~~2. The number of individuals the pool could reasonably~~
5547 ~~cover at various funding levels, specifically, the number of~~
5548 ~~people the pool may cover at each of those funding levels.~~

5549 ~~3. A recommendation as to the best source of funding for~~
5550 ~~the anticipated deficits of the pool.~~

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5551 ~~4. The effect on the individual and small group market by~~
 5552 ~~including in the Florida Health Insurance Plan persons eligible~~
 5553 ~~for coverage under s. 627.6487, as well as the cost of including~~
 5554 ~~these individuals.~~

5555
 5556 ~~The board shall take no action to implement the Florida Health~~
 5557 ~~Insurance Plan, other than the completion of the actuarial study~~
 5558 ~~authorized in this paragraph, until funds are appropriated for~~
 5559 ~~startup cost and any projected deficits.~~

5560 ~~(b)~~ No later than December 1, 2005, and annually
 5561 thereafter, the board shall submit to the Governor, the
 5562 President of the Senate, the Speaker of the House of
 5563 Representatives, and the substantive legislative committees of
 5564 the Legislature a report which includes an independent actuarial
 5565 study to determine, including, but not be limited to:

5566 (a)1. The impact the creation of the plan has on the small
 5567 group and individual insurance market, specifically on the
 5568 premiums paid by insureds. This shall include an estimate of the
 5569 total anticipated aggregate savings for all small employers in
 5570 the state.

5571 (b)2. The actual number of individuals covered at the
 5572 current funding and benefit level, the projected number of
 5573 individuals that may seek coverage in the forthcoming fiscal
 5574 year, and the projected funding needed to cover anticipated
 5575 increase or decrease in plan participation.

5576 (c)3. A recommendation as to the best source of funding
 5577 for the anticipated deficits of the pool.

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5578 | ~~(d)4-~~ A summarization of the activities of the plan in the
5579 | preceding calendar year, including the net written and earned
5580 | premiums, plan enrollment, the expense of administration, and
5581 | the paid and incurred losses.

5582 | ~~(e)5-~~ A review of the operation of the plan as to whether
5583 | the plan has met the intent of this section.

5584 |

5585 | The board shall take no action to implement the Florida Health
5586 | Insurance Plan, other than the completion of the actuarial study
5587 | authorized in this subsection, until funds are appropriated for
5588 | startup costs and any projected deficits.

5589 | Section 186. Subsection (2) of section 744.7021, Florida
5590 | Statutes, is amended to read:

5591 | 744.7021 Statewide Public Guardianship Office.--There is
5592 | hereby created the Statewide Public Guardianship Office within
5593 | the Department of Elderly Affairs.

5594 | (2) The executive director shall, within available
5595 | resources, have oversight responsibilities for all public
5596 | guardians.

5597 | (a) The executive director shall review the current public
5598 | guardian programs in Florida and other states.

5599 | (b) The executive director, in consultation with local
5600 | guardianship offices, shall develop statewide performance
5601 | measures and standards.

5602 | (c) The executive director shall review the various
5603 | methods of funding guardianship programs, the kinds of services
5604 | being provided by such programs, and the demographics of the
5605 | wards. In addition, the executive director shall review and make

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5606 | recommendations regarding the feasibility of recovering a
5607 | portion or all of the costs of providing public guardianship
5608 | services from the assets or income of the wards.

5609 | ~~(d) By January 1, 2004, and by January 1 of each year~~
5610 | ~~thereafter, the executive director shall provide a status report~~
5611 | ~~and provide further recommendations to the secretary that~~
5612 | ~~address the need for public guardianship services and related~~
5613 | ~~issues.~~

5614 | ~~(d)~~(e) The executive director may provide assistance to
5615 | local governments or entities in pursuing grant opportunities.
5616 | The executive director shall evaluate ~~review~~ and make
5617 | recommendations ~~in the annual report~~ on the availability and
5618 | efficacy of seeking Medicaid matching funds. The executive
5619 | director shall diligently seek ways to use existing programs and
5620 | services to meet the needs of public wards.

5621 | ~~(e)~~(f) The executive director, in consultation with the
5622 | Florida Guardianship Foundation, shall develop a guardianship
5623 | training program curriculum that may be offered to all guardians
5624 | whether public or private.

5625 | (f) The executive director shall provide an annual status
5626 | report to the secretary that includes policy and legislative
5627 | recommendations relating to the provision of public
5628 | guardianship.

5629 | Section 187. Subsections (5) and (7) of section 744.708,
5630 | Florida Statutes, are amended to read:

5631 | 744.708 Reports and standards.--

5632 | (5) An independent audit of each public guardian office ~~by~~
5633 | ~~a qualified certified public accountant~~ shall be conducted by an

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5634 independent certified public accountant licensed under chapter
 5635 473 performed at least every 2 years. The audit should include
 5636 an investigation into the practices of the office for managing
 5637 the person and property of the wards. A copy of the report shall
 5638 be submitted to the Statewide Public Guardianship Office. ~~In~~
 5639 ~~addition, the office of public guardian shall be subject to~~
 5640 ~~audits or examinations by the Auditor General and the Office of~~
 5641 ~~Program Policy Analysis and Government Accountability pursuant~~
 5642 ~~to law.~~

5643 (7) The ratio for professional staff to wards shall be 1
 5644 professional to 40 wards. The Statewide Public Guardianship
 5645 Office may increase or decrease the ratio after consultation
 5646 with the local public guardian and the chief judge of the
 5647 circuit court. ~~The basis of the decision to increase or decrease~~
 5648 ~~the prescribed ratio shall be reported in the annual report to~~
 5649 ~~the Governor, the President of the Senate, the Speaker of the~~
 5650 ~~House of Representatives, and the Chief Justice of the Supreme~~
 5651 ~~Court.~~

5652 Section 188. Subsection (3) of section 765.5215, Florida
 5653 Statutes, is amended to read:

5654 765.5215 Education program relating to anatomical
 5655 gifts.--The Agency for Health Care Administration, subject to
 5656 the concurrence of the Department of Highway Safety and Motor
 5657 Vehicles, shall develop a continuing program to educate and
 5658 inform medical professionals, law enforcement agencies and
 5659 officers, high school children, state and local government
 5660 employees, and the public regarding the laws of this state
 5661 relating to anatomical gifts and the need for anatomical gifts.

