

1 A bill to be entitled

2 An act relating to obsolete or outdated agency plans,
3 reports, and programs; repealing s. 16.58, F.S., relating
4 to the Florida Legal Resource Center; amending s. 20.19,
5 F.S.; revising provisions relating to plans, projections,
6 and the mission of the Department of Children and Family
7 Services; amending s. 20.315, F.S.; revising provisions
8 relating to an evaluation of the Department of Corrections
9 by the Florida Corrections Commission; amending s. 20.316,
10 F.S.; revising provisions relating to reports of the
11 Department of Juvenile Justice; amending ss. 20.43,
12 39.001, and 39.3065, F.S.; revising and deleting
13 provisions relating to specified obsolete and outdated
14 plans, reports, and programs; repealing s. 39.4086, F.S.,
15 relating to a pilot program for attorneys ad litem for
16 dependent children; amending ss. 39.523 and 98.255, F.S.;
17 revising and deleting provisions relating to specified
18 obsolete and outdated plans, reports, and programs;
19 amending s. 120.695, F.S., relating to a review of
20 administrative rules; repealing s. 153.952, F.S., relating
21 to legislative findings and intent concerning the
22 condition or operation of privately owned water or
23 wastewater utility systems and facilities; amending s.
24 161.053, F.S.; deleting obsolete provisions relating to
25 the establishment of coastal construction control lines;
26 amending s. 370.12, F.S.; conforming a cross reference;
27 amending s. 161.161, F.S.; revising provisions relating to
28 reporting requirements for beach erosion control projects;

Page 1 of 241

29 | repealing s. 163.2526, F.S., relating to review and
30 | evaluation of specified provisions relating to urban
31 | infill and redevelopment; amending ss. 163.3167, 163.3177,
32 | 163.3178, 163.519, 186.007, 189.4035, 189.412, 194.034,
33 | 206.606, 212.054, and 212.08, F.S.; revising and deleting
34 | provisions relating to specified obsolete and outdated
35 | plans, reports, and programs; repealing s. 213.0452, F.S.,
36 | relating to certain required reporting by the Department
37 | of Revenue; repealing s. 213.054, F.S., relating to an
38 | annual report concerning persons claiming certain tax
39 | exemptions or deductions; amending ss. 215.5601 and
40 | 215.70, F.S.; revising and deleting provisions relating to
41 | specified obsolete and outdated plans, reports, and
42 | programs; amending s. 253.7825, F.S.; deleting provisions
43 | relating to a conceptual recreational plan for the Cross
44 | Florida Greenways State Recreation and Conservation Area;
45 | repealing s. 253.7826, F.S., relating to certain canal
46 | structures; repealing s. 253.7829, F.S., relating to
47 | management plan for retention or disposition of former
48 | Cross Florida Barge Canal lands; repealing s. 265.56,
49 | F.S., relating to an annual report by the Department of
50 | State concerning certain indemnity claims; amending s.
51 | 267.074, F.S.; deleting requirements for a specified plan
52 | relating to historical markers; amending ss. 282.102,
53 | 284.50, 287.045, 287.16, and 288.108, F.S.; revising and
54 | deleting provisions relating to specified obsolete and
55 | outdated plans, reports, and programs; amending ss.
56 | 288.1226, 288.1229, 288.7015, 288.853, 288.95155,

57 288.9604, 288.9610, 292.04, and 292.05, F.S.; revising and
58 deleting provisions relating to specified obsolete and
59 outdated plans, reports, and programs; repealing s.
60 296.16, F.S., relating to reports concerning the Veterans'
61 Domiciliary Home of Florida; repealing s. 296.39, F.S.,
62 relating to reports concerning veterans nursing homes;
63 amending ss. 315.03, 319.324, 322.181, 322.251, 365.171,
64 365.172, 365.173, 366.82, 369.22, 370.26, 372.5712, and
65 372.5715, F.S.; revising and deleting provisions relating
66 to specified obsolete and outdated plans, reports, and
67 programs; repealing s. 372.673, F.S., relating to the
68 Florida Panther Technical Advisory Council; repealing s.
69 372.674, F.S., relating to the Advisory Council on
70 Environmental Education; amending s. 372.672, F.S.;
71 conforming to the repeal of s. 372.674, F.S.; amending ss.
72 373.0391, 373.046, 373.1963, and 376.121, F.S.; revising
73 and deleting provisions relating to specified obsolete and
74 outdated plans, reports, and programs; repealing s.
75 376.17, F.S., relating to reports concerning operation of
76 a specified pollution control program; amending ss.
77 376.30713, 377.703, and 380.0677, F.S.; revising and
78 deleting provisions relating to specified obsolete and
79 outdated plans, reports, and programs; amending ss.
80 259.041 and 259.101, F.S.; correcting cross references;
81 amending s. 381.0011, F.S.; deleting specified
82 requirements for a Department of Health strategic plan;
83 repealing s. 381.0036, F.S., relating to planning for
84 implementation of educational requirements concerning HIV

85 and AIDS for specified professional licensure applicants;
86 amending ss. 381.732 and 381.733, F.S.; conforming cross
87 references; amending ss. 381.795, 381.90, 381.931, and
88 383.19, F.S.; revising and deleting provisions relating to
89 specified obsolete and outdated plans, reports, and
90 programs; repealing s. 383.21, F.S., relating to review of
91 certain perinatal intensive care programs; amending ss.
92 383.2161, 384.25, 394.4573, 394.4985, and 394.75, F.S.;
93 revising and deleting provisions relating to specified
94 obsolete and outdated plans, reports, and programs;
95 repealing s. 394.82, F.S., relating to expanded funding of
96 certain services; amending s. 394.655, F.S.; conforming
97 provisions to the repeal of s. 394.82, F.S.; amending s.
98 394.9082, F.S.; revising provisions relating to behavioral
99 health service strategies; repealing s. 394.9083, F.S.,
100 relating to the Behavioral Health Services Integration
101 Workgroup; amending ss. 395.807, 397.321, 397.333, 397.94,
102 400.0067, 400.0075, 400.0089, 400.407, 400.419, 400.441,
103 400.967, 402.3016, 402.40, 402.73, 403.067, and 403.4131,
104 F.S.; revising and deleting provisions relating to
105 specified obsolete and outdated plans, reports, and
106 programs; repealing s. 403.756, F.S., relating to a report
107 concerning oil recycling; amending ss. 403.7226 and
108 403.7265, F.S.; revising and deleting provisions relating
109 to specified obsolete and outdated plans, reports, and
110 programs; amending s. 403.7264, F.S.; conforming a cross
111 reference; amending ss. 403.7895, 406.02, 408.033,
112 408.914, and 408.915, F.S.; revising and deleting

113 provisions relating to specified obsolete and outdated
114 plans, reports, and programs; repealing s. 408.917, F.S.,
115 relating to evaluation of a health care eligibility pilot
116 project; amending s. 409.1451, F.S.; revising reporting
117 requirements relating to independent living transition
118 services; repealing s. 409.146, F.S., relating to a
119 children and families client and management information
120 system; repealing s. 409.152, F.S., relating to service
121 integration and family preservation goals; amending ss.
122 409.1679, 409.1685, 409.178, 409.221, 409.25575, 409.2558,
123 409.2567, 409.441, 409.906, 409.9065, 409.91188, and
124 409.912, F.S.; revising and deleting provisions relating
125 to specified obsolete and outdated plans, reports, and
126 programs; amending ss. 394.9082, 409.9065, 409.91196, and
127 641.386, F.S.; conforming cross references; repealing s.
128 410.0245, F.S., relating to a study of service needs;
129 amending s. 410.604, F.S.; deleting a requirement for an
130 evaluation and report concerning a specified community
131 care for disabled adults program; repealing s. 411.221,
132 F.S., relating to a prevention and early assistance
133 strategic plan; amending ss. 411.01 and 411.232, F.S.;
134 conforming provisions to the repeal of s. 411.221, F.S.;
135 repealing s. 411.242, F.S., relating to the Florida
136 Education Now and Babies Later (ENABL) program; amending
137 ss. 413.402, 414.1251, 414.14, 414.36, 414.391, 415.1045,
138 420.622, 420.623, 427.704, 427.706, 430.04, 430.502,
139 445.003, 445.004, and 445.006, F.S.; revising and deleting
140 provisions relating to specified obsolete and outdated

141 plans, reports, and programs; conforming provisions to the
 142 repeal of s. 411.242, F.S.; amending ss. 445.022 and
 143 445.049, F.S.; revising and deleting provisions relating
 144 to specified obsolete and outdated plans, reports, and
 145 programs; repealing s. 446.27, F.S., relating to a youth-
 146 at-risk pilot program annual report; amending s. 446.50,
 147 F.S.; deleting provisions relating to initial submittal of
 148 the displaced homemaker program plan; repealing s.
 149 455.204, F.S., relating to long-range policy planning
 150 concerning professional regulation; amending ss. 455.2226,
 151 455.2228, 456.005, 456.025, 456.031, 456.033, 456.034, and
 152 517.302, F.S.; revising and deleting provisions relating
 153 to specified obsolete and outdated plans, reports, and
 154 programs; repealing s. 526.3135, F.S., relating to reports
 155 by the Division of Standards of the Department of
 156 Agriculture and Consumer Services; amending s. 531.415,
 157 F.S., relating to a required notice to the Legislature
 158 concerning certain weights and measures regulation fees;
 159 repealing s. 553.975, F.S., relating to a report
 160 concerning energy conservation standards; amending ss.
 161 570.0705, 570.0725, 570.235, 570.543, 570.952, 603.204,
 162 627.351, 627.64872, 744.7021, 744.708, 765.5215, 768.295,
 163 775.084, 790.22, 932.7055, 943.125, 943.68, 944.023,
 164 944.801, 945.35, 958.045, 960.045, 985.02, 985.08, and
 165 985.3045, F.S.; revising and deleting provisions relating
 166 to specified obsolete and outdated plans, reports, and
 167 programs; repealing s. 985.3046, F.S., relating to certain
 168 reports concerning agencies and entities providing

169 prevention services; amending ss. 985.305 and 985.3155,
 170 F.S.; revising and deleting provisions relating to
 171 specified obsolete and outdated plans, reports, and
 172 programs; repealing s. 985.403, F.S., relating to a task
 173 force on juvenile sexual offenders and their victims;
 174 amending s. 985.412, F.S.; deleting a provision relating
 175 to submittal of a proposal concerning incentives for
 176 certain Department of Juvenile Justice providers; amending
 177 ss. 1003.492, 1003.61, and 1004.50, F.S.; revising and
 178 deleting provisions relating to specified obsolete and
 179 outdated plans, reports, and programs; repealing s.
 180 1006.0605, F.S., relating to reports concerning student
 181 summer nutrition programs; amending ss. 1007.27, 1009.70,
 182 1011.32, 1011.62, 1012.42, and 1013.03, F.S.; revising and
 183 deleting provisions relating to specified obsolete and
 184 outdated plans, reports, and programs; amending ss.
 185 20.165, 309.01, 310.011, 455.01, 455.017, and 455.217,
 186 F.S.; revising terminology relating to the organization of
 187 the Department of Business and Professional Regulation;
 188 providing effective dates.

189
 190 Be It Enacted by the Legislature of the State of Florida:
 191 Section 1. Section 16.58, Florida Statutes, is repealed.
 192 Section 2. Subsection (1) and paragraph (c) of subsection
 193 (5) of section 20.19, Florida Statutes, are amended to read:
 194 20.19 Department of Children and Family Services.--There
 195 is created a Department of Children and Family Services.
 196 (1) MISSION ~~AND PURPOSE~~.--

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

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

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

211 (5) SERVICE DISTRICTS.--

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

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

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

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

226 20.315 Department of Corrections.--There is created a
 227 Department of Corrections.

228 (6) FLORIDA CORRECTIONS COMMISSION.--

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

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

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

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

241 4. Perform an in-depth evaluation of the department's
 242 annual budget request ~~of the Department of Corrections, long-~~
 243 range program plans and performance standards ~~the comprehensive~~
 244 ~~correctional master plan~~, and the tentative construction program
 245 for compliance with all applicable laws and established
 246 departmental policies. The commission may not consider
 247 individual construction projects, but shall consider methods of
 248 accomplishing the department's goals in the most effective,
 249 efficient, and businesslike manner.

250 5. Routinely monitor the financial status of the
 251 department ~~of Corrections~~ to assure that the department is

252 managing revenue and any applicable bond proceeds responsibly
 253 and in accordance with law and established policy.

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

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

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

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

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

270 20.316 Department of Juvenile Justice.--There is created a
 271 Department of Juvenile Justice.

272 (4) INFORMATION SYSTEMS.--

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

278 (b) In establishing the computing and network
 279 infrastructure for the development of the information system,

280 the department shall develop a system design to set the
 281 direction for the information system. That design shall include
 282 not only department system requirements but also data exchange
 283 requirements of other state and local juvenile justice system
 284 organizations.

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

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

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

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

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

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

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

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

305 7. Facilitate connectivity, access, and utilization of
 306 information among various state agencies, and other state,

HB 1859

2005

307 federal, local, and private agencies, organizations, and
308 institutions.

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

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

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

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

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

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

336 20.43 Department of Health.--There is created a Department
 337 of Health.

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

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

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

350 39.001 Purposes and intent; personnel standards and
 351 screening.--

352 (7) PLAN FOR COMPREHENSIVE APPROACH.--

353 (a) The department shall develop a comprehensive state
 354 plan for the prevention of abuse, abandonment, and neglect of
 355 children and shall submit the plan to the Speaker of the House
 356 of Representatives, the President of the Senate, and the
 357 Governor no later than June 30, 2006 ~~January 1, 1983~~.

358 1. The departments Department of Education, and the
 359 Division of Children's Medical Services Prevention and
 360 Intervention of the Department of Health, Law Enforcement, and
 361 Juvenile Justice, along with the Agency for Workforce Innovation

HB 1859

2005

362 and the Agency for Persons with Disabilities, shall participate
363 and fully cooperate in the development of the state plan at both
364 the state and local levels. National-level and state-level
365 advocacy groups, especially as identified in federal prevention
366 initiatives or requirements, shall also be provided an
367 opportunity to participate.

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

HB 1859

2005

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

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

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

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

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

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

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

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

440 (c) The comprehensive state plan shall contain the
441 following elements:

- 442 1. A section reflecting general conditions and needs.
443 2. An analysis of variations based on population or
444 geographic areas.

- 445 3. Performance expectations and gaps.
- 446 4. Recommendations for performance improvement.
- 447 5. Resource and funding strategies related to unmet needs.
- 448 6. A summary or crosswalk of the planning and performance
- 449 requirements from relevant federal funding sources for the
- 450 prevention of child abuse and neglect.

451 7. Each separate plan identified in paragraphs (d), (e),
 452 and (f).

453 ~~2. The department, the Department of Education, and the~~
 454 ~~Department of Health shall work together in developing ways to~~
 455 ~~inform and instruct parents of school children and appropriate~~
 456 ~~district school personnel in all school districts in the~~
 457 ~~detection of child abuse, abandonment, and neglect and in the~~
 458 ~~proper action that should be taken in a suspected case of child~~
 459 ~~abuse, abandonment, or neglect, and in caring for a child's~~
 460 ~~needs after a report is made. The plan for accomplishing this~~
 461 ~~end shall be included in the state plan.~~

462 (d)3. The department, and appropriate task members the
 463 Department of Law Enforcement, and the Department of Health
 464 shall work together in developing a plan for informing and
 465 instructing ways to inform and instruct appropriate
 466 professionals local law enforcement personnel in the detection
 467 of child abuse, abandonment, and neglect; and in the proper
 468 actions action that should be taken in a suspected case of child
 469 abuse, abandonment, or neglect; and in supporting subsequent
 470 action by the department or other responsible party for child
 471 protection. Appropriate professionals include, but are not
 472 limited to, the reporters listed in s. 39.201(1)(b).

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

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

492 (f)6. ~~Each district of~~ The department shall facilitate the
 493 development of local plans ~~develop a plan for~~ their local ~~its~~
 494 ~~specific~~ geographical area. Plans ~~The plan~~ developed at the
 495 local ~~district~~ level shall be used by ~~submitted to~~ the
 496 interprogram task force ~~for utilization~~ in preparing the state
 497 comprehensive plan. ~~The district local plan of action shall be~~
 498 ~~prepared with the involvement and assistance of the local~~
 499 ~~agencies and organizations listed in paragraph (a), as well as~~
 500 ~~representatives from those departmental district offices~~

501 ~~participating in the treatment and prevention of child abuse,~~
502 ~~abandonment, and neglect. In order to accomplish this, the~~
503 ~~district administrator in each district shall establish a task~~
504 ~~force on the prevention of child abuse, abandonment, and~~
505 ~~neglect. The district administrator shall appoint the members of~~
506 ~~the task force in accordance with the membership requirements of~~
507 ~~this section. In addition, the district administrator shall~~
508 ~~ensure that each subdistrict is represented on the task force,~~
509 ~~and, if the district does not have subdistricts, the district~~
510 ~~administrator shall ensure that both urban and rural areas are~~
511 ~~represented on the task force. The task force shall develop a~~
512 ~~written statement clearly identifying its operating procedures,~~
513 ~~purpose, overall responsibilities, and method of meeting~~
514 ~~responsibilities.~~

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

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

524 2.b. ~~A description of programs~~ and services currently
525 ~~servicing abused, abandoned, and neglected children and their~~
526 ~~families and a description of programs for the prevention of~~
527 ~~child abuse, abandonment, and neglect, including information on~~

HB 1859

2005

528 the impact, ~~cost effectiveness,~~ and sources of funding of such
529 programs and services.

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

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

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

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

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

552 (8) FUNDING AND SUBSEQUENT PLANS.--

553 (a) The department's long-range program plans and
554 legislative budget requests ~~All budget requests submitted by the~~
555 ~~department, the Department of Health, the Department of~~

HB 1859

2005

556 ~~Education, or any other agency to the Legislature for funding of~~
557 ~~efforts for the prevention of child abuse, abandonment, and~~
558 ~~neglect shall be based on~~ and consistent with the most recent
559 state comprehensive plan and updates developed pursuant to this
560 section.

561 (b) The department at the state and district levels and
562 the other agencies listed in paragraph (7)(a) shall review and
563 update the plan annually ~~readdress the plan and make necessary~~
564 ~~revisions every 5 years, at a minimum.~~ Such updates ~~revisions~~
565 shall be submitted to the Governor, the Speaker of the House of
566 Representatives, and the President of the Senate no later than
567 June 30 of each year ~~divisible by 5.~~ Annual review and updates
568 shall include progress and performance reporting ~~An annual~~
569 ~~progress report shall be submitted to update the plan in the~~
570 ~~years between the 5-year intervals. In order to avoid~~
571 ~~duplication of effort, these required plans may be made a part~~
572 ~~of or merged with other plans required by either the state or~~
573 ~~Federal Government, so long as the portions of the other state~~
574 ~~or Federal Government plan that constitute the state plan for~~
575 ~~the prevention of child abuse, abandonment, and neglect are~~
576 ~~clearly identified as such and are provided to the Speaker of~~
577 ~~the House of Representatives and the President of the Senate as~~
578 ~~required above.~~

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

581 39.3065 Sheriffs of certain counties to provide child
582 protective investigative services; procedures; funding.--

HB 1859

2005

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

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

599 (c) Funds for providing child protective investigations
600 must be identified in the annual appropriation made to the
601 Department of Children and Family Services, which shall award
602 grants for the full amount identified to the respective
603 sheriffs' offices. Notwithstanding the provisions of ss.
604 216.181(16) (b) and 216.351, the Department of Children and
605 Family Services may advance payments to the sheriffs for child
606 protective investigations. Funds for the child protective
607 investigations may not be integrated into the sheriffs' regular
608 budgets. Budgetary data and other data relating to the
609 performance of child protective investigations must be
610 maintained separately from all other records of the sheriffs'

HB 1859

2005

611 offices and reported to the Department of Children and Family
612 Services as specified in the grant agreement.

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

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

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

629 39.523 Placement in residential group care.--

630 ~~(5) (a) By December 1 of each year, the department shall~~
631 ~~report to the Legislature on the placement of children in~~
632 ~~licensed residential group care during the year, including the~~
633 ~~criteria used to determine the placement of children, the number~~
634 ~~of children who were evaluated for placement, the number of~~
635 ~~children who were placed based upon the evaluation, and the~~
636 ~~number of children who were not placed. The department shall~~
637 ~~maintain data specifying the number of children who were~~
638 ~~referred to licensed residential child care for whom placement~~

HB 1859

2005

639 ~~was unavailable and the counties in which such placement was~~
640 ~~unavailable. The department shall include this data in its~~
641 ~~report to the Legislature due on December 1, so that the~~
642 ~~Legislature may consider this information in developing the~~
643 ~~General Appropriations Act.~~

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

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

658 98.255 Voter education programs.--

659 (1) ~~By March 1, 2002,~~ The Department of State shall adopt
660 rules prescribing minimum standards for nonpartisan voter
661 education. In developing the rules, the department shall review
662 current voter education programs within each county of the
663 state. The standards shall address, but are not limited to, the
664 following subjects:

665 (a) Voter registration;

666 (b) Balloting procedures, absentee and polling place;

- 667 (c) Voter rights and responsibilities;
- 668 (d) Distribution of sample ballots; and
- 669 (e) Public service announcements.

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

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

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

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

688 120.695 Notice of noncompliance.--

689 (2)~~(a)~~ Each agency shall issue a notice of noncompliance
 690 as a first response to a minor violation of a rule. A "notice of
 691 noncompliance" is a notification by the agency charged with
 692 enforcing the rule issued to the person or business subject to
 693 the rule. A notice of noncompliance may not be accompanied with
 694 a fine or other disciplinary penalty. It must identify the

HB 1859

2005

695 specific rule that is being violated, provide information on how
696 to comply with the rule, and specify a reasonable time for the
697 violator to comply with the rule. ~~A rule is agency action that~~
698 ~~regulates a business, occupation, or profession, or regulates a~~
699 ~~person operating a business, occupation, or profession, and~~
700 ~~that, if not complied with, may result in a disciplinary~~
701 ~~penalty.~~

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

716 ~~(c) The agency's review and designation must be completed~~
717 ~~by December 1, 1995; each agency under the direction of the~~
718 ~~Governor shall make a report to the Governor, and each agency~~
719 ~~under the joint direction of the Governor and Cabinet shall~~
720 ~~report to the Governor and Cabinet by January 1, 1996, on which~~
721 ~~of its rules have been designated as rules the violation of~~
722 ~~which would be a minor violation.~~

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

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

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

731 Section 12. Section 153.952, Florida Statutes, is
732 repealed.

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

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

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

747 ~~(4)(5)~~ Except in those areas where local zoning and
748 building codes have been established pursuant to subsection
749 ~~(3)(4)~~, a permit to alter, excavate, or construct on property

HB 1859

2005

750 seaward of established coastal construction control lines may be
751 granted by the department as follows:

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

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

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

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

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

778 requiring structures to meet design and siting criteria
779 established in paragraph (a) or in subsection (1) or subsection
780 (2).

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

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

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

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

HB 1859

2005

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

807 (5)~~(6)~~

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

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

HB 1859

2005

833 that year. However, the seaward extent of the beach nourishment
834 or restoration project beyond the erosion control line shall not
835 be considered in determining the applicable erosion rates.
836 Nothing in this subsection shall prohibit the department from
837 requiring structures to meet criteria established in subsection
838 (1), subsection (2), or subsection (4)~~(5)~~ or to be further
839 landward than required by this subsection based on the criteria
840 established in subsection (1), subsection (2), or subsection
841 (4)~~(5)~~.

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

HB 1859

2005

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

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

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

881 (b) Activities seaward of the coastal construction control
882 line which are determined by the department not to cause a
883 measurable interference with the natural functioning of the
884 coastal system are exempt from the requirements in subsection
885 (4)~~(5)~~.

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

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

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

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

913 Section 14. Paragraph (g) of subsection (1) of section
 914 370.12, Florida Statutes, is amended to read:

915 370.12 Marine animals; regulation.--

916 (1) PROTECTION OF MARINE TURTLES.--

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

936 Section 15. Subsection (2) of section 161.161, Florida
 937 Statutes, is amended to read:

938 161.161 Procedure for approval of projects.--

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

HB 1859

2005

945 ~~of the Legislature in the priority order specified in the plan~~
 946 ~~and established pursuant to criteria established contained in s.~~
 947 ~~161.101(14).~~

948 Section 16. Section 163.2526, Florida Statutes, is
 949 repealed.

950 Section 17. Subsection (2) of section 163.3167, Florida
 951 Statutes, is amended to read:

952 163.3167 Scope of act.--

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

970 ~~(a) Beginning on July 1, 1988, and on or before July 1,~~
 971 ~~1990, each county that is required to include a coastal~~

972 ~~management element in its comprehensive plan and each~~
 973 ~~municipality in such a county; and~~
 974 ~~(b) Beginning on July 1, 1989, and on or before July 1,~~
 975 ~~1991, all other counties or municipalities.~~

976
 977 ~~Nothing herein shall preclude the state land planning agency~~
 978 ~~from permitting by rule a county together with each municipality~~
 979 ~~in the county from submitting a proposed comprehensive plan~~
 980 ~~earlier than the dates established in paragraphs (a) and (b).~~
 981 ~~Any county or municipality that fails to meet the schedule set~~
 982 ~~for submission of its proposed comprehensive plan by more than~~
 983 ~~90 days shall be subject to the sanctions described in s.~~
 984 ~~163.3184(11)(a) imposed by the Administration Commission.~~
 985 ~~Notwithstanding the time periods established in this subsection,~~
 986 ~~the state land planning agency may establish later deadlines for~~
 987 ~~the submission of proposed comprehensive plans or comprehensive~~
 988 ~~plans as proposed to be amended for a county or municipality~~
 989 ~~which has all or a part of a designated area of critical state~~
 990 ~~concern within its boundaries; however, such deadlines shall not~~
 991 ~~be extended to a date later than July 1, 1991, or the time of~~
 992 ~~de-designation, whichever is earlier.~~

993 Section 18. Paragraph (h) of subsection (6) and paragraph
 994 (k) of subsection (10) of section 163.3177, Florida Statutes,
 995 are amended to read:

996 163.3177 Required and optional elements of comprehensive
 997 plan; studies and surveys.--

998 (6) In addition to the requirements of subsections (1)-
 999 (5), the comprehensive plan shall include the following
 1000 elements:

1001 (h)1. An intergovernmental coordination element showing
 1002 relationships and stating principles and guidelines to be used
 1003 in coordinating ~~the accomplishment of coordination of~~ the
 1004 adopted comprehensive plan with the plans of school boards and
 1005 other units of local government providing services but not
 1006 having regulatory authority over the use of land, with the
 1007 comprehensive plans of adjacent municipalities, the county,
 1008 adjacent counties, or the region, with the state comprehensive
 1009 plan and with the applicable regional water supply plan approved
 1010 pursuant to s. 373.0361, as the case may require and as such
 1011 adopted plans or plans in preparation may exist. This element of
 1012 the local comprehensive plan shall consider ~~demonstrate~~
 1013 ~~consideration of~~ the particular effects of the local plan, when
 1014 adopted, upon the development of adjacent municipalities, the
 1015 county, adjacent counties, or the region, or upon the state
 1016 comprehensive plan, as the case may require.

1017 a. The intergovernmental coordination element shall
 1018 provide ~~for~~ procedures for identifying and implementing ~~to~~
 1019 ~~identify and implement~~ joint planning areas, especially for the
 1020 purpose of annexation, municipal incorporation, and joint
 1021 infrastructure service areas.

1022 b. The intergovernmental coordination element shall
 1023 provide for recognition of campus master plans prepared pursuant
 1024 to s. 1013.30.

1025 c. The intergovernmental coordination element may provide
 1026 for a voluntary dispute resolution process as established
 1027 pursuant to s. 186.509 for bringing to closure in a timely
 1028 manner intergovernmental disputes. A local government may
 1029 develop and use an alternative local dispute resolution process
 1030 for this purpose.

1031 2. The intergovernmental coordination element shall
 1032 further state principles and guidelines to be used in
 1033 coordinating ~~the accomplishment of coordination of~~ the adopted
 1034 comprehensive plan with the plans of school boards and other
 1035 units of local government providing facilities and services but
 1036 not having regulatory authority over the use of land. In
 1037 addition, the intergovernmental coordination element shall
 1038 describe joint processes for collaborative planning and
 1039 decisionmaking on population projections and public school
 1040 siting, the location and extension of public facilities subject
 1041 to concurrency, and siting facilities with countywide
 1042 significance, including locally unwanted land uses whose nature
 1043 and identity are established in an agreement. Within 1 year of
 1044 adopting their intergovernmental coordination elements, each
 1045 county, all the municipalities within that county, the district
 1046 school board, and any unit of local government service providers
 1047 in that county shall establish by interlocal or other formal
 1048 agreement executed by all affected entities, the joint processes
 1049 described in this subparagraph consistent with their adopted
 1050 intergovernmental coordination elements.

1051 3. To foster coordination between special districts and
 1052 local general-purpose governments as local general-purpose

1053 governments implement local comprehensive plans, each
 1054 independent special district must submit a public facilities
 1055 report to the appropriate local government as required by s.
 1056 189.415.

1057 ~~4.a.~~ Local governments adopting a public educational
 1058 facilities element pursuant to s. 163.31776 must execute an
 1059 interlocal agreement with the district school board, the county,
 1060 and nonexempt municipalities, as defined by s. 163.31776(1),
 1061 which includes the items listed in s. 163.31777(2). The local
 1062 government shall amend the intergovernmental coordination
 1063 element to provide that coordination between the local
 1064 government and school board is pursuant to the agreement and
 1065 shall state the obligations of the local government under the
 1066 agreement.

1067 ~~b.~~ Plan amendments that comply with this subparagraph are
 1068 exempt from the provisions of s. 163.3187(1).

1069 ~~5.~~ ~~The state land planning agency shall establish a~~
 1070 ~~schedule for phased completion and transmittal of plan~~
 1071 ~~amendments to implement subparagraphs 1., 2., and 3. from all~~
 1072 ~~jurisdictions so as to accomplish their adoption by December 31,~~
 1073 ~~1999. A local government may complete and transmit its plan~~
 1074 ~~amendments to carry out these provisions prior to the scheduled~~
 1075 ~~date established by the state land planning agency. The plan~~
 1076 ~~amendments are exempt from the provisions of s. 163.3187(1).~~

1077 ~~5.6.~~ By January 1, 2004, any county having a population
 1078 greater than 100,000, and the municipalities and special
 1079 districts within that county, shall submit a report to the
 1080 Department of Community Affairs which identifies:

1081 a. ~~Identifies~~ All existing or proposed interlocal service-
 1082 delivery agreements regarding the following: education; sanitary
 1083 sewer; public safety; solid waste; drainage; potable water;
 1084 parks and recreation; and transportation facilities.

1085 b. ~~Identifies~~ Any deficits or duplication in the provision
 1086 of services within its jurisdiction, whether capital or
 1087 operational. Upon request, the Department of Community Affairs
 1088 shall provide technical assistance to the local governments in
 1089 identifying deficits or duplication.

1090 ~~6.7.~~ Within 6 months after submission of the report, the
 1091 Department of Community Affairs shall, through the appropriate
 1092 regional planning council, coordinate a meeting of all local
 1093 governments within the regional planning area to discuss the
 1094 reports and potential strategies to remedy any identified
 1095 deficiencies or duplications.

1096 ~~7.8.~~ Each local government shall update its
 1097 intergovernmental coordination element based upon the findings
 1098 in the report submitted pursuant to subparagraph ~~5.6.~~ The report
 1099 may be used as supporting data and analysis for the
 1100 intergovernmental coordination element.

1101 ~~9. By February 1, 2003, representatives of municipalities,~~
 1102 ~~counties, and special districts shall provide to the Legislature~~
 1103 ~~recommended statutory changes for annexation, including any~~
 1104 ~~changes that address the delivery of local government services~~
 1105 ~~in areas planned for annexation.~~

1106 (10) The Legislature recognizes the importance and
 1107 significance of chapter 9J-5, Florida Administrative Code, the
 1108 Minimum Criteria for Review of Local Government Comprehensive

HB 1859

2005

1109 Plans and Determination of Compliance of the Department of
 1110 Community Affairs that will be used to determine compliance of
 1111 local comprehensive plans. The Legislature reserved unto itself
 1112 the right to review chapter 9J-5, Florida Administrative Code,
 1113 and to reject, modify, or take no action relative to this rule.
 1114 Therefore, pursuant to subsection (9), the Legislature hereby
 1115 has reviewed chapter 9J-5, Florida Administrative Code, and
 1116 expresses the following legislative intent:

1117 (k) So that local governments are able to prepare and
 1118 adopt comprehensive plans with knowledge of the rules that will
 1119 be applied to determine consistency of the plans with provisions
 1120 of this part, it is the intent of the Legislature that there
 1121 should be no doubt as to the legal standing of chapter 9J-5,
 1122 Florida Administrative Code, at the close of the 1986
 1123 legislative session. Therefore, the Legislature declares that
 1124 changes made to chapter 9J-5, Florida Administrative Code, prior
 1125 to October 1, 1986, shall not be subject to rule challenges
 1126 under s. 120.56(2), or to drawout proceedings under s.
 1127 120.54(3)(c)2. The entire chapter 9J-5, Florida Administrative
 1128 Code, as amended, shall be subject to rule challenges under s.
 1129 120.56(3), as nothing herein shall be construed to indicate
 1130 approval or disapproval of any portion of chapter 9J-5, Florida
 1131 Administrative Code, not specifically addressed herein. ~~No~~
 1132 ~~challenge pursuant to s. 120.56(3) may be filed from July 1,~~
 1133 ~~1987, through April 1, 1993. Any amendments to chapter 9J-5,~~
 1134 ~~Florida Administrative Code, exclusive of the amendments adopted~~
 1135 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~
 1136 ~~to the full chapter 120 process. All amendments shall have~~

HB 1859

2005

1137 ~~effective dates as provided in chapter 120 and submission to the~~
 1138 ~~President of the Senate and Speaker of the House of~~
 1139 ~~Representatives shall not be required.~~

1140 Section 19. Subsection (6) of section 163.3178, Florida
 1141 Statutes, is amended to read:

1142 163.3178 Coastal management.--

1143 (6) Local governments are encouraged to adopt countywide
 1144 marina siting plans to designate sites for existing and future
 1145 marinas. The Coastal Resources Interagency Management Committee,
 1146 at the direction of the Legislature, shall identify incentives
 1147 to encourage local governments to adopt such siting plans and
 1148 uniform criteria and standards to be used by local governments
 1149 to implement state goals, objectives, and policies relating to
 1150 marina siting. These criteria must ensure that priority is given
 1151 to water-dependent land uses. ~~The Coastal Resources Interagency~~
 1152 ~~Management Committee shall submit its recommendations regarding~~
 1153 ~~local government incentives to the Legislature by December 1,~~
 1154 ~~1993.~~ Countywide marina siting plans must be consistent with
 1155 state and regional environmental planning policies and
 1156 standards. Each local government in the coastal area which
 1157 participates in adoption of a countywide marina siting plan
 1158 shall incorporate the plan into the coastal management element
 1159 of its local comprehensive plan.

1160 Section 20. Subsection (12) of section 163.519, Florida
 1161 Statutes, is amended to read:

1162 163.519 Duties of Department of Legal Affairs.--The
 1163 Department of Legal Affairs shall:

1164 ~~(12) Submit an annual report to the Governor, the~~
 1165 ~~President of the Senate, the Speaker of the House of~~
 1166 ~~Representatives, and the minority leaders and appropriate~~
 1167 ~~committee chairpersons of each house prior to March 1 of each~~
 1168 ~~year which contains:~~

1169 ~~(a) A listing of neighborhood improvement districts~~
 1170 ~~created within the state, and their location.~~

1171 ~~(b) A listing of districts which received funds from the~~
 1172 ~~Safe Neighborhoods Program.~~

1173 ~~(c) A status report noting each district's progress in~~
 1174 ~~completing and implementing safe neighborhood improvement plans.~~

1175 Section 21. Subsection (9) of section 186.007, Florida
 1176 Statutes, is amended to read:

1177 186.007 State comprehensive plan; preparation; revision.--

1178 ~~(9) The Governor shall appoint a committee to review and~~
 1179 ~~make recommendations as to appropriate revisions to the state~~
 1180 ~~comprehensive plan that should be considered for the Governor's~~
 1181 ~~recommendations to the Administration Commission for October 1,~~
 1182 ~~1999, pursuant to s. 186.008(1). The committee must consist of~~
 1183 ~~persons from the public and private sectors representing the~~
 1184 ~~broad range of interests covered by the state comprehensive~~
 1185 ~~plan, including state, regional, and local government~~
 1186 ~~representatives. In reviewing the goals and policies contained~~
 1187 ~~in chapter 187, the committee must identify portions that have~~
 1188 ~~become outdated or have not been implemented, and, based upon~~
 1189 ~~best available data, the state's progress toward achieving the~~
 1190 ~~goals and policies. In reviewing the goals and policies relating~~
 1191 ~~to growth and development, the committee shall consider the~~

HB 1859

2005

1192 ~~extent to which the plan adequately addresses the guidelines set~~
 1193 ~~forth in s. 186.009, and recommend revisions as appropriate. In~~
 1194 ~~addition, the committee shall consider and make recommendations~~
 1195 ~~on the purpose and function of the state land development plan,~~
 1196 ~~as set forth in s. 380.031(17), including whether said plan~~
 1197 ~~should be retained and, if so, its future application. The~~
 1198 ~~committee may also make recommendations as to data and~~
 1199 ~~information needed in the continuing process to evaluate and~~
 1200 ~~update the state comprehensive plan. All meetings of the~~
 1201 ~~committee must be open to the public for input on the state~~
 1202 ~~planning process and amendments to the state comprehensive plan.~~
 1203 ~~The Executive Office of the Governor is hereby appropriated~~
 1204 ~~\$50,000 in nonrecurring general revenue for costs associated~~
 1205 ~~with the committee, including travel and per diem reimbursement~~
 1206 ~~for the committee members.~~

1207 Section 22. Subsection (5) of section 189.4035, Florida
 1208 Statutes, is amended to read:

1209 189.4035 Preparation of official list of special
 1210 districts.--

1211 (5) The official list of special districts shall be
 1212 available on the department's website ~~distributed by the~~
 1213 ~~department on October 1 of each year to the President of the~~
 1214 ~~Senate, the Speaker of the House of Representatives, the Auditor~~
 1215 ~~General, the Department of Revenue, the Department of Financial~~
 1216 ~~Services, the Department of Management Services, the State Board~~
 1217 ~~of Administration, counties, municipalities, county property~~
 1218 ~~appraisers, tax collectors, and supervisors of elections and to~~
 1219 ~~all interested parties who request the list.~~

HB 1859

2005

1220 Section 23. Subsection (2) of section 189.412, Florida
 1221 Statutes, is amended to read:

1222 189.412 Special District Information Program; duties and
 1223 responsibilities.--The Special District Information Program of
 1224 the Department of Community Affairs is created and has the
 1225 following special duties:

1226 (2) The maintenance of a master list of independent and
 1227 dependent special districts which shall be available on the
 1228 department's website annually updated and distributed to the
 1229 appropriate officials in state and local governments.

1230 Section 24. Subsection (2) of section 194.034, Florida
 1231 Statutes, is amended to read:

1232 194.034 Hearing procedures; rules.--

1233 (2) In each case, except when a complaint is withdrawn by
 1234 the petitioner or is acknowledged as correct by the property
 1235 appraiser, the value adjustment board shall render a written
 1236 decision. All such decisions shall be issued within 20 calendar
 1237 days of the last day the board is in session under s. 194.032.
 1238 The decision of the board shall contain findings of fact and
 1239 conclusions of law and shall include reasons for upholding or
 1240 overturning the determination of the property appraiser. When a
 1241 special magistrate has been appointed, the recommendations of
 1242 the special magistrate shall be considered by the board. The
 1243 clerk, upon issuance of the decisions, shall, on a form provided
 1244 by the Department of Revenue, notify by first-class mail each
 1245 taxpayer and, the property appraiser, ~~and the department of the~~
 1246 decision of the board.

HB 1859

2005

1247 Section 25. Paragraph (b) of subsection (1) of section
 1248 206.606, Florida Statutes, is amended to read:

1249 206.606 Distribution of certain proceeds.--

1250 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
 1251 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
 1252 Fund. Such moneys, after deducting the service charges imposed
 1253 by s. 215.20, the refunds granted pursuant to s. 206.41, and the
 1254 administrative costs incurred by the department in collecting,
 1255 administering, enforcing, and distributing the tax, which
 1256 administrative costs may not exceed 2 percent of collections,
 1257 shall be distributed monthly to the State Transportation Trust
 1258 Fund, except that:

1259 (b) \$2.5 million shall be transferred annually to the
 1260 State Game Trust Fund in the Fish and Wildlife Conservation
 1261 Commission ~~in each fiscal year~~ and used for recreational boating
 1262 activities, and freshwater fisheries management and research.
 1263 The transfers must be made in equal monthly amounts beginning on
 1264 July 1 of each fiscal year. The commission shall annually
 1265 determine where unmet needs exist for boating-related
 1266 activities, and may fund such activities in counties where, due
 1267 to the number of vessel registrations, sufficient financial
 1268 resources are unavailable.

1269 1. A minimum of \$1.25 million shall be used to fund local
 1270 projects to provide recreational channel marking, public
 1271 launching facilities, aquatic plant control, and other local
 1272 boating related activities. In funding the projects, the
 1273 commission shall give priority consideration as follows:

HB 1859

2005

1274 a. Unmet needs in counties with populations of 100,000 or
1275 less.

1276 b. Unmet needs in coastal counties with a high level of
1277 boating related activities from individuals residing in other
1278 counties.

1279 2. The remaining \$1.25 million may be used for
1280 recreational boating activities and freshwater fisheries
1281 management and research.