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5662 ~~(3) The Agency for Health Care Administration shall, no~~
 5663 ~~later than March 1 of each year, submit a report to the~~
 5664 ~~Legislature containing statistical data on the effectiveness of~~
 5665 ~~the program in procuring donor organs and the effect of the~~
 5666 ~~program on state spending for health care.~~

5667 Section 189. Subsection (6) of section 768.295, Florida
 5668 Statutes, is amended to read:

5669 768.295 Strategic Lawsuits Against Public Participation
 5670 (SLAPP) suits by governmental entities prohibited.--

5671 (6) In any case filed by a governmental entity which is
 5672 found by a court to be in violation of this section, the
 5673 governmental entity shall report such finding and provide a copy
 5674 of the court's order to the Attorney General no later than 30
 5675 days after such order is final. The Attorney General shall
 5676 maintain a record of such court orders ~~report any violation of~~
 5677 ~~this section by a governmental entity to the Cabinet, the~~
 5678 ~~President of the Senate, and the Speaker of the House of~~
 5679 ~~Representatives. A copy of such report shall be provided to the~~
 5680 ~~affected governmental entity.~~

5681 Section 190. Paragraphs (a) and (c) of subsection (3) of
 5682 section 775.084, Florida Statutes, are amended to read:

5683 775.084 Violent career criminals; habitual felony
 5684 offenders and habitual violent felony offenders; three-time
 5685 violent felony offenders; definitions; procedure; enhanced
 5686 penalties or mandatory minimum prison terms.--

5687 (3)(a) In a separate proceeding, the court shall determine
 5688 if the defendant is a habitual felony offender or a habitual
 5689 violent felony offender. The procedure shall be as follows:

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- 5690 1. The court shall obtain and consider a presentence
5691 investigation prior to the imposition of a sentence as a
5692 habitual felony offender or a habitual violent felony offender.
- 5693 2. Written notice shall be served on the defendant and the
5694 defendant's attorney a sufficient time prior to the entry of a
5695 plea or prior to the imposition of sentence in order to allow
5696 the preparation of a submission on behalf of the defendant.
- 5697 3. Except as provided in subparagraph 1., all evidence
5698 presented shall be presented in open court with full rights of
5699 confrontation, cross-examination, and representation by counsel.
- 5700 4. Each of the findings required as the basis for such
5701 sentence shall be found to exist by a preponderance of the
5702 evidence and shall be appealable to the extent normally
5703 applicable to similar findings.
- 5704 5. For the purpose of identification of a habitual felony
5705 offender or a habitual violent felony offender, the court shall
5706 fingerprint the defendant pursuant to s. 921.241.
- 5707 6. For an offense committed on or after October 1, 1995,
5708 if the state attorney pursues a habitual felony offender
5709 sanction or a habitual violent felony offender sanction against
5710 the defendant and the court, in a separate proceeding pursuant
5711 to this paragraph, determines that the defendant meets the
5712 criteria under subsection (1) for imposing such sanction, the
5713 court must sentence the defendant as a habitual felony offender
5714 or a habitual violent felony offender, subject to imprisonment
5715 pursuant to this section unless the court finds that such
5716 sentence is not necessary for the protection of the public. If
5717 the court finds that it is not necessary for the protection of

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5718 | the public to sentence the defendant as a habitual felony
 5719 | offender or a habitual violent felony offender, the court shall
 5720 | provide written reasons; a written transcript of orally stated
 5721 | reasons is permissible, if filed by the court within 7 days
 5722 | after the date of sentencing. ~~Each month, the court shall submit~~
 5723 | ~~to the Office of Economic and Demographic Research of the~~
 5724 | ~~Legislature the written reasons or transcripts in each case in~~
 5725 | ~~which the court determines not to sentence a defendant as a~~
 5726 | ~~habitual felony offender or a habitual violent felony offender~~
 5727 | ~~as provided in this subparagraph.~~

5728 | (c) In a separate proceeding, the court shall determine
 5729 | whether the defendant is a violent career criminal with respect
 5730 | to a primary offense committed on or after October 1, 1995. The
 5731 | procedure shall be as follows:

5732 | 1. Written notice shall be served on the defendant and the
 5733 | defendant's attorney a sufficient time prior to the entry of a
 5734 | plea or prior to the imposition of sentence in order to allow
 5735 | the preparation of a submission on behalf of the defendant.

5736 | 2. All evidence presented shall be presented in open court
 5737 | with full rights of confrontation, cross-examination, and
 5738 | representation by counsel.

5739 | 3. Each of the findings required as the basis for such
 5740 | sentence shall be found to exist by a preponderance of the
 5741 | evidence and shall be appealable only as provided in paragraph
 5742 | (d).

5743 | 4. For the purpose of identification, the court shall
 5744 | fingerprint the defendant pursuant to s. 921.241.

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5745 5. For an offense committed on or after October 1, 1995,
5746 if the state attorney pursues a violent career criminal sanction
5747 against the defendant and the court, in a separate proceeding
5748 pursuant to this paragraph, determines that the defendant meets
5749 the criteria under subsection (1) for imposing such sanction,
5750 the court must sentence the defendant as a violent career
5751 criminal, subject to imprisonment pursuant to this section
5752 unless the court finds that such sentence is not necessary for
5753 the protection of the public. If the court finds that it is not
5754 necessary for the protection of the public to sentence the
5755 defendant as a violent career criminal, the court shall provide
5756 written reasons; a written transcript of orally stated reasons
5757 is permissible, if filed by the court within 7 days after the
5758 date of sentencing. ~~Each month, the court shall submit to the~~
5759 ~~Office of Economic and Demographic Research of the Legislature~~
5760 ~~the written reasons or transcripts in each case in which the~~
5761 ~~court determines not to sentence a defendant as a violent career~~
5762 ~~criminal as provided in this subparagraph.~~

5763 Section 191. Subsection (8) of section 790.22, Florida
5764 Statutes, is amended to read:

5765 790.22 Use of BB guns, air or gas-operated guns, or
5766 electric weapons or devices by minor under 16; limitation;
5767 possession of firearms by minor under 18 prohibited;
5768 penalties.--

5769 (8) Notwithstanding s. 985.213 or s. 985.215(1), if a
5770 minor under 18 years of age is charged with an offense that
5771 involves the use or possession of a firearm, as defined in s.
5772 790.001, including a violation of subsection (3), or is charged

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5773 | for any offense during the commission of which the minor
 5774 | possessed a firearm, the minor shall be detained in secure
 5775 | detention, unless the state attorney authorizes the release of
 5776 | the minor, and shall be given a hearing within 24 hours after
 5777 | being taken into custody. At the hearing, the court may order
 5778 | that the minor continue to be held in secure detention in
 5779 | accordance with the applicable time periods specified in s.
 5780 | 985.215(5), if the court finds that the minor meets the criteria
 5781 | specified in s. 985.215(2), or if the court finds by clear and
 5782 | convincing evidence that the minor is a clear and present danger
 5783 | to himself or herself or the community. The Department of
 5784 | Juvenile Justice shall prepare a form for all minors charged
 5785 | under this subsection that states the period of detention and
 5786 | the relevant demographic information, including, but not limited
 5787 | to, the sex, age, and race of the minor; whether or not the
 5788 | minor was represented by private counsel or a public defender;
 5789 | the current offense; and the minor's complete prior record,
 5790 | including any pending cases. The form shall be provided to the
 5791 | judge to be considered when determining whether the minor should
 5792 | be continued in secure detention under this subsection. An order
 5793 | placing a minor in secure detention because the minor is a clear
 5794 | and present danger to himself or herself or the community must
 5795 | be in writing, must specify the need for detention and the
 5796 | benefits derived by the minor or the community by placing the
 5797 | minor in secure detention, and must include a copy of the form
 5798 | provided by the department. ~~The Department of Juvenile Justice~~
 5799 | ~~must send the form, including a copy of any order, without~~

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5800 ~~client-identifying information, to the Office of Economic and~~
5801 ~~Demographic Research.~~

5802 Section 192. Paragraph (b) of subsection (9) of section
5803 932.7055, Florida Statutes, is amended to read:

5804 932.7055 Disposition of liens and forfeited property.--
5805 (9)

5806 ~~(b) The Department of Law Enforcement shall submit an~~
5807 ~~annual report to the criminal justice committees of the House of~~
5808 ~~Representatives and of the Senate compiling the information and~~
5809 ~~data related in the semiannual reports submitted by the law~~
5810 ~~enforcement agencies. The annual report shall also contain a~~
5811 ~~list of law enforcement agencies which have failed to meet the~~
5812 ~~reporting requirements and a summary of any action which has~~
5813 ~~been taken against the noncomplying agency by the Office of the~~
5814 ~~Chief Financial Officer.~~

5815 Section 193. Subsection (2) of section 943.125, Florida
5816 Statutes, is amended to read:

5817 943.125 Law enforcement agency accreditation.--

5818 ~~(2) FEASIBILITY AND STATUS REPORT. The Florida Sheriffs~~
5819 ~~Association and the Florida Police Chiefs Association, either~~
5820 ~~jointly or separately, shall report to the Speaker of the House~~
5821 ~~of Representatives and the President of the Senate regarding the~~
5822 ~~feasibility of a law enforcement agency accreditation program~~
5823 ~~and the status of the efforts of the Florida Sheriffs~~
5824 ~~Association and the Florida Police Chiefs Association to develop~~
5825 ~~a law enforcement agency accreditation program as provided in~~
5826 ~~this section.~~

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5827 Section 194. Subsection (9) of section 943.68, Florida
5828 Statutes, is amended to read:

5829 943.68 Transportation and protective services.--

5830 (9) The department shall submit reports annually on July
5831 15 ~~and January 15 of each year~~ to the President of the Senate,
5832 Speaker of the House of Representatives, Governor, and ~~members~~
5833 ~~of the~~ Cabinet, detailing all transportation and protective
5834 services provided under subsections (1), (5), and (6) within the
5835 preceding fiscal year ~~6 months~~. Each report shall include a
5836 detailed accounting of the cost of such transportation and
5837 protective services, including the names of persons provided
5838 such services and the nature of state business performed.

5839 Section 195. Section 944.023, Florida Statutes, is amended
5840 to read:

5841 944.023 Definitions; capacity factors ~~Comprehensive~~
5842 ~~correctional master plan~~.--

5843 (1) As used in this section and s. 944.0231, the term:

5844 (a) "Criminal Justice Estimating Conference" means the
5845 Criminal Justice Estimating Conference referred to in s.
5846 216.136~~(5)~~.

5847 (b) "Total capacity" of the state correctional system
5848 means the total design capacity of all institutions and
5849 facilities in the state correctional system, which may include
5850 those facilities authorized and funded under chapter 957,
5851 increased by one-half, with the following exceptions:

5852 1. Medical and mental health beds must remain at design
5853 capacity.

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5854 2. Community-based contracted beds must remain at design
5855 capacity.

5856 3. The one-inmate-per-cell requirement at Florida State
5857 Prison and other maximum security facilities must be maintained
5858 pursuant to paragraph (3)~~(7)~~(a).

5859 4. Community correctional centers and drug treatment
5860 centers must be increased by one-third.

5861 5. A housing unit may not exceed its maximum capacity
5862 pursuant to paragraphs (3)~~(7)~~(a) and (b).

5863 6. A number of beds equal to 5 percent of total capacity
5864 shall be deducted for management beds at institutions.

5865 (c) "State correctional system" means the correctional
5866 system as defined in s. 944.02.

5867 ~~(2) The department shall develop a comprehensive
5868 correctional master plan. The master plan shall project the
5869 needs for the state correctional system for the coming 5-year
5870 period and shall be updated annually and submitted to the
5871 Governor's office and the Legislature at the same time the
5872 department submits its legislative budget request as provided in
5873 chapter 216.~~

5874 ~~(3) The purposes of the comprehensive correctional master
5875 plan shall be:~~

5876 ~~(a) To ensure that the penalties of the criminal justice
5877 system are completely and effectively administered to the
5878 convicted criminals and, to the maximum extent possible, that
5879 the criminal is provided opportunities for self-improvement and
5880 returned to freedom as a productive member of society.~~

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5881 ~~(b) To the extent possible, to protect the public safety~~
 5882 ~~and the law-abiding citizens of this state and to carry out the~~
 5883 ~~laws protecting the rights of the victims of convicted~~
 5884 ~~criminals.~~

5885 ~~(c) To develop and maintain a humane system of punishment~~
 5886 ~~providing prison inmates with proper housing, nourishment, and~~
 5887 ~~medical attention.~~

5888 ~~(d) To provide fair and adequate compensation and benefits~~
 5889 ~~to the employees of the state correctional system.~~

5890 ~~(e) To the extent possible, to maximize the effective and~~
 5891 ~~efficient use of the principles used in private business.~~

5892 ~~(f) To provide that convicted criminals not be~~
 5893 ~~incarcerated for any longer period of time or in any more secure~~
 5894 ~~facility than is necessary to ensure adequate sanctions,~~
 5895 ~~rehabilitation of offenders, and protection of public safety.~~

5896 ~~(4) The comprehensive correctional master plan shall use~~
 5897 ~~the estimates of the Criminal Justice Estimating Conference and~~
 5898 ~~shall include:~~