1282 3. The commission is authorized to adopt rules pursuant to
1283 ss. 120.536(1) and 120.54 to implement a Florida Boating
1284 Improvement Program similar to the program administered by the
1285 Department of Environmental Protection and established in rules
1286 62D-5.031 - 62D-5.036, Florida Administrative Code, to determine
1287 projects eligible for funding under this subsection.

1288
1289 ~~On February 1 of each year, The commission shall prepare and~~
1290 ~~make available on its Internet website file~~ an annual report
1291 ~~with the President of the Senate and the Speaker of the House of~~
1292 ~~Representatives~~ outlining the status of its Florida Boating
1293 Improvement Program, including the projects funded, and a list
1294 of counties whose needs are unmet due to insufficient financial
1295 resources from vessel registration fees.

1296 Section 26. Paragraph (b) of subsection (4) of section
1297 212.054, Florida Statutes, is amended to read:

1298 212.054 Discretionary sales surtax; limitations,
1299 administration, and collection.--

1300 (4)

1301 (b) The proceeds of a discretionary sales surtax collected
 1302 by the selling dealer located in a county which imposes the
 1303 surtax shall be returned, less the cost of administration, to
 1304 the county where the selling dealer is located. The proceeds
 1305 shall be transferred to the Discretionary Sales Surtax Clearing
 1306 Trust Fund. A separate account shall be established in such
 1307 trust fund for each county imposing a discretionary surtax. The
 1308 amount deducted for the costs of administration shall not exceed
 1309 3 percent of the total revenue generated for all counties
 1310 levying a surtax authorized in s. 212.055. The amount deducted
 1311 for the costs of administration shall be used only for those
 1312 costs which are solely and directly attributable to the surtax.
 1313 The total cost of administration shall be prorated among those
 1314 counties levying the surtax on the basis of the amount collected
 1315 for a particular county to the total amount collected for all
 1316 counties. ~~No later than March 1 of each year, the department~~
 1317 ~~shall submit a written report which details the expenses and~~
 1318 ~~amounts deducted for the costs of administration to the~~
 1319 ~~President of the Senate, the Speaker of the House of~~
 1320 ~~Representatives, and the governing authority of each county~~
 1321 ~~levying a surtax.~~ The department shall distribute the moneys in
 1322 the trust fund each month to the appropriate counties, unless
 1323 otherwise provided in s. 212.055.

1324 Section 27. Paragraph (j) of subsection (5) of section
 1325 212.08, Florida Statutes, is amended to read:

1326 212.08 Sales, rental, use, consumption, distribution, and
 1327 storage tax; specified exemptions.--The sale at retail, the
 1328 rental, the use, the consumption, the distribution, and the

1329 storage to be used or consumed in this state of the following
 1330 are hereby specifically exempt from the tax imposed by this
 1331 chapter.

1332 (5) EXEMPTIONS; ACCOUNT OF USE.--

1333 (j) Machinery and equipment used in semiconductor,
 1334 defense, or space technology production and research and
 1335 development.--

1336 1.a. Industrial machinery and equipment used in
 1337 semiconductor technology facilities certified under subparagraph
 1338 6. to manufacture, process, compound, or produce semiconductor
 1339 technology products for sale or for use by these facilities are
 1340 exempt from the tax imposed by this chapter. For purposes of
 1341 this paragraph, industrial machinery and equipment includes
 1342 molds, dies, machine tooling, other appurtenances or accessories
 1343 to machinery and equipment, testing equipment, test beds,
 1344 computers, and software, whether purchased or self-fabricated,
 1345 and, if self-fabricated, includes materials and labor for
 1346 design, fabrication, and assembly.

1347 b. Industrial machinery and equipment used in defense or
 1348 space technology facilities certified under subparagraph 6. to
 1349 manufacture, process, compound, or produce defense technology
 1350 products or space technology products for sale or for use by
 1351 these facilities are exempt from 25 percent of the tax imposed
 1352 by this chapter.

1353 2.a. Machinery and equipment are exempt from the tax
 1354 imposed by this chapter if used predominately in semiconductor
 1355 wafer research and development activities in a semiconductor
 1356 technology research and development facility certified under

HB 1859

2005

1357 subparagraph 6. For purposes of this paragraph, machinery and
1358 equipment includes molds, dies, machine tooling, other
1359 appurtenances or accessories to machinery and equipment, testing
1360 equipment, test beds, computers, and software, whether purchased
1361 or self-fabricated, and, if self-fabricated, includes materials
1362 and labor for design, fabrication, and assembly.

1363 b. Machinery and equipment are exempt from 25 percent of
1364 the tax imposed by this chapter if used predominately in defense
1365 or space research and development activities in a defense or
1366 space technology research and development facility certified
1367 under subparagraph 6.

1368 3. Building materials purchased for use in manufacturing
1369 or expanding clean rooms in semiconductor-manufacturing
1370 facilities are exempt from the tax imposed by this chapter.

1371 4. In addition to meeting the criteria mandated by
1372 subparagraph 1., subparagraph 2., or subparagraph 3., a business
1373 must be certified by the Office of Tourism, Trade, and Economic
1374 Development as authorized in this paragraph in order to qualify
1375 for exemption under this paragraph.

1376 5. For items purchased tax exempt pursuant to this
1377 paragraph, possession of a written certification from the
1378 purchaser, certifying the purchaser's entitlement to exemption
1379 pursuant to this paragraph, relieves the seller of the
1380 responsibility of collecting the tax on the sale of such items,
1381 and the department shall look solely to the purchaser for
1382 recovery of tax if it determines that the purchaser was not
1383 entitled to the exemption.

1384 6.a. To be eligible to receive the exemption provided by
 1385 subparagraph 1., subparagraph 2., or subparagraph 3., a
 1386 qualifying business entity shall apply to Enterprise Florida,
 1387 Inc. The application shall be developed by the Office of
 1388 Tourism, Trade, and Economic Development in consultation with
 1389 Enterprise Florida, Inc.

1390 b. Enterprise Florida, Inc., shall review each submitted
 1391 application and information and determine whether or not the
 1392 application is complete within 5 working days. Once an
 1393 application is complete, Enterprise Florida, Inc., shall, within
 1394 10 working days, evaluate the application and recommend approval
 1395 or disapproval of the application to the Office of Tourism,
 1396 Trade, and Economic Development.

1397 c. Upon receipt of the application and recommendation from
 1398 Enterprise Florida, Inc., the Office of Tourism, Trade, and
 1399 Economic Development shall certify within 5 working days those
 1400 applicants who are found to meet the requirements of this
 1401 section and notify the applicant, Enterprise Florida, Inc., and
 1402 the department of the certification. If the Office of Tourism,
 1403 Trade, and Economic Development finds that the applicant does
 1404 not meet the requirements of this section, it shall notify the
 1405 applicant and Enterprise Florida, Inc., within 10 working days
 1406 that the application for certification has been denied and the
 1407 reasons for denial. The Office of Tourism, Trade, and Economic
 1408 Development has final approval authority for certification under
 1409 this section.

1410 7.~~a~~. A business may apply once each year for the
 1411 exemption.

1412 a.b. The application must indicate, for program evaluation
1413 purposes only, the average number of full-time equivalent
1414 employees at the facility over the preceding calendar year, the
1415 average wage and benefits paid to those employees over the
1416 preceding calendar year, the total investment made in real and
1417 tangible personal property over the preceding calendar year, and
1418 the total value of tax-exempt purchases and taxes exempted
1419 during the previous year. The department shall assist the Office
1420 of Tourism, Trade, and Economic Development in evaluating and
1421 verifying information provided in the application for exemption.

1422 b.e. The Office of Tourism, Trade, and Economic
1423 Development may use the information reported on the application
1424 for evaluation purposes only ~~and shall prepare an annual report~~
1425 ~~on the exemption program and its cost and impact. The annual~~
1426 ~~report for the preceding fiscal year shall be submitted to the~~
1427 ~~Governor, the President of the Senate, and the Speaker of the~~
1428 ~~House of Representatives by September 30 of each fiscal year.~~

1429 8. A business certified to receive this exemption may
1430 elect to designate one or more state universities or community
1431 colleges as recipients of up to 100 percent of the amount of the
1432 exemption for which they may qualify. To receive these funds,
1433 the institution must agree to match the funds so earned with
1434 equivalent cash, programs, services, or other in-kind support on
1435 a one-to-one basis in the pursuit of research and development
1436 projects as requested by the certified business. The rights to
1437 any patents, royalties, or real or intellectual property must be
1438 vested in the business unless otherwise agreed to by the
1439 business and the university or community college.

- 1440 9. As used in this paragraph, the term:
- 1441 a. "Predominately" means at least 50 percent of the time
- 1442 in qualifying research and development.
- 1443 b. "Research and development" means basic and applied
- 1444 research in the science or engineering, as well as the design,
- 1445 development, and testing of prototypes or processes of new or
- 1446 improved products. Research and development does not include
- 1447 market research, routine consumer product testing, sales
- 1448 research, research in the social sciences or psychology,
- 1449 nontechnological activities, or technical services.
- 1450 c. "Semiconductor technology products" means raw
- 1451 semiconductor wafers or semiconductor thin films that are
- 1452 transformed into semiconductor memory or logic wafers, including
- 1453 wafers containing mixed memory and logic circuits; related
- 1454 assembly and test operations; active-matrix flat panel displays;
- 1455 semiconductor chips; semiconductor lasers; optoelectronic
- 1456 elements; and related semiconductor technology products as
- 1457 determined by the Office of Tourism, Trade, and Economic
- 1458 Development.
- 1459 d. "Clean rooms" means manufacturing facilities enclosed
- 1460 in a manner that meets the clean manufacturing requirements
- 1461 necessary for high-technology semiconductor-manufacturing
- 1462 environments.
- 1463 e. "Defense technology products" means products that have
- 1464 a military application, including, but not limited to, weapons,
- 1465 weapons systems, guidance systems, surveillance systems,
- 1466 communications or information systems, munitions, aircraft,
- 1467 vessels, or boats, or components thereof, which are intended for

1468 military use and manufactured in performance of a contract with
 1469 the United States Department of Defense or the military branch
 1470 of a recognized foreign government or a subcontract thereunder
 1471 which relates to matters of national defense.

1472 f. "Space technology products" means products that are
 1473 specifically designed or manufactured for application in space
 1474 activities, including, but not limited to, space launch
 1475 vehicles, missiles, satellites or research payloads, avionics,
 1476 and associated control systems and processing systems. The term
 1477 does not include products that are designed or manufactured for
 1478 general commercial aviation or other uses even though those
 1479 products may also serve an incidental use in space applications.

1480 Section 28. Section 213.0452, Florida Statutes, is
 1481 repealed.

1482 Section 29. Section 213.054, Florida Statutes, is
 1483 repealed.

1484 Section 30. Paragraph (f) of subsection (5) of section
 1485 215.5601, Florida Statutes, is amended to read:

1486 215.5601 Lawton Chiles Endowment Fund.--

1487 (5) AVAILABILITY OF FUNDS; USES.--

1488 ~~(f) When advised by the Revenue Estimating Conference that~~
 1489 ~~a deficit will occur with respect to the appropriations from the~~
 1490 ~~tobacco settlement trust funds of the state agencies in any~~
 1491 ~~fiscal year, the Governor shall develop a plan of action to~~
 1492 ~~eliminate the deficit. Before implementing the plan of action,~~
 1493 ~~the Governor must comply with s. 216.177(2). In developing the~~
 1494 ~~plan of action, the Governor shall, to the extent possible,~~
 1495 ~~preserve legislative policy and intent, and, absent any specific~~

1496 ~~directions to the contrary in the General Appropriations Act,~~
 1497 ~~any reductions in appropriations from the tobacco settlement~~
 1498 ~~trust funds of the state agencies for a fiscal year shall be~~
 1499 ~~prorated among the specific appropriations made from all tobacco~~
 1500 ~~settlement trust funds of the state agencies for that year.~~

1501 Section 31. Subsection (3) of section 215.70, Florida
 1502 Statutes, is amended to read:

1503 215.70 State Board of Administration to act in case of
 1504 defaults.--

1505 (3) It shall be the duty of the State Board of
 1506 Administration to monitor the debt service accounts for bonds
 1507 issued pursuant to this act. The board shall advise the Governor
 1508 and Legislature of any projected need to appropriate funds to
 1509 honor the pledge of full faith and credit of the state. The
 1510 report shall include the estimated amount of appropriations
 1511 needed, the estimated maximum amount of appropriations needed,
 1512 and a contingency appropriation request for each bond issue.

1513 Section 32. Subsection (1) of section 253.7825, Florida
 1514 Statutes, is amended to read:

1515 253.7825 Recreational uses.--

1516 (1) The Cross Florida Greenways State Recreation and
 1517 Conservation Area must be managed as a multiple-use area
 1518 pursuant to s. 253.034(2)(a), and as further provided herein.
 1519 ~~The University of Florida Management Plan provides a conceptual~~
 1520 ~~recreational plan that may ultimately be developed at various~~
 1521 ~~locations throughout the greenways corridor. The plan proposes~~
 1522 ~~to locate a number of the larger, more comprehensive and complex~~
 1523 ~~recreational facilities in sensitive, natural resource areas.~~

1524 Future site-specific studies and investigations must be
 1525 conducted by the department to determine compatibility with, and
 1526 potential for adverse impact to, existing natural resources,
 1527 need for the facility, the availability of other alternative
 1528 locations with reduced adverse impacts to existing natural
 1529 resources, and the proper specific sites and locations for the
 1530 more comprehensive and complex facilities. Furthermore, it is
 1531 appropriate, with the approval of the department, to allow more
 1532 fishing docks, boat launches, and other user-oriented facilities
 1533 to be developed and maintained by local governments.

1534 Section 33. Section 253.7826, Florida Statutes, is
 1535 repealed.

1536 Section 34. Section 253.7829, Florida Statutes, is
 1537 repealed.

1538 Section 35. Section 265.56, Florida Statutes, is repealed.

1539 Section 36. Subsection (4) of section 267.074, Florida
 1540 Statutes, is amended to read:

1541 267.074 State Historical Marker Program.--The division
 1542 shall coordinate and direct the State Historical Marker Program,
 1543 which shall be a program of popular history and heritage
 1544 designed to inform the general public about persons, events,
 1545 structures, and other topics relating to the history and culture
 1546 of the state; encourage interest in preserving the historical
 1547 resources of the state and its localities; promote a sense of
 1548 community and place among Florida citizens; and provide for the
 1549 enjoyment and edification of tourists.

1550 ~~(4) The division shall develop a comprehensive plan for~~
 1551 ~~the State Historical Marker Program which shall be kept up to~~

HB 1859

2005

1552 ~~date and shall incorporate goals and objectives of the program,~~
1553 ~~as well as policies, plans, and procedures relating to:~~

1554 ~~(a) Categories of Official Florida Historical Markers,~~
1555 ~~criteria for their use, and specifications for design.~~

1556 ~~(b) Selection of subjects to be marked.~~

1557 ~~(c) Published guides to Official Florida Historical~~
1558 ~~Markers, including methods for public distribution.~~

1559 ~~(d) Maintenance of markers.~~

1560 ~~(e) Removal or replacement of markers.~~

1561 ~~(f) Placement of markers at historic sites which shall be,~~
1562 ~~in general, conspicuous and accessible to and easily reached by~~
1563 ~~the public and where something associated with the person,~~
1564 ~~historic property, event, or other subject being marked is still~~
1565 ~~visible.~~

1566 ~~(g) Physical placement of the markers which shall be, in~~
1567 ~~general, conspicuous and easily reached by the public.~~

1568 Section 37. Subsection (28) of section 282.102, Florida
1569 Statutes, is amended to read:

1570 282.102 Creation of the State Technology Office; powers
1571 and duties.--There is created a State Technology Office within
1572 the Department of Management Services. The office shall be a
1573 separate budget entity, and shall be headed by a Chief
1574 Information Officer who is appointed by the Governor and is in
1575 the Senior Management Service. The Chief Information Officer
1576 shall be an agency head for all purposes. The Department of
1577 Management Services shall provide administrative support and
1578 service to the office to the extent requested by the Chief
1579 Information Officer. The office may adopt policies and

HB 1859

2005

1580 procedures regarding personnel, procurement, and transactions
 1581 for State Technology Office personnel. The office shall have the
 1582 following powers, duties, and functions:

1583 ~~(28) To study and make a recommendation to the Governor~~
 1584 ~~and Legislature on the feasibility of implementing online voting~~
 1585 ~~in this state.~~

1586 Section 38. Subsection (3) of section 284.50, Florida
 1587 Statutes, is amended to read:

1588 284.50 Loss prevention program; safety coordinators;
 1589 Interagency Advisory Council on Loss Prevention; employee
 1590 recognition program.--

1591 ~~(3) The council and each department head shall report~~
 1592 ~~annually to the Governor by January 15 preceding any regular~~
 1593 ~~legislative session any actions taken to prevent job related~~
 1594 ~~employee accidents, together with suggestions of safeguards and~~
 1595 ~~improvements.~~

1596 Section 39. Subsection (11) of section 287.045, Florida
 1597 Statutes, is amended to read:

1598 287.045 Procurement of products and materials with
 1599 recycled content.--

1600 ~~(11) Each agency shall report annually to the department~~
 1601 ~~its total expenditures on, and use of, products with recycled~~
 1602 ~~content and the percentage of its budget that represents~~
 1603 ~~purchases of similar products made from virgin materials. The~~
 1604 ~~department shall design a uniform reporting mechanism and~~
 1605 ~~prepare annual summaries of statewide purchases delineating~~
 1606 ~~those with recycled content to be submitted to the Governor, the~~

1607 ~~President of the Senate, and the Speaker of the House of~~
 1608 ~~Representatives.~~

1609 Section 40. Subsection (10) of section 287.16, Florida
 1610 Statutes, is amended to read:

1611 287.16 Powers and duties of department.--The Department of
 1612 Management Services shall have the following powers, duties, and
 1613 responsibilities:

1614 ~~(10) To provide the Legislature annual reports at the end~~
 1615 ~~of each calendar year concerning the utilization of all aircraft~~
 1616 ~~in the executive pool.~~

1617 Section 41. Subsection (7) of section 288.108, Florida
 1618 Statutes, is amended to read:

1619 288.108 High-impact business.--

1620 ~~(7) REPORTING. The office shall by December 1 of each~~
 1621 ~~year issue a complete and detailed report of all designated~~
 1622 ~~high impact sectors, all applications received and their~~
 1623 ~~disposition, all final orders issued, and all payments made,~~
 1624 ~~including analyses of benefits and costs, types of projects~~
 1625 ~~supported, and employment and investments created. The report~~
 1626 ~~shall be submitted to the Governor, the President of the Senate,~~
 1627 ~~and the Speaker of the House of Representatives.~~

1628 Section 42. Subsection (6) of section 288.1226, Florida
 1629 Statutes, is amended to read:

1630 288.1226 Florida Tourism Industry Marketing Corporation;
 1631 use of property; board of directors; duties; audit.--

1632 (6) ANNUAL AUDIT.--The corporation shall provide for an
 1633 annual financial audit in accordance with s. 215.981. The annual
 1634 audit report shall be submitted to the Auditor General; the

HB 1859

2005

1635 Office of Policy Analysis and Government Accountability; and the
 1636 Office of Tourism, Trade, and Economic Development for review.
 1637 The Office of Program Policy Analysis and Government
 1638 Accountability; the Office of Tourism, Trade, and Economic
 1639 Development; and the Auditor General have the authority to
 1640 require and receive from the corporation or from its independent
 1641 auditor any detail or supplemental data relative to the
 1642 operation of the corporation. ~~The Office of Tourism, Trade, and~~
 1643 ~~Economic Development shall annually certify whether the~~
 1644 ~~corporation is operating in a manner and achieving the~~
 1645 ~~objectives that are consistent with the policies and goals of~~
 1646 ~~the commission and its long range marketing plan.~~ The identity
 1647 of a donor or prospective donor to the corporation who desires
 1648 to remain anonymous and all information identifying such donor
 1649 or prospective donor are confidential and exempt from the
 1650 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 1651 Constitution. Such anonymity shall be maintained in the
 1652 auditor's report.

1653 Section 43. Paragraph (e) of subsection (8) of section
 1654 288.1229, Florida Statutes, is amended to read:

1655 288.1229 Promotion and development of sports-related
 1656 industries and amateur athletics; direct-support organization;
 1657 powers and duties.--

1658 (8) To promote amateur sports and physical fitness, the
 1659 direct-support organization shall:

1660 (e) Promote Florida as a host for national and
 1661 international amateur athletic competitions. ~~As part of this~~
 1662 ~~effort, the direct support organization shall:~~

1663 ~~1. Assist and support Florida cities or communities~~
 1664 ~~bidding or seeking to host the Summer Olympics or Pan American~~
 1665 ~~Games.~~

1666 ~~2. Annually report to the Governor, the President of the~~
 1667 ~~Senate, and the Speaker of the House of Representatives on the~~
 1668 ~~status of the efforts of cities or communities bidding to host~~
 1669 ~~the Summer Olympics or Pan American Games, including, but not~~
 1670 ~~limited to, current financial and infrastructure status,~~
 1671 ~~projected financial and infrastructure needs, and~~
 1672 ~~recommendations for satisfying the unmet needs and fulfilling~~
 1673 ~~the requirements for a successful bid in any year that the~~
 1674 ~~Summer Olympics or Pan American Games are held in this state.~~

1675 Section 44. Subsection (4) of section 288.7015, Florida
 1676 Statutes, is amended to read:

1677 288.7015 Appointment of rules ombudsman; duties.--The
 1678 Governor shall appoint a rules ombudsman, as defined in s.
 1679 288.703, in the Executive Office of the Governor, for
 1680 considering the impact of agency rules on the state's citizens
 1681 and businesses. In carrying out duties as provided by law, the
 1682 ombudsman shall consult with Enterprise Florida, Inc., at which
 1683 point the office may recommend to improve the regulatory
 1684 environment of this state. The duties of the rules ombudsman are
 1685 to:

1686 ~~(4)(a) By December 1, 1997, and annually thereafter,~~
 1687 ~~submit a report to the Legislature identifying and describing~~
 1688 ~~the extent to which rules of state agencies adversely impact~~
 1689 ~~trade promotion, economic growth and diversification in Florida,~~
 1690 ~~business profitability and viability, and, in particular, the~~

HB 1859

2005

1691 ~~startup of new businesses. The report must specifically identify~~
1692 ~~and describe those agency rules repealed or modified during each~~
1693 ~~calendar year in order to improve the regulatory climate for~~
1694 ~~businesses operating in this state. The report must also~~
1695 ~~identify those proposed rules for review and possible repeal or~~
1696 ~~modification in the next calendar year.~~

1697 ~~(b) The report must also specifically identify and~~
1698 ~~describe the use and impact of state economic development~~
1699 ~~incentives on minority owned businesses. The report must detail~~
1700 ~~how many minority owned businesses received state economic~~
1701 ~~development incentives administered by the Office of Tourism,~~
1702 ~~Trade, and Economic Development, including private activity~~
1703 ~~bonds, and the JOBS benefit.~~

1704 Section 45. Subsection (5) of section 288.853, Florida
1705 Statutes, is amended to read:

1706 288.853 International sanctions against Castro
1707 government.--

1708 ~~(5) Furthermore, contingent upon annual appropriation, to~~
1709 ~~the extent covered by the report submitted by the President~~
1710 ~~according to s. 108 of the Cuban Liberty and Democratic~~
1711 ~~Solidarity Act of 1996, and until such time as the President~~
1712 ~~submits a determination under s. 203(c)(1) of the Cuban Liberty~~
1713 ~~and Democratic Solidarity Act of 1996, the Governor shall submit~~
1714 ~~an annual report to the President of the Senate and the Speaker~~
1715 ~~of the House of Representatives on assistance to and commerce~~
1716 ~~with Cuba by citizens and legal residents of Florida. Each~~
1717 ~~report shall contain:~~

1718 ~~(a) Identification of Cuba's trading partners and the~~
 1719 ~~extent of such trade.~~

1720 ~~(b) A description of joint ventures completed or under~~
 1721 ~~consideration by foreign nationals and business firms located in~~
 1722 ~~or doing business in Florida involving facilities in Cuba.~~

1723 ~~(c) A determination as to whether any facilities are~~
 1724 ~~claimed by a citizen of Florida.~~

1725 ~~(d) Steps taken to assure that raw materials and~~
 1726 ~~semifinished or finished goods produced by facilities in Cuba~~
 1727 ~~involving Cuban and/or foreign nationals or businesses are not~~
 1728 ~~entering the Florida market.~~

1729 Section 46. Subsection (5) of section 288.95155, Florida
 1730 Statutes, is amended to read:

1731 288.95155 Florida Small Business Technology Growth
 1732 Program.--

1733 ~~(5) By January 1 of each year, Enterprise Florida, Inc.,~~
 1734 ~~shall prepare and include a report on the financial status of~~
 1735 ~~the program in its annual report required under s. 288.095 and~~
 1736 ~~the account and shall submit a copy of the report to the board~~
 1737 ~~of directors of Enterprise Florida, Inc., the appropriate~~
 1738 ~~legislative committees responsible for economic development~~
 1739 ~~oversight, and the appropriate legislative appropriations~~
 1740 ~~subcommittees. The report shall specify the assets and~~
 1741 ~~liabilities of the account within the current fiscal year and~~
 1742 ~~shall include a portfolio update that lists all of the~~
 1743 ~~businesses assisted, the private dollars leveraged by each~~
 1744 ~~business assisted, and the growth in sales and in employment of~~
 1745 ~~each business assisted.~~

HB 1859

2005

1746 Section 47. Paragraph (c) of subsection (4) of section
 1747 288.9604, Florida Statutes, is amended to read:

1748 288.9604 Creation of the authority.--

1749 (4)

1750 (c) The directors of the corporation shall annually elect
 1751 one of their members as chair and one as vice chair. The
 1752 corporation may employ a president, technical experts, and such
 1753 other agents and employees, permanent and temporary, as it
 1754 requires and determine their qualifications, duties, and
 1755 compensation. For such legal services as it requires, the
 1756 corporation may employ or retain its own counsel and legal
 1757 staff. ~~The corporation shall file with the governing body of~~
 1758 ~~each public agency with which it has entered into an interlocal~~
 1759 ~~agreement and with the Governor, the Speaker of the House of~~
 1760 ~~Representatives, the President of the Senate, the Minority~~
 1761 ~~Leaders of the Senate and House of Representatives, and the~~
 1762 ~~Auditor General, on or before 90 days after the close of the~~
 1763 ~~fiscal year of the corporation, a report of its activities for~~
 1764 ~~the preceding fiscal year, which report shall include a complete~~
 1765 ~~financial statement setting forth its assets, liabilities,~~
 1766 ~~income, and operating expenses as of the end of such fiscal~~
 1767 ~~year.~~

1768 Section 48. Section 288.9610, Florida Statutes, is amended
 1769 to read:

1770 288.9610 Annual reports of Florida Development Finance
 1771 Corporation.--On or before 90 days after the close of ~~By~~
 1772 ~~December 1 of each year,~~ the Florida Development Finance
 1773 Corporation's fiscal year, the corporation shall submit to the

1774 Governor, the President of the Senate, the Speaker of the House
 1775 of Representatives, ~~the Senate Minority Leader, the House~~
 1776 ~~Minority Leader,~~ the Auditor General, and the governing body of
 1777 each public entity with which it has entered into an interlocal
 1778 agreement ~~city or county activating the Florida Development~~
 1779 ~~Finance Corporation~~ a complete and detailed report setting
 1780 forth:

1781 (1) The results of any audit conducted pursuant to s.
 1782 11.45 ~~The evaluation required in s. 11.45(3)(j).~~

1783 (2) The activities, operations, and accomplishments of the
 1784 Florida Development Finance Corporation, including the number of
 1785 businesses assisted by the corporation.

1786 (3) Its assets, ~~and~~ liabilities, income, and operating
 1787 expenses at the end of its most recent fiscal year, including a
 1788 description of all of its outstanding revenue bonds.

1789 Section 49. Subsection (3) of section 292.04, Florida
 1790 Statutes, is amended to read:

1791 292.04 Florida Commission on Veterans' Affairs.--

1792 (3)(a) ~~It is the duty of the commission to conduct a~~
 1793 ~~biennial survey of possible contributions that veterans or state~~
 1794 ~~organizations of veterans and their auxiliaries could make to~~
 1795 ~~the state and to report the results of the survey to the~~
 1796 ~~department together with recommendations for encouraging such~~
 1797 ~~contributions.~~

1798 (b) The commission shall work with the various veterans'
 1799 organizations and their auxiliaries within the state and shall
 1800 function as a liaison between such organizations and the
 1801 department on matters pertaining to veterans.

HB 1859

2005

1802 Section 50. Subsection (6) of section 292.05, Florida
 1803 Statutes, is amended to read:

1804 292.05 Duties of Department of Veterans' Affairs.--

1805 (6) The department shall, by ~~on~~ December 31 of each year,
 1806 submit ~~make~~ an annual written report to the Governor, the
 1807 Cabinet, ~~of the state,~~ the Speaker of the House of
 1808 Representatives, and the President of the Senate that shall
 1809 describe; ~~which report shall show~~

1810 (a) The expenses incurred in veteran service work in the
 1811 state; the number, nature, and kind of cases handled by the
 1812 department and by county and city veteran service officers of
 1813 the state; the amounts of benefits obtained for veterans; the
 1814 names and addresses of all certified veteran service officers,
 1815 including county and city veteran service officers. The report
 1816 shall also describe the actions taken by the department in
 1817 implementing subsections (4), (5), and (7) and shall contain
 1818 such other information and recommendations as may appear to the
 1819 department to be right and proper.

1820 (b) The current status of the department's domiciliary and
 1821 nursing homes established pursuant to chapter 296, including all
 1822 receipts and expenditures, the condition of the homes, the
 1823 number of residents received and discharged during the preceding
 1824 year, occupancy rates, staffing, and any other information
 1825 necessary to providing an understanding of the management,
 1826 conduct, and operation of the homes.

1827 Section 51. Section 296.16, Florida Statutes, is repealed.

1828 Section 52. Section 296.39, Florida Statutes, is repealed.

HB 1859

2005

1829 Section 53. Paragraph (c) of subsection (12) of section
 1830 315.03, Florida Statutes, is amended to read:

1831 315.03 Grant of powers.--Each unit is hereby authorized
 1832 and empowered:

1833 (12)

1834 ~~(c) The Legislature shall review the loan program~~
 1835 ~~established pursuant to this subsection during the 2004 Regular~~
 1836 ~~Session of the Legislature.~~

1837 Section 54. Subsection (2) of section 319.324, Florida
 1838 Statutes, is amended to read:

1839 319.324 Odometer fraud prevention and detection;
 1840 funding.--

1841 (2) Moneys deposited into the Highway Safety Operating
 1842 Trust Fund under this section shall be used to implement and
 1843 maintain efforts by the department to prevent and detect
 1844 odometer fraud, including the prompt investigation of alleged
 1845 instances of odometer mileage discrepancies reported by licensed
 1846 motor vehicle dealers, auctions, or purchasers of motor
 1847 vehicles. ~~Such moneys shall also be used to fund an annual~~
 1848 ~~report to the Legislature by the Department of Highway Safety~~
 1849 ~~and Motor Vehicles, summarizing the department's investigations~~
 1850 ~~and findings.~~ In addition, moneys deposited into the fund may be
 1851 used by the department for general operations.

1852 Section 55. Section 322.181, Florida Statutes, is amended
 1853 to read:

1854 322.181 Advisory council on the Study of effects of aging
 1855 on driving ability; ~~advisory council.~~--

HB 1859

2005

1856 ~~(1) The Department of Highway Safety and Motor Vehicles~~
1857 ~~shall study the effects of aging on driving ability. The purpose~~
1858 ~~of the study is to develop a comprehensive approach to licensing~~
1859 ~~drivers.~~

1860 ~~(2) Issues to be studied by the department shall include~~
1861 ~~the:~~

1862 ~~(a) Effective and efficient identification of drivers at~~
1863 ~~risk of being involved in a motor vehicle accident because of~~
1864 ~~functional limitations that affect their driving ability;~~

1865 ~~(b) Prevalence and effect of degenerative processes~~
1866 ~~affecting vision, hearing, mobility, cognitive functions, and~~
1867 ~~reaction time;~~

1868 ~~(c) Implementation and effect of the department's vision~~
1869 ~~screening requirements and examination of new technologies;~~

1870 ~~(d) Availability and effectiveness of remedial measures~~
1871 ~~such as skills training, adaptive equipment, physical therapy,~~
1872 ~~and adjustment of driving practices that will allow people to~~
1873 ~~drive safely for as long as possible;~~

1874 ~~(e) Availability of alternative forms of transportation~~
1875 ~~for people who can no longer safely drive; and~~

1876 ~~(f) Effectiveness of existing public education initiatives~~
1877 ~~relating to at risk drivers.~~

1878 ~~(3) The department shall report the results of the study~~
1879 ~~to the President of the Senate and the Speaker of the House of~~
1880 ~~Representatives by February 1, 2004. The report shall include~~
1881 ~~findings of the study and recommendations for improving the~~
1882 ~~safety of at risk drivers.~~

1883 ~~(4)~~ The department shall appoint an advisory council to
 1884 ~~participate in the study and to~~ advise the department on issues
 1885 related to older at-risk drivers on an ongoing basis. The
 1886 council shall be known as the Florida At-Risk Driver Council.
 1887 Members of the council shall include representatives of
 1888 organizations involved with issues facing older drivers
 1889 including state agencies, medical professionals, senior citizen
 1890 advocacy groups, providers of services to senior citizens, and
 1891 research entities.

1892 Section 56. Paragraph (c) of subsection (7) of section
 1893 322.251, Florida Statutes, is amended to read:

1894 322.251 Notice of cancellation, suspension, revocation, or
 1895 disqualification of license.--

1896 (7)

1897 ~~(c) The Department of Highway Safety and Motor Vehicles~~
 1898 ~~and the Department of Law Enforcement shall develop and~~
 1899 ~~implement a plan to ensure the identification of any person who~~
 1900 ~~is the subject of an outstanding warrant or capias for passing~~
 1901 ~~worthless bank checks and to ensure the identification of the~~
 1902 ~~person's driver's license record.~~

1903 Section 57. Subsections (4) and (11) of section 365.171,
 1904 Florida Statutes, are amended to read:

1905 365.171 Emergency telephone number "911."--

1906 (4) STATE PLAN.--The office shall develop a statewide
 1907 emergency telephone number "911" system plan. The plan shall
 1908 provide for:

1909 (a) The establishment of the public agency emergency
 1910 telephone communications requirements for each entity of local
 1911 government in the state.

1912 (b) A system to meet specific local government
 1913 requirements. Such system shall include law enforcement,
 1914 firefighting, and emergency medical services and may include
 1915 other emergency services such as poison control, suicide
 1916 prevention, and emergency management services.

1917 (c) Identification of the mutual aid agreements necessary
 1918 to obtain an effective "911" system.

1919 (d) A funding provision which shall identify the cost
 1920 necessary to implement the "911" system.

1921 ~~(e) A firm implementation schedule which shall include the~~
 1922 ~~installation of the "911" system in a local community within 24~~
 1923 ~~months after the designated agency of the local government gives~~
 1924 ~~a firm order to the telephone utility for a "911" system.~~

1925
 1926 The office shall be responsible for the implementation and
 1927 coordination of the such plan and. ~~The office shall adopt any~~
 1928 necessary rules and schedules related to public agencies for the
 1929 purpose of implementing and coordinating the such plan, ~~pursuant~~
 1930 ~~to chapter 120. The public agency designated in the plan shall~~
 1931 ~~order such system within 6 months after publication date of the~~
 1932 ~~plan if the public agency is in receipt of funds appropriated by~~
 1933 ~~the Legislature for the implementation and maintenance of the~~
 1934 ~~"911" system. Any jurisdiction which has utilized local funding~~
 1935 ~~as of July 1, 1976, to begin the implementation of the state~~
 1936 ~~plan as set forth in this section shall be eligible for at least~~

HB 1859

2005

1937 ~~a partial reimbursement of its direct cost when, and if, state~~
 1938 ~~funds are available for such reimbursement.~~

1939 ~~(11) EXISTING EMERGENCY TELEPHONE SERVICE. Any emergency~~
 1940 ~~telephone number established by any local government or state~~
 1941 ~~agency prior to July 1, 1974, using a number other than "911"~~
 1942 ~~shall be changed to "911" on the same implementation schedule~~
 1943 ~~provided in paragraph (4) (c).~~

1944 Section 58. Paragraph (d) of subsection (6) of section
 1945 365.172, Florida Statutes, is amended to read:

1946 365.172 Wireless emergency telephone number "E911."--

1947 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.--

1948 ~~(d) By February 28, 2001, the board shall undertake and~~
 1949 ~~complete a study for submission by the office to the Governor,~~
 1950 ~~the President of the Senate, and the Speaker of the House of~~
 1951 ~~Representatives which addresses:~~

1952 ~~1. The total amount of E911 fee revenues collected by each~~
 1953 ~~provider, the total amount of expenses incurred by each provider~~
 1954 ~~to comply with the order, and the amount of moneys on deposit in~~
 1955 ~~the fund, all as of December 1, 2000.~~

1956 ~~2. Whether the amount of the E911 fee and the allocation~~
 1957 ~~percentages set forth in s. 365.173 should be adjusted to comply~~
 1958 ~~with the requirements of the order, and, if so, a recommended~~
 1959 ~~adjustment to the E911 fee.~~

1960 ~~3. Any other issues related to providing wireless E911~~
 1961 ~~services.~~

1962 Section 59. Paragraph (a) of subsection (2) of section
 1963 365.173, Florida Statutes, is amended to read:

1964 365.173 Wireless Emergency Telephone System Fund.--

1965 (2) Subject to any modifications approved by the board
 1966 pursuant to s. 365.172(8)(c), the moneys in the fund shall be
 1967 distributed and used only as follows:

1968 (a) Forty-four percent of the moneys shall be distributed
 1969 each month to counties, based on the total number of wireless
 1970 subscriber billing addresses in each county, for payment of:

1971 1. Recurring costs of providing 911 or E911 service, as
 1972 provided by s. 365.171 (12) ~~(13)~~ (a) 6.

1973 2. Costs to comply with the requirements for E911 service
 1974 contained in the order and any future rules related to the
 1975 order.

1976
 1977 A county may carry forward, for up to 3 successive calendar
 1978 years, up to 30 percent of the total funds disbursed to the
 1979 county by the board during a calendar year for expenditures for
 1980 capital outlay, capital improvements, or equipment replacement,
 1981 if such expenditures are made for the purposes specified in this
 1982 paragraph.

1983
 1984 The Legislature recognizes that the wireless E911 fee authorized
 1985 under s. 365.172 will not necessarily provide the total funding
 1986 required for establishing or providing the 911 service. It is
 1987 the intent of the Legislature that all revenue from the fee be
 1988 used as specified in s. 365.171(13)(a)6.

1989 Section 60. Subsection (4) of section 366.82, Florida
 1990 Statutes, is amended to read:

1991 366.82 Definition; goals; plans; programs; ~~annual reports;~~
 1992 energy audits.--

1993 ~~(4) The commission shall require periodic reports from~~
 1994 ~~each utility and shall provide the Legislature and the Governor~~
 1995 ~~with an annual report by March 1 of the goals it has adopted and~~
 1996 ~~its progress toward meeting those goals. The commission shall~~
 1997 ~~also consider the performance of each utility pursuant to ss.~~
 1998 ~~366.80 366.85 and 403.519 when establishing rates for those~~
 1999 ~~utilities over which the commission has ratesetting authority.~~

2000 Section 61. Subsections (5) and (7) of section 369.22,
 2001 Florida Statutes, are amended to read:

2002 369.22 Nonindigenous aquatic plant control.--

2003 (5) When state funds are involved, or when waters of state
 2004 responsibility are involved, it is the duty of the department to
 2005 guide, review, approve, and coordinate the activities of all
 2006 public bodies, authorities, state agencies, units of local or
 2007 county government, commissions, districts, and special districts
 2008 engaged in operations to maintain, control, or eradicate
 2009 nonindigenous aquatic plants, except for activities involving
 2010 biological control programs using fish as the control agent. The
 2011 department may delegate all or part of such functions to any
 2012 appropriate state agency, special district, unit of local or
 2013 county government, commission, authority, or other public body.
 2014 However, special attention shall be given to the keeping of
 2015 accounting and cost data in order to prepare the annual ~~fiscal~~
 2016 report required in subsection (7).