5899 ~~(a) A plan for the decentralization of reception and~~
 5900 ~~classification facilities for the implementation of a systemwide~~
 5901 ~~diagnosis and evaluation capability for adult offenders. The~~
 5902 ~~plan shall provide for a system of psychological testing and~~
 5903 ~~evaluation as well as medical screening through department~~
 5904 ~~resources or with other public or private agencies through a~~
 5905 ~~purchase of services agreement.~~

5906 ~~(b) A plan developed by the department for the~~
 5907 ~~comprehensive vocational and educational training of, and~~
 5908 ~~treatment programs for, offenders and their evaluation within~~

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5909 ~~each institution, program, or facility of the department, based~~
5910 ~~upon the identified needs of the offender and the requirements~~
5911 ~~of the employment market.~~

5912 ~~(c) A plan contracting with local facilities and programs~~
5913 ~~as short-term confinement resources of the department for~~
5914 ~~offenders who are sentenced to 3 years or less, or who are~~
5915 ~~within 3 years or less of their anticipated release date, and~~
5916 ~~integration of detention services which have community-based~~
5917 ~~programs. The plan shall designate such facilities and programs~~
5918 ~~by region of the state and identify, by county, the capability~~
5919 ~~for local incarceration.~~

5920 ~~(d) A detailed analysis of methods to implement~~
5921 ~~diversified alternatives to institutionalization when such~~
5922 ~~alternatives can be safely employed. The analysis shall include~~
5923 ~~an assessment of current pretrial intervention, probation, and~~
5924 ~~community control alternatives and their cost-effectiveness with~~
5925 ~~regard to restitution to victims, reimbursements for cost of~~
5926 ~~supervision, and subsequent violations resulting in commitments~~
5927 ~~to the department. Such analysis shall also include an~~
5928 ~~assessment of current use of electronic surveillance of~~
5929 ~~offenders and projected potential for diverting additional~~
5930 ~~categories of offenders from incarceration within the~~
5931 ~~department.~~

5932 ~~(e) A detailed analysis of current incarceration rates of~~
5933 ~~both the state and county correctional systems with the~~
5934 ~~calculation by the department of the current and projected~~
5935 ~~ratios of inmates in the correctional system, as defined in s.~~

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5936 ~~945.01, to the general population of the state which will serve~~
5937 ~~as a basis for projecting construction needs.~~

5938 ~~(f) A plan for community-based facilities and programs for~~
5939 ~~the reintegration of offenders into society whereby inmates who~~
5940 ~~are being released shall receive assistance. Such assistance may~~
5941 ~~be through work-release, transition assistance, release~~
5942 ~~assistance stipend, contract release, postrelease special~~
5943 ~~services, temporary housing, or job placement programs.~~

5944 ~~(g) A plan reflecting parity of pay or comparable economic~~
5945 ~~benefits for correctional officers with that of law enforcement~~
5946 ~~officers in this state, and an assessment of projected impacts~~
5947 ~~on turnover rates within the department.~~

5948 ~~(h) A plan containing habitability criteria which defines~~
5949 ~~when beds are available and functional for use by inmates, and~~
5950 ~~containing factors which define when institutions and facilities~~
5951 ~~may be added to the inventory of the state correctional system.~~

5952 ~~(5) The comprehensive correctional master plan shall~~
5953 ~~project by year the total operating and capital outlay costs~~
5954 ~~necessary for constructing a sufficient number of prison beds to~~
5955 ~~avoid a deficiency in prison beds. Included in the master plan~~
5956 ~~which projects operating and capital outlay costs shall be a~~
5957 ~~siting plan which shall assess, rank, and designate appropriate~~
5958 ~~sites pursuant to s. 944.095(2)(a)-(k). The master plan shall~~
5959 ~~include an assessment of the department's current capability for~~
5960 ~~providing the degree of security necessary to ensure public~~
5961 ~~safety and should reflect the levels of security needed for the~~
5962 ~~forecasted admissions of various types of offenders based upon~~
5963 ~~sentence lengths and severity of offenses. The plan shall also~~

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5964 ~~provide construction options for targeting violent and habitual~~
 5965 ~~offenders for incarceration while providing specific~~
 5966 ~~alternatives for the various categories of lesser offenders.~~

5967 (2)~~(6)~~ Institutions within the state correctional system
 5968 shall have the following design capacity factors:

5969 (a) Rooms and prison cells between 40 square feet and 90
 5970 square feet, inclusive: one inmate per room or prison cell.

5971 (b) Dormitory-style rooms and other rooms exceeding 90
 5972 square feet: one inmate per 55 square feet.

5973 (c) At institutions with rooms or cells, except to the
 5974 extent that separate confinement cells have been constructed, a
 5975 number of rooms or prison cells equal to 3 percent of total
 5976 design capacity must be deducted from design capacity and set
 5977 aside for confinement purposes.

5978 (d) Bed count calculations used to determine design
 5979 capacity shall only include beds which are functional and
 5980 available for use by inmates.

5981 (3)~~(7)~~ Institutions within the state correctional system
 5982 shall have the following maximum capacity factors:

5983 (a) Rooms and prison cells between 40 square feet and 60
 5984 square feet, inclusive: one inmate per room or cell. If the room
 5985 or prison cell is between 60 square feet and 90 square feet,
 5986 inclusive, two inmates are allowed in each room, except that one
 5987 inmate per room or prison cell is allowed at Florida State
 5988 Prison or any other maximum security institution or facility
 5989 which may be constructed.

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5990 (b) Dormitory-style rooms and other rooms exceeding 90
5991 square feet: one inmate per 37.5 square feet. Double-bunking is
5992 generally allowed only along the outer walls of a dormitory.

5993 (c) At institutions with rooms or cells, except to the
5994 extent that separate confinement cells have been constructed, a
5995 number of rooms or prison cells equal to 3 percent of total
5996 maximum capacity are not available for maximum capacity, and
5997 must be set aside for confinement purposes, thereby reducing
5998 maximum capacity by 6 percent since these rooms would otherwise
5999 house two inmates.

6000 (d) A number of beds equal to 5 percent of total maximum
6001 capacity must be deducted for management at institutions.

6002 Section 196. Paragraph (f) of subsection (3) of section
6003 944.801, Florida Statutes, is amended to read:

6004 944.801 Education for state prisoners.--

6005 (3) The responsibilities of the Correctional Education
6006 Program shall be to:

6007 (f) Report annual activities to the Secretary of
6008 Corrections, ~~the Commissioner of Education, the Governor, and~~
6009 ~~the Legislature.~~

6010 Section 197. Subsection (10) of section 945.35, Florida
6011 Statutes, is amended to read:

6012 945.35 Requirement for education on human immunodeficiency
6013 virus, acquired immune deficiency syndrome, and other
6014 communicable diseases.--

6015 ~~(10) The department shall report to the Legislature by~~
6016 ~~March 1 each year as to the implementation of this program and~~
6017 ~~the participation by inmates and staff.~~

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6018 Section 198. Subsection (9) of section 958.045, Florida
6019 Statutes, is amended to read:

6020 958.045 Youthful offender basic training program.--
6021 ~~(9) Upon commencement of the community residential~~
6022 ~~program, the department shall submit annual reports to the~~
6023 ~~Governor, the President of the Senate, and the Speaker of the~~
6024 ~~House of Representatives detailing the extent of implementation~~
6025 ~~of the basic training program and the community residential~~
6026 ~~program, and outlining future goals and any recommendation the~~
6027 ~~department has for future legislative action.~~

6028 Section 199. Paragraph (c) of subsection (1) of section
6029 960.045, Florida Statutes, is amended to read:

6030 960.045 Department of Legal Affairs; powers and
6031 duties.--It shall be the duty of the department to assist
6032 persons who are victims of crime.

6033 (1) The department shall:

6034 (c) Prepare an annual ~~Render, prior to January 1 of each~~
6035 ~~year, to the presiding officers of the Senate and House of~~
6036 ~~Representatives a~~ written report of the activities of the Crime
6037 Victims' Services Office that shall be available on the
6038 department's website.

6039 Section 200. Paragraph (c) of subsection (8) of section
6040 985.02, Florida Statutes, is amended to read

6041 985.02 Legislative intent for the juvenile justice
6042 system.--

6043 (8) GENDER-SPECIFIC PROGRAMMING.--

6044 ~~(c) The Office of Program Policy Analysis and Government~~
6045 ~~Accountability shall conduct an analysis of programs for young~~

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6046 ~~females within the Department of Juvenile Justice. The analysis~~
 6047 ~~shall address the nature of young female offenders in this~~
 6048 ~~state, the percentage of young females who are incarcerated in~~
 6049 ~~the juvenile justice system for status offenses and violations~~
 6050 ~~of probation, and whether these young females could be better~~
 6051 ~~served in less costly community-based programs. In addition, the~~
 6052 ~~review shall analyze whether existing juvenile justice programs~~
 6053 ~~are designed to meet the gender-specific needs of young females~~
 6054 ~~and an analysis of the true cost of providing gender-specific~~
 6055 ~~services to young females.~~

6056 Section 201. Subsections (3), (4), and (5) of section
 6057 985.08, Florida Statutes, are amended to read:

6058 985.08 Information systems.--

6059 ~~(3) In order to assist in the integration of the~~
 6060 ~~information to be shared, the sharing of information obtained,~~
 6061 ~~the joint planning on diversion and early intervention~~
 6062 ~~strategies for juveniles at risk of becoming serious habitual~~
 6063 ~~juvenile offenders, and the intervention strategies for serious~~
 6064 ~~habitual juvenile offenders, a multiagency task force should be~~
 6065 ~~organized and utilized by the law enforcement agency or county~~
 6066 ~~in conjunction with the initiation of the information system~~
 6067 ~~described in subsections (1) and (2). The multiagency task force~~
 6068 ~~shall be composed of representatives of those agencies and~~
 6069 ~~persons providing information for the central identification~~
 6070 ~~file and the multiagency information sheet.~~

6071 ~~(4) This multiagency task force shall develop a plan for~~
 6072 ~~the information system that includes measures which identify and~~
 6073 ~~address any disproportionate representation of ethnic or racial~~

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6074 ~~minorities in the information systems and shall develop~~
 6075 ~~strategies that address the protection of individual~~
 6076 ~~constitutional rights.~~

6077 (3)~~(5)~~ Any law enforcement agency, or county that ~~which~~
 6078 implements a juvenile offender information system ~~and the~~
 6079 ~~multiagency task force which maintain the information system~~
 6080 must annually provide any information gathered during the
 6081 previous year to the delinquency and gang prevention council of
 6082 the judicial circuit in which the county is located. This
 6083 information shall include the number, types, and patterns of
 6084 delinquency tracked by the juvenile offender information system.

6085 Section 202. Subsections (2) and (3) of section 985.3045,
 6086 Florida Statutes, are amended to read:

6087 985.3045 Prevention service program; monitoring; report;
 6088 uniform performance measures.--

6089 ~~(2) No later than January 31, 2001, the prevention service~~
 6090 ~~program shall submit a report to the Governor, the Speaker of~~
 6091 ~~the House, and the President of the Senate concerning the~~
 6092 ~~implementation of a statewide multiagency plan to coordinate the~~
 6093 ~~efforts of all state-funded programs, grants, appropriations, or~~
 6094 ~~activities that are designed to prevent juvenile crime,~~
 6095 ~~delinquency, gang membership, or status offense behaviors and~~
 6096 ~~all state-funded programs, grants, appropriations, or activities~~
 6097 ~~that are designed to prevent a child from becoming a "child in~~
 6098 ~~need of services," as defined in chapter 984. The report shall~~
 6099 ~~include a proposal for a statewide coordinated multiagency~~
 6100 ~~juvenile delinquency prevention policy. In preparing the report,~~
 6101 ~~the department shall coordinate with and receive input from each~~

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6102 ~~state agency or entity that receives or uses state~~
6103 ~~appropriations to fund programs, grants, appropriations, or~~
6104 ~~activities that are designed to prevent juvenile crime,~~
6105 ~~delinquency, gang membership, status offense, or that are~~
6106 ~~designed to prevent a child from becoming a "child in need of~~
6107 ~~services," as defined in chapter 984. The report shall identify~~
6108 ~~whether legislation will be needed to effect a statewide plan to~~
6109 ~~coordinate the efforts of all state-funded programs, grants,~~
6110 ~~appropriations, or activities that are designed to prevent~~
6111 ~~juvenile crime, delinquency, gang membership, or status offense~~
6112 ~~behaviors and all state-funded programs, grants, appropriations,~~
6113 ~~or activities that are designed to prevent a child from becoming~~
6114 ~~a "child in need of services," as defined in chapter 984. The~~
6115 ~~report shall consider the potential impact of requiring such~~
6116 ~~state-funded efforts to target at least one of the following~~
6117 ~~strategies designed to prevent youth from entering or reentering~~
6118 ~~the juvenile justice system and track the associated outcome~~
6119 ~~data:~~

6120 ~~(a) Encouraging youth to attend school, which may include~~
6121 ~~special assistance and tutoring to address deficiencies in~~
6122 ~~academic performance; outcome data to reveal the number of days~~
6123 ~~youth attended school while participating in the program.~~