2017 (7) The department shall prepare ~~submit~~ an annual report
 2018 on the status of the nonindigenous aquatic plant maintenance
 2019 program that shall be published on the department's Internet
 2020 website ~~to the President of the Senate, the Speaker of the House~~

HB 1859

2005

2021 ~~of Representatives, and the Governor and Cabinet~~ by January 1 of
 2022 the following year. This report shall include a statement of the
 2023 degree of maintenance control achieved by individual
 2024 nonindigenous aquatic plant species in the intercounty waters of
 2025 each of the water management districts for the preceding county
 2026 fiscal year, together with an analysis of the costs of achieving
 2027 this degree of control. This cost accounting shall include the
 2028 expenditures by all governmental agencies in the waters of state
 2029 responsibility. If the level of maintenance control achieved
 2030 falls short of that which is deemed adequate by the department,
 2031 then the report shall include an estimate of the additional
 2032 funding that would have been required to achieve this level of
 2033 maintenance control. ~~All measures of maintenance program~~
 2034 ~~achievement and the related cost shall be presented by water~~
 2035 ~~management districts so that comparisons may be made among the~~
 2036 ~~water management districts, as well as with the state as a~~
 2037 ~~whole.~~

2038 Section 62. Subsection (8) of section 370.26, Florida
 2039 Statutes, is amended to read:

2040 370.26 Aquaculture definitions; marine aquaculture
 2041 products, producers, and facilities.--

2042 ~~(8) The Fish and Wildlife Conservation Commission shall~~
 2043 ~~provide assistance to the Department of Agriculture and Consumer~~
 2044 ~~Services in the development of an aquaculture plan for the~~
 2045 ~~state.~~

2046 Section 63. Subsection (2) of section 372.5712, Florida
 2047 Statutes, is amended to read:

2048 372.5712 Florida waterfowl permit revenues.--

HB 1859

2005

2049 (2) The intent of this section is to expand waterfowl
 2050 research and management and increase waterfowl populations in
 2051 the state without detracting from other programs. The commission
 2052 shall prepare and make available on its Internet website an
 2053 annual report documenting the use of funds generated under the
 2054 provisions of this section, ~~to be submitted to the Governor, the~~
 2055 ~~Speaker of the House of Representatives, and the President of~~
 2056 ~~the Senate on or before September 1 of each year.~~

2057 Section 64. Subsection (2) of section 372.5715, Florida
 2058 Statutes, is amended to read:

2059 372.5715 Florida wild turkey permit revenues.--

2060 (2) The intent of this section is to expand wild turkey
 2061 research and management and to increase wild turkey populations
 2062 in the state without detracting from other programs. The
 2063 commission shall prepare and make available on its Internet
 2064 website an annual report documenting the use of funds generated
 2065 under the provisions of this section, ~~to be submitted to the~~
 2066 ~~Governor, the Speaker of the House of Representatives, and the~~
 2067 ~~President of the Senate on or before September 1 of each year.~~

2068 Section 65. Section 372.673, Florida Statutes, is
 2069 repealed.

2070 Section 66. Section 372.674, Florida Statutes, is
 2071 repealed.

2072 Section 67. Paragraph (d) of subsection (2) of section
 2073 372.672, Florida Statutes, is amended to read:

2074 372.672 Florida Panther Research and Management Trust
 2075 Fund.--

2076 (2) Money from the fund shall be spent only for the
 2077 following purposes:

2078 ~~(d) To fund and administer education programs authorized~~
 2079 ~~in s. 372.674.~~

2080 Section 68. Subsection (2) of section 373.0391, Florida
 2081 Statutes, is amended to read:

2082 373.0391 Technical Assistance to local governments.--

2083 (2) ~~By July 1, 1991,~~ Each water management district shall
 2084 prepare and provide information and data to assist local
 2085 governments in the preparation and implementation of their local
 2086 government comprehensive plans or public facilities report as
 2087 required by s. 189.415, whichever is applicable. Such
 2088 information and data shall include, but not be limited to:

2089 (a) All information and data required in a public
 2090 facilities report pursuant to s. 189.415.

2091 (b) A description of regulations, programs, and schedules
 2092 implemented by the district.

2093 (c) Identification of regulations, programs, and schedules
 2094 undertaken or proposed by the district to further the State
 2095 Comprehensive Plan.

2096 (d) A description of surface water basins, including
 2097 regulatory jurisdictions, flood-prone areas, existing and
 2098 projected water quality in water management district operated
 2099 facilities, as well as surface water runoff characteristics and
 2100 topography regarding flood plains, wetlands, and recharge areas.

2101 (e) A description of groundwater characteristics,
 2102 including existing and planned wellfield sites, existing and
 2103 anticipated cones of influence, highly productive groundwater

2104 areas, aquifer recharge areas, deep well injection zones,
 2105 contaminated areas, an assessment of regional water resource
 2106 needs and sources for the next 20 years, and water quality.

2107 (f) The identification of existing and potential water
 2108 management district land acquisitions.

2109 (g) Information reflecting the minimum flows for surface
 2110 watercourses to avoid harm to water resources or the ecosystem
 2111 and information reflecting the minimum water levels for aquifers
 2112 to avoid harm to water resources or the ecosystem.

2113 Section 69. Subsection (4) of section 373.046, Florida
 2114 Statutes, is amended to read:

2115 373.046 Interagency agreements.--

2116 (4) The Legislature recognizes and affirms the division of
 2117 responsibilities between the department and the water management
 2118 districts as set forth in ss. III. and X. of each of the
 2119 operating agreements codified as rules 17-101.040(12)(a)3., 4.,
 2120 and 5., Florida Administrative Code. Section IV.A.2.a. of each
 2121 operating agreement regarding individual permit oversight is
 2122 rescinded. The department shall be responsible for permitting
 2123 those activities under part IV of this chapter which, because of
 2124 their complexity and magnitude, need to be economically and
 2125 efficiently evaluated at the state level, including, but not
 2126 limited to, mining, hazardous waste management facilities and
 2127 solid waste management facilities that do not qualify for a
 2128 general permit under chapter 403. With regard to
 2129 postcertification information submittals for activities
 2130 authorized under chapters 341 and 403 siting act certifications,
 2131 the department, after consultation with the appropriate water

2132 management district and other agencies having applicable
 2133 regulatory jurisdiction, shall be responsible for determining
 2134 the permittee's compliance with conditions of certification
 2135 which were based upon the nonprocedural requirements of part IV
 2136 of this chapter. The Legislature authorizes the water management
 2137 districts and the department to modify the division of
 2138 responsibilities referenced in this section and enter into
 2139 further interagency agreements by rulemaking, including
 2140 incorporation by reference, pursuant to chapter 120, to provide
 2141 for greater efficiency and to avoid duplication in the
 2142 administration of part IV of this chapter by designating certain
 2143 activities which will be regulated by either the water
 2144 management districts or the department. In developing such
 2145 interagency agreements, the water management districts and the
 2146 department should take into consideration the technical and
 2147 fiscal ability of each water management district to implement
 2148 all or some of the provisions of part IV of this chapter.
 2149 Nothing herein rescinds or restricts the authority of the
 2150 districts to regulate silviculture and agriculture pursuant to
 2151 part IV of this chapter or s. 403.927. ~~By December 10, 1993, the~~
 2152 ~~secretary of the department shall submit a report to the~~
 2153 ~~President of the Senate and the Speaker of the House of~~
 2154 ~~Representatives regarding the efficiency of the procedures and~~
 2155 ~~the division of responsibilities contemplated by this subsection~~
 2156 ~~and regarding progress toward the execution of further~~
 2157 ~~interagency agreements and the integration of permitting with~~
 2158 ~~sovereignty lands approval. The report also will consider the~~
 2159 ~~feasibility of improving the protection of the environment~~

HB 1859

2005

2160 ~~through comprehensive criteria for protection of natural~~
2161 ~~systems.~~

2162 Section 70. Paragraph (f) of subsection (1) of section
2163 373.1963, Florida Statutes, is amended to read:

2164 373.1963 Assistance to West Coast Regional Water Supply
2165 Authority.--

2166 (1) It is the intent of the Legislature to authorize the
2167 implementation of changes in governance recommended by the West
2168 Coast Regional Water Supply Authority in its reports to the
2169 Legislature dated February 1, 1997, and January 5, 1998. The
2170 authority and its member governments may reconstitute the
2171 authority's governance and rename the authority under a
2172 voluntary interlocal agreement with a term of not less than 20
2173 years. The interlocal agreement must comply with this subsection
2174 as follows:

2175 (f) Upon execution of the voluntary interlocal agreement
2176 provided for herein, the authority shall jointly develop with
2177 the Southwest Florida Water Management District alternative
2178 sources of potable water and transmission pipelines to
2179 interconnect regionally significant water supply sources and
2180 facilities of the authority in amounts sufficient to meet the
2181 needs of all member governments for a period of at least 20
2182 years and for natural systems. Nothing herein, however, shall
2183 preclude the authority and its member governments from
2184 developing traditional water sources pursuant to the voluntary
2185 interlocal agreement. Development and construction costs for
2186 alternative source facilities, which may include a desalination
2187 facility and significant regional interconnects, must be borne

HB 1859

2005

2188 as mutually agreed to by both the authority and the Southwest
 2189 Florida Water Management District. Nothing herein shall preclude
 2190 authority or district cost sharing with private entities for the
 2191 construction or ownership of alternative source facilities. ~~By~~
 2192 ~~December 31, 1997, the authority and the Southwest Florida Water~~
 2193 ~~Management District shall:~~

2194 ~~1. Enter into a mutually acceptable agreement detailing~~
 2195 ~~the development and implementation of directives contained in~~
 2196 ~~this paragraph; or~~

2197 ~~2. Jointly prepare and submit to the President of the~~
 2198 ~~Senate and the Speaker of the House of Representatives a report~~
 2199 ~~describing the progress made and impediments encountered in~~
 2200 ~~their attempts to implement the water resource development and~~
 2201 ~~water supply development directives contained in this paragraph.~~

2202
 2203 Nothing in this section shall be construed to modify the rights
 2204 or responsibilities of the authority or its member governments,
 2205 except as otherwise provided herein, or of the Southwest Florida
 2206 Water Management District or the department pursuant to this
 2207 chapter or chapter 403 and as otherwise set forth by statutes.

2208 Section 71. Subsection (14) of section 376.121, Florida
 2209 Statutes, is amended to read:

2210 376.121 Liability for damage to natural resources.--The
 2211 Legislature finds that extensive damage to the state's natural
 2212 resources is the likely result of a pollutant discharge and that
 2213 it is essential that the state adequately assess and recover the
 2214 cost of such damage from responsible parties. It is the state's
 2215 goal to recover the costs of restoration from the responsible

HB 1859

2005

2216 parties and to restore damaged natural resources to their
2217 predischage condition. In many instances, however, restoration
2218 is not technically feasible. In such instances, the state has
2219 the responsibility to its citizens to recover the cost of all
2220 damage to natural resources. To ensure that the public does not
2221 bear a substantial loss as a result of the destruction of
2222 natural resources, the procedures set out in this section shall
2223 be used to assess the cost of damage to such resources. Natural
2224 resources include coastal waters, wetlands, estuaries, tidal
2225 flats, beaches, lands adjoining the seacoasts of the state, and
2226 all living things except human beings. The Legislature
2227 recognizes the difficulty historically encountered in
2228 calculating the value of damaged natural resources. The value of
2229 certain qualities of the state's natural resources is not
2230 readily quantifiable, yet the resources and their qualities have
2231 an intrinsic value to the residents of the state, and any damage
2232 to natural resources and their qualities should not be dismissed
2233 as nonrecoverable merely because of the difficulty in
2234 quantifying their value. In order to avoid unnecessary
2235 speculation and expenditure of limited resources to determine
2236 these values, the Legislature hereby establishes a schedule for
2237 compensation for damage to the state's natural resources and the
2238 quality of said resources.

2239 ~~(14) The department must review the amount of compensation~~
2240 ~~assessed pursuant to the damage assessment formula established~~
2241 ~~in this section and report its findings to the 1995 Legislature.~~
2242 ~~Thereafter, the department must conduct such a review and report~~
2243 ~~its findings to the Legislature biennially.~~

2244 Section 72. Section 376.17, Florida Statutes, is repealed.

2245 Section 73. Subsection (5) of section 376.30713, Florida
 2246 Statutes, is amended to read:

2247 376.30713 Preapproved advanced cleanup.--

2248 ~~(5) By December 31, 1998, the department shall submit a~~
 2249 ~~report to the Governor, the President of the Senate, and the~~
 2250 ~~Speaker of the House of Representatives on the progress and~~
 2251 ~~level of activity under the provisions of this section. The~~
 2252 ~~report shall include the following information:~~

2253 ~~(a) A list of sites under a preapproved advanced cleanup~~
 2254 ~~contract, to be identified by the facility number.~~

2255 ~~(b) The total number of preapproved advanced cleanup~~
 2256 ~~applications submitted to the department.~~

2257 ~~(c) The priority ranking scores of each participating~~
 2258 ~~site.~~

2259 ~~(d) The total amount of contract work authorized and~~
 2260 ~~conducted for each site and the percentage and amount of cost~~
 2261 ~~share.~~

2262 ~~(e) The total revenues received under the provisions of~~
 2263 ~~this section.~~

2264 ~~(f) The annual costs of administering the provisions of~~
 2265 ~~this section.~~

2266 ~~(g) The recommended annual budget for the provisions of~~
 2267 ~~this section.~~

2268 Section 74. Paragraph (f) of subsection (3) of section
 2269 377.703, Florida Statutes, is amended to read:

HB 1859

2005

2270 377.703 Additional functions of the Department of
 2271 Environmental Protection; energy emergency contingency plan;
 2272 federal and state conservation programs.--

2273 (3) DEPARTMENT OF ENVIRONMENTAL PROTECTION; DUTIES.--The
 2274 Department of Environmental Protection shall, in addition to
 2275 assuming the duties and responsibilities provided by ss. 20.255
 2276 and 377.701, perform the following functions consistent with the
 2277 development of a state energy policy:

2278 (f) The department shall make a report, as requested by
 2279 the Governor or the Legislature, reflecting its activities and
 2280 making recommendations of policies for improvement of the
 2281 state's response to energy supply and demand and its effect on
 2282 the health, safety, and welfare of the people of Florida. The
 2283 report shall include ~~a report from the Florida Public Service
 2284 Commission on electricity and natural gas and information on
 2285 energy conservation programs conducted and under way in the past
 2286 year and shall include~~ recommendations for energy conservation
 2287 programs for the state, including, but not limited to, the
 2288 following factors:

2289 1. Formulation of specific recommendations for improvement
 2290 in the efficiency of energy utilization in governmental,
 2291 residential, commercial, industrial, and transportation sectors.

2292 2. Collection and dissemination of information relating to
 2293 energy conservation.

2294 3. Development and conduct of educational and training
 2295 programs relating to energy conservation.

2296 4. An analysis of the ways in which state agencies are
 2297 seeking to implement s. 377.601(4), the state energy policy, and
 2298 recommendations for better fulfilling this policy.

2299 Section 75. Subsection (3) of section 380.0677, Florida
 2300 Statutes, is amended to read:

2301 380.0677 Green Swamp Land Authority.--

2302 ~~(3) POWERS; BUDGET; GOVERNOR'S APPROVAL OF PROPOSED~~
 2303 ~~ACQUISITIONS. The Green Swamp Land Authority shall have all the~~
 2304 ~~powers pursuant to s. 380.0666, except that it may not issue~~
 2305 ~~bonds and must annually submit its budget to the Governor and~~
 2306 ~~the Legislature for review. In addition, the authority must~~
 2307 ~~annually submit a list of proposed acquisitions to the Governor~~
 2308 ~~for review and approval. The Governor may remove proposed~~
 2309 ~~acquisitions from the list, with cause, if the Governor~~
 2310 ~~determines such acquisitions would not further the mission of~~
 2311 ~~the authority. By September 5 of the fiscal year in which the~~
 2312 ~~authority's budget is submitted, the chairpersons of the~~
 2313 ~~appropriations committees of the Senate and the House of~~
 2314 ~~Representatives may transmit to the Governor and the authority~~
 2315 ~~comments on and objections to the proposed budget. The Governor~~
 2316 ~~shall respond in writing to the comments and objections.~~

2317 Section 76. Paragraph (b) of subsection (11) of section
 2318 259.041, Florida Statutes, is amended to read:

2319 259.041 Acquisition of state-owned lands for preservation,
 2320 conservation, and recreation purposes.--

2321 (11)

2322 (b) All project applications shall identify, within their
 2323 acquisition plans, those projects which require a full fee

HB 1859

2005

2324 simple interest to achieve the public policy goals, together
 2325 with the reasons full title is determined to be necessary. The
 2326 state agencies and the water management districts may use
 2327 alternatives to fee simple acquisition to bring the remaining
 2328 projects in their acquisition plans under public protection. For
 2329 the purposes of this subsection, the term "alternatives to fee
 2330 simple acquisition" includes, but is not limited to: purchase of
 2331 development rights; obtaining conservation easements; obtaining
 2332 flowage easements; purchase of timber rights, mineral rights, or
 2333 hunting rights; purchase of agricultural interests or
 2334 silvicultural interests; entering into land protection
 2335 agreements as defined in s. 380.0677(3)~~(4)~~; fee simple
 2336 acquisitions with reservations; creating life estates; or any
 2337 other acquisition technique which achieves the public policy
 2338 goals listed in paragraph (a). It is presumed that a private
 2339 landowner retains the full range of uses for all the rights or
 2340 interests in the landowner's land which are not specifically
 2341 acquired by the public agency. The lands upon which hunting
 2342 rights are specifically acquired pursuant to this paragraph
 2343 shall be available for hunting in accordance with the management
 2344 plan or hunting regulations adopted by the Florida Fish and
 2345 Wildlife Conservation Commission, unless the hunting rights are
 2346 purchased specifically to protect activities on adjacent lands.

2347 Section 77. Paragraph (c) of subsection (3) of section
 2348 259.101, Florida Statutes, is amended to read:

2349 259.101 Florida Preservation 2000 Act.--

2350 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
 2351 costs of issuance, the costs of funding reserve accounts, and

2352 other costs with respect to the bonds, the proceeds of bonds
 2353 issued pursuant to this act shall be deposited into the Florida
 2354 Preservation 2000 Trust Fund created by s. 375.045. In fiscal
 2355 year 2000-2001, for each Florida Preservation 2000 program
 2356 described in paragraphs (a)-(g), that portion of each program's
 2357 total remaining cash balance which, as of June 30, 2000, is in
 2358 excess of that program's total remaining appropriation balances
 2359 shall be redistributed by the department and deposited into the
 2360 Save Our Everglades Trust Fund for land acquisition. For
 2361 purposes of calculating the total remaining cash balances for
 2362 this redistribution, the Florida Preservation 2000 Series 2000
 2363 bond proceeds, including interest thereon, and the fiscal year
 2364 1999-2000 General Appropriations Act amounts shall be deducted
 2365 from the remaining cash and appropriation balances,
 2366 respectively. The remaining proceeds shall be distributed by the
 2367 Department of Environmental Protection in the following manner:
 2368 (c) Ten percent to the Department of Community Affairs to
 2369 provide land acquisition grants and loans to local governments
 2370 through the Florida Communities Trust pursuant to part III of
 2371 chapter 380. From funds allocated to the trust, \$3 million
 2372 annually shall be used by the Division of State Lands within the
 2373 Department of Environmental Protection to implement the Green
 2374 Swamp Land Protection Initiative specifically for the purchase
 2375 of conservation easements, as defined in s. 380.0677(3)~~(4)~~, of
 2376 lands, or severable interests or rights in lands, in the Green
 2377 Swamp Area of Critical State Concern. From funds allocated to
 2378 the trust, \$3 million annually shall be used by the Monroe
 2379 County Comprehensive Plan Land Authority specifically for the

2380 purchase of any real property interest in either those lands
 2381 subject to the Rate of Growth Ordinances adopted by local
 2382 governments in Monroe County or those lands within the boundary
 2383 of an approved Conservation and Recreation Lands project located
 2384 within the Florida Keys or Key West Areas of Critical State
 2385 Concern; however, title to lands acquired within the boundary of
 2386 an approved Conservation and Recreation Lands project may, in
 2387 accordance with an approved joint acquisition agreement, vest in
 2388 the Board of Trustees of the Internal Improvement Trust Fund. Of
 2389 the remaining funds allocated to the trust after the above
 2390 transfers occur, one-half shall be matched by local governments
 2391 on a dollar-for-dollar basis. To the extent allowed by federal
 2392 requirements for the use of bond proceeds, the trust shall
 2393 expend Preservation 2000 funds to carry out the purposes of part
 2394 III of chapter 380.

2395
 2396 Local governments may use federal grants or loans, private
 2397 donations, or environmental mitigation funds, including
 2398 environmental mitigation funds required pursuant to s. 338.250,
 2399 for any part or all of any local match required for the purposes
 2400 described in this subsection. Bond proceeds allocated pursuant
 2401 to paragraph (c) may be used to purchase lands on the priority
 2402 lists developed pursuant to s. 259.035. Title to lands purchased
 2403 pursuant to paragraphs (a), (d), (e), (f), and (g) shall be
 2404 vested in the Board of Trustees of the Internal Improvement
 2405 Trust Fund. Title to lands purchased pursuant to paragraph (c)
 2406 may be vested in the Board of Trustees of the Internal
 2407 Improvement Trust Fund. The board of trustees shall hold title

HB 1859

2005

2408 to land protection agreements and conservation easements that
 2409 were or will be acquired pursuant to s. 380.0677, and the
 2410 Southwest Florida Water Management District and the St. Johns
 2411 River Water Management District shall monitor such agreements
 2412 and easements within their respective districts until the state
 2413 assumes this responsibility.

2414 Section 78. Subsection (3) of section 381.0011, Florida
 2415 Statutes, is amended to read:

2416 381.0011 Duties and powers of the Department of
 2417 Health.--It is the duty of the Department of Health to:

2418 ~~(3) Include in the department's strategic plan developed~~
 2419 ~~under s. 186.021 a summary of all aspects of the public health~~
 2420 ~~mission and health status objectives to direct the use of public~~
 2421 ~~health resources with an emphasis on prevention.~~

2422 Section 79. Section 381.0036, Florida Statutes, is
 2423 repealed.

2424 Section 80. Section 381.732, Florida Statutes, is amended
 2425 to read:

2426 381.732 Short title; Healthy Communities, Healthy People
 2427 Act.--This section and ss. 381.733 and 381.734 ~~Sections 381.731-~~
 2428 ~~381.734~~ may be cited as the "Healthy Communities, Healthy People
 2429 Act."

2430 Section 81. Section 381.733, Florida Statutes, is amended
 2431 to read:

2432 381.733 Definitions relating to Healthy Communities,
 2433 Healthy People Act.--As used in ss. 381.732-381.734 ~~381.731-~~
 2434 ~~381.734~~, the term:

2435 (1) "Department" means the Department of Health.

2436 (2) "Primary prevention" means interventions directed
 2437 toward healthy populations with a focus on avoiding disease
 2438 prior to its occurrence.

2439 (3) "Secondary prevention" means interventions designed to
 2440 promote the early detection and treatment of diseases and to
 2441 reduce the risks experienced by at-risk populations.

2442 (4) "Tertiary prevention" means interventions directed at
 2443 rehabilitating and minimizing the effects of disease in a
 2444 chronically ill population.

2445 Section 82. Section 381.795, Florida Statutes, is amended
 2446 to read:

2447 381.795 Long-term community-based supports.--The
 2448 department shall, contingent upon specific appropriations for
 2449 these purposes, establish

2450 ~~(1) Study the long term needs for community based supports~~
 2451 ~~and services for individuals who have sustained traumatic brain~~
 2452 ~~or spinal cord injuries. The purpose of this study is to prevent~~
 2453 ~~inappropriate residential and institutional placement of these~~
 2454 ~~individuals, and promote placement in the most cost effective~~
 2455 ~~and least restrictive environment. Any placement recommendations~~
 2456 ~~for these individuals shall ensure full utilization of and~~
 2457 ~~collaboration with other state agencies, programs, and community~~
 2458 ~~partners. This study shall be submitted to the Governor, the~~
 2459 ~~President of the Senate, and the Speaker of the House of~~
 2460 ~~Representatives not later than December 31, 2000.~~

2461 ~~(2) Based upon the results of this study, establish a plan~~
 2462 ~~for the implementation of a program of long-term community-based~~
 2463 ~~supports and services for individuals who have sustained~~

2464 traumatic brain or spinal cord injuries who may be subject to
 2465 inappropriate residential and institutional placement as a
 2466 direct result of such injuries.

2467 (1)~~(a)~~ The program shall be payor of last resort for
 2468 program services, and expenditures for such services shall be
 2469 considered funded services for purposes of s. 381.785; however,
 2470 notwithstanding s. 381.79(5), proceeds resulting from this
 2471 section ~~subsection~~ shall be used solely for this program.

2472 (2)~~(b)~~ The department shall create, by rule, procedures to
 2473 ensure, that in the event the program is unable to directly or
 2474 indirectly provide such services to all eligible individuals due
 2475 to lack of funds, those individuals most at risk to suffer the
 2476 greatest harm from an imminent inappropriate residential or
 2477 institutional placement are served first.

2478 (3)~~(c)~~ Every applicant or recipient of the long-term
 2479 community-based supports and services program shall have been a
 2480 resident of the state for 1 year immediately preceding
 2481 application and be a resident of the state at the time of
 2482 application.

2483 (4)~~(d)~~ The department shall adopt rules pursuant to ss.
 2484 120.536(1) and 120.54 to implement the provision of this section
 2485 ~~subsection~~.

2486 Section 83. Paragraph (a) of subsection (7) of section
 2487 381.90, Florida Statutes, is amended to read:

2488 381.90 Health Information Systems Council; legislative
 2489 intent; creation, appointment, duties.--

2490 (7) The council's duties and responsibilities include, but
 2491 are not limited to, the following:

HB 1859

2005

2492 ~~(a) By June 1 of each year, to develop and approve a~~
 2493 ~~strategic plan pursuant to the requirements set forth in s.~~
 2494 ~~186.022.~~

2495 Section 84. Section 381.931, Florida Statutes, is amended
 2496 to read:

2497 381.931 Annual report on Medicaid expenditures;
 2498 monitoring; limiting screenings.--The Department of Health and
 2499 the Agency for Health Care Administration shall monitor the
 2500 total Medicaid expenditures for services made under this act. If
 2501 Medicaid expenditures are projected to exceed the amount
 2502 appropriated by the Legislature, the Department of Health shall
 2503 limit the number of screenings to ensure Medicaid expenditures
 2504 do not exceed the amount appropriated. ~~The Department of Health,~~
 2505 ~~in cooperation with the Agency for Health Care Administration,~~
 2506 ~~shall prepare an annual report that must include the number of~~
 2507 ~~women screened; the percentage of positive and negative~~
 2508 ~~outcomes; the number of referrals to Medicaid and other~~
 2509 ~~providers for treatment services; the estimated number of women~~
 2510 ~~who are not screened or not served by Medicaid due to funding~~
 2511 ~~limitations, if any; the cost of Medicaid treatment services;~~
 2512 ~~and the estimated cost of treatment services for women who were~~
 2513 ~~not screened or referred for treatment due to funding~~
 2514 ~~limitations. The report shall be submitted to the President of~~
 2515 ~~the Senate, the Speaker of the House of Representatives, and the~~
 2516 ~~Executive Office of the Governor by March 1 of each year.~~

2517 Section 85. Subsection (6) of section 383.19, Florida
 2518 Statutes, is amended to read:

2519 383.19 Standards; funding; ineligibility.--

2520 (6) Each hospital which contracts with the department to
 2521 provide services under the terms of ss. 383.15-383.21 shall
 2522 prepare and submit to the department an annual report that
 2523 includes, but is not limited to, the number of clients served
 2524 and the costs of services in the center. The department shall
 2525 annually conduct a programmatic and financial evaluation of each
 2526 center.

2527 Section 86. Section 383.21, Florida Statutes, is repealed.

2528 Section 87. Section 383.2161, Florida Statutes, is amended
 2529 to read:

2530 383.2161 Maternal and child health report.--The Department
 2531 of Health ~~annually~~ shall annually compile and analyze the risk
 2532 information collected by the Office of Vital Statistics and the
 2533 district prenatal and infant care coalitions and shall maintain
 2534 county and statewide data on ~~prepare and submit to the~~
 2535 ~~Legislature by January 2 a report that includes, but is not~~
 2536 ~~limited to:~~

2537 (1) The number of families identified as families at
 2538 potential risk.†

2539 (2) The number of families that receive family outreach
 2540 services.†

2541 (3) The increase in demand for services.†~~and~~

2542 (4) The unmet need for services for identified target
 2543 groups.

2544 Section 88. Subsection (6) of section 384.25, Florida
 2545 Statutes, is amended to read:

2546 384.25 Reporting required.--

HB 1859

2005

2547 ~~(6) The department shall by February 1 of each year submit~~
 2548 ~~to the Legislature an annual report relating to all information~~
 2549 ~~obtained pursuant to this section.~~

2550 Section 89. Subsection (4) of section 394.4573, Florida
 2551 Statutes, is amended to read:

2552 394.4573 Continuity of care management system; measures of
 2553 performance; reports.--

2554 ~~(4) The department is directed to submit a report to the~~
 2555 ~~Legislature, prior to April 1 of each year, outlining~~
 2556 ~~departmental progress towards the implementation of the minimum~~
 2557 ~~staffing patterns' standards in state mental health treatment~~
 2558 ~~facilities. The report shall contain, by treatment facility,~~
 2559 ~~information regarding goals and objectives and departmental~~
 2560 ~~performance toward meeting each such goal and objective.~~

2561 Section 90. Subsection (1) of section 394.4985, Florida
 2562 Statutes, is amended to read:

2563 394.4985 Districtwide information and referral network;
 2564 implementation.--

2565 (1) Each service district of the Department of Children
 2566 and Family Services shall develop a detailed implementation plan
 2567 for a districtwide comprehensive child and adolescent mental
 2568 health information and referral network to be operational by
 2569 July 1, 1999. The plan must include an operating budget that
 2570 demonstrates cost efficiencies and identifies funding sources
 2571 for the district information and referral network. ~~The plan must~~
 2572 ~~be submitted by the department to the Legislature by October 1,~~
 2573 ~~1998.~~ The district shall use existing district information and
 2574 referral providers if, in the development of the plan, it is

HB 1859

2005

2575 concluded that these providers would deliver information and
 2576 referral services in a more efficient and effective manner when
 2577 compared to other alternatives. The district information and
 2578 referral network must include:

2579 (a) A resource file that contains information about the
 2580 child and adolescent mental health services as described in s.
 2581 394.495, including, but not limited to:

- 2582 1. Type of program;
- 2583 2. Hours of service;
- 2584 3. Ages of persons served;
- 2585 4. Program description;
- 2586 5. Eligibility requirements; and
- 2587 6. Fees.

2588 (b) Information about private providers and professionals
 2589 in the community which serve children and adolescents with an
 2590 emotional disturbance.

2591 (c) A system to document requests for services that are
 2592 received through the network referral process, including, but
 2593 not limited to:

- 2594 1. Number of calls by type of service requested;
- 2595 2. Ages of the children and adolescents for whom services
 2596 are requested; and
- 2597 3. Type of referral made by the network.

2598 (d) The ability to share client information with the
 2599 appropriate community agencies.

2600 ~~(e) The submission of an annual report to the department,~~
 2601 ~~the Agency for Health Care Administration, and appropriate local~~
 2602 ~~government entities, which contains information about the~~

HB 1859

2005

2603 ~~sources and frequency of requests for information, types and~~
 2604 ~~frequency of services requested, and types and frequency of~~
 2605 ~~referrals made.~~

2606 Section 91. Section 394.75, Florida Statutes, is amended
 2607 to read:

2608 394.75 State and district substance abuse and mental
 2609 health plans.--

2610 (1) ~~(a) Every 3 years, beginning in 2001,~~ The department,
 2611 in consultation with the Medicaid program in the Agency for
 2612 Health Care Administration and the Florida Substance Abuse and
 2613 Mental Health Corporation, shall prepare a state master plan for
 2614 the delivery and financing of a system of publicly funded,
 2615 community-based substance abuse and mental health services
 2616 throughout the state. The state plan must include:

2617 ~~(b) The initial plan must include an assessment of the~~
 2618 ~~clinical practice guidelines and standards for community based~~
 2619 ~~mental health and substance abuse services delivered by persons~~
 2620 ~~or agencies under contract with the Department of Children and~~
 2621 ~~Family Services. The assessment must include an inventory of~~
 2622 ~~current clinical guidelines and standards used by persons and~~
 2623 ~~agencies under contract with the department, and by nationally~~
 2624 ~~recognized accreditation organizations, to address the quality~~
 2625 ~~of care and must specify additional clinical practice standards~~
 2626 ~~and guidelines for new or existing services and programs.~~

2627 (a) (e) Proposed ~~The plan must propose~~ changes in
 2628 department policy or statutory revisions to strengthen the
 2629 quality of mental health and substance abuse treatment and
 2630 support services.

2631 (b)~~(d)~~ ~~The plan must identify~~ Strategies for meeting the
 2632 treatment and support needs of children, adolescents, adults,
 2633 and older adults who have, or are at risk of having, mental,
 2634 emotional, or substance abuse problems as defined in this
 2635 chapter or chapter 397.

2636 (c)~~(e)~~ ~~The plan must include~~ Input from persons who
 2637 represent local communities; local government entities that
 2638 contribute funds to the local substance abuse and mental health
 2639 treatment systems; consumers of publicly funded substance abuse
 2640 and mental health services, and their families; and stakeholders
 2641 interested in mental health and substance abuse services. The
 2642 plan must describe the means by which this local input occurred.
 2643 ~~The plan shall be updated annually.~~

2644 ~~(f) The plan must include statewide policies and planning~~
 2645 ~~parameters that will be used by the health and human services~~
 2646 ~~boards in preparing the district substance abuse and mental~~
 2647 ~~health plans.~~

2648 ~~(g) The district plans shall be one component of the state~~
 2649 ~~master plan.~~

2650 ~~(2) The state master plan shall also include:~~

2651 ~~(a) A proposal for the development of a data system that~~
 2652 ~~will evaluate the effectiveness of programs and services~~
 2653 ~~provided to clients of the substance abuse and mental health~~
 2654 ~~service system.~~

2655 ~~(b) A proposal to resolve the funding discrepancies~~
 2656 ~~between districts.~~

2657 (d)~~(e)~~ A methodology for the allocation of resources
 2658 available from federal, state, and local sources and a

2659 description of the current level of funding available from each
 2660 source.

2661 (e)~~(d)~~ A description of the statewide priorities for
 2662 clients and services, and each district's priorities for clients
 2663 and services.

2664 ~~(e) Recommendations for methods of enhancing local
 2665 participation in the planning, organization, and financing of
 2666 substance abuse and mental health services.~~

2667 ~~(f) A description of the current methods of contracting
 2668 for services, an assessment of the efficiency of these methods
 2669 in providing accountability for contracted funds, and
 2670 recommendations for improvements to the system of contracting.~~

2671 (f)~~(g)~~ Recommendations for improving access to services by
 2672 clients and their families.

2673 ~~(h) Guidelines and formats for the development of district
 2674 plans.~~

2675 (g)~~(i)~~ Recommendations for future directions for the
 2676 substance abuse and mental health service delivery system.

2677 (2) A schedule, format, and procedure for development, and
 2678 review, and update of the ~~state master~~ plan shall be adopted by
 2679 the department ~~by June of each year~~. The plan and ~~annual~~ updates
 2680 shall must be submitted to the Governor , the President of the
 2681 Senate, and the Speaker of the House of Representatives
 2682 beginning February 10, 2006, and every third year thereafter
 2683 ~~President of the Senate and the Speaker of the House of~~
 2684 ~~Representatives by January 1 of each year, beginning January 1,~~
 2685 ~~2001.~~

2686 (3) Each ~~The district health and human services board~~
 2687 shall prepare an integrated district substance abuse and mental
 2688 health plan. The plan shall be prepared and updated on a
 2689 schedule established by the Assistant Secretary for Substance
 2690 Abuse Alcohol, Drug Abuse, and Mental Health ~~Program Office~~. The
 2691 plan shall reflect the needs and program priorities established
 2692 by the department and the needs of the district established
 2693 under ss. 394.674 and 394.675. The district plan must ~~list in~~
 2694 ~~order of priority the mental health and the substance abuse~~
 2695 ~~treatment needs of the district and must rank each program~~
 2696 ~~separately. The plan shall include:~~

2697 ~~(a) A record of the total amount of money available in the~~
 2698 ~~district for mental health and substance abuse services.~~

2699 ~~(b) A description of each service that will be purchased~~
 2700 ~~with state funds.~~

2701 ~~(c) A record of the amount of money allocated for each~~
 2702 ~~service identified in the plan as being purchased with state~~
 2703 ~~funds.~~

2704 ~~(d) A record of the total funds allocated to each~~
 2705 ~~provider.~~

2706 ~~(e) A record of the total funds allocated to each provider~~
 2707 ~~by type of service to be purchased with state funds.~~

2708 (a) (f) Include input from community-based persons,
 2709 organizations, and agencies interested in substance abuse and
 2710 mental health treatment services; local government entities that
 2711 contribute funds to the public substance abuse and mental health
 2712 treatment systems; and consumers of publicly funded substance

HB 1859

2005

2713 abuse and mental health services, and their family members. The
2714 plan must describe the means by which this local input occurred.

2715

2716 ~~The plan shall be submitted by the district board to the~~
2717 ~~district administrator and to the governing bodies for review,~~
2718 ~~comment, and approval.~~

2719 ~~(4) The district plan shall:~~

2720 ~~(a) Describe the publicly funded, community based~~
2721 ~~substance abuse and mental health system of care, and identify~~
2722 ~~statutorily defined populations, their service needs, and the~~
2723 ~~resources available and required to meet their needs.~~

2724 ~~(b) Provide the means for meeting the needs of the~~
2725 ~~district's eligible clients, specified in ss. 394.674 and~~
2726 ~~394.675, for substance abuse and mental health services.~~

2727 (b) ~~(e)~~ Provide a process for coordinating the delivery of
2728 services within a community-based system of care to eligible
2729 clients. Such process must involve service providers, clients,
2730 and other stakeholders. The process must also provide a means by
2731 which providers will coordinate and cooperate to strengthen
2732 linkages, achieve maximum integration of services, foster
2733 efficiencies in service delivery and administration, and
2734 designate responsibility for outcomes for eligible clients.

2735 (c) ~~(d)~~ Provide a projection of district program and fiscal
2736 needs for the next fiscal year, provide for the orderly and
2737 economical development of needed services, and indicate
2738 priorities and resources for each population served, performance
2739 outcomes, and anticipated expenditures and revenues.

2740 ~~(e) Include a summary budget request for the total~~
2741 ~~district substance abuse and mental health program, which must~~
2742 ~~include the funding priorities established by the district~~
2743 ~~planning process.~~

2744 ~~(f) Provide a basis for the district legislative budget~~
2745 ~~request.~~

2746 ~~(g) Include a policy and procedure for allocation of~~
2747 ~~funds.~~

2748 ~~(h) Include a procedure for securing local matching funds.~~
2749 ~~Such a procedure shall be developed in consultation with~~
2750 ~~governing bodies and service providers.~~

2751 (d)~~(i)~~ Provide for the integration of substance abuse and
2752 mental health services with the other departmental programs and
2753 with the criminal justice, juvenile justice, child protection,
2754 school, and health care systems within the district.

2755 ~~(j) Provide a plan for the coordination of services in~~
2756 ~~such manner as to ensure effectiveness and avoid duplication,~~
2757 ~~fragmentation of services, and unnecessary expenditures.~~

2758 (e)~~(k)~~ Provide for continuity of client care between state
2759 treatment facilities and community programs to assure that
2760 discharge planning results in the rapid application for all
2761 benefits for which a client is eligible, including Medicaid
2762 coverage for persons leaving state treatment facilities and
2763 returning to community-based programs.

2764 ~~(l) Provide for the most appropriate and economical use of~~
2765 ~~all existing public and private agencies and personnel.~~

2766 ~~(m) Provide for the fullest possible and most appropriate~~
2767 ~~participation by existing programs, state hospitals and other~~

HB 1859

2005

2768 ~~hospitals; city, county, and state health and family service~~
2769 ~~agencies; drug abuse and alcoholism programs; probation~~
2770 ~~departments; physicians; psychologists; social workers; marriage~~
2771 ~~and family therapists; mental health counselors; clinical social~~
2772 ~~workers; public health nurses; school systems; and all other~~
2773 ~~public and private agencies and personnel that are required to,~~
2774 ~~or may agree to, participate in the plan.~~

2775 ~~(n) Include an inventory of all public and private~~
2776 ~~substance abuse and mental health resources within the district,~~
2777 ~~including consumer advocacy groups and self-help groups known to~~
2778 ~~the department.~~

2779 ~~(4)(5)~~ The district plan shall address how substance abuse
2780 and mental health services will be provided and how a system of
2781 care for target populations will be provided given the resources
2782 available in the service district. The plan must include
2783 provisions for providing the most appropriate and current
2784 evidence-based services for persons with substance abuse
2785 disorders and mental illnesses in a variety of settings
2786 ~~maximizing client access to the most recently developed~~
2787 ~~psychiatric medications approved by the United States Food and~~
2788 ~~Drug Administration, for developing independent housing units~~
2789 ~~through participation in the Section 811 program operated by the~~
2790 ~~United States Department of Housing and Urban Development, for~~
2791 ~~developing supported employment services through the Division of~~
2792 ~~Vocational Rehabilitation of the Department of Education, for~~
2793 ~~providing treatment services to persons with co-occurring mental~~
2794 ~~illness and substance abuse problems which are integrated across~~
2795 ~~treatment systems, and for providing services to adults who have~~

2796 ~~a serious mental illness, as defined in s. 394.67, and who~~
 2797 ~~reside in assisted living facilities.~~

2798 ~~(6) The district plan shall provide the means by which the~~
 2799 ~~needs of the population groups specified pursuant to s. 394.674~~
 2800 ~~will be addressed in the district.~~

2801 ~~(7) In developing the district plan, optimum use shall be~~
 2802 ~~made of any federal, state, and local funds that may be~~
 2803 ~~available for substance abuse and mental health service~~
 2804 ~~planning. However, the department must provide these services~~
 2805 ~~within legislative appropriations.~~

2806 ~~(8) The district health and human services board shall~~
 2807 ~~establish a subcommittee to prepare the portion of the district~~
 2808 ~~plan relating to children and adolescents. The subcommittee~~
 2809 ~~shall include representative membership of any committee~~
 2810 ~~organized or established by the district to review placement of~~
 2811 ~~children and adolescents in residential treatment programs. The~~
 2812 ~~board shall establish a subcommittee to prepare the portion of~~
 2813 ~~the district plan which relates to adult mental health and~~
 2814 ~~substance abuse. The subcommittee must include representatives~~
 2815 ~~from the community who have an interest in mental health and~~
 2816 ~~substance abuse treatment for adults.~~

2817 ~~(5)(9)~~ All departments of state government and all local
 2818 public agencies shall cooperate with officials to assist them in
 2819 service planning. Each district administrator shall, upon
 2820 request and the availability of staff, provide consultative
 2821 services to the local agency directors and governing bodies.

2822 ~~(10) The district administrator shall ensure that the~~
 2823 ~~district plan:~~

2824 ~~(a) Conforms to the priorities in the state plan, the~~
 2825 ~~requirements of this part, and the standards adopted under this~~
 2826 ~~part;~~

2827 ~~(b) Ensures that the most effective and economical use~~
 2828 ~~will be made of available public and private substance abuse and~~
 2829 ~~mental health resources in the service district; and~~

2830 ~~(c) Has adequate provisions made for review and evaluation~~
 2831 ~~of the services provided in the service district.~~

2832 ~~(11) The district administrator shall require such~~
 2833 ~~modifications in the district plan as he or she deems necessary~~
 2834 ~~to bring the plan into conformance with the provisions of this~~
 2835 ~~part. If the district board and the district administrator~~
 2836 ~~cannot agree on the plan, including the projected budget, the~~
 2837 ~~issues under dispute shall be submitted directly to the~~
 2838 ~~secretary of the department for immediate resolution.~~

2839 ~~(12) Each governing body that provides local funds has the~~
 2840 ~~authority to require necessary modification to only that portion~~
 2841 ~~of the district plan which affects substance abuse and mental~~
 2842 ~~health programs and services within the jurisdiction of that~~
 2843 ~~governing body.~~

2844 ~~(13) The district administrator shall report annually to~~
 2845 ~~the district board the status of funding for priorities~~
 2846 ~~established in the district plan. Each report must include:~~

2847 ~~(a) A description of the district plan priorities that~~
 2848 ~~were included in the district legislative budget request.~~

2849 ~~(b) A description of the district plan priorities that~~
 2850 ~~were included in the departmental budget request.~~

2851 ~~(c) A description of the programs and services included in~~
 2852 ~~the district plan priorities that were appropriated funds by the~~
 2853 ~~Legislature in the legislative session that preceded the report.~~

2854 Section 92. Section 394.82, Florida Statutes, is repealed.

2855 Section 93. Paragraph (a) of subsection (3) of section
 2856 394.655, Florida Statutes, is amended to read:

2857 394.655 The Substance Abuse and Mental Health Corporation;
 2858 powers and duties; composition; evaluation and reporting
 2859 requirements.--

2860 (3) (a) The Florida Substance Abuse and Mental Health
 2861 Corporation shall be responsible for oversight of the publicly
 2862 funded substance abuse and mental health systems and for making
 2863 policy and resources recommendations which will improve the
 2864 coordination, quality, and efficiency of the system. Subject to
 2865 and consistent with direction set by the Legislature, the
 2866 corporation shall exercise the following responsibilities:

2867 ~~1. Review and assess the collection and analysis of needs~~
 2868 ~~assessment data as described in s. 394.82.~~

2869 1.2. Review and assess the status of the publicly funded
 2870 mental health and substance abuse systems and recommend policy
 2871 designed to improve coordination and effectiveness.

2872 2.3. Provide mechanisms for substance abuse and mental
 2873 health stakeholders, including consumers, family members,
 2874 providers, and advocates to provide input concerning the
 2875 management of the overall system.

2876 3.4. Recommend priorities for service expansion.

2877 4.5. Prepare budget recommendations to be submitted to the
 2878 appropriate departments for consideration in the development of

2879 their legislative budget requests and provide copies to the
 2880 Governor, the President of the Senate, and the Speaker of the
 2881 House of Representatives for their consideration.

2882 5.6- Review data regarding the performance of the publicly
 2883 funded substance abuse and mental health systems.

2884 6.7- Make recommendations concerning strategies for
 2885 improving the performance of the systems.

2886 7.8- Review, assess, and forecast substance abuse and
 2887 mental health manpower needs and work with the department and
 2888 the educational system to establish policies, consistent with
 2889 the direction of the Legislature, which will ensure that the
 2890 state has the personnel it needs to continuously implement and
 2891 improve its services.

2892 Section 94. Paragraph (h) of subsection (7) and subsection
 2893 (8) of section 394.9082, Florida Statutes, are amended to read:

2894 394.9082 Behavioral health service delivery strategies.--

2895 (7) ESSENTIAL ELEMENTS.--

2896 ~~(h)1. The Department of Children and Family Services, in~~
 2897 ~~consultation with the Agency for Health Care Administration,~~
 2898 ~~shall prepare an amendment by October 31, 2001, to the 2001~~
 2899 ~~master state plan required under s. 394.75(1), which describes~~
 2900 ~~each service delivery strategy, including at least the following~~
 2901 ~~details:~~

2902 ~~a. Operational design;~~

2903 ~~b. Counties or service districts included in each~~
 2904 ~~strategy;~~

2905 ~~c. Expected outcomes; and~~

2906 ~~d. Timeframes.~~

2907 ~~2. The amendment shall specifically address the~~
 2908 ~~application of each service delivery strategy to substance abuse~~
 2909 ~~services, including:~~

2910 ~~a. The development of substance abuse service protocols;~~

2911 ~~b. Credentialing requirements for substance abuse~~
 2912 ~~services; and~~

2913 ~~c. The development of new service models for individuals~~
 2914 ~~with co-occurring mental health and substance abuse disorders.~~

2915 ~~3. The amendment must specifically address the application~~
 2916 ~~of each service delivery strategy to the child welfare system,~~
 2917 ~~including:~~

2918 ~~a. The development of service models that support working~~
 2919 ~~with both children and their families in a community-based care~~
 2920 ~~system and that are specific to the child welfare system.~~

2921 ~~b. A process for providing services to abused and~~
 2922 ~~neglected children and their families as indicated in court-~~
 2923 ~~ordered case plans.~~

2924 (8) EXPANSION IN DISTRICTS 4 AND 12.--The department shall
 2925 work with community agencies to establish a single managing
 2926 entity for districts 4 and 12 accountable for the delivery of
 2927 substance abuse services to child protective services recipients
 2928 in the two districts. The purpose of this strategy is to enhance
 2929 the coordination of substance abuse services with community-
 2930 based care agencies and the department. The department shall
 2931 work with affected stakeholders to develop and implement a plan
 2932 that allows the phase-in of services beginning with the delivery
 2933 of substance abuse services, with phase-in of subsequent
 2934 substance abuse services agreed upon by the managing entity and

HB 1859

2005

2935 authorized by the department, providing the necessary technical
2936 assistance to assure provider and district readiness for
2937 implementation. When a single managing entity is established and
2938 meets readiness requirements, the department may enter into a
2939 noncompetitive contract with the entity. The department shall
2940 maintain detailed information on the methodology used for
2941 selection and a justification for the selection. Performance
2942 objectives shall be developed which ensure that services that
2943 are delivered directly affect and complement the child's
2944 permanency plan. During the initial planning and implementation
2945 phase of this project, the requirements in subsections (6) and
2946 (7) are waived. Considering the critical substance abuse
2947 problems experienced by many families in the child protection
2948 system, the department shall initiate the implementation of the
2949 substance abuse delivery component of this program without delay
2950 ~~and furnish status reports to the appropriate substantive~~
2951 ~~committees of the Senate and the House of Representatives no~~
2952 ~~later than February 29, 2004, and February 28, 2005.~~ The
2953 integration of all services agreed upon by the managing entity
2954 and authorized by the department must be completed within 2
2955 years after project initiation. Ongoing monitoring and
2956 evaluation of this strategy shall be conducted in accordance
2957 with subsection (9).

2958 Section 95. Section 394.9083, Florida Statutes, is
2959 repealed.

2960 Section 96. Paragraph (c) of subsection (2) of section
2961 395.807, Florida Statutes, is amended to read:

2962 395.807 Retention of family practice residents.--

2963 (2)
 2964 ~~(c) The committee shall report to the Legislature~~
 2965 ~~annually, beginning October 1, 1995, on the retention of family~~
 2966 ~~practice residents in the state by family practice teaching~~
 2967 ~~hospitals. The committee shall also track and report on the~~
 2968 ~~placement of family practice physicians in medically underserved~~
 2969 ~~areas.~~

2970 Section 97. Subsections (1) and (20) of section 397.321,
 2971 Florida Statutes, are amended to read:

2972 397.321 Duties of the department.--The department shall:

2973 ~~(1) Develop a comprehensive state plan for the provision~~
 2974 ~~of substance abuse services. The plan must include:~~

2975 ~~(a) Identification of incidence and prevalence of problems~~
 2976 ~~related to substance abuse.~~

2977 ~~(b) Description of current services.~~

2978 ~~(c) Need for services.~~

2979 ~~(d) Cost of services.~~

2980 ~~(e) Priorities for funding.~~

2981 ~~(f) Strategies to address the identified needs and~~
 2982 ~~priorities.~~

2983 ~~(g) Resource planning.~~

2984 ~~(20) The department may establish in District 9, in~~
 2985 ~~cooperation with the Palm Beach County Board of County~~
 2986 ~~Commissioners, a pilot project to serve in a managed care~~
 2987 ~~arrangement non-Medicaid eligible persons who qualify to receive~~
 2988 ~~substance abuse or mental health services from the department.~~
 2989 ~~The department may contract with a not-for-profit entity to~~
 2990 ~~conduct the pilot project. The results of the pilot project~~

2991 ~~shall be reported to the district administrator, and the~~
 2992 ~~secretary 18 months after the initiation. The department shall~~
 2993 ~~incur no additional administrative costs for the pilot project.~~

2994 Section 98. Subsection (4) of section 397.333, Florida
 2995 Statutes, is amended to read:

2996 397.333 Statewide Drug Policy Advisory Council.--

2997 (4) ~~(a)~~ The chairperson of the advisory council shall
 2998 appoint workgroups that include members of state agencies that
 2999 are not represented on the advisory council and shall solicit
 3000 input and recommendations from those state agencies. In
 3001 addition, the chairperson may appoint workgroups as necessary
 3002 from among the members of the advisory council in order to
 3003 efficiently address specific issues. A representative of a state
 3004 agency appointed to any workgroup shall be the head of the
 3005 agency, or his or her designee. The chairperson may designate
 3006 lead and contributing agencies within a workgroup.

3007 ~~(b) The advisory council shall submit a report to the~~
 3008 ~~Governor, the President of the Senate, and the Speaker of the~~
 3009 ~~House of Representatives by December 1 of each year which~~
 3010 ~~contains a summary of the work of the council during that year~~
 3011 ~~and the recommendations required under subsection (3). Interim~~
 3012 ~~reports may be submitted at the discretion of the chairperson of~~
 3013 ~~the advisory council.~~

3014 Section 99. Subsection (1) of section 397.94, Florida
 3015 Statutes, is amended to read:

3016 397.94 Children's substance abuse services; information
 3017 and referral network.--

HB 1859

2005

3018 ~~(1) Each service district of the department shall develop~~
 3019 ~~a plan for and implement a districtwide comprehensive children's~~
 3020 ~~substance abuse information and referral network to be~~
 3021 ~~operational by July 1, 2000.~~

3022 Section 100. Paragraph (f) of subsection (2) of section
 3023 400.0067, Florida Statutes, is amended to read:

3024 400.0067 State Long-Term Care Ombudsman Council; duties;
 3025 membership.--

3026 (2) The State Long-Term Care Ombudsman Council shall:

3027 (f) Prepare an annual report describing the activities
 3028 carried out by the ombudsman, and the State Long-Term Care
 3029 Ombudsman Council, and the local councils in the year for which
 3030 the report is prepared. The State Long-Term Care Ombudsman
 3031 Council shall submit the report to the Secretary of Elderly
 3032 Affairs. The secretary shall in turn submit the report to the
 3033 Commissioner of the United States Administration on Aging, the
 3034 Governor, the President of the Senate, the Speaker of the House
 3035 of Representatives, the minority leaders of the House and
 3036 Senate, ~~the chairpersons of appropriate House and Senate~~
 3037 ~~committees, the Secretary of Children and Family Services,~~ and
 3038 the Secretary of Health Care Administration. The report shall be
 3039 submitted by the Secretary of Elderly Affairs at least 30 days
 3040 before the convening of the regular session of the Legislature
 3041 and shall, at a minimum:

3042 1. Contain and analyze data collected concerning
 3043 complaints about and conditions in long-term care facilities and
 3044 the dispositions of such complaints.

3045 2. Evaluate the problems experienced by residents of long-
3046 term care facilities.

3047 3. Contain recommendations for improving the quality of
3048 life of the residents and for protecting the health, safety,
3049 welfare, and rights of the residents.

3050 4. Analyze the success of the ombudsman program during the
3051 preceding year and identify the barriers that prevent the
3052 optimal operation of the program. The report ~~of the program's~~
3053 successes shall also include ~~address the relationship between~~
3054 ~~the state long term care ombudsman program, the Department of~~
3055 ~~Elderly Affairs, the Agency for Health Care Administration, and~~
3056 ~~the Department of Children and Family Services, and an~~
3057 assessment of how successfully the state long-term care
3058 ombudsman program has carried out its responsibilities under the
3059 Older Americans Act.

3060 5. Provide policy and regulatory and legislative
3061 recommendations to solve identified problems; resolve residents'
3062 complaints; improve the quality of care and life of the
3063 residents; protect the health, safety, welfare, and rights of
3064 the residents; and remove the barriers to the optimal operation
3065 of the state long-term care ombudsman program.

3066 6. Contain recommendations from the local ombudsman
3067 councils regarding program functions and activities.

3068 ~~7. Include a report on the activities of the legal~~
3069 ~~advocate and other legal advocates acting on behalf of the local~~
3070 ~~and state councils.~~

3071 Section 101. Subsection (3) of section 400.0075, Florida
3072 Statutes, is amended to read:

HB 1859

2005

3073 400.0075 Complaint resolution procedures.--
 3074 ~~(3) The state ombudsman council shall provide, as part of~~
 3075 ~~its annual report required pursuant to s. 400.0067(2)(f),~~
 3076 ~~information relating to the disposition of all complaints to the~~
 3077 ~~Department of Elderly Affairs.~~

3078 Section 102. Section 400.0089, Florida Statutes, is
 3079 amended to read:

3080 400.0089 Complaint Agency reports.--The Office of State
 3081 Long-Term Care Ombudsman ~~Department of Elderly Affairs~~ shall
 3082 maintain a statewide uniform reporting system to collect and
 3083 analyze data relating to complaints and conditions in long-term
 3084 care facilities and to residents, for the purpose of identifying
 3085 and resolving significant problems. ~~The department and the State~~
 3086 ~~Long Term Care Ombudsman Council shall submit such data as part~~
 3087 ~~of its annual report required pursuant to s. 400.0067(2)(f) to~~
 3088 ~~the Agency for Health Care Administration, the Department of~~
 3089 ~~Children and Family Services, the Florida Statewide Advocacy~~
 3090 ~~Council, the Advocacy Center for Persons with Disabilities, the~~
 3091 ~~Commissioner for the United States Administration on Aging, the~~
 3092 ~~National Ombudsman Resource Center, and any other state or~~
 3093 ~~federal entities that the ombudsman determines appropriate. The~~
 3094 office State Long Term Care Ombudsman Council shall publish
 3095 quarterly and make readily available information pertaining to
 3096 the number and types of complaints received by the long-term
 3097 care ombudsman program and shall include such information in the
 3098 annual report required under s. 400.0067.

3099 Section 103. Paragraph (b) of subsection (3) of section
 3100 400.407, Florida Statutes, is amended to read:

3101 | 400.407 License required; fee, display.--

3102 | (3) Any license granted by the agency must state the

3103 | maximum resident capacity of the facility, the type of care for

3104 | which the license is granted, the date the license is issued,

3105 | the expiration date of the license, and any other information

3106 | deemed necessary by the agency. Licenses shall be issued for one

3107 | or more of the following categories of care: standard, extended

3108 | congregate care, limited nursing services, or limited mental

3109 | health.

3110 | (b) An extended congregate care license shall be issued to

3111 | facilities providing, directly or through contract, services

3112 | beyond those authorized in paragraph (a), including acts

3113 | performed pursuant to part I of chapter 464 by persons licensed

3114 | thereunder, and supportive services defined by rule to persons

3115 | who otherwise would be disqualified from continued residence in

3116 | a facility licensed under this part.

3117 | 1. In order for extended congregate care services to be

3118 | provided in a facility licensed under this part, the agency must

3119 | first determine that all requirements established in law and

3120 | rule are met and must specifically designate, on the facility's

3121 | license, that such services may be provided and whether the

3122 | designation applies to all or part of a facility. Such

3123 | designation may be made at the time of initial licensure or

3124 | relicensure, or upon request in writing by a licensee under this

3125 | part. Notification of approval or denial of such request shall

3126 | be made within 90 days after receipt of such request and all

3127 | necessary documentation. Existing facilities qualifying to

3128 | provide extended congregate care services must have maintained a

3129 standard license and may not have been subject to administrative
 3130 sanctions during the previous 2 years, or since initial
 3131 licensure if the facility has been licensed for less than 2
 3132 years, for any of the following reasons:

- 3133 a. A class I or class II violation;
- 3134 b. Three or more repeat or recurring class III violations
 3135 of identical or similar resident care standards as specified in
 3136 rule from which a pattern of noncompliance is found by the
 3137 agency;
- 3138 c. Three or more class III violations that were not
 3139 corrected in accordance with the corrective action plan approved
 3140 by the agency;
- 3141 d. Violation of resident care standards resulting in a
 3142 requirement to employ the services of a consultant pharmacist or
 3143 consultant dietitian;
- 3144 e. Denial, suspension, or revocation of a license for
 3145 another facility under this part in which the applicant for an
 3146 extended congregate care license has at least 25 percent
 3147 ownership interest; or
- 3148 f. Imposition of a moratorium on admissions or initiation
 3149 of injunctive proceedings.

3150 2. Facilities that are licensed to provide extended
 3151 congregate care services shall maintain a written progress
 3152 report on each person who receives such services, which report
 3153 describes the type, amount, duration, scope, and outcome of
 3154 services that are rendered and the general status of the
 3155 resident's health. A registered nurse, or appropriate designee,
 3156 representing the agency shall visit such facilities at least

HB 1859

2005

3157 | quarterly to monitor residents who are receiving extended
3158 | congregate care services and to determine if the facility is in
3159 | compliance with this part and with rules that relate to extended
3160 | congregate care. One of these visits may be in conjunction with
3161 | the regular survey. The monitoring visits may be provided
3162 | through contractual arrangements with appropriate community
3163 | agencies. A registered nurse shall serve as part of the team
3164 | that inspects such facility. The agency may waive one of the
3165 | required yearly monitoring visits for a facility that has been
3166 | licensed for at least 24 months to provide extended congregate
3167 | care services, if, during the inspection, the registered nurse
3168 | determines that extended congregate care services are being
3169 | provided appropriately, and if the facility has no class I or
3170 | class II violations and no uncorrected class III violations.
3171 | Before such decision is made, the agency shall consult with the
3172 | long-term care ombudsman council for the area in which the
3173 | facility is located to determine if any complaints have been
3174 | made and substantiated about the quality of services or care.
3175 | The agency may not waive one of the required yearly monitoring
3176 | visits if complaints have been made and substantiated.

3177 | 3. Facilities that are licensed to provide extended
3178 | congregate care services shall:

3179 | a. Demonstrate the capability to meet unanticipated
3180 | resident service needs.

3181 | b. Offer a physical environment that promotes a homelike
3182 | setting, provides for resident privacy, promotes resident
3183 | independence, and allows sufficient congregate space as defined
3184 | by rule.

3185 c. Have sufficient staff available, taking into account
 3186 the physical plant and firesafety features of the building, to
 3187 assist with the evacuation of residents in an emergency, as
 3188 necessary.

3189 d. Adopt and follow policies and procedures that maximize
 3190 resident independence, dignity, choice, and decisionmaking to
 3191 permit residents to age in place to the extent possible, so that
 3192 moves due to changes in functional status are minimized or
 3193 avoided.

3194 e. Allow residents or, if applicable, a resident's
 3195 representative, designee, surrogate, guardian, or attorney in
 3196 fact to make a variety of personal choices, participate in
 3197 developing service plans, and share responsibility in
 3198 decisionmaking.

3199 f. Implement the concept of managed risk.

3200 g. Provide, either directly or through contract, the
 3201 services of a person licensed pursuant to part I of chapter 464.

3202 h. In addition to the training mandated in s. 400.452,
 3203 provide specialized training as defined by rule for facility
 3204 staff.

3205 4. Facilities licensed to provide extended congregate care
 3206 services are exempt from the criteria for continued residency as
 3207 set forth in rules adopted under s. 400.441. Facilities so
 3208 licensed shall adopt their own requirements within guidelines
 3209 for continued residency set forth by the department in rule.
 3210 However, such facilities may not serve residents who require 24-
 3211 hour nursing supervision. Facilities licensed to provide
 3212 extended congregate care services shall provide each resident

3213 with a written copy of facility policies governing admission and
 3214 retention.

3215 5. The primary purpose of extended congregate care
 3216 services is to allow residents, as they become more impaired,
 3217 the option of remaining in a familiar setting from which they
 3218 would otherwise be disqualified for continued residency. A
 3219 facility licensed to provide extended congregate care services
 3220 may also admit an individual who exceeds the admission criteria
 3221 for a facility with a standard license, if the individual is
 3222 determined appropriate for admission to the extended congregate
 3223 care facility.

3224 6. Before admission of an individual to a facility
 3225 licensed to provide extended congregate care services, the
 3226 individual must undergo a medical examination as provided in s.
 3227 400.426(4) and the facility must develop a preliminary service
 3228 plan for the individual.

3229 7. When a facility can no longer provide or arrange for
 3230 services in accordance with the resident's service plan and
 3231 needs and the facility's policy, the facility shall make
 3232 arrangements for relocating the person in accordance with s.
 3233 400.428(1)(k).

3234 8. Failure to provide extended congregate care services
 3235 may result in denial of extended congregate care license
 3236 renewal.

3237 ~~9. No later than January 1 of each year, the department,~~
 3238 ~~in consultation with the agency, shall prepare and submit to the~~
 3239 ~~Governor, the President of the Senate, the Speaker of the House~~
 3240 ~~of Representatives, and the chairs of appropriate legislative~~

HB 1859

2005

3241 ~~committees, a report on the status of, and recommendations~~
3242 ~~related to, extended congregate care services. The status report~~
3243 ~~must include, but need not be limited to, the following~~
3244 ~~information:~~

3245 ~~a. A description of the facilities licensed to provide~~
3246 ~~such services, including total number of beds licensed under~~
3247 ~~this part.~~

3248 ~~b. The number and characteristics of residents receiving~~
3249 ~~such services.~~

3250 ~~c. The types of services rendered that could not be~~
3251 ~~provided through a standard license.~~

3252 ~~d. An analysis of deficiencies cited during licensure~~
3253 ~~inspections.~~

3254 ~~e. The number of residents who required extended~~
3255 ~~congregate care services at admission and the source of~~
3256 ~~admission.~~

3257 ~~f. Recommendations for statutory or regulatory changes.~~

3258 ~~g. The availability of extended congregate care to state~~
3259 ~~clients residing in facilities licensed under this part and in~~
3260 ~~need of additional services, and recommendations for~~
3261 ~~appropriations to subsidize extended congregate care services~~
3262 ~~for such persons.~~

3263 ~~h. Such other information as the department considers~~
3264 ~~appropriate.~~

3265 Section 104. Subsection (13) of section 400.419, Florida
3266 Statutes, is amended to read:

3267 400.419 Violations; imposition of administrative fines;
3268 grounds.--

3269 (13) The agency shall develop and disseminate an annual
3270 list of all facilities sanctioned or fined \$5,000 or more for
3271 violations of state standards, the number and class of
3272 violations involved, the penalties imposed, and the current
3273 status of cases. The list shall be disseminated, at no charge,
3274 to the Department of Elderly Affairs, the Department of Health,
3275 the Department of Children and Family Services, the Agency for
3276 Persons with Disabilities, the area agencies on aging, the
3277 Florida Statewide Advocacy Council, and the state and local
3278 ombudsman councils. The Department of Children and Family
3279 Services shall disseminate the list to service providers under
3280 contract to the department who are responsible for referring
3281 persons to a facility for residency. The agency may charge a fee
3282 commensurate with the cost of printing and postage to other
3283 interested parties requesting a copy of this list.

3284 Section 105. Subsection (4) of section 400.441, Florida
3285 Statutes, is amended to read:

3286 400.441 Rules establishing standards.--

3287 (4) The agency may use an abbreviated biennial standard
3288 licensure inspection that consists of a review of key quality-
3289 of-care standards in lieu of a full inspection in facilities
3290 which have a good record of past performance. However, a full
3291 inspection shall be conducted in facilities which have had a
3292 history of class I or class II violations, uncorrected class III
3293 violations, confirmed ombudsman council complaints, or confirmed
3294 licensure complaints, within the previous licensure period
3295 immediately preceding the inspection or when a potentially
3296 serious problem is identified during the abbreviated inspection.

HB 1859

2005

3297 The agency, in consultation with the department, shall develop
 3298 the key quality-of-care standards with input from the State
 3299 Long-Term Care Ombudsman Council and representatives of provider
 3300 groups for incorporation into its rules. ~~The department, in~~
 3301 ~~consultation with the agency, shall report annually to the~~
 3302 ~~Legislature concerning its implementation of this subsection.~~
 3303 ~~The report shall include, at a minimum, the key quality-of-care~~
 3304 ~~standards which have been developed; the number of facilities~~
 3305 ~~identified as being eligible for the abbreviated inspection; the~~
 3306 ~~number of facilities which have received the abbreviated~~
 3307 ~~inspection and, of those, the number that were converted to full~~
 3308 ~~inspection; the number and type of subsequent complaints~~
 3309 ~~received by the agency or department on facilities which have~~
 3310 ~~had abbreviated inspections; any recommendations for~~
 3311 ~~modification to this subsection; any plans by the agency to~~
 3312 ~~modify its implementation of this subsection; and any other~~
 3313 ~~information which the department believes should be reported.~~

3314 Section 106. Subsection (2) of section 400.967, Florida
 3315 Statutes, is amended to read:

3316 400.967 Rules and classification of deficiencies.--

3317 (2) Pursuant to the intention of the Legislature, the
 3318 agency, in consultation with the Agency for Persons with
 3319 Disabilities ~~Department of Children and Family Services~~ and the
 3320 Department of Elderly Affairs, shall adopt and enforce rules to
 3321 administer this part, which shall include reasonable and fair
 3322 criteria governing:

3323 (a) The location and construction of the facility;
 3324 including fire and life safety, plumbing, heating, cooling,

3325 lighting, ventilation, and other housing conditions that will
 3326 ensure the health, safety, and comfort of residents. The agency
 3327 shall establish standards for facilities and equipment to
 3328 increase the extent to which new facilities and a new wing or
 3329 floor added to an existing facility after July 1, 2000, are
 3330 structurally capable of serving as shelters only for residents,
 3331 staff, and families of residents and staff, and equipped to be
 3332 self-supporting during and immediately following disasters. The
 3333 ~~Agency for Health Care Administration shall work with facilities~~
 3334 ~~licensed under this part and report to the Governor and the~~
 3335 ~~Legislature by April 1, 2000, its recommendations for cost-~~
 3336 ~~effective renovation standards to be applied to existing~~
 3337 ~~facilities. In making such rules, the agency shall be guided by~~
 3338 ~~criteria recommended by nationally recognized, reputable~~
 3339 ~~professional groups and associations having knowledge concerning~~
 3340 ~~such subject matters.~~ The agency shall update or revise such
 3341 criteria as the need arises. All facilities must comply with
 3342 those lifesafety code requirements and building code standards
 3343 applicable at the time of approval of their construction plans.
 3344 The agency may require alterations to a building if it
 3345 determines that an existing condition constitutes a distinct
 3346 hazard to life, health, or safety. The agency shall adopt fair
 3347 and reasonable rules setting forth conditions under which
 3348 existing facilities undergoing additions, alterations,
 3349 conversions, renovations, or repairs are required to comply with
 3350 the most recent updated or revised standards.

3351 (b) The number and qualifications of all personnel,
 3352 including management, ~~medical~~ nursing, and other personnel,

3353 having responsibility for any part of the care given to
 3354 residents.

3355 (c) All sanitary conditions within the facility and its
 3356 surroundings, including water supply, sewage disposal, food
 3357 handling, and general hygiene, which will ensure the health and
 3358 comfort of residents.

3359 (d) The equipment essential to the health and welfare of
 3360 the residents.

3361 (e) A uniform accounting system.

3362 (f) The care, treatment, and maintenance of residents and
 3363 measurement of the quality and adequacy thereof.

3364 (g) The preparation and annual update of a comprehensive
 3365 emergency management plan. The agency shall adopt rules
 3366 establishing minimum criteria for the plan after consultation
 3367 with the Department of Community Affairs. At a minimum, the
 3368 rules must provide for plan components that address emergency
 3369 evacuation transportation; adequate sheltering arrangements;
 3370 postdisaster activities, including emergency power, food, and
 3371 water; postdisaster transportation; supplies; staffing;
 3372 emergency equipment; individual identification of residents and
 3373 transfer of records; and responding to family inquiries. The
 3374 comprehensive emergency management plan is subject to review and
 3375 approval by the local emergency management agency. During its
 3376 review, the local emergency management agency shall ensure that
 3377 the following agencies, at a minimum, are given the opportunity
 3378 to review the plan: the Department of Elderly Affairs, the
 3379 Agency for Persons with Disabilities ~~Department of Children and~~
 3380 ~~Family Services~~, the Agency for Health Care Administration, and

3381 the Department of Community Affairs. Also, appropriate volunteer
 3382 organizations must be given the opportunity to review the plan.
 3383 The local emergency management agency shall complete its review
 3384 within 60 days and either approve the plan or advise the
 3385 facility of necessary revisions.

3386 (h) Each licensee shall post its license in a prominent
 3387 place that is in clear and unobstructed public view at or near
 3388 the place where residents are being admitted to the facility.

3389 Section 107. Subsection (3) of section 402.3016, Florida
 3390 Statutes, is amended to read:

3391 402.3016 Early Head Start collaboration grants.--

3392 ~~(3) The Agency for Workforce Innovation shall report to~~
 3393 ~~the Legislature on an annual basis the number of agencies~~
 3394 ~~receiving Early Head Start collaboration grants and the number~~
 3395 ~~of children served.~~

3396 Section 108. Subsection (9) of section 402.40, Florida
 3397 Statutes, is amended to read:

3398 402.40 Child welfare training.--

3399 ~~(9) MODIFICATION OF CHILD WELFARE TRAINING. The core~~
 3400 ~~competencies determined pursuant to subsection (5), the minimum~~
 3401 ~~standards for the certification process and the minimum~~
 3402 ~~standards for trainer qualifications established pursuant to~~
 3403 ~~subsection (7), must be submitted to the appropriate substantive~~
 3404 ~~committees of the Senate and the House of Representatives before~~
 3405 ~~competitively soliciting either the development, validation, or~~
 3406 ~~periodic evaluation of the training curricula or the training~~
 3407 ~~academy contracts.~~

3408 Section 109. Paragraph (c) of subsection (1) of section
 3409 402.73, Florida Statutes, is amended to read:

3410 402.73 Contracting and performance standards.--

3411 (1) The Department of Children and Family Services shall
 3412 establish performance standards for all contracted client
 3413 services. Notwithstanding s. 287.057(5)(f), the department must
 3414 competitively procure any contract for client services when any
 3415 of the following occurs:

3416 (c) The department has concluded, after reviewing market
 3417 prices and available treatment options, that there is evidence
 3418 that the department can improve the performance outcomes
 3419 produced by its contract resources. At a minimum, the department
 3420 shall review market prices and available treatment options
 3421 biennially. ~~The department shall compile the results of the~~
 3422 ~~biennial review and include the results in its annual~~
 3423 ~~performance report to the Legislature pursuant to chapter 94-~~
 3424 ~~249, Laws of Florida.~~ The department shall provide notice and an
 3425 opportunity for public comment on its review of market prices
 3426 and available treatment options.

3427 Section 110. Paragraph (d) of subsection (2) and paragraph
 3428 (c) of subsection (6) of section 403.067, Florida Statutes, are
 3429 amended to read:

3430 403.067 Establishment and implementation of total maximum
 3431 daily loads.--

3432 (2) LIST OF SURFACE WATERS OR SEGMENTS.--In accordance
 3433 with s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33
 3434 U.S.C. ss. 1251 et seq., the department must submit periodically
 3435 to the United States Environmental Protection Agency a list of

3436 surface waters or segments for which total maximum daily load
3437 assessments will be conducted. The assessments shall evaluate
3438 the water quality conditions of the listed waters and, if such
3439 waters are determined not to meet water quality standards, total
3440 maximum daily loads shall be established, subject to the
3441 provisions of subsection (4). The department shall establish a
3442 priority ranking and schedule for analyzing such waters.

3443 (d) If the department proposes to implement total maximum
3444 daily load calculations or allocations established prior to the
3445 effective date of this act, the department shall adopt those
3446 calculations and allocations by rule by the secretary pursuant
3447 to ss. 120.536(1) and 120.54 and paragraph (6) (c) ~~(d)~~.

3448 (6) CALCULATION AND ALLOCATION.--

3449 ~~(c) Not later than February 1, 2001, the department shall~~
3450 ~~submit a report to the Governor, the President of the Senate,~~
3451 ~~and the Speaker of the House of Representatives containing~~
3452 ~~recommendations, including draft legislation, for any~~
3453 ~~modifications to the process for allocating total maximum daily~~
3454 ~~loads, including the relationship between allocations and the~~
3455 ~~watershed or basin management planning process. Such~~
3456 ~~recommendations shall be developed by the department in~~
3457 ~~cooperation with a technical advisory committee which includes~~
3458 ~~representatives of affected parties, environmental~~
3459 ~~organizations, water management districts, and other appropriate~~
3460 ~~local, state, and federal government agencies. The technical~~
3461 ~~advisory committee shall also include such members as may be~~
3462 ~~designated by the President of the Senate and the Speaker of the~~
3463 ~~House of Representatives.~~

HB 1859

2005

3464 Section 111. Subsection (3) of section 403.4131, Florida
 3465 Statutes, is amended to read:

3466 403.4131 "Keep Florida Beautiful, Incorporated"; placement
 3467 of signs.--

3468 (3) The Department of Transportation shall establish an
 3469 "adopt-a-highway" program to allow local organizations to be
 3470 identified with specific highway cleanup and highway
 3471 beautification projects authorized under s. 339.2405 and shall
 3472 coordinate such efforts with Keep Florida Beautiful, Inc. ~~The~~
 3473 ~~department shall report to the Governor and the Legislature on~~
 3474 ~~the progress achieved and the savings incurred by the "adopt a~~
 3475 ~~highway" program.~~ The department shall also monitor ~~and report~~
 3476 ~~on~~ compliance with the provisions of the ~~adopt a highway~~ program
 3477 to ensure that organizations that participate ~~in the program~~
 3478 comply with the goals identified by the department.

3479 Section 112. Section 403.756, Florida Statutes, is
 3480 repealed.

3481 Section 113. Section 403.7226, Florida Statutes, is
 3482 amended to read:

3483 403.7226 Technical assistance by the department.--The
 3484 department shall+

3485 ~~(1)~~ provide technical assistance to county governments and
 3486 regional planning councils to ensure consistency in implementing
 3487 local hazardous waste management assessments as provided in ss.
 3488 403.7225, 403.7234, and 403.7236. In order to ensure that each
 3489 local assessment is properly implemented and that all
 3490 information gathered during the assessment is uniformly compiled
 3491 and documented, each county or regional planning council shall

3492 contact the department during the preparation of the local
 3493 assessment to receive technical assistance. Each county or
 3494 regional planning council shall follow guidelines established by
 3495 the department, and adopted by rule as appropriate, in order to
 3496 properly implement these assessments.

3497 ~~(2) Identify short term needs and long term needs for~~
 3498 ~~hazardous waste management for the state on the basis of the~~
 3499 ~~information gathered through the local hazardous waste~~
 3500 ~~management assessments and other information from state and~~
 3501 ~~federal regulatory agencies and sources. The state needs~~
 3502 ~~assessment must be ongoing and must be updated when new data~~
 3503 ~~concerning waste generation and waste management technologies~~
 3504 ~~become available. The department shall annually send a copy of~~
 3505 ~~this assessment to the Governor and to the Legislature.~~

3506 Section 114. Subsection (2) of section 403.7265, Florida
 3507 Statutes, is amended to read:

3508 403.7265 Local hazardous waste collection program.--

3509 ~~(2) The department shall develop a statewide local~~
 3510 ~~hazardous waste management plan which will ensure comprehensive~~
 3511 ~~collection and proper management of hazardous waste from small~~
 3512 ~~quantity generators and household hazardous waste in Florida.~~
 3513 ~~The plan shall address, at a minimum, a network of local~~
 3514 ~~collection centers, transfer stations, and expanded hazardous~~
 3515 ~~waste collection route services. The plan shall assess the need~~
 3516 ~~for additional compliance verification inspections, enforcement,~~
 3517 ~~and penalties. The plan shall include a strategy, timetable, and~~
 3518 ~~budget for implementation.~~

3519 Section 115. Paragraph (b) of subsection (1) of section
 3520 403.7264, Florida Statutes, is amended to read:

3521 403.7264 Amnesty days for purging small quantities of
 3522 hazardous wastes.--Amnesty days are authorized by the state for
 3523 the purpose of purging small quantities of hazardous waste, free
 3524 of charge, from the possession of homeowners, farmers, schools,
 3525 state agencies, and small businesses. These entities have no
 3526 appropriate economically feasible mechanism for disposing of
 3527 their hazardous wastes at the present time. In order to raise
 3528 public awareness on this issue, provide an educational process,
 3529 accommodate those entities which have a need to dispose of small
 3530 quantities of hazardous waste, and preserve the waters of the
 3531 state, amnesty days shall be carried out in the following
 3532 manner:

3533 (1)

3534 (b) If a local government has established a local or
 3535 regional hazardous waste collection center pursuant to s.
 3536 403.7265 (2) ~~(3)~~ and such center is in operation, the department
 3537 and the local government may enter into a contract whereby the
 3538 local government shall administer and supervise amnesty days. If
 3539 a contract is entered into, the department shall provide to the
 3540 local government, from funds appropriated to the department for
 3541 amnesty days, an amount of money as determined by the department
 3542 that is equal to the amount of money that would have been spent
 3543 by the department to administer and supervise amnesty days in
 3544 the local government's area. A local government that wishes to
 3545 administer and supervise amnesty days shall notify the
 3546 department at least 30 days prior to the beginning of the state

3547 | fiscal year during which the amnesty days are scheduled to be
 3548 | held in the local government's area.

3549 | Section 116. Paragraphs (b) and (d) of subsection (3) and
 3550 | subsection (5) of section 403.7895, Florida Statutes, are
 3551 | amended to read:

3552 | 403.7895 Requirements for the permitting and certification
 3553 | of commercial hazardous waste incinerators.--

3554 | (3) CERTIFICATION OF NEED.--

3555 | (b) The board shall make a determination of the need for
 3556 | hazardous waste incinerators, based upon the best available
 3557 | evidence of existing and projected need and available capacity,
 3558 | as presented by the applicant, ~~and as determined by the study~~
 3559 | ~~required by subsection (5).~~

3560 | ~~(d) The board shall not make a determination of need for~~
 3561 | ~~any hazardous waste incinerator until the study required by~~
 3562 | ~~subsection (5) is completed.~~

3563 | ~~(5) HAZARDOUS WASTE NEEDS AND CAPACITY STUDY.--~~

3564 | ~~(a) The department shall conduct, by November 1, 1994, or~~
 3565 | ~~the date by which phase 2 of the next capacity assurance plan~~
 3566 | ~~must be submitted to the United States Environmental Protection~~
 3567 | ~~Agency, whichever date occurs first, a comprehensive independent~~
 3568 | ~~study of the current and future need for hazardous waste~~
 3569 | ~~incineration in the state. The study shall evaluate the~~
 3570 | ~~projected statewide capacity needs for a 20 year period. The~~
 3571 | ~~study shall be updated at least every 5 years.~~

3572 | ~~(b) The department shall consult with state and nationally~~
 3573 | ~~recognized experts in the field of hazardous waste management,~~
 3574 | ~~including representatives from state and federal agencies,~~

HB 1859

2005

3575 ~~industry, local government, environmental groups, universities,~~
3576 ~~and other interested parties.~~

3577 ~~(c) The study components shall include but not be limited~~
3578 ~~to the following:~~

3579 ~~1. Existing and projected sources, amounts, and types of~~
3580 ~~hazardous waste in the state for which incineration is an~~
3581 ~~appropriate treatment alternative, taking into account all~~
3582 ~~applicable federal regulations on the disposal, storage and~~
3583 ~~treatment or definition of hazardous waste.~~

3584 ~~2. Existing and projected hazardous waste incinerator~~
3585 ~~capacity in the state and the nation.~~

3586 ~~3. Existing and projected hazardous waste incineration~~
3587 ~~capacity in boilers and industrial furnaces in the state and the~~
3588 ~~nation.~~

3589 ~~4. Existing and projected hazardous waste incineration~~
3590 ~~needs, specifically taking into account the impacts of pollution~~
3591 ~~prevention, recycling, and other waste reduction strategies.~~

3592 ~~5. Any other impacts associated with construction of~~
3593 ~~excess hazardous waste incineration capacity in this state.~~

3594 ~~(d) Upon completion of the study, the department shall~~
3595 ~~present its findings and make recommendations to the board and~~
3596 ~~the Legislature regarding changes in state hazardous waste~~
3597 ~~policies and management strategies. The recommendations shall~~
3598 ~~address the advisability of establishing by statute the maximum~~
3599 ~~capacity for hazardous waste incineration in this state.~~

3600 Section 117. Paragraph (a) of subsection (4) of section
3601 406.02, Florida Statutes, is amended to read:

HB 1859

2005

3602 406.02 Medical Examiners Commission; membership; terms;
 3603 duties; staff.--

3604 (4) The Medical Examiners Commission shall:

3605 ~~(a) Submit annual reports to the Governor and Legislature~~
 3606 ~~correlating and setting forth the activities and findings of the~~
 3607 ~~several district medical examiners appointed pursuant to this~~
 3608 ~~act. A copy of that report shall also be provided to each board~~
 3609 ~~of county commissioners.~~

3610 Section 118. Paragraph (g) of subsection (1) of section
 3611 408.033, Florida Statutes, is amended to read:

3612 408.033 Local and state health planning.--

3613 (1) LOCAL HEALTH COUNCILS.--

3614 (g) Each local health council is authorized to accept and
 3615 receive, in furtherance of its health planning functions, funds,
 3616 grants, and services from governmental agencies and from private
 3617 or civic sources and to perform studies related to local health
 3618 planning in exchange for such funds, grants, or services. Each
 3619 ~~local health~~ council shall, no later than January 30 of each
 3620 year, render an accounting of the receipt and disbursement of
 3621 such funds received by it to the Department of Health. ~~The~~
 3622 ~~department shall consolidate all such reports and submit such~~
 3623 ~~consolidated report to the Legislature no later than March 1 of~~
 3624 ~~each year.~~

3625 Section 119. Subsection (4) of section 408.914, Florida
 3626 Statutes, is amended to read:

3627 408.914 Phased implementation plan.--The Agency for Health
 3628 Care Administration, in consultation with the Health Care Access
 3629 Steering Committee created in s. 408.916, shall phase in the

HB 1859

2005

3630 implementation of the Comprehensive Health and Human Services
3631 Eligibility Access System.