6124 ~~(b) Engaging youth in productive and wholesome activities~~
6125 ~~during nonschool hours that build positive character or instill~~
6126 ~~positive values, or that enhance educational experiences;~~
6127 ~~outcome data to reveal the number of youth who are arrested~~
6128 ~~during nonschool hours while participating in the program.~~

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6129 ~~(c) Encouraging youth to avoid the use of violence;~~
 6130 ~~outcome data to reveal the number of youth who are arrested for~~
 6131 ~~crimes involving violence while participating in the program.~~
 6132 ~~(d) Assisting youth to acquire skills needed to find~~
 6133 ~~meaningful employment, which may include assistance in finding a~~
 6134 ~~suitable employer for the youth; outcome data to reveal the~~
 6135 ~~number of youth who obtain and maintain employment for at least~~
 6136 ~~180 days.~~
 6137
 6138 ~~The department is encouraged to identify additional strategies~~
 6139 ~~which may be relevant to preventing youth from becoming children~~
 6140 ~~in need of services and to preventing juvenile crime,~~
 6141 ~~delinquency, gang membership and status offense behaviors. The~~
 6142 ~~report shall consider the feasibility of developing uniform~~
 6143 ~~performance measures and methodology for collecting such outcome~~
 6144 ~~data to be utilized by all state-funded programs, grants,~~
 6145 ~~appropriations, or activities that are designed to prevent~~
 6146 ~~juvenile crime, delinquency, gang membership, or status offense~~
 6147 ~~behaviors and all state-funded programs, grants, appropriations,~~
 6148 ~~or activities that are designed to prevent a child from becoming~~
 6149 ~~a "child in need of services," as defined in chapter 984. The~~
 6150 ~~prevention service program is encouraged to identify other~~
 6151 ~~issues that may be of critical importance to preventing a child~~
 6152 ~~from becoming a child in need of services, as defined in chapter~~
 6153 ~~984, or to preventing juvenile crime, delinquency, gang~~
 6154 ~~membership, or status offense behaviors.~~
 6155 (2)~~(3)~~ The department shall expend funds related to the
 6156 prevention of juvenile delinquency in a manner consistent with

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6157 | the policies expressed in ss. 984.02 and 985.02. The department
6158 | shall expend said funds in a manner that maximizes public
6159 | accountability and ensures the documentation of outcomes.

6160 | (a) All entities that receive or use state moneys to fund
6161 | juvenile delinquency prevention services through contracts or
6162 | grants with the department shall design the programs providing
6163 | such services to further one or more of the following
6164 | strategies: ~~specified in paragraphs (2)(a)-(d).~~

6165 | 1. Encouraging youth to attend school, which may include
6166 | special assistance and tutoring to address deficiencies in
6167 | academic performance and collecting outcome data to reveal the
6168 | number of days youth attended school while participating in the
6169 | program.

6170 | 2. Engaging youth in productive and wholesome activities
6171 | during nonschool hours that build positive character or instill
6172 | positive values or that enhance educational experiences and
6173 | collecting outcome data to reveal the number of youths who are
6174 | arrested during nonschool hours while participating in the
6175 | program.

6176 | 3. Encouraging youth to avoid the use of violence and
6177 | collecting outcome data to reveal the number of youths who are
6178 | arrested for crimes involving violence while participating in
6179 | the program.

6180 | 4. Assisting youth to acquire skills needed to find
6181 | meaningful employment, which may include assistance in finding a
6182 | suitable employer for the youth and collecting outcome data to
6183 | reveal the number of youths who obtain and maintain employment
6184 | for at least 180 days.

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6185 (b) The department shall develop an outcome measure for
 6186 each program strategy specified in paragraph (a) ~~paragraphs~~
 6187 ~~(2)(a)-(d)~~ that logically relates to the risk factor addressed
 6188 by the strategy.

6189 (c) All entities that receive or use state moneys to fund
 6190 the juvenile delinquency prevention services through contracts
 6191 or grants with the department shall, as a condition of receipt
 6192 of state funds, provide the department with personal demographic
 6193 information concerning all participants in the service
 6194 sufficient to allow the department to verify criminal or
 6195 delinquent history information, school attendance or academic
 6196 information, employment information, or other requested
 6197 performance information.

6198 Section 203. Section 985.3046, Florida Statutes, is
 6199 repealed.

6200 Section 204. Subsection (5) of section 985.305, Florida
 6201 Statutes, is amended to read:

6202 985.305 Early delinquency intervention program;
 6203 criteria.--

6204 ~~(5) Not later than 18 months after the initiation of an~~
 6205 ~~early delinquency intervention program, the department shall~~
 6206 ~~prepare and submit a progress report to the chairs of the~~
 6207 ~~appropriate House and Senate fiscal committees and the~~
 6208 ~~appropriate House and Senate substantive committees on the~~
 6209 ~~development and implementation of the program, including:~~

6210 ~~(a) Factors determining placement of a child in the~~
 6211 ~~program.~~

6212 ~~(b) Services provided in each component of the program.~~

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6213 ~~(c) Costs associated with each component of the program.~~

6214 ~~(d) Problems or difficulties encountered in the~~

6215 ~~implementation and operation of the program.~~

6216 Section 205. Subsection (1) of section 985.3155, Florida
6217 Statutes, is amended to read:

6218 985.3155 Multiagency plan for vocational education.--

6219 (1) The Department of Juvenile Justice and the Department
6220 of Education shall, in consultation with the statewide Workforce
6221 Development Youth Council, school districts, providers, and
6222 others, jointly develop a multiagency plan for vocational
6223 education that establishes the curriculum, goals, and outcome
6224 measures for vocational programs in juvenile commitment
6225 facilities. The plan must include:

6226 (a) Provisions for maximizing appropriate state and
6227 federal funding sources, including funds under the Workforce
6228 Investment Act and the Perkins Act;

6229 (b) The responsibilities of both departments and all other
6230 appropriate entities; and

6231 (c) A detailed implementation schedule.