3632 ~~(4) The Agency for Health Care Administration, in~~
3633 ~~consultation with the steering committee, shall complete~~
3634 ~~analysis of the initial pilot project by November 1, 2003, and~~
3635 ~~by January 1, 2004, shall submit a plan to the Governor, the~~
3636 ~~President of the Senate, and the Speaker of the House of~~
3637 ~~Representatives for statewide implementation of all components~~
3638 ~~of the system, if warranted. This plan must also include~~
3639 ~~recommendations for incorporating additional public assistance~~
3640 ~~and human services programs into the Comprehensive Health and~~
3641 ~~Human Services Eligibility Access System.~~

3642 Section 120. Paragraph (i) of subsection (3) of section
3643 408.915, Florida Statutes, is amended to read:

3644 408.915 Eligibility pilot project.--The Agency for Health
3645 Care Administration, in consultation with the steering committee
3646 established in s. 408.916, shall develop and implement a pilot
3647 project to integrate the determination of eligibility for health
3648 care services with information and referral services.

3649 (3) The information and referral provider in the site
3650 selected as the pilot project shall, at a minimum:

3651 ~~(i) Provide periodic reports to the Governor, the~~
3652 ~~President of the Senate, and the Speaker of the House of~~
3653 ~~Representatives on the use of the information and referral~~
3654 ~~system and on measures that demonstrate the effectiveness and~~
3655 ~~efficiency of the information and referral services provided.~~

3656 Section 121. Section 408.917, Florida Statutes, is
3657 repealed.

3658 Section 122. Paragraph (b) of subsection (7) of section
 3659 409.1451, Florida Statutes, is amended to read:

3660 409.1451 Independent living transition services.--

3661 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The
 3662 Secretary of Children and Family Services shall establish the
 3663 Independent Living Services Advisory Council for the purpose of
 3664 reviewing and making recommendations concerning the
 3665 implementation and operation of the independent living
 3666 transition services. This advisory council shall continue to
 3667 function as specified in this subsection until the Legislature
 3668 determines that the advisory council can no longer provide a
 3669 valuable contribution to the department's efforts to achieve the
 3670 goals of the independent living transition services.

3671 (b) The advisory council shall report to the secretary
 3672 ~~appropriate substantive committees of the Senate and the House~~
 3673 ~~of Representatives~~ on the status of the implementation of the
 3674 system of independent living transition services; efforts to
 3675 publicize the availability of aftercare support services, the
 3676 Road-to-Independence Scholarship Program, and transitional
 3677 support services; specific barriers to financial aid created by
 3678 the scholarship and possible solutions; the success of the
 3679 services; problems identified; recommendations for department or
 3680 legislative action; and the department's implementation of the
 3681 recommendations contained in the Independent Living Services
 3682 Integration Workgroup Report submitted to the Senate and the
 3683 House substantive committees December 31, 2002. The department
 3684 shall submit a report by December 31 of each year to the
 3685 Governor, the President of the Senate, and the Speaker of the

3686 House of Representatives ~~This advisory council report shall be~~
 3687 ~~submitted by December 31 of each year that the council is in~~
 3688 ~~existence and shall be accompanied by a report from the~~
 3689 ~~department which includes a summary of the factors reported on~~
 3690 ~~by the council and identifies the recommendations of the~~
 3691 ~~advisory council and either describes the department's actions~~
 3692 ~~to implement these recommendations or provides the department's~~
 3693 ~~rationale for not implementing the recommendations.~~

3694 Section 123. Section 409.146, Florida Statutes, is
 3695 repealed.

3696 Section 124. Section 409.152, Florida Statutes, is
 3697 repealed.

3698 Section 125. Subsections (1) and (2) of section 409.1679,
 3699 Florida Statutes, are amended to read:

3700 409.1679 Additional requirements; ~~effective date,~~
 3701 ~~reimbursement methodology, and evaluation.--~~

3702 ~~(1) The programs established under ss. 409.1676 and~~
 3703 ~~409.1677 are to be operational within 6 months after those~~
 3704 ~~sections take effect, and, beginning 1 month after this section~~
 3705 ~~takes effect and continuing until full operation of those~~
 3706 ~~programs is realized, the department shall provide to the~~
 3707 ~~Legislature monthly written status reports on the progress~~
 3708 ~~toward implementing those programs.~~

3709 ~~(2) The programs established under ss. 409.1676 and~~
 3710 ~~409.1677 must be included as part of the annual evaluation~~
 3711 ~~currently required under s. 409.1671. With respect to these~~
 3712 ~~specific programs and models, the annual evaluation must be~~
 3713 ~~conducted by an independent third party and must include, by~~

HB 1859

2005

3714 ~~specific site, the level of attainment of the targeted outcomes~~
3715 ~~listed in subsection (3). The evaluation of the model programs~~
3716 ~~must include, at a minimum, an assessment of their cost~~
3717 ~~effectiveness, of their ability to successfully implement the~~
3718 ~~assigned program elements, and of their attainment of~~
3719 ~~performance standards that include legislatively established~~
3720 ~~standards for similar programs and other standards determined~~
3721 ~~jointly by the department and the providers and stated in a~~
3722 ~~contract.~~

3723 Section 126. Section 409.1685, Florida Statutes, is
3724 amended to read:

3725 409.1685 Children in foster care; annual report to
3726 Legislature.--The Department of Children and Family Services
3727 shall submit a written report to the Governor and substantive
3728 ~~committees of the~~ Legislature concerning the status of children
3729 in foster care and ~~concerning~~ the judicial review mandated by
3730 part X of chapter 39. This report shall be submitted by May
3731 ~~March~~ 1 of each year and shall include the following information
3732 for the prior calendar year:

3733 (1) The number of 6-month and annual judicial reviews
3734 completed during that period.

3735 (2) The number of children in foster care returned to a
3736 parent, guardian, or relative as a result of a 6-month or annual
3737 judicial review hearing during that period.

3738 (3) The number of termination of parental rights
3739 proceedings instituted during that period which shall include:

3740 (a) The number of termination of parental rights
3741 proceedings initiated pursuant to s. 39.703; and

HB 1859

2005

3742 (b) The total number of terminations of parental rights
 3743 ordered.

3744 (4) The number of foster care children placed for adoption
 3745 during that period.

3746 Section 127. Paragraph (d) of subsection (5) of section
 3747 409.178, Florida Statutes, is amended to read:

3748 409.178 Child Care Executive Partnership Act; findings and
 3749 intent; grant; limitation; rules.--

3750 (5)

3751 (d) Each community coordinated child care agency shall be
 3752 required to establish a community child care task force for each
 3753 child care purchasing pool. The task force must be composed of
 3754 employers, parents, private child care providers, and one
 3755 representative from the local children's services council, if
 3756 one exists in the area of the purchasing pool. The community
 3757 coordinated child care agency is expected to recruit the task
 3758 force members from existing child care councils, commissions, or
 3759 task forces already operating in the area of a purchasing pool.
 3760 A majority of the task force shall consist of employers. ~~Each~~
 3761 ~~task force shall develop a plan for the use of child care~~
 3762 ~~purchasing pool funds. The plan must show how many children will~~
 3763 ~~be served by the purchasing pool, how many will be new to~~
 3764 ~~receiving child care services, and how the community coordinated~~
 3765 ~~child care agency intends to attract new employers and their~~
 3766 ~~employees to the program.~~

3767 Section 128. Paragraph (k) of subsection (4) of section
 3768 409.221, Florida Statutes, is amended to read:

3769 409.221 Consumer-directed care program.--

HB 1859

2005

3770 (4) CONSUMER-DIRECTED CARE.--
3771 ~~(k) Reviews and reports. The agency and the Departments~~
3772 ~~of Elderly Affairs, Health, and Children and Family Services~~
3773 ~~shall each, on an ongoing basis, review and assess the~~
3774 ~~implementation of the consumer directed care program. By January~~
3775 ~~15 of each year, the agency shall submit a written report to the~~
3776 ~~Legislature that includes each department's review of the~~
3777 ~~program and contains recommendations for improvements to the~~
3778 ~~program.~~

3779 Section 129. Paragraph (a) of subsection (3) of section
3780 409.25575, Florida Statutes, is amended to read:

3781 409.25575 Support enforcement; privatization.--

3782 (3)(a) The department shall establish a quality assurance
3783 program for the privatization of services. The quality assurance
3784 program must include standards for each specific component of
3785 these services. The department shall establish minimum
3786 thresholds for each component. Each program operated pursuant to
3787 contract must be evaluated annually by the department or by an
3788 objective competent entity designated by the department under
3789 the provisions of the quality assurance program. The evaluation
3790 must be financed from cost savings associated with the
3791 privatization of services. ~~The department shall submit an annual~~
3792 ~~report regarding quality performance, outcome measure~~
3793 ~~attainment, and cost efficiency to the President of the Senate,~~
3794 ~~the Speaker of the House of Representatives, the Minority leader~~
3795 ~~of each house of the Legislature, and the Governor no later than~~
3796 ~~January 31 of each year, beginning in 1999.~~ The quality

HB 1859

2005

3797 assurance program must be financed through administrative
 3798 savings generated by this act.

3799 Section 130. Subsection (7) of section 409.2558, Florida
 3800 Statutes, is amended to read:

3801 409.2558 Support distribution and disbursement.--

3802 (7) RULEMAKING AUTHORITY.--The department may adopt rules
 3803 to administer this section. ~~The department shall provide a draft~~
 3804 ~~of the proposed concepts for the rule for the undistributable~~
 3805 ~~collections to interested parties for review and recommendations~~
 3806 ~~prior to full development of the rule and initiating the formal~~
 3807 ~~rule development process. The department shall consider but is~~
 3808 ~~not required to implement the recommendations. The department~~
 3809 ~~shall provide a report to the President of the Senate and the~~
 3810 ~~Speaker of the House of Representatives containing the~~
 3811 ~~recommendations received from interested parties and the~~
 3812 ~~department's response regarding incorporating the~~
 3813 ~~recommendations into the rule.~~

3814 Section 131. Section 409.2567, Florida Statutes, is
 3815 amended to read:

3816 409.2567 Services to individuals not otherwise
 3817 eligible.--All support services provided by the department shall
 3818 be made available on behalf of all dependent children. Services
 3819 shall be provided upon acceptance of public assistance or upon
 3820 proper application filed with the department. The department
 3821 shall adopt rules to provide for the payment of a \$25
 3822 application fee from each applicant who is not a public
 3823 assistance recipient. The application fee shall be deposited in
 3824 the Child Support Enforcement Application and Program Revenue

HB 1859

2005

3825 Trust Fund within the Department of Revenue to be used for the
3826 Child Support Enforcement Program. The obligor is responsible
3827 for all administrative costs, as defined in s. 409.2554. The
3828 court shall order payment of administrative costs without
3829 requiring the department to have a member of the bar testify or
3830 submit an affidavit as to the reasonableness of the costs. An
3831 attorney-client relationship exists only between the department
3832 and the legal services providers in Title IV-D cases. The
3833 attorney shall advise the obligee in Title IV-D cases that the
3834 attorney represents the agency and not the obligee. In Title IV-
3835 D cases, any costs, including filing fees, recording fees,
3836 mediation costs, service of process fees, and other expenses
3837 incurred by the clerk of the circuit court, shall be assessed
3838 only against the nonprevailing obligor after the court makes a
3839 determination of the nonprevailing obligor's ability to pay such
3840 costs and fees. In any case where the court does not award all
3841 costs, the court shall state in the record its reasons for not
3842 awarding the costs. The Department of Revenue shall not be
3843 considered a party for purposes of this section; however, fees
3844 may be assessed against the department pursuant to s. 57.105(1).
3845 ~~The department shall submit a monthly report to the Governor and~~
3846 ~~the chairs of the Health and Human Services Fiscal Committee of~~
3847 ~~the House of Representatives and the Ways and Means Committee of~~
3848 ~~the Senate specifying the funds identified for collection from~~
3849 ~~the noncustodial parents of children receiving temporary~~
3850 ~~assistance and the amounts actually collected.~~

3851 Section 132. Subsection (3) of section 409.441, Florida
3852 Statutes, is amended to read:

3853 409.441 Runaway youth programs and centers.--
 3854 ~~(3) STATE PLAN FOR THE HANDLING OF RUNAWAY YOUTHS.--~~
 3855 ~~(a) The department shall develop a state plan for the~~
 3856 ~~handling of runaway youths and for providing services connected~~
 3857 ~~with the runaway problem. The plan shall be submitted to the~~
 3858 ~~Speaker of the House of Representatives, the President of the~~
 3859 ~~Senate, and the Governor no later than February 1, 1984.~~
 3860 ~~(b) The plan shall include:~~
 3861 ~~1. Needs assessments for the state and for each district;~~
 3862 ~~2. Criteria and procedures for handling and referral of~~
 3863 ~~troubled youths and runaway youths using the least restrictive~~
 3864 ~~alternatives available;~~
 3865 ~~3. Provisions for contacting parents or guardians;~~
 3866 ~~4. Policy for coordinating relationships between involved~~
 3867 ~~agencies, runaway youth centers, law enforcement agencies, and~~
 3868 ~~the department;~~
 3869 ~~5. Statewide statistics on client groups;~~
 3870 ~~6. Funding formulas for runaway youth centers which~~
 3871 ~~provide standard services and receive state funds; and~~
 3872 ~~7. Standards and program goals for runaway youth centers,~~
 3873 ~~with emphasis on early intervention and aftercare.~~
 3874 Section 133. Subsection (24) of section 409.906, Florida
 3875 Statutes, is amended to read:
 3876 409.906 Optional Medicaid services.--Subject to specific
 3877 appropriations, the agency may make payments for services which
 3878 are optional to the state under Title XIX of the Social Security
 3879 Act and are furnished by Medicaid providers to recipients who
 3880 are determined to be eligible on the dates on which the services

3881 were provided. Any optional service that is provided shall be
 3882 provided only when medically necessary and in accordance with
 3883 state and federal law. Optional services rendered by providers
 3884 in mobile units to Medicaid recipients may be restricted or
 3885 prohibited by the agency. Nothing in this section shall be
 3886 construed to prevent or limit the agency from adjusting fees,
 3887 reimbursement rates, lengths of stay, number of visits, or
 3888 number of services, or making any other adjustments necessary to
 3889 comply with the availability of moneys and any limitations or
 3890 directions provided for in the General Appropriations Act or
 3891 chapter 216. If necessary to safeguard the state's systems of
 3892 providing services to elderly and disabled persons and subject
 3893 to the notice and review provisions of s. 216.177, the Governor
 3894 may direct the Agency for Health Care Administration to amend
 3895 the Medicaid state plan to delete the optional Medicaid service
 3896 known as "Intermediate Care Facilities for the Developmentally
 3897 Disabled." Optional services may include:

3898 (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.--The Agency
 3899 for Health Care Administration, in consultation with the
 3900 Department of Children and Family Services, may establish a
 3901 targeted case-management project in those counties identified by
 3902 the Department of Children and Family Services and for all
 3903 counties with a community-based child welfare project, as
 3904 authorized under s. 409.1671, which have been specifically
 3905 approved by the department. ~~Results of targeted case management~~
 3906 ~~projects shall be reported to the Social Services Estimating~~
 3907 ~~Conference established under s. 216.136.~~ The covered group of
 3908 individuals who are eligible to receive targeted case management

HB 1859

2005

3909 include children who are eligible for Medicaid; who are between
 3910 the ages of birth through 21; and who are under protective
 3911 supervision or postplacement supervision, under foster-care
 3912 supervision, or in shelter care or foster care. The number of
 3913 individuals who are eligible to receive targeted case management
 3914 shall be limited to the number for whom the Department of
 3915 Children and Family Services has available matching funds to
 3916 cover the costs. The general revenue funds required to match the
 3917 funds for services provided by the community-based child welfare
 3918 projects are limited to funds available for services described
 3919 under s. 409.1671. The Department of Children and Family
 3920 Services may transfer the general revenue matching funds as
 3921 billed by the Agency for Health Care Administration.

3922 Section 134. Subsections (4) and (5) of section 409.9065,
 3923 Florida Statutes, are amended to read:

3924 409.9065 Pharmaceutical expense assistance.--

3925 (4) ADMINISTRATION.--The pharmaceutical expense assistance
 3926 program shall be administered by the agency, in collaboration
 3927 with the Department of Elderly Affairs and the Department of
 3928 Children and Family Services.

3929 ~~(a)~~ The agency shall, by rule, establish for the
 3930 pharmaceutical expense assistance program eligibility
 3931 requirements; limits on participation; benefit limitations,
 3932 including copayments; a requirement for generic drug
 3933 substitution; and other program parameters comparable to those
 3934 of the Medicaid program. Individuals eligible to participate in
 3935 this program are not subject to the limit of four brand name
 3936 drugs per month per recipient as specified in s. 409.912(40)(a).

HB 1859

2005

3937 There shall be no monetary limit on prescription drugs purchased
 3938 with discounts of less than 51 percent unless the agency
 3939 determines there is a risk of a funding shortfall in the
 3940 program. If the agency determines there is a risk of a funding
 3941 shortfall, the agency may establish monetary limits on
 3942 prescription drugs which shall not be less than \$160 worth of
 3943 prescription drugs per month.

3944 ~~(b) By January 1 of each year, the agency shall report to~~
 3945 ~~the Legislature on the operation of the program. The report~~
 3946 ~~shall include information on the number of individuals served,~~
 3947 ~~use rates, and expenditures under the program. The report shall~~
 3948 ~~also address the impact of the program on reducing unmet~~
 3949 ~~pharmaceutical drug needs among the elderly and recommend~~
 3950 ~~programmatic changes.~~

3951 (5) NONENTITLEMENT.--The pharmaceutical expense assistance
 3952 program established by this section is not an entitlement.
 3953 Enrollment levels are limited to those authorized by the
 3954 Legislature in the annual General Appropriations Act. If, after
 3955 establishing monetary limits as required by subsection paragraph
 3956 (4)(a), funds are insufficient to serve all eligible individuals
 3957 seeking coverage, the agency may develop a waiting list based on
 3958 application dates to use in enrolling individuals in unfilled
 3959 enrollment slots.

3960 Section 135. Section 409.91188, Florida Statutes, is
 3961 amended to read:

3962 409.91188 Specialty prepaid health plans for Medicaid
 3963 recipients with HIV or AIDS.--The agency ~~for Health Care~~
 3964 ~~Administration~~ is authorized to contract with specialty prepaid

3965 health plans and pay them on a prepaid capitated basis to
 3966 provide Medicaid benefits to Medicaid-eligible recipients who
 3967 have human immunodeficiency syndrome (HIV) or acquired
 3968 immunodeficiency syndrome (AIDS). The agency shall apply for and
 3969 is authorized to implement federal waivers or other necessary
 3970 federal authorization to implement the prepaid health plans
 3971 authorized by this section. The agency shall procure the
 3972 specialty prepaid health plans through a competitive
 3973 procurement. In awarding a contract to a managed care plan, the
 3974 agency shall take into account price, quality, accessibility,
 3975 linkages to community-based organizations, and the
 3976 comprehensiveness of the benefit package offered by the plan.
 3977 The agency may bid the HIV/AIDS specialty plans on a county,
 3978 regional, or statewide basis. Qualified plans must be licensed
 3979 under chapter 641. ~~The agency shall monitor and evaluate the~~
 3980 ~~implementation of this waiver program if it is approved by the~~
 3981 ~~Federal Government and shall report on its status to the~~
 3982 ~~President of the Senate and the Speaker of the House of~~
 3983 ~~Representatives by February 1, 2001.~~ To improve coordination of
 3984 medical care delivery and to increase cost efficiency for the
 3985 Medicaid program in treating HIV disease, the agency ~~for Health~~
 3986 ~~Care Administration~~ shall seek all necessary federal waivers to
 3987 allow participation in the Medipass HIV disease management
 3988 program for Medicare beneficiaries who test positive for HIV
 3989 infection and who also qualify for Medicaid benefits such as
 3990 prescription medications not covered by Medicare.

3991 Section 136. Paragraphs (b) and (c) of subsection (4),
 3992 subsection (5), paragraph (c) of subsection (21), subsections

3993 (29), (41), and (44), and paragraph (c) of subsection (49) of
 3994 section 409.912, Florida Statutes, are amended to read:
 3995 409.912 Cost-effective purchasing of health care.--The
 3996 agency shall purchase goods and services for Medicaid recipients
 3997 in the most cost-effective manner consistent with the delivery
 3998 of quality medical care. To ensure that medical services are
 3999 effectively utilized, the agency may, in any case, require a
 4000 confirmation or second physician's opinion of the correct
 4001 diagnosis for purposes of authorizing future services under the
 4002 Medicaid program. This section does not restrict access to
 4003 emergency services or poststabilization care services as defined
 4004 in 42 C.F.R. part 438.114. Such confirmation or second opinion
 4005 shall be rendered in a manner approved by the agency. The agency
 4006 shall maximize the use of prepaid per capita and prepaid
 4007 aggregate fixed-sum basis services when appropriate and other
 4008 alternative service delivery and reimbursement methodologies,
 4009 including competitive bidding pursuant to s. 287.057, designed
 4010 to facilitate the cost-effective purchase of a case-managed
 4011 continuum of care. The agency shall also require providers to
 4012 minimize the exposure of recipients to the need for acute
 4013 inpatient, custodial, and other institutional care and the
 4014 inappropriate or unnecessary use of high-cost services. The
 4015 agency may mandate prior authorization, drug therapy management,
 4016 or disease management participation for certain populations of
 4017 Medicaid beneficiaries, certain drug classes, or particular
 4018 drugs to prevent fraud, abuse, overuse, and possible dangerous
 4019 drug interactions. The Pharmaceutical and Therapeutics Committee
 4020 shall make recommendations to the agency on drugs for which

HB 1859

2005

4021 prior authorization is required. The agency shall inform the
4022 Pharmaceutical and Therapeutics Committee of its decisions
4023 regarding drugs subject to prior authorization. The agency is
4024 authorized to limit the entities it contracts with or enrolls as
4025 Medicaid providers by developing a provider network through
4026 provider credentialing. The agency may limit its network based
4027 on the assessment of beneficiary access to care, provider
4028 availability, provider quality standards, time and distance
4029 standards for access to care, the cultural competence of the
4030 provider network, demographic characteristics of Medicaid
4031 beneficiaries, practice and provider-to-beneficiary standards,
4032 appointment wait times, beneficiary use of services, provider
4033 turnover, provider profiling, provider licensure history,
4034 previous program integrity investigations and findings, peer
4035 review, provider Medicaid policy and billing compliance records,
4036 clinical and medical record audits, and other factors. Providers
4037 shall not be entitled to enrollment in the Medicaid provider
4038 network. The agency is authorized to seek federal waivers
4039 necessary to implement this policy.

4040 (4) The agency may contract with:

4041 (b) An entity that is providing comprehensive behavioral
4042 health care services to certain Medicaid recipients through a
4043 capitated, prepaid arrangement pursuant to the federal waiver
4044 provided for by s. 409.905(5). Such an entity must be licensed
4045 under chapter 624, chapter 636, or chapter 641 and must possess
4046 the clinical systems and operational competence to manage risk
4047 and provide comprehensive behavioral health care to Medicaid
4048 recipients. As used in this paragraph, the term "comprehensive

4049 behavioral health care services" means covered mental health and
 4050 substance abuse treatment services that are available to
 4051 Medicaid recipients. The secretary of the Department of Children
 4052 and Family Services shall approve provisions of procurements
 4053 related to children in the department's care or custody prior to
 4054 enrolling such children in a prepaid behavioral health plan. Any
 4055 contract awarded under this paragraph must be competitively
 4056 procured. In developing the behavioral health care prepaid plan
 4057 procurement document, the ~~agency shall ensure that the~~
 4058 ~~procurement~~ document must require ~~requires~~ the contractor to
 4059 develop and implement a plan to ensure compliance with s.
 4060 394.4574 related to services provided to residents of licensed
 4061 assisted living facilities that hold a limited mental health
 4062 license. Except as provided in subparagraph 6. ~~8.~~, the agency
 4063 shall seek federal approval to contract with a single entity
 4064 meeting these requirements to provide comprehensive behavioral
 4065 health care services to all Medicaid recipients not enrolled in
 4066 a managed care plan in an AHCA area. Each entity must offer
 4067 sufficient choice of providers in its network to ensure
 4068 recipient access to care and the opportunity to select a
 4069 provider with whom they are satisfied. The network shall include
 4070 all public mental health hospitals. To ensure unimpaired access
 4071 to behavioral health care services by Medicaid recipients, all
 4072 contracts issued pursuant to this paragraph shall require 80
 4073 percent of the capitation paid to the managed care plan,
 4074 including health maintenance organizations, to be expended for
 4075 the provision of behavioral health care services. In the event
 4076 the managed care plan expends less than 80 percent of the

4077 capitation paid pursuant to this paragraph for the provision of
 4078 behavioral health care services, the difference shall be
 4079 returned to the agency. The agency shall provide the managed
 4080 care plan with a certification letter indicating the amount of
 4081 capitation paid during each calendar year for the provision of
 4082 behavioral health care services pursuant to this section. The
 4083 agency may reimburse for substance abuse treatment services on a
 4084 fee-for-service basis until the agency finds that adequate funds
 4085 are available for capitated, prepaid arrangements.

4086 ~~1. By January 1, 2001, the agency shall modify the~~
 4087 ~~contracts with the entities providing comprehensive inpatient~~
 4088 ~~and outpatient mental health care services to Medicaid~~
 4089 ~~recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk~~
 4090 ~~Counties, to include substance abuse treatment services.~~

4091 ~~2. By July 1, 2003, the agency and the Department of~~
 4092 ~~Children and Family Services shall execute a written agreement~~
 4093 ~~that requires collaboration and joint development of all policy,~~
 4094 ~~budgets, procurement documents, contracts, and monitoring plans~~
 4095 ~~that have an impact on the state and Medicaid community mental~~
 4096 ~~health and targeted case management programs.~~

4097 ~~1.3.~~ Except as provided in subparagraph 6. ~~8.~~, by July 1,
 4098 2006, the agency and the Department of Children and Family
 4099 Services shall contract with managed care entities in each AHCA
 4100 area except area 6 or arrange to provide comprehensive inpatient
 4101 and outpatient mental health and substance abuse services
 4102 through capitated prepaid arrangements to all Medicaid
 4103 recipients who are eligible to participate in such plans under
 4104 federal law and regulation. In AHCA areas where eligible

4105 individuals number less than 150,000, the agency shall contract
 4106 with a single managed care plan to provide comprehensive
 4107 behavioral health services to all recipients who are not
 4108 enrolled in a Medicaid health maintenance organization. The
 4109 agency may contract with more than one comprehensive behavioral
 4110 health provider to provide care to recipients who are not
 4111 enrolled in a Medicaid health maintenance organization in AHCA
 4112 areas where the eligible population exceeds 150,000. Contracts
 4113 for comprehensive behavioral health providers awarded pursuant
 4114 to this section shall be competitively procured. Both for-profit
 4115 and not-for-profit corporations shall be eligible to compete.
 4116 Managed care plans contracting with the agency under subsection
 4117 (3) shall provide and receive payment for the same comprehensive
 4118 behavioral health benefits as provided in AHCA rules, including
 4119 handbooks incorporated by reference.

4120 ~~4. By October 1, 2003, the agency and the department shall~~
 4121 ~~submit a plan to the Governor, the President of the Senate, and~~
 4122 ~~the Speaker of the House of Representatives which provides for~~
 4123 ~~the full implementation of capitated prepaid behavioral health~~
 4124 ~~care in all areas of the state.~~

4125 ~~a. Implementation shall begin in 2003 in those AHCA areas~~
 4126 ~~of the state where the agency is able to establish sufficient~~
 4127 ~~capitation rates.~~

4128 2.b. If the agency determines that the proposed capitation
 4129 rate in any area is insufficient to provide appropriate
 4130 services, the agency may adjust the capitation rate to ensure
 4131 that care will be available. The agency and the department may
 4132 use existing general revenue to address any additional required

HB 1859

2005

4133 match but may not over-obligate existing funds on an annualized
4134 basis.

4135 ~~e.~~ Subject to any limitations provided for in the General
4136 Appropriations Act, the agency, in compliance with appropriate
4137 federal authorization, shall develop policies and procedures
4138 that allow for certification of local and state funds.

4139 ~~3.5.~~ Children residing in a statewide inpatient
4140 psychiatric program, or in a Department of Juvenile Justice or a
4141 Department of Children and Family Services residential program
4142 approved as a Medicaid behavioral health overlay services
4143 provider shall not be included in a behavioral health care
4144 prepaid health plan or any other Medicaid managed care plan
4145 pursuant to this paragraph.

4146 ~~4.6.~~ In converting to a prepaid system of delivery, the
4147 agency shall in its procurement document require an entity
4148 providing only comprehensive behavioral health care services to
4149 prevent the displacement of indigent care patients by enrollees
4150 in the Medicaid prepaid health plan providing behavioral health
4151 care services from facilities receiving state funding to provide
4152 indigent behavioral health care, to facilities licensed under
4153 chapter 395 which do not receive state funding for indigent
4154 behavioral health care, or reimburse the unsubsidized facility
4155 for the cost of behavioral health care provided to the displaced
4156 indigent care patient.

4157 ~~5.7.~~ Traditional community mental health providers under
4158 contract with the Department of Children and Family Services
4159 pursuant to part IV of chapter 394, child welfare providers
4160 under contract with the Department of Children and Family

HB 1859

2005

4161 Services in areas 1 and 6, and inpatient mental health providers
4162 licensed pursuant to chapter 395 must be offered an opportunity
4163 to accept or decline a contract to participate in any provider
4164 network for prepaid behavioral health services.

4165 ~~6.8-~~ For fiscal year 2004-2005, all Medicaid eligible
4166 children, except children in areas 1 and 6, whose cases are open
4167 for child welfare services in the HomeSafeNet system, shall be
4168 enrolled in MediPass or in Medicaid fee-for-service and all
4169 their behavioral health care services including inpatient,
4170 outpatient psychiatric, community mental health, and case
4171 management shall be reimbursed on a fee-for-service basis.
4172 Beginning July 1, 2005, such children, who are open for child
4173 welfare services in the HomeSafeNet system, shall receive their
4174 behavioral health care services through a specialty prepaid plan
4175 operated by community-based lead agencies either through a
4176 single agency or formal agreements among several agencies. The
4177 specialty prepaid plan must result in savings to the state
4178 comparable to savings achieved in other Medicaid managed care
4179 and prepaid programs. Such plan must provide mechanisms to
4180 maximize state and local revenues. The specialty prepaid plan
4181 shall be developed by the agency and the Department of Children
4182 and Family Services. The agency is authorized to seek any
4183 federal waivers to implement this initiative.

4184 (c) A federally qualified health center or an entity owned
4185 by one or more federally qualified health centers or an entity
4186 owned by other migrant and community health centers receiving
4187 non-Medicaid financial support from the Federal Government to
4188 provide health care services on a prepaid or fixed-sum basis to

HB 1859

2005

4189 recipients. Such prepaid health care services entity must be
4190 licensed under parts I and III of chapter 641, but shall be
4191 prohibited from serving Medicaid recipients on a prepaid basis,
4192 until such licensure has been obtained. However, such an entity
4193 is exempt from s. 641.225 if the entity meets the requirements
4194 specified in subsections (16)~~(17)~~ and (17)~~(18)~~.

4195 ~~(5) By October 1, 2003, the agency and the department~~
4196 ~~shall, to the extent feasible, develop a plan for implementing~~
4197 ~~new Medicaid procedure codes for emergency and crisis care,~~
4198 ~~supportive residential services, and other services designed to~~
4199 ~~maximize the use of Medicaid funds for Medicaid eligible~~
4200 ~~recipients. The agency shall include in the agreement developed~~
4201 ~~pursuant to subsection (4) a provision that ensures that the~~
4202 ~~match requirements for these new procedure codes are met by~~
4203 ~~certifying eligible general revenue or local funds that are~~
4204 ~~currently expended on these services by the department with~~
4205 ~~contracted alcohol, drug abuse, and mental health providers. The~~
4206 ~~plan must describe specific procedure codes to be implemented, a~~
4207 ~~projection of the number of procedures to be delivered during~~
4208 ~~fiscal year 2003-2004, and a financial analysis that describes~~
4209 ~~the certified match procedures, and accountability mechanisms,~~
4210 ~~projects the earnings associated with these procedures, and~~
4211 ~~describes the sources of state match. This plan may not be~~
4212 ~~implemented in any part until approved by the Legislative Budget~~
4213 ~~Commission. If such approval has not occurred by December 31,~~
4214 ~~2003, the plan shall be submitted for consideration by the 2004~~
4215 ~~Legislature.~~

4216 (20)~~(21)~~ Any entity contracting with the agency pursuant
 4217 to this section to provide health care services to Medicaid
 4218 recipients is prohibited from engaging in any of the following
 4219 practices or activities:

4220 (c) Granting or offering of any monetary or other valuable
 4221 consideration for enrollment, except as authorized by subsection
 4222 (23)~~(24)~~.

4223 (28)~~(29)~~ The agency shall perform enrollments and
 4224 disenrollments for Medicaid recipients who are eligible for
 4225 MediPass or managed care plans. Notwithstanding the prohibition
 4226 contained in paragraph (20)~~(21)~~(f), managed care plans may
 4227 perform preenrollments of Medicaid recipients under the
 4228 supervision of the agency or its agents. For the purposes of
 4229 this section, "preenrollment" means the provision of marketing
 4230 and educational materials to a Medicaid recipient and assistance
 4231 in completing the application forms, but shall not include
 4232 actual enrollment into a managed care plan. An application for
 4233 enrollment shall not be deemed complete until the agency or its
 4234 agent verifies that the recipient made an informed, voluntary
 4235 choice. The agency, in cooperation with the Department of
 4236 Children and Family Services, may test new marketing initiatives
 4237 to inform Medicaid recipients about their managed care options
 4238 at selected sites. ~~The agency shall report to the Legislature on~~
 4239 ~~the effectiveness of such initiatives.~~ The agency may contract
 4240 with a third party to perform managed care plan and MediPass
 4241 enrollment and disenrollment services for Medicaid recipients
 4242 and is authorized to adopt rules to implement such services. The
 4243 agency may adjust the capitation rate only to cover the costs of

4244 a third-party enrollment and disenrollment contract, and for
 4245 agency supervision and management of the managed care plan
 4246 enrollment and disenrollment contract.

4247 (40)~~(41)~~ The agency shall provide for the development of a
 4248 demonstration project by establishment in Miami-Dade County of a
 4249 long-term-care facility licensed pursuant to chapter 395 to
 4250 improve access to health care for a predominantly minority,
 4251 medically underserved, and medically complex population and to
 4252 evaluate alternatives to nursing home care and general acute
 4253 care for such population. Such project is to be located in a
 4254 health care condominium and colocated with licensed facilities
 4255 providing a continuum of care. The establishment of this project
 4256 is not subject to the provisions of s. 408.036 or s. 408.039.
 4257 ~~The agency shall report its findings to the Governor, the~~
 4258 ~~President of the Senate, and the Speaker of the House of~~
 4259 ~~Representatives by January 1, 2003.~~

4260 (43)~~(44)~~ The Agency for Health Care Administration shall
 4261 ensure that any Medicaid managed care plan as defined in s.
 4262 409.9122(2)(h), whether paid on a capitated basis or a shared
 4263 savings basis, is cost-effective. For purposes of this
 4264 subsection, the term "cost-effective" means that a network's
 4265 per-member, per-month costs to the state, including, but not
 4266 limited to, fee-for-service costs, administrative costs, and
 4267 case-management fees, must be no greater than the state's costs
 4268 associated with contracts for Medicaid services established
 4269 under subsection (3), which shall be actuarially adjusted for
 4270 case mix, model, and service area. The agency shall conduct
 4271 actuarially sound audits adjusted for case mix and model in

HB 1859

2005

4272 order to ensure such cost-effectiveness and shall publish the
4273 audit results on its Internet website ~~and submit the audit~~
4274 ~~results annually to the Governor, the President of the Senate,~~
4275 ~~and the Speaker of the House of Representatives no later than~~
4276 ~~December 31 of each year.~~ Contracts established pursuant to this
4277 subsection which are not cost-effective may not be renewed.

4278 (48) ~~(49)~~ The agency shall contract with established
4279 minority physician networks that provide services to
4280 historically underserved minority patients. The networks must
4281 provide cost-effective Medicaid services, comply with the
4282 requirements to be a MediPass provider, and provide their
4283 primary care physicians with access to data and other management
4284 tools necessary to assist them in ensuring the appropriate use
4285 of services, including inpatient hospital services and
4286 pharmaceuticals.

4287 (c) For purposes of this subsection, the term "cost-
4288 effective" means that a network's per-member, per-month costs to
4289 the state, including, but not limited to, fee-for-service costs,
4290 administrative costs, and case-management fees, must be no
4291 greater than the state's costs associated with contracts for
4292 Medicaid services established under subsection (3), which shall
4293 be actuarially adjusted for case mix, model, and service area.
4294 The agency shall conduct actuarially sound audits adjusted for
4295 case mix and model in order to ensure such cost-effectiveness
4296 and shall publish the audit results on its Internet website ~~and~~
4297 ~~submit the audit results annually to the Governor, the President~~
4298 ~~of the Senate, and the Speaker of the House of Representatives~~

HB 1859

2005

4299 ~~no later than December 31.~~ Contracts established pursuant to
 4300 this subsection which are not cost-effective may not be renewed.

4301 Section 137. Paragraph (a) of subsection (4) of section
 4302 394.9082, Florida Statutes, is amended to read:

4303 394.9082 Behavioral health service delivery strategies.--

4304 (4) CONTRACT FOR SERVICES.--

4305 (a) The Department of Children and Family Services and the
 4306 Agency for Health Care Administration may contract for the
 4307 provision or management of behavioral health services with a
 4308 managing entity in at least two geographic areas. Both the
 4309 Department of Children and Family Services and the Agency for
 4310 Health Care Administration must contract with the same managing
 4311 entity in any distinct geographic area where the strategy
 4312 operates. This managing entity shall be accountable at a minimum
 4313 for the delivery of behavioral health services specified and
 4314 funded by the department and the agency. The geographic area
 4315 must be of sufficient size in population and have enough public
 4316 funds for behavioral health services to allow for flexibility
 4317 and maximum efficiency. ~~Notwithstanding the provisions of s.~~
 4318 ~~409.912(4)(b)1.,~~ At least one service delivery strategy must be
 4319 in one of the service districts in the catchment area of G.
 4320 Pierce Wood Memorial Hospital.

4321 Section 138. Paragraph (a) of subsection (4) of section
 4322 409.9065, Florida Statutes, is amended to read:

4323 409.9065 Pharmaceutical expense assistance.--

4324 (4) ADMINISTRATION.--The pharmaceutical expense assistance
 4325 program shall be administered by the agency, in collaboration

HB 1859

2005

4326 with the Department of Elderly Affairs and the Department of
 4327 Children and Family Services.

4328 (a) The agency shall, by rule, establish for the
 4329 pharmaceutical expense assistance program eligibility
 4330 requirements; limits on participation; benefit limitations,
 4331 including copayments; a requirement for generic drug
 4332 substitution; and other program parameters comparable to those
 4333 of the Medicaid program. Individuals eligible to participate in
 4334 this program are not subject to the limit of four brand name
 4335 drugs per month per recipient as specified in s.

4336 409.912 (39) ~~(40)~~ (a). There shall be no monetary limit on
 4337 prescription drugs purchased with discounts of less than 51
 4338 percent unless the agency determines there is a risk of a
 4339 funding shortfall in the program. If the agency determines there
 4340 is a risk of a funding shortfall, the agency may establish
 4341 monetary limits on prescription drugs which shall not be less
 4342 than \$160 worth of prescription drugs per month.

4343 Section 139. Subsections (1) and (2) of section 409.91196,
 4344 Florida Statutes, are amended to read:

4345 409.91196 Supplemental rebate agreements; confidentiality
 4346 of records and meetings.--

4347 (1) Trade secrets, rebate amount, percent of rebate,
 4348 manufacturer's pricing, and supplemental rebates which are
 4349 contained in records of the Agency for Health Care
 4350 Administration and its agents with respect to supplemental
 4351 rebate negotiations and which are prepared pursuant to a
 4352 supplemental rebate agreement under s. 409.912 (39) ~~(40)~~ (a) 7. are

HB 1859

2005

4353 confidential and exempt from s. 119.07 and s. 24(a), Art. I of
 4354 the State Constitution.