6232
6233 ~~The plan must be submitted to the Governor, the President of the~~
6234 ~~Senate, and the Speaker of the House of Representatives by May~~
6235 ~~1, 2001.~~

6236 Section 206. Section 985.403, Florida Statutes, is
6237 repealed.

6238 Section 207. Subsection (7) of section 985.412, Florida
6239 Statutes, is amended to read:

6240 985.412 Quality assurance and cost-effectiveness.--

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6241 ~~(7) No later than November 1, 2001, the department shall~~
 6242 ~~submit a proposal to the Legislature concerning funding~~
 6243 ~~incentives and disincentives for the department and for~~
 6244 ~~providers under contract with the department. The~~
 6245 ~~recommendations for funding incentives and disincentives shall~~
 6246 ~~be based upon both quality assurance performance and cost-~~
 6247 ~~effectiveness performance. The proposal should strive to achieve~~
 6248 ~~consistency in incentives and disincentives for both department-~~
 6249 ~~operated and contractor provided programs. The department may~~
 6250 ~~include recommendations for the use of liquidated damages in the~~
 6251 ~~proposal; however, the department is not presently authorized to~~
 6252 ~~contract for liquidated damages in non-hardware secure~~
 6253 ~~facilities until January 1, 2002.~~

6254 Section 208. Subsections (3) and (4) of section 1003.492,
 6255 Florida Statutes, are amended to read:

6256 1003.492 Industry-certified career education programs.--

6257 ~~(3) The Department of Education shall study student~~
 6258 ~~performance in industry-certified career education programs. The~~
 6259 ~~department shall identify districts that currently operate~~
 6260 ~~industry-certified career education programs. The study shall~~
 6261 ~~examine the performance of participating students over time.~~
 6262 ~~Performance factors shall include, but not be limited to,~~
 6263 ~~graduation rates, retention rates, additional educational~~
 6264 ~~attainment, employment records, earnings, and industry~~
 6265 ~~satisfaction. The results of this study shall be submitted to~~
 6266 ~~the President of the Senate and the Speaker of the House of~~
 6267 ~~Representatives by December 31, 2004.~~

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6268 ~~(4) The Department of Education shall conduct a study to~~
 6269 ~~determine if a cost factor should be applied to industry-~~
 6270 ~~certified career education programs and review the need for~~
 6271 ~~startup funding for the programs. The study shall be completed~~
 6272 ~~by December 31, 2004, and shall be submitted to the President of~~
 6273 ~~the Senate and the Speaker of the House of Representatives.~~

6274 Section 209. Subsection (4) of section 1003.61, Florida
 6275 Statutes, is amended to read:

6276 1003.61 Pilot attendance project.--It is the purpose of
 6277 this section to require the Manatee County District School Board
 6278 to implement a pilot project that raises the compulsory age of
 6279 attendance for children from the age of 16 years to the age of
 6280 18 years. The pilot project applies to each child who has not
 6281 attained the age of 16 years by September 30 of the school year
 6282 in which a school board policy is adopted.

6283 ~~(4) The district school board must evaluate the effect of~~
 6284 ~~its adopted policy raising the compulsory age of attendance on~~
 6285 ~~school attendance and on the school district's dropout rate, as~~
 6286 ~~well as on the costs associated with the pilot project. The~~
 6287 ~~school district shall report its findings to the President of~~
 6288 ~~the Senate, the Speaker of the House of Representatives, the~~
 6289 ~~minority leader of each house of the Legislature, the Governor,~~
 6290 ~~and the Commissioner of Education not later than August 1~~
 6291 ~~following each year that the pilot project is in operation.~~

6292 Section 210. Subsection (6) of section 1004.50, Florida
 6293 Statutes, is amended to read:

6294 1004.50 Institute on Urban Policy and Commerce.--

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6295 ~~(6) The Governor shall submit an annual report to the~~
 6296 ~~Legislature on the unmet needs in the state's urban communities.~~

6297 Section 211. Section 1006.0605, Florida Statutes, is
 6298 repealed.

6299 Section 212. Subsection (11) of section 1007.27, Florida
 6300 Statutes, is amended to read:

6301 1007.27 Articulated acceleration mechanisms.--

6302 ~~(11)(a) The State Board of Education shall conduct a~~
 6303 ~~review of the extent to which the acceleration mechanisms~~
 6304 ~~authorized by this section are currently utilized by school~~
 6305 ~~districts and public postsecondary educational institutions and~~
 6306 ~~shall submit a report to the Governor and the Legislature by~~
 6307 ~~December 31, 2003.~~

6308 ~~(b) The report must include a summary of ongoing~~
 6309 ~~activities and a plan to increase and enhance the use of~~
 6310 ~~acceleration mechanisms as a way to shorten the length of time~~
 6311 ~~as well as the funding required for a student, including a~~
 6312 ~~student with a documented disability, to obtain a postsecondary~~
 6313 ~~degree.~~

6314 ~~(c) The review and plan shall address, but are not limited~~
 6315 ~~to, the following issues:~~

6316 1. ~~The manner in which students, including students with~~
 6317 ~~documented disabilities, are advised regarding the availability~~
 6318 ~~of acceleration mechanism options.~~

6319 2. ~~The availability of acceleration mechanism options to~~
 6320 ~~eligible students, including students with documented~~
 6321 ~~disabilities, who wish to participate.~~

6322 ~~3. The grading practices, including weighting of courses,~~
 6323 ~~of school districts and public postsecondary educational~~
 6324 ~~institutions with regard to credit earned through acceleration~~
 6325 ~~mechanisms.~~

6326 ~~4. The extent to which credit earned through an~~
 6327 ~~acceleration mechanism is used to meet the general education~~
 6328 ~~requirements of a public postsecondary educational institution.~~

6329 ~~5. The extent to which the secondary instruction~~
 6330 ~~associated with acceleration mechanism options could be offered~~
 6331 ~~at sites other than public K through 12 school sites to assist~~
 6332 ~~in meeting class size reduction needs.~~

6333 ~~6. The manner in which funding for instruction associated~~
 6334 ~~with acceleration mechanism options is provided.~~

6335 ~~7. The feasibility of providing students, including~~
 6336 ~~students with documented disabilities, the option of choosing~~
 6337 ~~Advanced Placement credit or College Level Examination Program~~
 6338 ~~(CLEP) credit as an alternative to dual enrollment credit upon~~
 6339 ~~completion of a dual enrollment course.~~

6340 Section 213. Subsection (8) of section 1009.70, Florida
 6341 Statutes, is amended to read:

6342 1009.70 Florida Education Fund.--

6343 (8) There is created a legal education component of the
 6344 Florida Education Fund to provide the opportunity for minorities
 6345 to attain representation within the legal profession
 6346 proportionate to their representation within the general
 6347 population. The legal education component of the Florida
 6348 Education Fund includes a law school program and a pre-law
 6349 program.

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6350 (a) The law school scholarship program of the Florida
6351 Education Fund is to be administered by the Board of Directors
6352 of the Florida Education Fund for the purpose of increasing by
6353 200 the number of minority students enrolled in law schools in
6354 this state. Implementation of this program is to be phased in
6355 over a 3-year period.