4355 (2) Those portions of meetings of the Medicaid
 4356 Pharmaceutical and Therapeutics Committee at which trade
 4357 secrets, rebate amount, percent of rebate, manufacturer's
 4358 pricing, and supplemental rebates are disclosed for discussion
 4359 or negotiation of a supplemental rebate agreement under s.
 4360 409.912~~(39)~~~~(40)~~(a)7. are exempt from s. 286.011 and s. 24(b),
 4361 Art. I of the State Constitution.

4362 Section 140. Subsection (4) of section 641.386, Florida
 4363 Statutes, is amended to read:

4364 641.386 Agent licensing and appointment required;
 4365 exceptions.--

4366 (4) All agents and health maintenance organizations shall
 4367 comply with and be subject to the applicable provisions of ss.
 4368 641.309 and 409.912~~(20)~~~~(21)~~, and all companies and entities
 4369 appointing agents shall comply with s. 626.451, when marketing
 4370 for any health maintenance organization licensed pursuant to
 4371 this part, including those organizations under contract with the
 4372 Agency for Health Care Administration to provide health care
 4373 services to Medicaid recipients or any private entity providing
 4374 health care services to Medicaid recipients pursuant to a
 4375 prepaid health plan contract with the Agency for Health Care
 4376 Administration.

4377 Section 141. Section 410.0245, Florida Statutes, is
 4378 repealed.

4379 Section 142. Subsection (10) of section 410.604, Florida
 4380 Statutes, is amended to read:

HB 1859

2005

4381 410.604 Community care for disabled adults program; powers
 4382 and duties of the department.--

4383 ~~(10) Beginning October 1, 1989, the department shall~~
 4384 ~~biennially evaluate the progress of the community care for~~
 4385 ~~disabled adults program and submit such evaluation to the~~
 4386 ~~Speaker of the House of Representatives and the President of the~~
 4387 ~~Senate.~~

4388 Section 143. Section 411.221, Florida Statutes, is
 4389 repealed.

4390 Section 144. Paragraph (d) of subsection (5) of section
 4391 411.01, Florida Statutes, as amended by chapter 2004-484, Laws
 4392 of Florida, is amended to read:

4393 411.01 School readiness programs; early learning
 4394 coalitions.--

4395 (5) CREATION OF EARLY LEARNING COALITIONS.--

4396 (d) Implementation.--

4397 1. An early learning coalition may not implement the
 4398 school readiness program until the coalition is authorized
 4399 through approval of the coalition's school readiness plan by the
 4400 Agency for Workforce Innovation.

4401 2. Each early learning coalition shall develop a plan for
 4402 implementing the school readiness program to meet the
 4403 requirements of this section and the performance standards and
 4404 outcome measures adopted by the Agency for Workforce Innovation.
 4405 The plan must demonstrate how the program will ensure that each
 4406 3-year-old and 4-year-old child in a publicly funded school
 4407 readiness program receives scheduled activities and instruction
 4408 designed to enhance the age-appropriate progress of the children

HB 1859

2005

4409 in attaining the performance standards adopted by the Agency for
4410 Workforce Innovation under subparagraph (4)(d)8. Before
4411 implementing the school readiness program, the early learning
4412 coalition must submit the plan to the Agency for Workforce
4413 Innovation for approval. The Agency for Workforce Innovation may
4414 approve the plan, reject the plan, or approve the plan with
4415 conditions. The Agency for Workforce Innovation shall review
4416 school readiness plans at least annually.

4417 3. If the Agency for Workforce Innovation determines
4418 during the annual review of school readiness plans, or through
4419 monitoring and performance evaluations conducted under paragraph
4420 (4)(1), that an early learning coalition has not substantially
4421 implemented its plan, has not substantially met the performance
4422 standards and outcome measures adopted by the agency, or has not
4423 effectively administered the school readiness program or
4424 Voluntary Prekindergarten Education Program, the Agency for
4425 Workforce Innovation may dissolve the coalition and temporarily
4426 contract with a qualified entity to continue school readiness
4427 and prekindergarten services in the coalition's county or
4428 multicounty region until the coalition is reestablished through
4429 resubmission of a school readiness plan and approval by the
4430 agency.

4431 4. The Agency for Workforce Innovation shall adopt
4432 criteria for the approval of school readiness plans. The
4433 criteria must be consistent with the performance standards and
4434 outcome measures adopted by the agency and must require each
4435 approved plan to include the following minimum standards and
4436 provisions:

4437 | a. A sliding fee scale establishing a copayment for
 4438 | parents based upon their ability to pay, which is the same for
 4439 | all program providers, to be implemented and reflected in each
 4440 | program's budget.

4441 | b. A choice of settings and locations in licensed,
 4442 | registered, religious-exempt, or school-based programs to be
 4443 | provided to parents.

4444 | c. Instructional staff who have completed the training
 4445 | course as required in s. 402.305(2)(d)1., as well as staff who
 4446 | have additional training or credentials as required by the
 4447 | Agency for Workforce Innovation. The plan must provide a method
 4448 | for assuring the qualifications of all personnel in all program
 4449 | settings.

4450 | d. Specific eligibility priorities for children within the
 4451 | early learning coalition's county or multicounty region in
 4452 | accordance with subsection (6).

4453 | e. Performance standards and outcome measures adopted by
 4454 | the Agency for Workforce Innovation.

4455 | f. Payment rates adopted by the early learning coalition
 4456 | and approved by the Agency for Workforce Innovation. Payment
 4457 | rates may not have the effect of limiting parental choice or
 4458 | creating standards or levels of services that have not been
 4459 | authorized by the Legislature.

4460 | g. Systems support services, including a central agency,
 4461 | child care resource and referral, eligibility determinations,
 4462 | training of providers, and parent support and involvement.

4463 | h. Direct enhancement services to families and children.
 4464 | System support and direct enhancement services shall be in

4465 addition to payments for the placement of children in school
 4466 readiness programs.

4467 i. The business organization of the early learning
 4468 coalition, which must include the coalition's articles of
 4469 incorporation and bylaws if the coalition is organized as a
 4470 corporation. If the coalition is not organized as a corporation
 4471 or other business entity, the plan must include the contract
 4472 with a fiscal agent. An early learning coalition may contract
 4473 with other coalitions to achieve efficiency in multicounty
 4474 services, and these contracts may be part of the coalition's
 4475 school readiness plan.

4476 j. Strategies to meet the needs of unique populations,
 4477 such as migrant workers.

4478
 4479 As part of the school readiness plan, the early learning
 4480 coalition may request the Governor to apply for a waiver to
 4481 allow the coalition to administer the Head Start Program to
 4482 accomplish the purposes of the school readiness program. If a
 4483 school readiness plan demonstrates that specific statutory goals
 4484 can be achieved more effectively by using procedures that
 4485 require modification of existing rules, policies, or procedures,
 4486 a request for a waiver to the Agency for Workforce Innovation
 4487 may be submitted as part of the plan. Upon review, the Agency
 4488 for Workforce Innovation may grant the proposed modification.

4489 5. Persons with an early childhood teaching certificate
 4490 may provide support and supervision to other staff in the school
 4491 readiness program.

HB 1859

2005

4492 6. An early learning coalition may not implement its
4493 school readiness plan until it submits the plan to and receives
4494 approval from the Agency for Workforce Innovation. Once the plan
4495 is approved, the plan and the services provided under the plan
4496 shall be controlled by the early learning coalition. The plan
4497 shall be reviewed and revised as necessary, but at least
4498 biennially. An early learning coalition may not implement the
4499 revisions until the coalition submits the revised plan to and
4500 receives approval from the Agency for Workforce Innovation. If
4501 the Agency for Workforce Innovation rejects a revised plan, the
4502 coalition must continue to operate under its prior approved
4503 plan.

4504 7. Sections 125.901(2)(a)3., ~~411.221~~, and 411.232 do not
4505 apply to an early learning coalition with an approved school
4506 readiness plan. To facilitate innovative practices and to allow
4507 the regional establishment of school readiness programs, an
4508 early learning coalition may apply to the Governor and Cabinet
4509 for a waiver of, and the Governor and Cabinet may waive, any of
4510 the provisions of ss. 411.223, 411.232, and 1003.54, if the
4511 waiver is necessary for implementation of the coalition's school
4512 readiness plan.

4513 8. Two or more counties may join for purposes of planning
4514 and implementing a school readiness program.

4515 9. An early learning coalition may, subject to approval by
4516 the Agency for Workforce Innovation as part of the coalition's
4517 school readiness plan, receive subsidized child care funds for
4518 all children eligible for any federal subsidized child care
4519 program.

4520 10. An early learning coalition may enter into multiparty
 4521 contracts with multicounty service providers in order to meet
 4522 the needs of unique populations such as migrant workers.

4523 Section 145. Paragraph (a) of subsection (3) of section
 4524 411.232, Florida Statutes, is amended to read:

4525 411.232 Children's Early Investment Program.--

4526 (3) ESSENTIAL ELEMENTS.--

4527 (a) Initially, the program shall be directed to geographic
 4528 areas where at-risk young children and their families are in
 4529 greatest need because of an unfavorable combination of economic,
 4530 social, environmental, and health factors, including, without
 4531 limitation, extensive poverty, high crime rate, great incidence
 4532 of low birthweight babies, high incidence of alcohol and drug
 4533 abuse, and high rates of teenage pregnancy. The selection of a
 4534 geographic site shall also consider the incidence of young
 4535 children within these at-risk geographic areas who are cocaine
 4536 babies, children of single mothers who receive temporary cash
 4537 assistance, children of teenage parents, low birthweight babies,
 4538 and very young foster children. To receive funding under this
 4539 section, an agency, board, council, or provider must
 4540 demonstrate:

4541 1. Its capacity to administer and coordinate the programs
 4542 and services in a comprehensive manner and provide a flexible
 4543 range of services.‡

4544 2. Its capacity to identify and serve those children least
 4545 able to access existing programs and case management services.‡

4546 3. Its capacity to administer and coordinate the programs
 4547 and services in an intensive and continuous manner.‡

4548 4. The proximity of its facilities to young children,
 4549 parents, and other family members to be served by the program,
 4550 or its ability to provide offsite services.†

4551 5. Its ability to use existing federal, state, and local
 4552 governmental programs and services in implementing the
 4553 investment program.†

4554 6. Its ability to coordinate activities and services with
 4555 existing public and private, state and local agencies and
 4556 programs such as those responsible for health, education, social
 4557 support, mental health, child care, respite care, housing,
 4558 transportation, alcohol and drug abuse treatment and prevention,
 4559 income assistance, employment training and placement, nutrition,
 4560 and other relevant services, all the foregoing intended to
 4561 assist children and families at risk.†

4562 7. How its plan will involve project participants and
 4563 community representatives in the planning and operation of the
 4564 investment program.†

4565 8. Its ability to participate in the evaluation component
 4566 required in this section.† and

4567 ~~9. Its consistency with the strategic plan pursuant to s.~~
 4568 ~~411.221.~~

4569 Section 146. Section 411.242, Florida Statutes, is
 4570 repealed.

4571 Section 147. Subsection (8) of section 413.402, Florida
 4572 Statutes, is amended to read:

4573 413.402 Personal care attendant pilot program.--The
 4574 Florida Association of Centers for Independent Living shall
 4575 develop a pilot program to provide personal care attendants to

HB 1859

2005

4576 persons who are eligible pursuant to subsection (1). The
4577 association shall develop memoranda of understanding with the
4578 Department of Revenue, the Brain and Spinal Cord Injury Program
4579 in the Department of Health, the Florida Medicaid program in the
4580 Agency for Health Care Administration, the Florida Endowment
4581 Foundation for Vocational Rehabilitation, and the Division of
4582 Vocational Rehabilitation of the Department of Education.

4583 ~~(8) No later than March 1, 2003, the association shall~~
4584 ~~present to the President of the Senate and to the Speaker of the~~
4585 ~~House of Representatives the implementation plan for the pilot~~
4586 ~~program, a timeline for implementation, estimates of the number~~
4587 ~~of participants to be served, and cost projections for each~~
4588 ~~component of the pilot program. The pilot program shall be~~
4589 ~~implemented beginning July 1, 2003, unless there is specific~~
4590 ~~legislative action to the contrary.~~

4591 Section 148. Subsection (3) of section 414.1251, Florida
4592 Statutes, is amended to read:

4593 414.1251 Learnfare program.--

4594 ~~(3) The department shall develop an electronic data~~
4595 ~~transfer system to enable the department to collect, report, and~~
4596 ~~share data accurately and efficiently. In order to ensure~~
4597 ~~accountability and assess the effectiveness of the Learnfare~~
4598 ~~program, the department shall compile information including, but~~
4599 ~~not limited to, the number of students and families reported by~~
4600 ~~school districts as out of compliance, the number of students~~
4601 ~~and families sanctioned as a result, and the number of students~~
4602 ~~and families reinstated after becoming compliant. The~~

HB 1859

2005

4603 ~~information compiled shall be submitted in the form of an annual~~
 4604 ~~report to the presiding officers of the Legislature by March 1.~~

4605 Section 149. Section 414.14, Florida Statutes, is amended
 4606 to read:

4607 414.14 Public assistance policy simplification.--To the
 4608 extent possible, the department shall align the requirements for
 4609 eligibility under this chapter with the food stamp program and
 4610 medical assistance eligibility policies and procedures to
 4611 simplify the budgeting process and reduce errors. If the
 4612 department determines that s. 414.075, relating to resources, or
 4613 s. 414.085, relating to income, is inconsistent with related
 4614 provisions of federal law which govern the food stamp program or
 4615 medical assistance, and that conformance to federal law would
 4616 simplify administration of the WAGES Program or reduce errors
 4617 without materially increasing the cost of the program to the
 4618 state, the secretary of the department may propose a change in
 4619 the resource or income requirements of the program by rule. ~~The~~
 4620 ~~secretary shall provide written notice to the President of the~~
 4621 ~~Senate, the Speaker of the House of Representatives, and the~~
 4622 ~~chairpersons of the relevant committees of both houses of the~~
 4623 ~~Legislature summarizing the proposed modifications to be made by~~
 4624 ~~rule and changes necessary to conform state law to federal law.~~
 4625 ~~The proposed rule shall take effect 14 days after written notice~~
 4626 ~~is given unless the President of the Senate or the Speaker of~~
 4627 ~~the House of Representatives advises the secretary that the~~
 4628 ~~proposed rule exceeds the delegated authority of the~~
 4629 ~~Legislature.~~

4630 Section 150. Subsection (1) of section 414.36, Florida
 4631 Statutes, is amended to read:

4632 414.36 Public assistance overpayment recovery program;
 4633 contracts.--

4634 ~~(1) The department shall develop and implement a plan for~~
 4635 ~~the statewide privatization of activities relating to the~~
 4636 ~~recovery of public assistance overpayment claims. These~~
 4637 ~~activities shall include, at a minimum, voluntary cash~~
 4638 ~~collections functions for recovery of fraudulent and~~
 4639 ~~nonfraudulent benefits paid to recipients of temporary cash~~
 4640 ~~assistance, food stamps, and aid to families with dependent~~
 4641 ~~children.~~

4642 Section 151. Subsection (3) of section 414.391, Florida
 4643 Statutes, is amended to read:

4644 414.391 Automated fingerprint imaging.--

4645 ~~(3) The department shall prepare, by April 1998, a plan~~
 4646 ~~for implementation of this program. Implementation shall begin~~
 4647 ~~with a pilot of the program in one or more areas of the state by~~
 4648 ~~November 1, 1998. Pilot evaluation results shall be used to~~
 4649 ~~determine the method of statewide expansion. The priority for~~
 4650 ~~use of the savings derived from reducing fraud through this~~
 4651 ~~program shall be to expand the program to other areas of the~~
 4652 ~~state.~~

4653 Section 152. Subsection (6) of section 415.1045, Florida
 4654 Statutes, is amended to read:

4655 415.1045 Photographs, videotapes, and medical
 4656 examinations; abrogation of privileged communications;
 4657 confidential records and documents.--

HB 1859

2005

4658 (6) WORKING AGREEMENTS.--~~By March 1, 2004,~~ The department
4659 shall enter into working agreements with the jurisdictionally
4660 responsible county sheriffs' office or local police department
4661 that will be the lead agency when conducting any criminal
4662 investigation arising from an allegation of abuse, neglect, or
4663 exploitation of a vulnerable adult. The working agreement must
4664 specify how the requirements of this chapter will be met. ~~The~~
4665 ~~Office of Program Policy Analysis and Government Accountability~~
4666 ~~shall conduct a review of the efficacy of the agreements and~~
4667 ~~report its findings to the Legislature by March 1, 2005.~~ For the
4668 purposes of such agreement, the jurisdictionally responsible law
4669 enforcement entity is authorized to share Florida criminal
4670 history and local criminal history information that is not
4671 otherwise exempt from s. 119.07(1) with the district personnel.
4672 A law enforcement entity entering into such agreement must
4673 comply with s. 943.0525. Criminal justice information provided
4674 by such law enforcement entity shall be used only for the
4675 purposes specified in the agreement and shall be provided at no
4676 charge. Notwithstanding any other provision of law, the
4677 Department of Law Enforcement shall provide to the department
4678 electronic access to Florida criminal justice information which
4679 is lawfully available and not exempt from s. 119.07(1), only for
4680 the purpose of protective investigations and emergency
4681 placement. As a condition of access to such information, the
4682 department shall be required to execute an appropriate user
4683 agreement addressing the access, use, dissemination, and
4684 destruction of such information and to comply with all
4685 applicable laws and rules of the Department of Law Enforcement.

HB 1859

2005

4686 Section 153. Subsection (9) of section 420.622, Florida
 4687 Statutes, is amended to read:

4688 420.622 State Office on Homelessness; Council on
 4689 Homelessness.--

4690 (9) The council shall, by December 31 of each year,
 4691 provide issue to the Governor, the President of the Senate, the
 4692 Speaker of the House of Representatives, and the Secretary of
 4693 Children and Family Services ~~an evaluation of the executive~~
 4694 ~~director's performance in fulfilling the statutory duties of the~~
 4695 ~~office,~~ a report summarizing the status of homelessness in the
 4696 state and the council's recommendations to the office and the
 4697 ~~corresponding actions taken by the office,~~ and any
 4698 ~~recommendations to the Legislature for~~ reducing proposals to
 4699 ~~reduce~~ homelessness in this state.

4700 Section 154. Subsection (4) of section 420.623, Florida
 4701 Statutes, is amended to read:

4702 420.623 Local coalitions for the homeless.--

4703 ~~(4) ANNUAL REPORTS. The department shall submit to the~~
 4704 ~~Governor, the Speaker of the House of Representatives, and the~~
 4705 ~~President of the Senate, by June 30, an annual report consisting~~
 4706 ~~of a compilation of data collected by local coalitions, progress~~
 4707 ~~made in the development and implementation of local homeless~~
 4708 ~~assistance continuums of care plans in each district, local~~
 4709 ~~spending plans, programs and resources available at the local~~
 4710 ~~level, and recommendations for programs and funding.~~

4711 Section 155. Subsection (9) of section 427.704, Florida
 4712 Statutes, is amended to read:

4713 427.704 Powers and duties of the commission.--

4714 (9) The commission shall prepare ~~provide to the President~~
 4715 ~~of the Senate and to the Speaker of the House of Representatives~~
 4716 an annual report on the operation of the telecommunications
 4717 access system that shall be available on the commission's
 4718 Internet website. ~~The first report shall be provided no later~~
 4719 ~~than January 1, 1992, and successive reports shall be provided~~
 4720 ~~by January 1 of each year thereafter.~~ Reports shall be prepared
 4721 in consultation with the administrator and the advisory
 4722 committee appointed pursuant to s. 427.706. The reports shall,
 4723 at a minimum, briefly outline the status of developments of the
 4724 telecommunications access system, the number of persons served,
 4725 the call volume, revenues and expenditures, the allocation of
 4726 the revenues and expenditures between provision of specialized
 4727 telecommunications devices to individuals and operation of
 4728 statewide relay service, other major policy or operational
 4729 issues, and proposals for improvements or changes to the
 4730 telecommunications access system.

4731 Section 156. Subsection (2) of section 427.706, Florida
 4732 Statutes, is amended to read:

4733 427.706 Advisory committee.--

4734 (2) The advisory committee shall provide the expertise,
 4735 experience, and perspective of persons who are hearing impaired
 4736 or speech impaired to the commission and to the administrator
 4737 during all phases of the development and operation of the
 4738 telecommunications access system. The advisory committee shall
 4739 advise the commission and the administrator on any matter
 4740 relating to the quality and cost-effectiveness of the
 4741 telecommunications relay service and the specialized

4742 telecommunications devices distribution system. The advisory
 4743 committee may submit material for inclusion in the annual report
 4744 prepared pursuant to s. 427.704 ~~to the President of the Senate~~
 4745 ~~and the Speaker of the House of Representatives.~~

4746 Section 157. Subsections (3) through (16) of section
 4747 430.04, Florida Statutes, are amended to read:

4748 430.04 Duties and responsibilities of the Department of
 4749 Elderly Affairs.--The Department of Elderly Affairs shall:

4750 ~~(3) Prepare and submit to the Governor, each Cabinet~~
 4751 ~~member, the President of the Senate, the Speaker of the House of~~
 4752 ~~Representatives, the minority leaders of the House and Senate,~~
 4753 ~~and chairpersons of appropriate House and Senate committees a~~
 4754 ~~master plan for policies and programs in the state related to~~
 4755 ~~aging. The plan must identify and assess the needs of the~~
 4756 ~~elderly population in the areas of housing, employment,~~
 4757 ~~education and training, medical care, long term care, preventive~~
 4758 ~~care, protective services, social services, mental health,~~
 4759 ~~transportation, and long term care insurance, and other areas~~
 4760 ~~considered appropriate by the department. The plan must assess~~
 4761 ~~the needs of particular subgroups of the population and evaluate~~
 4762 ~~the capacity of existing programs, both public and private and~~
 4763 ~~in state and local agencies, to respond effectively to~~
 4764 ~~identified needs. If the plan recommends the transfer of any~~
 4765 ~~program or service from the Department of Children and Family~~
 4766 ~~Services to another state department, the plan must also include~~
 4767 ~~recommendations that provide for an independent third party~~
 4768 ~~mechanism, as currently exists in the Florida advocacy councils~~
 4769 ~~established in ss. 402.165 and 402.166, for protecting the~~

4770 ~~constitutional and human rights of recipients of departmental~~
4771 ~~services. The plan must include policy goals and program~~
4772 ~~strategies designed to respond efficiently to current and~~
4773 ~~projected needs. The plan must also include policy goals and~~
4774 ~~program strategies to promote intergenerational relationships~~
4775 ~~and activities. Public hearings and other appropriate processes~~
4776 ~~shall be utilized by the department to solicit input for the~~
4777 ~~development and updating of the master plan from parties~~
4778 ~~including, but not limited to, the following:~~

4779 ~~(a) Elderly citizens and their families and caregivers.~~

4780 ~~(b) Local level public and private service providers,~~
4781 ~~advocacy organizations, and other organizations relating to the~~
4782 ~~elderly.~~

4783 ~~(c) Local governments.~~

4784 ~~(d) All state agencies that provide services to the~~
4785 ~~elderly.~~

4786 ~~(e) University centers on aging.~~

4787 ~~(f) Area agency on aging and community care for the~~
4788 ~~elderly lead agencies.~~

4789 (3)~~(4)~~ Serve as an information clearinghouse at the state
4790 level, and assist local-level information and referral resources
4791 as a repository and means for dissemination of information
4792 regarding all federal, state, and local resources for assistance
4793 to the elderly in the areas of, but not limited to, health,
4794 social welfare, long-term care, protective services, consumer
4795 protection, education and training, housing, employment,
4796 recreation, transportation, insurance, and retirement.

4797 | (4)~~(5)~~ Recommend guidelines for the development of roles
 4798 | for state agencies that provide services for the aging, review
 4799 | plans of agencies that provide such services, and relay these
 4800 | plans to the Governor, ~~each Cabinet member,~~ the President of the
 4801 | Senate, the Speaker of the House of Representatives, and the
 4802 | minority leaders of the House and Senate, ~~and chairpersons of~~
 4803 | ~~appropriate House and Senate committees.~~

4804 | (5)~~(6)~~ Recommend to the Governor, ~~each Cabinet member,~~ the
 4805 | President of the Senate, the Speaker of the House of
 4806 | Representatives, and the minority leaders of the House and
 4807 | Senate, ~~and chairpersons of appropriate House and Senate~~
 4808 | ~~committees~~ an organizational framework for the planning,
 4809 | coordination, implementation, and evaluation of programs related
 4810 | to aging, with the purpose of expanding and improving programs
 4811 | and opportunities available to the state's elderly population
 4812 | and enhancing a continuum of long-term care. This framework must
 4813 | assure that:

- 4814 | (a) Performance objectives are established.
- 4815 | (b) Program reviews are conducted statewide.
- 4816 | (c) Each major program related to aging is reviewed every
 4817 | 3 years.

4818 | ~~(d) Agency budget requests reflect the results and~~
 4819 | ~~recommendations of such program reviews.~~

4820 | (d)~~(e)~~ Program decisions reinforce ~~lead to~~ the distinctive
 4821 | roles established for state agencies that provide aging
 4822 | services.

4823 | (6)~~(7)~~ Advise the Governor, ~~each Cabinet member,~~ the
 4824 | President of the Senate, the Speaker of the House of

HB 1859

2005

4825 Representatives, and the minority leaders of the House and
4826 Senate, ~~and the chairpersons of appropriate House and Senate~~
4827 ~~committees~~ regarding the need for and location of programs
4828 related to aging.

4829 ~~(7)(8)~~ Review and coordinate aging research plans of all
4830 state agencies to ensure that ~~the conformance of~~ research
4831 objectives address ~~to~~ issues and needs of the state's elderly
4832 population ~~addressed in the master plan for policies and~~
4833 ~~programs related to aging~~. The research activities that must be
4834 reviewed and coordinated by the department include, but are not
4835 limited to, contracts with academic institutions, development of
4836 educational and training curriculums, Alzheimer's disease and
4837 other medical research, studies of long-term care and other
4838 personal assistance needs, and design of adaptive or modified
4839 living environments.

4840 ~~(8)(9)~~ Review budget requests for programs related to
4841 aging to ensure the most cost-effective use of state funding for
4842 the state's elderly population prior to ~~for compliance with the~~
4843 ~~master plan for policies and programs related to aging before~~
4844 submission to the Governor and the Legislature.

4845 ~~(10)~~ ~~Update the master plan for policies and programs~~
4846 ~~related to aging every 3 years.~~

4847 ~~(11)~~ ~~Review implementation of the master plan for programs~~
4848 ~~and policies related to aging and annually report to the~~
4849 ~~Governor, each Cabinet member, the President of the Senate, the~~
4850 ~~Speaker of the House of Representatives, the minority leaders of~~
4851 ~~the House and Senate, and the chairpersons of appropriate House~~

4852 ~~and Senate committees the progress towards implementation of the~~
 4853 ~~plan.~~

4854 (9)~~(12)~~ Request other departments that administer programs
 4855 affecting the state's elderly population to amend their plans,
 4856 rules, policies, and research objectives as necessary to ensure
 4857 that programs and other initiatives are coordinated and maximize
 4858 the state's efforts to address the needs of the elderly ~~conform~~
 4859 ~~with the master plan for policies and programs related to aging.~~

4860 (10)~~(13)~~ Hold public meetings regularly throughout the
 4861 state for purposes of receiving information and maximizing the
 4862 visibility of important issues related to aging and the elderly.

4863 (11)~~(14)~~ Conduct policy analysis and program evaluation
 4864 studies assigned by the Legislature.

4865 (12)~~(15)~~ Assist the Governor, each Cabinet member, the
 4866 President of the Senate, the Speaker of the House of
 4867 Representatives, and the minority leaders of the House and
 4868 Senate, ~~and the chairpersons of appropriate House and Senate~~
 4869 ~~committees~~ in the conduct of their responsibilities in such
 4870 capacities as they consider appropriate.

4871 (13)~~(16)~~ Call upon appropriate agencies of state
 4872 government for such assistance as is needed in the discharge of
 4873 its duties. All agencies shall cooperate in assisting the
 4874 department in carrying out its responsibilities as prescribed by
 4875 this section. However, no provision of law with respect to
 4876 confidentiality of information may be violated.

4877 Section 158. Subsections (3) and (8) of section 430.502,
 4878 Florida Statutes, are amended to read:

HB 1859

2005

4879 | 430.502 Alzheimer's disease; memory disorder clinics and
 4880 | day care and respite care programs.--

4881 | (3) The Alzheimer's Disease Advisory Committee shall ~~must~~
 4882 | evaluate and make recommendations to the department and the
 4883 | Legislature concerning the need for additional memory disorder
 4884 | clinics in the state. ~~The first report will be due by December~~
 4885 | ~~31, 1995.~~

4886 | (8) The department will implement the waiver program
 4887 | specified in subsection (7). The agency and the department shall
 4888 | ensure that providers are selected that have a history of
 4889 | successfully serving persons with Alzheimer's disease. The
 4890 | department and the agency shall develop specialized standards
 4891 | for providers and services tailored to persons in the early,
 4892 | middle, and late stages of Alzheimer's disease and designate a
 4893 | level of care determination process and standard that is most
 4894 | appropriate to this population. The department and the agency
 4895 | shall include in the waiver services designed to assist the
 4896 | caregiver in continuing to provide in-home care. The department
 4897 | shall implement this waiver program subject to a specific
 4898 | appropriation or as provided in the General Appropriations Act.
 4899 | ~~The department and the agency shall submit their program design~~
 4900 | ~~to the President of the Senate and the Speaker of the House of~~
 4901 | ~~Representatives for consultation during the development process.~~

4902 | Section 159. Paragraph (a) of subsection (3) and paragraph
 4903 | (c) of subsection (4) of section 445.003, Florida Statutes, are
 4904 | amended to read:

4905 | 445.003 Implementation of the federal Workforce Investment
 4906 | Act of 1998.--

HB 1859

2005

4907 (3) FUNDING.--

4908 (a) Title I, Workforce Investment Act of 1998 funds;
4909 Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended
4910 based on the 5-year plan of Workforce Florida, Inc. The plan
4911 shall outline and direct the method used to administer and
4912 coordinate various funds and programs that are operated by
4913 various agencies. The following provisions shall also apply to
4914 these funds:

4915 1. At least 50 percent of the Title I funds for Adults and
4916 Dislocated Workers that are passed through to regional workforce
4917 boards shall be allocated to Individual Training Accounts unless
4918 a regional workforce board obtains a waiver from Workforce
4919 Florida, Inc. Tuition, fees, and performance-based incentive
4920 awards paid in compliance with Florida's Performance-Based
4921 Incentive Fund Program qualify as an Individual Training Account
4922 expenditure, as do other programs developed by regional
4923 workforce boards in compliance with policies of Workforce
4924 Florida, Inc.

4925 2. Fifteen percent of Title I funding shall be retained at
4926 the state level and shall be dedicated to state administration
4927 and used to design, develop, induce, and fund innovative
4928 Individual Training Account pilots, demonstrations, and
4929 programs. Of such funds retained at the state level, \$2 million
4930 shall be reserved for the Incumbent Worker Training Program,
4931 created under subparagraph 3. Eligible state administration
4932 costs include the costs of: funding for the board and staff of
4933 Workforce Florida, Inc.; operating fiscal, compliance, and
4934 management accountability systems through Workforce Florida,

4935 Inc.; conducting evaluation and research on workforce
 4936 development activities; and providing technical and capacity
 4937 building assistance to regions at the direction of Workforce
 4938 Florida, Inc. Notwithstanding s. 445.004, such administrative
 4939 costs shall not exceed 25 percent of these funds. An amount not
 4940 to exceed 75 percent of these funds shall be allocated to
 4941 Individual Training Accounts and other workforce development
 4942 strategies for: the Minority Teacher Education Scholars program,
 4943 the Certified Teacher-Aide program, the Self-Employment
 4944 Institute, and other training designed and tailored by Workforce
 4945 Florida, Inc., including, but not limited to, programs for
 4946 incumbent workers, displaced homemakers, nontraditional
 4947 employment, empowerment zones, and enterprise zones. Workforce
 4948 Florida, Inc., shall design, adopt, and fund Individual Training
 4949 Accounts for distressed urban and rural communities.

4950 3. The Incumbent Worker Training Program is created for
 4951 the purpose of providing grant funding for continuing education
 4952 and training of incumbent employees at existing Florida
 4953 businesses. The program will provide reimbursement grants to
 4954 businesses that pay for preapproved, direct, training-related
 4955 costs.

4956 a. The Incumbent Worker Training Program will be
 4957 administered by Workforce Florida, Inc. Workforce Florida, Inc.,
 4958 at its discretion, may contract with a private business
 4959 organization to serve as grant administrator.

4960 b. To be eligible for the program's grant funding, a
 4961 business must have been in operation in Florida for a minimum of
 4962 1 year prior to the application for grant funding; have at least

HB 1859

2005

4963 one full-time employee; demonstrate financial viability; and be
4964 current on all state tax obligations. Priority for funding shall
4965 be given to businesses with 25 employees or fewer, businesses in
4966 rural areas, businesses in distressed inner-city areas,
4967 businesses in a qualified targeted industry, businesses whose
4968 grant proposals represent a significant upgrade in employee
4969 skills, or businesses whose grant proposals represent a
4970 significant layoff avoidance strategy.

4971 c. All costs reimbursed by the program must be preapproved
4972 by Workforce Florida, Inc., or the grant administrator. The
4973 program will not reimburse businesses for trainee wages, the
4974 purchase of capital equipment, or the purchase of any item or
4975 service that may possibly be used outside the training project.
4976 A business approved for a grant may be reimbursed for
4977 preapproved, direct, training-related costs including tuition
4978 and fees; books and classroom materials; and overhead or
4979 indirect costs not to exceed 5 percent of the grant amount.

4980 d. A business that is selected to receive grant funding
4981 must provide a matching contribution to the training project,
4982 including, but not limited to, wages paid to trainees or the
4983 purchase of capital equipment used in the training project; must
4984 sign an agreement with Workforce Florida, Inc., or the grant
4985 administrator to complete the training project as proposed in
4986 the application; must keep accurate records of the project's
4987 implementation process; and must submit monthly or quarterly
4988 reimbursement requests with required documentation.

4989 e. All Incumbent Worker Training Program grant projects
4990 shall be performance-based with specific measurable performance

4991 outcomes, including completion of the training project and job
 4992 retention. Workforce Florida, Inc., or the grant administrator
 4993 shall withhold the final payment to the grantee until a final
 4994 grant report is submitted and all performance criteria specified
 4995 in the grant contract have been achieved.

4996 f. Workforce Florida, Inc., may establish guidelines
 4997 necessary to implement the Incumbent Worker Training Program.

4998 g. No more than 10 percent of the Incumbent Worker
 4999 Training Program's total appropriation may be used for overhead
 5000 or indirect purposes.

5001 h. Workforce Florida, Inc., shall ~~submit a~~ report to the
 5002 Legislature on the financial and general operations of the
 5003 Incumbent Worker Training Program as part of its annual report
 5004 submitted pursuant to s. 445.004. ~~Such report will be due before~~
 5005 ~~October 1 of any fiscal year for which the program is funded by~~
 5006 ~~the Legislature.~~

5007 4. At least 50 percent of Rapid Response funding shall be
 5008 dedicated to Intensive Services Accounts and Individual Training
 5009 Accounts for dislocated workers and incumbent workers who are at
 5010 risk of dislocation. Workforce Florida, Inc., shall also
 5011 maintain an Emergency Preparedness Fund from Rapid Response
 5012 funds which will immediately issue Intensive Service Accounts
 5013 and Individual Training Accounts as well as other federally
 5014 authorized assistance to eligible victims of natural or other
 5015 disasters. At the direction of the Governor, for events that
 5016 qualify under federal law, these Rapid Response funds shall be
 5017 released to regional workforce boards for immediate use. Funding
 5018 shall also be dedicated to maintain a unit at the state level to

HB 1859

2005

5019 respond to Rapid Response emergencies around the state, to work
 5020 with state emergency management officials, and to work with
 5021 regional workforce boards. All Rapid Response funds must be
 5022 expended based on a plan developed by Workforce Florida, Inc.,
 5023 and approved by the Governor.

5024 (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED
 5025 MODIFICATIONS.--

5026 (c) Workforce Florida, Inc., may make modifications to the
 5027 state's plan, policies, and procedures to comply with federally
 5028 mandated requirements that in its judgment must be complied with
 5029 to maintain funding provided pursuant to Pub. L. No. 105-220.
 5030 ~~The board shall notify in writing the Governor, the President of~~
 5031 ~~the Senate, and the Speaker of the House of Representatives~~
 5032 ~~within 30 days after any such changes or modifications.~~

5033 Section 160. Paragraph (a) of subsection (3) of section
 5034 445.004, Florida Statutes, is amended to read:

5035 445.004 Workforce Florida, Inc.; creation; purpose;
 5036 membership; duties and powers.--

5037 (3)(a) Workforce Florida, Inc., shall be governed by a
 5038 board of directors, the number of directors to be determined by
 5039 the Governor, whose membership and appointment must be
 5040 consistent with Pub. L. No. 105-220, Title I, s. 111(b), and
 5041 contain one member representing the licensed nonpublic
 5042 postsecondary educational institutions authorized as individual
 5043 training account providers, one member from the staffing service
 5044 industry, at least one member who is a current or former
 5045 recipient of welfare transition services as defined in s.
 5046 445.002(3) or workforce services as provided in s. 445.009(1),

HB 1859

2005

5047 and five representatives of organized labor who shall be
5048 appointed by the Governor. ~~Notwithstanding s. 114.05(1)(f), the~~
5049 ~~Governor may appoint remaining members to Workforce Florida,~~
5050 ~~Inc., from the current Workforce Development Board and the WAGES~~
5051 ~~Program State Board of Directors, established pursuant to~~
5052 ~~chapter 96 175, Laws of Florida, to serve on the reconstituted~~
5053 ~~board. By July 1, 2000, the Workforce Development Board will~~
5054 ~~provide to the Governor a transition plan to incorporate the~~
5055 ~~changes required by this act and Pub. L. No. 105 220, specifying~~
5056 ~~the manner of changes to the board. This plan shall govern the~~
5057 ~~transition, unless otherwise notified by the Governor. The~~
5058 ~~importance of minority, gender, and geographic representation~~
5059 ~~shall be considered when making appointments to the board.~~

5060 Section 161. Subsection (1) and paragraph (a) of
5061 subsection (6) of section 445.006, Florida Statutes, are amended
5062 to read:

5063 445.006 Strategic plan for workforce development.--

5064 (1) Workforce Florida, Inc., in conjunction with state and
5065 local partners in the workforce system, shall develop a
5066 strategic plan for workforce, with the goal of producing skilled
5067 employees for employers in the state. ~~The strategic plan shall~~
5068 ~~be submitted to the Governor, the President of the Senate, and~~
5069 ~~the Speaker of the House of Representatives by February 1, 2001.~~
5070 The strategic plan shall be updated or modified by January 1 of
5071 each year thereafter. The plan must include, but need not be
5072 limited to, strategies for:

5073 (a) Fulfilling the workforce system goals and strategies
5074 prescribed in s. 445.004;

5075 (b) Aggregating, integrating, and leveraging workforce
5076 system resources;

5077 (c) Coordinating the activities of federal, state, and
5078 local workforce system partners;

5079 (d) Addressing the workforce needs of small businesses;
5080 and

5081 (e) Fostering the participation of rural communities and
5082 distressed urban cores in the workforce system.

5083 (6) (a) The strategic plan must include strategies that are
5084 designed to prevent or reduce the need for a person to receive
5085 public assistance. These strategies must include:

5086 1. A teen pregnancy prevention component that includes,
5087 but is not limited to, ~~a plan for implementing the Florida~~
5088 ~~Education Now and Babies Later (ENABL) program under s. 411.242~~
5089 ~~and~~ the Teen Pregnancy Prevention Community Initiative within
5090 each county of the services area in which the teen birth rate is
5091 higher than the state average;

5092 2. A component that encourages creation of community-based
5093 welfare prevention and reduction initiatives that increase
5094 support provided by noncustodial parents to their welfare-
5095 dependent children and are consistent with program and financial
5096 guidelines developed by Workforce Florida, Inc., and the
5097 Commission on Responsible Fatherhood. These initiatives may
5098 include, but are not limited to, improved paternity
5099 establishment, work activities for noncustodial parents,
5100 programs aimed at decreasing out-of-wedlock pregnancies,
5101 encouraging involvement of fathers with their children including

HB 1859

2005

5102 court-ordered supervised visitation, and increasing child
 5103 support payments;

5104 3. A component that encourages formation and maintenance
 5105 of two-parent families through, among other things, court-
 5106 ordered supervised visitation;

5107 4. A component that fosters responsible fatherhood in
 5108 families receiving assistance; and

5109 5. A component that fosters provision of services that
 5110 reduce the incidence and effects of domestic violence on women
 5111 and children in families receiving assistance.

5112 Section 162. Subsection (4) of section 445.022, Florida
 5113 Statutes, is amended to read:

5114 445.022 Retention Incentive Training Accounts.--To promote
 5115 job retention and to enable upward job advancement into higher
 5116 skilled, higher paying employment, the board of directors of
 5117 Workforce Florida, Inc., and regional workforce boards may
 5118 assemble, from postsecondary education institutions, a list of
 5119 programs and courses for participants who have become employed
 5120 which promote job retention and advancement.

5121 ~~(4) Regional workforce boards shall report annually to the~~
 5122 ~~Legislature on the measurable retention and advancement success~~
 5123 ~~of each program provider and the effectiveness of RITAs, making~~
 5124 ~~recommendations for any needed changes or modifications.~~

5125 Section 163. Subsection (9) of section 445.049, Florida
 5126 Statutes, is amended to read:

5127 445.049 Digital Divide Council.--

5128 ~~(9) ANNUAL REPORT. By March 1, 2002, the council, through~~
 5129 ~~the State Technology Office, shall report to the Executive~~

5130 ~~Office of the Governor, the Speaker of the House of~~
 5131 ~~Representatives, and the President of the Senate the results of~~
 5132 ~~the council's monitoring, reviewing, and evaluating such~~
 5133 ~~programs since their inception and the council's recommendations~~
 5134 ~~as to whether such programs should be continued and expanded to~~
 5135 ~~achieve the objectives and goals stated in this section.~~

5136 Section 164. Section 446.27, Florida Statutes, is
 5137 repealed.

5138 Section 165. Paragraphs (a) and (c) of subsection (4) of
 5139 section 446.50, Florida Statutes, are amended to read:

5140 446.50 Displaced homemakers; multiservice programs; 3-year
 5141 plan report to the Legislature; Displaced Homemaker Trust Fund
 5142 created.--

5143 (4) STATE PLAN.--

5144 (a) The Agency for Workforce Innovation shall develop a 3-
 5145 year state plan for the displaced homemaker program which shall
 5146 be updated annually and submitted to the President of the Senate
 5147 and the Speaker of the House of Representative by January 1. The
 5148 plan must address, at a minimum, the need for programs
 5149 specifically designed to serve displaced homemakers, any
 5150 necessary service components for such programs in addition to
 5151 those enumerated in this section, goals of the displaced
 5152 homemaker program with an analysis of the extent to which those
 5153 goals are being met, and recommendations for ways to address any
 5154 unmet program goals. Any request for funds for program expansion
 5155 must be based on the state plan.

5156 ~~(c) The 3 year state plan must be submitted to the~~
 5157 ~~President of the Senate, the Speaker of the House of~~

HB 1859

2005

5158 ~~Representatives, and the Governor on or before January 1, 2001,~~
 5159 ~~and annual updates of the plan must be submitted by January 1 of~~
 5160 ~~each subsequent year.~~

5161 Section 166. Section 455.204, Florida Statutes, is
 5162 repealed.

5163 Section 167. Subsection (8) of section 455.2226, Florida
 5164 Statutes, is amended to read:

5165 455.2226 Funeral directors and embalmers; instruction on
 5166 HIV and AIDS.--

5167 ~~(8) The board shall report to the Legislature by March 1~~
 5168 ~~of each year as to the implementation and compliance with the~~
 5169 ~~requirements of this section.~~

5170 Section 168. Subsections (4) and (6) of section 455.2228,
 5171 Florida Statutes, are amended to read:

5172 455.2228 Barbers and cosmetologists; instruction on HIV
 5173 and AIDS.--

5174 (4) ~~As of December 31, 1992,~~ The board, or the department
 5175 where there is no board, shall require, as a condition of
 5176 granting a license under any of the chapters or parts thereof
 5177 specified in subsection (1), that an applicant making initial
 5178 application for licensure complete an educational course
 5179 acceptable to the board, or the department where there is no
 5180 board, on human immunodeficiency virus and acquired immune
 5181 deficiency syndrome. An applicant who has not taken a course at
 5182 the time of licensure shall, upon an affidavit showing good
 5183 cause, be allowed 6 months to complete this requirement.

5184 ~~(6) The board, or the department where there is no board,~~
 5185 ~~shall report to the Legislature by March 1 of each year as to~~

HB 1859

2005

5186 ~~the implementation and compliance with the requirements of this~~
 5187 ~~section.~~

5188 Section 169. Section 456.005, Florida Statutes, is amended
 5189 to read:

5190 456.005 Long-range policy planning; plans, reports, and
 5191 recommendations.--To facilitate efficient and cost-effective
 5192 regulation, the department and the board, where appropriate,
 5193 shall develop and implement a long-range policy planning and
 5194 monitoring process to include recommendations specific to each
 5195 profession. Such process shall include estimates of revenues,
 5196 expenditures, cash balances, and performance statistics for each
 5197 profession. The period covered shall not be less than 5 years.
 5198 The department, with input from the boards and licensees, shall
 5199 develop and adopt the long-range plan ~~and must obtain the~~
 5200 ~~approval of the secretary~~. The department shall monitor
 5201 compliance with the ~~approved long range~~ plan and, with input
 5202 from the boards and licensees, shall annually update the plans
 5203 ~~for approval by the secretary~~. The department shall provide
 5204 concise management reports to the boards quarterly. As part of
 5205 the review process, the department shall evaluate:

5206 (1) Whether the department, including the boards and the
 5207 various functions performed by the department, is operating
 5208 efficiently and effectively and if there is a need for a board
 5209 or council to assist in cost-effective regulation.

5210 (2) How and why the various professions are regulated.

5211 (3) Whether there is a need to continue regulation, and to
 5212 what degree.

5213 (4) Whether ~~or not~~ consumer protection is adequate, and
 5214 how it can be improved.

5215 (5) Whether there is consistency between the various
 5216 practice acts.

5217 (6) Whether unlicensed activity is adequately enforced.
 5218

5219 Such plans should include conclusions and recommendations on
 5220 these and other issues as appropriate. ~~Such plans shall be
 5221 provided to the Governor and the Legislature by November 1 of
 5222 each year.~~

5223 Section 170. Subsection (9) of section 456.025, Florida
 5224 Statutes, is amended to read:

5225 456.025 Fees; receipts; disposition.--

5226 (9) The department shall provide a ~~condensed~~ management
 5227 report of revenues and expenditures ~~budgets, finances,~~
 5228 performance measures ~~statistics,~~ and recommendations to each
 5229 board at least once a quarter. ~~The department shall identify and
 5230 include in such presentations any changes, or projected changes,
 5231 made to the board's budget since the last presentation.~~

5232 Section 171. Subsection (5) of section 456.031, Florida
 5233 Statutes, is amended to read:

5234 456.031 Requirement for instruction on domestic
 5235 violence.--

5236 ~~(5) Each board shall report to the President of the
 5237 Senate, the Speaker of the House of Representatives, and the
 5238 chairs of the appropriate substantive committees of the
 5239 Legislature by March 1 of each year as to the implementation of
 5240 and compliance with the requirements of this section.~~

HB 1859

2005

5241 Section 172. Subsection (8) of section 456.033, Florida
 5242 Statutes, is amended to read:

5243 456.033 Requirement for instruction for certain licensees
 5244 on HIV and AIDS.--

5245 ~~(8) The board shall report to the Legislature by March 1~~
 5246 ~~of each year as to the implementation and compliance with the~~
 5247 ~~requirements of this section.~~

5248 Section 173. Subsection (6) of section 456.034, Florida
 5249 Statutes, is amended to read:

5250 456.034 Athletic trainers and massage therapists;
 5251 requirement for instruction on HIV and AIDS.--

5252 ~~(6) The board, or the department where there is no board,~~
 5253 ~~shall report to the Legislature by March 1 of each year as to~~
 5254 ~~the implementation and compliance with the requirements of this~~
 5255 ~~section.~~

5256 Section 174. Subsections (3) and (4) of section 517.302,
 5257 Florida Statutes, are amended to read:

5258 517.302 Criminal penalties; alternative fine; Anti-Fraud
 5259 Trust Fund; time limitation for criminal prosecution.--

5260 (3) In lieu of a fine otherwise authorized by law, a
 5261 person who has been convicted of or who has pleaded guilty or no
 5262 contest to having engaged in conduct in violation of the
 5263 provisions of this chapter may be sentenced to pay a fine that
 5264 does not exceed the greater of three times the gross value
 5265 gained or three times the gross loss caused by such conduct,
 5266 plus court costs and the costs of investigation and prosecution
 5267 reasonably incurred.

5268 (4)~~(a)~~ There is created within the office a trust fund to
 5269 be known as the Anti-Fraud Trust Fund. Any amounts assessed as
 5270 costs of investigation and prosecution under this subsection
 5271 shall be deposited in the trust fund. Funds deposited in such
 5272 trust fund shall be used, when authorized by appropriation, for
 5273 investigation and prosecution of administrative, civil, and
 5274 criminal actions arising under the provisions of this chapter.
 5275 Funds may also be used to improve the public's awareness and
 5276 understanding of prudent investing.

5277 ~~(b) The office shall report to the Executive Office of the~~
 5278 ~~Governor annually by November 15, the amounts deposited into the~~
 5279 ~~Anti Fraud Trust Fund during the previous fiscal year. The~~
 5280 ~~Executive Office of the Governor shall distribute these reports~~
 5281 ~~to the President of the Senate and the Speaker of the House of~~
 5282 ~~Representatives.~~

5283 (5)~~(4)~~ Criminal prosecution for offenses under this
 5284 chapter is subject to the time limitations of s. 775.15.

5285 Section 175. Section 526.3135, Florida Statutes, is
 5286 repealed.

5287 Section 176. Subsection (3) of section 531.415, Florida
 5288 Statutes, is amended to read:

5289 531.415 Fees.--

5290 ~~(3) The department shall notify the Legislature when the~~
 5291 ~~fees provided in this section are no longer sufficient to cover~~
 5292 ~~the direct and indirect costs of tests and calibrations~~
 5293 ~~described in this section.~~

5294 Section 177. Section 553.975, Florida Statutes, is
 5295 repealed.

HB 1859

2005

5296 Section 178. Subsection (3) of section 570.0705, Florida
 5297 Statutes, is amended to read:

5298 570.0705 Advisory committees.--From time to time the
 5299 commissioner may appoint any advisory committee to assist the
 5300 department with its duties and responsibilities.

5301 ~~(3) On January 1 of each year the commissioner shall~~
 5302 ~~submit to the President of the Senate, the Speaker of the House~~
 5303 ~~of Representatives, and the minority leaders of the Senate and~~
 5304 ~~the House of Representatives a list of each advisory committee~~
 5305 ~~established in the department.~~

5306 Section 179. Subsection (5) of section 570.0725, Florida
 5307 Statutes, is amended to read:

5308 570.0725 Food recovery; legislative intent; department
 5309 functions.--

5310 ~~(5) The department shall account for the direct and~~
 5311 ~~indirect costs associated with supporting food recovery programs~~
 5312 ~~throughout the state. It shall submit a report to the President~~
 5313 ~~of the Senate and the Speaker of the House of Representatives by~~
 5314 ~~November 1, for the previous fiscal year, when state funds are~~
 5315 ~~spent for this purpose. The report must include, but need not be~~
 5316 ~~limited to, the identity of organizations receiving funds, the~~
 5317 ~~amount of funds disbursed to these organizations, other uses of~~
 5318 ~~food recovery funds, and estimates of the amount of fresh~~
 5319 ~~produce recovered.~~

5320 Section 180. Subsection (3) of section 570.235, Florida
 5321 Statutes, is amended to read:

5322 570.235 Pest Exclusion Advisory Committee.--

HB 1859

2005

5323 ~~(3) The committee shall issue a report of its findings to~~
 5324 ~~the Commissioner of Agriculture, the Governor, the Speaker of~~
 5325 ~~the House of Representatives, and the President of the Senate by~~
 5326 ~~January 1, 2001.~~

5327 Section 181. Subsection (3) of section 570.543, Florida
 5328 Statutes, is amended to read:

5329 570.543 Florida Consumers' Council.--The Florida
 5330 Consumers' Council in the department is created to advise and
 5331 assist the department in carrying out its duties.

5332 ~~(3) RECOMMENDATIONS. The council shall transmit a written~~
 5333 ~~summary of its legislative recommendations to the President of~~
 5334 ~~the Senate and the Speaker of the House of Representatives at~~
 5335 ~~least 60 days prior to the regular legislative session.~~
 5336 ~~Recommendations regarding legislation which has been filed shall~~
 5337 ~~be submitted within 30 days after the commencement of a~~
 5338 ~~legislative session.~~

5339 Section 182. Subsection (5) of section 570.952, Florida
 5340 Statutes, is amended to read:

5341 570.952 Florida Agriculture Center and Horse Park
 5342 Authority.--

5343 ~~(5) The commissioner shall submit information annually to~~
 5344 ~~the Speaker of the House of Representatives and the President of~~
 5345 ~~the Senate reporting the activities of the Florida Agriculture~~
 5346 ~~Center and Horse Park Authority and the progress of the Florida~~
 5347 ~~Agriculture Center and Horse Park, including, but not limited~~
 5348 ~~to, pertinent planning, budgeting, and operational information~~
 5349 ~~concerning the authority.~~

5350 Section 183. Section 603.204, Florida Statutes, is amended
 5351 to read:

5352 603.204 South Florida Tropical Fruit Plan.--

5353 ~~(1)~~ The Commissioner of Agriculture, in consultation with
 5354 the Tropical Fruit Advisory Council, shall develop and update,
 5355 ~~at least 90 days prior to the 1991 legislative session, submit~~
 5356 ~~to the President of the Senate, the Speaker of the House of~~
 5357 ~~Representatives, and the chairs of appropriate Senate and House~~
 5358 ~~of Representatives committees,~~ a South Florida Tropical Fruit
 5359 Plan, which shall identify problems and constraints of the
 5360 tropical fruit industry, propose possible solutions to such
 5361 problems, and develop planning mechanisms for orderly growth of
 5362 the industry, including:

5363 (1)~~(a)~~ Criteria for tropical fruit research, service, and
 5364 management priorities.

5365 (2)~~(b)~~ ~~Additional~~ Proposed legislation which may be
 5366 required.

5367 (3)~~(c)~~ Plans relating to other tropical fruit programs and
 5368 related disciplines in the State University System.

5369 (4)~~(d)~~ Potential tropical fruit products in terms of
 5370 market and needs for development.

5371 (5)~~(e)~~ Evaluation of production and fresh fruit policy
 5372 alternatives, including, but not limited to, setting minimum
 5373 grades and standards, promotion and advertising, development of
 5374 production and marketing strategies, and setting minimum
 5375 standards on types and quality of nursery plants.

5376 (6)~~(f)~~ Evaluation of policy alternatives for processed
 5377 tropical fruit products, including, but not limited to, setting

HB 1859

2005

5378 minimum quality standards and development of production and
 5379 marketing strategies.

5380 (7)~~(g)~~ Research and service priorities for further
 5381 development of the tropical fruit industry.

5382 (8)~~(h)~~ Identification of state agencies and public and
 5383 private institutions concerned with research, education,
 5384 extension, services, planning, promotion, and marketing
 5385 functions related to tropical fruit development, and delineation
 5386 of contributions and responsibilities. The recommendations in
 5387 the ~~South Florida Tropical Fruit~~ plan relating to education or
 5388 research shall be submitted to the Institute of Food and
 5389 Agricultural Sciences. ~~The recommendations relating to~~
 5390 ~~regulation or marketing shall be submitted to the Department of~~
 5391 ~~Agriculture and Consumer Services.~~

5392 (9)~~(i)~~ Business planning, investment potential, financial
 5393 risks, and economics of production and utilization.

5394 ~~(2) A revision and update of the South Florida Tropical~~
 5395 ~~Fruit Plan shall be submitted biennially, and a progress report~~
 5396 ~~and budget request shall be submitted annually, to the officials~~
 5397 ~~specified in subsection (1).~~

5398 Section 184. Paragraph (d) of subsection (6) of section
 5399 627.351, Florida Statutes, is amended to read:

5400 627.351 Insurance risk apportionment plans.--

5401 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

5402 (d)1. It is the intent of the Legislature that the rates
 5403 for coverage provided by the corporation be actuarially sound
 5404 and not competitive with approved rates charged in the admitted
 5405 voluntary market, so that the corporation functions as a

HB 1859

2005

5406 residual market mechanism to provide insurance only when the
5407 insurance cannot be procured in the voluntary market. Rates
5408 shall include an appropriate catastrophe loading factor that
5409 reflects the actual catastrophic exposure of the corporation.

5410 2. For each county, the average rates of the corporation
5411 for each line of business for personal lines residential
5412 policies excluding rates for wind-only policies shall be no
5413 lower than the average rates charged by the insurer that had the
5414 highest average rate in that county among the 20 insurers with
5415 the greatest total direct written premium in the state for that
5416 line of business in the preceding year, except that with respect
5417 to mobile home coverages, the average rates of the corporation
5418 shall be no lower than the average rates charged by the insurer
5419 that had the highest average rate in that county among the 5
5420 insurers with the greatest total written premium for mobile home
5421 owner's policies in the state in the preceding year.

5422 3. Rates for personal lines residential wind-only policies
5423 must be actuarially sound and not competitive with approved
5424 rates charged by authorized insurers. However, for personal
5425 lines residential wind-only policies issued or renewed between
5426 July 1, 2002, and June 30, 2003, the maximum premium increase
5427 must be no greater than 10 percent of the Florida Windstorm
5428 Underwriting Association premium for that policy in effect on
5429 June 30, 2002, as adjusted for coverage changes and seasonal
5430 occupancy surcharges. For personal lines residential wind-only
5431 policies issued or renewed between July 1, 2003, and June 30,
5432 2004, the corporation shall use its existing filed and approved
5433 wind-only rating and classification plans, provided, however,

HB 1859

2005

5434 that the maximum premium increase must be no greater than 20
5435 percent of the premium for that policy in effect on June 30,
5436 2003, as adjusted for coverage changes and seasonal occupancy
5437 surcharges. Corporation rate manuals shall include a rate
5438 surcharge for seasonal occupancy. ~~To ensure that personal lines~~
5439 ~~residential wind only rates effective on or after July 1, 2004,~~
5440 ~~are not competitive with approved rates charged by authorized~~
5441 ~~insurers, the corporation, in conjunction with the office, shall~~
5442 ~~develop a wind only ratemaking methodology, which methodology~~
5443 ~~shall be contained in a rate filing made by the corporation with~~
5444 ~~the office by January 1, 2004. If the office thereafter~~
5445 ~~determines that the wind only rates or rating factors filed by~~
5446 ~~the corporation fail to comply with the wind only ratemaking~~
5447 ~~methodology provided for in this subsection, it shall so notify~~
5448 ~~the corporation and require the corporation to amend its rates~~
5449 ~~or rating factors to come into compliance within 90 days of~~
5450 ~~notice from the office. The office shall report to the Speaker~~
5451 ~~of the House of Representatives and the President of the Senate~~
5452 ~~on the provisions of the wind only ratemaking methodology by~~
5453 ~~January 31, 2004.~~

5454 4. Rates for commercial lines coverage shall not be
5455 subject to the requirements of subparagraph 2., but shall be
5456 subject to all other requirements of this paragraph and s.
5457 627.062.

5458 5. Nothing in this paragraph shall require or allow the
5459 corporation to adopt a rate that is inadequate under s. 627.062.

5460 6. The corporation shall certify to the office at least
5461 twice annually that its personal lines rates comply with the

5462 requirements of subparagraphs 1. and 2. If any adjustment in the
 5463 rates or rating factors of the corporation is necessary to
 5464 ensure such compliance, the corporation shall make and implement
 5465 such adjustments and file its revised rates and rating factors
 5466 with the office. If the office thereafter determines that the
 5467 revised rates and rating factors fail to comply with the
 5468 provisions of subparagraphs 1. and 2., it shall notify the
 5469 corporation and require the corporation to amend its rates or
 5470 rating factors in conjunction with its next rate filing. The
 5471 office must notify the corporation by electronic means of any
 5472 rate filing it approves for any insurer among the insurers
 5473 referred to in subparagraph 2.

5474 7. In addition to the rates otherwise determined pursuant
 5475 to this paragraph, the corporation shall impose and collect an
 5476 amount equal to the premium tax provided for in s. 624.509 to
 5477 augment the financial resources of the corporation.

5478 ~~8.a. To assist the corporation in developing additional~~
 5479 ~~ratemaking methods to assure compliance with subparagraphs 1.~~
 5480 ~~and 4., the corporation shall appoint a rate methodology panel~~
 5481 ~~consisting of one person recommended by the Florida Association~~
 5482 ~~of Insurance Agents, one person recommended by the Professional~~
 5483 ~~Insurance Agents of Florida, one person recommended by the~~
 5484 ~~Florida Association of Insurance and Financial Advisors, one~~
 5485 ~~person recommended by the insurer with the highest voluntary~~
 5486 ~~market share of residential property insurance business in the~~
 5487 ~~state, one person recommended by the insurer with the second-~~
 5488 ~~highest voluntary market share of residential property insurance~~
 5489 ~~business in the state, one person recommended by an insurer~~

HB 1859

2005

5490 ~~writing commercial residential property insurance in this state,~~
5491 ~~one person recommended by the Office of Insurance Regulation,~~
5492 ~~and one board member designated by the board chairman, who shall~~
5493 ~~serve as chairman of the panel.~~

5494 ~~b. By January 1, 2004, the rate methodology panel shall~~
5495 ~~provide a report to the corporation of its findings and~~
5496 ~~recommendations for the use of additional ratemaking methods and~~
5497 ~~procedures, including the use of a rate equalization surcharge~~
5498 ~~in an amount sufficient to assure that the total cost of~~
5499 ~~coverage for policyholders or applicants to the corporation is~~
5500 ~~sufficient to comply with subparagraph 1.~~

5501 ~~e. Within 30 days after such report, the corporation shall~~
5502 ~~present to the President of the Senate, the Speaker of the House~~
5503 ~~of Representatives, the minority party leaders of each house of~~
5504 ~~the Legislature, and the chairs of the standing committees of~~
5505 ~~each house of the Legislature having jurisdiction of insurance~~
5506 ~~issues, a plan for implementing the additional ratemaking~~
5507 ~~methods and an outline of any legislation needed to facilitate~~
5508 ~~use of the new methods.~~

5509 ~~d. The plan must include a provision that producer~~
5510 ~~commissions paid by the corporation shall not be calculated in~~
5511 ~~such a manner as to include any rate equalization surcharge.~~
5512 ~~However, without regard to the plan to be developed or its~~
5513 ~~implementation, producer commissions paid by the corporation for~~
5514 ~~each account, other than the quota share primary program, shall~~
5515 ~~remain fixed as to percentage, effective rate, calculation, and~~
5516 ~~payment method until January 1, 2004.~~

5517 8.9. By January 1, 2004, the corporation shall develop a
 5518 notice to policyholders or applicants that the rates of Citizens
 5519 Property Insurance Corporation are intended to be higher than
 5520 the rates of any admitted carrier and providing other
 5521 information the corporation deems necessary to assist consumers
 5522 in finding other voluntary admitted insurers willing to insure
 5523 their property.

5524 Section 185. Subsection (6) of section 627.64872, Florida
 5525 Statutes, is amended to read:

5526 627.64872 Florida Health Insurance Plan.--

5527 (6) ~~INTERIM REPORT, ANNUAL REPORT.--~~

5528 ~~(a) By no later than December 1, 2004, the board shall~~
 5529 ~~report to the Governor, the President of the Senate, and the~~
 5530 ~~Speaker of the House of Representatives the results of an~~
 5531 ~~actuarial study conducted by the board to determine, including,~~
 5532 ~~but not limited to:~~

5533 ~~1. The impact the creation of the plan will have on the~~
 5534 ~~small group insurance market and the individual market on~~
 5535 ~~premiums paid by insureds. This shall include an estimate of the~~
 5536 ~~total anticipated aggregate savings for all small employers in~~
 5537 ~~the state.~~

5538 ~~2. The number of individuals the pool could reasonably~~
 5539 ~~cover at various funding levels, specifically, the number of~~
 5540 ~~people the pool may cover at each of those funding levels.~~

5541 ~~3. A recommendation as to the best source of funding for~~
 5542 ~~the anticipated deficits of the pool.~~

5543 ~~4. The effect on the individual and small group market by~~
 5544 ~~including in the Florida Health Insurance Plan persons eligible~~

5545 ~~for coverage under s. 627.6487, as well as the cost of including~~
5546 ~~these individuals.~~

5547
5548 ~~The board shall take no action to implement the Florida Health~~
5549 ~~Insurance Plan, other than the completion of the actuarial study~~
5550 ~~authorized in this paragraph, until funds are appropriated for~~
5551 ~~startup cost and any projected deficits.~~

5552 ~~(b)~~ No later than December 1, 2005, and annually
5553 thereafter, the board shall submit to the Governor, the
5554 President of the Senate, the Speaker of the House of
5555 Representatives, and the substantive legislative committees of
5556 the Legislature a report which includes an independent actuarial
5557 study to determine, including, but not be limited to:

5558 (a)1. The impact the creation of the plan has on the small
5559 group and individual insurance market, specifically on the
5560 premiums paid by insureds. This shall include an estimate of the
5561 total anticipated aggregate savings for all small employers in
5562 the state.

5563 (b)2. The actual number of individuals covered at the
5564 current funding and benefit level, the projected number of
5565 individuals that may seek coverage in the forthcoming fiscal
5566 year, and the projected funding needed to cover anticipated
5567 increase or decrease in plan participation.

5568 (c)3. A recommendation as to the best source of funding
5569 for the anticipated deficits of the pool.

5570 (d)4. A summarization of the activities of the plan in the
5571 preceding calendar year, including the net written and earned

5572 premiums, plan enrollment, the expense of administration, and
 5573 the paid and incurred losses.

5574 ~~(e)5-~~ A review of the operation of the plan as to whether
 5575 the plan has met the intent of this section.

5576

5577 The board shall take no action to implement the Florida Health
 5578 Insurance Plan, other than the completion of the actuarial study
 5579 authorized in this subsection, until funds are appropriated for
 5580 startup costs and any projected deficits.

5581 Section 186. Subsection (2) of section 744.7021, Florida
 5582 Statutes, is amended to read:

5583 744.7021 Statewide Public Guardianship Office.--There is
 5584 hereby created the Statewide Public Guardianship Office within
 5585 the Department of Elderly Affairs.

5586 (2) The executive director shall, within available
 5587 resources, have oversight responsibilities for all public
 5588 guardians.

5589 (a) The executive director shall review the current public
 5590 guardian programs in Florida and other states.

5591 (b) The executive director, in consultation with local
 5592 guardianship offices, shall develop statewide performance
 5593 measures and standards.

5594 (c) The executive director shall review the various
 5595 methods of funding guardianship programs, the kinds of services
 5596 being provided by such programs, and the demographics of the
 5597 wards. In addition, the executive director shall review and make
 5598 recommendations regarding the feasibility of recovering a

5599 | portion or all of the costs of providing public guardianship
 5600 | services from the assets or income of the wards.

5601 | ~~(d) By January 1, 2004, and by January 1 of each year~~
 5602 | ~~thereafter, the executive director shall provide a status report~~
 5603 | ~~and provide further recommendations to the secretary that~~
 5604 | ~~address the need for public guardianship services and related~~
 5605 | ~~issues.~~

5606 | (d)~~(e)~~ The executive director may provide assistance to
 5607 | local governments or entities in pursuing grant opportunities.
 5608 | The executive director shall evaluate ~~review~~ and make
 5609 | recommendations ~~in the annual report~~ on the availability and
 5610 | efficacy of seeking Medicaid matching funds. The executive
 5611 | director shall diligently seek ways to use existing programs and
 5612 | services to meet the needs of public wards.

5613 | (e)~~(f)~~ The executive director, in consultation with the
 5614 | Florida Guardianship Foundation, shall develop a guardianship
 5615 | training program curriculum that may be offered to all guardians
 5616 | whether public or private.

5617 | (f) The executive director shall provide an annual status
 5618 | report to the secretary that includes policy and legislative
 5619 | recommendations relating to the provision of public
 5620 | guardianship.

5621 | Section 187. Subsections (5) and (7) of section 744.708,
 5622 | Florida Statutes, are amended to read:

5623 | 744.708 Reports and standards.--

5624 | (5) An independent audit of each public guardian office by
 5625 | ~~a qualified certified public accountant~~ shall be conducted by an
 5626 | independent certified public accountant licensed under chapter

HB 1859

2005

5627 | 473 performed at least every 2 years. The audit should include
 5628 | an investigation into the practices of the office for managing
 5629 | the person and property of the wards. A copy of the report shall
 5630 | be submitted to the Statewide Public Guardianship Office. ~~In~~
 5631 | ~~addition, the office of public guardian shall be subject to~~
 5632 | ~~audits or examinations by the Auditor General and the Office of~~
 5633 | ~~Program Policy Analysis and Government Accountability pursuant~~
 5634 | ~~to law.~~

5635 | (7) The ratio for professional staff to wards shall be 1
 5636 | professional to 40 wards. The Statewide Public Guardianship
 5637 | Office may increase or decrease the ratio after consultation
 5638 | with the local public guardian and the chief judge of the
 5639 | circuit court. ~~The basis of the decision to increase or decrease~~
 5640 | ~~the prescribed ratio shall be reported in the annual report to~~
 5641 | ~~the Governor, the President of the Senate, the Speaker of the~~
 5642 | ~~House of Representatives, and the Chief Justice of the Supreme~~
 5643 | ~~Court.~~

5644 | Section 188. Subsection (3) of section 765.5215, Florida
 5645 | Statutes, is amended to read:

5646 | 765.5215 Education program relating to anatomical
 5647 | gifts.--The Agency for Health Care Administration, subject to
 5648 | the concurrence of the Department of Highway Safety and Motor
 5649 | Vehicles, shall develop a continuing program to educate and
 5650 | inform medical professionals, law enforcement agencies and
 5651 | officers, high school children, state and local government
 5652 | employees, and the public regarding the laws of this state
 5653 | relating to anatomical gifts and the need for anatomical gifts.

5654 ~~(3) The Agency for Health Care Administration shall, no~~
 5655 ~~later than March 1 of each year, submit a report to the~~
 5656 ~~Legislature containing statistical data on the effectiveness of~~
 5657 ~~the program in procuring donor organs and the effect of the~~
 5658 ~~program on state spending for health care.~~

5659 Section 189. Subsection (6) of section 768.295, Florida
 5660 Statutes, is amended to read:

5661 768.295 Strategic Lawsuits Against Public Participation
 5662 (SLAPP) suits by governmental entities prohibited.--

5663 (6) In any case filed by a governmental entity which is
 5664 found by a court to be in violation of this section, the
 5665 governmental entity shall report such finding and provide a copy
 5666 of the court's order to the Attorney General no later than 30
 5667 days after such order is final. The Attorney General shall
 5668 maintain a record of such court orders ~~report any violation of~~
 5669 ~~this section by a governmental entity to the Cabinet, the~~
 5670 ~~President of the Senate, and the Speaker of the House of~~
 5671 ~~Representatives. A copy of such report shall be provided to the~~
 5672 ~~affected governmental entity.~~

5673 Section 190. Paragraphs (a) and (c) of subsection (3) of
 5674 section 775.084, Florida Statutes, are amended to read:

5675 775.084 Violent career criminals; habitual felony
 5676 offenders and habitual violent felony offenders; three-time
 5677 violent felony offenders; definitions; procedure; enhanced
 5678 penalties or mandatory minimum prison terms.--

5679 (3)(a) In a separate proceeding, the court shall determine
 5680 if the defendant is a habitual felony offender or a habitual
 5681 violent felony offender. The procedure shall be as follows:

5682 1. The court shall obtain and consider a presentence
5683 investigation prior to the imposition of a sentence as a
5684 habitual felony offender or a habitual violent felony offender.

5685 2. Written notice shall be served on the defendant and the
5686 defendant's attorney a sufficient time prior to the entry of a
5687 plea or prior to the imposition of sentence in order to allow
5688 the preparation of a submission on behalf of the defendant.

5689 3. Except as provided in subparagraph 1., all evidence
5690 presented shall be presented in open court with full rights of
5691 confrontation, cross-examination, and representation by counsel.

5692 4. Each of the findings required as the basis for such
5693 sentence shall be found to exist by a preponderance of the
5694 evidence and shall be appealable to the extent normally
5695 applicable to similar findings.

5696 5. For the purpose of identification of a habitual felony
5697 offender or a habitual violent felony offender, the court shall
5698 fingerprint the defendant pursuant to s. 921.241.

5699 6. For an offense committed on or after October 1, 1995,
5700 if the state attorney pursues a habitual felony offender
5701 sanction or a habitual violent felony offender sanction against
5702 the defendant and the court, in a separate proceeding pursuant
5703 to this paragraph, determines that the defendant meets the
5704 criteria under subsection (1) for imposing such sanction, the
5705 court must sentence the defendant as a habitual felony offender
5706 or a habitual violent felony offender, subject to imprisonment
5707 pursuant to this section unless the court finds that such
5708 sentence is not necessary for the protection of the public. If
5709 the court finds that it is not necessary for the protection of

HB 1859

2005

5710 the public to sentence the defendant as a habitual felony
5711 offender or a habitual violent felony offender, the court shall
5712 provide written reasons; a written transcript of orally stated
5713 reasons is permissible, if filed by the court within 7 days
5714 after the date of sentencing. ~~Each month, the court shall submit~~
5715 ~~to the Office of Economic and Demographic Research of the~~
5716 ~~Legislature the written reasons or transcripts in each case in~~
5717 ~~which the court determines not to sentence a defendant as a~~
5718 ~~habitual felony offender or a habitual violent felony offender~~
5719 ~~as provided in this subparagraph.~~

5720 (c) In a separate proceeding, the court shall determine
5721 whether the defendant is a violent career criminal with respect
5722 to a primary offense committed on or after October 1, 1995. The
5723 procedure shall be as follows:

5724 1. Written notice shall be served on the defendant and the
5725 defendant's attorney a sufficient time prior to the entry of a
5726 plea or prior to the imposition of sentence in order to allow
5727 the preparation of a submission on behalf of the defendant.

5728 2. All evidence presented shall be presented in open court
5729 with full rights of confrontation, cross-examination, and
5730 representation by counsel.

5731 3. Each of the findings required as the basis for such
5732 sentence shall be found to exist by a preponderance of the
5733 evidence and shall be appealable only as provided in paragraph
5734 (d).

5735 4. For the purpose of identification, the court shall
5736 fingerprint the defendant pursuant to s. 921.241.

5737 5. For an offense committed on or after October 1, 1995,
 5738 if the state attorney pursues a violent career criminal sanction
 5739 against the defendant and the court, in a separate proceeding
 5740 pursuant to this paragraph, determines that the defendant meets
 5741 the criteria under subsection (1) for imposing such sanction,
 5742 the court must sentence the defendant as a violent career
 5743 criminal, subject to imprisonment pursuant to this section
 5744 unless the court finds that such sentence is not necessary for
 5745 the protection of the public. If the court finds that it is not
 5746 necessary for the protection of the public to sentence the
 5747 defendant as a violent career criminal, the court shall provide
 5748 written reasons; a written transcript of orally stated reasons
 5749 is permissible, if filed by the court within 7 days after the
 5750 date of sentencing. ~~Each month, the court shall submit to the~~
 5751 ~~Office of Economic and Demographic Research of the Legislature~~
 5752 ~~the written reasons or transcripts in each case in which the~~
 5753 ~~court determines not to sentence a defendant as a violent career~~
 5754 ~~criminal as provided in this subparagraph.~~

5755 Section 191. Subsection (8) of section 790.22, Florida
 5756 Statutes, is amended to read:

5757 790.22 Use of BB guns, air or gas-operated guns, or
 5758 electric weapons or devices by minor under 16; limitation;
 5759 possession of firearms by minor under 18 prohibited;
 5760 penalties.--

5761 (8) Notwithstanding s. 985.213 or s. 985.215(1), if a
 5762 minor under 18 years of age is charged with an offense that
 5763 involves the use or possession of a firearm, as defined in s.
 5764 790.001, including a violation of subsection (3), or is charged

HB 1859

2005

5765 for any offense during the commission of which the minor
5766 possessed a firearm, the minor shall be detained in secure
5767 detention, unless the state attorney authorizes the release of
5768 the minor, and shall be given a hearing within 24 hours after
5769 being taken into custody. At the hearing, the court may order
5770 that the minor continue to be held in secure detention in
5771 accordance with the applicable time periods specified in s.
5772 985.215(5), if the court finds that the minor meets the criteria
5773 specified in s. 985.215(2), or if the court finds by clear and
5774 convincing evidence that the minor is a clear and present danger
5775 to himself or herself or the community. The Department of
5776 Juvenile Justice shall prepare a form for all minors charged
5777 under this subsection that states the period of detention and
5778 the relevant demographic information, including, but not limited
5779 to, the sex, age, and race of the minor; whether or not the
5780 minor was represented by private counsel or a public defender;
5781 the current offense; and the minor's complete prior record,
5782 including any pending cases. The form shall be provided to the
5783 judge to be considered when determining whether the minor should
5784 be continued in secure detention under this subsection. An order
5785 placing a minor in secure detention because the minor is a clear
5786 and present danger to himself or herself or the community must
5787 be in writing, must specify the need for detention and the
5788 benefits derived by the minor or the community by placing the
5789 minor in secure detention, and must include a copy of the form
5790 provided by the department. ~~The Department of Juvenile Justice~~
5791 ~~must send the form, including a copy of any order, without~~

5792 ~~client identifying information, to the Office of Economic and~~
 5793 ~~Demographic Research.~~

5794 Section 192. Paragraph (b) of subsection (9) of section
 5795 932.7055, Florida Statutes, is amended to read:

5796 932.7055 Disposition of liens and forfeited property.--
 5797 (9)

5798 ~~(b) The Department of Law Enforcement shall submit an~~
 5799 ~~annual report to the criminal justice committees of the House of~~
 5800 ~~Representatives and of the Senate compiling the information and~~
 5801 ~~data related in the semiannual reports submitted by the law~~
 5802 ~~enforcement agencies. The annual report shall also contain a~~
 5803 ~~list of law enforcement agencies which have failed to meet the~~
 5804 ~~reporting requirements and a summary of any action which has~~
 5805 ~~been taken against the noncomplying agency by the Office of the~~
 5806 ~~Chief Financial Officer.~~

5807 Section 193. Subsection (2) of section 943.125, Florida
 5808 Statutes, is amended to read:

5809 943.125 Law enforcement agency accreditation.--

5810 ~~(2) FEASIBILITY AND STATUS REPORT. The Florida Sheriffs~~
 5811 ~~Association and the Florida Police Chiefs Association, either~~
 5812 ~~jointly or separately, shall report to the Speaker of the House~~
 5813 ~~of Representatives and the President of the Senate regarding the~~
 5814 ~~feasibility of a law enforcement agency accreditation program~~
 5815 ~~and the status of the efforts of the Florida Sheriffs~~
 5816 ~~Association and the Florida Police Chiefs Association to develop~~
 5817 ~~a law enforcement agency accreditation program as provided in~~
 5818 ~~this section.~~

HB 1859

2005

5819 Section 194. Subsection (9) of section 943.68, Florida
 5820 Statutes, is amended to read:

5821 943.68 Transportation and protective services.--

5822 (9) The department shall submit reports annually on July
 5823 15 ~~and January 15 of each year~~ to the President of the Senate,
 5824 Speaker of the House of Representatives, Governor, and ~~members~~
 5825 ~~of the~~ Cabinet, detailing all transportation and protective
 5826 services provided under subsections (1), (5), and (6) within the
 5827 preceding fiscal year ~~6 months~~. Each report shall include a
 5828 detailed accounting of the cost of such transportation and
 5829 protective services, including the names of persons provided
 5830 such services and the nature of state business performed.

5831 Section 195. Section 944.023, Florida Statutes, is amended
 5832 to read:

5833 944.023 Definitions; capacity factors ~~Comprehensive~~
 5834 ~~correctional master plan~~.--

5835 (1) As used in this section and s. 944.0231, the term:

5836 (a) "Criminal Justice Estimating Conference" means the
 5837 Criminal Justice Estimating Conference referred to in s.
 5838 216.136~~(5)~~.

5839 (b) "Total capacity" of the state correctional system
 5840 means the total design capacity of all institutions and
 5841 facilities in the state correctional system, which may include
 5842 those facilities authorized and funded under chapter 957,
 5843 increased by one-half, with the following exceptions:

5844 1. Medical and mental health beds must remain at design
 5845 capacity.

5846 2. Community-based contracted beds must remain at design
5847 capacity.

5848 3. The one-inmate-per-cell requirement at Florida State
5849 Prison and other maximum security facilities must be maintained
5850 pursuant to paragraph (3) ~~(7)~~ (a).

5851 4. Community correctional centers and drug treatment
5852 centers must be increased by one-third.

5853 5. A housing unit may not exceed its maximum capacity
5854 pursuant to paragraphs (3) ~~(7)~~ (a) and (b).

5855 6. A number of beds equal to 5 percent of total capacity
5856 shall be deducted for management beds at institutions.

5857 (c) "State correctional system" means the correctional
5858 system as defined in s. 944.02.