6356 1. The board of directors shall provide financial,
6357 academic, and other support to students selected for
6358 participation in this program from funds appropriated by the
6359 Legislature.

6360 2. Student selection must be made in accordance with rules
6361 adopted by the board of directors for that purpose and must be
6362 based, at least in part, on an assessment of potential for
6363 success, merit, and financial need.

6364 3. Support must be made available to students who enroll
6365 in private, as well as public, law schools in this state which
6366 are accredited by the American Bar Association.

6367 4. Scholarships must be paid directly to the participating
6368 students.

6369 5. Students who participate in this program must agree in
6370 writing to sit for The Florida Bar examination and, upon
6371 successful admission to The Florida Bar, to either practice law
6372 in the state for a period of time equal to the amount of time
6373 for which the student received aid, up to 3 years, or repay the
6374 amount of aid received.

6375 ~~6. Annually, the board of directors shall compile a report~~
6376 ~~that includes a description of the selection process, an~~
6377 ~~analysis of the academic progress of all scholarship recipients,~~

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6378 | ~~and an analysis of expenditures. This report must be submitted~~
 6379 | ~~to the President of the Senate, the Speaker of the House of~~
 6380 | ~~Representatives, and the Governor.~~

6381 | (b) The minority pre-law scholarship loan program of the
 6382 | Florida Education Fund is to be administered by the Board of
 6383 | Directors of the Florida Education Fund for the purpose of
 6384 | increasing the opportunity of minority students to prepare for
 6385 | law school.

6386 | 1. From funds appropriated by the Legislature, the board
 6387 | of directors shall provide for student fees, room, board, books,
 6388 | supplies, and academic and other support to selected minority
 6389 | undergraduate students matriculating at eligible public and
 6390 | independent colleges and universities in Florida.

6391 | 2. Student selection must be made in accordance with rules
 6392 | adopted by the board of directors for that purpose and must be
 6393 | based, at least in part, on an assessment of potential for
 6394 | success, merit, and financial need.

6395 | 3. To be eligible, a student must make a written agreement
 6396 | to enter or be accepted to enter a law school in this state
 6397 | within 2 years after graduation or repay the scholarship loan
 6398 | amount plus interest at the prevailing rate.

6399 | 4. Recipients who fail to gain admission to a law school
 6400 | within the specified period of time, may, upon admission to law
 6401 | school, be eligible to have their loans canceled.

6402 | 5. Minority pre-law scholarship loans shall be provided to
 6403 | 34 minority students per year for up to 4 years each, for a
 6404 | total of 136 scholarship loans. To continue receipt of
 6405 | scholarship loans, recipients must maintain a 2.75 grade point

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6406 average for the freshman year and a 3.25 grade point average
6407 thereafter. Participants must also take specialized courses to
6408 enhance competencies in English and logic.

6409 6. The board of directors shall maintain records on all
6410 scholarship loan recipients. Participating institutions shall
6411 submit academic progress reports to the board of directors
6412 following each academic term. ~~Annually, the board of directors~~
6413 ~~shall compile a report that includes a description of the~~
6414 ~~selection process, an analysis of the academic progress of all~~
6415 ~~scholarship loan recipients, and an analysis of expenditures.~~
6416 ~~This report must be submitted to the President of the Senate,~~
6417 ~~the Speaker of the House of Representatives, and the Governor.~~

6418 Section 214. Subsection (8) of section 1011.32, Florida
6419 Statutes, is amended to read:

6420 1011.32 Community College Facility Enhancement Challenge
6421 Grant Program.--

6422 (8) By September 1 of each year, the State Board of
6423 Education shall transmit to the Governor and Legislature a list
6424 of projects which meet all eligibility requirements to
6425 participate in the Community College Facility Enhancement
6426 Challenge Grant Program and a budget request which includes the
6427 recommended schedule necessary to complete each project.

6428 Section 215. Paragraph (p) of subsection (1) of section
6429 1011.62, Florida Statutes, is amended to read:

6430 1011.62 Funds for operation of schools.--If the annual
6431 allocation from the Florida Education Finance Program to each
6432 district for operation of schools is not determined in the
6433 annual appropriations act or the substantive bill implementing

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6434 | the annual appropriations act, it shall be determined as
6435 | follows:

6436 | (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
6437 | OPERATION.--The following procedure shall be followed in
6438 | determining the annual allocation to each district for
6439 | operation:

6440 | (p) Extended-school-year program.--It is the intent of the
6441 | Legislature that students be provided additional instruction by
6442 | extending the school year to 210 days or more. Districts may
6443 | apply to the Commissioner of Education for funds to be used in
6444 | planning and implementing an extended-school-year program. ~~The~~
6445 | ~~Department of Education shall recommend to the Legislature the~~
6446 | ~~policies necessary for full implementation of an extended school~~
6447 | ~~year.~~

6448 | Section 216. Subsection (1) of section 1012.42, Florida
6449 | Statutes, is amended to read:

6450 | 1012.42 Teacher teaching out-of-field.--

6451 | (1) ASSISTANCE.--Each district school board shall adopt
6452 | and implement a plan to assist any teacher teaching out-of-
6453 | field, and priority consideration in professional development
6454 | activities shall be given to teachers who are teaching out-of-
6455 | field. The district school board shall require that such
6456 | teachers participate in a certification or staff development
6457 | program designed to provide the teacher with the competencies
6458 | required for the assigned duties. The board-approved assistance
6459 | plan must include duties of administrative personnel and other
6460 | instructional personnel to provide students with instructional
6461 | services. ~~Each district school board shall contact its regional~~

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6462 ~~workforce board, created pursuant to s. 445.007, to identify~~
 6463 ~~resources that may assist teachers who are teaching out-of-field~~
 6464 ~~and who are pursuing certification.~~

6465 Section 217. Subsection (13) of section 1013.03, Florida
 6466 Statutes, is amended to read:

6467 1013.03 Functions of the department.--The functions of the
 6468 Department of Education as it pertains to educational facilities
 6469 shall include, but not be limited to, the following:

6470 ~~(13) By October 1, 2003, review all rules related to~~
 6471 ~~school construction to identify requirements that are outdated,~~
 6472 ~~obsolete, unnecessary, or otherwise could be amended in order to~~
 6473 ~~provide additional flexibility to school districts to comply~~
 6474 ~~with the constitutional class size maximums described in s.~~
 6475 ~~1003.03(1) and make recommendations concerning such rules to the~~
 6476 ~~State Board of Education. The State Board of Education shall act~~
 6477 ~~on such recommendations by December 31, 2003.~~

6478 Section 218. This act shall take effect upon becoming a
 6479 law.