5859 ~~(2) The department shall develop a comprehensive
5860 correctional master plan. The master plan shall project the
5861 needs for the state correctional system for the coming 5 year
5862 period and shall be updated annually and submitted to the
5863 Governor's office and the Legislature at the same time the
5864 department submits its legislative budget request as provided in
5865 chapter 216.~~

5866 ~~(3) The purposes of the comprehensive correctional master
5867 plan shall be:~~

5868 ~~(a) To ensure that the penalties of the criminal justice
5869 system are completely and effectively administered to the
5870 convicted criminals and, to the maximum extent possible, that
5871 the criminal is provided opportunities for self-improvement and
5872 returned to freedom as a productive member of society.~~

5873 ~~(b) To the extent possible, to protect the public safety~~
 5874 ~~and the law-abiding citizens of this state and to carry out the~~
 5875 ~~laws protecting the rights of the victims of convicted~~
 5876 ~~criminals.~~

5877 ~~(c) To develop and maintain a humane system of punishment~~
 5878 ~~providing prison inmates with proper housing, nourishment, and~~
 5879 ~~medical attention.~~

5880 ~~(d) To provide fair and adequate compensation and benefits~~
 5881 ~~to the employees of the state correctional system.~~

5882 ~~(e) To the extent possible, to maximize the effective and~~
 5883 ~~efficient use of the principles used in private business.~~

5884 ~~(f) To provide that convicted criminals not be~~
 5885 ~~incarcerated for any longer period of time or in any more secure~~
 5886 ~~facility than is necessary to ensure adequate sanctions,~~
 5887 ~~rehabilitation of offenders, and protection of public safety.~~

5888 ~~(4) The comprehensive correctional master plan shall use~~
 5889 ~~the estimates of the Criminal Justice Estimating Conference and~~
 5890 ~~shall include:~~

5891 ~~(a) A plan for the decentralization of reception and~~
 5892 ~~classification facilities for the implementation of a systemwide~~
 5893 ~~diagnosis and evaluation capability for adult offenders. The~~
 5894 ~~plan shall provide for a system of psychological testing and~~
 5895 ~~evaluation as well as medical screening through department~~
 5896 ~~resources or with other public or private agencies through a~~
 5897 ~~purchase of services agreement.~~

5898 ~~(b) A plan developed by the department for the~~
 5899 ~~comprehensive vocational and educational training of, and~~
 5900 ~~treatment programs for, offenders and their evaluation within~~

HB 1859

2005

5901 ~~each institution, program, or facility of the department, based~~
5902 ~~upon the identified needs of the offender and the requirements~~
5903 ~~of the employment market.~~

5904 ~~(c) A plan contracting with local facilities and programs~~
5905 ~~as short term confinement resources of the department for~~
5906 ~~offenders who are sentenced to 3 years or less, or who are~~
5907 ~~within 3 years or less of their anticipated release date, and~~
5908 ~~integration of detention services which have community based~~
5909 ~~programs. The plan shall designate such facilities and programs~~
5910 ~~by region of the state and identify, by county, the capability~~
5911 ~~for local incarceration.~~

5912 ~~(d) A detailed analysis of methods to implement~~
5913 ~~diversified alternatives to institutionalization when such~~
5914 ~~alternatives can be safely employed. The analysis shall include~~
5915 ~~an assessment of current pretrial intervention, probation, and~~
5916 ~~community control alternatives and their cost effectiveness with~~
5917 ~~regard to restitution to victims, reimbursements for cost of~~
5918 ~~supervision, and subsequent violations resulting in commitments~~
5919 ~~to the department. Such analysis shall also include an~~
5920 ~~assessment of current use of electronic surveillance of~~
5921 ~~offenders and projected potential for diverting additional~~
5922 ~~categories of offenders from incarceration within the~~
5923 ~~department.~~

5924 ~~(e) A detailed analysis of current incarceration rates of~~
5925 ~~both the state and county correctional systems with the~~
5926 ~~calculation by the department of the current and projected~~
5927 ~~ratios of inmates in the correctional system, as defined in s.~~

HB 1859

2005

5928 ~~945.01, to the general population of the state which will serve~~
5929 ~~as a basis for projecting construction needs.~~

5930 ~~(f) A plan for community based facilities and programs for~~
5931 ~~the reintegration of offenders into society whereby inmates who~~
5932 ~~are being released shall receive assistance. Such assistance may~~
5933 ~~be through work release, transition assistance, release~~
5934 ~~assistance stipend, contract release, postrelease special~~
5935 ~~services, temporary housing, or job placement programs.~~

5936 ~~(g) A plan reflecting parity of pay or comparable economic~~
5937 ~~benefits for correctional officers with that of law enforcement~~
5938 ~~officers in this state, and an assessment of projected impacts~~
5939 ~~on turnover rates within the department.~~

5940 ~~(h) A plan containing habitability criteria which defines~~
5941 ~~when beds are available and functional for use by inmates, and~~
5942 ~~containing factors which define when institutions and facilities~~
5943 ~~may be added to the inventory of the state correctional system.~~

5944 ~~(5) The comprehensive correctional master plan shall~~
5945 ~~project by year the total operating and capital outlay costs~~
5946 ~~necessary for constructing a sufficient number of prison beds to~~
5947 ~~avoid a deficiency in prison beds. Included in the master plan~~
5948 ~~which projects operating and capital outlay costs shall be a~~
5949 ~~siting plan which shall assess, rank, and designate appropriate~~
5950 ~~sites pursuant to s. 944.095(2)(a)-(k). The master plan shall~~
5951 ~~include an assessment of the department's current capability for~~
5952 ~~providing the degree of security necessary to ensure public~~
5953 ~~safety and should reflect the levels of security needed for the~~
5954 ~~forecasted admissions of various types of offenders based upon~~
5955 ~~sentence lengths and severity of offenses. The plan shall also~~

HB 1859

2005

5956 ~~provide construction options for targeting violent and habitual~~
5957 ~~offenders for incarceration while providing specific~~
5958 ~~alternatives for the various categories of lesser offenders.~~

5959 (2)~~(6)~~ Institutions within the state correctional system
5960 shall have the following design capacity factors:

5961 (a) Rooms and prison cells between 40 square feet and 90
5962 square feet, inclusive: one inmate per room or prison cell.

5963 (b) Dormitory-style rooms and other rooms exceeding 90
5964 square feet: one inmate per 55 square feet.

5965 (c) At institutions with rooms or cells, except to the
5966 extent that separate confinement cells have been constructed, a
5967 number of rooms or prison cells equal to 3 percent of total
5968 design capacity must be deducted from design capacity and set
5969 aside for confinement purposes.

5970 (d) Bed count calculations used to determine design
5971 capacity shall only include beds which are functional and
5972 available for use by inmates.

5973 (3)~~(7)~~ Institutions within the state correctional system
5974 shall have the following maximum capacity factors:

5975 (a) Rooms and prison cells between 40 square feet and 60
5976 square feet, inclusive: one inmate per room or cell. If the room
5977 or prison cell is between 60 square feet and 90 square feet,
5978 inclusive, two inmates are allowed in each room, except that one
5979 inmate per room or prison cell is allowed at Florida State
5980 Prison or any other maximum security institution or facility
5981 which may be constructed.

5982 (b) Dormitory-style rooms and other rooms exceeding 90
 5983 square feet: one inmate per 37.5 square feet. Double-bunking is
 5984 generally allowed only along the outer walls of a dormitory.

5985 (c) At institutions with rooms or cells, except to the
 5986 extent that separate confinement cells have been constructed, a
 5987 number of rooms or prison cells equal to 3 percent of total
 5988 maximum capacity are not available for maximum capacity, and
 5989 must be set aside for confinement purposes, thereby reducing
 5990 maximum capacity by 6 percent since these rooms would otherwise
 5991 house two inmates.

5992 (d) A number of beds equal to 5 percent of total maximum
 5993 capacity must be deducted for management at institutions.

5994 Section 196. Paragraph (f) of subsection (3) of section
 5995 944.801, Florida Statutes, is amended to read:

5996 944.801 Education for state prisoners.--

5997 (3) The responsibilities of the Correctional Education
 5998 Program shall be to:

5999 (f) Report annual activities to the Secretary of
 6000 Corrections, ~~the Commissioner of Education, the Governor, and~~
 6001 ~~the Legislature.~~

6002 Section 197. Subsection (10) of section 945.35, Florida
 6003 Statutes, is amended to read:

6004 945.35 Requirement for education on human immunodeficiency
 6005 virus, acquired immune deficiency syndrome, and other
 6006 communicable diseases.--

6007 ~~(10) The department shall report to the Legislature by~~
 6008 ~~March 1 each year as to the implementation of this program and~~
 6009 ~~the participation by inmates and staff.~~

6010 Section 198. Subsection (9) of section 958.045, Florida
 6011 Statutes, is amended to read:

6012 958.045 Youthful offender basic training program.--
 6013 ~~(9) Upon commencement of the community residential~~
 6014 ~~program, the department shall submit annual reports to the~~
 6015 ~~Governor, the President of the Senate, and the Speaker of the~~
 6016 ~~House of Representatives detailing the extent of implementation~~
 6017 ~~of the basic training program and the community residential~~
 6018 ~~program, and outlining future goals and any recommendation the~~
 6019 ~~department has for future legislative action.~~

6020 Section 199. Paragraph (c) of subsection (1) of section
 6021 960.045, Florida Statutes, is amended to read:

6022 960.045 Department of Legal Affairs; powers and
 6023 duties.--It shall be the duty of the department to assist
 6024 persons who are victims of crime.

6025 (1) The department shall:

6026 (c) Prepare an annual Report, prior to January 1 of each
 6027 year, to the presiding officers of the Senate and House of
 6028 Representatives a written report of the activities of the Crime
 6029 Victims' Services Office that shall be available on the
 6030 department's website.

6031 Section 200. Paragraph (c) of subsection (8) of section
 6032 985.02, Florida Statutes, is amended to read

6033 985.02 Legislative intent for the juvenile justice
 6034 system.--

6035 (8) GENDER-SPECIFIC PROGRAMMING.--

6036 ~~(c) The Office of Program Policy Analysis and Government~~
 6037 ~~Accountability shall conduct an analysis of programs for young~~

6038 ~~females within the Department of Juvenile Justice. The analysis~~
 6039 ~~shall address the nature of young female offenders in this~~
 6040 ~~state, the percentage of young females who are incarcerated in~~
 6041 ~~the juvenile justice system for status offenses and violations~~
 6042 ~~of probation, and whether these young females could be better~~
 6043 ~~served in less costly community based programs. In addition, the~~
 6044 ~~review shall analyze whether existing juvenile justice programs~~
 6045 ~~are designed to meet the gender specific needs of young females~~
 6046 ~~and an analysis of the true cost of providing gender specific~~
 6047 ~~services to young females.~~

6048 Section 201. Subsections (3), (4), and (5) of section
 6049 985.08, Florida Statutes, are amended to read:

6050 985.08 Information systems.--

6051 ~~(3) In order to assist in the integration of the~~
 6052 ~~information to be shared, the sharing of information obtained,~~
 6053 ~~the joint planning on diversion and early intervention~~
 6054 ~~strategies for juveniles at risk of becoming serious habitual~~
 6055 ~~juvenile offenders, and the intervention strategies for serious~~
 6056 ~~habitual juvenile offenders, a multiagency task force should be~~
 6057 ~~organized and utilized by the law enforcement agency or county~~
 6058 ~~in conjunction with the initiation of the information system~~
 6059 ~~described in subsections (1) and (2). The multiagency task force~~
 6060 ~~shall be composed of representatives of those agencies and~~
 6061 ~~persons providing information for the central identification~~
 6062 ~~file and the multiagency information sheet.~~

6063 ~~(4) This multiagency task force shall develop a plan for~~
 6064 ~~the information system that includes measures which identify and~~
 6065 ~~address any disproportionate representation of ethnic or racial~~

HB 1859

2005

6066 ~~minorities in the information systems and shall develop~~
6067 ~~strategies that address the protection of individual~~
6068 ~~constitutional rights.~~

6069 (3)~~(5)~~ Any law enforcement agency~~,~~ or county that ~~which~~
6070 implements a juvenile offender information system ~~and the~~
6071 ~~multiagency task force which maintain the information system~~
6072 must annually provide any information gathered during the
6073 previous year to the delinquency and gang prevention council of
6074 the judicial circuit in which the county is located. This
6075 information shall include the number, types, and patterns of
6076 delinquency tracked by the juvenile offender information system.

6077 Section 202. Subsections (2) and (3) of section 985.3045,
6078 Florida Statutes, are amended to read:

6079 985.3045 Prevention service program; monitoring; report;
6080 uniform performance measures.--

6081 ~~(2) No later than January 31, 2001, the prevention service~~
6082 ~~program shall submit a report to the Governor, the Speaker of~~
6083 ~~the House, and the President of the Senate concerning the~~
6084 ~~implementation of a statewide multiagency plan to coordinate the~~
6085 ~~efforts of all state funded programs, grants, appropriations, or~~
6086 ~~activities that are designed to prevent juvenile crime,~~
6087 ~~delinquency, gang membership, or status offense behaviors and~~
6088 ~~all state funded programs, grants, appropriations, or activities~~
6089 ~~that are designed to prevent a child from becoming a "child in~~
6090 ~~need of services," as defined in chapter 984. The report shall~~
6091 ~~include a proposal for a statewide coordinated multiagency~~
6092 ~~juvenile delinquency prevention policy. In preparing the report,~~
6093 ~~the department shall coordinate with and receive input from each~~

HB 1859

2005

6094 ~~state agency or entity that receives or uses state~~
6095 ~~appropriations to fund programs, grants, appropriations, or~~
6096 ~~activities that are designed to prevent juvenile crime,~~
6097 ~~delinquency, gang membership, status offense, or that are~~
6098 ~~designed to prevent a child from becoming a "child in need of~~
6099 ~~services," as defined in chapter 984. The report shall identify~~
6100 ~~whether legislation will be needed to effect a statewide plan to~~
6101 ~~coordinate the efforts of all state-funded programs, grants,~~
6102 ~~appropriations, or activities that are designed to prevent~~
6103 ~~juvenile crime, delinquency, gang membership, or status offense~~
6104 ~~behaviors and all state-funded programs, grants, appropriations,~~
6105 ~~or activities that are designed to prevent a child from becoming~~
6106 ~~a "child in need of services," as defined in chapter 984. The~~
6107 ~~report shall consider the potential impact of requiring such~~
6108 ~~state-funded efforts to target at least one of the following~~
6109 ~~strategies designed to prevent youth from entering or reentering~~
6110 ~~the juvenile justice system and track the associated outcome~~
6111 ~~data:~~

6112 ~~(a) Encouraging youth to attend school, which may include~~
6113 ~~special assistance and tutoring to address deficiencies in~~
6114 ~~academic performance; outcome data to reveal the number of days~~
6115 ~~youth attended school while participating in the program.~~

6116 ~~(b) Engaging youth in productive and wholesome activities~~
6117 ~~during nonschool hours that build positive character or instill~~
6118 ~~positive values, or that enhance educational experiences;~~
6119 ~~outcome data to reveal the number of youth who are arrested~~
6120 ~~during nonschool hours while participating in the program.~~

HB 1859

2005

6121 ~~(c) Encouraging youth to avoid the use of violence;~~
6122 ~~outcome data to reveal the number of youth who are arrested for~~
6123 ~~crimes involving violence while participating in the program.~~

6124 ~~(d) Assisting youth to acquire skills needed to find~~
6125 ~~meaningful employment, which may include assistance in finding a~~
6126 ~~suitable employer for the youth; outcome data to reveal the~~
6127 ~~number of youth who obtain and maintain employment for at least~~
6128 ~~180 days.~~

6129
6130 ~~The department is encouraged to identify additional strategies~~
6131 ~~which may be relevant to preventing youth from becoming children~~
6132 ~~in need of services and to preventing juvenile crime,~~
6133 ~~delinquency, gang membership and status offense behaviors. The~~
6134 ~~report shall consider the feasibility of developing uniform~~
6135 ~~performance measures and methodology for collecting such outcome~~
6136 ~~data to be utilized by all state funded programs, grants,~~
6137 ~~appropriations, or activities that are designed to prevent~~
6138 ~~juvenile crime, delinquency, gang membership, or status offense~~
6139 ~~behaviors and all state funded programs, grants, appropriations,~~
6140 ~~or activities that are designed to prevent a child from becoming~~
6141 ~~a "child in need of services," as defined in chapter 984. The~~
6142 ~~prevention service program is encouraged to identify other~~
6143 ~~issues that may be of critical importance to preventing a child~~
6144 ~~from becoming a child in need of services, as defined in chapter~~
6145 ~~984, or to preventing juvenile crime, delinquency, gang~~
6146 ~~membership, or status offense behaviors.~~

6147 ~~(2)-(3)~~ (2) The department shall expend funds related to the
6148 prevention of juvenile delinquency in a manner consistent with

6149 the policies expressed in ss. 984.02 and 985.02. The department
 6150 shall expend said funds in a manner that maximizes public
 6151 accountability and ensures the documentation of outcomes.

6152 (a) All entities that receive or use state moneys to fund
 6153 juvenile delinquency prevention services through contracts or
 6154 grants with the department shall design the programs providing
 6155 such services to further one or more of the following
 6156 strategies: ~~specified in paragraphs (2) (a) (d).~~

6157 1. Encouraging youth to attend school, which may include
 6158 special assistance and tutoring to address deficiencies in
 6159 academic performance and collecting outcome data to reveal the
 6160 number of days youth attended school while participating in the
 6161 program.

6162 2. Engaging youth in productive and wholesome activities
 6163 during nonschool hours that build positive character or instill
 6164 positive values or that enhance educational experiences and
 6165 collecting outcome data to reveal the number of youths who are
 6166 arrested during nonschool hours while participating in the
 6167 program.

6168 3. Encouraging youth to avoid the use of violence and
 6169 collecting outcome data to reveal the number of youths who are
 6170 arrested for crimes involving violence while participating in
 6171 the program.

6172 4. Assisting youth to acquire skills needed to find
 6173 meaningful employment, which may include assistance in finding a
 6174 suitable employer for the youth and collecting outcome data to
 6175 reveal the number of youths who obtain and maintain employment
 6176 for at least 180 days.

6177 (b) The department shall develop an outcome measure for
 6178 each program strategy specified in paragraph (a) ~~paragraphs~~
 6179 ~~(2)(a)(d)~~ that logically relates to the risk factor addressed
 6180 by the strategy.

6181 (c) All entities that receive or use state moneys to fund
 6182 the juvenile delinquency prevention services through contracts
 6183 or grants with the department shall, as a condition of receipt
 6184 of state funds, provide the department with personal demographic
 6185 information concerning all participants in the service
 6186 sufficient to allow the department to verify criminal or
 6187 delinquent history information, school attendance or academic
 6188 information, employment information, or other requested
 6189 performance information.

6190 Section 203. Section 985.3046, Florida Statutes, is
 6191 repealed.

6192 Section 204. Subsection (5) of section 985.305, Florida
 6193 Statutes, is amended to read:

6194 985.305 Early delinquency intervention program;
 6195 criteria.--

6196 ~~(5) Not later than 18 months after the initiation of an~~
 6197 ~~early delinquency intervention program, the department shall~~
 6198 ~~prepare and submit a progress report to the chairs of the~~
 6199 ~~appropriate House and Senate fiscal committees and the~~
 6200 ~~appropriate House and Senate substantive committees on the~~
 6201 ~~development and implementation of the program, including:~~

6202 ~~(a) Factors determining placement of a child in the~~
 6203 ~~program.~~

6204 ~~(b) Services provided in each component of the program.~~

6205 ~~(c) Costs associated with each component of the program.~~

6206 ~~(d) Problems or difficulties encountered in the~~

6207 ~~implementation and operation of the program.~~

6208 Section 205. Subsection (1) of section 985.3155, Florida
6209 Statutes, is amended to read:

6210 985.3155 Multiagency plan for vocational education.--

6211 (1) The Department of Juvenile Justice and the Department
6212 of Education shall, in consultation with the statewide Workforce
6213 Development Youth Council, school districts, providers, and
6214 others, jointly develop a multiagency plan for vocational
6215 education that establishes the curriculum, goals, and outcome
6216 measures for vocational programs in juvenile commitment
6217 facilities. The plan must include:

6218 (a) Provisions for maximizing appropriate state and
6219 federal funding sources, including funds under the Workforce
6220 Investment Act and the Perkins Act;

6221 (b) The responsibilities of both departments and all other
6222 appropriate entities; and

6223 (c) A detailed implementation schedule.

6224
6225 ~~The plan must be submitted to the Governor, the President of the~~
6226 ~~Senate, and the Speaker of the House of Representatives by May~~
6227 ~~1, 2001.~~

6228 Section 206. Section 985.403, Florida Statutes, is
6229 repealed.

6230 Section 207. Subsection (7) of section 985.412, Florida
6231 Statutes, is amended to read:

6232 985.412 Quality assurance and cost-effectiveness.--

6233 ~~(7) No later than November 1, 2001, the department shall~~
 6234 ~~submit a proposal to the Legislature concerning funding~~
 6235 ~~incentives and disincentives for the department and for~~
 6236 ~~providers under contract with the department. The~~
 6237 ~~recommendations for funding incentives and disincentives shall~~
 6238 ~~be based upon both quality assurance performance and cost-~~
 6239 ~~effectiveness performance. The proposal should strive to achieve~~
 6240 ~~consistency in incentives and disincentives for both department-~~
 6241 ~~operated and contractor provided programs. The department may~~
 6242 ~~include recommendations for the use of liquidated damages in the~~
 6243 ~~proposal; however, the department is not presently authorized to~~
 6244 ~~contract for liquidated damages in non hardware secure~~
 6245 ~~facilities until January 1, 2002.~~

6246 Section 208. Subsections (3) and (4) of section 1003.492,
 6247 Florida Statutes, are amended to read:

6248 1003.492 Industry-certified career education programs.--

6249 ~~(3) The Department of Education shall study student~~
 6250 ~~performance in industry certified career education programs. The~~
 6251 ~~department shall identify districts that currently operate~~
 6252 ~~industry certified career education programs. The study shall~~
 6253 ~~examine the performance of participating students over time.~~
 6254 ~~Performance factors shall include, but not be limited to,~~
 6255 ~~graduation rates, retention rates, additional educational~~
 6256 ~~attainment, employment records, earnings, and industry~~
 6257 ~~satisfaction. The results of this study shall be submitted to~~
 6258 ~~the President of the Senate and the Speaker of the House of~~
 6259 ~~Representatives by December 31, 2004.~~

HB 1859

2005

6260 ~~(4) The Department of Education shall conduct a study to~~
6261 ~~determine if a cost factor should be applied to industry-~~
6262 ~~certified career education programs and review the need for~~
6263 ~~startup funding for the programs. The study shall be completed~~
6264 ~~by December 31, 2004, and shall be submitted to the President of~~
6265 ~~the Senate and the Speaker of the House of Representatives.~~

6266 Section 209. Subsection (4) of section 1003.61, Florida
6267 Statutes, is amended to read:

6268 1003.61 Pilot attendance project.--It is the purpose of
6269 this section to require the Manatee County District School Board
6270 to implement a pilot project that raises the compulsory age of
6271 attendance for children from the age of 16 years to the age of
6272 18 years. The pilot project applies to each child who has not
6273 attained the age of 16 years by September 30 of the school year
6274 in which a school board policy is adopted.

6275 ~~(4) The district school board must evaluate the effect of~~
6276 ~~its adopted policy raising the compulsory age of attendance on~~
6277 ~~school attendance and on the school district's dropout rate, as~~
6278 ~~well as on the costs associated with the pilot project. The~~
6279 ~~school district shall report its findings to the President of~~
6280 ~~the Senate, the Speaker of the House of Representatives, the~~
6281 ~~minority leader of each house of the Legislature, the Governor,~~
6282 ~~and the Commissioner of Education not later than August 1~~
6283 ~~following each year that the pilot project is in operation.~~

6284 Section 210. Subsection (6) of section 1004.50, Florida
6285 Statutes, is amended to read:

6286 1004.50 Institute on Urban Policy and Commerce.--

6287 ~~(6) The Governor shall submit an annual report to the~~
 6288 ~~Legislature on the unmet needs in the state's urban communities.~~

6289 Section 211. Section 1006.0605, Florida Statutes, is
 6290 repealed.

6291 Section 212. Subsection (11) of section 1007.27, Florida
 6292 Statutes, is amended to read:

6293 1007.27 Articulated acceleration mechanisms.--

6294 ~~(11)(a) The State Board of Education shall conduct a~~
 6295 ~~review of the extent to which the acceleration mechanisms~~
 6296 ~~authorized by this section are currently utilized by school~~
 6297 ~~districts and public postsecondary educational institutions and~~
 6298 ~~shall submit a report to the Governor and the Legislature by~~
 6299 ~~December 31, 2003.~~

6300 ~~(b) The report must include a summary of ongoing~~
 6301 ~~activities and a plan to increase and enhance the use of~~
 6302 ~~acceleration mechanisms as a way to shorten the length of time~~
 6303 ~~as well as the funding required for a student, including a~~
 6304 ~~student with a documented disability, to obtain a postsecondary~~
 6305 ~~degree.~~

6306 ~~(c) The review and plan shall address, but are not limited~~
 6307 ~~to, the following issues:~~

6308 ~~1. The manner in which students, including students with~~
 6309 ~~documented disabilities, are advised regarding the availability~~
 6310 ~~of acceleration mechanism options.~~

6311 ~~2. The availability of acceleration mechanism options to~~
 6312 ~~eligible students, including students with documented~~
 6313 ~~disabilities, who wish to participate.~~

6314 ~~3. The grading practices, including weighting of courses,~~
 6315 ~~of school districts and public postsecondary educational~~
 6316 ~~institutions with regard to credit earned through acceleration~~
 6317 ~~mechanisms.~~

6318 ~~4. The extent to which credit earned through an~~
 6319 ~~acceleration mechanism is used to meet the general education~~
 6320 ~~requirements of a public postsecondary educational institution.~~

6321 ~~5. The extent to which the secondary instruction~~
 6322 ~~associated with acceleration mechanism options could be offered~~
 6323 ~~at sites other than public K through 12 school sites to assist~~
 6324 ~~in meeting class size reduction needs.~~

6325 ~~6. The manner in which funding for instruction associated~~
 6326 ~~with acceleration mechanism options is provided.~~

6327 ~~7. The feasibility of providing students, including~~
 6328 ~~students with documented disabilities, the option of choosing~~
 6329 ~~Advanced Placement credit or College Level Examination Program~~
 6330 ~~(CLEP) credit as an alternative to dual enrollment credit upon~~
 6331 ~~completion of a dual enrollment course.~~

6332 Section 213. Subsection (8) of section 1009.70, Florida
 6333 Statutes, is amended to read:

6334 1009.70 Florida Education Fund.--

6335 (8) There is created a legal education component of the
 6336 Florida Education Fund to provide the opportunity for minorities
 6337 to attain representation within the legal profession
 6338 proportionate to their representation within the general
 6339 population. The legal education component of the Florida
 6340 Education Fund includes a law school program and a pre-law
 6341 program.

HB 1859

2005

6342 (a) The law school scholarship program of the Florida
6343 Education Fund is to be administered by the Board of Directors
6344 of the Florida Education Fund for the purpose of increasing by
6345 200 the number of minority students enrolled in law schools in
6346 this state. Implementation of this program is to be phased in
6347 over a 3-year period.

6348 1. The board of directors shall provide financial,
6349 academic, and other support to students selected for
6350 participation in this program from funds appropriated by the
6351 Legislature.

6352 2. Student selection must be made in accordance with rules
6353 adopted by the board of directors for that purpose and must be
6354 based, at least in part, on an assessment of potential for
6355 success, merit, and financial need.

6356 3. Support must be made available to students who enroll
6357 in private, as well as public, law schools in this state which
6358 are accredited by the American Bar Association.

6359 4. Scholarships must be paid directly to the participating
6360 students.

6361 5. Students who participate in this program must agree in
6362 writing to sit for The Florida Bar examination and, upon
6363 successful admission to The Florida Bar, to either practice law
6364 in the state for a period of time equal to the amount of time
6365 for which the student received aid, up to 3 years, or repay the
6366 amount of aid received.

6367 ~~6. Annually, the board of directors shall compile a report~~
6368 ~~that includes a description of the selection process, an~~
6369 ~~analysis of the academic progress of all scholarship recipients,~~

6370 ~~and an analysis of expenditures. This report must be submitted~~
6371 ~~to the President of the Senate, the Speaker of the House of~~
6372 ~~Representatives, and the Governor.~~

6373 (b) The minority pre-law scholarship loan program of the
6374 Florida Education Fund is to be administered by the Board of
6375 Directors of the Florida Education Fund for the purpose of
6376 increasing the opportunity of minority students to prepare for
6377 law school.

6378 1. From funds appropriated by the Legislature, the board
6379 of directors shall provide for student fees, room, board, books,
6380 supplies, and academic and other support to selected minority
6381 undergraduate students matriculating at eligible public and
6382 independent colleges and universities in Florida.

6383 2. Student selection must be made in accordance with rules
6384 adopted by the board of directors for that purpose and must be
6385 based, at least in part, on an assessment of potential for
6386 success, merit, and financial need.

6387 3. To be eligible, a student must make a written agreement
6388 to enter or be accepted to enter a law school in this state
6389 within 2 years after graduation or repay the scholarship loan
6390 amount plus interest at the prevailing rate.

6391 4. Recipients who fail to gain admission to a law school
6392 within the specified period of time, may, upon admission to law
6393 school, be eligible to have their loans canceled.

6394 5. Minority pre-law scholarship loans shall be provided to
6395 34 minority students per year for up to 4 years each, for a
6396 total of 136 scholarship loans. To continue receipt of
6397 scholarship loans, recipients must maintain a 2.75 grade point

6398 average for the freshman year and a 3.25 grade point average
 6399 thereafter. Participants must also take specialized courses to
 6400 enhance competencies in English and logic.

6401 6. The board of directors shall maintain records on all
 6402 scholarship loan recipients. Participating institutions shall
 6403 submit academic progress reports to the board of directors
 6404 following each academic term. ~~Annually, the board of directors~~
 6405 ~~shall compile a report that includes a description of the~~
 6406 ~~selection process, an analysis of the academic progress of all~~
 6407 ~~scholarship loan recipients, and an analysis of expenditures.~~
 6408 ~~This report must be submitted to the President of the Senate,~~
 6409 ~~the Speaker of the House of Representatives, and the Governor.~~

6410 Section 214. Subsection (8) of section 1011.32, Florida
 6411 Statutes, is amended to read:

6412 1011.32 Community College Facility Enhancement Challenge
 6413 Grant Program.--

6414 (8) By September 1 of each year, the State Board of
 6415 Education shall transmit to the Governor and Legislature a list
 6416 of projects which meet all eligibility requirements to
 6417 participate in the Community College Facility Enhancement
 6418 Challenge Grant Program and a budget request which includes the
 6419 recommended schedule necessary to complete each project.

6420 Section 215. Paragraph (p) of subsection (1) of section
 6421 1011.62, Florida Statutes, is amended to read:

6422 1011.62 Funds for operation of schools.--If the annual
 6423 allocation from the Florida Education Finance Program to each
 6424 district for operation of schools is not determined in the
 6425 annual appropriations act or the substantive bill implementing

HB 1859

2005

6426 the annual appropriations act, it shall be determined as
 6427 follows:

6428 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 6429 OPERATION.--The following procedure shall be followed in
 6430 determining the annual allocation to each district for
 6431 operation:

6432 (p) Extended-school-year program.--It is the intent of the
 6433 Legislature that students be provided additional instruction by
 6434 extending the school year to 210 days or more. Districts may
 6435 apply to the Commissioner of Education for funds to be used in
 6436 planning and implementing an extended-school-year program. ~~The~~
 6437 ~~Department of Education shall recommend to the Legislature the~~
 6438 ~~policies necessary for full implementation of an extended school~~
 6439 ~~year.~~

6440 Section 216. Subsection (1) of section 1012.42, Florida
 6441 Statutes, is amended to read:

6442 1012.42 Teacher teaching out-of-field.--

6443 (1) ASSISTANCE.--Each district school board shall adopt
 6444 and implement a plan to assist any teacher teaching out-of-
 6445 field, and priority consideration in professional development
 6446 activities shall be given to teachers who are teaching out-of-
 6447 field. The district school board shall require that such
 6448 teachers participate in a certification or staff development
 6449 program designed to provide the teacher with the competencies
 6450 required for the assigned duties. The board-approved assistance
 6451 plan must include duties of administrative personnel and other
 6452 instructional personnel to provide students with instructional
 6453 services. ~~Each district school board shall contact its regional~~

HB 1859

2005

6454 ~~workforce board, created pursuant to s. 445.007, to identify~~
6455 ~~resources that may assist teachers who are teaching out-of-field~~
6456 ~~and who are pursuing certification.~~

6457 Section 217. Subsection (13) of section 1013.03, Florida
6458 Statutes, is amended to read:

6459 1013.03 Functions of the department.--The functions of the
6460 Department of Education as it pertains to educational facilities
6461 shall include, but not be limited to, the following:

6462 ~~(13) By October 1, 2003, review all rules related to~~
6463 ~~school construction to identify requirements that are outdated,~~
6464 ~~obsolete, unnecessary, or otherwise could be amended in order to~~
6465 ~~provide additional flexibility to school districts to comply~~
6466 ~~with the constitutional class size maximums described in s.~~
6467 ~~1003.03(1) and make recommendations concerning such rules to the~~
6468 ~~State Board of Education. The State Board of Education shall act~~
6469 ~~on such recommendations by December 31, 2003.~~

6470 Section 218. Subsection (2) of section 20.165, Florida
6471 Statutes, is amended to read:

6472 20.165 Department of Business and Professional
6473 Regulation.--There is created a Department of Business and
6474 Professional Regulation.

6475 (2) The following divisions of the Department of Business
6476 and Professional Regulation are established:

- 6477 (a) Division of Administration.
6478 (b) Division of Alcoholic Beverages and Tobacco.
6479 (c) Division of Certified Public Accounting.

HB 1859

2005

6480 1. The director of the division shall be appointed by the
6481 secretary of the department, subject to approval by a majority
6482 of the Board of Accountancy.

6483 2. The offices of the division shall be located in
6484 Gainesville.

6485 (d) Division of Florida Land Sales, Condominiums, and
6486 Mobile Homes.

6487 (e) Division of Hotels and Restaurants.

6488 (f) Division of Pari-mutuel Wagering.

6489 (g) Division of Professions and Regulation.

6490 (h) Division of Real Estate.

6491 1. The director of the division shall be appointed by the
6492 secretary of the department, subject to approval by a majority
6493 of the Florida Real Estate Commission.

6494 2. The offices of the division shall be located in
6495 Orlando.

6496 (i) Division of Service Operations Regulation.

6497 (j) Division of Technology, ~~Licensure, and Testing~~.

6498 Section 219. Effective October 1, 2005, paragraph (a) of
6499 subsection (4) of section 20.165, Florida Statutes, as amended
6500 by section 135 of chapter 2004-301, Laws of Florida, is amended
6501 to read:

6502 20.165 Department of Business and Professional
6503 Regulation.--There is created a Department of Business and
6504 Professional Regulation.

6505 (4) (a) The following boards are established within the
6506 Division of Professions and Regulation:

HB 1859

2005

- 6507 | 1. Board of Architecture and Interior Design, created
 6508 | under part I of chapter 481.
- 6509 | 2. Florida Board of Auctioneers, created under part VI of
 6510 | chapter 468.
- 6511 | 3. Barbers' Board, created under chapter 476.
- 6512 | 4. Florida Building Code Administrators and Inspectors
 6513 | Board, created under part XII of chapter 468.
- 6514 | 5. Construction Industry Licensing Board, created under
 6515 | part I of chapter 489.
- 6516 | 6. Board of Cosmetology, created under chapter 477.
- 6517 | 7. Electrical Contractors' Licensing Board, created under
 6518 | part II of chapter 489.
- 6519 | 8. Board of Employee Leasing Companies, created under part
 6520 | XI of chapter 468.
- 6521 | 9. Board of Landscape Architecture, created under part II
 6522 | of chapter 481.
- 6523 | 10. Board of Pilot Commissioners, created under chapter
 6524 | 310.
- 6525 | 11. Board of Professional Engineers, created under chapter
 6526 | 471.
- 6527 | 12. Board of Professional Geologists, created under
 6528 | chapter 492.
- 6529 | 13. Board of Professional Surveyors and Mappers, created
 6530 | under chapter 472.
- 6531 | 14. Board of Veterinary Medicine, created under chapter
 6532 | 474.
- 6533 | Section 220. Subsection (1) of section 309.01, Florida
 6534 | Statutes, is amended to read:

HB 1859

2005

6535 309.01 Deposit of material in tidewater regulated.--
6536 (1) It is not lawful for any person to discharge or cause
6537 to be discharged or deposit or cause to be deposited, in the
6538 tide or salt waters of any bay, port, harbor, or river of this
6539 state, any ballast or material of any kind other than clear
6540 stone or rock, free from gravel or pebbles, which said clear
6541 stone or rock shall be deposited or discharged only in the
6542 construction of enclosures in connection with wharves, piers,
6543 quays, jetties, or in the construction of permanent bulkheads
6544 connecting the solid and permanent portion of wharves. It is
6545 lawful to construct three characters of bulkheads for retention
6546 of material in solid wharves. First, clear stone or rock
6547 enclosures, or bulkheads, may be built upon all sides to a
6548 height not less than 21/2 feet above high watermark; and after
6549 the enclosures have been made so solid, tight, and permanent as
6550 to prevent any sand, mud, gravel, or other material that may be
6551 discharged or deposited in them from drifting or escaping
6552 through such enclosures, any kind of ballast may be discharged
6553 or deposited within the enclosures. The enclosures may be
6554 constructed of wood, stone, and rock combined, the stone and
6555 rocks to be placed on the outside of the wood to a height not
6556 less at any point than 21/2 feet above high watermark. Second, a
6557 bulkhead may be built by a permanent wharf consisting of
6558 thoroughly creosoted piles not less than 12 inches in diameter
6559 at the butt end, to be driven close together and to be capped
6560 with timber not less than 10 or 14 inches drift, bolted to each
6561 pile, and one or more longitudinal stringers to be placed on the
6562 outside of the bulkhead and securely anchored by means of iron

HB 1859

2005

6563 rods to piles driven within the bulkheads, clear rock to be on
6564 the inside of the bulkhead, to a height of not less than 21/2
6565 feet above high water; and after this is done, ballast or other
6566 material may be deposited within the permanent enclosure so
6567 constructed. Third, a bulkhead may be constructed to consist of
6568 creosoted piles, as described herein, driven not exceeding 4
6569 feet apart from center to center, inside of which two or more
6570 longitudinal stringers may be placed and securely bolted to the
6571 piles. Inside of these longitudinal pieces, two thicknesses of
6572 creosoted sheet piling are to be driven, each course of the
6573 sheet piling to make a joint with the other so as to form an
6574 impenetrable wharf; and within this permanent bulkhead so
6575 constructed, any ballast or other material may be deposited. No
6576 such enclosure, pier, quay, or jetty shall be begun until the
6577 point whereat it is to be built shall have been connected by a
6578 substantial wharf with a shore or with a permanent wharf; except
6579 that the owners of wharves may at any time, with the consent of
6580 the Board of Pilot Commissioners ~~of the Division of Professions~~
6581 of the Department of Business and Professional Regulation, build
6582 wharves of clear stone or rock, or creosoted walls as
6583 hereinafter provided, on each side of their wharves from the
6584 shore to a point at which the water is not more than 15 feet
6585 deep, and when such walls have attained a height of 21/2 feet
6586 above high watermark and have been securely closed at the
6587 deepwater end by stone or creosoted walls of the same height,
6588 any kind of ballast may be deposited in them. Nothing contained
6589 in this section shall interfere with any rights or privileges
6590 now enjoyed by riparian owners. While this section empowers

HB 1859

2005

6591 those who desire to construct the several characters of wharves,
 6592 piers, quays, jetties, and bulkheads provided for and described
 6593 herein, nothing in this section shall be so construed as to
 6594 require any person not desiring to construct a permanent wharf
 6595 by filling up with ballast, stone, or other material to
 6596 construct under the specifications contained herein; and nothing
 6597 in this chapter shall be so construed as to prevent any person
 6598 from constructing any wharf or placing any pilings, logs, or
 6599 lumber in any waters where the person would have heretofore had
 6600 the right so to do.

6601 Section 221. Subsection (1) of section 310.011, Florida
 6602 Statutes, is amended to read:

6603 310.011 Board of Pilot Commissioners.--

6604 (1) A board is established within the Division of
 6605 Professions and Regulation of the Department of Business and
 6606 Professional Regulation to be known as the Board of Pilot
 6607 Commissioners. The board shall be composed of 10 members, to be
 6608 appointed by the Governor, 5 of whom shall be licensed state
 6609 pilots actively practicing their profession. The board shall
 6610 perform such duties and possess and exercise such powers
 6611 relative to the protection of the waters, harbors, and ports of
 6612 this state as are prescribed and conferred on it in this
 6613 chapter.

6614 Section 222. Subsections (1) and (6) of section 455.01,
 6615 Florida Statutes, are amended to read:

6616 455.01 Definitions.--As used in this chapter, the term:

6617 (1) "Board" means any board or commission, or other
 6618 statutorily created entity to the extent such entity is

6619 authorized to exercise regulatory or rulemaking functions,
 6620 within the department, including the Florida Real Estate
 6621 Commission; except that, for ss. 455.201-455.245, "board" means
 6622 only a board, or other statutorily created entity to the extent
 6623 such entity is authorized to exercise regulatory or rulemaking
 6624 functions, within the Division of Certified Public Accounting,
 6625 the Division of Professions and Regulation, or the Division of
 6626 Real Estate.

6627 (6) "Profession" means any activity, occupation,
 6628 profession, or vocation regulated by the department in the
 6629 Divisions of Certified Public Accounting, Professions and
 6630 Regulation, and Real Estate, ~~and Regulation~~.

6631 Section 223. Section 455.017, Florida Statutes, is amended
 6632 to read:

6633 455.017 Applicability of this chapter.--The provisions of
 6634 this chapter apply only to the regulation by the Department of
 6635 Business and Professional Regulation ~~professions~~.

6636 Section 224. Paragraph (a) of subsection (1) of section
 6637 455.217, Florida Statutes, is amended to read:

6638 455.217 Examinations.--This section shall be read in
 6639 conjunction with the appropriate practice act associated with
 6640 each regulated profession under this chapter.

6641 (1) The Division of Service Operations Technology,
 6642 ~~Licensure, and Testing~~ of the Department of Business and
 6643 Professional Regulation shall provide, contract, or approve
 6644 services for the development, preparation, administration,
 6645 scoring, score reporting, and evaluation of all examinations.

HB 1859

2005

6646 The division shall seek the advice of the appropriate board in
6647 providing such services.

6648 (a) The department, acting in conjunction with the
6649 Division of Service Operations Technology, Licensure, and
6650 ~~Testing~~ and the Division of Real Estate, as appropriate, shall
6651 ensure that examinations adequately and reliably measure an
6652 applicant's ability to practice the profession regulated by the
6653 department. After an examination developed or approved by the
6654 department has been administered, the board or department may
6655 reject any question which does not reliably measure the general
6656 areas of competency specified in the rules of the board or
6657 department, when there is no board. The department shall use
6658 professional testing services for the development, preparation,
6659 and evaluation of examinations, when such services are available
6660 and approved by the board.

6661 Section 225. Except as otherwise provided herein, this act
6662 shall take effect upon becoming a law.